



January 29, 2010

SENATE BILL No. 356

DIGEST OF SB 356 (Updated January 27, 2010 11:29 am - DI 104)

Citations Affected: IC 16-27; IC 25-1; IC 25-2.1; IC 25-4; IC 25-8; IC 25-10; IC 25-15; IC 25-23.6; IC 25-26; IC 25-27; IC 25-30; IC 25-34.1; IC 25-34.5; IC 34-30; IC 35-48; noncode.

Synopsis: Professional licensing. 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 boards. Relocates barber statutes. Establishes a mental health counselor associate license. 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.) Requires the Indiana scheduled prescription electronic
(Continued next page)

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

Delph, Mishler

January 12, 2010, read first time and referred to Committee on Health and Provider Services.
January 28, 2010, amended, reported favorably — Do Pass.

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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. Makes conforming changes.

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January 29, 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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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 16-27-2-0.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2010]: **Sec. 0.5. As used in this chapter, "expanded criminal
4 history check" means a criminal history check of an individual,
5 obtained through a private agency, that includes the following:**

6 (1) **A search of the records maintained by all counties in
7 Indiana in which the individual who is the subject of the
8 background check resided.**

9 (2) **A search of the records maintained by all counties or
10 similar governmental units in another state, if the individual
11 who is the subject of the background check resided in another
12 state.**

13 SECTION 2. IC 16-27-2-2.1, AS ADDED BY P.L.197-2007,
14 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JUNE 30, 2010]: **Sec. 2.1. As used in this chapter, "national criminal**

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1 history background check" ~~has the meaning set forth in IC 10-13-3-12.~~
2 **means the determination provided by the state police department**
3 **under IC 10-13-3-39(i).**

4 SECTION 3. IC 16-27-2-4, AS AMENDED BY P.L.177-2009,
5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JUNE 30, 2010]: Sec. 4. (a) A person who operates a home health
7 agency under IC 16-27-1 or a personal services agency under
8 IC 16-27-4 shall apply, not more than three (3) business days after the
9 date that an employee begins to provide services in a patient's
10 temporary or permanent residence, for a copy of the employee's

- 11 ~~(1) national criminal history; or~~
- 12 ~~(2) until July 1, 2010; limited criminal history, unless the person~~
13 **is required to obtain a national criminal history background**
14 **check or an expanded criminal history check under subsection**
15 **(b) or (c).**

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

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

37 (d) A home health agency or personal services agency may not
38 employ a person to provide services in a patient's or client's temporary
39 or permanent residence for more than three (3) business days without
40 applying for:

- 41 ~~(1) a:~~
- 42 ~~(A)~~ **(1) a national criminal history background check or an**

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1 **expanded criminal history check as required** under subsection
 2 ~~(a)(1); (b) or (c); or~~
 3 ~~(B) (2) a limited criminal history as required by subsection (a)(2)~~
 4 ~~until June 30, 2010; or (a).~~
 5 ~~(2) a determination concerning that person's national criminal~~
 6 ~~history background check as required by:~~

- 7 ~~(A) subsection (a)(1); or~~
 8 ~~(B) subsection (b) or (c) until June 30, 2010.~~

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

- 18 (1) Rape (IC 35-42-4-1).
 19 (2) Criminal deviate conduct (IC 35-42-4-2).
 20 (3) Exploitation of an endangered adult (IC 35-46-1-12).
 21 (4) Failure to report battery, neglect, or exploitation of an
 22 endangered adult (IC 35-46-1-13).
 23 (5) Theft (IC 35-43-4), if the conviction for theft occurred less
 24 than ten (10) years before the person's employment application
 25 date.
 26 (6) A felony that is substantially equivalent to a felony listed in:
 27 (A) subdivisions (1) through (4); or
 28 (B) subdivision (5), if the conviction for theft occurred less
 29 than ten (10) years before the person's employment application
 30 date;

31 for which the conviction was entered in another state.
 32 (b) A home health agency or personal services agency may not
 33 employ a person to provide services in a patient's or client's temporary
 34 or permanent residence for more than twenty-one (21) calendar days
 35 without receipt of that person's limited criminal history, ~~or~~ national
 36 criminal history background check, **or expanded criminal history**
 37 **check**, required by section 4 of this chapter, unless ~~either~~ the state
 38 police department, ~~or~~ the Federal Bureau of Investigation under
 39 IC 10-13-3-39, **or the private agency providing the expanded**
 40 **criminal history check** is responsible for failing to provide the
 41 person's limited criminal history, ~~or~~ national criminal history
 42 background check, **or expanded criminal history check** to the home

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1 health agency or personal services agency within the time required
 2 under this subsection.

3 SECTION 5. IC 25-1-2-2.1, AS AMENDED BY P.L.177-2009,
 4 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2010]: Sec. 2.1. Rather than being issued annually, the
 6 following permits, licenses, certificates of registration, or evidences of
 7 authority granted by a state agency must be issued for a period of two
 8 (2) years or for the period specified in the article under which the
 9 permit, license, certificate of registration, or evidence of authority is
 10 issued if the period specified in the article is longer than two (2) years:

- 11 (1) Certified public accountants, public accountants, and
- 12 accounting practitioners.
- 13 (2) Architects and landscape architects.
- 14 (3) Dry cleaners.
- 15 (4) Professional engineers.
- 16 (5) Land surveyors.
- 17 (6) Real estate brokers.
- 18 (7) Real estate agents.
- 19 (8) Security dealers' licenses issued by the securities
- 20 commissioner.
- 21 (9) Dental hygienists.
- 22 (10) Dentists.
- 23 (11) Veterinarians.
- 24 (12) Physicians.
- 25 (13) Chiropractors.
- 26 (14) Physical therapists.
- 27 (15) Optometrists.
- 28 (16) Pharmacists and assistants, drugstores or pharmacies.
- 29 (17) Motels and mobile home community licenses.
- 30 (18) Nurses.
- 31 (19) Podiatrists.
- 32 (20) Occupational therapists and occupational therapy assistants.
- 33 (21) Respiratory care practitioners.
- 34 (22) Social workers, marriage and family therapists, and mental
- 35 health counselors.
- 36 (23) Real estate appraiser licenses and certificates issued by the
- 37 real estate appraiser licensure and certification board.
- 38 (24) Wholesale legend drug distributors.
- 39 (25) Physician assistants.
- 40 (26) Dietitians.
- 41 ~~(27) Hypnotists.~~
- 42 ~~(28)~~ (27) Athlete agents.

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- 1 ~~(29)~~ **(28)** Manufactured home installers.
- 2 ~~(30)~~ **(29)** Home inspectors.
- 3 ~~(31)~~ **(30)** Massage therapists.
- 4 ~~(32)~~ **(31)** Interior designers.
- 5 ~~(33)~~ **(32)** Genetic counselors.

6 SECTION 6. IC 25-1-2-6, AS AMENDED BY P.L.122-2009,
 7 SECTION 1, AND AS AMENDED BY P.L.160-2009, SECTION 4, IS
 8 CORRECTED AND AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) As used in this section,
 10 "license" includes all occupational and professional licenses,
 11 registrations, permits, and certificates issued under the Indiana Code,
 12 and "licensee" includes all occupational and professional licensees,
 13 registrants, permittees, and certificate holders regulated under the
 14 Indiana Code.

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

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

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- 1 ~~(27)~~ **(25)** Board of chiropractic examiners.
- 2 ~~(28)~~ **(26)** Mining board.
- 3 ~~(29)~~ **(27)** Indiana board of veterinary medical examiners.
- 4 ~~(30)~~ **(28)** State department of health.
- 5 ~~(31)~~ **(29)** Indiana physical therapy committee.
- 6 ~~(32)~~ **(30)** Respiratory care committee.
- 7 ~~(33)~~ **(31)** Occupational therapy committee.
- 8 ~~(34)~~ *Social worker, marriage and family therapist, and mental*
- 9 ~~health counselor~~ **(32)** *Behavioral health and human services*
- 10 *licensing* board.
- 11 ~~(35)~~ **(33)** Real estate appraiser licensure and certification board.
- 12 ~~(36)~~ **(34)** State board of registration for land surveyors.
- 13 ~~(37)~~ **(35)** Physician assistant committee.
- 14 ~~(38)~~ **(36)** Indiana dietitians certification board.
- 15 ~~(39)~~ *Indiana hypnotist committee.*
- 16 ~~(40)~~ **(37)** Attorney general (only for the regulation of athlete
- 17 agents).
- 18 ~~(41)~~ **(38)** Manufactured home installer licensing board.
- 19 ~~(42)~~ **(39)** Home inspectors licensing board.
- 20 ~~(43)~~ **(40)** State board of massage therapy.
- 21 ~~(44)~~ **(41)** Any other occupational or professional agency created
- 22 after June 30, 1981.

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

32 SECTION 7. IC 25-1-4-0.3, AS AMENDED BY P.L.122-2009,
 33 SECTION 2, AND AS AMENDED BY P.L.160-2009, SECTION 5, IS
 34 CORRECTED AND AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2010]: Sec. 0.3. As used in this chapter, "board"
 36 means any of the following:

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



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

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1 ~~(36)~~ **(32)** Indiana board of veterinary medical examiners
2 (IC 25-38.1-2).

3 SECTION 8. IC 25-1-5-3, AS AMENDED BY P.L.122-2009,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2010]: Sec. 3. (a) There is established the Indiana professional
6 licensing agency. The agency shall perform all administrative
7 functions, duties, and responsibilities assigned by law or rule to the
8 executive director, secretary, or other statutory administrator of the
9 following:

- 10 (1) Board of chiropractic examiners (IC 25-10-1).
- 11 (2) State board of dentistry (IC 25-14-1).
- 12 (3) Indiana state board of health facility administrators
13 (IC 25-19-1).
- 14 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 15 (5) Indiana state board of nursing (IC 25-23-1).
- 16 (6) Indiana optometry board (IC 25-24).
- 17 (7) Indiana board of pharmacy (IC 25-26).
- 18 (8) Board of podiatric medicine (IC 25-29-2-1).
- 19 ~~(9) Board of environmental health specialists (IC 25-32).~~
- 20 ~~(10)~~ **(9)** Speech-language pathology and audiology board
21 (IC 25-35.6-2).
- 22 ~~(11)~~ **(10)** State psychology board (IC 25-33).
- 23 ~~(12)~~ **(11)** Indiana board of veterinary medical examiners
24 (IC 25-38.1-2).
- 25 ~~(13) Controlled substances advisory committee (IC 35-48-2-1).~~
- 26 ~~(14)~~ **(12)** Committee of hearing aid dealer examiners (IC 25-20).
- 27 ~~(15)~~ **(13)** Indiana physical therapy committee (IC 25-27).
- 28 ~~(16)~~ **(14)** Respiratory care committee (IC 25-34.5).
- 29 ~~(17)~~ **(15)** Occupational therapy committee (IC 25-23.5).
- 30 ~~(18)~~ **(16)** Behavioral health and human services licensing board
31 (IC 25-23.6).
- 32 ~~(19)~~ **(17)** Physician assistant committee (IC 25-27.5).
- 33 ~~(20)~~ **(18)** Indiana athletic trainers board (IC 25-5.1-2-1).
- 34 ~~(21)~~ **(19)** Indiana dietitians certification board (IC 25-14.5-2-1).
- 35 ~~(22) Indiana hypnotist committee (IC 25-20.5-1-7).~~

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

38 SECTION 9. IC 25-1-5-10, AS AMENDED BY P.L.122-2009,
39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2010]: Sec. 10. (a) As used in this section, "provider" means
41 an individual licensed, certified, registered, or permitted by any of the
42 following:

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- 1 (1) Board of chiropractic examiners (IC 25-10-1).
 2 (2) State board of dentistry (IC 25-14-1).
 3 (3) Indiana state board of health facility administrators
 4 (IC 25-19-1).
 5 (4) Medical licensing board of Indiana (IC 25-22.5-2).
 6 (5) Indiana state board of nursing (IC 25-23-1).
 7 (6) Indiana optometry board (IC 25-24).
 8 (7) Indiana board of pharmacy (IC 25-26).
 9 (8) Board of podiatric medicine (IC 25-29-2-1).
 10 ~~(9) Board of environmental health specialists (IC 25-32-1).~~
 11 ~~(10)~~ **(9)** Speech-language pathology and audiology board
 12 (IC 25-35.6-2).
 13 ~~(11)~~ **(10)** State psychology board (IC 25-33).
 14 ~~(12)~~ **(11)** Indiana board of veterinary medical examiners
 15 (IC 25-38.1-2).
 16 ~~(13)~~ **(12)** Indiana physical therapy committee (IC 25-27).
 17 ~~(14)~~ **(13)** Respiratory care committee (IC 25-34.5).
 18 ~~(15)~~ **(14)** Occupational therapy committee (IC 25-23.5).
 19 ~~(16)~~ **(15)** Behavioral health and human services licensing board
 20 (IC 25-23.6).
 21 ~~(17)~~ **(16)** Physician assistant committee (IC 25-27.5).
 22 ~~(18)~~ **(17)** Indiana athletic trainers board (IC 25-5.1-2-1).
 23 ~~(19)~~ **(18)** Indiana dietitians certification board (IC 25-14.5-2-1).
 24 ~~(20) Indiana hypnotist committee (IC 25-20.5-1-7).~~
 25 (b) The agency shall create and maintain a provider profile for each
 26 provider described in subsection (a).
 27 (c) A provider profile must contain the following information:
 28 (1) The provider's name.
 29 (2) The provider's license, certification, registration, or permit
 30 number.
 31 (3) The provider's license, certification, registration, or permit
 32 type.
 33 (4) The date the provider's license, certification, registration, or
 34 permit was issued.
 35 (5) The date the provider's license, certification, registration, or
 36 permit expires.
 37 (6) The current status of the provider's license, certification,
 38 registration, or permit.
 39 (7) The provider's city and state of record.
 40 (8) A statement of any disciplinary action taken against the
 41 provider within the previous ten (10) years by a board or
 42 committee described in subsection (a).

