

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.

SENATE ENROLLED ACT No. 356

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

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

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

Chapter 14. Health Records and Identifying Information Protection

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

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

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

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

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

- (1) Take possession of.**
- (2) Store.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- (2) The state police department.
- (3) A prosecuting attorney.
- (4) Local law enforcement agencies.
- (5) Federal law enforcement agencies.

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

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

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

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

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

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

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

- (1) national criminal history; or
- (2) until July 1, 2010, limited criminal history, **unless the person is required to obtain a national criminal history background**

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check or an expanded criminal history check under subsection (b) or (c).

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

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

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

(1) a:

~~(A)~~ **(1) a national criminal history background check or an expanded criminal history check as required under subsection (a)(1); (b) or (c); or**

~~(B)~~ **(2) a limited criminal history as required by subsection (a)(2) until June 30, 2010; or (a).**

(2) a ~~determination concerning that person's national criminal history background check as required by:~~

~~(A) subsection (a)(1); or~~

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

SECTION 5. IC 16-27-2-5, AS AMENDED BY P.L.177-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2010]: Sec. 5. (a) Except as provided in subsection (b), a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 may not employ a person to

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provide services in a patient's or client's temporary or permanent residence if that person's limited criminal history, ~~or~~ national criminal history **background check, or expanded criminal history check** indicates that the person has been convicted of any of the following:

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

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

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

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.

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

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

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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.~~
- ~~(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.~~

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- ~~(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.

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" 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).

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- ~~(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 (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).

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- (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).~~

(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).~~
- ~~(10)~~ **(9)** Speech-language pathology and audiology board (IC 25-35.6-2).
- ~~(11)~~ **(10)** State psychology board (IC 25-33).

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

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

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

SECTION 12. 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:

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- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- ~~(4)~~ **(4)** State board of barber examiners ~~(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 25-15-9).
- ~~(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).

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- ~~(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.
- ~~(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.

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

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

(A) with notice; or

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

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

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

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

(c) A hearing conducted under this section must comply with the

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requirements under IC 4-21.5.

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

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

SECTION 14. 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

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certifying polygraph examiners under IC 25-30-2.

~~(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 15. 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

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(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).~~

~~(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

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provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

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

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

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

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SECTION 16. IC 25-1-9-1, AS AMENDED BY P.L.122-2009, 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).~~
- ~~(+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 25-27-1).
- ~~(+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).~~

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

SECTION 18. 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).~~

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- ~~(5)~~ **(4)** State athletic commission (IC 25-9-1).
- ~~(6)~~ **(5)** State board of cosmetology **and barber** examiners (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).

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

Chapter 16. Evaluation of Regulated Occupations

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

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

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

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

- (1) an unlimited license, certificate, or registration;**
- (2) a limited or probationary license, certificate, or registration;**
- (3) a temporary license, certificate, registration, or permit;**
- (4) an intern permit; or**
- (5) a provisional license;**

issued by the board regulating the regulated occupation in question.

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

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



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

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

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

(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.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) governor;**
- (2) health finance commission; and**
- (3) legislative services agency;**

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

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

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

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

SECTION 21. 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 22. 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 23. 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 24. 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 25. 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 26. IC 25-8-2-2.6, AS ADDED BY P.L.78-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2.6. "Beauty culture professional" refers to the following:**

- (1) A cosmetologist licensed under IC 25-8-9.

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

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

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

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

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

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

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

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

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

(A) possess a current cosmetologist license; and

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

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

(A) possess a current barber license; and

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

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

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

- ~~(1) owners of;~~
- ~~(2) operators of;~~
- ~~(3) members of the board of directors of;~~

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(4) employees of; or
 (5) contractors with;
 a cosmetology school.

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

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

SECTION 31. IC 25-8-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. No more than ~~four~~ **five (5)** members of the board may belong to the same political party.

