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

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House 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:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-5-33.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 33.3. Interim Study Committee on Insurance

Sec. 1. As used in this chapter, "committee" refers to the interim study committee on insurance established by section 2 of this chapter.

Sec. 2. (a) There is established the interim study committee on insurance.

(b) The committee shall study insurance in Indiana as follows:

(1) Issues determined by the chairperson of the committee.

(2) Issues assigned by the legislative council.

(3) Issues regulated under IC 27.

(4) Worker's compensation insurance.

(c) The committee shall, not later than November 1 of each year, report the committee's findings and recommendations concerning the committee's study under subsection (b) to the legislative council in an electronic format under IC 5-14-6.

Sec. 3. Except as otherwise provided in this chapter, the committee shall operate under the policies governing study

committees adopted by the legislative council.

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

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

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

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

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

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

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

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

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

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

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

(1) IC 9-18-26;

(2) IC 9-22-4;

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

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

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

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

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

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

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

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

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

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

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

(A) five percent (5%); or

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

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

(5) Any other conditions specified by the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) adopt an official seal and alter the seal at its pleasure;

(2) adopt rules, under IC 4-22-2, for the regulation of its affairs and the conduct of its business and prescribe policies in connection with the performance of its functions and duties;

(3) accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance, and any other aid from any source and agree to and comply with conditions attached to that aid;

(4) make, execute, and effectuate any and all contracts, agreements, or other documents with any governmental agency or any person, corporation, limited liability company, association, partnership, or other organization or entity necessary or convenient to accomplish the purposes of this chapter, including contracts for the provision of all or any portion of the services the executive board considers necessary for the management and

operations of the executive board;

(5) recommend legislation to the governor and general assembly; ~~and~~

(6) make recommendations to the governor, the budget agency, and the general assembly concerning the priorities for appropriation and distribution of money from the Indiana health care account established by IC 4-12-5-3; and

~~(6)~~ **(7)** do any and all acts and things necessary, proper, or convenient to carry out this article.

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

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

(1) The children's health insurance program established under IC 12-17.6.

(2) Cancer detection tests and cancer education programs.

(3) Heart disease and stroke education programs.

(4) Assisting community health centers in providing:

(A) vaccinations against communicable diseases, with an emphasis on service to youth and senior citizens;

(B) health care services and preventive measures that address the special health care needs of minorities (as defined in IC 16-46-6-2); and

(C) health care services and preventive measures in rural areas.

(5) Promoting health and wellness activities.

(6) Encouraging the prevention of disease, particularly tobacco related diseases.

(7) Addressing the special health care needs of those who suffer most from tobacco related diseases, including end of life and long term care alternatives.

(8) Addressing minority health disparities.

(9) Addressing the impact of tobacco related diseases, particularly on minorities and females.

(10) Promoting community based health care, particularly in areas with a high percentage of underserved citizens, including individuals with disabilities, or with a shortage of health care professionals.

(11) Enhancing local health department services.

(12) Expanding community based minority health infrastructure.

(13) Other purposes recommended by the ~~Indiana health care trust fund advisory~~ board. ~~established by section 5 of this chapter~~.

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

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

(1) A clear objective to be achieved with the grant.

(2) A plan for implementation of the specific program.

(3) A statement of the manner in which the proposed program will further the goals of the ~~Indiana tobacco use prevention and cessation~~ board's mission statement and long range state plan under IC 4-12-4.

(4) The amount of the grant requested.

(5) An evaluation and assessment component to determine the program's performance.

(6) Any other information required by the ~~advisory~~ board.

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

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

(1) Develop personnel policies, methods, procedures, and standards for all state agencies.

(2) Formulate, establish, and administer position classification plans and salary and wage schedules, all subject to final approval by the governor.

(3) Allocate positions in the state agencies to their proper classifications.

(4) Approve employees for transfer, demotion, promotion, suspension, layoff, and dismissal.

(5) Rate employees' service.

(6) Arrange with state agency heads for employee training.

(7) Investigate the need for positions in the state agencies.

(8) Promulgate and enforce personnel rules.

(9) Make and administer examinations for employment and for promotions.

(10) Maintain personnel records and a roster of the personnel of all state agencies.

(11) Render personnel services to the political subdivisions of the state.

(12) Investigate the operation of personnel policies in all state agencies.