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

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

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

8 SECTION 10. IC 25-1-7-1, AS AMENDED BY P.L.1-2009,
9 SECTION 138, AS AMENDED BY P.L.122-2009, SECTION 5, AND
10 AS AMENDED BY P.L.160-2009, SECTION 7, IS CORRECTED
11 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
12 2010]: Sec. 1. As used in this chapter:

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

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

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

19 "Licensee" means a person who is:

- 20 (1) licensed, certified, or registered by a board listed in this
- 21 section; and
- 22 (2) the subject of a complaint filed with the division.

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

25 "Regulated occupation" means an occupation in which a person is
26 licensed, certified, or registered by one (1) of the following:

- 27 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 28 (2) Board of registration for architects and landscape architects
29 (IC 25-4-1-2).
- 30 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 31 ~~(4) State board of barber examiners (IC 25-7-5-1).~~
- 32 ~~(5) (4) State *boxing* athletic commission (IC 25-9-1).~~
- 33 ~~(6) (5) Board of chiropractic examiners (IC 25-10-1).~~
- 34 ~~(7) (6) State board of cosmetology and barber examiners~~
35 ~~(IC 25-8-3-1).~~
- 36 ~~(8) (7) State board of dentistry (IC 25-14-1).~~
- 37 ~~(9) (8) State board of funeral and cemetery service (IC 25-15-9).~~
- 38 ~~(10) (9) State board of registration for professional engineers~~
39 ~~(IC 25-31-1-3).~~
- 40 ~~(11) (10) Indiana state board of health facility administrators~~
41 ~~(IC 25-19-1).~~
- 42 ~~(12) (11) Medical licensing board of Indiana (IC 25-22.5-2).~~

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- 1 ~~(13)~~ **(12)** Indiana state board of nursing (IC 25-23-1).
- 2 ~~(14)~~ **(13)** Indiana optometry board (IC 25-24).
- 3 ~~(15)~~ **(14)** Indiana board of pharmacy (IC 25-26).
- 4 ~~(16)~~ **(15)** Indiana plumbing commission (IC 25-28.5-1-3).
- 5 ~~(17)~~ **(16)** Board of podiatric medicine (IC 25-29-2-1).
- 6 ~~(18)~~ **Board of environmental health specialists** ~~(IC 25-32-1)~~.
- 7 ~~(19)~~ **(17)** State psychology board (IC 25-33).
- 8 ~~(20)~~ **(18)** Speech-language pathology and audiology board
- 9 (IC 25-35.6-2).
- 10 ~~(21)~~ **(19)** Indiana real estate commission (IC 25-34.1-2).
- 11 ~~(22)~~ **(20)** Indiana board of veterinary medical examiners
- 12 (IC 25-38.1).
- 13 ~~(23)~~ **(21)** Department of natural resources for purposes of
- 14 licensing water well drillers under IC 25-39-3.
- 15 ~~(24)~~ **(22)** Respiratory care committee (IC 25-34.5).
- 16 ~~(25)~~ **(23)** Private investigator and security guard licensing board
- 17 (IC 25-30-1-5.2).
- 18 ~~(26)~~ **(24)** Occupational therapy committee (IC 25-23.5).
- 19 ~~(27)~~ *Social worker, marriage and family therapist, and mental*
- 20 ~~health counselor~~ **(25)** *Behavioral health and human services*
- 21 *licensing board* (IC 25-23.6).
- 22 ~~(28)~~ **(26)** Real estate appraiser licensure and certification board
- 23 (IC 25-34.1-8).
- 24 ~~(29)~~ **(27)** State board of registration for land surveyors
- 25 (IC 25-21.5-2-1).
- 26 ~~(30)~~ **(28)** Physician assistant committee (IC 25-27.5).
- 27 ~~(31)~~ **(29)** Indiana athletic trainers board (IC 25-5.1-2-1).
- 28 ~~(32)~~ **(30)** Indiana dietitians certification board (IC 25-14.5-2-1).
- 29 ~~(33)~~ **Indiana hypnotist committee** ~~(IC 25-20.5-1-7)~~.
- 30 ~~(34)~~ **(31)** Indiana physical therapy committee (IC 25-27).
- 31 ~~(35)~~ **(32)** Manufactured home installer licensing board
- 32 (IC 25-23.7).
- 33 ~~(36)~~ **(33)** Home inspectors licensing board (IC 25-20.2-3-1).
- 34 ~~(37)~~ **(34)** State department of health, for out-of-state mobile
- 35 health care entities.
- 36 ~~(38)~~ **(35)** State board of massage therapy (IC 25-21.8-2-1).
- 37 ~~(39)~~ **(36)** Any other occupational or professional agency created
- 38 after June 30, 1981.

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39 SECTION 11. IC 25-1-7-14 IS ADDED TO THE INDIANA CODE
 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2010]: **Sec. 14. (a) If the board of a regulated occupation believes**
 42 **that a person who is not licensed, certified, or registered under this**



1 title is engaged in or is believed to be engaged in activities for
2 which a license, certification, or registration is required under this
3 title, the board may do the following:

4 (1) File a complaint with the attorney general, who shall
5 investigate and may file:

- 6 (A) with notice; or
- 7 (B) without notice, if the attorney general determines that
- 8 person is engaged in activities that may affect an
- 9 individual's health or safety;

10 a motion for a cease and desist order with the appropriate
11 board.

12 (2) Upon review of the attorney general's motion for a cease
13 and desist order, the board may issue an order requiring the
14 affected person to show cause why the person should not be
15 ordered to cease and desist from such activities. The show
16 cause order must set forth a time and place for a hearing at
17 which the affected person may appear and show cause as to
18 why the person should not be subject to licensing,
19 certification, or registration under this title.

20 (b) If the board, after a hearing, determines that the activities
21 in which the person is engaged are subject to licensing,
22 certification, or registration under this title, the board may issue
23 a cease and desist order that must describe the person and
24 activities that are the subject of the order.

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

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

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

33 SECTION 12. IC 25-1-8-1, AS AMENDED BY P.L.122-2009,
34 SECTION 6, AND AS AMENDED BY P.L.160-2009, SECTION 8, IS
35 CORRECTED AND AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2010]: Sec. 1. As used in this chapter, "board"
37 means any of the following:

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

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- 1 ~~(5)~~ **(4)** State ~~boxing~~ *athletic* commission (IC 25-9-1).
2 ~~(6)~~ **(5)** Board of chiropractic examiners (IC 25-10-1).
3 ~~(7)~~ **(6)** State board of cosmetology **and barber** examiners
4 (IC 25-8-3-1).
5 ~~(8)~~ **(7)** State board of dentistry (IC 25-14-1).
6 ~~(9)~~ **(8)** State board of funeral and cemetery service (IC 25-15).
7 ~~(10)~~ **(9)** State board of registration for professional engineers
8 (IC 25-31-1-3).
9 ~~(11)~~ **(10)** Indiana state board of health facility administrators
10 (IC 25-19-1).
11 ~~(12)~~ **(11)** Medical licensing board of Indiana (IC 25-22.5-2).
12 ~~(13)~~ **(12)** Mining board (IC 22-10-1.5-2).
13 ~~(14)~~ **(13)** Indiana state board of nursing (IC 25-23-1).
14 ~~(15)~~ **(14)** Indiana optometry board (IC 25-24).
15 ~~(16)~~ **(15)** Indiana board of pharmacy (IC 25-26).
16 ~~(17)~~ **(16)** Indiana plumbing commission (IC 25-28.5-1-3).
17 ~~(18)~~ Board of environmental health specialists ~~(IC 25-32-1)~~.
18 ~~(19)~~ **(17)** State psychology board (IC 25-33).
19 ~~(20)~~ **(18)** Speech-language pathology and audiology board
20 (IC 25-35.6-2).
21 ~~(21)~~ **(19)** Indiana real estate commission (IC 25-34.1-2-1).
22 ~~(22)~~ **(20)** Indiana board of veterinary medical examiners
23 (IC 25-38.1-2-1).
24 ~~(23)~~ **(21)** Department of insurance (IC 27-1).
25 ~~(24)~~ **(22)** State police department (IC 10-11-2-4), for purposes of
26 certifying polygraph examiners under IC 25-30-2.
27 ~~(25)~~ **(23)** Department of natural resources for purposes of
28 licensing water well drillers under IC 25-39-3.
29 ~~(26)~~ **(24)** Private investigator and security guard licensing board
30 (IC 25-30-1-5.2).
31 ~~(27)~~ **(25)** Occupational therapy committee (IC 25-23.5-2-1).
32 ~~(28)~~ *Social worker, marriage and family therapist, and mental*
33 *health counselor* **(26)** Behavioral health and human services
34 licensing board (IC 25-23.6-2-1).
35 ~~(29)~~ **(27)** Real estate appraiser licensure and certification board
36 (IC 25-34.1-8).
37 ~~(30)~~ **(28)** State board of registration for land surveyors
38 (IC 25-21.5-2-1).
39 ~~(31)~~ **(29)** Physician assistant committee (IC 25-27.5).
40 ~~(32)~~ **(30)** Indiana athletic trainers board (IC 25-5.1-2-1).
41 ~~(33)~~ **(31)** Board of podiatric medicine (IC 25-29-2-1).
42 ~~(34)~~ **(32)** Indiana dietitians certification board (IC 25-14.5-2-1).