SECTION 32. IC 25-8-3-23, AS AMENDED BY P.L.197-2007, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 23. (a) The board shall adopt rules under IC 4-22-2 to:

(1) prescribe sanitary requirements for:

- (A) cosmetology salons;
- (B) electrology salons;
- (C) esthetic salons;
- (D) manicuring salons; ~~and~~
- (E) cosmetology schools;
- (F) barber shops; and**
- (G) barber schools;**

(2) establish standards for the practice of cosmetology and the operation of:

- (A) cosmetology salons;
- (B) electrology salons;
- (C) esthetic salons;
- (D) manicuring salons; ~~and~~
- (E) cosmetology schools;
- (F) barber shops; and**
- (G) barber schools;**

(3) implement the licensing system under this article and provide for a staggered renewal system for licenses; and

(4) establish requirements for cosmetology school uniforms for students and instructors.

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

- (1) Sanitation standards.
- (2) Safety requirements.
- (3) Permanent address requirements at which the following are

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located:

- (A) Records of appointments.
- (B) License numbers of employees.
- (C) If applicable, the vehicle identification number of the license holder's self-contained facility.
- (4) Enforcement actions to ensure compliance with the requirements under this article and all local laws and ordinances.

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

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

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

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

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

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

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

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

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during its regular business hours.

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

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

before an initial license is issued.

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

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

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

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

- ~~(1) licensed student in a barber under IC 25-7;~~ **school;**
- (2) commissioned medical or surgical officer of the United States armed forces;
- (3) chiropractor (as defined by IC 25-10-1-1(2));
- (4) embalmer (as defined by IC 25-15-2-8);
- (5) funeral director (as defined by IC 25-15-2-12);
- (6) registered nurse (as defined by IC 25-23-1-1.1(a));
- (7) licensed practical nurse (as defined by IC 25-23-1-1.2);
- (8) physician (as defined by IC 25-22.5-1-1.1(g));
- (9) podiatrist (as defined by IC 25-29-1-13);
- (10) person conducting an educational activity involving cosmetology at a scheduled meeting of an association that:
 - (A) recognizes a group of its members as cosmetologists; and
 - (B) is not open to persons who are not licensed under this chapter; or
- (11) student in a cosmetology school.

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

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

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

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

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

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

(d) This subsection applies only to applications for an electrologist license under IC 25-8-10. If the jurisdiction issuing a license does not impose substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice as an electrologist is

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equal to one hundred (100) hours of education to an applicant who has completed at least two hundred (200) hours of education.

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

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

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

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

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

SECTION 40. IC 25-8-4-7, AS AMENDED BY P.L.157-2006, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Each applicant must pass a final practical

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demonstration examination of the acts permitted by the license. The applicant's cosmetology school **or barber school** shall administer the final practical demonstration examination.

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

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

(2) may be administered through computer based testing.

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

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

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

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

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

SECTION 44. IC 25-8-4-17, AS AMENDED BY P.L.177-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. (a) Except for an instructor license issued under subsection (d), **or** IC 25-8-6-1, **or IC 25-8-6.4**, a license issued under this article expires on a date specified by the licensing agency under IC 25-1-6-4 and expires four (4) years after the initial expiration date.

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

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subsection concurrently with the instructor's practitioner license.

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

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

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

Chapter 6.3. Barber School Licenses

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

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

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

- (1) the proposed school will require students to successfully complete at least one thousand five hundred (1,500) hours of course work as a requirement for graduation;**
- (2) not more than ten (10) hours of course work may be taken by a student during one (1) day;**
- (3) the course work will provide instruction to students in all theories and practical applications of barbering, including:**
 - (A) the scientific fundamentals for barbering, hygiene, and bacteriology;**
 - (B) the histology of hair, skin, muscles, and nerves;**
 - (C) the structure of the head, face, and neck;**
 - (D) elementary chemistry relating to sterilization and antiseptics;**
 - (E) cutting, shaving, arranging, dressing, coloring, bleaching, tinting, and permanent waving of the hair; and**
 - (F) at least ten (10) hours of study on skin and diseases of the skin under a certified dermatologist;**
- (4) the school will provide one (1) instructor for each group of twenty (20) or fewer students;**
- (5) the school will be operated under the personal supervision of a licensed barber instructor;**
- (6) the applicant has obtained:**
 - (A) a building permit;**
 - (B) a certificate of occupancy; or**
 - (C) any other planning approval required under IC 22-15-3 and IC 36-7-4;**

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required to operate the school;

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

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

(B) have a separate entrance;

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

(A) administer; and

(B) require a student to pass;

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

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

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

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

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

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

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

(1) As a result of a complaint received.

