

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1233

Citations Affected: IC 2-5-33.3; IC 4-5-1-11; IC 4-10-18-10; IC 4-12; IC 4-15; IC 5-2-1; IC 6-1.1-10; IC 8-10-9-3; IC 9-17-3-3.1; IC 9-27-2-4; IC 10-17-9-8; IC 12-7-2; IC 12-10-6-5; IC 12-11-2.1-1; IC 12-15-41; IC 12-28-5-10; IC 14-8-2; IC 14-13-1; IC 15-15-8; IC 16-18-2; IC 16-19-15; IC 16-21; IC 16-25-3-2.5; IC 16-27; IC 16-28; IC 16-29; IC 25-1; IC 25-2.1; IC 25-19-1-5; IC 25-23.5; IC 25-26; IC 25-27-1-5; IC 25-27.5; IC 34-30-2-98.3; IC 34-46-2-17; IC 36-7-13.5; IC 36-7.5.

Synopsis: State boards, commissions, and professional licensing. Conference committee report for EHB 1233. Establishes the interim study committee on insurance. Redefines "class I child care home" to include full-day kindergarten level children as part of the three additional children that may be served during the school year. Creates the health care facility advisory council and transfers the duties of the hospital council, the home health care services and hospice services council, and the Indiana health facilities council to the health care facility advisory council. Establishes a 30 day grace period for individuals who do not renew a professional license before expiration under certain conditions. Changes the phrase "quality review" to "peer review" for purposes of laws governing public accountancy beginning July 1, 2012. Permits a peer review rating of fail to be used in disciplining a certified public accountant or public accounting firm after June 30, 2012. Specifies that an accountant must return to a client certain client records within 45 days. Provides civil immunity to a person engaged in a quality review or peer review or administering a quality review or peer review program. Requires occupational therapist assistants to be licensed. Specifies requirements for outpatient pharmacy drug therapy protocols. Removes certain limitations on physician assistants (PA) prescribing and dispensing certain drugs and controlled substances. Requires that the supervising physician or physician designee review specified percentages of PA patient encounters within 72 hours based on the PAs years of practice. Requires the medical licensing board to adopt rules concerning continuing competency requirements for physical therapists and physical therapist assistants before license or certification renewal. Allows a pharmacist to administer a shingles vaccine to a group of individuals under a drug order, a prescription, or according to a protocol approved by a physician. Eliminates the law enforcement training board advisory council. Repeals the personnel advisory board (IC 4-15-1, IC 4-15-2-2.2, and IC 4-15-2.5-2); motor vehicle sales advisory board (IC 9-23-1); operation lifesaver program (IC 9-27-2-12; Medicaid work incentives council (IC 12-15-42); New Harmony commission (IC 14-20-4); hospital council (IC 16-21-1); home health care services and hospice services council (IC 16-27-0.5); Indiana health facilities council

(IC 16-28-1); and mandated health benefits task force (IC 27-1-3-30). Repeals the following entities: (1) Indiana tobacco use prevention and cessation advisory board. (2) Indiana health care account advisory board. (3) Indiana occupational information coordinating committee. (4) White River State Park Development Commission advisory councils. (5) Indiana organic peer review panel. Combines the Lake Michigan marina development commission and the shoreline development commission into a Lake Michigan marina and shoreline development commission. Requires the health care finance study committee to study licensure of: (1) brain injury care providers; and (2) diabetes educators. Makes conforming changes. **(This conference committee report adds language from SB 223 that redefines "class I child care home" to include full-day kindergarten level children as part of the three additional children that may be served during the school year. This conference committee used the language from SB 366 for membership on the health care facility advisory council. This conference committee report removes provisions that create a two month amnesty program for accountants who failed to renew licenses and meet certain requirements during a specified period. This conference committee report uses the house language dealing with physician assistants. This conference committee report removes a reference to profit and nonprofit hospitals in the health care facility advisory council. This conference committee report removes a provision allowing electronic prescriptions from a practitioner for certain drugs. (The language has already passed.) This conference committee report removes a reference to a drug regimen protocol. This conference committee report allows a pharmacist to administer a shingles vaccine to a group of individuals under a drug order, a prescription, or according to a protocol approved by a physician. This conference committee report removes the repealer, added in the senate, of the public officers compensation advisory commission. This conference committee report requires the health care finance study committee to study licensure of: (1) brain injury care providers; and (2) diabetes educators.)**

Effective: July 1, 2011.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1233 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 2-5-33.3 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]:
5 **Chapter 33.3. Interim Study Committee on Insurance**
6 **Sec. 1. As used in this chapter, "committee" refers to the**
7 **interim study committee on insurance established by section 2 of**
8 **this chapter.**
9 **Sec. 2. (a) There is established the interim study committee on**
10 **insurance.**
11 **(b) The committee shall study insurance in Indiana as follows:**
12 **(1) Issues determined by the chairperson of the committee.**
13 **(2) Issues assigned by the legislative council.**
14 **(3) Issues regulated under IC 27.**
15 **(4) Worker's compensation insurance.**
16 **(c) The committee shall, not later than November 1 of each year,**
17 **report the committee's findings and recommendations concerning**
18 **the committee's study under subsection (b) to the legislative council**
19 **in an electronic format under IC 5-14-6.**
20 **Sec. 3. Except as otherwise provided in this chapter, the**
21 **committee shall operate under the policies governing study**

1 **committees adopted by the legislative council.**

2 **Sec. 4. (a) The committee consists of the following voting**
3 **members:**

4 **(1) Four members of the senate standing committee having**
5 **primary responsibility for insurance matters, not more than**
6 **two (2) of whom may be members of the same political party,**
7 **appointed by the president pro tempore of the senate.**

8 **(2) Four (4) members of the house of representatives standing**
9 **committee having primary responsibility for insurance**
10 **matters, not more than two (2) of whom may be members of**
11 **the same political party, appointed by the speaker of the**
12 **house of representatives.**

13 **(b) The chairperson of the senate standing committee having**
14 **primary responsibility for insurance matters shall serve as:**

15 **(1) chairperson of the committee beginning on May 1 of each**
16 **odd numbered year; and**

17 **(2) vice chairperson of the committee beginning on May 1 of**
18 **each even numbered year.**

19 **(c) The chairperson of the house of representatives standing**
20 **committee having primary responsibility for insurance matters**
21 **shall serve as:**

22 **(1) chairperson of the committee beginning on May 1 of each**
23 **even numbered year; and**

24 **(2) vice chairperson of the committee beginning on May 1 of**
25 **each odd numbered year.**

26 **Sec. 5. The affirmative votes of a majority of the voting**
27 **members appointed to the committee are required for the**
28 **committee to take action on any measure, including final reports.**

29 SECTION 2. IC 4-5-1-11, AS AMENDED BY P.L.106-2008,
30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2011]: Sec. 11. The secretary of state may adopt and enforce
32 rules under IC 4-22-2 that are necessary to carry out:

33 (1) IC 9-18-26;

34 (2) IC 9-22-4;

35 ~~(3) IC 9-23-1;~~

36 ~~(4)~~ (3) IC 9-23-2;

37 ~~(5)~~ (4) IC 9-23-3; and

38 ~~(6)~~ (5) IC 9-23-6.

39 SECTION 3. IC 4-10-18-10, AS AMENDED BY P.L.182-2009(ss),
40 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2011]: Sec. 10. (a) The state board of finance may lend money
42 from the fund to entities listed in subsections (e) through (k) for the
43 purposes specified in those subsections.

44 (b) An entity must apply for the loan before May 1, 1989, in a form
45 approved by the state board of finance. As part of the application, the
46 entity shall submit a plan for its use of the loan proceeds and for the
47 repayment of the loan. Within sixty (60) days after receipt of each
48 application, the board shall meet to consider the application and to
49 review its accuracy and completeness and to determine the need for the
50 loan. The board shall authorize a loan to an entity that makes an
51 application if the board approves its accuracy and completeness and

1 determines that there is a need for the loan and an adequate method of
2 repayment.

3 (c) The state board of finance shall determine the terms of each
4 loan, which must include the following:

5 (1) The duration of the loan, which must not exceed twelve (12)
6 years.

7 (2) The repayment schedule of the loan, which must provide that
8 no payments are due during the first two (2) years of the loan.

9 (3) A variable rate of interest to be determined by the board and
10 adjusted annually. The interest rate must be the greater of:

11 (A) five percent (5%); or

12 (B) two-thirds (2/3) of the interest rate for fifty-two (52) week
13 United States Treasury bills on the anniversary date of the
14 loan, but not to exceed ten percent (10%).

15 (4) The amount of the loan or loans, which may not exceed the
16 maximum amounts established for the entity by this section.

17 (5) Any other conditions specified by the board.

18 (d) An entity may borrow money under this section by adoption of
19 an ordinance or a resolution and, as set forth in IC 5-1-14, may use any
20 source of revenue to repay a loan under this section. This section
21 constitutes complete authority for the entity to borrow from the fund.
22 If an entity described in subsection (i) fails to make any repayments of
23 a loan, the amount payable shall be withheld by the auditor of state
24 from any other money payable to the consolidated city. If any other
25 entity described in this section fails to make any repayments of a loan,
26 the amount payable shall be withheld by the auditor of state from any
27 other money payable to the entity. The amount withheld shall be
28 transferred to the fund to the credit of the entity.

29 (e) A loan under this section may be made to a city located in a
30 county having a population of more than twenty-four thousand (24,000)
31 but less than twenty-five thousand (25,000) for the city's waterworks
32 facility. The amount of the loan may not exceed one million six
33 hundred thousand dollars (\$1,600,000).

34 (f) A loan under this section may be made to a city the territory of
35 which is included in part within the Lake Michigan corridor (as defined
36 in IC 14-13-3-2, **before its repeal**) for a marina development project.
37 As a part of its application under subsection (b), the city must include
38 the following:

39 (1) Written approval by the Lake Michigan marina development
40 commission of the project to be funded by the loan proceeds.

41 (2) A written determination by the commission of the amount
42 needed by the city, for the project and of the amount of the
43 maximum loan amount under this subsection that should be lent
44 to the city.

45 The maximum amount of loans available for all cities that are eligible
46 for a loan under this subsection is eight million six hundred thousand
47 dollars (\$8,600,000).

48 (g) A loan under this section may be made to a county having a
49 population of more than one hundred seventy thousand (170,000) but
50 less than one hundred eighty thousand (180,000) for use by the airport
51 authority in the county for the construction of runways. The amount of

1 the loan may not exceed seven million dollars (\$7,000,000). The
 2 county may lend the proceeds of its loan to an airport authority for the
 3 public purpose of fostering economic growth in the county.

4 (h) A loan under this section may be made to a city having a
 5 population of more than fifty-nine thousand (59,000) but less than
 6 fifty-nine thousand seven hundred (59,700) for the construction of
 7 parking facilities. The amount of the loan may not exceed three million
 8 dollars (\$3,000,000).

9 (i) A loan or loans under this section may be made to a consolidated
 10 city, a local public improvement bond bank, or any board, authority, or
 11 commission of the consolidated city, to fund economic development
 12 projects under IC 36-7-15.2-5 or to refund obligations issued to fund
 13 economic development projects. The amount of the loan may not
 14 exceed thirty million dollars (\$30,000,000).

15 (j) A loan under this section may be made to a county having a
 16 population of more than thirteen thousand five hundred (13,500) but
 17 less than fourteen thousand (14,000) for extension of airport runways.
 18 The amount of the loan may not exceed three hundred thousand dollars
 19 (\$300,000).

20 (k) A loan under this section may be made to Covington Community
 21 School Corporation to refund the amount due on a tax anticipation
 22 warrant loan. The amount of the loan may not exceed two million seven
 23 hundred thousand dollars (\$2,700,000), to be paid back from any
 24 source of money that is legally available to the school corporation.
 25 Notwithstanding subsection (b), the school corporation must apply for
 26 the loan before June 30, 2010. Notwithstanding subsection (c),
 27 repayment of the loan shall be made in equal installments over five (5)
 28 years with the first installment due not more than six (6) months after
 29 the date loan proceeds are received by the school corporation.

30 (l) IC 6-1.1-20 does not apply to a loan made by an entity under this
 31 section.

32 (m) As used in this section, "entity" means a governmental entity
 33 authorized to obtain a loan under subsections (e) through (k).

34 SECTION 4. IC 4-12-4-9 IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2011]: Sec. 9. In addition to any other power
 36 granted by this chapter, the executive board may:

- 37 (1) adopt an official seal and alter the seal at its pleasure;
- 38 (2) adopt rules, under IC 4-22-2, for the regulation of its affairs
 39 and the conduct of its business and prescribe policies in
 40 connection with the performance of its functions and duties;
- 41 (3) accept gifts, devises, bequests, grants, loans, appropriations,
 42 revenue sharing, other financing and assistance, and any other aid
 43 from any source and agree to and comply with conditions attached
 44 to that aid;
- 45 (4) make, execute, and effectuate any and all contracts,
 46 agreements, or other documents with any governmental agency or
 47 any person, corporation, limited liability company, association,
 48 partnership, or other organization or entity necessary or
 49 convenient to accomplish the purposes of this chapter, including
 50 contracts for the provision of all or any portion of the services the
 51 executive board considers necessary for the management and

1 operations of the executive board;
 2 (5) recommend legislation to the governor and general assembly;
 3 ~~and~~
 4 **(6) make recommendations to the governor, the budget**
 5 **agency, and the general assembly concerning the priorities for**
 6 **appropriation and distribution of money from the Indiana**
 7 **health care account established by IC 4-12-5-3; and**
 8 ~~(6)~~ (7) do any and all acts and things necessary, proper, or
 9 convenient to carry out this article.

10 SECTION 5. IC 4-12-5-1.5 IS ADDED TO THE INDIANA CODE
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 12 1, 2011]: **Sec. 1.5. As used in this chapter, "board" refers to the**
 13 **Indiana tobacco use prevention and cessation executive board**
 14 **created by IC 4-12-4-4.**

15 SECTION 6. IC 4-12-5-4 IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2011]: Sec. 4. Subject to appropriation by the
 17 general assembly, review by the budget committee, and approval by the
 18 budget agency, the auditor of state shall distribute money from the
 19 account to public or private entities or individuals for the
 20 implementation of programs concerning one (1) or more of the
 21 following purposes:

- 22 (1) The children's health insurance program established under
 23 IC 12-17.6.
- 24 (2) Cancer detection tests and cancer education programs.
- 25 (3) Heart disease and stroke education programs.
- 26 (4) Assisting community health centers in providing:
 - 27 (A) vaccinations against communicable diseases, with an
 28 emphasis on service to youth and senior citizens;
 - 29 (B) health care services and preventive measures that address
 30 the special health care needs of minorities (as defined in
 31 IC 16-46-6-2); and
 - 32 (C) health care services and preventive measures in rural
 33 areas.
- 34 (5) Promoting health and wellness activities.
- 35 (6) Encouraging the prevention of disease, particularly tobacco
 36 related diseases.
- 37 (7) Addressing the special health care needs of those who suffer
 38 most from tobacco related diseases, including end of life and long
 39 term care alternatives.
- 40 (8) Addressing minority health disparities.
- 41 (9) Addressing the impact of tobacco related diseases, particularly
 42 on minorities and females.
- 43 (10) Promoting community based health care, particularly in areas
 44 with a high percentage of underserved citizens, including
 45 individuals with disabilities, or with a shortage of health care
 46 professionals.
- 47 (11) Enhancing local health department services.
- 48 (12) Expanding community based minority health infrastructure.
- 49 (13) Other purposes recommended by the ~~Indiana health care trust~~
 50 ~~fund advisory board. established by section 5 of this chapter.~~

51 SECTION 7. IC 4-12-5-6 IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 2011]: Sec. 6. A public or private entity or an
 2 individual may submit an application to the board for a grant from the
 3 account. Each application must be in writing and contain the following
 4 information:

- 5 (1) A clear objective to be achieved with the grant.
- 6 (2) A plan for implementation of the specific program.
- 7 (3) A statement of the manner in which the proposed program will
 8 further the goals of the ~~Indiana tobacco use prevention and~~
 9 ~~cessation~~ board's mission statement and long range state plan
 10 under IC 4-12-4.
- 11 (4) The amount of the grant requested.
- 12 (5) An evaluation and assessment component to determine the
 13 program's performance.
- 14 (6) Any other information required by the ~~advisory~~ board.

15 The ~~advisory~~ board may adopt written guidelines to establish
 16 procedures, forms, additional evaluation criteria, and application
 17 deadlines.

18 SECTION 8. IC 4-15-1.8-7, AS AMENDED BY P.L.158-2006,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2011]: Sec. 7. (a) The department shall do the following:

- 21 (1) Develop personnel policies, methods, procedures, and
 22 standards for all state agencies.
- 23 (2) Formulate, establish, and administer position classification
 24 plans and salary and wage schedules, all subject to final approval
 25 by the governor.
- 26 (3) Allocate positions in the state agencies to their proper
 27 classifications.
- 28 (4) Approve employees for transfer, demotion, promotion,
 29 suspension, layoff, and dismissal.
- 30 (5) Rate employees' service.
- 31 (6) Arrange with state agency heads for employee training.
- 32 (7) Investigate the need for positions in the state agencies.
- 33 (8) Promulgate and enforce personnel rules.
- 34 (9) Make and administer examinations for employment and for
 35 promotions.
- 36 (10) Maintain personnel records and a roster of the personnel of
 37 all state agencies.
- 38 (11) Render personnel services to the political subdivisions of the
 39 state.
- 40 (12) Investigate the operation of personnel policies in all state
 41 agencies.
- 42 (13) Assist state agencies in the improvement of their personnel
 43 procedures.
- 44 (14) Conduct a vigorous program of recruitment of qualified and
 45 able persons for the state agencies.
- 46 (15) Advise the governor and the general assembly of legislation
 47 needed to improve the personnel system of this state.
- 48 (16) Furnish any information and counsel requested by the
 49 governor or the general assembly.
- 50 (17) Establish and administer an employee training and career
 51 advancement program.

- 1 (18) Administer the state personnel law, IC 4-15-2.
 2 (19) Institute an employee awards system designed to encourage
 3 all state employees to submit suggestions that will reduce the
 4 costs or improve the quality of state agencies.
 5 (20) Survey the administrative organization and procedures,
 6 including personnel procedures, of all state agencies, and submit
 7 to the governor measures to secure greater efficiency and
 8 economy, to minimize the duplication of activities, and to effect
 9 better organization and procedures among state agencies.
 10 (21) Establish, implement, and maintain the state aggregate
 11 prescription drug purchasing program established under
 12 IC 16-47-1, as approved by the budget agency.
 13 (b) Salary and wage schedules established by the department under
 14 subsection (a) must provide:
 15 (1) for the establishment of overtime policies, which must
 16 include:
 17 (A) definition of overtime;
 18 (B) determination of employees or classes eligible for
 19 overtime pay;
 20 (C) procedures for authorization;
 21 (D) methods of computation;
 22 (E) procedures for payment; and
 23 (F) a provision that there shall be no mandatory adjustments
 24 to an employee's established work schedule in order to avoid
 25 the payment of overtime; and
 26 (2) that an appointing authority is not required to reduce the
 27 salary of an employee who is demoted, unless the appointing
 28 authority determines that the salary reduction is warranted for
 29 disciplinary reasons or other good cause.
 30 ~~(c) The state personnel advisory board shall advise the director and~~
 31 ~~cooperate in the improvement of all the personnel policies of the state.~~
 32 ~~(c)~~ (c) The department shall establish programs of temporary
 33 appointment for employees of state agencies. A program established
 34 under this subsection must contain at least the following provisions:
 35 (1) A temporary appointment may not exceed one hundred eighty
 36 (180) working days in any twelve (12) month period.
 37 (2) The department may allow exceptions to the prohibition in
 38 subdivision (1) with the approval of the state budget agency.
 39 (3) A temporary appointment in an agency covered by IC 4-15-2
 40 is governed by the procedures of that chapter.
 41 (4) A temporary appointment does not constitute creditable
 42 service for purposes of the public employees' retirement program
 43 under IC 5-10.2 and IC 5-10.3. However, an employee who
 44 served in an intermittent form of temporary employment after
 45 June 30, 1986, and before July 1, 2003, shall receive creditable
 46 service for the period of temporary employment.
 47 SECTION 9. IC 4-15-2-2 IS AMENDED TO READ AS FOLLOWS
 48 [EFFECTIVE JULY 1, 2011]: Sec. 2. Except as provided in
 49 ~~IC 4-15-1.8-7(d)~~, IC 4-15-1.8-7(c), all persons covered on January 1,
 50 1966, by this chapter or coming under the provisions of this chapter
 51 after January 1, 1966, shall be eligible for, shall participate in, and shall

1 receive the benefits of the public employees retirement program as
2 provided by IC 5-10.2 and IC 5-10.3.

3 SECTION 10. IC 4-15-2-2.6 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.6. "Department"
5 means ~~the Indiana personnel advisory board~~; the state personnel
6 director and the employees of the ~~board and the~~ director.

7 SECTION 11. IC 4-15-2-5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. The ~~board~~
9 **department** is authorized and required to do the following:

10 (1) To make investigations concerning the enforcement and effect
11 of the provisions of this chapter.

12 (2) To keep minutes of its proceedings which shall be open to
13 public inspection.

14 ~~(3) To advise the state personnel director on matters pertaining to~~
15 ~~state personnel policies and practices.~~

16 SECTION 12. IC 4-15-2-6 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) The director shall
18 direct and supervise all administrative and technical activities. In
19 addition to the duties imposed elsewhere in this chapter, the director
20 shall do the following:

21 (1) Establish and maintain a roster of all employees in the state
22 service. Prepare or cause to be prepared and recommend a
23 classification and pay plan. Administer the classification and pay
24 plan. Allocate all positions in the state service to their proper
25 class. Formulate eligible lists. Certify persons qualified for
26 appointment. Certify employees for transfer, demotion,
27 promotion, suspension, layoff, and dismissal. Rate employees'
28 services. Arrange with heads of the divisions of the service for
29 employee training. Attend to and perform all other duties imposed
30 by this chapter.

31 (2) Appoint, under this chapter, such employees of the department
32 and such experts and special assistants as may be necessary to
33 carry out effectively this chapter.

34 (3) Investigate systems of appointment and promotion already in
35 operation in various departments or divisions of the state
36 government.

37 (4) Investigate and approve the need for positions, existing and to
38 be created, in the state service.

39 (5) Investigate from time to time the operation and effect of this
40 chapter and of the rules. ~~and report the director's findings and~~
41 ~~recommendations to the board.~~

42 (6) Administer, enforce, and make effective this chapter and the
43 rules. ~~Discharge all duties imposed upon the director by the~~
44 ~~board; and perform~~ **Perform** any other lawful acts which the
45 director may consider necessary or desirable to carry out the
46 purposes of this chapter.

47 (b) The director shall appoint one (1) or more employees of the
48 department to be the director's deputies.

49 (c) The director shall employ such expert or special examiners for
50 the conduct of tests as may be required. The director may select
51 officers or employees in the state service to act as examiners in the

1 preparation and rating of tests. An appointing authority may excuse any
 2 employee in the authority's division of the service from the employee's
 3 regular duties for the time required for work as an examiner. Officers
 4 and employees shall not be entitled to extra pay for their service as
 5 examiners, but shall be entitled to reimbursement for necessary
 6 traveling and other expense.

7 (d) The director shall adopt rules under IC 4-22-2 as the director
 8 may consider necessary, appropriate, or desirable to carry out this
 9 chapter.

10 (e) The director shall institute an employee awards system designed
 11 to encourage state employees to submit suggestions that will reduce the
 12 costs, or improve the quality, of state services. All full-time employees
 13 are eligible to receive suggestion awards except:

- 14 (1) members of boards and commissions;
- 15 (2) the chief executive officer of any agency or institution, the
 16 officer's principal deputies or assistants; or
- 17 (3) persons whose normal job duties include cost analyses.

18 (f) A state suggestion committee shall determine the amount of any
 19 award to be given under subsection (e). The state suggestion committee
 20 consists of the state personnel director, the director of the budget
 21 agency, and the state examiner of the state board of accounts. Any
 22 officer of state who is made a member of the suggestion committee
 23 may delegate that responsibility to a subordinate employee.