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- 1 ~~(35)~~ **(33)** Indiana physical therapy committee (IC 25-27).
- 2 ~~(36)~~ **(34)** Manufactured home installer licensing board
- 3 (IC 25-23.7).
- 4 ~~(37)~~ **(35)** Home inspectors licensing board (IC 25-20.2-3-1).
- 5 ~~(38)~~ **(36)** State board of massage therapy (IC 25-21.8-2-1).
- 6 ~~(39)~~ **(37)** Any other occupational or professional agency created
- 7 after June 30, 1981.
- 8 SECTION 13. IC 25-1-8-6, AS AMENDED BY P.L.122-2009,
- 9 SECTION 7, AND AS AMENDED BY P.L.160-2009, SECTION 9, IS
- 10 CORRECTED AND AMENDED TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) As used in this section,
- 12 "board" means any of the following:
- 13 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 14 (2) Board of registration for architects and landscape architects
- 15 (IC 25-4-1-2).
- 16 (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- 17 (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- 18 ~~(5) State board of barber examiners (IC 25-7-5-1);~~
- 19 ~~(6) State boxing commission (IC 25-9-1);~~
- 20 ~~(7) (5) Board of chiropractic examiners (IC 25-10-1).~~
- 21 ~~(8) (6) State board of cosmetology and barber examiners~~
- 22 (IC 25-8-3-1).
- 23 ~~(9) (7) State board of dentistry (IC 25-14-1).~~
- 24 ~~(10) (8) Indiana dietitians certification board (IC 25-14.5-2-1).~~
- 25 ~~(11) (9) State board of registration for professional engineers~~
- 26 (IC 25-31-1-3).
- 27 ~~(12) Board of environmental health specialists (IC 25-32-1);~~
- 28 ~~(13) (10) State board of funeral and cemetery service~~
- 29 (IC 25-15-9).
- 30 ~~(14) (11) Indiana state board of health facility administrators~~
- 31 (IC 25-19-1).
- 32 ~~(15) (12) Committee of hearing aid dealer examiners~~
- 33 (IC 25-20-1-1.5).
- 34 ~~(16) (13) Home inspectors licensing board (IC 25-20.2-3-1).~~
- 35 ~~(17) Indiana hypnotist committee (IC 25-20.5-1-7);~~
- 36 ~~(18) (14) State board of registration for land surveyors~~
- 37 (IC 25-21.5-2-1).
- 38 ~~(19) (15) Manufactured home installer licensing board~~
- 39 (IC 25-23.7).
- 40 ~~(20) (16) Medical licensing board of Indiana (IC 25-22.5-2).~~
- 41 ~~(21) (17) Indiana state board of nursing (IC 25-23-1).~~
- 42 ~~(22) (18) Occupational therapy committee (IC 25-23.5).~~

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- 1 ~~(23)~~ **(19)** Indiana optometry board (IC 25-24).
- 2 ~~(24)~~ **(20)** Indiana board of pharmacy (IC 25-26).
- 3 ~~(25)~~ **(21)** Indiana physical therapy committee (IC 25-27).
- 4 ~~(26)~~ **(22)** Physician assistant committee (IC 25-27.5).
- 5 ~~(27)~~ **(23)** Indiana plumbing commission (IC 25-28.5-1-3).
- 6 ~~(28)~~ **(24)** Board of podiatric medicine (IC 25-29-2-1).
- 7 ~~(29)~~ **(25)** Private investigator and security guard licensing board
- 8 (IC 25-30-1-5.2).
- 9 ~~(30)~~ **(26)** State psychology board (IC 25-33).
- 10 ~~(31)~~ **(27)** Indiana real estate commission (IC 25-34.1-2).
- 11 ~~(32)~~ **(28)** Real estate appraiser licensure and certification board
- 12 (IC 25-34.1-8).
- 13 ~~(33)~~ **(29)** Respiratory care committee (IC 25-34.5).
- 14 ~~(34)~~ *Social worker, marriage and family therapist, and mental*
- 15 *health counselor* **(30)** Behavioral health and human services
- 16 *licensing* board (IC 25-23.6).
- 17 ~~(35)~~ **(31)** Speech-language pathology and audiology board
- 18 (IC 25-35.6-2).
- 19 ~~(36)~~ **(32)** Indiana board of veterinary medical examiners
- 20 (IC 25-38.1).
- 21 ~~(37)~~ **(33)** State board of massage therapy (IC 25-21.8-2-1).
- 22 (b) This section does not apply to a license, certificate, or
- 23 registration that has been revoked or suspended.
- 24 (c) Notwithstanding any other law regarding the reinstatement of a
- 25 delinquent or lapsed license, certificate, or registration and except as
- 26 provided in section 8 of this chapter, the holder of a license, certificate,
- 27 or registration that was issued by the board that is three (3) years or less
- 28 delinquent must be reinstated upon meeting the following
- 29 requirements:
- 30 (1) Submission of the holder's completed renewal application.
- 31 (2) Payment of the current renewal fee established by the board
- 32 under section 2 of this chapter.
- 33 (3) Payment of a reinstatement fee established by the Indiana
- 34 professional licensing agency.
- 35 (4) If a law requires the holder to complete continuing education
- 36 as a condition of renewal, the holder:
- 37 (A) shall provide the board with a sworn statement, signed by
- 38 the holder, that the holder has fulfilled the continuing
- 39 education requirements required by the board; or
- 40 (B) shall, if the holder has not complied with the continuing
- 41 education requirements, meet any requirements imposed under
- 42 IC 25-1-4-5 and IC 25-1-4-6.

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

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

26 SECTION 14. IC 25-1-9-1, AS AMENDED BY P.L.122-2009,
27 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2010]: Sec. 1. As used in this chapter, "board" means any of
29 the following:

- 30 (1) Board of chiropractic examiners (IC 25-10-1).
- 31 (2) State board of dentistry (IC 25-14-1).
- 32 (3) Indiana state board of health facility administrators
- 33 (IC 25-19-1).
- 34 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 35 (5) Indiana state board of nursing (IC 25-23-1).
- 36 (6) Indiana optometry board (IC 25-24).
- 37 (7) Indiana board of pharmacy (IC 25-26).
- 38 (8) Board of podiatric medicine (IC 25-29-2-1).
- 39 ~~(9) Board of environmental health specialists (IC 25-32):~~
- 40 ~~(+0)~~ (9) Speech-language pathology and audiology board
- 41 (IC 25-35.6-2).
- 42 ~~(+1)~~ (10) State psychology board (IC 25-33).

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- 1 ~~(12)~~ **(11)** Indiana board of veterinary medical examiners
2 (IC 25-38.1-2).
- 3 ~~(13)~~ **(12)** Indiana physical therapy committee (IC 25-27-1).
- 4 ~~(14)~~ **(13)** Respiratory care committee (IC 25-34.5).
- 5 ~~(15)~~ **(14)** Occupational therapy committee (IC 25-23.5).
- 6 ~~(16)~~ **(15)** Behavioral health and human services licensing board
7 (IC 25-23.6).
- 8 ~~(17)~~ **(16)** Physician assistant committee (IC 25-27.5).
- 9 ~~(18)~~ **(17)** Indiana athletic trainers board (IC 25-5.1-2-1).
- 10 ~~(19)~~ **(18)** Indiana dietitians certification board (IC 25-14.5-2-1).
- 11 ~~(20)~~ **Indiana hypnotist committee (IC 25-20.5-1-7).**
- 12 SECTION 15. IC 25-1-9-17 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. The board ~~and the~~
14 ~~controlled substances advisory committee (IC 35-48-2-1)~~ may require
15 an applicant for licensure to appear before the board ~~or committee~~
16 before issuing a license.
- 17 SECTION 16. IC 25-1-11-1, AS AMENDED BY P.L.160-2009,
18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2010]: Sec. 1. As used in this chapter, "board" means any of
20 the following:
- 21 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 22 (2) Board of registration for architects and landscape architects
23 (IC 25-4-1-2).
- 24 (3) Indiana auctioneer commission (IC 25-6.1-2).
- 25 ~~(4)~~ **State board of barber examiners (IC 25-7-5-1).**
- 26 ~~(5)~~ **(4)** State athletic commission (IC 25-9-1).
- 27 ~~(6)~~ **(5)** State board of cosmetology **and barber** examiners
28 (IC 25-8-3-1).
- 29 ~~(7)~~ **(6)** State board of registration of land surveyors
30 (IC 25-21.5-2-1).
- 31 ~~(8)~~ **(7)** State board of funeral and cemetery service (IC 25-15-9).
- 32 ~~(9)~~ **(8)** State board of registration for professional engineers
33 (IC 25-31-1-3).
- 34 ~~(10)~~ **(9)** Indiana plumbing commission (IC 25-28.5-1-3).
- 35 ~~(11)~~ **(10)** Indiana real estate commission (IC 25-34.1-2-1).
- 36 ~~(12)~~ **(11)** Real estate appraiser licensure and certification board
37 (IC 25-34.1-8).
- 38 ~~(13)~~ **(12)** Private investigator and security guard licensing board
39 (IC 25-30-1-5.2).
- 40 ~~(14)~~ **(13)** Manufactured home installer licensing board
41 (IC 25-23.7).
- 42 ~~(15)~~ **(14)** Home inspectors licensing board (IC 25-20.2-3-1).

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1 ~~(16)~~ (15) State board of massage therapy (IC 25-21.8-2-1).
2 SECTION 17. IC 25-1-16 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2010]:

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

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

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

10 **Sec. 3. As used in this chapter, "committee" means the**
11 **regulated occupations evaluation committee established by section**
12 **6 of this chapter.**

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

- 14 (1) an unlimited license, certificate, or registration;
- 15 (2) a limited or probationary license, certificate, or
- 16 registration;
- 17 (3) a temporary license, certificate, registration, or permit;
- 18 (4) an intern permit; or
- 19 (5) a provisional license;

20 **issued by the board regulating the regulated occupation in**
21 **question.**

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

24 **Sec. 6. The regulated occupations evaluation committee is**
25 **established.**

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

- 27 (1) The dean of the Indiana University School of Public and
- 28 Environmental Affairs or the dean's designee. The dean or the
- 29 dean's designee shall serve as chairperson of the committee.
- 30 (2) The director of the agency or the director's designee.
- 31 (3) The attorney general or the attorney general's designee, as
- 32 a nonvoting member.
- 33 (4) Two (2) individuals appointed by the governor who are
- 34 licensed in a regulated occupation.
- 35 (5) Two (2) individuals appointed by the governor who are not
- 36 licensed in a regulated occupation.

37 **(b) The term of a member appointed under subsection (a)(4) or**
38 **(a)(5) is three (3) years.**

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

42 **Sec. 8. (a) The committee shall review and evaluate each**

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1 regulated occupation. The review and evaluation must include the
2 following:

- 3 (1) The functions, powers, and duties of the regulated
- 4 occupation and the board, including any functions, powers, or
- 5 duties that are inconsistent with current or projected practice
- 6 of the occupation.
- 7 (2) An assessment of the management efficiency of the board.
- 8 (3) An assessment of the regulated occupation's and the
- 9 board's ability to meet the objectives of the general assembly
- 10 in licensing the regulated occupation.
- 11 (4) Any other criteria identified by the committee.

12 (b) The committee shall prepare a report concerning each
13 regulated occupation that the committee reviews and evaluates.
14 The report must contain the following:

- 15 (1) The number of individuals who are licensed in the
- 16 regulated occupation.
- 17 (2) A summary of the board's functions and actions.
- 18 (3) The budget and other fiscal factors of regulating the
- 19 regulated occupation.
- 20 (4) An assessment of the effect of the regulated occupation on
- 21 the state's economy, including consumers and businesses.
- 22 (5) Any recommendations for legislation, including whether
- 23 a regulated occupation should be modified, combined with
- 24 another board, or terminated.
- 25 (6) Any recommendations for administrative changes.

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

29 (b) The committee shall allow testimony concerning each
30 regulated occupation that is being reviewed and evaluated.

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

34 Sec. 11. (a) The agency shall provide staff and administrative
35 support to the committee.

36 (b) The committee may hire, with approval of the director of the
37 agency, an individual to assist the committee.

38 (c) The expenditures of the committee shall be paid from
39 appropriations to the agency.

40 Sec. 12. (a) Each member of the committee who is not a state
41 employee is entitled to reimbursement for traveling expenses as
42 provided under IC 4-13-1-4 and other expenses actually incurred

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1 in connection with the member's duties as provided in the state
2 policies and procedures established by the Indiana department of
3 administration and approved by the budget agency.

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

10 Sec. 13. The committee shall submit a report to the:

- 11 (1) governor;
- 12 (2) health finance commission; and
- 13 (3) legislative services agency;

14 not later than July 1 of each year. The report submitted to the
15 legislative services agency must be in an electronic format under
16 IC 5-14-6.

17 SECTION 18. IC 25-2.1-9-3 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) If the board has
19 reason to believe that the subject of an investigation has committed a
20 violation of this article or IC 25-1-11:

- 21 (1) the board shall direct that a complaint be issued under
22 ~~IC 25-2.1-7-7~~, IC 25-1-7, if the subject of the investigation is a
23 licensee; and
- 24 (2) the board shall take appropriate action under ~~IC 25-2.1-13~~,
25 IC 25-1-7-14, if the subject of the investigation is not a licensee.

26 (b) If the board does not proceed under subsection (a), the board
27 shall close the matter and may release the information only with the
28 consent of the individual or firm that was under investigation.

29 SECTION 19. IC 25-4-2-10 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. (a) Any person
31 who:

- 32 (1) renders or offers to render services to the public, if the words
33 "landscape architecture" or "registered landscape architecture" are
34 used to describe these services;
- 35 (2) uses the title "registered landscape architect" or "landscape
36 architect"; or
- 37 (3) engages in the practice of landscape architecture described in
38 section 1 of this chapter;

39 without a current registration issued under this chapter commits a Class
40 B infraction. A person who affixes a registered landscape architect's
41 seal to a plan, specification, or drawing that has not been prepared by
42 a currently registered landscape architect or under the immediate

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supervision of a currently registered landscape architect commits a Class B infraction.