(2) As part of random observations.

(3) To collect data.

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

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

(1) that complies with standards established by the board;

(2) at each entrance used by the school's customers; and

(3) that states that students perform barbering in the establishment.

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

Chapter 6.4. Barber Instructor Licenses

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

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

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

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

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

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

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

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

Chapter 8.1. Barber Shop Licenses

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

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

- (1) select a site for the barber shop that, if located in the same building as a residence:**
 - (A) is separated from the residence by a substantial floor to ceiling partition; and**

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- (B) has a separate entrance from the residence;**
- (2) obtain:**
 - (A) a building permit;**
 - (B) a certificate of occupancy; or**
 - (C) any other approval action required under IC 22-15-3 and IC 36-7-4;**

required to operate the barber shop;

- (3) install furnishings and obtain shop equipment required under rules adopted by the board; and**
- (4) submit a verified statement on a form prescribed by the board that the barber shop will be under the personal supervision of a barber licensed under this article.**

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

- (1) complied with section 2 of this chapter; and**
- (2) paid the fee for the license set forth in IC 25-8-13.**

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

The sign must:

- (1) be clearly visible to a customer entering the establishment at the shop's main public entrance; and**
- (2) state in legible printing that the establishment is licensed as a barber shop.**

Sec. 5. (a) If:

- (1) the board cannot determine whether an applicant has complied with section 2 of this chapter at the time the application is filed; and**
- (2) the board determines that more than fifteen (15) days are required to determine if the applicant has complied with section 2 of this chapter;**

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

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

- (1) the board approves or denies the application for a license under this chapter; or**
- (2) three (3) months after the issuance of the temporary license;**

whichever occurs first.

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

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Chapter 12.1. Barber Licenses

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

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

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

(1) is either:

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) employs; or

(B) leases or subleases a part of a shop to; the person licensed under this chapter; and

(2) complies with any other practice restrictions established by the board under this chapter.

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

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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 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

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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 49. 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 50. 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 51. 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
- (3) an electrology instructor license.

(b) The board shall charge a fee established under IC 25-1-8-6 for reinstating an instructor license.

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

- (1) a cosmetology salon license;
- (2) an electrology salon license;
- (3) an esthetic salon license; **or**
- (4) a manicurist salon license; **or**
- (5) a barber shop license.**

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

- (1) a cosmetology salon license;
- (2) an electrology salon license;
- (3) an esthetic salon license; **or**
- (4) a manicurist salon license; **or**
- (5) a barber shop license.**

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

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

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

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

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

- (1) is a cosmetologist, a manicurist, an electrologist, an esthetician, **a barber**, or an instructor; and
- (2) knowingly performs any act authorized by a license issued under this article while the person has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact;

commits a Class C infraction.

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

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C infraction.

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

- (1) profess to be a **social worker**, licensed social worker, or licensed clinical social worker;
- (2) use the title:
 - (A) "**social worker**";
 - ~~(A)~~ (B) "licensed social worker";
 - ~~(B)~~ (C) "licensed clinical social worker";
 - ~~(C)~~ (D) "clinical social worker";
 - ~~(D)~~ (E) "psychiatric social worker"; or
 - ~~(E)~~ (F) "psychosocial worker";
- (3) use any other title containing the words "**social worker**", "licensed social worker", or "licensed clinical social worker";
- (4) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a **social worker**, licensed social worker, or licensed clinical social worker; or
- (5) practice as a **social worker**, licensed social worker, or clinical social worker for compensation;

unless the individual is licensed under this article.

SECTION 56. 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 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

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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, IC 25-22.5, or IC 25-33.