24 SECTION 13. IC 4-15-2-8 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) Whenever
 26 additional agencies or institutions are brought within the provisions of
 27 this chapter, either through a separate statute or by amendment to this
 28 chapter, persons in such agencies or institutions who are in and have
 29 been in positions or similar positions in the state service not theretofore
 30 subject to the merit provisions of this chapter shall be entitled to
 31 continue to hold such positions until they have an opportunity to
 32 acquire regular status. Persons who have been in the same or similar
 33 positions for six (6) months or more shall receive regular status by
 34 passing a noncompetitive qualifying examination for the classification
 35 to which their position has been allocated. Persons with less than six
 36 (6) months' service in the same or similar positions shall hold their
 37 positions temporarily subject to the entrance examination requirements
 38 of this chapter. All qualifying examinations shall be held within one (1)
 39 year after the agency or institution is brought under this chapter, unless
 40 the period for holding such examinations is extended by the board with
 41 adequate reasons for such extension made a part of the official minutes
 42 of the board.

43 (b) Upon the recommendation of the director, ~~and the approval of~~
 44 ~~the board~~, those employees in any department or division of the state
 45 government who have been appointed under a merit system
 46 satisfactorily complying with the provisions of this chapter may be
 47 brought into the classified service without examination and retain their
 48 existing position.

49 SECTION 14. IC 4-15-2-18, AS AMENDED BY P.L.3-2008,
 50 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 51 JULY 1, 2011]: Sec. 18. (a) The rating of each test shall be completed

1 and the resulting list established not later than thirty (30) days after the
2 date on which the test was held, unless such time is extended by the
3 director for reasons which the director shall record in the official
4 records of the department. The final earned rating of each person
5 competing in any test shall be determined by the weighted average of
6 the earned ratings of the test, according to weights for each phase
7 established by the director in advance of the giving of the test. The
8 names of all persons attaining the minimum final earned ratings
9 established by the director in advance of the giving of the tests shall be
10 placed upon the eligible list in order of their ratings. The names of
11 persons who have indicated in writing that they are unwilling to accept
12 appointment may be dropped from the list. All persons competing in
13 any test shall be given written notice of their final earned ratings.
14 Statements of former employers of the applicants shall be confidential.
15 A manifest error in rating a test shall be corrected if called to the
16 attention of the director, but such correction shall not invalidate any
17 appointment previously made from such a list.

18 (b) In certification for appointment, in appointment, in
19 reinstatement, and in reemployment in any state service, preference
20 shall be given to former members of the military services of the United
21 States who served on active duty in any branch of the armed forces and
22 who at no time received a discharge or separation under other than
23 honorable conditions, except corrected separation or discharge to read
24 "honorable" as evidenced by appropriate records presented from the
25 United States Department of Defense or appropriate branch of the
26 military service.

27 (c) Preference shall be given in the following priorities:

28 (1) Former members of the military service who have established
29 the present existence of a service connected disability of ten
30 percent (10%) or more, as evidenced by records of the United
31 States Department of Veterans Affairs or disability retirement
32 benefits as evidenced by laws administered by the United States
33 Department of Defense.

34 (2) The spouse of a veteran with a service connected disability
35 and the unremarried spouse of a deceased veteran.

36 (3) Those former members of the military service who are
37 wartime veterans.

38 (4) Veterans of the military service who served more than one
39 hundred eighty-one (181) days on active duty, regardless of when
40 served.

41 (d) In all written examinations to determine the qualifications of
42 applicants for entrance into state service:

43 (1) ten (10) points shall be added to the earned rating of persons
44 taking the competitive examination under subsection (c)(1) or
45 (c)(2);

46 (2) five (5) points shall be added to the earned ratings of persons
47 taking the competitive examination under subsection (c)(3); and

48 (3) two (2) points shall be added to the earned rating of persons
49 taking the competitive examination under subsection (c)(4).

50 (e) All points specified in subsection (d) shall be added to the total
51 combined test scores of the person and shall not be allocated to any

1 single feature or part of the competitive examination. Rating shall be
2 based on a scale of one hundred (100) points as the maximum
3 attainable.

4 (f) When veterans preference in state service employment is limited
5 to wartime veterans, this subsection applies for the purpose of defining
6 "war":

7 (1) World War II - December 7, 1941, to December 31, 1946.

8 (2) Korean Conflict - June 27, 1950, to January 31, 1955.

9 (3) Viet Nam Conflict - August 5, 1964, to May 7, 1975.

10 (4) Actual combat or duty equally hazardous, regardless of time,
11 or service in any foreign war, insurrection, or expedition, which
12 service is recognized by the award of a service or campaign medal
13 of the United States.

14 (5) Participation as a regularly assigned crew member of any
15 military craft in a mission in support of a military operation,
16 regardless of time, as designated by the armed forces of the
17 United States.

18 (g) Active duty consists of:

19 (1) ninety (90) days or more wartime service;

20 (2) ninety (90) days or more consecutive service which began or
21 ended during wartime period;

22 (3) ninety (90) days or more combined service in two (2) or more
23 wartime periods;

24 (4) service of less than ninety (90) days, if discharged for a
25 disability in the line of duty; or

26 (5) service qualifying under subsection (f)(4) or (f)(5), which
27 must be documented by appropriate records of the United States
28 Department of Defense.

29 (h) In examinations where experience is an element of qualification,
30 time spent in the armed forces of the United States shall be credited in
31 a veteran's rating where the veteran's actual employment in a similar
32 vocation to that for which the veteran is examined was interrupted by
33 such service. In all examinations to determine the qualifications of a
34 veteran applicant, credit shall be given for all valuable experience,
35 including experience gained in religious, civic, welfare, service, and
36 organizational activities, regardless of whether any compensation was
37 received for the experience.

38 (i) In determining qualifications for examination, appointment,
39 promotion, retention, transfer, or reinstatement, with respect to
40 preference eligibles, the department shall waive requirements as to age,
41 height, and weight, if the requirement is not essential to the
42 performance of the duties of the position for which examination is
43 given. The department, after giving due consideration to the
44 recommendation of any accredited physician, shall waive the physical
45 requirements in the case of any veteran, if the veteran is, in the opinion
46 of the director, physically able to discharge efficiently the duties of the
47 position for which the examination is given. No minimum educational
48 requirement may be prescribed in any civil service examination except
49 for such scientific, technical, or professional positions, the duties of
50 which the department decides cannot be performed by a person who
51 does not have such education. The director shall make a part of the

1 department's public records the director's reasons for such decision.

2 (j) The names of preference eligibles shall be entered on the
3 appropriate registers or lists of eligibles in accordance with their
4 respective augmented ratings. The name of a preference eligible shall
5 be entered ahead of all others having the same rating.

6 (k) The director shall adopt appropriate rules under IC 4-22-2 for
7 the administration and enforcement of this section.

8 (l) In any reduction in personnel in any state service, competing
9 employees shall be released in accordance with ~~board regulations~~
10 **rules**, which shall give due effect to tenure of employment, military
11 preference, length of service, and efficiency ratings. The length of time
12 spent in active service in the armed forces of the United States of each
13 such employee shall be credited in computing length of total service.
14 Veteran's preference points shall be added to the retention score of a
15 preference eligible. When any of the functions of any state agency are
16 transferred to, or when any state agency is replaced by, some other state
17 agency or agencies, all preference employees in the function or
18 functions transferred or in the agency replaced shall first be transferred
19 to the replacing agency or agencies for employment in positions for
20 which they are qualified, before the agency or agencies appoint
21 additional employees from any other sources for such positions.

22 (m) Any preference eligible who has resigned may, at the request of
23 any appointing officer, be certified for and appointed to any position
24 for which the preference eligible has been a regular employee in the
25 state service.

26 (n) Any preference eligible who has been furloughed or separated
27 without delinquency or misconduct, upon request, shall have the
28 preference eligible's name placed on all appropriate registers and
29 employment lists, for every position for which the preference eligible's
30 qualifications have been established.

31 (o) Applicants claiming preference of their own service must submit
32 either:

- 33 (1) original discharge or separation or certified copies or photostat
34 copies of the originals;
- 35 (2) an official statement from the United States Department of
36 Defense showing record of service; or
- 37 (3) an official statement from the United States Department of
38 Veterans Affairs supporting the claim for disability.

39 SECTION 15. IC 4-15-2-27 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 27. (a) In cooperation
41 with appointing authorities, the director shall establish, and may from
42 time to time amend, standards of performance and output for
43 employees in each class of positions in the classified service or for
44 groups of classes, and a system of service ratings based upon these
45 standards. In such manner and with such weight as shall be provided
46 in the rules, service ratings shall be considered:

- 47 (1) in determining salary increases and decreases within the limits
48 established by law and by the pay plan;
- 49 (2) as a factor in promotion tests;
- 50 (3) as a factor in determining the order of lay-off when forces are
51 reduced because of lack of funds or work, and the order in which

1 names are to be placed on reemployment lists; and
 2 (4) as a means of discovering employees who should be
 3 promoted, transferred, or who, because of their low-service value,
 4 should be demoted or dismissed.

5 In such manner and at such time as the rules may require, each
 6 appointing authority shall make and report to the director the service
 7 ratings of employees in his division of the service or such information
 8 as the director may request as a basis for determining the service
 9 ratings.

10 (b) All officers and employees of the state, shall, during usual
 11 business hours, grant to ~~the members of the board;~~ the director ~~and any~~
 12 ~~agent or employee of the board designated by it or him;~~ free access to
 13 the premises and records pertaining to personnel matters under their
 14 control and shall furnish them such facilities, assistance, and
 15 information as may be required in administering the provisions of this
 16 chapter.

17 SECTION 16. IC 4-15-2-30 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 30. Every appointment,
 19 transfer, promotion, demotion, dismissal, change of salary rate, absence
 20 from duty, and other temporary or permanent changes in the status of
 21 employees in both the unclassified and the classified service shall be
 22 reported to the director at such time, in such form, and together with
 23 such supporting or pertinent information, as the director may prescribe.
 24 The director shall maintain a perpetual roster of all officers and
 25 employees in the unclassified service and the classified service,
 26 showing for each such person the title of the position held, his
 27 departmental or other agency assignment, his salary rate, date of
 28 appointment, complete employment history, and such other data as the
 29 director considers pertinent. The director ~~shall also maintain such other~~
 30 ~~personnel records as he may consider desirable or as the board shall~~
 31 ~~direct;~~ and shall make available to the governor, the general assembly,
 32 the budget director, department and institution executives, and other
 33 persons having a proper interest therein tabulations and analyses of
 34 such personnel data as ~~he~~ **the director** has available.

35 SECTION 17. IC 4-15-2-31 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 31. (a) A public
 37 disbursing officer, auditing officer, or other fiscal officer of the state
 38 shall not draw, sign, or issue or authorize the drawing, signing, or
 39 issuing of any warrant or check upon the treasurer of state or another
 40 disbursing officer of the state for the payment of a salary or other
 41 compensation for personal services within the state service. The
 42 treasurer of state or another disbursing officer of the state shall not pay
 43 any salary or other compensation for personal services unless a payroll
 44 or account for the salary or other compensation containing the name of
 45 every person to be paid and the accounts to be paid to the person has
 46 been certified by the director or a person designated by the director to
 47 the effect that the persons named on the payroll or account are either
 48 in the unclassified service or have been appointed or otherwise
 49 established in their positions according to the provisions of this
 50 chapter, and that the payment of the amounts shown on the payroll or
 51 account will not violate the provisions of the pay plan or the rules

1 pertaining to the payment.

2 (b) Any payment violating the provisions of the pay plan or the rules
3 pertaining to the payment, or made to a person appointed or established
4 in the person's position in a manner contrary to the provisions of this
5 chapter, may be recovered from the appointing authority, the director,
6 or any officer or person making the payment, whichever is liable, or
7 from the sureties on the official bond for the officer or person. Action
8 for recovery may be maintained by ~~the board or any member of the~~
9 ~~board~~; any officer or employee of the state service, or any citizen of the
10 state. All money recovered under this section shall be paid into the
11 state treasury. Any citizen may maintain a suit to restrain a disbursing
12 officer from making any payment in contravention of any provision of
13 this chapter or of any lawful rule or order under this chapter.

14 (c) Any person appointed or employed in contravention of any
15 provision of this chapter or of any rule or order under this chapter who
16 performs service for which the person is not paid shall have and may
17 maintain an action against the officer or officers who purported so to
18 appoint or employ the person to recover the agreed pay for services, or
19 the reasonable value of the services if no pay was agreed upon. No
20 officer shall be reimbursed by the state at any time for any sum paid to
21 the person on account of the services.

22 (d) If the director wrongfully withholds certification of the payroll
23 voucher or account of any employee, the employee may maintain a
24 proceeding to compel the director to certify the payroll voucher or
25 account.

26 SECTION 18. IC 4-15-2-40 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 40. (a) In applying the
28 provisions of this chapter or in doing any of the things provided for in
29 this chapter, no officer or employee shall give any weight whatsoever
30 to political, religious or racial considerations. No person holding a
31 position in the state service ~~nor any member of the board~~ shall be
32 forced to make political contributions, nor be required to participate in
33 any form of political activity whatsoever other than to express freely his
34 views as a citizen and to cast his vote in any election.

35 (b) No person elected to state or federal public office may, during
36 the term for which he was elected, be appointed to any position in the
37 classified service.

38 (c) Any employee in the classified service who becomes a candidate
39 for local office shall, upon request, be granted a leave of absence; any
40 employee in the classified service who is elected to a state or federal
41 public office shall be considered to have resigned from the service.
42 This subsection does not apply to precinct committeemen, state or
43 national party convention delegates, or candidates for these party
44 positions.

45 SECTION 19. IC 4-15-2.5-1 IS AMENDED TO READ AS
46 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. As used in this
47 chapter, unless a different meaning appears from the context:

48 (a) The term "director" means the state personnel director as
49 established by IC 4-15-1.8.

50 **(b) The term "board" means the Indiana personnel advisory board**
51 ~~established by IC 4-15-1-1.~~

1 (⇨) (b) The term "appointing authority" means the head of a
2 department, division, board, commission, person or group of persons
3 who has the power by law or by lawfully delegated authority to make
4 appointments to positions in state service.

5 (⇨) (c) The term "political affiliation" means the political party to
6 which an individual recognizes a relationship either by act of primary
7 election voting or by affirmation of the chairman of the state committee
8 of the party with which the employee states he is affiliated.

9 SECTION 20. IC 4-15-2.5-3 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (~~Director's Duties~~)
11 The personnel director, in addition to all other duties imposed by law,
12 ~~and subject to the rules promulgated by the board~~, shall administer the
13 provisions of this chapter. The director shall:

14 (1) conduct the entrance and promotion tests which are required
15 for the carrying out of the provisions of this chapter;

16 (2) verify the political affiliation of each applicant for
17 employment and each employee being considered for promotion
18 which otherwise qualify for employment or promotion; however,
19 no applicant or employee shall be verified if the employment or
20 promotion would disrupt or postpone the attainment of the
21 required political balance of the department or pay classification;
22 ~~therein unless the required political affiliation of an applicant or~~
23 ~~employee has been waived by the board~~;

24 (3) classify all positions of employment in all agencies or
25 institutions operating under this chapter by the procedure
26 established by IC 4-15-2;

27 (4) develop a pay plan for all employees operating under the
28 provisions of this chapter, which pay plan shall be subject to the
29 approval of the budget agency and the governor; and

30 (5) certify all individuals employed under the provisions of this
31 chapter as provided by IC 4-15-2, except that:

32 (A) The director shall certify five (5) qualified applicants and
33 indicate each applicant's political affiliation.

34 (B) If the director cannot certify the required number of
35 individuals with the political affiliation because there are not
36 enough individuals that qualified after testing, who are willing
37 to accept appointment or because there are peculiar and
38 exceptional qualifications of a scientific, professional, or
39 educational character required for the position and it is evident
40 that the required number of individuals cannot be certified, the
41 director may authorize the appointing authority to fill the
42 vacancy with any individual who meets the qualifications for
43 the position, without regard to the applicant's political
44 affiliation.

45 (C) For positions involving unskilled or semi-skilled labor
46 when the character or place of the work makes it impracticable
47 to supply the needs of the service by appointments made in
48 accordance with the procedure prescribed by this chapter, the
49 director may make appointments by the procedure provided by
50 IC 4-15-2.

51 SECTION 21. IC 4-15-2.5-14 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (~~Payment in~~
 2 ~~Violation; Action for Recovery~~) Action for such recovery may be
 3 maintained by ~~the board or any member thereof~~; any officer or
 4 employee of the state service or any citizen of the state.

5 SECTION 22. IC 4-15-2.5-20 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 20. (~~Exemptions; Other~~
 7 ~~Positions~~) (a) All positions in the state agency or any part of a state
 8 agency, which operates under the provisions of this chapter, that
 9 determine administrative policies shall be exempt from the provisions
 10 of this chapter by rules promulgated by the ~~board~~ **department**.

11 (b) One (1) personal secretary for each position that is exempt from
 12 the provisions of this chapter by this section and section 18 shall be
 13 exempt from the provisions of this chapter.

14 SECTION 23. IC 4-15-2.5-21 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21. (~~Agency Request;~~
 16 ~~Inclusion~~) The administrative head of any state agency may submit a
 17 request to the personnel director to have ~~his~~ **the administrative head's**
 18 entire agency or any part thereof operate under the provisions of this
 19 chapter. Upon the approval of the ~~personnel board~~ **department** and the
 20 governor, any state agency or any part of a state agency may operate
 21 under the provisions of this chapter.

22 SECTION 24. IC 4-15-2.5-22 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 22. (~~Agency Request;~~
 24 ~~Exemption~~) The administrative head of any state may submit a request
 25 to the personnel director to have ~~his~~ **the administrative head's** entire
 26 agency or any part exempt from the provision of this chapter. Upon the
 27 approval of the ~~personnel board~~ **director** and the governor, any state
 28 agency or any part thereof may be exempt from the provisions of this
 29 chapter.

30 SECTION 25. IC 4-15-2.5-23 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 23. (~~Agency Request;~~
 32 ~~Petition for Change~~) (a) The administrative head of any state agency or
 33 any part thereof that operates under the provisions of this chapter may
 34 submit a petition to the ~~personnel board~~ **department** to increase or
 35 decrease the number of employees exempt from the provisions of this
 36 chapter.

37 (b) The ~~board~~ **director** shall have the authority to decrease or
 38 increase the number of employees exempt from this chapter. However,
 39 the ~~board~~ **director** shall not exempt positions which do not formulate
 40 policy and they shall not exempt policy positions if such action would
 41 impede the operation of the agency.

42 SECTION 26. IC 5-2-1-2, AS AMENDED BY P.L.77-2009,
 43 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 44 JULY 1, 2011]: Sec. 2. For the purposes of this chapter, and unless the
 45 context clearly denotes otherwise, the following definitions apply
 46 throughout this chapter:

47 (1) "Law enforcement officer" means an appointed officer or
 48 employee hired by and on the payroll of the state, any of the
 49 state's political subdivisions, or a public or private postsecondary
 50 educational institution whose board of trustees has established a
 51 police department under IC 21-17-5-2 or IC 21-39-4-2 who is

1 granted lawful authority to enforce all or some of the penal laws
 2 of the state of Indiana and who possesses, with respect to those
 3 laws, the power to effect arrests for offenses committed in the
 4 officer's or employee's presence. However, the following are
 5 expressly excluded from the term "law enforcement officer" for
 6 the purposes of this chapter:

7 (A) A constable.

8 (B) A special officer whose powers and duties are described
 9 in IC 36-8-3-7 or a special deputy whose powers and duties are
 10 described in IC 36-8-10-10.6.

11 (C) A county police reserve officer who receives compensation
 12 for lake patrol duties under IC 36-8-3-20(f)(4).

13 (D) A conservation reserve officer who receives compensation
 14 for lake patrol duties under IC 14-9-8-27.

15 (E) An employee of the gaming commission whose powers
 16 and duties are described in IC 4-32.2-9.

17 (F) A correctional police officer described in IC 11-8-9.

18 (2) "Board" means the law enforcement training board created by
 19 this chapter.

20 ~~(3) "Advisory council" means the law enforcement advisory
 21 council created by this chapter.~~

22 ~~(4)~~ (3) "Executive training program" means the police chief
 23 executive training program developed by the board under section
 24 9 of this chapter.

25 ~~(5)~~ (4) "Law enforcement training council" means one (1) of the
 26 confederations of law enforcement agencies recognized by the
 27 board and organized for the sole purpose of sharing training,
 28 instructors, and related resources.

29 ~~(6)~~ (5) "Training regarding the lawful use of force" includes
 30 classroom and skills training in the proper application of hand to
 31 hand defensive tactics, use of firearms, and other methods of:

32 (A) overcoming unlawful resistance; or

33 (B) countering other action that threatens the safety of the
 34 public or a law enforcement officer.

35 ~~(7)~~ (6) "Hiring or appointing authority" means:

36 (A) the chief executive officer, board, or other entity of a
 37 police department or agency with authority to appoint and hire
 38 law enforcement officers; or

39 (B) the governor, mayor, board, or other entity with the
 40 authority to appoint a chief executive officer of a police
 41 department or agency.

42 SECTION 27. IC 5-2-1-3, AS AMENDED BY P.L.22-2005,
 43 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 44 JULY 1, 2011]: Sec. 3. ~~(a)~~ There is created, as a criminal justice
 45 agency of the state, a law enforcement training board to carry out the
 46 provisions of this chapter. The board members are to be selected as
 47 provided by this chapter. The board is composed of the following
 48 members:

49 (1) The superintendent of the Indiana state police department,
 50 who shall serve as chairperson of the board.

51 (2) The deputy director of the division of preparedness and

- 1 training of the department of homeland security. The deputy
2 director shall serve as the vice chair of the board.
- 3 (3) The chief of police of a consolidated city.
- 4 (4) One (1) county sheriff from a county with a population of at
5 least one hundred thousand (100,000).
- 6 (5) One (1) county sheriff from a county of at least fifty thousand
7 (50,000) but less than one hundred thousand (100,000)
8 population.
- 9 (6) One (1) county sheriff from a county of under fifty thousand
10 (50,000) population.
- 11 (7) One (1) chief of police from a city of at least thirty-five
12 thousand (35,000) population, who is not the chief of police of a
13 consolidated city.
- 14 (8) One (1) chief of police from a city of at least ten thousand
15 (10,000) but under thirty-five thousand (35,000) population.
- 16 (9) One (1) chief of police, police officer, or town marshal from
17 a city or town of under ten thousand (10,000) population.
- 18 (10) One (1) prosecuting attorney.
- 19 (11) One (1) judge of a circuit or superior court exercising
20 criminal jurisdiction.
- 21 (12) One (1) member representing professional journalism.
- 22 (13) One (1) member representing the medical profession.
- 23 (14) One (1) member representing education.
- 24 (15) One (1) member representing business and industry.
- 25 (16) One (1) member representing labor.
- 26 (17) One (1) member representing Indiana elected officials of
27 counties, cities, and towns.
- 28 (b) The following members constitute an advisory council to assist
29 the members of the board in an advisory, nonvoting capacity:
- 30 (1) The special agent in charge of the Federal Bureau of
31 Investigation field office covering the state of Indiana, subject to
32 the agent's approval to serve in such capacity.
- 33 (2) The attorney general of Indiana.
- 34 (3) One (1) member representing forensic science, to be
35 appointed by the governor.
- 36 (4) One (1) member representing theology, to be appointed by the
37 governor.
- 38 (5) The director of the law enforcement division of the
39 department of natural resources.
- 40 SECTION 28. IC 5-2-1-4, AS AMENDED BY P.L.52-2005,
41 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2011]: Sec. 4. (a) All members of the board shall be appointed
43 to the board by the governor. The appointments shall be made on a
44 bipartisan basis so that not more than one-half (1/2) of the members of
45 the board shall at any time be members of either of the two (2) major
46 political parties. All appointments shall be for terms of four (4) years
47 or while maintaining the position held at the time of appointment to the
48 board, whichever is the lesser period. Appointees to the board shall
49 serve as members of the board only while holding the office or position
50 held at the time of appointment to the board in order that the
51 representative nature of the board outlined in section 3 of this chapter

1 may be maintained. However, each member of the board shall serve
 2 until the member's successor has been appointed and qualified, unless
 3 the member's services are terminated earlier for sufficient reason.
 4 Vacancies on the board caused by expiration of a term, termination of
 5 the office or position held at time of appointment, or for any other
 6 reason shall be filled in the same manner as original appointments. A
 7 member appointed to fill a vacancy created other than by expiration of
 8 a term shall be appointed for the unexpired term of the member
 9 succeeded in the same manner as an original appointment. Members of
 10 the board may be reappointed for additional terms. All members of the
 11 board shall serve, unless their services are terminated earlier for
 12 sufficient reason, until their successors have been appointed and
 13 qualified. Members of the board may be removed by the governor for
 14 inefficiency, incompetence, neglect of duty, or other good cause after
 15 having been accorded a hearing by the governor upon reasonable notice
 16 of the charge being made against them.