(b) Each day a violation described in this section continues to occur constitutes a separate offense.

(c) ~~The board may appear in its own name in the courts of the state and apply for injunctions to prevent violations of this chapter.~~

SECTION 20. IC 25-8-2-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2.1. "Barber" means a person licensed under IC 25-8-12.1.**

SECTION 21. IC 25-8-2-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2.2. "Barber instructor" means a person licensed under IC 25-8-6.4 to teach barbering.**

SECTION 22. IC 25-8-2-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2.3. "Barber school" means an establishment licensed under IC 25-8-6.3 that offers training in barbering.**

SECTION 23. IC 25-8-2-2.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2.4. "Barber shop" means an establishment licensed under IC 25-8-8.1 that offers barbering to the public.**

SECTION 24. IC 25-8-2-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2.7. (a) "Barbering" means performing one (1) or more of the following practices upon the head, face, or neck of a person:**

- (1) Cutting, trimming, styling, arranging, dressing, curling, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.
- (2) Shaving or trimming beards and mustaches.
- (3) Applying oils, creams, antiseptics, clays, powders, lotions, or other preparations, either by hand or by mechanical appliances, in the performance of facial or scalp massage.

(b) "Barbering" does not include performing any of the acts described in subsection (a) when done:

- (1) in treating illness or disease;
- (2) as a student in a barber school that complies with the notice requirements set forth in IC 25-8-6.3; or
- (3) without compensation.

SECTION 25. IC 25-8-2-2.6, AS ADDED BY P.L.78-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2010]: Sec. 2.6. "Beauty culture professional" refers to the
2 following:

- 3 (1) A cosmetologist licensed under IC 25-8-9.
4 (2) An electrologist licensed under IC 25-8-10.
5 (3) A manicurist licensed under IC 25-8-11.
6 (4) An esthetician licensed under IC 25-8-12.5.
7 (5) An instructor licensed under IC 25-8-6.
8 **(6) A barber licensed under IC 25-8-12.1.**

9 SECTION 26. IC 25-8-2-3 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. "Board" refers to the
11 state board of cosmetology **and barber** examiners.

12 SECTION 27. IC 25-8-2-10 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10. "Instructor" means
14 a person:

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

17 SECTION 28. IC 25-8-3-1 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. The state board of
19 cosmetology **and barber** examiners is established.

20 SECTION 29. IC 25-8-3-5 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) Each of the
22 **remaining five (5)** members of the board must reside in Indiana.

23 (b) **At least three (3) The members of the board must meet the**
24 **following qualifications:**

- 25 (1) **Two (2)** of the members described in subsection (a) must:
26 **have been licensed cosmetologists practicing in**

27 **(A) possess a current cosmetologist license; and**

28 **(B) have practiced** cosmetology ~~salons~~ in Indiana
29 continuously for at least five (5) years **immediately** before
30 appointment.

- 31 (2) **Two (2) of the members of the board must:**

32 **(A) possess a current barber license; and**

33 **(B) have practiced barbering in Indiana continuously for**
34 **at least five (5) years immediately before appointment.**

35 (c) ~~Two (2)~~ **(3) One (1)** of the members described in subsection
36 (a) **may must** be owners **an owner** or operators **operator** of a
37 **barber or** cosmetology schools. ~~One (1)~~ of the members
38 described in this subsection must be a licensed cosmetologist:
39 ~~One (1)~~ of school. **However,** the members described in this
40 subsection is **member may not required** to be a **licensed barber**
41 **or** cosmetologist.

42 (d) ~~Not more than two (2)~~ members of the board may be:

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- 1 (1) owners of;
- 2 (2) operators of;
- 3 (3) members of the board of directors of;
- 4 (4) employees of; or
- 5 (5) contractors with;
- 6 a cosmetology school.

7 **(4) One (1) of the members must be licensed as an**
 8 **electrologist, an esthetician, or a manicurist.**

9 **(5) One (1) of the members must not have any association with**
 10 **cosmetology or barbering, except as a consumer.**

11 SECTION 30. IC 25-8-3-6 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. No more than ~~four~~
 13 (4) **five (5)** members of the board may belong to the same political
 14 party.

15 SECTION 31. IC 25-8-3-23, AS AMENDED BY P.L.197-2007,
 16 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2010]: Sec. 23. (a) The board shall adopt rules under
 18 IC 4-22-2 to:

- 19 (1) prescribe sanitary requirements for:
 - 20 (A) cosmetology salons;
 - 21 (B) electrology salons;
 - 22 (C) esthetic salons;
 - 23 (D) manicuring salons; ~~and~~
 - 24 (E) cosmetology schools;
 - 25 **(F) barber shops; and**
 - 26 **(G) barber schools;**
- 27 (2) establish standards for the practice of cosmetology and the
 28 operation of:
 - 29 (A) cosmetology salons;
 - 30 (B) electrology salons;
 - 31 (C) esthetic salons;
 - 32 (D) manicuring salons; ~~and~~
 - 33 (E) cosmetology schools;
 - 34 **(F) barber shops; and**
 - 35 **(G) barber schools;**
- 36 (3) implement the licensing system under this article and provide
 37 for a staggered renewal system for licenses; and
- 38 (4) establish requirements for cosmetology school uniforms for
 39 students and instructors.
- 40 (b) The board may adopt rules under IC 4-22-2 to establish the
 41 following for the practice of cosmetology, **barbering**, electrology,
 42 esthetics, or manicuring in a mobile salon:

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- 1 (1) Sanitation standards.
- 2 (2) Safety requirements.
- 3 (3) Permanent address requirements at which the following are
- 4 located:
- 5 (A) Records of appointments.
- 6 (B) License numbers of employees.
- 7 (C) If applicable, the vehicle identification number of the
- 8 license holder's self-contained facility.
- 9 (4) Enforcement actions to ensure compliance with the
- 10 requirements under this article and all local laws and ordinances.

11 SECTION 32. IC 25-8-3-26 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 26. The board shall
 13 furnish each person licensed to operate:

- 14 (1) a cosmetology salon;
- 15 (2) an electrology salon;
- 16 (3) an esthetic salon;
- 17 (4) a manicuring salon; ~~or~~
- 18 (5) a cosmetology school;
- 19 **(6) a barber shop; or**
- 20 **(7) a barber school;**

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

23 SECTION 33. IC 25-8-3-27 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 27. A person operating:

- 25 (1) a cosmetology salon;
- 26 (2) an electrology salon;
- 27 (3) an esthetic salon;
- 28 (4) a manicuring salon; ~~or~~
- 29 (5) a cosmetology school;
- 30 **(6) a barber shop; or**
- 31 **(7) a barber school;**

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

34 SECTION 34. IC 25-8-3-28, AS AMENDED BY P.L.177-2009,
 35 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2010]: Sec. 28. (a) A member of the board or any inspector or
 37 investigator may inspect:

- 38 (1) a cosmetology salon;
- 39 (2) an electrology salon;
- 40 (3) an esthetic salon;
- 41 (4) a manicuring salon;
- 42 (5) a cosmetology school; ~~or~~

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- 1 (6) a mobile salon;
- 2 (7) a barber shop; or
- 3 (8) a barber school;
- 4 during its regular business hours.

5 (b) A member of the board or any inspector or investigator may
6 inspect:

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

15 before an initial license is issued.

16 SECTION 35. IC 25-8-3-29 IS ADDED TO THE INDIANA CODE
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
18 1, 2010]: **Sec. 29. (a) The board may not adopt a rule establishing
19 different standards for an inmate or former inmate of a penal
20 institution who applies for:**

- 21 (1) admission to barber school; or
- 22 (2) a license as a registered barber.

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

26 SECTION 36. IC 25-8-4-1 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. The provisions of
28 this article requiring a person to obtain a license do not apply to a
29 person performing cosmetology as a:

- 30 (1) licensed student in a barber ~~under IC 25-7-~~ school;
- 31 (2) commissioned medical or surgical officer of the United States
32 armed forces;
- 33 (3) chiropractor (as defined by IC 25-10-1-1(2));
- 34 (4) embalmer (as defined by IC 25-15-2-8);
- 35 (5) funeral director (as defined by IC 25-15-2-12);
- 36 (6) registered nurse (as defined by IC 25-23-1-1.1(a));
- 37 (7) licensed practical nurse (as defined by IC 25-23-1-1.2);
- 38 (8) physician (as defined by IC 25-22.5-1-1.1(g));
- 39 (9) podiatrist (as defined by IC 25-29-1-13);
- 40 (10) person conducting an educational activity involving
41 cosmetology at a scheduled meeting of an association that:
42 (A) recognizes a group of its members as cosmetologists; and

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1 (B) is not open to persons who are not licensed under this
2 chapter; or

3 (11) student in a cosmetology school.

4 SECTION 37. IC 25-8-4-2, AS AMENDED BY P.L.177-2009,
5 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2010]: Sec. 2. (a) If the board determines that:

7 (1) a person possesses a valid license from another jurisdiction to
8 perform acts that require a license under this article; and

9 (2) the jurisdiction issuing the license imposes substantially equal
10 requirements on applicants for the license as are imposed on
11 applicants for an Indiana license;

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

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

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

30 (1) For an applicant with less than twenty (20) years of actual
31 licensed practice as a manicurist, one (1) year of licensed practice
32 is equal to one hundred (100) hours of education to an applicant
33 who has completed at least three hundred (300) hours of
34 education.

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

39 (d) This subsection applies only to applications for an electrologist
40 license under IC 25-8-10. If the jurisdiction issuing a license does not
41 impose substantially equal requirements for education hours as
42 required under subsection (a)(2), the board may approve the

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1 combination of education hours plus actual licensed practice in the
2 other jurisdiction when issuing a license to a person from that
3 jurisdiction. One (1) year of licensed practice as an electrologist is
4 equal to one hundred (100) hours of education to an applicant who has
5 completed at least two hundred (200) hours of education.

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

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

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

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

- 37 (1) the license is a cosmetology salon **or barber shop** license;
38 and
- 39 (2) the person holding the license was required to change the
40 location of the cosmetology salon **or barber shop** by
41 circumstances that the board determines were beyond the control
42 of that person.

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1 SECTION 39. IC 25-8-4-7, AS AMENDED BY P.L.157-2006,
 2 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2010]: Sec. 7. (a) Each applicant must pass a final practical
 4 demonstration examination of the acts permitted by the license. The
 5 applicant's cosmetology school **or barber school** shall administer the
 6 final practical demonstration examination.

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

12 (1) shall be conducted at the times and places determined by the
 13 board; and

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

15 SECTION 40. IC 25-8-4-8 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. The examinations
 17 described in section 7 of this chapter must include:

18 (1) a practical demonstration of the acts permitted by the license;
 19 and

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

22 SECTION 41. IC 25-8-4-11 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. A person who holds
 24 a cosmetology school license **or a barber school license** shall display
 25 a sign that complies with standards prescribed by the board on the
 26 premises of that establishment indicating that the establishment is a
 27 cosmetology school **or barber school** licensed under this article.

28 SECTION 42. IC 25-8-4-13 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. A person who holds
 30 any license issued under this chapter except the licenses described in
 31 section 11 of this chapter shall display the license in a conspicuous
 32 place in that person's work area in the cosmetology salon, **or**
 33 cosmetology school, **barber shop, or barber school** where the person
 34 is employed. The license must be clearly visible to a customer of that
 35 person who is present in the licensed person's work area.

36 SECTION 43. IC 25-8-4-17, AS AMENDED BY P.L.177-2009,
 37 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2010]: Sec. 17. (a) Except for an instructor license issued
 39 under subsection (d), **or** IC 25-8-6-1, **or IC 25-8-6.4**, a license issued
 40 under this article expires on a date specified by the licensing agency
 41 under IC 25-1-6-4 and expires four (4) years after the initial expiration
 42 date.