SECTION 57. 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.**

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

- (1) Furnish satisfactory evidence to the board that the individual has:
 - (A) received a master's or doctor's degree in an area related to mental health counseling from:
 - (i) an eligible postsecondary educational institution that meets the requirements under section 2 of this chapter; or
 - (ii) a foreign school that has a program of study that meets the requirements under section 2 of this chapter;
 - (B) completed the educational requirements under section 3 of this chapter; and
 - (C) completed the experience requirements under section 4 of this chapter.
- (2) Furnish satisfactory evidence to the board that the**

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individual:

(A) except as provided in section 1.7 of this chapter, holds a mental health counselor associate, in good standing, issued under section 7 of this chapter; or

(B) is licensed or certified to practice as a mental health counselor in another state and is otherwise qualified under this chapter.

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

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

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

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

SECTION 59. 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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endangering the public.

(4) Pay the fee established by the board.

(5) Pass an examination provided by the board.

SECTION 60. 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 experience required under section 4 of this chapter, and apply for a mental health counselor license at the conclusion of the doctoral program.

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

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

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

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

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

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

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

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

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

(2) Not less than one (1) supervised clinical practicum, internship, or field experience in a counseling setting, which must include a minimum of one thousand (1,000) clock hours consisting of one (1) practicum of one hundred (100) hours, one (1) internship of six hundred (600) hours, and one (1) advanced internship of three hundred (300) hours with at least one hundred (100) hours of face to face supervision. This requirement may be met by a supervised practice experience that took place away from an eligible postsecondary educational institution but that is certified by an official of the eligible postsecondary educational institution as being equivalent to a clinical mental health graduate level practicum or internship program at an institution accredited by an accrediting agency approved by the United States Department of Education or the Association of Universities and Colleges of Canada.

SECTION 63. IC 25-23.6-8.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. **(a) As used in this**

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section, "first available examination" means the first examination after the date of an individual's:

- (1) graduation; or
- (2) moving into Indiana;

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

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

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

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

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

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

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

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

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

- (1) retain the hours accumulated before taking the examination;
- (2) continue working; and
- (3) not accumulate any additional hours toward licensure as a mental health counselor until passing the examination.

(h) If an individual does not take the first available examination, the individual may not begin accumulating any postdegree clinical

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experience hours toward licensure as a mental health counselor until the individual passes the examination.

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

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

may take the examination provided by the board.

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

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

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

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

- (b) An individual may renew a **mental health counselor** license by:
 - (1) paying a renewal fee on or before the expiration date of the license; and
 - (2) completing at least twenty (20) hours of continuing education per licensure year.

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

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

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

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

(c) The board may renew a mental health counselor associate

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license for additional periods based on circumstances determined by the board.

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

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

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

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

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

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

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

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

(b) This SECTION expires June 30, 2015.

SECTION 70. IC 25-26-13-4.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4.3. (a) **Any rules adopted by the**

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controlled substances advisory committee (IC 35-48-2-1 (before its abolishment)) before July 1, 2010, shall be treated as rules of the Indiana board of pharmacy (IC 25-26).

(b) This section expires July 1, 2015.

SECTION 71. IC 25-34.1-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) A person who:

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

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

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

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

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

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

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

(d) The attorney general; the commission; or the prosecuting attorney of any county in which a violation occurs may maintain an action in the name of the state to enjoin a person from violating this section:

(e) In charging any person in a complaint for an injunction or in affidavit; information; or indictment with the violation of the provisions of this section; it is sufficient; without averring any further or more particular facts; to charge that the person upon a certain day and in a certain county either acted as a real estate broker or salesperson not

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having a license or conducted, or solicited or accepted enrollment of students for; a broker or salesperson course without course approval:

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

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

(1) performs:

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

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

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

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

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

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

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

(1) acted as:

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

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

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

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

SECTION 73. IC 25-39-1.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. For the purposes of

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this article, the occupation of a ~~licensed water well driller licensee~~ is a regulated occupation under IC 25-1-7-1.