(13) Assist state agencies in the improvement of their personnel procedures.

(14) Conduct a vigorous program of recruitment of qualified and able persons for the state agencies.

(15) Advise the governor and the general assembly of legislation needed to improve the personnel system of this state.

(16) Furnish any information and counsel requested by the governor or the general assembly.

(17) Establish and administer an employee training and career advancement program.

(18) Administer the state personnel law, IC 4-15-2.

(19) Institute an employee awards system designed to encourage all state employees to submit suggestions that will reduce the costs or improve the quality of state agencies.

(20) Survey the administrative organization and procedures, including personnel procedures, of all state agencies, and submit to the governor measures to secure greater efficiency and economy, to minimize the duplication of activities, and to effect better organization and procedures among state agencies.

(21) Establish, implement, and maintain the state aggregate prescription drug purchasing program established under IC 16-47-1, as approved by the budget agency.

(b) Salary and wage schedules established by the department under subsection (a) must provide:

(1) for the establishment of overtime policies, which must include:

(A) definition of overtime;

(B) determination of employees or classes eligible for overtime pay;

(C) procedures for authorization;

(D) methods of computation;

(E) procedures for payment; and

(F) a provision that there shall be no mandatory adjustments to an employee's established work schedule in order to avoid the payment of overtime; and

(2) that an appointing authority is not required to reduce the salary of an employee who is demoted, unless the appointing authority determines that the salary reduction is warranted for disciplinary reasons or other good cause.

~~(c) The state personnel advisory board shall advise the director and cooperate in the improvement of all the personnel policies of the state.~~

~~(d)~~ **(c)** The department shall establish programs of temporary appointment for employees of state agencies. A program established under this subsection must contain at least the following provisions:

(1) A temporary appointment may not exceed one hundred eighty (180) working days in any twelve (12) month period.

(2) The department may allow exceptions to the prohibition in subdivision (1) with the approval of the state budget agency.

(3) A temporary appointment in an agency covered by IC 4-15-2 is governed by the procedures of that chapter.

(4) A temporary appointment does not constitute creditable service for purposes of the public employees' retirement program under IC 5-10.2 and IC 5-10.3. However, an employee who served in an intermittent form of temporary employment after June 30, 1986, and before July 1, 2003, shall receive creditable service for the period of temporary employment.

SECTION 9. IC 4-15-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. Except as provided in ~~IC 4-15-1.8-7(d),~~ **IC 4-15-1.8-7(c),** all persons covered on January 1, 1966, by this chapter or coming under the provisions of this chapter after January 1, 1966, shall be eligible for, shall participate in, and shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) members of boards and commissions;

(2) the chief executive officer of any agency or institution, the officer's principal deputies or assistants; or

(3) persons whose normal job duties include cost analyses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) Active duty consists of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) original discharge or separation or certified copies or photostat copies of the originals;

(2) an official statement from the United States Department of Defense showing record of service; or

(3) an official statement from the United States Department of Veterans Affairs supporting the claim for disability.

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

(1) in determining salary increases and decreases within the limits established by law and by the pay plan;

(2) as a factor in promotion tests;

(3) as a factor in determining the order of lay-off when forces are reduced because of lack of funds or work, and the order in which

names are to be placed on reemployment lists; and

(4) as a means of discovering employees who should be promoted, transferred, or who, because of their low-service value, should be demoted or dismissed.

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

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

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

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

pertaining to the payment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) A constable.

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

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

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

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

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

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

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

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

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

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

(A) overcoming unlawful resistance; or

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

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

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

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

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

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

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

training of the department of homeland security. The deputy director shall serve as the vice chair of the board.

(3) The chief of police of a consolidated city.

(4) One (1) county sheriff from a county with a population of at least one hundred thousand (100,000).

(5) One (1) county sheriff from a county of at least fifty thousand (50,000) but less than one hundred thousand (100,000) population.

(6) One (1) county sheriff from a county of under fifty thousand (50,000) population.

(7) One (1) chief of police from a city of at least thirty-five thousand (35,000) population, who is not the chief of police of a consolidated city.

(8) One (1) chief of police from a city of at least ten thousand (10,000) but under thirty-five thousand (35,000) population.

(9) One (1) chief of police, police officer, or town marshal from a city or town of under ten thousand (10,000) population.