17 ~~(b) Members of the advisory council who serve by virtue of their~~
 18 ~~office or position shall serve as members of the advisory council only~~
 19 ~~during the term of their office or position as the case may be. The~~
 20 ~~governor is authorized and empowered to appoint members to the~~
 21 ~~advisory council in addition to those enumerated in section 3(b) of this~~
 22 ~~chapter. All members appointed to the advisory council by the~~
 23 ~~governor shall serve only during the pleasure of the governor. Advisory~~
 24 ~~council appointments need not be made on a bipartisan basis.~~

25 SECTION 29. IC 5-2-1-5 IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2011]: Sec. 5. Membership on the law
 27 enforcement training board ~~or the advisory council~~ shall not constitute
 28 holding a public office and members of the board ~~and advisory council~~
 29 shall not be required to take and file oaths of office before serving in
 30 such capacities. The board ~~and the advisory council~~ shall exercise only
 31 the powers granted by this chapter. No member of the board ~~or of the~~
 32 ~~advisory council~~ shall be disqualified from holding any public office or
 33 position by reason of ~~his~~ **the member's** appointment or membership on
 34 the board, ~~or advisory council~~; nor shall any such person forfeit any
 35 office, position, or employment by reason of an appointment pursuant
 36 to this chapter, notwithstanding the provisions of any statute,
 37 ordinance, or city charter.

38 SECTION 30. IC 5-2-1-6, AS AMENDED BY P.L.110-2009,
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2011]: Sec. 6. The board ~~and advisory council~~ shall meet at
 41 least four (4) times in each year and shall hold special meetings when
 42 called by the chairperson. The presence of nine (9) members of the
 43 board constitutes a quorum for doing business. At least nine (9)
 44 affirmative votes are required for the passage of any matter put to a
 45 vote of the board. ~~Advisory council members are entitled to participate~~
 46 ~~in the business and deliberation of the board, but only board members~~
 47 ~~are entitled to vote.~~ The board shall establish its own procedure and
 48 requirements with respect to place and conduct of its meetings.

49 SECTION 31. IC 5-2-1-8 IS AMENDED TO READ AS FOLLOWS
 50 [EFFECTIVE JULY 1, 2011]: Sec. 8. The members of the board ~~and~~
 51 ~~the advisory council~~ shall serve without compensation except that a

1 salary per diem and actual expenses incurred, in accordance with travel
 2 policies and procedures established by the department of
 3 administration and the state budget agency, shall be allowed to each
 4 member for attendance at regular or special meetings or otherwise
 5 engaging in official business of the board.

6 SECTION 32. IC 6-1.1-10-16, AS AMENDED BY P.L.196-2007,
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2011]: Sec. 16. (a) All or part of a building is exempt from
 9 property taxation if it is owned, occupied, and used by a person for
 10 educational, literary, scientific, religious, or charitable purposes.

11 (b) A building is exempt from property taxation if it is owned,
 12 occupied, and used by a town, city, township, or county for educational,
 13 literary, scientific, fraternal, or charitable purposes.

14 (c) A tract of land, including the campus and athletic grounds of an
 15 educational institution, is exempt from property taxation if:

16 (1) a building that is exempt under subsection (a) or (b) is situated
 17 on it;

18 (2) a parking lot or structure that serves a building referred to in
 19 subdivision (1) is situated on it; or

20 (3) the tract:

21 (A) is owned by a nonprofit entity established for the purpose
 22 of retaining and preserving land and water for their natural
 23 characteristics;

24 (B) does not exceed five hundred (500) acres; and

25 (C) is not used by the nonprofit entity to make a profit.

26 (d) A tract of land is exempt from property taxation if:

27 (1) it is purchased for the purpose of erecting a building that is to
 28 be owned, occupied, and used in such a manner that the building
 29 will be exempt under subsection (a) or (b); and

30 (2) not more than four (4) years after the property is purchased,
 31 and for each year after the four (4) year period, the owner
 32 demonstrates substantial progress and active pursuit towards the
 33 erection of the intended building and use of the tract for the
 34 exempt purpose. To establish substantial progress and active
 35 pursuit under this subdivision, the owner must prove the existence
 36 of factors such as the following:

37 (A) Organization of and activity by a building committee or
 38 other oversight group.

39 (B) Completion and filing of building plans with the
 40 appropriate local government authority.

41 (C) Cash reserves dedicated to the project of a sufficient
 42 amount to lead a reasonable individual to believe the actual
 43 construction can and will begin within four (4) years.

44 (D) The breaking of ground and the beginning of actual
 45 construction.

46 (E) Any other factor that would lead a reasonable individual to
 47 believe that construction of the building is an active plan and
 48 that the building is capable of being completed within eight (8)
 49 years considering the circumstances of the owner.

50 If the owner of the property sells, leases, or otherwise transfers a tract
 51 of land that is exempt under this subsection, the owner is liable for the

1 property taxes that were not imposed upon the tract of land during the
 2 period beginning January 1 of the fourth year following the purchase
 3 of the property and ending on December 31 of the year of the sale,
 4 lease, or transfer. The county auditor of the county in which the tract
 5 of land is located may establish an installment plan for the repayment
 6 of taxes due under this subsection. The plan established by the county
 7 auditor may allow the repayment of the taxes over a period of years
 8 equal to the number of years for which property taxes must be repaid
 9 under this subsection.

10 (e) Personal property is exempt from property taxation if it is owned
 11 and used in such a manner that it would be exempt under subsection (a)
 12 or (b) if it were a building.

13 (f) A hospital's property that is exempt from property taxation under
 14 subsection (a), (b), or (e) shall remain exempt from property taxation
 15 even if the property is used in part to furnish goods or services to
 16 another hospital whose property qualifies for exemption under this
 17 section.

18 (g) Property owned by a shared hospital services organization that
 19 is exempt from federal income taxation under Section 501(c)(3) or
 20 501(e) of the Internal Revenue Code is exempt from property taxation
 21 if it is owned, occupied, and used exclusively to furnish goods or
 22 services to a hospital whose property is exempt from property taxation
 23 under subsection (a), (b), or (e).

24 (h) This section does not exempt from property tax an office or a
 25 practice of a physician or group of physicians that is owned by a
 26 hospital licensed under ~~IC 16-21-1~~ **IC 16-21-2** or other property that
 27 is not substantially related to or supportive of the inpatient facility of
 28 the hospital unless the office, practice, or other property:

- 29 (1) provides or supports the provision of charity care (as defined
 30 in IC 16-18-2-52.5), including providing funds or other financial
 31 support for health care services for individuals who are indigent
 32 (as defined in IC 16-18-2-52.5(b) and IC 16-18-2-52.5(c)); or
- 33 (2) provides or supports the provision of community benefits (as
 34 defined in IC 16-21-9-1), including research, education, or
 35 government sponsored indigent health care (as defined in
 36 IC 16-21-9-2).

37 However, participation in the Medicaid or Medicare program alone
 38 does not entitle an office, practice, or other property described in this
 39 subsection to an exemption under this section.

40 (i) A tract of land or a tract of land plus all or part of a structure on
 41 the land is exempt from property taxation if:

- 42 (1) the tract is acquired for the purpose of erecting, renovating, or
 43 improving a single family residential structure that is to be given
 44 away or sold:
 - 45 (A) in a charitable manner;
 - 46 (B) by a nonprofit organization; and
 - 47 (C) to low income individuals who will:
 - 48 (i) use the land as a family residence; and
 - 49 (ii) not have an exemption for the land under this section;
- 50 (2) the tract does not exceed three (3) acres;
- 51 (3) the tract of land or the tract of land plus all or part of a

1 structure on the land is not used for profit while exempt under this
2 section; and

3 (4) not more than four (4) years after the property is acquired for
4 the purpose described in subdivision (1), and for each year after
5 the four (4) year period, the owner demonstrates substantial
6 progress and active pursuit towards the erection, renovation, or
7 improvement of the intended structure. To establish substantial
8 progress and active pursuit under this subdivision, the owner must
9 prove the existence of factors such as the following:

10 (A) Organization of and activity by a building committee or
11 other oversight group.

12 (B) Completion and filing of building plans with the
13 appropriate local government authority.

14 (C) Cash reserves dedicated to the project of a sufficient
15 amount to lead a reasonable individual to believe the actual
16 construction can and will begin within five (5) years of the
17 initial exemption received under this subsection.

18 (D) The breaking of ground and the beginning of actual
19 construction.

20 (E) Any other factor that would lead a reasonable individual to
21 believe that construction of the structure is an active plan and
22 that the structure is capable of being:

23 (i) completed; and

24 (ii) transferred to a low income individual who does not
25 receive an exemption under this section;

26 within eight (8) years considering the circumstances of the
27 owner.

28 (j) An exemption under subsection (i) terminates when the property
29 is conveyed by the nonprofit organization to another owner. When the
30 property is conveyed to another owner, the nonprofit organization
31 receiving the exemption must file a certified statement with the auditor
32 of the county, notifying the auditor of the change not later than sixty
33 (60) days after the date of the conveyance. The county auditor shall
34 immediately forward a copy of the certified statement to the county
35 assessor. A nonprofit organization that fails to file the statement
36 required by this subsection is liable for the amount of property taxes
37 due on the property conveyed if it were not for the exemption allowed
38 under this chapter.

39 (k) If property is granted an exemption in any year under subsection
40 (i) and the owner:

41 (1) ceases to be eligible for the exemption under subsection (i)(4);

42 (2) fails to transfer the tangible property within eight (8) years
43 after the assessment date for which the exemption is initially
44 granted; or

45 (3) transfers the tangible property to a person who:

46 (A) is not a low income individual; or

47 (B) does not use the transferred property as a residence for at
48 least one (1) year after the property is transferred;

49 the person receiving the exemption shall notify the county recorder and
50 the county auditor of the county in which the property is located not
51 later than sixty (60) days after the event described in subdivision (1),

1 (2), or (3) occurs. The county auditor shall immediately inform the
2 county assessor of a notification received under this subsection.

3 (l) If subsection (k)(1), (k)(2), or (k)(3) applies, the owner shall pay,
4 not later than the date that the next installment of property taxes is due,
5 an amount equal to the sum of the following:

6 (1) The total property taxes that, if it were not for the exemption
7 under subsection (i), would have been levied on the property in
8 each year in which an exemption was allowed.

9 (2) Interest on the property taxes at the rate of ten percent (10%)
10 per year.

11 (m) The liability imposed by subsection (l) is a lien upon the
12 property receiving the exemption under subsection (i). An amount
13 collected under subsection (l) shall be collected as an excess levy. If
14 the amount is not paid, it shall be collected in the same manner that
15 delinquent taxes on real property are collected.

16 (n) Property referred to in this section shall be assessed to the extent
17 required under IC 6-1.1-11-9.

18 SECTION 33. IC 6-1.1-10-18.5 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 18.5. (a) This section
20 does not exempt from property tax an office or a practice of a physician
21 or group of physicians that is owned by a hospital licensed under
22 ~~IC 16-21-1~~ IC 16-21-2 or other property that is not substantially related
23 to or supportive of the inpatient facility of the hospital unless the office,
24 practice, or other property:

25 (1) provides or supports the provision of charity care (as defined
26 in IC 16-18-2-52.5), including funds or other financial support for
27 health care services for individuals who are indigent (as defined
28 in IC 16-18-2-52.5(b) and IC 16-18-2-52.5(c)); or

29 (2) provides or supports the provision of community benefits (as
30 defined in IC 16-21-9-1), including research, education, or
31 government sponsored indigent health care (as defined in
32 IC 16-21-9-2).

33 However, participation in the Medicaid or Medicare program, alone,
34 does not entitle an office, a practice, or other property described in this
35 subsection to an exemption under this section.

36 (b) Tangible property is exempt from property taxation if it is:

37 (1) owned by an Indiana nonprofit corporation; and

38 (2) used by that corporation in the operation of a hospital licensed
39 under IC 16-21, a health facility licensed under IC 16-28, or in the
40 operation of a residential facility for the aged and licensed under
41 IC 16-28, or in the operation of a Christian Science home or
42 sanatorium.

43 (c) Property referred to in this section shall be assessed to the extent
44 required under IC 6-1.1-11-9.

45 SECTION 34. IC 8-10-9-3 IS AMENDED TO READ AS
46 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) There is
47 established in each city to which this chapter applies a waterway
48 management district.

49 (b) The district includes all territory, including both dry land and
50 water, within a distance of one-half (1/2) mile on either side of the
51 center line of any waterway within the city in which the district is

1 established, excluding the land and water occupied by any marina
2 owned by a unit of government located in the corridor (as defined in
3 ~~IC 14-13-3-2~~; **IC 36-7-13.5-1**).

4 (c) The district boundary is formed by an imaginary line one-half
5 (1/2) mile distant from the center line of a waterway in all directions.
6 However, the boundary of the district does not extend beyond the
7 boundaries of the city in which the district is located in those areas
8 where the city boundary is located less than one-half (1/2) mile from
9 the center line of a waterway.

10 SECTION 35. IC 9-17-3-3.1, AS AMENDED BY P.L.131-2008,
11 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2011]: Sec. 3.1. The affidavit required by section 3(a)(5) of
13 this chapter shall be printed in the following form:

14 STATE OF INDIANA)
15) ss:
16 COUNTY OF _____)

17 I affirm under the penalties for perjury that all of the following are
18 true:

- 19 (1) That I am a dealer licensed under ~~IC 9-23-1~~; **IC 9-23**.
- 20 (2) That I cannot deliver a valid certificate of title to the retail
21 purchaser of the vehicle described in paragraph (3) at the time of
22 sale of the vehicle to the retail purchaser. The identity of the
23 previous seller or transferor is _____.
24 Payoff of lien was made on (date) _____. I expect to deliver a
25 valid and transferable certificate of title not later than
26 (date) _____ from the (State of) _____ to the
27 purchaser.
- 28 (3) That I will undertake reasonable commercial efforts to
29 produce the valid certificate of title. The vehicle identification
30 number is _____.

31 Signed _____, Dealer

32 By _____

33 Dated _____, _____

34 CUSTOMER ACKNOWLEDGES RECEIPT OF A COPY OF THIS
35 AFFIDAVIT.

36 _____

37 Customer Signature

38 NOTICE TO THE CUSTOMER

39 If you do not receive a valid certificate of title within the time
40 specified by this affidavit, you have the right to return the vehicle to the
41 vehicle dealer ten (10) days after giving the vehicle dealer written
42 notice demanding delivery of a valid certificate of title and after the
43 vehicle dealer's failure to deliver a valid certificate of title within that
44 ten (10) day period. Upon return of the vehicle to the vehicle dealer in
45 the same or similar condition as when it was delivered to you, the
46 vehicle dealer shall pay you the purchase price plus sales taxes, finance
47 expenses, insurance expenses, and any other amount that you paid to
48 the vehicle dealer.

49 If a lien is present on the previous owner's certificate of title, it is the
50 responsibility of the third party lienholder to timely deliver the
51 certificate of title in the third party's possession to the dealer not more

1 than ten (10) business days after there is no obligation secured by the
 2 vehicle. If the dealer's inability to deliver a valid certificate of title to
 3 you within the above-described ten (10) day period results from the
 4 acts or omissions of a third party who has failed to timely deliver the
 5 certificate of title in the third party's possession to the dealer, the dealer
 6 may be entitled to claim against the third party the damages allowed by
 7 law.

8 SECTION 36. IC 9-27-2-4, AS AMENDED BY P.L.210-2005,
 9 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2011]: Sec. 4. The office shall do the following to carry out
 11 this chapter:

12 (1) Develop, plan, and conduct programs and activities designed
 13 to prevent and reduce traffic accidents and to facilitate the control
 14 of traffic on Indiana streets and highways.

15 (2) Advise, recommend, and consult with state departments,
 16 divisions, boards, commissions, and agencies concerning traffic
 17 safety, accident prevention, and traffic facilitation programs and
 18 activities and coordinate these programs and activities on an
 19 effective statewide basis.

20 (3) Organize and conduct, in cooperation with state departments
 21 and agencies, programs, services, and activities designed to aid
 22 political subdivisions in the control of traffic and prevention of
 23 traffic accidents.

24 (4) Develop informational, educational, and promotional material
 25 on traffic control and traffic accident prevention, disseminate the
 26 material through all possible means of public information, and
 27 serve as a clearinghouse for information and publicity on traffic
 28 control and accident prevention programs and activities of state
 29 departments and agencies. These activities must include materials
 30 and information designed to make senior citizens aware of the
 31 effect of age on driving ability.

32 (5) Cooperate with public and private agencies interested in
 33 traffic control and traffic accident prevention in the development
 34 and conduct of public informational and educational activities
 35 designed to promote traffic safety or to support the official traffic
 36 safety program of Indiana.

37 (6) Study and determine the merits of proposals affecting traffic
 38 control, traffic safety, or traffic accident prevention activities in
 39 Indiana and recommend to the governor and the general assembly
 40 the measures that will serve to further control and reduce traffic
 41 accidents.

42 (7) Study proposed revisions and amendments to the motor
 43 vehicle laws and all other laws concerning traffic safety and make
 44 recommendations relative to those laws to the governor and
 45 general assembly.

46 (8) Develop and conduct a program of effective alcohol and drug
 47 countermeasures to protect and conserve life and property on
 48 Indiana streets and highways.

49 ~~(9) Administer the operation lifesaver program referred to in~~
 50 ~~section 12 of this chapter to promote and coordinate public~~
 51 ~~education concerning railroad grade crossing safety.~~

1 SECTION 37. IC 10-17-9-8 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) Each member,
 3 the estate of a deceased member, or the estate of a member under
 4 guardianship is liable for the costs of maintenance of the member in an
 5 amount up to one hundred percent (100%) of the daily per capita cost
 6 of personal services and all other operating expenses for the preceding
 7 fiscal year. The per capita charge may be adjusted to reflect the level
 8 of care provided.

9 (b) The level of care must be as consistent as possible with:

10 (1) the care category of the facility in which the member is
 11 placed;

12 (2) the rules of the Indiana health facilities, **home health care,**
 13 **and hospice** council adopted under IC 16-28; and

14 (3) the applicable code of the federal government covering
 15 reimbursement from the United States Department of Veterans'
 16 Affairs or another department of the federal government.

17 (c) The liability created for the costs of maintenance of a member
 18 constitutes a lien upon the real property of the member if the lien is
 19 recorded as provided in this chapter. The lien has priority over all liens
 20 subsequently acquired.

21 SECTION 38. IC 12-7-2-33.7, AS AMENDED BY P.L.124-2007,
 22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2011]: Sec. 33.7. (a) As used in this chapter, "class I child
 24 care home" means a child care home that serves any combination of
 25 full-time and part-time children, not to exceed at any one (1) time
 26 twelve (12) children plus three (3) children during the school year only
 27 who are enrolled in at least ~~grade 1:~~ **full-day kindergarten.** Except as
 28 provided in IC 12-17.2-5-6.3(b), the addition of three (3) school age
 29 children may not occur during a break in the school year that exceeds
 30 four (4) weeks.

31 (b) A child:

32 (1) for whom a provider of care in the child care home is a parent,
 33 stepparent, guardian, custodian, or other relative and who is at
 34 least seven (7) years of age; or

35 (2) who is at least fourteen (14) years of age and does not require
 36 child care;

37 shall not be counted in determining whether the child care home is
 38 within the limit set forth in subsection (a).

39 SECTION 39. IC 12-7-2-44, AS AMENDED BY P.L.130-2009,
 40 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2011]: Sec. 44. "Council" means the following:

42 (1) For purposes of IC 12-9-4, the meaning set forth in
 43 IC 12-9-4-1.

44 (2) For purposes of IC 12-12-8, the meaning set forth in
 45 IC 12-12-8-2.5.

46 (3) For purposes of IC 12-13-4, the meaning set forth in
 47 IC 12-13-4-1.

48 ~~(4) For purposes of IC 12-15-41 and IC 12-15-42, the Medicaid~~
 49 ~~work incentives council established by IC 12-15-42-1.~~

50 ~~(5)~~ (4) For purposes of IC 12-12.7-2, the meaning set forth in
 51 IC 12-12.7-2-2.

1 ~~(5)~~ (5) For purposes of IC 12-21-4, the meaning set forth in
2 IC 12-21-4-1.

3 ~~(6)~~ (6) For purposes of IC 12-28-5, the meaning set forth in
4 IC 12-28-5-1.

5 SECTION 40. IC 12-10-6-5, AS AMENDED BY P.L.99-2007,
6 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2011]: Sec. 5. (a) An individual who is determined under
8 section 2.1(a)(2) of this chapter to be incapable of residing in the
9 individual's own home because of mental illness may be admitted to a
10 home or facility that provides residential care to the extent that money
11 is available for the care.

12 (b) Within thirty (30) days after an individual with a mental illness
13 is placed in a home or facility that provides residential care, a
14 comprehensive care plan must be developed for the individual.

15 (c) The residential care facility, in cooperation with the community
16 mental health center or an individual's managed care provider (as
17 defined in IC 12-7-2-127(b)) serving the area in which the residential
18 care facility is located, shall develop the comprehensive care plan for
19 the individual. The plan must include the following:

20 (1) Psychosocial rehabilitation services that are provided within
21 the community.

22 (2) A comprehensive range of activities to meet multiple levels of
23 need, including the following:

24 (A) Recreational and socialization activities.

25 (B) Social skills.

26 (C) Educational, training, occupational, and work programs.

27 (D) Opportunities for progression into less restrictive and
28 more independent living arrangements.

29 (3) Appropriate alternate placement if the individual's needs
30 cannot be met by the facility.

31 (d) The **Indiana** health facilities, **home health care, and hospice**
32 council shall, in coordination with the division of mental health and
33 addiction and the division, adopt rules under IC 4-22-2 to govern:

34 (1) residential care; and

35 (2) the comprehensive care plan;

36 provided to individuals with a mental illness who reside under this
37 chapter in a home or facility that provides residential care.

38 SECTION 41. IC 12-11-2.1-1, AS AMENDED BY P.L.99-2007,
39 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2011]: Sec. 1. (a) The bureau shall determine whether or not
41 an individual has a developmental disability. For individuals for whom
42 there is not enough current information available to make a
43 determination of eligibility, the bureau shall use the results of a
44 diagnostic assessment in determining whether an individual has a
45 developmental disability. A diagnostic assessment must include the
46 following:

47 (1) Diagnostic information concerning the individual's
48 functioning level and medical and habilitation needs.

49 (2) All information necessary for the use of the office of Medicaid
50 policy and planning, the Indiana health facilities, **home health**
51 **care, and hospice** council, and the division.

1 (3) The use of all appropriate assessments conducted under rules
2 adopted under IC 16-28.

3 (b) An individual who is found not to have a developmental
4 disability may appeal the bureau's finding under IC 4-21.5.

5 (c) If an individual is determined to have a developmental disability,
6 the office shall determine whether the individual meets the appropriate
7 federal level of care requirements.

8 SECTION 42. IC 12-15-41-2 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. As used in this
10 chapter, "countable resources" means all cash, other liquid assets, real
11 property, and personal property owned by an applicant for or a
12 recipient of Medicaid under this chapter, or the spouse of an applicant
13 or a recipient, that could be converted to cash to be used for support or
14 maintenance, except the following:

15 (1) All resources disregarded by the office under this article for
16 the purpose of determining eligibility for Medicaid.

17 (2) Any resource eligible for exclusion under 42 U.S.C.
18 1396a(r)(2), including a retirement account established under 26
19 U.S.C. 220 and held by either the applicant or recipient or the
20 applicant's or recipient's spouse.

21 (3) Subject to approval by the office, not more than twenty
22 thousand dollars (\$20,000) in independence and self-sufficiency
23 accounts held by the applicant or recipient for the sole purpose of
24 purchasing goods or services, including assistive technology and
25 personal assistance, that:

26 (A) will increase the employability or independence of the
27 applicant or recipient; and

28 (B) are not services to which the recipient is entitled under
29 Medicaid or any other publicly funded program.

30 ~~In determining the types of accounts to be approved under this~~
31 ~~subdivision, the office shall consider any recommendations made~~
32 ~~by the Medicaid work incentives council established by~~
33 ~~IC 12-15-42-1.~~

34 SECTION 43. IC 12-15-41-13 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) The office shall
36 establish criteria to determine the effectiveness of:

37 (1) the buy-in program; and

38 (2) continued Medicaid coverage through Section 1619 of the
39 federal Social Security Act (42 U.S.C. 1382h).

40 (b) The criteria required under subsection (a) must include the
41 following:

42 (1) The number of individuals with disabilities who are:

43 (A) enrolled in the buy-in program; or

44 (B) receiving Medicaid through Section 1619 of the federal
45 Social Security Act (42 U.S.C. 1382h).

46 (2) State revenues resulting from premiums paid by participants
47 in the buy-in program.