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

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

- (1) A person who installs a well that:
 - (A) is for personal use; and
 - (B) is not greater than one and one-fourth (1 1/4) inches inside diameter and not greater than twenty-four (24) feet deep.
- (2) A plumber who:
 - (A) is licensed under IC 25-28.5;
 - (B) is registered with the department under section 4 of this chapter; and
 - (C) installs wells that are not greater than one and one-fourth (1 1/4) inches inside diameter and not greater than twenty-four (24) feet deep.
- (3) A person who installs or repairs a water well pump or water well pumping equipment for personal use.**
- (4) A person who is working under the direction and personal supervision of a person who holds a license.**

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

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

SECTION 78. IC 25-39-2-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 12.5. "Licensee" refers to a person who has been issued a water well driller's and water well pump installer's license issued by the department under this article.**

SECTION 79. IC 25-39-2-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 15.5. "Water well pump**

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installer" means a person who installs or repairs water well pumps.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Is at least eighteen (18) years of age.**
- (2) Furnishes evidence that the applicant has installed water well pumps for at least three (3) years.**
- (3) Furnishes references from three (3) individuals who are licensed under this article and who are familiar with the applicant's experience and competency.**
- (4) Complies with the requirements under section 2 of this chapter.**

(c) This section expires July 1, 2011.

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

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

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

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

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

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

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

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

- (1) Placement of wells.
- (2) Well drilling procedures.
- (3) Operation of well drilling **and water well pump** equipment.
- (4) Contamination precautions.
- (5) Well casing **and water well pump** specification and installation.
- (6) Well grouting procedures.
- (7) Well screen design and installation.
- (8) Pitless adapter units.
- (9) Installation of pumping apparatus.
- (10) Well disinfection techniques.
- (11) Sealing and plugging abandoned wells.
- (12) Other generally accepted standards relating to the drilling, operation, or abandonment of wells.

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

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

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

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

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

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

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

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

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

SECTION 90. IC 25-39-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 6. Continuing Education

Sec. 1. Except as provided in section 6 of this chapter, a licensee who has held a license for at least one (1) calendar year shall complete six (6) actual hours of continuing education before

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December 31 of each even-numbered year.

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

(1) A record of:

- (A) the number of hours the individual spent in the continuing education course;**
- (B) the name of the person or organization presenting the continuing education course;**
- (C) the date, location, and title of the continuing education course; and**
- (D) the number of hours of continuing education awarded for the course.**

(2) Verification that the individual attended the course.

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

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

(b) An application must include the following information:

- (1) The title of the course and subjects that will be presented.**
- (2) The name of the person or organization presenting the continuing education course.**
- (3) The date, location, and title of the continuing education course.**
- (4) The number of hours of continuing education to be offered.**
- (5) Course outlines for the subjects to be offered.**
- (6) The fee to be charged for each course.**
- (7) Any other information requested by the department.**

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

- (1) Water well construction.**
- (2) Pump installation and repair.**
- (3) Grouting.**

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- (4) Water sample collection and sampling.
- (5) Contamination of water supplies.
- (6) Other topics the department determines to be relevant for the continued improvement of the knowledge of a license holder.

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

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

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

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

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

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

SECTION 91. IC 34-30-2-152.5, AS ADDED BY P.L.65-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 152.5. (a) IC 35-48-7-11.1(m) (Concerning providing information to or obtaining information from the Indiana scheduled prescription electronic collection and tracking program).

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

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

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

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

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

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

(e) If a substance is rescheduled to a less restrictive schedule or deleted as a controlled substance under federal law, the substance is rescheduled or deleted under this article. If the board objects to inclusion, rescheduling, or deletion of the substance, the board shall notify the chairman of the legislative council not more than thirty (30) days after the federal law is changed and the substance may not be rescheduled or deleted until the conclusion of the next complete

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session of the general assembly. The notice from the board to the chairman of the legislative council must be published.