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

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

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

9 SECTION 44. IC 25-8-6.3 IS ADDED TO THE INDIANA CODE
 10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2010]:

12 **Chapter 6.3. Barber School Licenses**

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

15 **Sec. 2. A person must file a verified application with the board**
 16 **on a form prescribed by the board to obtain a barber school**
 17 **license.**

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

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

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

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

27 (A) the scientific fundamentals for barbering, hygiene, and
 28 bacteriology;

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

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

31 (D) elementary chemistry relating to sterilization and
 32 antiseptics;

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

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

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

39 (5) the school will be operated under the personal supervision
 40 of a licensed barber instructor;

41 (6) the applicant has obtained:

42 (A) a building permit;

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- 1 **(B) a certificate of occupancy; or**
- 2 **(C) any other planning approval required under**
- 3 **IC 22-15-3 and IC 36-7-4;**
- 4 **required to operate the school;**
- 5 **(7) the school, if located in the same building as a residence,**
- 6 **will:**
 - 7 **(A) be separated from the residence by a substantial floor**
 - 8 **to ceiling partition; and**
 - 9 **(B) have a separate entrance;**
- 10 **(8) as a requirement for graduation, the proposed school**
- 11 **must:**
 - 12 **(A) administer; and**
 - 13 **(B) require a student to pass;**
- 14 **a final practical demonstration examination of the acts**
- 15 **permitted by the license; and**
- 16 **(9) the applicant has paid the fee set forth in IC 25-8-13.**
- 17 **Sec. 4. (a) A barber school licensed under this chapter shall**
- 18 **require each student for graduation to pass a final examination**
- 19 **that tests the student's practical knowledge of the curriculum**
- 20 **studied.**
- 21 **(b) The board shall consider an applicant for the barbering**
- 22 **professional examination as fulfilling the practical examination**
- 23 **requirement established in IC 25-8-4-7 after successfully**
- 24 **completing the final practical demonstration examination.**
- 25 **(c) A passing score of at least seventy-five percent (75%) is**
- 26 **required on the final practical demonstration examination.**
- 27 **(d) A barber school licensed under this chapter shall allow each**
- 28 **student for graduation at least three (3) attempts to pass the final**
- 29 **practical demonstration examination.**
- 30 **(e) The board may monitor the administration of the final**
- 31 **practical demonstration examination for any of the following**
- 32 **purposes:**
 - 33 **(1) As a result of a complaint received.**
 - 34 **(2) As part of random observations.**
 - 35 **(3) To collect data.**
- 36 **Sec. 5. The board may adopt rules under IC 4-22-2 requiring**
- 37 **that the curriculum offered by a barber school licensed under this**
- 38 **chapter provide a minimum number of hours of instruction in each**
- 39 **of the subjects described in section 3(3) of this chapter.**
- 40 **Sec. 6. A barber school licensed under this chapter shall display**
- 41 **a sign:**
 - 42 **(1) that complies with standards established by the board;**

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- 1 (2) at each entrance used by the school's customers; and
- 2 (3) that states that students perform barbering in the
- 3 establishment.

4 SECTION 45. IC 25-8-6.4 IS ADDED TO THE INDIANA CODE
 5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2010]:

7 **Chapter 6.4. Barber Instructor Licenses**

- 8 **Sec. 1. The board may license a person to be an instructor.**
- 9 **Sec. 2. A person must file a verified application with the board**
 10 **on a form prescribed by the board to obtain an instructor license.**
- 11 **Sec. 3. The application described in section 2 of this chapter**
 12 **must state that the applicant:**

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

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

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

- 30 (1) refuse to permit the person to take the examination again;
- 31 or
- 32 (2) permit the person to take the examination again subject to
- 33 the rules governing the examination adopted by the board.

34 SECTION 46. IC 25-8-8.1 IS ADDED TO THE INDIANA CODE
 35 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2010]:

37 **Chapter 8.1. Barber Shop Licenses**

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

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

- 42 (1) select a site for the barber shop that, if located in the same

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1 **building as a residence:**
2 (A) is separated from the residence by a substantial floor
3 to ceiling partition; and
4 (B) has a separate entrance from the residence;
5 **(2) obtain:**
6 (A) a building permit;
7 (B) a certificate of occupancy; or
8 (C) any other approval action required under IC 22-15-3
9 and IC 36-7-4;
10 **required to operate the barber shop;**
11 **(3) install furnishings and obtain shop equipment required**
12 **under rules adopted by the board; and**
13 **(4) submit a verified statement on a form prescribed by the**
14 **board that the barber shop will be under the personal**
15 **supervision of a barber licensed under this article.**
16 **Sec. 3. The board may issue a license under this chapter if the**
17 **applicant has:**
18 **(1) complied with section 2 of this chapter; and**
19 **(2) paid the fee for the license set forth in IC 25-8-13.**
20 **Sec. 4. A person holding a license issued under this chapter shall**
21 **display a sign complying with standards prescribed by the board.**
22 **The sign must:**
23 **(1) be clearly visible to a customer entering the establishment**
24 **at the shop's main public entrance; and**
25 **(2) state in legible printing that the establishment is licensed**
26 **as a barber shop.**
27 **Sec. 5. (a) If:**
28 **(1) the board cannot determine whether an applicant has**
29 **complied with section 2 of this chapter at the time the**
30 **application is filed; and**
31 **(2) the board determines that more than fifteen (15) days are**
32 **required to determine if the applicant has complied with**
33 **section 2 of this chapter;**
34 **the board shall issue a temporary barber shop license to the**
35 **applicant.**
36 **(b) A temporary license issued under subsection (a) is valid**
37 **until:**
38 **(1) the board approves or denies the application for a license**
39 **under this chapter; or**
40 **(2) three (3) months after the issuance of the temporary**
41 **license;**
42 **whichever occurs first.**

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1 SECTION 47. IC 25-8-12.1 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]:

4 **Chapter 12.1. Barber Licenses**

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

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

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

10 (1) is either:

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

12 (B) at least seventeen (17) years of age and is a graduate of
13 an accredited high school;

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

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

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

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

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

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

29 (1) refuse to permit the person to take the examination again;
30 or

31 (2) permit the person to take the examination again subject to
32 the rules governing the examination adopted by the board.

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

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

37 (1) has the permission of a person who holds a barber shop
38 license and:

39 (A) employs; or

40 (B) leases or subleases a part of a shop to;

41 the person licensed under this chapter; and

42 (2) complies with any other practice restrictions established

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by the board under this chapter.

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

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

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

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

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

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

whichever occurs first.

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

Sec. 11. The board may not:

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

issued under section 7 of this chapter.

Sec. 12. A person who:

- (1) enters active military service of the United States or of this state:
 - (A) in time of war or an emergency;
 - (B) for or during a period of training; or
 - (C) in connection with or under the operation of a system of selective service; and
- (2) at the time of entry holds a valid license as a registered barber;

shall be granted a similar certificate of registration or license upon presenting to the board an honorable discharge from military service, dated not more than six (6) months before the time of the presentation. The similar certificate or license shall be granted by the board upon payment of a fee established by the board.

Sec. 13. (a) This section applies only to applications for a barber

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license under this chapter.

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

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

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

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

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

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

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

SECTION 48. IC 25-8-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. The board may not charge a fee for:

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

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

SECTION 49. IC 25-8-13-3, AS AMENDED BY P.L.157-2006, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for an application to issue or renew a cosmetology school or **barber school** license.

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

SECTION 50. IC 25-8-13-4, AS AMENDED BY P.L.157-2006, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing

(1) a cosmetology instructor license;

(2) an esthetics instructor license; or

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1 (3) an ~~electrology~~ instructor license.
2 (b) The board shall charge a fee established under IC 25-1-8-6 for
3 reinstating an instructor license.
4 SECTION 51. IC 25-8-13-5, AS AMENDED BY P.L.157-2006,
5 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2010]: Sec. 5. (a) The board shall charge a fee established by
7 the board under IC 25-1-8-2 for issuing or renewing:
8 (1) a cosmetology salon license;
9 (2) an electrology salon license;
10 (3) an esthetic salon license; ~~or~~
11 (4) a manicurist salon license; **or**
12 **(5) a barber shop license.**
13 (b) The board shall charge a fee established under IC 25-1-8-6 for
14 reinstating:
15 (1) a cosmetology salon license;
16 (2) an electrology salon license;
17 (3) an esthetic salon license; ~~or~~
18 (4) a manicurist salon license; **or**
19 **(5) a barber shop license.**
20 SECTION 52. IC 25-8-13-12.1 IS ADDED TO THE INDIANA
21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2010]: **Sec. 12.1. (a) The board shall establish**
23 **fees under IC 25-1-8-2 for providing an examination to an**
24 **applicant for a barber license.**
25 **(b) The board shall establish fees under IC 25-1-8-2 for issuing**
26 **or renewing a barber license.**
27 **(c) The board shall charge a fee established under IC 25-1-8-6**
28 **for reinstating a barber license.**
29 **(d) The board shall charge a fee established by the board under**
30 **IC 25-1-8-2 for issuing a license to a person who holds a barber**
31 **license from another jurisdiction that meets the requirements**
32 **under IC 25-8-4-2.**
33 SECTION 53. IC 25-8-14-6 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) A person who:
35 (1) is a cosmetologist, a manicurist, an electrologist, an
36 esthetician, **a barber**, or an instructor; and
37 (2) knowingly performs any act authorized by a license issued
38 under this article while the person has an infectious, a contagious,
39 or a communicable disease that has been epidemiologically
40 demonstrated to be transmitted through casual contact;
41 commits a Class C infraction.
42 (b) A person who knowingly attends a cosmetology school **or a**

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1 **barber school** as a student while the person has an infectious, a
 2 contagious, or a communicable disease that has been epidemiologically
 3 demonstrated to be transmitted through casual contact commits a Class
 4 C infraction.

5 SECTION 54. IC 25-10-1-14 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14. (a) This section
 7 applies to all persons, including persons listed in IC 25-22.5-1-2.

8 (b) A person may manually manipulate, manually adjust, or
 9 manually mobilize the spinal column or the vertebral column of an
 10 individual only if the person is:

11 (1) a chiropractor who has been issued a license under this
 12 chapter;

13 (2) a physician who has been issued an unlimited license to
 14 practice medicine under IC 25-22.5; or

15 (3) an osteopathic physician who has been issued a license to
 16 practice osteopathic medicine under IC 25-22.5.

17 (c) A person may not delegate the manual manipulation, manual
 18 adjustment, or manual mobilization of the spinal column or the
 19 vertebral column of an individual to another person, unless the other
 20 person is:

21 (1) licensed as a chiropractor under this chapter;

22 (2) licensed as a physician with an unlimited license to practice
 23 medicine under IC 25-22.5;

24 (3) licensed as an osteopathic physician with a license to practice
 25 osteopathic medicine under IC 25-22.5;

26 (4) a student in the final year of course work at an accredited
 27 chiropractic school participating in a preceptorship program and
 28 working under the direct supervision of a chiropractor licensed
 29 under this chapter; or

30 (5) a graduate of a chiropractic school who holds a valid
 31 temporary permit issued under section 5.5 of this chapter.

32 (d) If a violation of subsection (b) or (c) is being committed:

33 (1) the board in its own name;

34 (2) the board in the name of the state; or

35 (3) the prosecuting attorney of the county in which the violation
 36 occurs, at the request of the board and in the name of the state;

37 may apply for an order enjoining the violation from the circuit court of
 38 the county in which the violation occurs.

39 ~~(e) Upon a showing that a person has violated subsection (b) or (c);~~
 40 ~~the court may grant without bond an injunction, a restraining order, or~~
 41 ~~other appropriate order.~~

42 ~~(f)~~ (e) This section does not apply to a physical therapist practicing

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1 under IC 25-27. However, a physical therapist may not practice
 2 chiropractic (as defined in IC 25-10-1-1) or medicine (as defined in
 3 IC 25-22.5-1-1.1) unless licensed to do so.