48 (3) State costs incurred as a result of implementing the buy-in
49 program, including administrative costs and costs of providing
50 services.

51 (c) In addition to the criteria required under subsection (b), the

1 office may establish criteria to determine the following:

2 (1) Comparative costs of Medicaid funded services for
3 participants in the buy-in program and work incentives created
4 through Section 1619 of the federal Social Security Act (42
5 U.S.C. 1382h) before and after employment.

6 (2) The number of Supplemental Security Income and Social
7 Security Disability Insurance recipients in Indiana who are no
8 longer dependent on, or who have reduced dependence on, public
9 assistance or health care entitlement services, other than Medicaid
10 or the children's health insurance program, due to participation in
11 the buy-in program or work incentives created through Section
12 1619 of the federal Social Security Act (42 U.S.C. 1382h).

13 (3) The number of individuals with severe disabilities who are no
14 longer dependent on, or who have reduced dependence on, public
15 benefits or services, other than Medicaid or the children's health
16 insurance program, due to income or support services received
17 through participation in the buy-in program or work incentives
18 created through Section 1619 of the federal Social Security Act
19 (42 U.S.C. 1382h).

20 (4) The change in the number of buy-in program participants or
21 participants in work incentives created through Section 1619 of
22 the federal Social Security Act (42 U.S.C. 1382h) who have
23 health care needs and related services covered through employer
24 based benefit programs.

25 (d) In evaluating the effectiveness of the state's work incentive
26 initiatives for individuals with disabilities, the office:

27 (1) shall collaborate with other state agencies on data collection;
28 and

29 (2) may consult with an independent contractor to collect data on
30 the criteria listed under subsection (b).

31 ~~(e) The office shall provide an annual report of its evaluation under
32 this section to the council not later than October 1 each year, beginning
33 in 2003.~~

34 SECTION 44. IC 12-15-41-15 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) The office shall
36 adopt rules under IC 4-22-2 to implement this chapter.

37 (b) The office may adopt emergency rules under IC 4-22-2-37.1 to
38 implement this chapter on an emergency basis.

39 ~~(c) In adopting rules under this section, the office shall:~~

40 ~~(1) submit proposed rules to the council; and~~

41 ~~(2) consider any recommendations of the council before adopting
42 final rules.~~

43 SECTION 45. IC 12-28-5-10, AS AMENDED BY P.L.99-2007,
44 SECTION 147, IS AMENDED TO READ AS FOLLOWS
45 [EFFECTIVE JULY 1, 2011]: Sec. 10. In conjunction with the division
46 of disability and rehabilitative services, the council shall do the
47 following:

48 (1) Determine the current and projected needs of each geographic
49 area of Indiana for residential services for individuals with a
50 developmental disability.

51 (2) Determine how the provision of developmental or vocational

- 1 services for residents in these geographic areas affects the
 2 availability of developmental or vocational services to individuals
 3 with a developmental disability living in their own homes.
 4 (3) Develop standards for licensure of supervised group living
 5 facilities regarding the following:
 6 (A) A sanitary and safe environment for residents and
 7 employees.
 8 (B) Classification of supervised group living facilities.
 9 (C) Any other matters that will ensure that the residents will
 10 receive a residential environment.
 11 (4) Develop standards for the approval of entities providing
 12 supported living services.
 13 (5) Recommend social and habilitation programs to the Indiana
 14 health facilities, **home health care, and hospice** council for
 15 individuals with a developmental disability who reside in health
 16 facilities licensed under IC 16-28.
 17 (6) Develop and update semiannually a report that identifies the
 18 numbers of individuals with a developmental disability who live
 19 in health facilities licensed under IC 16-28. The Indiana health
 20 facilities, **home health care, and hospice** council shall assist in
 21 developing and updating this report.
- 22 SECTION 46. IC 14-8-2-48, AS AMENDED BY P.L.85-2008,
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2011]: Sec. 48. (a) "Commission", except as provided in
 25 subsections (b) through (r), refers to the natural resources commission.
 26 (b) "Commission", for purposes of IC 14-13-1, has the meaning set
 27 forth in IC 14-13-1-1.
 28 (c) "Commission", for purposes of IC 14-13-2, has the meaning set
 29 forth in IC 14-13-2-2.
 30 ~~(d) "Commission", for purposes of IC 14-13-3, has the meaning set~~
 31 ~~forth in IC 14-13-3-1.~~
 32 ~~(e)~~ (d) "Commission", for purposes of IC 14-13-4, has the meaning
 33 set forth in IC 14-13-4-1.
 34 ~~(f)~~ (e) "Commission", for purposes of IC 14-13-5, has the meaning
 35 set forth in IC 14-13-5-1.
 36 ~~(g)~~ (f) "Commission", for purposes of IC 14-13-6, has the meaning
 37 set forth in IC 14-13-6-2.
 38 ~~(h)~~ (g) "Commission", for purposes of IC 14-14-1, has the meaning
 39 set forth in IC 14-14-1-3.
 40 ~~(i) "Commission", for purposes of IC 14-20-4, has the meaning set~~
 41 ~~forth in IC 14-20-4-1.~~
 42 ~~(j)~~ (h) "Commission", for purposes of IC 14-20-11, has the meaning
 43 set forth in IC 14-20-11-1.
 44 ~~(k)~~ (i) "Commission", for purposes of IC 14-21-4, has the meaning
 45 set forth in IC 14-21-4-1.
 46 ~~(l)~~ (j) "Commission", for purposes of IC 14-25-11, has the meaning
 47 set forth in IC 14-25-11-1.
 48 ~~(m)~~ (k) "Commission", for purposes of IC 14-28-4, has the meaning
 49 set forth in IC 14-28-4-1.
 50 ~~(n)~~ (l) "Commission", for purposes of IC 14-30-1, has the meaning

1 set forth in IC 14-30-1-2.

2 ~~(o)~~ **(m)** "Commission", for purposes of IC 14-30-2, has the meaning
3 set forth in IC 14-30-2-2.

4 ~~(p)~~ **(n)** "Commission", for purposes of IC 14-30-3, has the meaning
5 set forth in IC 14-30-3-2.

6 ~~(q)~~ **(o)** "Commission", for purposes of IC 14-30-4, has the meaning
7 set forth in IC 14-30-4-2.

8 ~~(r)~~ **(p)** "Commission", for purposes of IC 14-33-20, has the meaning
9 set forth in IC 14-33-20-2.

10 SECTION 47. IC 14-8-2-59 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 59. "Corridor" has the
12 following meaning:

13 ~~(1) For purposes of IC 14-13-3, the meaning set forth in~~
14 ~~IC 14-13-3-2.~~

15 ~~(2) (1)~~ For purposes of IC 14-13-4, the meaning set forth in
16 IC 14-13-4-2.

17 ~~(3) (2)~~ For purposes of IC 14-13-5, the meaning set forth in
18 IC 14-13-5-2.

19 ~~(4) (3)~~ For purposes of IC 14-13-6, the meaning set forth in
20 IC 14-13-6-3.

21 SECTION 48. IC 14-8-2-61 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 61. "Council", ~~has the~~
23 ~~following meaning~~

24 ~~(1) For purposes of IC 14-13-1-22, the meaning set forth in~~
25 ~~IC 14-13-1-22.~~

26 ~~(2) For purposes of IC 14-13-1-23, the meaning set forth in~~
27 ~~IC 14-13-1-23.~~

28 ~~(3) For purposes of IC 14-13-1-24, the meaning set forth in~~
29 ~~IC 14-13-1-24.~~

30 ~~(4) For purposes of IC 14-13-1-25, the meaning set forth in~~
31 ~~IC 14-13-1-25.~~

32 ~~(5) for purposes of IC 14-21-1, has~~ the meaning set forth in
33 IC 14-21-1-5.

34 SECTION 49. IC 14-13-1-27 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 27. The commission
36 shall ~~do the following~~:

37 ~~(1) Consult with the following:~~

38 ~~(A) The health council.~~

39 ~~(B) The food and agriculture council.~~

40 ~~(C) The athletic council.~~

41 ~~(D) The animal and wildlife council.~~

42 ~~(2) study the feasibility of programs, projects, events, and~~
43 ~~facilities of national and international significance in the areas of~~
44 ~~health, nutrition, physical fitness, medical science, recreation,~~
45 ~~athletics, animal study, veterinary science, and related areas.~~

46 SECTION 50. IC 14-13-1-40 IS AMENDED TO READ AS
47 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 40. It is the intent of the
48 general assembly that consideration be given to the selection of persons
49 who are members of racial minorities for the following:

50 (1) Appointment to the commission.

51 ~~(2) Appointment to the advisory councils created by this chapter.~~

- 1 (3) Constructing, improving, developing, operating, or
 2 managing projects, facilities, or improvements of the commission.
 3 (4) (3) Entering into contracts or leases or receiving licenses to be
 4 awarded under this chapter.

5 SECTION 51. IC 15-15-8-2, AS ADDED BY P.L.2-2008,
 6 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2011]: Sec. 2. As used in this chapter, "certifying agent" refers to
 8 a person or entity acting as an independent contractor who is:

- 9 (1) accredited by the director; **and**
 10 (2) ~~approved by the panel to conduct field or farm certification;~~
 11 ~~and~~
 12 (3) (2) accredited by the United States Department of Agriculture
 13 under the Organic Foods Production Act.

14 SECTION 52. IC 15-15-8-7, AS ADDED BY P.L.2-2008,
 15 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2011]: Sec. 7. (a) The director may grant accreditation to an
 17 applicant under this chapter.

- 18 (b) ~~In determining whether to grant accreditation to an applicant, the~~
 19 ~~director shall consider the report concerning the applicant that is~~
 20 ~~prepared by the panel under section 13 of this chapter.~~

- 21 (c) (b) The director shall make a determination and respond to the
 22 applicant not later than three (3) months after the date of receipt of the
 23 application.

24 SECTION 53. IC 15-15-8-12, AS ADDED BY P.L.2-2008,
 25 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2011]: Sec. 12. The director shall implement this chapter. ~~with~~
 27 ~~the assistance of the panel:~~ The director has no regulatory authority
 28 under this chapter except as provided under section 17 of this chapter.

29 SECTION 54. IC 16-18-2-84 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 84. "Council" refers to
 31 the following:

- 32 (1) For purposes of IC 16-21, **IC 16-25, IC 16-27, IC 16-28, and**
 33 **IC 16-29**, the ~~hospital health care facility advisory~~ council.
 34 (2) For purposes of ~~IC 16-25 and IC 16-27~~, the ~~home health care~~
 35 ~~services and hospice services~~ council.
 36 (3) For purposes of ~~IC 16-28 and IC 16-29~~, the ~~Indiana health~~
 37 ~~facilities~~ council.
 38 (4) (2) For purposes of IC 16-46-6, the interagency state council
 39 on black and minority health.

40 SECTION 55. IC 16-18-2-150, AS AMENDED BY P.L.152-2005,
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2011]: Sec. 150. (a) "Governing body", for purposes of
 43 IC 16-22-7, has the meaning set forth in IC 16-22-7-2.

- 44 (b) ~~"Governing body"; for purposes of IC 16-27-0.5; has the~~
 45 ~~meaning set forth in IC 16-27-0.5-0.5:~~

- 46 (c) (b) "Governing body", for purposes of IC 16-41-22, has the
 47 meaning set forth in IC 16-41-22-3.

48 SECTION 56. IC 16-19-15 IS ADDED TO THE INDIANA CODE
 49 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 50 JULY 1, 2011]:

1 **Chapter 15. Health Care Facility Advisory Council**

2 **Sec. 1. The health care facility advisory council is created.**

3 **Sec. 2. (a) The council consists of twenty (20) members as**
4 **follows:**

5 **(1) The commissioner or the commissioner's designee.**

6 **(2) The secretary of family and social services or the**
7 **secretary's designee.**

8 **(3) The following members appointed by the governor:**

9 **(A) One (1) physician licensed under IC 25-22.5 who**
10 **primarily practices in acute care.**

11 **(B) One (1) physician licensed under IC 25-22.5 who**
12 **primarily practices in long term care.**

13 **(C) One (1) registered nurse licensed under IC 25-23 who**
14 **is employed in an acute care facility.**

15 **(D) One (1) registered nurse licensed under IC 25-23 who**
16 **is employed in a long term care facility.**

17 **(E) One (1) registered nurse licensed under IC 25-23 who**
18 **is employed by a home health agency.**

19 **(F) One (1) residential care administrator.**

20 **(G) Two (2) individuals who are employed as hospital**
21 **administrators.**

22 **(H) One (1) individual who is employed as an**
23 **administrator of a freestanding ambulatory outpatient**
24 **surgical center.**

25 **(I) Two (2) individuals who are employed as long term care**
26 **facility administrators, as follows:**

27 **(i) One (1) individual who is employed at a for-profit**
28 **facility.**

29 **(ii) One (1) individual who is employed at a nonprofit**
30 **facility.**

31 **(J) One (1) individual who is employed by a home health**
32 **agency as:**

33 **(i) an administrator; or**

34 **(ii) a director of nursing.**

35 **(K) One (1) individual who:**

36 **(i) represents the interests of senior citizens; and**

37 **(ii) has experience as a health care advocate for senior**
38 **citizens and may represent a statewide organization.**

39 **(L) One (1) individual who:**

40 **(i) represents the interests of people with disabilities; and**

41 **(ii) has experience as a health care advocate for people**
42 **with disabilities and may represent a statewide**
43 **organization.**

44 **(M) One (1) individual who:**

45 **(i) represents the interests of people with chronic or**
46 **acute health care needs; and**

47 **(ii) has experience as a health care advocate for people**
48 **with chronic or acute health care needs and may**
49 **represent a statewide organization.**

50 **(N) Two (2) individuals employed by any one (1) of the**
51 **following:**

- 1 (i) A school of public health.
 2 (ii) A school of nursing.
 3 (iii) A school of medicine.
 4 (iv) A school of allied health.
 5 (v) A health care research organization.
 6 (vi) A quality improvement organization.
 7 (O) One (1) individual who is employed by a hospice
 8 agency as:
 9 (i) an administrator; or
 10 (ii) a director of nursing.

11 The governor shall appoint one (1) member under this subsection
 12 as chairperson and one (1) member as vice chairperson of the
 13 council.

14 (b) The commissioner or the commissioner's designee shall serve
 15 as secretary of the council.

16 (c) Except for an individual appointed under subsection
 17 (a)(3)(C) through (a)(3)(J), a member of the council may not:

- 18 (1) have a pecuniary interest in the operation of;
 19 (2) have an ownership interest in;
 20 (3) serve as a voting member of the governing body of; or
 21 (4) provide professional services through employment or
 22 under contract to;

23 an institution, facility, or agency licensed by the state department.

24 (d) The governor shall make the initial appointments under
 25 subsection (a)(3) to the council with the terms of office beginning
 26 July 1, 2011, and serving terms as follows:

- 27 (1) Eight (8) members shall be appointed for a term of four (4)
 28 years.
 29 (2) Eight (8) members shall be appointed for a term of two (2)
 30 years.

31 After the initial term of office for the council, a member shall be
 32 appointed for a term of four (4) years.

33 (e) Any vacancy on the council shall be filled by the governor for
 34 the remainder of the unexpired term in the same manner as the
 35 original appointment.

36 Sec. 3. (a) A member of the council who is not a state employee
 37 is entitled to the minimum salary per diem provided by
 38 IC 4-10-11-2.1(b).

39 (b) A member of the council is entitled to reimbursement for
 40 traveling expenses as provided in IC 4-13-1-4 and other expenses
 41 actually incurred in connection with the member's duties, as
 42 provided in the state policies and procedures established by the
 43 Indiana department of administration and approved by the budget
 44 agency.

45 Sec. 4. (a) The chairperson shall call the first meeting of the
 46 council not more than sixty (60) days after the appointment of all
 47 the members to the council. The council shall meet at least three (3)
 48 times each year on dates fixed by the council.

49 (b) The chairperson may call a special meeting of the council at
 50 the commissioner's request or upon the written request of at least
 51 four (4) members of the council.

1 (c) Ten (10) members of the council constitute a quorum for the
 2 transaction of business. The affirmative votes of a majority of the
 3 members are required for the council to take action on any
 4 measure.

5 (d) The chairperson may approve the creation of a
 6 subcommittee at the request of a majority of the council members.
 7 A subcommittee member:

- 8 (1) serves at the pleasure of the council; and
- 9 (2) does not receive travel reimbursement or per diem.

10 Sec. 5. (a) The council shall serve as an advisory body to the
 11 state department regarding facilities and entities licensed under the
 12 following:

- 13 (1) IC 16-21.
- 14 (2) IC 16-25.
- 15 (3) IC 16-27.
- 16 (4) IC 16-28.

17 (b) The council may do the following:

- 18 (1) Propose rules to the executive board.
- 19 (2) Recommend issuance of interpretative guidelines when
 20 necessary to assist a facility or entity in meeting the
 21 requirements of a rule adopted under:
 - 22 (A) IC 16-21-1;
 - 23 (B) IC 16-27-0.5; or
 - 24 (C) IC 16-28-1.

25 An interpretative guideline is not a rule and may not be used
 26 to contravene a rule.

27 (c) The council shall do the following:

- 28 (1) Propose rules as set forth in the following:
 - 29 (A) IC 16-21-1-7.
 - 30 (B) IC 16-21-2-14.
 - 31 (C) IC 16-27-0.5-9.
 - 32 (D) IC 16-28-1-7.
 - 33 (E) IC 16-28-1-11.
 - 34 (F) IC 16-28-6-2.
- 35 (2) Advise the state department as set forth in the following:
 - 36 (A) IC 16-27-0.5.
 - 37 (B) IC 16-28-1-7(4).
- 38 (3) Make recommendations to the fire prevention and
 39 building safety commission as set forth in IC 16-28-1-7(2).
- 40 (4) Classify health facilities in health care categories as
 41 required in IC 16-28-1-7.

42 Sec. 6. Beginning July 1, 2011, the liabilities, property, records,
 43 and other assets that belonged to the following councils are
 44 transferred to the health care facility advisory council:

- 45 (1) The hospital council (established by IC 16-21-1-1, before
 46 its repeal).
- 47 (2) The home health care services and hospice services council
 48 (established by IC 16-27-0.5-1, before its repeal).
- 49 (3) The health facilities council (established by IC 16-28-1-1,
 50 before its repeal).

51 SECTION 57. IC 16-21-1-9 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) ~~Except as~~
 2 ~~provided in IC 16-29-1-11,~~ The ~~executive board state health~~
 3 ~~commissioner~~ may, upon recommendation by the state health
 4 ~~commissioner and~~ for good cause **shown**, waive a rule:

5 (1) adopted under this chapter; or

6 (2) that may be waived under IC 16-28 for a specified time for a
 7 hospital based health facility or a hospital licensed under this
 8 article.

9 ~~(b) Disapproval of waiver requests requires executive board action:~~

10 ~~(c) (b)~~ A waiver may not adversely affect the health, safety, and
 11 welfare of the residents or patients.

12 SECTION 58. IC 16-21-2-3 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The ~~council state~~
 14 **department** may determine if an institution or agency is covered by
 15 this chapter. A decision of the ~~council state department~~ under this
 16 section is subject to review under IC 4-21.5.

17 SECTION 59. IC 16-21-2-12 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. An application
 19 must be accompanied by a licensing fee at the rate adopted by the
 20 ~~council state department~~ under IC 4-22-2.

21 SECTION 60. IC 16-21-2-14, AS AMENDED BY P.L.96-2005,
 22 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2011]: Sec. 14. A license to operate a hospital, an ambulatory
 24 outpatient surgical center, an abortion clinic, or a birthing center:

25 (1) expires one (1) year after the date of issuance;

26 (2) is not assignable or transferable;

27 (3) is issued only for the premises named in the application;

28 (4) must be posted in a conspicuous place in the facility; and

29 (5) may be renewed each year upon the payment of a renewal fee
 30 at the rate adopted by the ~~council state department~~ under
 31 IC 4-22-2.

32 SECTION 61. IC 16-21-3-2 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The state health
 34 commissioner may take action under section 1 of this chapter on any of
 35 the following grounds:

36 (1) Violation of any of the provisions of this chapter or of the
 37 rules adopted under this chapter.

38 (2) Permitting, aiding, or abetting the commission of any illegal
 39 act in an institution.

40 (3) Knowingly collecting or attempting to collect from a
 41 subscriber (as defined in IC 27-13-1-32) or an enrollee (as defined
 42 in IC 27-13-1-12) of a health maintenance organization (as
 43 defined in IC 27-13-1-19) any amounts that are owed by the
 44 health maintenance organization.

45 (4) Conduct or practice found by the ~~council state department~~ to
 46 be detrimental to the welfare of the patients of an institution.

47 SECTION 62. IC 16-25-3-2.5 IS AMENDED TO READ AS
 48 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.5. The state
 49 department shall administer this chapter with the advice of the ~~home~~
 50 ~~health care services and hospice services~~ **Indiana health care facility**

1 **advisory** council established by ~~IC 16-27-0.5-1~~. **IC 16-19-15-1.**

2 SECTION 63. IC 16-27-0.5-9 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) The state
4 department may request the **Indiana health care facility advisory**
5 council to propose a new rule or an amendment to a rule necessary to
6 protect the health, safety, rights, and welfare of the home health care
7 patients and hospice patients. If the council does not propose a rule
8 within ninety (90) days after the state department's request, the state
9 department may propose the rule.

10 (b) The executive board shall consider rules proposed by the council
11 under this section. ~~and section 7 of this chapter.~~ The executive board
12 may adopt, modify, remand, or reject specific rules or parts of rules
13 proposed by the council.

14 (c) To become effective, all rules proposed by the council under this
15 chapter must be adopted by the executive board in accordance with
16 IC 4-22-2.

17 SECTION 64. IC 16-27-1-1, AS AMENDED BY P.L.197-2007,
18 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2011]: Sec. 1. As used in this chapter, "health care
20 professional" means any of the following:

- 21 (1) A licensed physician.
- 22 (2) A licensed dentist.
- 23 (3) A licensed chiropractor.
- 24 (4) A licensed podiatrist.
- 25 (5) A licensed optometrist.
- 26 (6) A nurse licensed under IC 25-23-1.
- 27 (7) A physical therapist licensed under IC 25-27 or a physical
28 therapy assistant certified under IC 25-27.
- 29 (8) A speech-language pathologist or an audiologist licensed
30 under IC 25-35.6-3.
- 31 (9) A speech-language pathology aide or an audiology aide (as
32 defined in IC 25-35.6-1-2).
- 33 (10) An:
 - 34 (A) occupational therapist; ~~licensed~~; or
 - 35 (B) occupational therapy assistant; ~~certified~~;
36 **licensed** under IC 25-23.5.
- 37 (11) A social worker licensed under IC 25-23.6 or a social work
38 assistant.
- 39 (12) A pharmacist licensed under IC 25-26-13.

40 SECTION 65. IC 16-27-2-1, AS AMENDED BY P.L.197-2007,
41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2011]: Sec. 1. As used in this chapter, "health care
43 professional" means any of the following:

- 44 (1) A licensed physician or a physician assistant (as defined in
45 IC 25-22.5-1-1.1).
- 46 (2) A dentist licensed under IC 25-14.
- 47 (3) A chiropractor licensed under IC 25-10-1.
- 48 (4) A podiatrist licensed under IC 25-29.
- 49 (5) An optometrist licensed under IC 25-24.
- 50 (6) A nurse licensed under IC 25-23-1.
- 51 (7) A physical therapist licensed under IC 25-27 or a physical

- 1 therapy assistant certified under IC 25-27.
- 2 (8) A speech-language pathologist or an audiologist licensed
- 3 under IC 25-35.6-3.
- 4 (9) A speech-language pathology aide or an audiology aide (as
- 5 defined in IC 25-35.6-1-2).
- 6 (10) An:
- 7 (A) occupational therapist licensed; or
- 8 (B) occupational therapy assistant ~~certified~~; **licensed**;
- 9 under IC 25-23.5.
- 10 (11) A social worker licensed under IC 25-23.6 or a clinical social
- 11 worker licensed under IC 25-23.6.
- 12 (12) A pharmacist licensed under IC 25-26-13.
- 13 SECTION 66. IC 16-28-1-12 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) The department
- 15 may request the council to propose a new rule or an amendment to a
- 16 rule necessary to protect the health, safety, rights, and welfare of
- 17 patients. If the council does not propose a rule not more than ninety
- 18 (90) days after the department's request, the department may propose
- 19 its own rule.
- 20 (b) ~~The executive board shall consider rules proposed by the council~~
- 21 ~~under this section and section 1 of this chapter.~~ The executive board
- 22 may adopt, modify, remand, or reject specific rules or parts of rules
- 23 proposed by the council.
- 24 (c) To become effective, all rules adopted under this chapter must
- 25 be adopted by the executive board in accordance with IC 4-22-2. The
- 26 rules adopted under this chapter are the only rules governing the
- 27 licensing and operation of health facilities.
- 28 SECTION 67. IC 16-28-4-3 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The ~~council state~~
- 30 **department** shall refer an allegation of breach received about licensed
- 31 personnel at a health facility to the appropriate licensing board for
- 32 review and possible disciplinary action.
- 33 SECTION 68. IC 16-28-6-2 IS AMENDED TO READ AS
- 34 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The ~~council state~~
- 35 **department** shall adopt rules governing the emergency relocation of
- 36 patients that provide for the following:
- 37 (1) Notice to the patient, the patient's next of kin, guardian, and
- 38 physician of the emergency transfer and the reasons for the
- 39 relocation.
- 40 (2) Protections designed to ensure the welfare and desires of the
- 41 patient.
- 42 SECTION 69. IC 16-28-8-1 IS AMENDED TO READ AS
- 43 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The director may,
- 44 after consultation with the commissioner, ~~and the chairman of the~~
- 45 ~~council~~, request the attorney general to petition the circuit or superior
- 46 court of the county in which a health facility is located to place the
- 47 facility in receivership to protect the patients in the facility.
- 48 SECTION 70. IC 16-29-3-3 IS AMENDED TO READ AS
- 49 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. A decision of the
- 50 ~~council state department~~ under this chapter is subject to review under
- 51 IC 4-21.5. IC 16-28-10 applies to review hearings and appeals.