(10) One (1) prosecuting attorney.

(11) One (1) judge of a circuit or superior court exercising criminal jurisdiction.

(12) One (1) member representing professional journalism.

(13) One (1) member representing the medical profession.

(14) One (1) member representing education.

(15) One (1) member representing business and industry.

(16) One (1) member representing labor.

(17) One (1) member representing Indiana elected officials of counties, cities, and towns.

~~(b) The following members constitute an advisory council to assist the members of the board in an advisory, nonvoting capacity:~~

~~(1) The special agent in charge of the Federal Bureau of Investigation field office covering the state of Indiana, subject to the agent's approval to serve in such capacity.~~

~~(2) The attorney general of Indiana.~~

~~(3) One (1) member representing forensic science, to be appointed by the governor.~~

~~(4) One (1) member representing theology, to be appointed by the governor.~~

~~(5) The director of the law enforcement division of the department of natural resources.~~

SECTION 28. IC 5-2-1-4, AS AMENDED BY P.L.52-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. ~~(a)~~ All members of the board shall be appointed to the board by the governor. The appointments shall be made on a bipartisan basis so that not more than one-half (1/2) of the members of the board shall at any time be members of either of the two (2) major political parties. All appointments shall be for terms of four (4) years or while maintaining the position held at the time of appointment to the board, whichever is the lesser period. Appointees to the board shall serve as members of the board only while holding the office or position held at the time of appointment to the board in order that the representative nature of the board outlined in section 3 of this chapter

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

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

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

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

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

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

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

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

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

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

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

(3) the tract:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) the tract is acquired for the purpose of erecting, renovating, or improving a single family residential structure that is to be given away or sold:

(A) in a charitable manner;

(B) by a nonprofit organization; and

(C) to low income individuals who will:

(i) use the land as a family residence; and

(ii) not have an exemption for the land under this section;

(2) the tract does not exceed three (3) acres;

(3) the tract of land or the tract of land plus all or part of a

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

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

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

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

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

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

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

(i) completed; and

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

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

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

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

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

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

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

(A) is not a low income individual; or

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) owned by an Indiana nonprofit corporation; and

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

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

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

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

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

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

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

STATE OF INDIANA)
) ss:
COUNTY OF _____)

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

(1) That I am a dealer licensed under ~~IC 9-23-1.~~ **IC 9-23.**

(2) That I cannot deliver a valid certificate of title to the retail purchaser of the vehicle described in paragraph (3) at the time of sale of the vehicle to the retail purchaser. The identity of the previous seller or transferor is _____. Payoff of lien was made on (date)_____. I expect to deliver a valid and transferable certificate of title not later than (date)_____ from the (State of)_____ to the purchaser.

(3) That I will undertake reasonable commercial efforts to produce the valid certificate of title. The vehicle identification number is _____.

Signed _____, Dealer

By_____

Dated _____, ____

CUSTOMER ACKNOWLEDGES RECEIPT OF A COPY OF THIS AFFIDAVIT.

_____

Customer Signature

NOTICE TO THE CUSTOMER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A child:

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

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

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

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

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

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

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

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

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

~~(6)~~ **(5)** For purposes of IC 12-21-4, the meaning set forth in IC 12-21-4-1.

~~(7)~~ **(6)** For purposes of IC 12-28-5, the meaning set forth in IC 12-28-5-1.

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

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

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

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

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

(A) Recreational and socialization activities.

(B) Social skills.

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

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

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

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

(1) residential care; and

(2) the comprehensive care plan;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) the buy-in program; and

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

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

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

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

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

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

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

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

office may establish criteria to determine the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Determine how the provision of developmental or vocational

services for residents in these geographic areas affects the availability of developmental or vocational services to individuals with a developmental disability living in their own homes.

(3) Develop standards for licensure of supervised group living facilities regarding the following:

(A) A sanitary and safe environment for residents and employees.

(B) Classification of supervised group living facilities.

(C) Any other matters that will ensure that the residents will receive a residential environment.

(4) Develop standards for the approval of entities providing supported living services.

(5) Recommend social and habilitation programs to the Indiana health facilities, **home health care, and hospice** council for individuals with a developmental disability who reside in health facilities licensed under IC 16-28.