4 SECTION 55. IC 25-15-8-19 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 19. If a violation of any
 6 of sections 21 through 26 of this chapter is being committed,

7 ~~(1) the board, in its own name~~

8 ~~(2) the board in the name of the state;~~

9 ~~(3) the attorney general in the name of the state; at the request of~~
 10 ~~the board; or~~

11 ~~(4) the prosecuting attorney of the county in which the violation~~
 12 ~~occurs; at the request of the board; and in the name of the state;~~

13 **under IC 25-1-7-14, may apply for issue** an order enjoining the
 14 violation. ~~from the circuit court of the county in which the violation~~
 15 ~~occurs.~~

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

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

20 (2) use the title:

21 (A) "licensed mental health counselor";

22 (B) "mental health counselor"; or

23 (C) "mental health therapist";

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

27 (4) practice mental health counseling for compensation;

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

30 **(b) An individual may not:**

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

32 **(2) use the title:**

33 **(A) "licensed mental health counselor associate";**

34 **(B) "mental health counselor associate"; or**

35 **(C) "mental health therapist associate";**

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

39 **(4) practice mental health counseling for compensation;**

40 **unless the individual is licensed under this article.**

41 SECTION 57. IC 25-23.6-4.5-3 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. **(a)** An individual

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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.**

SECTION 58. IC 25-23.6-8.5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 1.5. An individual who applies for a license as a mental health counselor associate 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 mental health counseling therapy or in a related area as determined by the board from an institution of higher education that meets the requirements under section 2 of this chapter or from a foreign school that has a program of study that meets the requirements under section 2(3)(A) or 2(3)(B) of this chapter; and**
 - (B) completed the educational requirements under section 3 of this chapter.**
- (2) 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) 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 associate without**

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1 **endangering the public.**

2 **(4) Pay the fee established by the board.**

3 **(5) Pass an examination provided by the board.**

4 SECTION 59. IC 25-23.6-8.5-1.7 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2010]: **Sec. 1.7. An individual who receives**
7 **a master's degree and enters a doctoral program may do either of**
8 **the following:**

9 **(1) Apply for a mental health counselor associate license**
10 **under section 1.5 of this chapter by meeting the requirements**
11 **of this chapter.**

12 **(2) Elect not to apply for a mental health counselor associate**
13 **license under section 1.5 of this chapter, accrue the clinical**
14 **experience required under section 4 of this chapter, and apply**
15 **for a mental health counselor license at the conclusion of the**
16 **doctoral program.**

17 SECTION 60. IC 25-23.6-8.5-3, AS AMENDED BY P.L.2-2007,
18 SECTION 342, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2010]: **Sec. 3. An applicant as a mental health**
20 **counselor under section 1 of this chapter or a mental health**
21 **counselor associate under section 1.5 of this chapter must complete**
22 **the following educational requirements:**

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

28 (A) Human growth and development.

29 (B) Social and cultural foundations of counseling.

30 (C) Helping relationship, including counseling theory and
31 practice.

32 (D) Group dynamics, processes, counseling, and consultation.

33 (E) Lifestyle and career development.

34 (F) Assessment and appraisal of individuals.

35 (G) Research and program evaluation.

36 (H) Professional orientation and ethics.

37 (I) Foundations of mental health counseling.

38 (J) Contextual dimensions of mental health counseling.

39 (K) Knowledge and skills for the practice of mental health
40 counseling and psychotherapy.

41 (L) Clinical instruction.

42 (2) Not less than one (1) supervised clinical practicum, internship,

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1 or field experience in a counseling setting, which must include a
 2 minimum of one thousand (1,000) clock hours consisting of one
 3 (1) practicum of one hundred (100) hours, one (1) internship of
 4 six hundred (600) hours, and one (1) advanced internship of three
 5 hundred (300) hours with at least one hundred (100) hours of face
 6 to face supervision. This requirement may be met by a supervised
 7 practice experience that took place away from an eligible
 8 postsecondary educational institution but that is certified by an
 9 official of the eligible postsecondary educational institution as
 10 being equivalent to a clinical mental health graduate level
 11 practicum or internship program at an institution accredited by an
 12 accrediting agency approved by the United States Department of
 13 Education or the Association of Universities and Colleges of
 14 Canada.

15 SECTION 61. IC 25-23.6-8.5-5 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. An individual who
 17 satisfies the requirements of:

- 18 (1) ~~sections~~ **section 1 or 1.5 of this chapter**; and
- 19 (2) **section 2** of this chapter;

20 may take the examination provided by the board.

21 SECTION 62. IC 25-23.6-8.5-7 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. **(a)** The board shall
 23 issue a license to an ~~individual applicant as a mental health~~
 24 **counselor under section 1 of this chapter or a mental health**
 25 **counselor associate under section 1.5 of this chapter** who:

- 26 (1) achieves a passing score, as determined by the board, on the
 27 examination provided under this chapter; and
- 28 (2) is otherwise qualified under this article.

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

31 SECTION 63. IC 25-23.6-8.5-8 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) A **mental health**
 33 **counselor** license issued by the board is valid for the remainder of the
 34 renewal period in effect on the date the ~~certificate license~~ **license** was issued.

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

- 36 (1) paying a renewal fee on or before the expiration date of the
 37 license; and
- 38 (2) completing at least twenty (20) hours of continuing education
 39 per licensure year.

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

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1 SECTION 64. IC 25-23.6-8.5-8.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2010]: **Sec. 8.5. (a) A mental health counselor
4 associate license issued by the board is valid for the remainder of
5 the renewal period in effect on the date the license was issued.**

6 (b) An individual may renew a mental health counselor
7 associate license two (2) times by:

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

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

12 (c) The board may renew a mental health counselor associate
13 license for additional periods based on circumstances determined
14 by the board.

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

18 SECTION 65. IC 25-26-13-4.3 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2010]: **Sec. 4.3. (a) Any rules adopted by the
21 controlled substances advisory committee (IC 35-48-2-1 (before its
22 abolishment)) before July 1, 2010, shall be treated as rules of the
23 Indiana board of pharmacy (IC 25-26) on July 1, 2010.**

24 (b) This section expires July 1, 2015.

25 SECTION 66. IC 25-27-1-12 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 12. A person who
27 recklessly, knowingly, or intentionally violates this chapter commits
28 a Class B misdemeanor. In addition the board may, in the name of the
29 state, through the attorney general, apply in any court to enjoin any
30 person from practicing physical therapy or acting as a physical
31 therapist's assistant, in violation of IC 25-27-1-2.**

32 SECTION 67. IC 25-30-1-21, AS AMENDED BY P.L.185-2007,
33 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2010]: **Sec. 21. (a) A person who violates this chapter
35 commits a Class A misdemeanor.**

36 (b) A person violates this chapter if the person is not exempt under
37 section 5 of this chapter, does not have a private investigator firm
38 license, and knowingly or intentionally:

- 39 (1) engages in the private investigator firm business;
40 (2) solicits or advertises for business as a private investigator
41 firm; or
42 (3) in any way represents to be a private investigator firm.

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1 (c) In addition to any other fine imposed on the person, the court
 2 shall fine the person convicted of an offense under subsection (b) the
 3 amount of compensation earned by the person in the commission of the
 4 offense. Notwithstanding IC 35-50-3-2, the total fine imposed under
 5 this section may exceed ten thousand dollars (\$10,000) if necessary to
 6 comply with this subsection.

7 (d) Each transaction under subsection (b) constitutes a separate
 8 offense.

9 (e) A complaint for a violation of this chapter ~~or for an injunction~~
 10 ~~under section 22 of this chapter~~ is sufficient if the complaint alleges
 11 that a person on a specific day in a specific county:

12 (1) engages in business as a private investigator firm;

13 (2) solicited or advertised for business as a private investigator
 14 firm; or

15 (3) represented to be a private investigator firm;

16 without a private investigator firm license.

17 (f) A person who knowingly or intentionally fails or refuses to
 18 surrender a private investigator firm license issued under this chapter
 19 when the license is revoked by the board commits a Class A
 20 misdemeanor.

21 SECTION 68. IC 25-30-1.3-23, AS AMENDED BY P.L.3-2008,
 22 SECTION 202, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2010]: Sec. 23. (a) A person who recklessly,
 24 knowingly, or intentionally violates this chapter commits a Class A
 25 misdemeanor.

26 (b) A person who is not exempt under section 6 of this chapter, who
 27 does not have a security guard agency license, and who recklessly,
 28 knowingly, or intentionally:

29 (1) engages in business as a security guard agency;

30 (2) solicits or advertises for business as a security guard agency;
 31 or

32 (3) in any way represents to be a security guard agency;
 33 commits a Class A misdemeanor.

34 (c) In addition to any other penalty imposed on the person, the court
 35 shall fine a person convicted of an offense under subsection (b) the
 36 amount of compensation earned by the person in the commission of the
 37 offense. Notwithstanding IC 35-50-3-2, the total fine imposed under
 38 this section may exceed ten thousand dollars (\$10,000) if necessary to
 39 comply with this subsection.

40 (d) Each transaction under subsection (b) constitutes a separate
 41 offense.

42 (e) A complaint for a violation of this chapter ~~or for an injunction~~

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1 under section 24 of this chapter is sufficient if the complaint alleges
2 that a person or business entity on a specific day in a specific county:

- 3 (1) engaged in business as a security guard agency;
- 4 (2) solicited or advertised for business as a security guard agency;
- 5 or
- 6 (3) represented to be a security guard agency;

7 without a security guard agency license.

8 (f) A person who recklessly, knowingly, or intentionally fails or
9 refuses to surrender a security guard agency license issued under this
10 chapter when the license is revoked by action of the board commits a
11 Class A misdemeanor.

12 SECTION 69. IC 25-34.1-6-2 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) A person who:

- 14 (1) performs the acts of a salesperson without a salesperson
15 license;
- 16 (2) performs the acts of a broker without a broker license; or
- 17 (3) conducts, or solicits or accepts enrollment of students for, a
18 course as prescribed in IC 25-34.1-3 without course approval;

19 commits a Class A infraction. Upon conviction for an offense under
20 this section, the court shall add to any fine imposed the amount of any
21 fee or other compensation earned in the commission of the offense.
22 Each transaction constitutes a separate offense.

23 (b) In all actions for the collection of a fee or other compensation for
24 performing acts regulated by this article, it must be alleged and proved
25 that, at the time the cause of action arose, the party seeking relief was
26 not in violation of this section.

27 (c) The commission may issue a cease and desist order to prevent
28 violations of this section:

29 (1) If the commission determines that a person is violating this
30 section; or is believed to be violating this section; the commission
31 may issue an order to that person setting forth the time and place
32 for a hearing at which the affected person may appear and show
33 cause as to why the challenged activities are not in violation of
34 this section:

35 (2) After an opportunity for hearing; if the commission determines
36 that the person is violating this section; the commission shall
37 issue a cease and desist order which shall describe the person and
38 activities which are the subject of the order:

39 (3) A cease and desist order issued under this section is
40 enforceable in the circuit courts of this state:

41 (d) The attorney general; the commission; or the prosecuting
42 attorney of any county in which a violation occurs may maintain an

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1 action in the name of the state to enjoin a person from violating this
2 section:

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

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

13 SECTION 70. IC 25-34.1-8-12, AS AMENDED BY P.L.3-2008,
14 SECTION 204, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2010]: Sec. 12. (a) A person who:

16 (1) performs:

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

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

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

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

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

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

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

40 (1) acted as:

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

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

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1 ~~(2) conducted, or solicited or accepted enrollment of students for~~
2 ~~a real estate appraiser course without course approval.~~

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

6 SECTION 71. IC 25-34.5-3-2 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. A person who
8 violates this chapter commits a Class B misdemeanor. ~~In addition to~~
9 ~~any other penalty imposed for a violation of this chapter, the board~~
10 ~~may, in the name of the state of Indiana through the attorney general,~~
11 ~~petition a circuit or superior court to enjoin the person who is violating~~
12 ~~this chapter from practicing respiratory care in violation of this chapter.~~

13 SECTION 72. IC 34-30-2-152.5, AS ADDED BY P.L.65-2006,
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2010]: Sec. 152.5. **(a)** IC 35-48-7-11.1(m) (Concerning
16 providing information to or obtaining information from the Indiana
17 scheduled prescription electronic collection and tracking program).

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

21 SECTION 73. IC 35-48-2-1 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) The board shall
23 administer this article and may recommend to the general assembly the
24 addition, deletion, or rescheduling of all substances listed in the
25 schedules in sections 4, 6, 8, 10, and 12 of this chapter by submitting
26 in an electronic format under IC 5-14-6 a report of such
27 recommendations to the legislative council. In making a determination
28 regarding a substance, the board shall consider the following:

- 29 (1) The actual or relative potential for abuse.
30 (2) The scientific evidence of its pharmacological effect, if
31 known.
32 (3) The state of current scientific knowledge regarding the
33 substance.
34 (4) The history and current pattern of abuse.
35 (5) The scope, duration, and significance of abuse.
36 (6) The risk to public health.
37 (7) The potential of the substance to produce psychic or
38 physiological dependence liability.
39 (8) Whether the substance is an immediate precursor of a
40 substance already controlled under this article.