1 SECTION 71. IC 16-29-4-3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The ~~Indiana health~~
 3 ~~facilities~~ **Indiana health care facility advisory** council may
 4 recommend, before the conversion of existing health facility beds to
 5 ICF/MR beds or the construction of a new ICF/MR facility, that the
 6 state department issue a preliminary approval of the proposed project,
 7 but only if the council determines that there is an insufficient number
 8 of available beds to care for all the persons who are determined under
 9 IC 12-11-2.1 to be appropriate for placement in an ICF/MR facility.

10 SECTION 72. IC 16-29-4-4 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. A proposed project
 12 that receives preliminary approval under this chapter may not add more
 13 beds than the number determined by the ~~Indiana health facilities~~
 14 **Indiana health care facility advisory** council to be necessary to
 15 provide an available bed for each person determined under
 16 IC 12-11-2.1 to be appropriate for placement in an ICF/MR facility.
 17 Upon completion of the proposed project and compliance with the
 18 other requirements for licensure under IC 16-28, the state department
 19 shall issue a license to the facility.

20 SECTION 73. IC 25-1-2-6, AS AMENDED BY P.L.84-2010,
 21 SECTION 7, AND AS AMENDED BY P.L.113-2010, SECTION 100,
 22 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) As used in this section,
 24 "license" includes all occupational and professional licenses,
 25 registrations, permits, and certificates issued under the Indiana Code,
 26 and "licensee" includes all occupational and professional licensees,
 27 registrants, permittees, and certificate holders regulated under the
 28 Indiana Code.

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

- 31 (1) Indiana board of accountancy.
- 32 (2) Indiana grain buyers and warehouse licensing agency.
- 33 (3) Indiana auctioneer commission.
- 34 (4) Board of registration for architects and landscape architects.
- 35 ~~(5) State board of barber examiners.~~
- 36 ~~(6) (5) State board of cosmetology and barber examiners.~~
- 37 ~~(7) (6) Medical licensing board of Indiana.~~
- 38 ~~(8) (7) Secretary of state.~~
- 39 ~~(9) (8) State board of dentistry.~~
- 40 ~~(10) (9) State board of funeral and cemetery service.~~
- 41 ~~(11) (10) Worker's compensation board of Indiana.~~
- 42 ~~(12) (11) Indiana state board of health facility administrators.~~
- 43 ~~(13) (12) Committee of hearing aid dealer examiners.~~
- 44 ~~(14) (13) Indiana state board of nursing.~~
- 45 ~~(15) (14) Indiana optometry board.~~
- 46 ~~(16) (15) Indiana board of pharmacy.~~
- 47 ~~(17) (16) Indiana plumbing commission.~~
- 48 ~~(18) (17) Board of podiatric medicine.~~
- 49 ~~(19) (18) Private investigator and security guard licensing board.~~
- 50 ~~(20) (19) State board of registration for professional engineers.~~
- 51 ~~(21) Board of environmental health specialists.~~

- 1 ~~(22)~~ (20) State psychology board.
 2 ~~(23)~~ (21) Indiana real estate commission.
 3 ~~(24)~~ (22) Speech-language pathology and audiology board.
 4 ~~(25)~~ (23) Department of natural resources.
 5 ~~(26)~~ ~~(24)~~ *State athletic commission.*
 6 ~~(26)~~ ~~(25)~~ (24) Board of chiropractic examiners.
 7 ~~(27)~~ ~~(26)~~ (25) Mining board.
 8 ~~(28)~~ ~~(27)~~ (26) Indiana board of veterinary medical examiners.
 9 ~~(29)~~ ~~(28)~~ (27) State department of health.
 10 ~~(30)~~ ~~(29)~~ (28) Indiana physical therapy committee.
 11 ~~(31)~~ ~~(30)~~ (29) Respiratory care committee.
 12 ~~(32)~~ ~~(31)~~ (30) Occupational therapy committee.
 13 ~~(33)~~ ~~(32)~~ (31) Behavioral health and human services licensing
 14 board.
 15 ~~(34)~~ ~~(33)~~ (32) Real estate appraiser licensure and certification
 16 board.
 17 ~~(35)~~ ~~(34)~~ (33) State board of registration for land surveyors.
 18 ~~(36)~~ ~~(35)~~ (34) Physician assistant committee.
 19 ~~(37)~~ ~~(36)~~ (35) Indiana dietitians certification board.
 20 ~~(38)~~ *Indiana hypnotist committee.*
 21 ~~(39)~~ ~~(37)~~ (36) Attorney general (only for the regulation of athlete
 22 agents).
 23 ~~(40)~~ ~~(38)~~ (37) Manufactured home installer licensing board.
 24 ~~(41)~~ ~~(39)~~ (38) Home inspectors licensing board.
 25 ~~(42)~~ ~~(40)~~ (39) State board of massage therapy.
 26 ~~(43)~~ ~~(41)~~ (40) Any other occupational or professional agency
 27 created after June 30, 1981.

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

37 **(d) Notwithstanding any other law, the entities included in**
 38 **subsection (b) shall send notice of the expiration of a license to each**
 39 **individual whose license has expired within thirty (30) days**
 40 **following the expiration of the license. The notice must meet the**
 41 **following requirements:**

42 **(1) Inform the individual of the following:**

43 **(A) That the individual's license has expired.**

44 **(B) Any requirements that must be met before**
 45 **reinstatement of a license may occur.**

46 **(2) Be sent electronically. However, if the entity does not have**
 47 **an electronic mail address on record for the individual, the**
 48 **notice must be sent via United States mail.**

49 SECTION 74. IC 25-1-11-12, AS AMENDED BY P.L.177-2009,
 50 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 51 JULY 1, 2011]: Sec. 12. (a) The board may impose any of the

1 following sanctions, singly or in combination, if the board finds that a
 2 practitioner is subject to disciplinary sanctions under sections 5
 3 through 9 of this chapter:

- 4 (1) Permanently revoke a practitioner's license.
- 5 (2) Suspend a practitioner's license.
- 6 (3) Censure a practitioner.
- 7 (4) Issue a letter of reprimand.
- 8 (5) Place a practitioner on probation status and require the
 9 practitioner to:

10 (A) report regularly to the board upon the matters that are the
 11 basis of probation;

12 (B) limit practice to those areas prescribed by the board;

13 (C) continue or renew professional education approved by the
 14 board until a satisfactory degree of skill has been attained in
 15 those areas that are the basis of the probation; ~~or~~

16 (D) perform or refrain from performing any acts, including
 17 community restitution or service without compensation, that
 18 the board considers appropriate to the public interest or to the
 19 rehabilitation or treatment of the practitioner; ~~or~~

20 **(E) satisfactorily complete a quality review (before July 1,**
 21 **2012) or peer review (after June 30, 2012) specified by the**
 22 **board as a condition for termination of probationary**
 23 **status if the practitioner is a licensee (as defined in**
 24 **IC 25-2.1-1-8).**

25 (6) Assess a civil penalty against the practitioner for not more
 26 than one thousand dollars (\$1,000) for each violation listed in
 27 sections 5 through 9 of this chapter except for a finding of
 28 incompetency due to a physical or mental disability.

29 (7) Order a practitioner to pay consumer restitution to a person
 30 who suffered damages as a result of the conduct or omission that
 31 was the basis for the disciplinary sanctions under this chapter.

32 (b) When imposing a civil penalty under subsection (a)(6), the board
 33 shall consider a practitioner's ability to pay the amount assessed. If the
 34 practitioner fails to pay the civil penalty within the time specified by
 35 the board, the board may suspend the practitioner's license without
 36 additional proceedings. However, a suspension may not be imposed if
 37 the sole basis for the suspension is the practitioner's inability to pay a
 38 civil penalty.

39 (c) The board may withdraw or modify the probation under
 40 subsection (a)(5) if the board finds after a hearing that the deficiency
 41 that required disciplinary action has been remedied or that changed
 42 circumstances warrant a modification of the order.

43 SECTION 75. IC 25-2.1-1-8.7 IS ADDED TO THE INDIANA
 44 CODE AS A NEW SECTION TO READ AS FOLLOWS
 45 [EFFECTIVE JULY 1, 2011]: **Sec. 8.7. (a) "Peer review" means a**
 46 **study, an appraisal, or a review of at least one (1) aspect of the**
 47 **professional work of:**

48 **(1) an individual who; or**

49 **(2) a firm in the practice of accountancy that;**

50 **attests or issues compilation reports, by at least one (1) individual**
 51 **who holds a certificate from any state and possesses qualifications**

1 **that meet the applicable substantial equivalency standards and**
 2 **who is independent of the individual or firm being reviewed. The**
 3 **term includes any part of a quality review conducted before July**
 4 **1, 2012, that becomes part of a peer review conducted or peer**
 5 **review report issued after June 30, 2012.**

6 **(b) After June 30, 2012, any reference in any law, rule, or other**
 7 **document to "quality review" as that term was applied under this**
 8 **article before July 1, 2012, shall be treated as a reference to peer**
 9 **review.**

10 SECTION 76. IC 25-2.1-1-12, AS AMENDED BY P.L.197-2007,
 11 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2011]: Sec. 12. (a) "Quality review" means a study, an
 13 appraisal, or a review of at least one (1) aspect of the professional work
 14 of:

15 (1) an individual who; or

16 (2) a firm in the practice of accountancy that;

17 attests or issues compilation reports, by at least one (1) individual who
 18 holds a certificate from any state and possesses qualifications that meet
 19 the applicable substantial equivalency standards and who is
 20 independent of the individual or firm being reviewed.

21 **(b) This section expires July 1, 2012.**

22 SECTION 77. IC 25-2.1-2-15, AS AMENDED BY P.L.190-2007,
 23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2011]: Sec. 15. The board may adopt rules under IC 4-22-2
 25 governing the administration and enforcement of this article and the
 26 conduct of licensees, including the following:

27 (1) The board's meetings and conduct of business.

28 (2) The procedure of investigations and hearings.

29 (3) The educational and experience qualifications required for the
 30 issuance of certificates under this article and the continuing
 31 professional education required for renewal of certificates under
 32 IC 25-2.1-4.

33 (4) Rules of professional conduct directed to controlling the
 34 quality and probity of the practice of accountancy by licensees,
 35 including independence, integrity, and objectivity, competence
 36 and technical standards, and responsibilities to the public and
 37 clients.

38 (5) The actions and circumstances that constitute professing to be
 39 a licensee in connection with the practice of accountancy.

40 (6) The manner and circumstances of use of the title "certified
 41 public accountant" and the abbreviation "CPA".

42 (7) Quality reviews **(before July 1, 2012) or peer reviews (after**
 43 **June 30, 2012)** that may be required to be performed under this
 44 article.

45 (8) Methods of applying for and conducting the examinations,
 46 including methods for grading examinations and determining a
 47 passing grade required of an applicant for a certificate. However,
 48 the board shall to the extent possible provide that the
 49 examination, grading of the examination, and the passing grades
 50 are uniform with those applicable in other states.

51 (9) Substantial equivalency.

- 1 (10) Administration of the accountant investigative fund
 2 established by IC 25-2.1-8-4.
- 3 SECTION 78. IC 25-2.1-5-8, AS AMENDED BY P.L.190-2007,
 4 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2011]: Sec. 8. (a) The board shall adopt rules that require as
 6 a condition to renew a permit under this chapter, that an applicant
 7 undergo, not more than once every three (3) years, a quality review
 8 **(before July 1, 2012) or peer review (after June 30, 2012)** conducted
 9 in a manner the board specifies.
- 10 (b) The rules adopted under subsection (a) must:
- 11 (1) be adopted reasonably in advance of the time when a quality
 12 review **(before July 1, 2012) or peer review (after June 30,**
 13 **2012)** first becomes effective;
- 14 (2) include reasonable provision for compliance by an applicant
 15 showing that the applicant has in the preceding three (3) years
 16 undergone a quality review **(before July 1, 2012) or peer review**
 17 **(after June 30, 2012)** that is a satisfactory equivalent to the
 18 quality review **(before July 1, 2012) or peer review (after June**
 19 **30, 2012)** required under this section;
- 20 (3) require, with respect to quality reviews **(before July 1, 2012)**
 21 **or peer reviews (after June 30, 2012)** under subdivision (2), that
 22 the quality review **(before July 1, 2012) or peer review (after**
 23 **June 30, 2012)** be subject to review by an oversight body
 24 established or sanctioned by the board that shall:
- 25 (A) **comply with IC 25-2.1-9-4; and**
- 26 (B) periodically report to the board on the effectiveness of the
 27 review program and provide to the board a listing of firms that
 28 have participated in a quality review **(before July 1, 2012) or**
 29 **peer review (after June 30, 2012)** program; and
- 30 (4) **subject to section 9 of this chapter and IC 25-2.1-9-4,**
 31 require, with respect to quality reviews **(before July 1, 2012) or**
 32 **peer reviews (after June 30, 2012)** under subdivision (2), that:
- 33 (A) the proceedings, records, and work papers of a review
 34 committee are privileged and are not subject to discovery,
 35 subpoena, or other means of legal process or introduction into
 36 evidence in a civil action, arbitration, administrative
 37 proceeding, or Indiana board of accountancy proceeding; and
- 38 (B) a member of the review committee or individual who was
 39 involved in the quality review **(before July 1, 2012) or peer**
 40 **review (after June 30, 2012)** process is not permitted or
 41 required to testify in a civil action, arbitration, administrative
 42 proceeding, or ~~Indiana board of accountancy~~ proceeding to
 43 matters:
- 44 (i) produced, presented, disclosed or discussed during, or in
 45 connection with, the quality review **(before July 1, 2012) or**
 46 **peer review (after June 30, 2012)** process; or
- 47 (ii) that involve findings, recommendations, evaluations,
 48 opinions, or other actions of the committee or a committee
 49 member.
- 50 SECTION 79. IC 25-2.1-5-9 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) Notwithstanding
 2 section ~~8(4)(B)~~ **8(b)(4)(B)** of this chapter, information, documents, or
 3 records that are publicly available are not immune from discovery or
 4 use in any civil action, arbitration, administrative proceeding, or
 5 ~~Indiana board of accountancy~~ proceeding merely because they were
 6 presented or considered in connection with the quality review **(before**
 7 **July 1, 2012) or peer review (after June 30, 2012)** process.

8 (b) Any:

9 (1) materials prepared in connection with a particular engagement
 10 merely because they happen to subsequently be presented or
 11 considered as part of the quality review **(before July 1, 2012) or**
 12 **peer review (after June 30, 2012)** process; or

13 (2) dispute between review committees and individuals or firms
 14 subject to a quality review **(before July 1, 2012) or peer review**
 15 **(after June 30, 2012)** arising from the performance of the quality
 16 review **(before July 1, 2012) or peer review (after June 30,**
 17 **2012);**

18 are not privileged.

19 SECTION 80. IC 25-2.1-8-1, AS AMENDED BY P.L.190-2007,
 20 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2011]: Sec. 1. (a) The board may impose sanctions for any of
 22 the following reasons:

23 (1) A violation of IC 25-1-11-5, **including:**

24 **(A) a peer review rating of fail; or**

25 **(B) an act or omission that is the basis of a peer review**
 26 **rating of fail;**

27 **on any peer review report issued under this article after June**
 28 **30, 2012.**

29 (2) Revocation or suspension of the right to practice before a state
 30 or federal agency.

31 (3) Dishonesty, fraud, or gross negligence in the practice of
 32 accountancy or in the filing of or failure to file the licensee's own
 33 income tax returns.

34 (4) Any conduct reflecting adversely on the licensee's fitness to
 35 engage in the practice of accountancy.

36 (5) Failure to complete continuing education requirements
 37 satisfactorily.

38 (6) Failure to furnish evidence, when required, of satisfactory
 39 completion of continuing education requirements.

40 (b) A holder of a CPA certificate issued under this article is subject
 41 to disciplinary action in this state if the CPA certificate holder:

42 (1) offers or renders services or uses the CPA title in another
 43 state; and

44 (2) commits an act in that other state for which the CPA
 45 certificate holder would be subject to discipline in the other state
 46 if the CPA certificate holder were licensed in the other state.

47 The board shall investigate a complaint made by a board of
 48 accountancy or the equivalent of a board of accountancy in another
 49 state.

50 SECTION 81. IC 25-2.1-8-2 IS AMENDED TO READ AS
 51 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. In place of or in

1 addition to any remedy specifically provided in IC 25-1-11, the board
2 may require the following of a licensee:

3 (1) **To undergo a quality review ~~conducted~~ (before July 1,**
4 **2012) or a peer review (after June 30, 2012).**

5 (2) ~~Satisfactory completion of~~ **To satisfactorily complete**
6 continuing professional education programs.

7 SECTION 82. IC 25-2.1-9-3, AS AMENDED BY P.L.84-2010,
8 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2011]: Sec. 3. (a) If the board has reason to believe that the
10 subject of an investigation has committed a violation of this article or
11 IC 25-1-11:

12 (1) the board shall direct that a complaint be issued under
13 IC 25-1-7, if the subject of the investigation is a licensee; and

14 (2) the board shall take appropriate action under IC 25-1-7-14, if
15 the subject of the investigation is not a licensee.

16 **(b) Subsection (a) does not prohibit the board from taking an**
17 **action permitted under IC 25-1 or IC 25-2.1-8-2, including an**
18 **action under the following:**

19 (1) **IC 25-1-4-5 (conditional license and other actions related**
20 **to continuing education or lapsed license).**

21 (2) **IC 25-1-6-4 (refusal to issue a license or placement on**
22 **probationary status).**

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

26 SECTION 83. IC 25-2.1-9-4 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2011]: Sec. 4. (a) **This section applies to a licensee that receives**
29 **a peer review rating of fail on a peer review report issued after**
30 **June 30, 2012, for a peer review conducted under IC 25-2.1-5-8.**

31 (b) The following definitions apply throughout this section:

32 (1) "Administering entity" refers to the oversight body
33 established or sanctioned by the board to conduct a peer
34 review program.

35 (2) "Director" refers to the director of the division of
36 consumer protection in the office of the attorney general.

37 (3) "Oversight committee" refers to a committee of licensees
38 who are not board members that is designated by the board
39 to receive a report.

40 (4) "Report" refers to a peer review report described in
41 subsection (a), including any description of the deficiencies on
42 which the peer review rating of fail is based.

43 (c) The board shall provide the director with the name and
44 contact information for the administering entity.

45 (d) Not more than thirty (30) days after the issuance of a report,
46 the administering entity shall make the report available to the
47 oversight committee. The oversight committee may forward the
48 report to the director. Receipt of the report shall be treated under
49 IC 25-1-7-4, IC 25-1-7-5, and IC 25-1-7-6 as a complaint submitted
50 by the board. If, after conducting an investigation, the director
51 believes that a licensee should be subjected to disciplinary

1 sanctions by the board, the director shall report the director's
 2 determination to the attorney general. Upon receiving the
 3 director's report, the attorney general may prosecute the matter,
 4 on behalf of the state of Indiana, before the board. IC 25-1-7-7(b)
 5 does not apply to a determination related to a complaint filed
 6 under this section.

7 (e) The administering entity and the peer review committee
 8 issuing a report shall cooperate with an investigation under
 9 IC 25-1-7 of a complaint filed under this section and with any
 10 resulting proceeding, including compliance with any request for
 11 access to or production of the proceedings, records, and work
 12 papers of the review committee by the director, the office of the
 13 attorney general, or a party to any proceeding initiated as a result
 14 of the filing of a complaint under this section. However, all
 15 complaints and information pertaining to a complaint are
 16 confidential until the attorney general files notice with the board
 17 of the attorney general's intent to prosecute a licensee under
 18 IC 25-1-7-7. Any meeting of the board, the oversight committee, or
 19 a designee of the board or oversight committee that is required in
 20 an investigation conducted before the attorney general files notice
 21 of intent to prosecute shall be conducted as an executive session
 22 under IC 5-14-1.5-6.1.

23 SECTION 84. IC 25-2.1-9-5 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 2011]: **Sec. 5. An:**

26 (1) entity administering a quality review program before July
 27 1, 2012, or a peer review program after June 30, 2012;

28 (2) officer, member, or employee of an entity administering a
 29 quality review program before July 1, 2012, or a peer review
 30 program after June 30, 2012;

31 (3) employee or member of a quality review committee before
 32 July 1, 2012, or a peer review committee after June 30, 2012;
 33 and

34 (4) entity in which or for which a member of a quality review
 35 committee (before July 1, 2012) or peer review committee
 36 (after June 30, 2012) is a sole proprietor, a partner, a
 37 shareholder, a member, or an employee;

38 is immune from civil liability that would otherwise arise from
 39 communications, supervision, findings, recommendations,
 40 evaluations, reports, opinions, or other actions taken or omissions
 41 occurring in good faith in the course and scope of the duties of a
 42 quality review administering entity (before July 1, 2012) or peer
 43 review administering entity (after June 30, 2012) or a quality
 44 review committee (before July 1, 2012) or peer review committee
 45 (after June 30, 2012) that arise under this article, including the
 46 rules adopted by the board. The immunity granted under this
 47 section includes immunity for an act or omission related to any
 48 part of a quality review conducted under this article before July 1,
 49 2012, that becomes part of a peer review conducted or peer review
 50 report issued after June 30, 2012.

51 SECTION 85. IC 25-2.1-11-2 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. Before reinstating a
 2 suspended certificate or permit under IC 25-1-11-14, the board may
 3 require the applicant to show successful completion of specified
 4 continuing professional education, and the board may make the
 5 reinstatement of a certificate or permit conditional on satisfactory
 6 completion of a quality review **(before July 1, 2012) or peer review**
 7 **(after June 30, 2012)** specified by the board.

8 SECTION 86. IC 25-2.1-14-2 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The information
 10 derived from or as the result of professional services is confidential and
 11 privileged. However, this section does not prohibit a certified public
 12 accountant, a public accountant, or an accounting practitioner from
 13 disclosing any data required to be disclosed by the standards of the
 14 profession:

- 15 (1) in rendering an opinion on the presentation of financial
 16 statements;
- 17 (2) in ethical investigations conducted by private professional
 18 organizations;
- 19 (3) in the course of quality reviews **(before July 1, 2012) or peer**
 20 **reviews (after June 30, 2012) or an investigation or**
 21 **proceeding related to a quality review (before July 1, 2012) or**
 22 **peer review (after June 30, 2012);** or
- 23 (4) in making disclosure where the financial statements or the
 24 professional services of an accountant are contested.

25 SECTION 87. IC 25-2.1-14-3 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. **(a) The following**
 27 **definitions apply throughout this section:**

- 28 (1) **"Client provided records" means accounting or other**
 29 **records belonging to the client that are provided to the**
 30 **licensee by or on behalf of the client.**
- 31 (2) **"Client records prepared by the licensee" means**
 32 **accounting or other records (for example, tax returns, general**
 33 **ledgers, subsidiary journals, and supporting schedules such as**
 34 **detailed employee payroll records and depreciation schedules)**
 35 **that the licensee was engaged to prepare for the client.**
- 36 (3) **"Supporting records" means information not reflected in**
 37 **the client's books and records that are otherwise not available**
 38 **to the client with the result that the client's financial**
 39 **information is incomplete.**
- 40 (4) **"Working papers" includes, but is not limited to, audit**
 41 **programs, analytical review schedules, and statistical**
 42 **sampling results, analyses, and schedules prepared by the**
 43 **client at the request of the licensee.**

44 **(b)** All statements, records, schedules, working papers, and
 45 memoranda made by a licensee or a partner, a member, a shareholder,
 46 an officer, a director, or an employee of a licensee, including
 47 information prepared by the client for the work and services rendered
 48 to a client in the practice of accountancy, except the reports submitted
 49 by the licensee to the client and records that are part of the client's
 50 records, must remain the property of the licensee except in an express
 51 agreement between the licensee and the client to the contrary.