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

- (1) two (2) physicians licensed under IC 25-22.5; one (1) to be elected by the medical licensing board of Indiana from among its members and one (1) to be appointed by the governor;
- (2) two (2) pharmacists; one (1) to be elected by the state board of pharmacy from among its members and one (1) to be appointed by the governor;
- (3) two (2) dentists; one (1) to be elected by the state board of dentistry from among its members and one (1) to be appointed by the governor;
- (4) the state toxicologist or the designee of the state toxicologist;
- (5) two (2) veterinarians; one (1) to be elected by the state board of veterinary medical examiners from among its members and one (1) to be appointed by the governor;
- (6) one (1) podiatrist to be elected by the board of podiatric medicine from among its members;
- (7) one (1) advanced practice nurse with authority to prescribe legend drugs as provided by IC 25-23-1-19.5 who is:
 - (A) elected by the state board of nursing from among the board's members; or
 - (B) if a board member does not meet the requirements under IC 25-23-1-19.5 at the time of the vacancy on the advisory committee; appointed by the governor;
- (8) the superintendent of the state police department or the superintendent's designee;
- (9) three (3) members appointed by the governor who have demonstrated expertise concerning controlled substances; and
- (10) one (1) member appointed by the governor who is a psychiatrist with expertise in child and adolescent psychiatry.

(g) All members of the advisory committee elected by a board shall serve a term of one (1) year and all members of the advisory committee

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appointed by the governor shall serve a term of four (4) years. Any elected or appointed member of the advisory committee, may be removed for cause by the authority electing or appointing the member. If a vacancy occurs on the advisory committee, the authority electing or appointing the vacating member shall elect or appoint a successor to serve the unexpired term of the vacating member. The board shall acquire the recommendations of the advisory committee pursuant to administration over the controlled substances to be or not to be included in schedules I to V, especially in the implementation of scheduled substances changes as provided in subsection (d):

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

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

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

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

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

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

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

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

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

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

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examiners before issuing a registration to a person:

- (1) who seeks to conduct research or instructional activities with controlled substances in schedules I through IV; and**
- (2) whose activities constitute the practice of veterinary medicine (as defined by IC 25-38.1-1-12).**

(f) 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 95. 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 controlled substance may be denied, suspended, or revoked by the board upon a finding ~~by the advisory committee~~ that the applicant or registrant:

- (1) has furnished false or fraudulent material information in any application filed under this article;
- (2) has violated any state or federal law relating to any controlled substance;
- (3) has had ~~his~~ **the applicant's or registrant's** federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or
- (4) has failed to maintain reasonable controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels.

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

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

(d) The board shall promptly notify the drug enforcement

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administration of all orders suspending or revoking registration, all orders denying any application for registration or reregistration, and all forfeitures of controlled substances.

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

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

(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 96. 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.~~

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

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

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

- (A) The controlled substance recipient's name.
- (B) The controlled substance recipient's or the recipient representative's identification number or the identification number or phrase designated by the INSPECT program.
- (C) The controlled substance recipient's date of birth.
- (D) The national drug code number of the controlled substance dispensed.
- (E) The date the controlled substance is dispensed.
- (F) The quantity of the controlled substance dispensed.
- (G) The number of days of supply dispensed.
- (H) The dispenser's United States Drug Enforcement Agency registration number.
- (I) The prescriber's United States Drug Enforcement Agency registration number.
- (J) An indication as to whether the prescription was transmitted to the pharmacist orally or in writing.
- (K) Other data required by the ~~advisory committee~~ **board**.

(2) The information required to be transmitted under this section must be transmitted not more than seven (7) days after the date on

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which a controlled substance is dispensed.

(3) A dispenser shall transmit the information required under this section by:

- (A) uploading to the INSPECT web site;
- (B) a computer diskette; or
- (C) a CD-ROM disk;

that meets specifications prescribed by the ~~advisory committee~~ **board**.