41 (b) After considering the factors enumerated in subsection (a), the
42 board shall make findings and recommendations concerning the control

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1 of the substance if it finds the substance has a potential for abuse.

2 (c) If the board finds that a substance is an immediate precursor,
3 substances which are precursors of the controlled precursor shall not
4 be subject to control solely because they are precursors of the
5 controlled precursor.

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

14 (e) If a substance is rescheduled to a less restrictive schedule or
15 deleted as a controlled substance under federal law, the substance is
16 rescheduled or deleted under this article. If the board objects to
17 inclusion, rescheduling, or deletion of the substance, the board shall
18 notify the chairman of the legislative council not more than thirty (30)
19 days after the federal law is changed and the substance may not be
20 rescheduled or deleted until the conclusion of the next complete
21 session of the general assembly. The notice from the board to the
22 chairman of the legislative council must be published.

23 (f) ~~There is established a sixteen (16) member controlled substances~~
24 ~~advisory committee to serve as a consultative and advising body to the~~
25 ~~board in all matters relating to the classification, reclassification,~~
26 ~~addition to, or deletion from of all substances classified as controlled~~
27 ~~substances in schedules I to IV or substances not controlled or yet to~~
28 ~~come into being. In addition, The advisory committee board shall~~
29 ~~conduct hearings and make recommendations to the board regarding~~
30 ~~revocations, suspensions, and restrictions of registrations as provided~~
31 ~~in IC 35-48-3-4. All hearings shall be conducted in accordance with~~
32 ~~IC 4-21.5-3. The advisory committee shall be made up of:~~

33 ~~(1) two (2) physicians licensed under IC 25-22.5; one (1) to be~~
34 ~~elected by the medical licensing board of Indiana from among its~~
35 ~~members and one (1) to be appointed by the governor;~~

36 ~~(2) two (2) pharmacists; one (1) to be elected by the state board~~
37 ~~of pharmacy from among its members and one (1) to be appointed~~
38 ~~by the governor;~~

39 ~~(3) two (2) dentists; one (1) to be elected by the state board of~~
40 ~~dentistry from among its members and one (1) to be appointed by~~
41 ~~the governor;~~

42 ~~(4) the state toxicologist or the designee of the state toxicologist;~~

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1 (5) two (2) veterinarians, one (1) to be elected by the state board
 2 of veterinary medical examiners from among its members and one
 3 (1) to be appointed by the governor;

4 (6) one (1) podiatrist to be elected by the board of podiatric
 5 medicine from among its members;

6 (7) one (1) advanced practice nurse with authority to prescribe
 7 legend drugs as provided by IC 25-23-1-19.5 who is:

8 (A) elected by the state board of nursing from among the
 9 board's members; or

10 (B) if a board member does not meet the requirements under
 11 IC 25-23-1-19.5 at the time of the vacancy on the advisory
 12 committee; appointed by the governor;

13 (8) the superintendent of the state police department or the
 14 superintendent's designee;

15 (9) three (3) members appointed by the governor who have
 16 demonstrated expertise concerning controlled substances; and

17 (10) one (1) member appointed by the governor who is a
 18 psychiatrist with expertise in child and adolescent psychiatry.

19 (g) All members of the advisory committee elected by a board shall
 20 serve a term of one (1) year and all members of the advisory committee
 21 appointed by the governor shall serve a term of four (4) years. Any
 22 elected or appointed member of the advisory committee, may be
 23 removed for cause by the authority electing or appointing the member.
 24 If a vacancy occurs on the advisory committee, the authority electing
 25 or appointing the vacating member shall elect or appoint a successor to
 26 serve the unexpired term of the vacating member. The board shall
 27 acquire the recommendations of the advisory committee pursuant to
 28 administration over the controlled substances to be or not to be
 29 included in schedules I to V; especially in the implementation of
 30 scheduled substances changes as provided in subsection (d).

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

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

38 SECTION 74. IC 35-48-3-4 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. **Registration.** (a) The
 40 board shall register an applicant to manufacture or distribute controlled
 41 substances unless it determines that the issuance of that registration
 42 would be inconsistent with the public interest. In determining the

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public interest, the board shall consider:

- (1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;
- (2) compliance with applicable state and local law;
- (3) any convictions of the applicant under any federal and state laws relating to any controlled substance;
- (4) past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;
- (5) furnishing by the applicant of false or fraudulent material in any application filed under this article;
- (6) suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and
- (7) any other factors relevant to and consistent with the public health and safety.

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

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

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

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

SECTION 75. IC 35-48-3-5, AS AMENDED BY P.L.197-2007, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) An application for registration or reregistration submitted pursuant to and a registration issued under section 3 of this chapter to manufacture, distribute, or dispense a

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1 controlled substance may be denied, suspended, or revoked by the
 2 board upon a finding ~~by the advisory committee~~ that the applicant or
 3 registrant:

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

6 (2) has violated any state or federal law relating to any controlled
 7 substance;

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

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

14 (b) The board may limit revocation or suspension of a registration
 15 or the denial of an application for registration or reregistration to the
 16 particular controlled substance with respect to which grounds for
 17 revocation, suspension, or denial exist.

18 (c) If the board suspends or revokes a registration or denies an
 19 application for reregistration, all controlled substances owned or
 20 possessed by the registrant at the time of suspension or the effective
 21 date of the revocation or denial order may be placed under seal. The
 22 board may require the removal of such substances from the premises.
 23 No disposition may be made of substances under seal until the time for
 24 taking an appeal has elapsed or until all appeals have been concluded
 25 unless a court, upon application therefor, orders the sale of perishable
 26 substances and the deposit of the proceeds of the sale with the court.
 27 Upon a revocation or denial order becoming final, all controlled
 28 substances may be forfeited to the state.

29 (d) The board shall promptly notify the drug enforcement
 30 administration of all orders suspending or revoking registration, all
 31 orders denying any application for registration or reregistration, and all
 32 forfeitures of controlled substances.

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

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

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

SECTION 76. IC 35-48-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) Before recommending a denial, suspension, or revocation of a registration, or before refusing a renewal of registration, the ~~advisory committee board~~ shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended, or why the renewal should not be denied. The order to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the ~~advisory committee board~~ at a time and place not less than thirty (30) days after the date of service of the order, but in the case of a denial or renewal of registration the show cause order shall be served not later than thirty (30) days before the expiration of the registration. These proceedings shall be conducted in accordance with IC 4-21.5 without regard to any criminal prosecution or other proceeding. Proceedings to refuse renewal of registration shall not abate the existing registration, which shall remain in effect pending the outcome of the administrative hearing.

(b) The ~~advisory committee may recommend suspension; and the~~ board may suspend, without an order to show cause, any registration simultaneously with the institution of proceedings under section 4 of this chapter, or where renewal of registration is refused, if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the board or dissolved by a court of competent jurisdiction.

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

SECTION 77. IC 35-48-7-8.1, AS AMENDED BY

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1 P.L.182-2009(ss), SECTION 399, IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8.1. (a) ~~This section~~
 3 ~~applies after June 30, 2007.~~
 4 (b) The ~~advisory committee board~~ shall provide for a controlled
 5 substance prescription monitoring program that includes the following
 6 components:
 7 (1) Each time a controlled substance designated by the ~~advisory~~
 8 ~~committee board~~ under IC 35-48-2-5 through IC 35-48-2-10 is
 9 dispensed, the dispenser shall transmit to the INSPECT program
 10 the following information:
 11 (A) The controlled substance recipient's name.
 12 (B) The controlled substance recipient's or the recipient
 13 representative's identification number or the identification
 14 number or phrase designated by the INSPECT program.
 15 (C) The controlled substance recipient's date of birth.
 16 (D) The national drug code number of the controlled substance
 17 dispensed.
 18 (E) The date the controlled substance is dispensed.
 19 (F) The quantity of the controlled substance dispensed.
 20 (G) The number of days of supply dispensed.
 21 (H) The dispenser's United States Drug Enforcement Agency
 22 registration number.
 23 (I) The prescriber's United States Drug Enforcement Agency
 24 registration number.
 25 (J) An indication as to whether the prescription was
 26 transmitted to the pharmacist orally or in writing.
 27 (K) Other data required by the ~~advisory committee board~~.
 28 (2) The information required to be transmitted under this section
 29 must be transmitted not more than seven (7) days after the date on
 30 which a controlled substance is dispensed.
 31 (3) A dispenser shall transmit the information required under this
 32 section by:
 33 (A) uploading to the INSPECT web site;
 34 (B) a computer diskette; or
 35 (C) a CD-ROM disk;
 36 that meets specifications prescribed by the ~~advisory committee~~
 37 ~~board~~.
 38 (4) The ~~advisory committee board~~ may require that prescriptions
 39 for controlled substances be written on a one (1) part form that
 40 cannot be duplicated. However, the ~~advisory committee board~~
 41 may not apply such a requirement to prescriptions filled at a
 42 pharmacy with a Type II permit (as described in IC 25-26-13-17)

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1 and operated by a hospital licensed under IC 16-21, or
2 prescriptions ordered for and dispensed to bona fide enrolled
3 patients in facilities licensed under IC 16-28. The ~~committee~~
4 **board** may not require multiple copy prescription forms for any
5 prescriptions written. The ~~advisory committee~~ **board** may not
6 require different prescription forms for any individual drug or
7 group of drugs. Prescription forms required under this subdivision
8 must be ~~jointly approved by the committee and~~ by the Indiana
9 board of pharmacy established by IC 25-26-13-3.

10 (5) The costs of the program.

11 SECTION 78. IC 35-48-7-10.1, AS ADDED BY P.L.65-2006,
12 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2010]: Sec. 10.1. ~~(a) This section applies after June 30, 2007.~~

14 ~~(b)~~ **(a)** The INSPECT program must do the following:

15 (1) Create a data base for information required to be transmitted
16 under section 8.1 of this chapter in the form required under rules
17 adopted by the ~~advisory committee;~~ **board**, including search
18 capability for the following:

- 19 (A) A controlled substance recipient's name.
- 20 (B) A controlled substance recipient's or recipient
- 21 representative's identification number.
- 22 (C) A controlled substance recipient's date of birth.
- 23 (D) The national drug code number of a controlled substance
- 24 dispensed.
- 25 (E) The dates a controlled substance is dispensed.
- 26 (F) The quantities of a controlled substance dispensed.
- 27 (G) The number of days of supply dispensed.
- 28 (H) A dispenser's United States Drug Enforcement Agency
- 29 registration number.
- 30 (I) A prescriber's United States Drug Enforcement Agency
- 31 registration number.
- 32 (J) Whether a prescription was transmitted to the pharmacist
- 33 orally or in writing.
- 34 **(K) A controlled substance recipient's method of payment**
- 35 **for the controlled substance dispensed.**

36 (2) Provide the ~~advisory committee~~ **board** with continuing
37 twenty-four (24) hour a day online access to the data base.

38 (3) Secure the information collected and the data base maintained
39 against access by unauthorized persons.

40 ~~(c)~~ **(b)** The ~~advisory committee~~ **board** may execute a contract with
41 a vendor designated by the ~~advisory committee~~ **board** to perform any
42 function associated with the administration of the INSPECT program.

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1 ~~(d)~~ (e) The INSPECT program may gather prescription data from
 2 the Medicaid retrospective drug utilization review (DUR) program
 3 established under IC 12-15-35.

4 ~~(e)~~ (d) The ~~advisory committee board~~ may accept and designate
 5 grants, public and private financial assistance, and licensure fees to
 6 provide funding for the INSPECT program.

7 SECTION 79. IC 35-48-7-11.1, AS ADDED BY P.L.65-2006,
 8 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2010]: Sec. 11.1. ~~(a)~~ This section applies after June 30, 2007.

10 ~~(b)~~ (a) Information received by the INSPECT program under section
 11 8.1 of this chapter is confidential.

12 ~~(e)~~ (b) The ~~advisory committee board~~ shall carry out a program to
 13 protect the confidentiality of the information described in subsection
 14 ~~(b)~~: (a). The ~~advisory committee board~~ may disclose the information
 15 to another person only under subsection (c), (d), ~~(e)~~; or ~~(h)~~: (g).

16 ~~(d)~~ (c) The ~~advisory committee board~~ may disclose confidential
 17 information described in subsection ~~(b)~~ (a) to any person who is
 18 authorized to engage in receiving, processing, or storing the
 19 information.