1 (c) Upon a client's request, a licensee is required to provide the
2 following to the client:

3 (1) Client provided records in the licensee's custody or
4 control.

5 (2) Client records prepared by the licensee. However, client
6 records prepared by the licensee may be withheld if the
7 preparation of the records is not complete or there are fees
8 due the licensee for the engagement to prepare those records.

9 (3) Supporting records related to a completed and issued
10 work product of a licensee. However, supporting records
11 prepared by the licensee may be withheld if there are fees due
12 to the licensee for the specific work product.

13 (d) A licensee may make and retain a copy of any records
14 returned to a client. Records may be provided in any format usable
15 to the client. To the extent practicable, records shall be returned to
16 a client not more than forty-five (45) days after a request is
17 received.

18 SECTION 88. IC 25-2.1-14-5 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) This chapter does
20 not prohibit a temporary transfer of work papers or other material
21 necessary to carry out quality reviews (**before July 1, 2012**) or peer
22 reviews (**after June 30, 2012**), **conduct an investigation or**
23 **proceeding related to a quality review (before July 1, 2012) or peer**
24 **review (after June 30, 2012)**, or to comply with the disclosure of
25 information under this chapter.

26 (b) A licensee is not required to keep any work paper beyond the
27 period prescribed in any applicable statute.

28 SECTION 89. IC 25-19-1-5, AS AMENDED BY P.L.54-2007,
29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2011]: Sec. 5. (a) The ~~Indiana health facilities council~~, **state**
31 **department of health**, pursuant to authority provided by IC 16-28, has,
32 by rule duly promulgated, classified health facilities into
33 comprehensive health facilities and residential health facilities. The fee
34 for a health facility administrator's license in either classification shall
35 be set by the board under section 8 of this chapter.

36 (b) ~~Such~~ **The** fee and application shall be submitted to the board,
37 and the board shall transmit all ~~such the~~ funds ~~so~~ received to the
38 treasurer of state to be deposited by ~~him~~ **the treasurer** in the general
39 fund of the state. All expenses incurred in the administration of this
40 chapter shall be paid from the general fund upon appropriation being
41 made ~~therefor~~ in the manner provided by law for making ~~such~~
42 appropriations.

43 (c) The administrator of a comprehensive care facility must have a
44 comprehensive care facility administrator license issued by the board
45 in accordance with rules adopted under section 8 of this chapter.

46 (d) The administrator of a residential care facility must have one (1)
47 of the following licenses issued by the board under rules adopted under
48 section 8 of this chapter:

49 (1) A comprehensive care facility administrator license.

50 (2) A residential care facility administrator license.

51 SECTION 90. IC 25-23.5-0.5-2, AS ADDED BY P.L.197-2007,

1 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2011]: Sec. 2. The provisions of this article that require a
3 license to engage in the practice of occupational therapy do not apply
4 to the following:

5 (1) The practice of occupational therapy by an individual who is
6 practicing occupational therapy as part of a supervised course of
7 study in an educational program approved by the board.

8 (2) The practice of occupational therapy by an occupational
9 therapy assistant who is:

10 (A) ~~certified licensed~~ under this article; and

11 (B) acting under the supervision of an occupational therapist.

12 ~~(3) The practice of occupational therapy by an occupational
13 therapy aide under the direct supervision of:~~

14 ~~(A) an occupational therapist; or~~

15 ~~(B) an occupational therapy assistant.~~

16 SECTION 91. IC 25-23.5-0.5-3, AS ADDED BY P.L.197-2007,
17 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2011]: Sec. 3. An occupational therapy assistant shall:

19 (1) be ~~certified licensed~~ under this article; and

20 (2) practice under the supervision of an occupational therapist
21 who is licensed under this article.

22 SECTION 92. IC 25-23.5-2-5, AS AMENDED BY P.L.197-2007,
23 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2011]: Sec. 5. The committee shall:

25 (1) consider the qualifications of persons who apply for licenses
26 under this article;

27 (2) provide for examinations required under this article;

28 (3) license qualified persons;

29 (4) propose rules to the board concerning the:

30 (A) competent practice of occupational therapy;

31 (B) continuing competency requirement for the renewal of a
32 license for an occupational therapist and ~~renewal of a
33 certificate for an~~ occupational therapy assistant; and

34 (C) administration of this article; and

35 (5) recommend to the board the amounts of fees required under
36 this article.

37 SECTION 93. IC 25-23.5-2-6, AS AMENDED BY P.L.197-2007,
38 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2011]: Sec. 6. (a) After considering the committee's proposed
40 rules, the board shall adopt rules under IC 4-22-2 establishing
41 standards for:

42 (1) the competent practice of occupational therapy;

43 (2) the renewal of licenses ~~or certificates~~ issued under this article;
44 and

45 (3) standards for the administration of this article.

46 (b) After considering the committee's recommendations for fees, the
47 board shall establish fees under IC 25-1-8-2.

48 SECTION 94. IC 25-23.5-3-1, AS AMENDED BY P.L.197-2007,
49 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
50 JULY 1, 2011]: Sec. 1. A person may not:

51 (1) practice as an occupational therapist;

- 1 (2) practice as an occupational therapy assistant;
 2 (3) use the title "occupational therapist";
 3 (4) use the title "occupational therapy assistant"; or
 4 (5) engage in the practice of occupational therapy;
 5 unless the person is licensed ~~or certified~~ under this article.

6 SECTION 95. IC 25-23.5-5-1, AS AMENDED BY P.L.197-2007,
 7 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2011]: Sec. 1. A person who applies for a license as an
 9 occupational therapist or ~~a certificate~~ as an occupational therapy
 10 assistant must present satisfactory evidence to the committee that the
 11 person:

- 12 (1) does not have a conviction for a crime that has a direct bearing
 13 on the person's ability to practice competently;
 14 (2) has not been the subject of a disciplinary action by a licensing
 15 or certification agency of another state or jurisdiction on the
 16 grounds that the person was not able to practice as an
 17 occupational therapist or occupational therapy assistant without
 18 endangering the public;
 19 (3) has graduated from a school or program of occupational
 20 therapy or a program for occupational therapy assistants approved
 21 by the board; and
 22 (4) has passed an occupational therapist or occupational therapy
 23 assistant licensing ~~or certifying~~ examination approved by the
 24 board under section 4.5 of this chapter.

25 SECTION 96. IC 25-23.5-5-2, AS AMENDED BY P.L.197-2007,
 26 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2011]: Sec. 2. (a) The board may require a person who applies
 28 for a license as an occupational therapist to have successfully
 29 completed supervised fieldwork experience arranged and approved by
 30 the school or program from which the person graduated.

31 (b) The board may require a person who applies for a ~~certificate~~
 32 **license** as an occupational therapy assistant to have successfully
 33 completed supervised fieldwork experience arranged and approved by
 34 the program from which the person graduated.

35 SECTION 97. IC 25-23.5-5-3, AS AMENDED BY P.L.197-2007,
 36 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2011]: Sec. 3. A person applying for a license ~~or certificate~~
 38 under this article must pay a fee.

39 SECTION 98. IC 25-23.5-5-4.5, AS ADDED BY P.L.197-2007,
 40 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2011]: Sec. 4.5. (a) The board shall do the following:

- 42 (1) Approve a nationally recognized examination for each type of
 43 license ~~or certificate~~ issued under this article.
 44 (2) Establish the passing score necessary to obtain a license under
 45 this article.
 46 (b) The board may use any part of an examination administered by:
 47 (1) the National Board for Certification in Occupational Therapy,
 48 or its successor; or
 49 (2) another nationally recognized body that provides examination
 50 services for occupational therapists, as determined by the
 51 committee;

1 as the examination required to obtain a license under this article.

2 SECTION 99. IC 25-23.5-5-6, AS AMENDED BY P.L.197-2007,
3 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]: Sec. 6. The committee shall issue a license ~~or~~
5 ~~certificate~~ to a person who meets the requirements for a license ~~or~~
6 ~~certificate~~ under this article.

7 SECTION 100. IC 25-23.5-5-7, AS AMENDED BY P.L.197-2007,
8 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2011]: Sec. 7. (a) The committee may refuse to issue a license
10 or may issue a probationary license to a person if:

11 (1) the person has been disciplined by an administrative agency
12 in another jurisdiction; and

13 (2) the committee determines that the violation for which the
14 person was disciplined has a direct bearing on the person's ability
15 to practice occupational therapy as an occupational therapist.

16 (b) The committee may refuse to issue a ~~certificate~~ **license** or may
17 issue a probationary ~~certificate~~ **license** to a person if:

18 (1) the person has been disciplined by an administrative agency
19 in another jurisdiction; and

20 (2) the committee determines that the violation for which the
21 person was disciplined has a direct bearing on the person's ability
22 to practice as an occupational therapy assistant.

23 SECTION 101. IC 25-23.5-5-8, AS AMENDED BY P.L.197-2007,
24 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2011]: Sec. 8. (a) If the committee issues a probationary
26 license ~~or probationary certificate~~ under section 7 of this chapter, the
27 committee may require the person who holds the probationary license
28 ~~or probationary certificate~~ to perform one (1) or more of the following
29 conditions:

30 (1) Report regularly to the committee upon a matter that is the
31 basis for the probation.

32 (2) Limit practice to areas prescribed by the committee.

33 (3) Continue or renew professional education.

34 (4) Engage in community restitution or service without
35 compensation for a number of hours specified by the committee.

36 (b) The committee shall remove a limitation placed on a
37 probationary license ~~or probationary certificate~~ if after a hearing the
38 committee finds that the deficiency that caused the limitation has been
39 remedied.

40 SECTION 102. IC 25-23.5-5-9, AS AMENDED BY P.L.197-2007,
41 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2011]: Sec. 9. (a) A license ~~or certificate~~ issued by the
43 committee expires on a date established by the Indiana professional
44 licensing agency under IC 25-1-5-4 in the next even-numbered year
45 following the year in which the license ~~or certificate~~ was issued.

46 (b) A person may renew a license ~~or certificate~~ by paying a renewal
47 fee on or before the expiration date of the license. ~~or certificate.~~

48 (c) If a person fails to pay a renewal fee on or before the expiration
49 date of a license, ~~or certificate~~, the license ~~or certificate~~ becomes
50 invalid.

51 SECTION 103. IC 25-23.5-5-10, AS AMENDED BY P.L.197-2007,

1 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2011]: Sec. 10. (a) The committee shall reinstate an invalid
3 license ~~or certificate~~ up to three (3) years after the expiration date of
4 the license ~~or certificate~~ if the person holding the invalid license ~~or~~
5 ~~certificate~~ meets the requirements under IC 25-1-8-6.

6 (b) If more than three (3) years have elapsed since the date a license
7 ~~or certificate~~ expired, the person holding the license ~~or certificate~~ may
8 renew the license ~~or certificate~~ by satisfying the requirements for
9 renewal established by the board and meeting the requirements under
10 IC 25-1-8-6.

11 SECTION 104. IC 25-23.5-5-11, AS AMENDED BY P.L.197-2007,
12 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2011]: Sec. 11. (a) The committee may issue a temporary
14 permit to a person to engage in the practice of occupational therapy as
15 an occupational therapist or occupational therapy assistant if the person
16 pays a fee and the person:

17 (1) has a valid license or certificate to practice from another state
18 and the person has applied for a license or certificate from the
19 committee;

20 (2) is practicing occupational therapy in a state that does not
21 license or certify occupational therapists or occupational therapy
22 assistants but is certified by a national occupational therapy
23 association approved by the board and the person has applied for
24 a license ~~or certificate~~ from the committee; or

25 (3) meets all the following requirements:

26 (A) Has graduated from an accredited program.

27 (B) Has completed the fieldwork experience requirement for
28 a license ~~or certificate~~ under this article.

29 (C) Is eligible to take the entry level examination.

30 (b) A person with a temporary permit issued under subsection (a)(3)
31 may engage in the practice of occupational therapy as an occupational
32 therapist or an occupational therapy assistant only under the
33 supervision of an occupational therapist licensed under this article.

34 (c) A temporary permit expires the earlier of:

35 (1) the date the person holding the permit is issued a permanent
36 license ~~or certificate~~ under this article;

37 (2) the date the committee disapproves the person's license
38 ~~application or certificate~~ application; or

39 (3) one hundred eighty (180) days after the date the permit is
40 issued.

41 (d) The committee may renew a temporary permit if the person
42 holding the permit was scheduled to take the next examination and the
43 person:

44 (1) did not take the examination; and

45 (2) shows good cause for not taking the examination.

46 (e) A permit renewed under subsection (d) expires on the date the
47 person holding the permit receives the results from the next
48 examination given after the permit was issued.

49 SECTION 105. IC 25-23.5-5-12, AS AMENDED BY P.L.197-2007,
50 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
51 JULY 1, 2011]: Sec. 12. (a) A person who is licensed ~~or certified~~ under

1 this article shall notify the committee in writing when the person retires
2 from practice.

3 (b) Upon receipt of the notice, the committee shall:

- 4 (1) record the fact the person is retired; and
- 5 (2) release the person from further payment of renewal fees.

6 SECTION 106. IC 25-23.5-5-13, AS AMENDED BY P.L.197-2007,
7 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2011]: Sec. 13. (a) If a person surrenders a license ~~or~~
9 ~~certificate~~ to the committee, the committee may reinstate the license ~~or~~
10 ~~certificate~~ upon written request by the person.

11 (b) If the committee reinstates a license, ~~or certificate~~, the
12 committee may impose conditions on the license ~~or certificate~~
13 appropriate to the reinstatement.

14 (c) A person may not surrender a license ~~or certificate~~ without
15 written approval by the committee if a disciplinary proceeding under
16 this article is pending against the person.

17 SECTION 107. IC 25-23.5-5-14, AS AMENDED BY P.L.197-2007,
18 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2011]: Sec. 14. A person who applies for a license ~~or~~
20 ~~certificate~~ under this article may be exempted by the committee from
21 the examination requirement under section 6 of this chapter if the
22 person:

- 23 (1) is licensed or certified to practice occupational therapy as an
24 occupational therapist or occupational therapy assistant in another
25 state; or
- 26 (2) is practicing occupational therapy in a state that does not
27 license or certify occupational therapists or occupational therapy
28 assistants and is certified by a national occupational therapy
29 association approved by the board;

30 and is otherwise qualified under sections 1 through 3 of this chapter
31 and pays an additional fee.

32 SECTION 108. IC 25-23.5-5-15, AS AMENDED BY P.L.197-2007,
33 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2011]: Sec. 15. The committee may issue a license to a person
35 who has graduated as an occupational therapist or issue a ~~certificate~~
36 **license** to a person who has graduated as an occupational therapy
37 assistant from an educational program in a foreign country if the
38 person:

- 39 (1) graduated from an educational program approved by the
40 board;
- 41 (2) does not have a conviction for:
 - 42 (A) an act that would constitute a ground for a disciplinary
43 sanction under IC 25-1-9; or
 - 44 (B) a crime that has a direct bearing on the person's ability to
45 practice competently;
- 46 (3) has not been the subject of a disciplinary action initiated by a
47 licensing agency of another state or jurisdiction on the ground that
48 the person was not able to practice occupational therapy as an
49 occupational therapist or occupational therapy assistant without
50 endangering the public;
- 51 (4) passes the examination required under this chapter; and

1 (5) pays a fee.

2 SECTION 109. IC 25-26-13-31.2, AS ADDED BY P.L.94-2007,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]: Sec. 31.2. (a) A pharmacist may administer an
5 immunization to an individual under a drug order or prescription.

6 (b) A pharmacist may administer an immunization for influenza **or**
7 **shingles (herpes zoster)** to a group of individuals under a drug order,
8 under a prescription, or according to a protocol approved by a
9 physician if the following requirements are met:

10 (1) The physician specifies in the drug order, prescription, or
11 protocol the group of individuals to whom the immunization may
12 be administered.

13 (2) The physician who writes the drug order, prescription, or
14 protocol is licensed in Indiana and not employed by a pharmacy.

15 (3) The pharmacist who administers the immunization is
16 responsible for notifying, not later than fourteen (14) days after
17 the pharmacist administers the immunization, the physician who
18 authorized the immunization and the individual's primary care
19 physician that the individual received the immunization.

20 (4) If the physician uses a protocol, the protocol may apply only
21 to an individual or group of individuals who are at least:

22 (A) fourteen (14) years of age but less than eighteen (18) years
23 of age, if the pharmacist receives the consent of a parent or
24 legal guardian, and the parent or legal guardian is present at
25 the time of immunization; or

26 (B) eighteen (18) years of age.

27 (c) If the state department of health or the department of homeland
28 security determines that an emergency exists, a pharmacist may
29 administer any immunization in accordance with:

30 (1) the requirements of subsection (b)(1) through (b)(3); and

31 (2) any instructions in the emergency determination.

32 SECTION 110. IC 25-26-16-1, AS AMENDED BY P.L.1-2009,
33 SECTION 143, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2011]: Sec. 1. As used in this chapter,
35 "protocol" means the policies, procedures, and protocols of a:

36 (1) hospital listed in IC 16-18-2-161(a)(1); **or**

37 (2) **physician licensed under IC 25-22.5;**

38 concerning the adjustment of a patient's drug regimen by a pharmacist.

39 SECTION 111. IC 25-26-16-3, AS AMENDED BY P.L.98-2006,
40 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2011]: Sec. 3. (a) At the time of admission to a hospital that
42 has adopted a protocol under this chapter, the following apply:

43 (1) The admitting practitioner shall signify in writing in the form
44 and manner prescribed by the hospital whether the protocol
45 applies in the care and treatment of the patient.

46 (2) A pharmacist may adjust the drug therapy regimen of the
47 patient pursuant to the:

48 (A) written authorization of the admitting practitioner under
49 subdivision (1); and

50 (B) protocols of the hospital.

51 The pharmacist shall review the appropriate medical records of

1 the patient to determine whether the admitting practitioner has
 2 authorized the use of a specific protocol before adjusting the
 3 patient's drug therapy regimen. The admitting practitioner may at
 4 any time modify or cancel a protocol by entering the modification
 5 or cancellation in the patient's medical record.

6 (b) ~~Notwithstanding subsection (a)(2), if a protocol involves~~
 7 ~~parenteral nutrition of the patient, the pharmacist shall communicate~~
 8 ~~with the admitting practitioner to receive approval to begin the~~
 9 ~~protocol. The authorization of the admitting practitioner to use the~~
 10 ~~protocol shall be entered immediately in the patient's medical record,~~
 11 ~~if required by the protocol.~~

12 SECTION 112. IC 25-26-16-3.5 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2011]: **Sec. 3.5. (a) This section does not**
 15 **apply to a protocol adopted in a hospital.**

16 (b) **Upon authorization of a physician who has adopted a**
 17 **protocol under this chapter, the following apply:**

18 (1) **The physician shall signify in writing whether the protocol**
 19 **applies in the care and treatment of the patient.**

20 (2) **A pharmacist may adjust the drug therapy regimen of the**
 21 **patient under the authorization of the physician.**

22 (3) **The pharmacist shall review the appropriate medical**
 23 **records of the patient to determine whether the physician has**
 24 **authorized the use of a specific protocol before adjusting the**
 25 **patient's drug therapy regimen.**

26 (c) **The physician who has adopted a protocol under this**
 27 **chapter:**

28 (1) **shall take appropriate actions to assure that the**
 29 **pharmacist has the appropriate training to administer the**
 30 **protocol; and**

31 (2) **may at any time modify or cancel a protocol by entering**
 32 **the modification or cancellation in the patient's medical**
 33 **record.**

34 SECTION 113. IC 25-26-16-4.5 IS ADDED TO THE INDIANA
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2011]: **Sec. 4.5. (a) This section does not**
 37 **apply to a pharmacist who is practicing in a hospital.**

38 (b) **As used in this section, "direct supervision" means that the**
 39 **supervising physician is readily available to consult with the**
 40 **pharmacist while the protocol services are being provided.**

41 (c) **This section applies to a pharmacist who:**

42 (1) **is employed by, or has entered into a contract with, a**
 43 **physician, a group of physicians, or an outpatient clinic; and**

44 (2) **is under the direct supervision of a physician.**

45 (d) **The protocols developed under this chapter must:**

46 (1) **be developed by the physician described in subsection**
 47 **(c)(2) and the pharmacist; and**

48 (2) **at a minimum, require that:**

49 (A) **the medical records of the patient are available to both**
 50 **the patient's physician and the pharmacist; and**

51 (B) **the procedures performed by the pharmacist relate to**

1 **a condition for which the patient has first seen the**
 2 **physician or another licensed practitioner.**

3 SECTION 114. IC 25-26-16-5 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. **(a)** If a hospital or
 5 private mental health institution elects to implement, revise, or renew
 6 a protocol under this chapter, the governing board of the hospital or
 7 private mental health institution shall consult with that facility's
 8 medical staff, pharmacists, and other health care providers selected by
 9 the governing board. However, the governing board is the ultimate
 10 authority regarding the terms, implementation, revision, and renewal
 11 of the protocol.

12 **(b) If a physician elects to implement, revise, or renew a**
 13 **protocol in a setting other than a hospital or private mental health**
 14 **institution, the physician shall consult with a pharmacist. However,**
 15 **the physician is the ultimate authority regarding the terms,**
 16 **implementation, revision, and renewal of the protocol.**

17 SECTION 115. IC 25-26-16-7 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. A protocol of a
 19 health care facility **or a physician that is** developed under this chapter
 20 must be reviewed at least annually.

21 SECTION 116. IC 25-27-1-5 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) The committee
 23 shall:

- 24 (1) pass upon the qualifications of physical therapists who apply
 25 for licensure and physical therapist's assistants who apply for
 26 certification;
 27 (2) provide all examinations either directly or by delegation under
 28 subsection (c);
 29 (3) determine the applicants who successfully pass examinations;
 30 (4) license qualified applicants; and
 31 (5) propose rules concerning the competent practice of physical
 32 therapy to the board.

33 (b) The board shall adopt rules, considering the committee's
 34 proposed rules, establishing standards for the competent practice of
 35 physical therapy.

36 (c) The committee may approve and utilize the services of a testing
 37 company or agent to prepare, conduct, and score examinations.

38 **(d) The board shall adopt rules, considering the committee's**
 39 **proposed rules, concerning a continuing competency requirement**
 40 **for the renewal of a:**

- 41 **(1) license for a physical therapist; and**
 42 **(2) certificate for a physical therapist's assistant.**

43 SECTION 117. IC 25-27.5-2-13 IS AMENDED TO READ AS
 44 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. "Supervising
 45 physician" means a physician ~~registered with~~ **licensed by** the board
 46 who supervises and is responsible for a physician assistant.

47 SECTION 118. IC 25-27.5-2-14, AS AMENDED BY P.L.3-2008,
 48 SECTION 190, IS AMENDED TO READ AS FOLLOWS
 49 [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) "Supervision" means
 50 **overseeing the activities of, and accepting responsibility for, the**
 51 **medical services rendered by a physician assistant and that the**

1 conditions set forth in subdivision (1) or (2) are met at all times that
 2 services are rendered or tasks are performed by the physician assistant:

3 (1) The supervising physician or the physician designee is
 4 physically present at the location at which services are rendered
 5 or tasks are performed by the physician assistant.

6 (2) Both of the following apply:

7 (A) The supervising physician or the physician designee is
 8 immediately available:

9 (i) **through the use of telecommunications or other
 10 electronic means; and**

11 (ii) **for consultation, including being able to see the patient
 12 in person within twenty-four (24) hours if requested by
 13 the patient or the physician assistant.**

14 ~~(B)~~ Either:

15 (i) ~~the supervising physician or the physician designee is in
 16 the county of, or a contiguous county to, the onsite location
 17 in which services are rendered or tasks are performed by the
 18 physician assistant; or~~

19 (ii) ~~the physician or physician assistant is practicing at a
 20 hospital or health facility, or traveling to or from the hospital
 21 or health facility.~~

22 **(B) The supervising physician or the physician designee is
 23 in:**

24 (i) **the county of the physician assistant's practice; or**

25 (ii) **a contiguous county, including a county of a
 26 neighboring state, of the county containing the onsite
 27 location in which services are rendered or tasks are
 28 performed by the physician assistant.**

29 **The medical licensing board may permit an exception to
 30 the requirements of this clause after receiving an
 31 exceptional circumstance waiver request with the filed
 32 supervising agreement for each individual physician
 33 assistant and practice location. An exception must be
 34 approved by the board before the commencement of the
 35 physician assistant's practice in the county that requires
 36 the exceptional circumstance waiver request.**

37 (b) The term includes the use of protocols, guidelines, and standing
 38 orders developed or approved by the supervising physician.