(4) The ~~advisory committee~~ **board** may require that prescriptions for controlled substances be written on a one (1) part form that cannot be duplicated. However, the ~~advisory committee~~ **board** may not apply such a requirement to prescriptions filled at a pharmacy with a Type II permit (as described in IC 25-26-13-17) and operated by a hospital licensed under IC 16-21, or prescriptions ordered for and dispensed to bona fide enrolled patients in facilities licensed under IC 16-28. The ~~committee~~ **board** may not require multiple copy prescription forms for any prescriptions written. The ~~advisory committee~~ **board** may not require different prescription forms for any individual drug or group of drugs. Prescription forms required under this subdivision must be ~~jointly approved by the committee and~~ by the Indiana board of pharmacy established by IC 25-26-13-3.

(5) The costs of the program.

(b) This subsection applies only to a retail pharmacy. A pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance may not dispense a controlled substance to a person who is not personally known to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance unless the person taking possession of the controlled substance provides documented proof of the person's identification to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance.

SECTION 98. IC 35-48-7-10.1, AS ADDED BY P.L.65-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 10.1. ~~(a) This section applies after June 30, 2007.~~

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

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

- (A) A controlled substance recipient's name.

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(B) A controlled substance recipient's or recipient representative's identification number.

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

(D) The national drug code number of a controlled substance dispensed.

(E) The dates a controlled substance is dispensed.

(F) The quantities of a controlled substance dispensed.

(G) The number of days of supply dispensed.

(H) A dispenser's United States Drug Enforcement Agency registration number.

(I) A prescriber's United States Drug Enforcement Agency registration number.

(J) Whether a prescription was transmitted to the pharmacist orally or in writing.

(K) A controlled substance recipient's method of payment for the controlled substance dispensed.

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

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

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

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

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

SECTION 99. IC 35-48-7-11.1, AS ADDED BY P.L.65-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11.1. ~~(a)~~ This section applies after June 30, 2007.

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

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

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

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

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

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

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

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

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

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

that is certified to receive information from the INSPECT program.

(4) A practitioner or practitioner's agent certified to receive information from the INSPECT program.

(5) A controlled substance monitoring program in another state with which Indiana has established an interoperability agreement.

(6) The state toxicologist.

(7) A certified representative of the Medicaid retrospective and prospective drug utilization review program.

(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.**

~~(f)~~ **(e)** Information provided to an individual under:

(1) subsection ~~(e)~~ ~~(3)~~ **(d)**(3) is limited to information:

- (A) concerning an individual or proceeding involving the unlawful diversion or misuse of a schedule II, III, IV, or V controlled substance; and
- (B) that will assist in an investigation or proceeding; and

(2) subsection ~~(e)~~ ~~(4)~~ **(d)**(4) may be released only for the purpose of:

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

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

~~(h)~~ **(g)** The ~~advisory committee board~~ may release to:

- (1) a member of the board ~~the advisory committee~~; or another governing body that licenses practitioners;
- (2) an investigator for the consumer protection division of the office of the attorney general, a prosecuting attorney, the attorney general, a deputy attorney general, or an investigator from the office of the attorney general; or
- (3) a law enforcement officer who is:
 - (A) authorized by the state police department to receive the type of information released; and
 - (B) approved by the ~~advisory committee board~~ to receive the type of information released;

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

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

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

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

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

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

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

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reports from the information described in subsection ~~(b)~~: **(a)**. The reports must not include information that identifies any practitioner, ultimate user, or other person administering a controlled substance. Statistical reports compiled under this subsection are public records.

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

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

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

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

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

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

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

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

(1) A report of prescriptive activity of a practitioner to the practitioner's professional licensing board designee when the practitioner deviates from the dispensing guidelines or the

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prescribing norms for the prescribing of a controlled substance within a particular drug class.

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

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

(1) A law enforcement agency.

(2) The attorney general.

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

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

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

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

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

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

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

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

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

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

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

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

(b) Any license by the:

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

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

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

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

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

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

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

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

(e) Any rules adopted by the:

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

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

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

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

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

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two (2) years.

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

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

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

(h) This SECTION expires July 1, 2015.

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

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

(c) This SECTION expires July 1, 2015.

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

(b) This SECTION expires December 1, 2010.

SECTION 106. An emergency is declared for this act.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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