20 ~~(e)~~ (d) Except as provided in subsections (e) and (f), and ~~(g)~~; the
 21 ~~advisory committee board~~ may release confidential information
 22 described in subsection ~~(b)~~ (a) to the following persons:

23 (1) A member of the board ~~the advisory committee~~, or another
 24 governing body that licenses practitioners and is engaged in an
 25 investigation, an adjudication, or a prosecution of a violation
 26 under any state or federal law that involves a controlled
 27 substance.

28 (2) An investigator for the consumer protection division of the
 29 office of the attorney general, a prosecuting attorney, the attorney
 30 general, a deputy attorney general, or an investigator from the
 31 office of the attorney general, who is engaged in:

- 32 (A) an investigation;
 33 (B) an adjudication; or
 34 (C) a prosecution;

35 of a violation under any state or federal law that involves a
 36 controlled substance.

37 (3) A law enforcement officer who is an employee of:

- 38 (A) a local, state, or federal law enforcement agency; or
 39 (B) an entity that regulates controlled substances or enforces
 40 controlled substances rules or laws in another state;

41 that is certified to receive information from the INSPECT
 42 program.

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- 1 (4) A practitioner or practitioner's agent certified to receive
- 2 information from the INSPECT program.
- 3 (5) A controlled substance monitoring program in another state
- 4 with which Indiana has established an interoperability agreement.
- 5 **(6) The state toxicologist.**
- 6 **(7) A certified representative of the Medicaid retrospective**
- 7 **and prospective drug utilization review program.**
- 8 **(8) A substance abuse assistance program for a licensed health**
- 9 **care provider who:**
 - 10 **(A) has prescriptive authority under IC 25; and**
 - 11 **(B) is participating in the assistance program.**
- 12 ~~(f)~~ **(e)** Information provided to an individual under:
 - 13 (1) subsection ~~(c)(3)~~ **(d)(3)** is limited to information:
 - 14 (A) concerning an individual or proceeding involving the
 - 15 unlawful diversion or misuse of a schedule II, III, IV, or V
 - 16 controlled substance; and
 - 17 (B) that will assist in an investigation or proceeding; and
 - 18 (2) subsection ~~(c)(4)~~ **(d)(4)** may be released only for the purpose
 - 19 of:
 - 20 (A) providing medical or pharmaceutical treatment; or
 - 21 (B) evaluating the need for providing medical or
 - 22 pharmaceutical treatment to a patient.
- 23 ~~(g)~~ **(f)** Before the ~~advisory committee board~~ releases confidential
- 24 information under subsection ~~(c)~~; **(d)**, the applicant must be approved
- 25 by the INSPECT program in a manner prescribed by the ~~advisory~~
- 26 ~~committee: board.~~
- 27 ~~(h)~~ **(g)** The ~~advisory committee board~~ may release to:
 - 28 (1) a member of the board ~~the advisory committee~~; or another
 - 29 governing body that licenses practitioners;
 - 30 (2) an investigator for the consumer protection division of the
 - 31 office of the attorney general, a prosecuting attorney, the attorney
 - 32 general, a deputy attorney general, or an investigator from the
 - 33 office of the attorney general; or
 - 34 (3) a law enforcement officer who is:
 - 35 (A) authorized by the state police department to receive the
 - 36 type of information released; and
 - 37 (B) approved by the ~~advisory committee board~~ to receive the
 - 38 type of information released;
- 39 confidential information generated from computer records that
- 40 identifies practitioners who are prescribing or dispensing large
- 41 quantities of a controlled substance.
- 42 ~~(i)~~ **(h)** The information described in subsection ~~(h)~~ **(g)** may not be

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1 released until it has been reviewed by:

2 (1) a member of the ~~advisory committee board~~ who is licensed in

3 the same profession as the prescribing or dispensing practitioner

4 identified by the data; or

5 (2) the ~~advisory committee's board's~~ designee;

6 and until that member or the designee has certified that further

7 investigation is warranted. However, failure to comply with this

8 subsection does not invalidate the use of any evidence that is otherwise

9 admissible in a proceeding described in subsection ~~(j)~~: **(i)**.

10 ~~(j)~~ **(i)** An investigator or a law enforcement officer receiving

11 confidential information under subsection **(c)**, **(d)**, ~~(e)~~, or ~~(h)~~ **(g)** may

12 disclose the information to a law enforcement officer or an attorney for

13 the office of the attorney general for use as evidence in the following:

14 (1) A proceeding under IC 16-42-20.

15 (2) A proceeding under any state or federal law that involves a

16 controlled substance.

17 (3) A criminal proceeding or a proceeding in juvenile court that

18 involves a controlled substance.

19 ~~(k)~~ **(j)** The ~~advisory committee board~~ may compile statistical

20 reports from the information described in subsection ~~(b)~~: **(a)**. The

21 reports must not include information that identifies any practitioner,

22 ultimate user, or other person administering a controlled substance.

23 Statistical reports compiled under this subsection are public records.

24 ~~(h)~~ **(k)** This section may not be construed to require a practitioner to

25 obtain information about a patient from the data base.

26 ~~(m)~~ **(l)** A practitioner is immune from civil liability for an injury,

27 death, or loss to a person solely due to a practitioner seeking or not

28 seeking information from the INSPECT program. The civil immunity

29 described in this subsection does not extend to a practitioner if the

30 practitioner receives information directly from the INSPECT program

31 and then negligently misuses this information. This subsection does not

32 apply to an act or omission that is a result of gross negligence or

33 intentional misconduct.

34 ~~(n)~~ **(m)** The ~~advisory committee board~~ may review the records of

35 the INSPECT program. If the ~~advisory committee board~~ determines

36 that a violation of the law may have occurred, the ~~advisory committee~~

37 **board** shall notify the appropriate law enforcement agency or the

38 relevant government body responsible for the licensure, regulation, or

39 discipline of practitioners authorized by law to prescribe controlled

40 substances.

41 **(n)** A practitioner who in good faith discloses information based

42 on a report from the INSPECT program to a law enforcement

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1 agency is immune from criminal or civil liability. A practitioner
2 that discloses information to a law enforcement agency under this
3 subsection is presumed to have acted in good faith.

4 SECTION 80. IC 35-48-7-11.5 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2010]: Sec. 11.5. (a) Each board of a health
7 care provider that prescribes or dispenses prescription drugs shall
8 do the following:

9 (1) Establish prescribing norms and dispensing guidelines for
10 the unsolicited dissemination of exception reports under
11 section 11.1(d) of this chapter.

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

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

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

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

26 (c) The board designee shall have the discretion to determine
27 whether to forward the exception report under subsection (b)(2) to
28 only either of the following for purposes of an investigation:

29 (1) A law enforcement agency.

30 (2) The attorney general.

31 SECTION 81. IC 35-48-7-12.1, AS ADDED BY P.L.65-2006,
32 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2010]: Sec. 12.1. (a) This section applies after June 30, 2007.

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

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

39 (2) Design for the creation of the data base required under section
40 10.1 of this chapter.

41 (3) Requirements for the development and installation of online
42 electronic access by the advisory committee board to information

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1 collected by the INSPECT program.
2 (4) Identification of emergency situations or other circumstances
3 in which a practitioner may prescribe, dispense, and administer a
4 prescription drug specified in section 8.1 of this chapter without
5 a written prescription or on a form other than a form specified in
6 section ~~8.1(b)(4)~~ **8.1(4)** of this chapter.

7 ~~(c)~~ **(b)** The ~~advisory committee~~ **board** may:
8 (1) set standards for education courses for individuals authorized
9 to use the INSPECT program;
10 (2) identify treatment programs for individuals addicted to
11 controlled substances monitored by the INSPECT program; **and**
12 (3) work with impaired practitioner associations to provide
13 intervention and treatment.

14 SECTION 82. THE FOLLOWING ARE REPEALED [EFFECTIVE
15 JULY 1, 2010]: IC 25-2.1-13-1; IC 25-6.1-7-3; IC 25-7; IC 25-8-3-3;
16 IC 25-8-3-4; IC 25-14-1-14; IC 25-19-1-14; IC 25-20.2-8-4;
17 IC 25-20.5-1; IC 25-21.5-11-1; IC 25-21.5-11-2; IC 25-22.5-8-4;
18 IC 25-23-1-27.2; IC 25-24-1-19; IC 25-26-13-28; IC 25-30-1-19.5;
19 IC 25-30-1-22; IC 25-30-1.3-24; IC 25-31-1-29; IC 25-32-1;
20 IC 25-33-1-16; IC 25-38.1-4-12; IC 35-48-1-4; IC 35-48-2-1.5;
21 IC 35-48-7-1.

22 SECTION 83. [EFFECTIVE JULY 1, 2010] **(a) The definitions in**
23 **IC 25-8, as amended by this act, apply to this SECTION.**

24 **(b) Any license by 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 **as effective on June 30, 2010, and before July 1, 2010, shall be**
29 **treated after June 30, 2010, as if the license had been issued by the**
30 **state board of cosmetology and barber examiners under**
31 **IC 25-8-3-1, as amended by this act.**

32 **(c) On July 1, 2010, all the powers, duties, orders, and liabilities**
33 **of 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);**
37 **concerning the examination, licensing, and disciplining of a person**
38 **licensed or an applicant applying for a license under IC 25-7**
39 **(before its repeal by this act) or IC 25-8, as amended by this act,**
40 **are transferred to the state board of cosmetology and barber**
41 **examiners under IC 25-8-3-1, as amended by this act.**

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

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1 (1) state board of barber examiners (IC 25-7-5-1 (before its
 2 repeal by this act)); or
 3 (2) state board of cosmetology examiners (IC 25-8-3-1);
 4 concerning the examination, licensing, and disciplining of a person
 5 licensed or an applicant applying for a license under IC 25-7
 6 (before its repeal by this act) or IC 25-8, as amended by this act,
 7 are transferred to the state board of cosmetology and barber
 8 examiners under IC 25-8-3-1, as amended by this act.
 9 (e) Any rules adopted by the:
 10 (1) state board of barber examiners (IC 25-7-5-1 (before its
 11 repeal by this act)); or
 12 (2) state board of cosmetology examiners (IC 25-8-3-1); and
 13 in effect on June 30, 2010, shall be treated as rules of the state
 14 board of cosmetology and barber examiners on July 1, 2010.
 15 (f) Notwithstanding IC 25-8-3-7, the initial terms of office of the
 16 members of the board appointed under IC 25-8-3-5 (as amended by
 17 this act) are as follows:
 18 (1) One (1) member appointed under IC 25-8-3-5(b)(1), as
 19 amended by this act, and one (1) member appointed under
 20 IC 25-8-3-5(b)(2), as amended by this act, three (3) years.
 21 (2) One (1) member appointed under IC 25-8-3-5(b)(2), as
 22 amended by this act, one (1) member appointed under
 23 IC 25-8-3-5(b)(3), as amended by this act, and one (1) member
 24 appointed under IC 25-8-3-5(b)(4), as amended by this act,
 25 two (2) years.
 26 (3) One (1) member appointed under IC 25-8-3-5(b)(1), as
 27 amended by this act, and one (1) member appointed under
 28 IC 25-8-3-5(b)(5), as amended by this act, one (1) year.
 29 The governor shall specify the terms of the cosmetologist and
 30 barber members described in subdivisions (1), (2), and (3) when
 31 making the initial appointments.
 32 (g) The initial terms of the appointed members begin July 1,
 33 2010.
 34 (h) This SECTION expires July 1, 2015.
 35 SECTION 84. [EFFECTIVE JULY 1, 2010] (a) Any license issued
 36 by the controlled substances advisory committee before its
 37 abolishment and effective on June 30, 2010, and before July 1,
 38 2010, shall be treated after June 30, 2010, as if the license had been
 39 issued by the Indiana board of pharmacy (IC 25-26).
 40 (b) On July 1, 2010, the powers, duties, orders, liabilities,
 41 property, and records of the controlled substances advisory
 42 committee, before its abolishment, concerning the investigation,

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1 **licensing, and disciplining of a person licensed or an applicant**
2 **applying for a license under IC 35-48, as amended by this act, are**
3 **transferred to the Indiana board of pharmacy (IC 25-26).**
4 **(c) This SECTION expires July 1, 2015.**
5 **SECTION 85. 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)~~ 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).
- ~~(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)~~ 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 25-34.1-2-1).
- ~~(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.**".

Re-number 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.

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