39 SECTION 119. IC 25-27.5-3-5, AS AMENDED BY P.L.177-2009,
 40 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2011]: Sec. 5. (a) The committee shall have regular meetings,
 42 called upon the request of the president or by a majority of the
 43 members appointed to the committee, and upon the advice and consent
 44 of the executive director of the Indiana professional licensing agency,
 45 for the transaction of business that comes before the committee under
 46 this article. At the first committee meeting of each calendar year, the
 47 committee shall elect a president and any other officer considered
 48 necessary by the committee by an affirmative vote of a majority of the
 49 members appointed to the committee.

50 (b) Three (3) members of the committee constitute a quorum. An
 51 affirmative vote of a majority of the members appointed to the

1 committee is required for the committee to take action on any business.

2 (c) The committee shall do the following:

3 (1) Consider the qualifications of individuals who apply for an
4 initial license under this article.

5 (2) Approve or reject license applications.

6 (3) Approve or reject renewal applications.

7 ~~(4) Approve or reject applications for a change or addition of a
8 supervising physician.~~

9 ~~(5)~~ (4) Propose rules to the board concerning the competent
10 practice of physician assistants and the administration of this
11 article.

12 ~~(6)~~ (5) Recommend to the board the amounts of fees required
13 under this article.

14 SECTION 120. IC 25-27.5-5-2, AS AMENDED BY P.L.177-2009,
15 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2011]: Sec. 2. (a) A physician assistant must engage in a
17 dependent practice with physician supervision. A physician assistant
18 may perform, under the supervision of the supervising physician, the
19 duties and responsibilities that are delegated by the supervising
20 physician and that are within the supervising physician's scope of
21 practice, including prescribing and dispensing drugs and medical
22 devices. A patient may elect to be seen, examined, and treated by the
23 supervising physician.

24 (b) If a physician assistant determines that a patient needs to be
25 examined by a physician, the physician assistant shall immediately
26 notify the supervising physician or physician designee.

27 (c) If a physician assistant notifies the supervising physician that the
28 physician should examine a patient, the supervising physician shall:

29 (1) schedule an examination of the patient in a timely manner
30 unless the patient declines; or

31 (2) arrange for another physician to examine the patient.

32 (d) If a patient is subsequently examined by the supervising
33 physician or another physician because of circumstances described in
34 subsection (b) or (c), the visit must be considered as part of the same
35 encounter except for in the instance of a medically appropriate referral.

36 (e) A supervising physician or physician assistant who does not
37 comply with subsections (b) through (d) is subject to discipline under
38 IC 25-1-9.

39 (f) A physician assistant's supervisory agreement with a supervising
40 physician must:

41 (1) be in writing;

42 (2) include all the tasks delegated to the physician assistant by the
43 supervising physician;

44 (3) set forth the supervisory plans for the physician assistant,
45 including the emergency procedures that the physician assistant
46 must follow; and

47 (4) specify the name of the drug or drug classification being
48 delegated to the physician assistant and the protocol the physician
49 assistant shall follow in prescribing a drug.

50 (g) The physician shall submit the supervisory agreement to the
51 board. ~~for approval.~~ The physician assistant may ~~not~~ prescribe a drug

1 under the supervisory agreement ~~until unless~~ the board ~~approves~~
 2 ~~denies~~ the supervisory agreement. Any amendment to the supervisory
 3 agreement must be resubmitted to the board, ~~for approval~~; and the
 4 physician assistant may ~~not~~ operate under any new prescriptive
 5 authority under the amended supervisory agreement ~~until unless~~ the
 6 agreement has been ~~approved~~ ~~denied~~ by the board.

7 (h) A physician or a physician assistant who violates the supervisory
 8 agreement described in this section may be disciplined under
 9 IC 25-1-9.

10 SECTION 121. IC 25-27.5-5-4, AS AMENDED BY P.L.90-2007,
 11 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2011]: Sec. 4. (a) Except as provided in this section, a
 13 physician assistant may prescribe, dispense, and administer drugs and
 14 medical devices or services to the extent delegated by the supervising
 15 physician.

16 (b) A physician assistant may not prescribe, dispense, or administer
 17 ophthalmic devices, including glasses, contact lenses, and low vision
 18 devices.

19 (c) ~~As permitted by the board~~; A physician assistant may use or
 20 dispense only drugs prescribed or approved by the supervising
 21 physician. A physician assistant may not prescribe or dispense the
 22 following drugs:

23 (1) a schedule I substance listed in IC 35-48-2-4.

24 (2) A schedule II substance listed in IC 35-48-2-6.

25 ~~(3) A schedule III, schedule IV, or schedule V drug if the drug~~
 26 ~~contains oxycodone.~~

27 However, a physician assistant may ~~prescribe one (1) dose of write a~~
 28 ~~drug order for~~ a drug listed in subdivision (2) ~~or (3) for immediate~~
 29 ~~administration for use in the hospital~~ if the patient is in an inpatient
 30 hospital. ~~post-operative setting and the physician is unavailable to~~
 31 ~~make the prescription.~~

32 (d) A physician assistant may request, receive, and sign for
 33 professional samples and may distribute professional samples to
 34 patients if the samples are within the scope of the physician assistant's
 35 prescribing privileges delegated by the supervising physician.

36 (e) A physician assistant may not prescribe drugs unless the
 37 physician assistant has successfully completed at least thirty (30)
 38 contact hours in pharmacology from an educational program that is
 39 approved by the committee.

40 (f) A physician assistant may not prescribe, administer, or monitor
 41 general anesthesia, regional anesthesia, or deep sedation as defined by
 42 the board. A physician assistant may not administer moderate sedation:

43 (1) if the moderate sedation contains agents in which the
 44 manufacturer's general warning advises that the drug should be
 45 administered and monitored by an individual who is:

46 (A) experienced in the use of general anesthesia; and

47 (B) not involved in the conduct of the surgical or diagnostic
 48 procedure; and

49 (2) during diagnostic tests, surgical procedures, or obstetric
 50 procedures unless the following conditions are met:

51 (A) A physician is physically present in the area, is

- 1 immediately available to assist in the management of the
 2 patient, and is qualified to rescue patients from deep sedation.
 3 (B) The physician assistant is qualified to rescue patients from
 4 deep sedation and is competent to manage a compromised
 5 airway and provide adequate oxygenation and ventilation by
 6 reason of meeting the following conditions:
- 7 (i) The physician assistant is certified in advanced
 8 cardiopulmonary life support.
 - 9 (ii) The physician assistant has knowledge of and training in
 10 the medications used in moderate sedation, including
 11 recommended doses, contraindications, and adverse
 12 reactions.
- 13 (g) Before a physician assistant may prescribe drugs, the physician
 14 assistant must have ~~been continuously employed~~ **practiced** as a
 15 physician assistant:
- 16 (1) ~~for not less than at least one (1) year after graduating from a~~
 17 ~~physician assistant program approved by the committee; To be~~
 18 ~~considered to have been continuously employed as a physician~~
 19 ~~assistant for a year for purposes of this subsection; a person must~~
 20 ~~have worked as a physician assistant more than and~~
 21 (2) ~~for at least one thousand eight hundred (1,800) hours. during~~
 22 ~~the year.~~
- 23 SECTION 122. IC 25-27.5-5-6, AS ADDED BY P.L.90-2007,
 24 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2011]: Sec. 6. (a) Except as provided in section 4(d) of this
 26 chapter, a supervising physician may delegate authority to a physician
 27 assistant to prescribe:
- 28 (1) legend drugs except as provided in section 4(c) of this chapter;
 29 and
 - 30 (2) medical devices (except ophthalmic devices, including
 31 glasses, contact lenses, and low vision devices).
- 32 (b) Any prescribing authority delegated to a physician assistant must
 33 be expressly delegated in writing by the physician assistant's
 34 supervising physician, including:
- 35 (1) the name of the drug or drug classification being delegated by
 36 the supervising physician; and
 - 37 (2) the protocols the physician assistant shall use when
 38 prescribing the drug.
- 39 (c) A physician assistant who is delegated the authority to prescribe
 40 legend drugs or medical devices must do the following:
- 41 (1) Enter the following on each prescription form that the
 42 physician assistant uses to prescribe a legend drug or medical
 43 device:
 - 44 (A) The signature of the physician assistant.
 - 45 (B) The initials indicating the credentials awarded to the
 46 physician assistant by the NCCPA.
 - 47 (C) The physician assistant's state license number.
 - 48 (2) Comply with all applicable state and federal laws concerning
 49 prescriptions for legend drugs and medical devices.
- 50 (d) A supervising physician may delegate to a physician assistant
 51 the authority to prescribe only legend drugs and medical devices that

1 are within the scope of practice of the licensed supervising physician
2 or the physician designee.

3 (e) A physician assistant who is delegated the authority to prescribe
4 controlled substances under subsection (a) and in accordance with the
5 limitations specified in section 4(c) of this chapter, must do the
6 following:

7 (1) Obtain an Indiana controlled substance registration and a
8 federal Drug Enforcement Administration registration.

9 (2) Enter the following on each prescription form that the
10 physician assistant uses to prescribe a controlled substance:

11 (A) The signature of the physician assistant.

12 (B) The initials indicating the credentials awarded to the
13 physician assistant by the NCCPA.

14 (C) The physician assistant's state license number.

15 (D) The physician assistant's federal Drug Enforcement
16 Administration (DEA) number.

17 (3) Comply with all applicable state and federal laws concerning
18 prescriptions for controlled substances.

19 (f) A supervising physician may only delegate to a physician
20 assistant the authority to prescribe controlled substances:

21 (1) that may be prescribed within the scope of practice of the
22 licensed supervising physician or the physician designee;

23 (2) in an amount that does not exceed

24 ~~(A) a seven (7) one (1) thirty (30) day supply; for treatment~~
25 ~~of a single acute episode of a condition or injury; or~~

26 ~~(B) if a controlled substance cannot be dispensed in an amount~~
27 ~~that is small enough to meet the requirement of clause (A); the~~
28 ~~smallest dispensable amount; and~~

29 (3) in accordance with the limitations set forth in section 4(c) of
30 this chapter.

31 **If an additional prescription for the controlled substance is**
32 **necessary after the one (1) time thirty (30) day supply described in**
33 **subdivision (2) has been prescribed, the additional prescription**
34 **may be prescribed only by a physician.**

35 SECTION 123. IC 25-27.5-6-1 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Supervision by
37 the supervising physician or the physician designee must be continuous
38 but does not require the physical presence of the supervising physician
39 at the time and the place that the services are rendered.

40 (b) A supervising physician or physician designee shall review all
41 patient encounters not later than ~~twenty-four (24)~~ **seventy-two (72)**
42 hours after the physician assistant has seen the patient.

43 **(c) The supervising physician or physician designee shall review**
44 **within seventy-two (72) hours after a patient encounter one**
45 **hundred percent (100%) of the charts for the first three (3) years**
46 **of employment of the physician assistant by the same employer and**
47 **at least fifty percent (50%) thereafter. However, if the physician**
48 **assistant has had less than one thousand eight hundred (1,800)**
49 **hours of practice, the supervising physician or physician designee**
50 **shall review one hundred percent (100%) of the charts within**
51 **seventy-two (72) hours of the patient encounter.**

1 SECTION 124. IC 25-27.5-6-4, AS AMENDED BY P.L.177-2009,
 2 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2011]: Sec. 4. (a) A physician supervising a physician
 4 assistant must do the following:

5 (1) Be licensed under IC 25-22.5.

6 (2) Register with the board the physician's intent to supervise a
 7 physician assistant.

8 (3) Submit a statement to the board that the physician will
 9 exercise supervision over the physician assistant in accordance
 10 with rules adopted by the board and retain professional and legal
 11 responsibility for the care rendered by the physician assistant.

12 (4) Not have a disciplinary action restriction that limits the
 13 physician's ability to supervise a physician assistant.

14 **(5) Maintain a written agreement with the physician assistant
 15 that states the physician will:**

16 **(A) exercise supervision over the physician assistant in
 17 accordance with any rules adopted by the board; and**

18 **(B) retain responsibility for the care rendered by the
 19 physician assistant.**

20 **The agreement must be signed by the physician and physician
 21 assistant, updated annually, and made available to the board
 22 upon request.**

23 (b) Except as provided in this section, this chapter may not be
 24 construed to limit the employment arrangement with a supervising
 25 physician under this chapter.

26 SECTION 125. IC 34-30-2-98.3 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2011]: **Sec. 98.3. IC 25-2.1-9-5 (Concerning
 29 immunity of an entity administering a quality review (before July
 30 1, 2012) or peer review (after June 30, 2012) program and
 31 members of a quality review committee (before July 1, 2012) or
 32 peer review committee (after June 30, 2012)).**

33 SECTION 126. IC 34-46-2-17 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. IC 25-2.1-5-8
 35 (Concerning proceedings, records, and work papers of a quality review
 36 committee that conducts a quality review of an accounting firm **before
 37 July 1, 2012, or a peer review committee that conducts a peer
 38 review of an accounting firm after June 30, 2012).**

39 SECTION 127. IC 36-7-13.5-1 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The following
 41 definitions apply throughout this chapter:

42 (1) "Commission" refers to the **Lake Michigan marina and
 43 shoreline development commission** established by section 2 of
 44 this chapter.

45 (2) "Corridor" has the meaning set forth in ~~IC 14-13-3-2~~. **means
 46 the strip of land in Indiana abutting Lake Michigan and the
 47 tributaries of Lake Michigan.**

48 (3) "Executive committee" refers to the executive committee of
 49 the commission established by section ~~13~~ of this chapter.

50 (4) "Fund" refers to the shoreline environmental trust fund
 51 established by section ~~19~~ of this chapter.

1 **(3) "Environmental fund" refers to the shoreline**
 2 **environmental trust fund established by section 19 of this**
 3 **chapter.**

4 **(4) "Environmental grant" means a grant from the**
 5 **environmental fund.**

6 (5) "Qualifying property" means one (1) or more parcels of land
 7 in the corridor under common ownership, regardless of whether
 8 any improvements are located on the land, with respect to which:

9 (A) the:

10 (i) land is unused, if there are no improvements on the land;

11 or

12 (ii) land and improvements are unused;

13 (B) all or a part of each parcel of the land is located within five
 14 hundred (500) yards of a lake or river; and

15 (C) there are significant obstacles to redevelopment because
 16 of any of the following:

17 (i) Obsolete or inefficient buildings.

18 (ii) Aging infrastructure or inefficient utility services.

19 (iii) Utility relocation requirements.

20 (iv) Transportation or access problems.

21 (v) Topographical obstacles.

22 (vi) Environmental contamination.

23 SECTION 128. IC 36-7-13.5-2, AS AMENDED BY P.L.33-2008,
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2011]: Sec. 2. The **Lake Michigan marina and** shoreline
 26 development commission is established.

27 SECTION 129. IC 36-7-13.5-3, AS AMENDED BY P.L.33-2008,
 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2011]: Sec. 3. The commission consists of the following
 30 members:

31 (1) The following **voting** members: ~~appointed by the governor:~~

32 (A) The mayor of East Chicago.

33 (B) The mayor of Gary.

34 (C) The mayor of Hammond.

35 (D) The mayor of Michigan City.

36 (E) The mayor of Portage.

37 (F) The mayor of Whiting.

38 (G) Two (2) ~~representatives~~ **members**, each ~~from a~~
 39 **representing and appointed by a different** steel company
 40 that owns land abutting Lake Michigan with a continuous
 41 shoreline of not less than one (1) mile.

42 (H) One (1) ~~representative of member to represent and to be~~
 43 **appointed by** a company that:

44 (i) is not a steel company; and

45 (ii) owns land abutting Lake Michigan with a continuous
 46 shoreline of not less than three-tenths (0.3) mile.

47 ~~(I) One (1) representative of the department of environmental~~
 48 ~~management:~~

49 ~~(J) One (1) representative of the department of natural~~
 50 ~~resources:~~

51 ~~(K) One (1) representative of the Indiana department of~~

- 1 transportation.
- 2 ~~(I)~~ **(I)** One (1) representative of member appointed jointly
- 3 **by the executives of the following municipalities:**
- 4 (i) Beverly Shores.
- 5 ~~(M)~~ One (1) representative of Burns Harbor.
- 6 ~~(N)~~ One (1) representative of (ii) Dune Acres.
- 7 ~~(O)~~ One (1) representative of (iii) Ogden Dunes.
- 8 **(J)** One (1) member appointed jointly by the executives of
- 9 **the following municipalities:**
- 10 (i) Burns Harbor.
- 11 (ii) Chesterton.
- 12 (iii) Porter.
- 13 ~~(P)~~ One (1) representative of the northwest Indiana advisory
- 14 board established under IC 13-13-6.
- 15 ~~(Q)~~ **(K)** One (1) representative of member appointed by a
- 16 public utility that owns real property that:
- 17 (i) is located in the counties contiguous to Lake Michigan;
- 18 and
- 19 (ii) has a total assessed value that exceeds the total assessed
- 20 value of real property in the counties contiguous to Lake
- 21 Michigan that is owned by any other public utility.
- 22 ~~(R)~~ The port director of the Port of Indiana-Burns Harbor.
- 23 (2) One (1) member, preferably from a visitor and tourism
- 24 business, appointed by the lieutenant governor.
- 25 ~~(S)~~ **(L)** Two (2) members appointed by the speaker of the
- 26 house of representatives who:
- 27 ~~(A)~~ (i) are members of the house of representatives;
- 28 ~~(B)~~ (ii) represent house districts that have territory within
- 29 the corridor; and
- 30 ~~(C)~~ (iii) are not affiliated with the same political party.
- 31 If all the house districts that have territory within the corridor
- 32 are represented by members of the house of representatives
- 33 who are from the same political party, the requirement under
- 34 item (iii) cannot be satisfied, the speaker shall appoint a
- 35 member of the house of representatives who represents a
- 36 house district that is located anywhere in a county that has
- 37 territory within the corridor to satisfy ~~may disregard~~ the
- 38 requirement under clause ~~(C)~~: **item (iii) when appointing**
- 39 **members under this clause.**
- 40 ~~(4)~~ **(M)** Two (2) members appointed by the president pro
- 41 tempore of the senate who:
- 42 ~~(A)~~ (i) are members of the senate;
- 43 ~~(B)~~ (ii) represent senate districts that have territory within
- 44 the corridor; and
- 45 ~~(C)~~ (iii) are not affiliated with the same political party.
- 46 If all the senate districts that have territory within the corridor
- 47 are represented by members of the senate who are from the
- 48 same political party, the requirement under item (iii) cannot
- 49 be satisfied, the president pro tempore shall appoint a member
- 50 of the senate who represents a senate district that is located

- 1 anywhere in a county that has territory within the corridor to
 2 ~~satisfy~~ **may disregard** the requirement under ~~clause (C)~~; **item**
 3 **(iii) when appointing members under this clause.**
- 4 **(2) The following nonvoting members:**
- 5 **(A) One (1) member to represent the department of**
 6 **environmental management, appointed by the governor.**
- 7 **(B) One (1) member to represent the department of natural**
 8 **resources, appointed by the governor.**
- 9 **(C) One (1) member to represent the Indiana department**
 10 **of transportation, appointed by the governor.**
- 11 **(D) One (1) member appointed by the executive of the**
 12 **Indiana Dunes National Lakeshore.**
- 13 **(E) The port director of the Port of Indiana-Burns Harbor.**
- 14 **(F) One (1) member appointed by the Lake County**
 15 **Convention and Visitors Bureau.**
- 16 **(G) One (1) member appointed by the LaPorte County**
 17 **Convention and Visitors Bureau.**
- 18 **(H) One (1) member appointed by the Porter County**
 19 **Convention Recreation and Visitor Commission.**
- 20 SECTION 130. IC 36-7-13.5-4 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The members of
 22 the commission referred to in section 3(1)(G) of this chapter **and their**
 23 **designees** may not represent the same steel company.
- 24 (b) A member of the commission ~~referred to in section 3(1)(A)~~
 25 ~~through 3(1)(F) of this chapter~~ may designate an individual to serve on
 26 the commission in the member's place.
- 27 SECTION 131. IC 36-7-13.5-8 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. **(a) A quorum of the**
 29 **commission must be present to conduct the commission's business.**
 30 **A quorum consists of a majority of the voting members of the**
 31 **commission.**
- 32 **(b)** The affirmative votes of a majority of the **voting** members of the
 33 commission are required for the commission to take action on any
 34 measure.
- 35 SECTION 132. IC 36-7-13.5-11, AS AMENDED BY P.L.4-2005,
 36 SECTION 133, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2011]: Sec. 11. **(a)** The commission shall **do**
 38 **the following:**
- 39 (1) Identify qualifying properties.
- 40 (2) Prepare a comprehensive **environmental** master plan for
 41 development and redevelopment within the corridor that:
- 42 (A) plans for remediation of environmental contamination;
 43 (B) accounts for economic development and transportation
 44 issues relating to environmental contamination; and
 45 (C) establishes priorities for development or redevelopment of
 46 qualifying properties.
- 47 (3) Establish guidelines for the evaluation of applications for
 48 **environmental** grants from the **environmental** fund.
- 49 (4) After reviewing a report from the department of
 50 environmental management under section 22 of this chapter, ~~refer~~
 51 **to the executive committee make decisions on** applications for

1 **environmental** grants from the **environmental** fund under
 2 section 21 of this chapter. ~~that the commission recommends for~~
 3 ~~approval.~~

4 (5) Prepare and provide information to political subdivisions on
 5 the availability of financial assistance from the **environmental**
 6 fund.

7 (6) Coordinate the implementation of the comprehensive
 8 **environmental** master plan.

9 (7) Monitor the progress of implementation of the comprehensive
 10 **environmental** master plan.

11 (8) Report at least ~~annually~~ **once every two (2) years** to the
 12 governor, the lieutenant governor, the Indiana economic
 13 development corporation, the legislative council, **the budget**
 14 **committee**, and all political subdivisions that have territory
 15 within the corridor on:

16 (A) the activities of the commission; and

17 (B) the progress of implementation of the comprehensive
 18 **environmental** master plan. ~~and~~

19 **An annual report under this subdivision to the legislative**
 20 **council must be in an electronic format under IC 5-14-6.**

21 (9) ~~employ an executive director and other individuals that are~~
 22 ~~necessary to carry out the commission's duties.~~

23 ~~An annual report under subdivision (8) to the legislative council~~
 24 ~~must be in an electronic format under IC 5-14-6.~~

25 (9) **Study various plans and recommendations that are**
 26 **proposed concerning marina development along the corridor.**
 27 **Based on these studies, the commission shall do the following:**

28 (A) **Prepare a comprehensive marina plan.**

29 (B) **Recommend state and local legislation for the**
 30 **development of marinas along the corridor.**

31 (C) **Coordinate the implementation of the marina plan and**
 32 **legislation.**

33 (10) **Make marina grants of money to units of local**
 34 **government for the construction or improvement of a marina**
 35 **in the corridor if the grants are consistent with the marina**
 36 **plans, standards, and criteria established by the commission.**

37 (b) **It is the goal of marina projects under this chapter to create**
 38 **employment in the private sector.**

39 SECTION 133. IC 36-7-13.5-12 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) When necessary
 41 to accomplish the purposes of the commission, the commission may do
 42 the following:

43 (1) Conduct studies necessary for the performance of the
 44 commission's duties.

45 (2) Publicize, advertise, and distribute reports on the
 46 commission's purposes, objectives, and findings.

47 (3) Provide recommendations in matters related to the
 48 commission's functions and objectives to the following:

49 (A) Political subdivisions that have territory within the
 50 corridor.

51 (B) Other public and private agencies.

- 1 (4) When requested, act as a coordinating agency for programs
 2 and activities of other public and private agencies that are related
 3 to the commission's objectives.
- 4 (5) Receive grants and appropriations from the following:
 5 (A) Federal, state, and local governments.
 6 (B) Individuals.
 7 (C) Foundations.
 8 (D) Other organizations.
- 9 **(6) Enter into agreements or contracts regarding the**
 10 **acceptance or use of these grants and appropriations for the**
 11 **purpose of carrying out the commission's activities under this**
 12 **chapter.**
- 13 **(7) Acquire and dispose of real or personal property by grant,**
 14 **gift, purchase, lease, devise, or otherwise.**
- 15 **(8) Hold, use, improve, maintain, operate, own, manage, or**
 16 **lease as lessor or lessee:**
 17 (A) real or personal property; or
 18 (B) any interest in real or personal property.
- 19 **(9) Employ an executive director and other individuals who**
 20 **are necessary to carry out the commission's duties.**
- 21 ~~(b) The commission may~~ **(10) Contract for staff services with:**
 22 ~~(1) (A) qualified agencies or individuals; or~~
 23 ~~(2) (B) a regional planning commission established under~~
 24 ~~IC 36-7-7.~~
- 25 **(11) Appoint advisory committees, which may include**
 26 **representatives of the following:**
 27 (A) Municipal parks.
 28 (B) County parks.
 29 (C) National parks.
 30 (D) Port authorities.
- 31 SECTION 134. IC 36-7-13.5-14 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) The ~~executive~~
 33 ~~committee~~ **commission** shall elect the following officers from among
 34 the ~~voting~~ members of the ~~executive committee:~~ **commission:**
 35 (1) A chairman.
 36 (2) A vice chairman.
 37 (3) A treasurer.
- 38 (b) Each officer serves a term of one (1) year beginning July 1 of
 39 each year.
- 40 SECTION 135. IC 36-7-13.5-17 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. The ~~executive~~
 42 ~~committee~~ **commission** shall:
 43 (1) ~~be responsible for the management of~~ **carry out** all functions
 44 related to the provision of **environmental** grants to political
 45 subdivisions from the **environmental** fund **and marina grants**
 46 for the purposes set forth in this chapter;
 47 (2) review each **environmental** grant application ~~referred to the~~
 48 ~~executive committee by the commission under described in~~
 49 section 11 of this chapter, including the report received from the
 50 department of environmental management under section 22 of
 51 this chapter, to determine whether to approve ~~a~~ **an**

- 1 **environmental** grant;
- 2 (3) determine the amount of each **environmental** grant to a
- 3 political subdivision approved by the ~~executive committee;~~
- 4 **commission;**
- 5 (4) approve, with appropriate signatures, each **environmental**
- 6 grant that the ~~executive committee~~ **commission** determines to
- 7 make under this chapter; and
- 8 (5) prepare and adopt by majority vote an annual budget for
- 9 carrying out the activities of the commission.

10 SECTION 136. IC 36-7-13.5-18 IS AMENDED TO READ AS

11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 18. (a) After approval

12 of the budget by the ~~executive committee;~~ **commission**, money may be

13 expended only as budgeted, unless a majority vote of the ~~executive~~

14 ~~committee~~ **commission** authorizes other expenditures.

15 (b) Appropriated money remaining unexpended or unencumbered

16 at the end of the year **and not otherwise restricted by law or**

17 **agreement** becomes part of a nonreverting cumulative fund to be held

18 in the name of the commission. The ~~executive committee~~ **commission**

19 may authorize unbudgeted expenditures from this fund by a majority

20 vote of the ~~executive committee:~~ **commission. However,**

21 **unencumbered money appropriated from the environmental fund**

22 **at the end of a budget year reverts to the environmental fund.**

23 (c) The ~~executive committee treasurer of the commission~~ is

24 responsible for the safekeeping and deposit of money the commission

25 receives under this chapter. The state board of accounts shall:

- 26 (1) prescribe the methods and forms for keeping; and
- 27 (2) periodically audit;
- 28 the accounts, records, and books of the commission. **The commission**
- 29 **may establish the funds and the accounts that the commission**
- 30 **determines necessary to operate the commission.**

31 (d) The treasurer of the ~~executive committee~~ **commission** may

32 receive, disburse, and handle money belonging to the commission,

33 subject to the following:

- 34 (1) Applicable statutes.
- 35 (2) Procedures established by the ~~executive committee:~~
- 36 **commission.**

37 SECTION 137. IC 36-7-13.5-19 IS AMENDED TO READ AS

38 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. The shoreline

39 environmental trust fund is established to provide a source of money

40 for the following:

- 41 (1) The rehabilitation, redevelopment, and reuse of qualifying
- 42 property by providing **environmental** grants to political
- 43 subdivisions to conduct any of the following activities:
- 44 (A) Identification and acquisition of qualifying property within
- 45 a political subdivision.
- 46 (B) Environmental assessment of identified qualifying
- 47 property and other activities necessary or convenient to
- 48 complete the environmental assessments.
- 49 (C) Remediation of environmental contamination conducted
- 50 on qualifying property.
- 51 (D) Clearance of real property under IC 36-7-14-12.2 or

1 IC 36-7-15.1-7 in connection with remediation activities.
 2 (E) Other activities necessary or convenient to return qualified
 3 property to full use.

4 (2) **Payment of the share of the operations of the commission, as**
 5 **determined by the commission.**

6 SECTION 138. IC 36-7-13.5-20 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 20. (a) The budget
 8 agency shall:

- 9 (1) administer the **environmental** fund; and
 10 (2) report to the ~~executive committee~~ **commission** semiannually:
 11 (A) revenue received to the **environmental** fund;
 12 (B) distributions from the **environmental** fund; and
 13 (C) the balance in the **environmental** fund.

14 (b) The following shall be paid from money in the **environmental**
 15 fund:

- 16 (1) The expenses of administering the **environmental** fund.
 17 (2) **Environmental** grants approved by the ~~executive committee~~
 18 **commission** under section 17 of this chapter.
 19 (3) The amount budgeted **from the environmental fund** by the
 20 ~~executive committee~~ **commission** for the operations of the
 21 commission.

22 (c) The **environmental** fund consists of the following:

- 23 (1) Appropriations made by the general assembly.
 24 (2) **Environmental** grants and gifts intended for deposit in the
 25 **environmental** fund.
 26 (3) Interest, gains, or other earnings of the **environmental** fund.

27 (d) The budget agency shall invest the money in the **environmental**
 28 fund not currently needed to meet the obligations of the **environmental**
 29 fund in the same manner as other public funds may be invested.
 30 Interest, gains, or other earnings from these investments shall be
 31 credited to the **environmental** fund.

32 (e) As an alternative to subsection (d), the budget agency may invest
 33 or cause to be invested all or a part of the **environmental** fund in a
 34 fiduciary account with a trustee that is a financial institution.
 35 Notwithstanding any other law, any investment may be made by the
 36 trustee in accordance with at least one (1) trust agreement or indenture.
 37 A trust agreement or indenture may allow disbursements by the trustee
 38 to the budget agency as provided in the trust agreement or indenture.
 39 The budget agency and the state board of finance must approve any
 40 trust agreement or indenture before its execution.

41 (f) Money in the **environmental** fund at the end of a state fiscal year
 42 does not revert to the state general fund.

43 SECTION 139. IC 36-7-13.5-21 IS AMENDED TO READ AS
 44 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21. (a) Before a
 45 political subdivision may receive ~~a~~ **an environmental** grant from the
 46 **environmental** fund, the political subdivision must submit to the
 47 department of environmental management and the commission the
 48 following:

- 49 (1) ~~A~~ **An environmental** grant application, in the form prescribed
 50 by the department of environmental management and the

- 1 commission, that:
- 2 (A) identifies the qualifying property;
- 3 (B) includes any ordinances, resolutions, or other
- 4 documentation of the political subdivision's determination to
- 5 submit the **environmental** grant application;
- 6 (C) identifies the entity from which the qualifying property has
- 7 been acquired or will be acquired by the political subdivision;
- 8 (D) specifies the cost of acquisition of the qualifying property
- 9 to the political subdivision, if any;
- 10 (E) identifies any environmental contamination of the
- 11 qualifying property that will be subject to remediation;
- 12 (F) specifies the environmental remediation objectives with
- 13 respect to the qualifying property;
- 14 (G) estimates all costs the political subdivision will incur with
- 15 respect to the qualifying property;
- 16 (H) evaluates the prospect for conveyance of the qualifying
- 17 property for use by a private or public entity; and
- 18 (I) includes a schedule of all actions taken or to be taken by
- 19 the political subdivision with respect to the qualifying property
- 20 between the time of acquisition and the anticipated time of
- 21 conveyance by the political subdivision.
- 22 (2) Documentation of community and neighborhood comment
- 23 concerning the use of a qualifying property on which
- 24 environmental remediation activities will be undertaken after
- 25 environmental remediation activities are completed.
- 26 (b) A political subdivision may apply for ~~a~~ **an environmental** grant
- 27 under this section for activities under this chapter with respect to:
- 28 (1) qualifying property previously acquired by the political
- 29 subdivision by:
- 30 (A) purchase; or
- 31 (B) donation from a private or public entity; or
- 32 (2) qualifying property to be acquired using **environmental** grant
- 33 money.
- 34 SECTION 140. IC 36-7-13.5-22 IS AMENDED TO READ AS
- 35 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 22. The department of
- 36 environmental management shall do the following under this chapter:
- 37 (1) Upon receipt of ~~a~~ **an environmental** grant application from a
- 38 political subdivision under section 21 of this chapter with respect
- 39 to a qualifying property, evaluate the technical aspects of the
- 40 political subdivision's:
- 41 (A) environmental assessment of the property; and
- 42 (B) proposed environmental remediation with respect to the
- 43 property.
- 44 (2) Submit to the commission a report of its evaluation under
- 45 subdivision (1).
- 46 (3) Evaluate the technical aspects of the political subdivision's
- 47 environmental remediation activities conducted on qualifying
- 48 properties.
- 49 (4) Act as a liaison with the United States Environmental
- 50 Protection Agency.
- 51 SECTION 141. IC 36-7-13.5-23 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 23. The ~~executive~~
 2 ~~committee commission~~ shall develop a priority ranking system for
 3 making **environmental** grants under this chapter based on the
 4 following:

- 5 (1) The comprehensive **environmental** master plan.
- 6 (2) Socioeconomic distress in an area, as determined by the
 7 poverty level and unemployment rate in the area.
- 8 (3) The technical evaluation by the department of environmental
 9 management under section 22 of this chapter.
- 10 (4) Other factors determined by the commission, including the
 11 following:
 - 12 (A) The number and quality of jobs that would result from
 13 reuse of the qualifying property.
 - 14 (B) Housing, recreational, and educational needs of
 15 communities.
 - 16 (C) Any other factors the ~~executive committee commission~~
 17 determines will assist in the implementation of this chapter.

18 SECTION 142. IC 36-7-13.5-24 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 24. (a) Based on the
 20 priority ranking system established under section 23 of this chapter, the
 21 ~~executive committee commission~~ may make **environmental** grants
 22 from the **environmental** fund to political subdivisions under this
 23 section.

24 (b) ~~☆ An environmental~~ grant must be used for at least one (1) of
 25 the purposes set forth in section 19 of this chapter and may be used to
 26 pay consultant, advisory, and legal fees and any other costs or expenses
 27 resulting from the assessment, planning, or environmental remediation
 28 of a qualifying property.

29 SECTION 143. IC 36-7-13.5-25 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25. If:

- 31 (1) a private entity offers a political subdivision a donation of
 32 property for which the political subdivision intends to submit ~~a~~ **an**
 33 **environmental** grant application under section 21 of this chapter;
 34 and
- 35 (2) the donation of the property is conditioned on obtaining from
 36 the state a covenant not to sue the private entity for any potential
 37 liability arising under state law associated with environmental
 38 contamination of the property;

39 the political subdivision may request that the commission seek the
 40 covenant not to sue from the governor. The governor may execute a
 41 covenant not to sue under this section.

42 SECTION 144. IC 36-7-13.5-26 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 26. The ~~executive~~
 44 ~~committee commission~~ may adopt guidelines or guidance documents
 45 to implement this chapter without complying with IC 4-22-2.

46 SECTION 145. IC 36-7-13.5-27 IS ADDED TO THE INDIANA
 47 CODE AS A NEW SECTION TO READ AS FOLLOWS
 48 [EFFECTIVE JULY 1, 2011]: **Sec. 27. This chapter does not limit**
 49 **the power of a participating county, township, port authority, or**
 50 **municipal corporation to develop or improve a port, terminal, or**
 51 **lakefront facility.**

1 SECTION 146. IC 36-7.5-1-12, AS AMENDED BY P.L.47-2006,
 2 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2011]: Sec. 12. "Eligible political subdivision" means the
 4 following:

- 5 (1) An airport authority.
- 6 (2) A commuter transportation district.
- 7 (3) A regional bus authority under IC 36-9-3-2(c).
- 8 (4) A regional transportation authority established under
 9 IC 36-9-3-2.
- 10 (5) ~~A~~ **The Lake Michigan marina and** shoreline development
 11 commission under IC 36-7-13.5.

12 SECTION 147. IC 36-7.5-1-12.4 IS ADDED TO THE INDIANA
 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2011]: **Sec. 12.4. "Lake Michigan marina and
 15 shoreline development commission" means the commission
 16 established by IC 36-7-13.5-2.**

17 SECTION 148. IC 36-7.5-1-12.5 IS ADDED TO THE INDIANA
 18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2011]: **Sec. 12.5. "Lake Michigan marina and
 20 shoreline development commission project" means a project that
 21 can be financed with the proceeds of bonds issued by the Lake
 22 Michigan marina and shoreline development commission.**

23 SECTION 149. IC 36-7.5-1-13, AS AMENDED BY P.L.47-2006,
 24 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2011]: Sec. 13. "Project" means an airport authority project,
 26 a commuter transportation district project, an economic development
 27 project, a regional bus authority project, a regional transportation
 28 authority project, or a **Lake Michigan marina and** shoreline
 29 development commission project.

30 SECTION 150. IC 36-7.5-2-1, AS AMENDED BY P.L.47-2006,
 31 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2011]: Sec. 1. The northwest Indiana regional development
 33 authority is established as a separate body corporate and politic to carry
 34 out the purposes of this article by:

- 35 (1) acquiring, constructing, equipping, owning, leasing, and
 36 financing projects and facilities for lease to or for the benefit of
 37 eligible political subdivisions under this article;
- 38 (2) funding and developing the Gary/Chicago International
 39 Airport expansion and other airport authority projects, commuter
 40 transportation district and other rail projects and services,
 41 regional bus authority projects and services, regional
 42 transportation authority projects and services, **Lake Michigan
 43 marina and** shoreline development projects and activities, and
 44 economic development projects in northwestern Indiana; and
- 45 (3) assisting with the funding of infrastructure needed to sustain
 46 development of an intermodal facility in northwestern Indiana.

47 SECTION 151. IC 36-7.5-3-1, AS AMENDED BY P.L.47-2006,
 48 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 49 JULY 1, 2011]: Sec. 1. The development authority shall do the
 50 following:

- 51 (1) Assist in the coordination of local efforts concerning projects.

1 (2) Assist a commuter transportation district, an airport authority,
 2 ~~a~~ **the Lake Michigan marina and** shoreline development
 3 commission, a regional transportation authority, and a regional
 4 bus authority in coordinating regional transportation and
 5 economic development efforts.

6 (3) Fund projects as provided in this article.

7 (4) Fund bus services (including fixed route services and flexible
 8 or demand-responsive services) and projects related to bus
 9 services and bus terminals, stations, or facilities.

10 SECTION 152. IC 36-7.5-3-2, AS AMENDED BY
 11 P.L.182-2009(ss), SECTION 424, IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The development
 13 authority may do any of the following:

14 (1) Finance, improve, construct, reconstruct, renovate, purchase,
 15 lease, acquire, and equip land and projects located in an eligible
 16 county or eligible municipality.

17 (2) Lease land or a project to an eligible political subdivision.

18 (3) Finance and construct additional improvements to projects or
 19 other capital improvements owned by the development authority
 20 and lease them to or for the benefit of an eligible political
 21 subdivision.

22 (4) Acquire land or all or a portion of one (1) or more projects
 23 from an eligible political subdivision by purchase or lease and
 24 lease the land or projects back to the eligible political subdivision,
 25 with any additional improvements that may be made to the land
 26 or projects.

27 (5) Acquire all or a portion of one (1) or more projects from an
 28 eligible political subdivision by purchase or lease to fund or
 29 refund indebtedness incurred on account of the projects to enable
 30 the eligible political subdivision to make a savings in debt service
 31 obligations or lease rental obligations or to obtain relief from
 32 covenants that the eligible political subdivision considers to be
 33 unduly burdensome.

34 (6) Make loans, loan guarantees, and grants or provide other
 35 financial assistance to or on behalf of the following:

36 (A) A commuter transportation district.

37 (B) An airport authority or airport development authority.

38 (C) ~~A~~ **The Lake Michigan marina and** shoreline
 39 development commission.

40 (D) A regional bus authority. A loan, loan guarantee, grant, or
 41 other financial assistance under this clause may be used by a
 42 regional bus authority for acquiring, improving, operating,
 43 maintaining, financing, and supporting the following:

44 (i) Bus services (including fixed route services and flexible
 45 or demand-responsive services) that are a component of a
 46 public transportation system.

47 (ii) Bus terminals, stations, or facilities or other regional bus
 48 authority projects.

49 (E) A regional transportation authority.

50 (7) Provide funding to assist a railroad that is providing commuter
 51 transportation services in an eligible county or eligible

- 1 municipality.
- 2 (8) Provide funding to assist an airport authority located in an
- 3 eligible county or eligible municipality in the construction,
- 4 reconstruction, renovation, purchase, lease, acquisition, and
- 5 equipping of an airport facility or airport project.
- 6 (9) Provide funding to assist in the development of an intermodal
- 7 facility to facilitate the interchange and movement of freight.
- 8 (10) Provide funding to assist ~~a~~ **the Lake Michigan marina and**
- 9 shoreline development commission in carrying out the purposes
- 10 of IC 36-7-13.5.
- 11 (11) Provide funding for economic development projects in an
- 12 eligible county or eligible municipality.
- 13 (12) Hold, use, lease, rent, purchase, acquire, and dispose of by
- 14 purchase, exchange, gift, bequest, grant, condemnation, lease, or
- 15 sublease, on the terms and conditions determined by the
- 16 development authority, any real or personal property located in an
- 17 eligible county or eligible municipality.
- 18 (13) After giving notice, enter upon any lots or lands for the
- 19 purpose of surveying or examining them to determine the location
- 20 of a project.
- 21 (14) Make or enter into all contracts and agreements necessary or
- 22 incidental to the performance of its duties and the execution of its
- 23 powers under this article.
- 24 (15) Sue, be sued, plead, and be impleaded.
- 25 (16) Design, order, contract for, and construct, reconstruct, and
- 26 renovate a project or improvements to a project.
- 27 (17) Appoint an executive director and employ appraisers, real
- 28 estate experts, engineers, architects, surveyors, attorneys,
- 29 accountants, auditors, clerks, construction managers, and any
- 30 consultants or employees that are necessary or desired by the
- 31 development authority in exercising its powers or carrying out its
- 32 duties under this article.
- 33 (18) Accept loans, grants, and other forms of financial assistance
- 34 from the federal government, the state government, a political
- 35 subdivision, or any other public or private source.
- 36 (19) Use the development authority's funds to match federal
- 37 grants or make loans, loan guarantees, or grants to carry out the
- 38 development authority's powers and duties under this article.
- 39 (20) Except as prohibited by law, take any action necessary to
- 40 carry out this article.
- 41 (b) If the development authority is unable to agree with the owners,
- 42 lessees, or occupants of any real property selected for the purposes of
- 43 this article, the development authority may proceed under IC 32-24-1
- 44 to procure the condemnation of the property. The development
- 45 authority may not institute a proceeding until it has adopted a
- 46 resolution that:
- 47 (1) describes the real property sought to be acquired and the
- 48 purpose for which the real property is to be used;
- 49 (2) declares that the public interest and necessity require the
- 50 acquisition by the development authority of the property involved;
- 51 and

1 (3) sets out any other facts that the development authority
2 considers necessary or pertinent.

3 The resolution is conclusive evidence of the public necessity of the
4 proposed acquisition.

5 SECTION 153. THE FOLLOWING ARE REPEALED
6 [EFFECTIVE JULY 1, 2011]: IC 2-5-1.5; IC 4-12-4-16; IC 4-12-5-5;
7 IC 4-15-1; IC 4-15-2-2.2; IC 4-15-2.5-2; IC 4-23-20; IC 9-23-1;
8 IC 9-27-2-12; IC 12-15-42; IC 14-13-1-22; IC 14-13-1-23;
9 IC 14-13-1-24; IC 14-13-1-25; IC 14-13-1-26; IC 14-13-3; IC 14-20-4;
10 IC 15-15-8-6; IC 15-15-8-9; IC 15-15-8-10; IC 15-15-8-11;
11 IC 15-15-8-13; IC 15-15-8-16; IC 15-15-8-18; IC 16-21-1-1;
12 IC 16-21-1-2; IC 16-21-1-3; IC 16-21-1-4; IC 16-21-1-5; IC 16-21-1-6;
13 IC 16-21-1-8; IC 16-27-0.5-0.5; IC 16-27-0.5-1; IC 16-27-0.5-2;
14 IC 16-27-0.5-3; IC 16-27-0.5-4; IC 16-27-0.5-5; IC 16-27-0.5-6;
15 IC 16-27-0.5-7; IC 16-27-0.5-8; IC 16-28-1-1; IC 16-28-1-2;
16 IC 16-28-1-3; IC 16-28-1-4; IC 16-28-1-5; IC 16-28-1-6; IC 16-28-1-8;
17 IC 25-23.5-1-5.5; IC 27-1-3-30; IC 36-7-13.5-9; IC 36-7-13.5-13;
18 IC 36-7-13.5-15; IC 36-7-13.5-16; IC 36-7.5-1-16; IC 36-7.5-1-17.

19 SECTION 154. [EFFECTIVE JULY 1, 2011] **(a) On July 1, 2011,**
20 **the rights, duties, property, personnel, liabilities, and contractual**
21 **obligations of the following are transferred to the Lake Michigan**
22 **marina and shoreline development commission established by**
23 **IC 36-7-13.5-2, as amended by this act:**

24 **(1) The Lake Michigan marina development commission.**

25 **(2) The shoreline development commission.**

26 **The commissions described in subdivisions (1) and (2) are**
27 **abolished as soon as the property, personnel, liabilities, and**
28 **contractual obligations of the commissions are transferred to the**
29 **Lake Michigan marina and shoreline development commission.**
30 **The only actions that a commission described in subdivision (1) or**
31 **(2) may take after June 30, 2011, are those actions necessary to**
32 **wind up the affairs of that commission.**

33 **(b) The members of the governing body of a commission**
34 **described in subsection (a)(1) or (a)(2) remain members of the**
35 **governing body until the commission is abolished. The governing**
36 **bodies of each commission described in subsection (a)(1) or (a)(2)**
37 **shall adopt a resolution as the last act of the governing body**
38 **specifying the abolishment of the commission.**

39 **(c) Money transferred from the Lake Michigan marina**
40 **development commission to the Lake Michigan marina and**
41 **shoreline development commission shall initially be transferred to**
42 **a fund that is separate from the shoreline environmental trust fund**
43 **established by IC 36-7-13.5-19, as amended by this act, and used in**
44 **accordance with the budget adopted by the Lake Michigan marina**
45 **and shoreline development commission. The budget may provide**
46 **for part or all of the money to be transferred and used for the**
47 **purposes of the shoreline environmental trust fund.**

48 **(d) This SECTION expires July 1, 2014.**

49 SECTION 155. [EFFECTIVE JULY 1, 2011] **(a) If an individual**
50 **is certified as an occupational therapy assistant under IC 25-23.5**
51 **on June 30, 2011, the individual is considered to be a licensed**

1 occupational therapy assistant under IC 25-23.5, as amended by
2 this act, on July 1, 2011. The license of an individual described in
3 this subsection expires on the date the individual's certification that
4 the license is replacing would have expired if this act had not been
5 enacted.

6 (b) The occupational therapy committee established by
7 IC 25-23.5-2-1 shall issue a license under IC 25-23.5-5-6 to an
8 individual described in subsection (a). However, the occupational
9 therapy committee and the Indiana professional licensing agency
10 are not required to issue a new license to an individual.

11 (c) This SECTION expires July 1, 2013.

12 SECTION 156. [EFFECTIVE JULY 1, 2011] (a) As used this
13 SECTION, "commission" refers to the health finance commission
14 under IC 2-5-23.

15 (b) The commission shall study the feasibility of licensure of
16 professionals providing care to individuals who have suffered
17 traumatic brain injury.

18 (c) The commission shall study the feasibility of licensure of
19 diabetes educators.

20 (d) This SECTION expires December 31, 2011.

(Reference is to EHB 1233 as reprinted April 21, 2011.)

Conference Committee Report
on
Engrossed House Bill 1233

Signed by:

Representative Wolkins
Chairperson

Senator Miller

Representative Welch

Senator Breaux

House Conferees

Senate Conferees