(6) Develop and update semiannually a report that identifies the numbers of individuals with a developmental disability who live in health facilities licensed under IC 16-28. The Indiana health facilities, **home health care, and hospice** council shall assist in developing and updating this report.

SECTION 46. IC 14-8-2-48, AS AMENDED BY P.L.85-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 48. (a) "Commission", except as provided in subsections (b) through (r), refers to the natural resources commission.

(b) "Commission", for purposes of IC 14-13-1, has the meaning set forth in IC 14-13-1-1.

(c) "Commission", for purposes of IC 14-13-2, has the meaning set forth in IC 14-13-2-2.

~~(d) "Commission", for purposes of IC 14-13-3, has the meaning set forth in IC 14-13-3-1.~~

~~(e)~~ **(d)** "Commission", for purposes of IC 14-13-4, has the meaning set forth in IC 14-13-4-1.

~~(f)~~ **(e)** "Commission", for purposes of IC 14-13-5, has the meaning set forth in IC 14-13-5-1.

~~(g)~~ **(f)** "Commission", for purposes of IC 14-13-6, has the meaning set forth in IC 14-13-6-2.

~~(h)~~ **(g)** "Commission", for purposes of IC 14-14-1, has the meaning set forth in IC 14-14-1-3.

~~(i) "Commission", for purposes of IC 14-20-4, has the meaning set forth in IC 14-20-4-1.~~

~~(j)~~ **(h)** "Commission", for purposes of IC 14-20-11, has the meaning set forth in IC 14-20-11-1.

~~(k)~~ **(i)** "Commission", for purposes of IC 14-21-4, has the meaning set forth in IC 14-21-4-1.

~~(l)~~ **(j)**"Commission", for purposes of IC 14-25-11, has the meaning set forth in IC 14-25-11-1.

~~(m)~~ **(k)** "Commission", for purposes of IC 14-28-4, has the meaning set forth in IC 14-28-4-1.

~~(n)~~ **(l)** "Commission", for purposes of IC 14-30-1, has the meaning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(A) The health council.~~

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

~~(C) The athletic council.~~

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

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

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

(1) Appointment to the commission.

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

~~(3)~~ **(2)** Constructing, improving, developing, operating, or managing projects, facilities, or improvements of the commission.

~~(4)~~ **(3)** Entering into contracts or leases or receiving licenses to be awarded under this chapter.

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

(1) accredited by the director; **and**

~~(2) approved by the panel to conduct field or farm certification; and~~

~~(3)~~ **(2)** accredited by the United States Department of Agriculture under the Organic Foods Production Act.

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

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

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

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

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

(1) For purposes of IC 16-21, **IC 16-25, IC 16-27, IC 16-28, and IC 16-29,** the ~~hospital~~ **health care facility advisory** council.

~~(2) For purposes of IC 16-25 and IC 16-27, the home health care services and hospice services council.~~

~~(3) For purposes of IC 16-28 and IC 16-29, the Indiana health facilities council.~~

~~(4)~~ **(2)** For purposes of IC 16-46-6, the interagency state council on black and minority health.

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

~~(b) "Governing body", for purposes of IC 16-27-0.5, has the meaning set forth in IC 16-27-0.5-0.5.~~

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

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

Chapter 15. Health Care Facility Advisory Council

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

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

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

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

(3) The following members appointed by the governor:

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

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

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

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

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

(F) One (1) residential care administrator.

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

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

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

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

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

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

(i) an administrator; or

(ii) a director of nursing.

(K) One (1) individual who:

(i) represents the interests of senior citizens; and

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

(L) One (1) individual who:

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

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

(M) One (1) individual who:

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

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

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

(i) A school of public health.
(ii) A school of nursing.
(iii) A school of medicine.
(iv) A school of allied health.
(v) A health care research organization.
(vi) A quality improvement organization.

(O) One (1) individual who is employed by a hospice agency as:
(i) an administrator; or
(ii) a director of nursing.

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

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

(c) Except for an individual appointed under subsection (a)(3)(C) through (a)(3)(J), a member of the council may not:
(1) have a pecuniary interest in the operation of;
(2) have an ownership interest in;
(3) serve as a voting member of the governing body of; or
(4) provide professional services through employment or under contract to;

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

(d) The governor shall make the initial appointments under subsection (a)(3) to the council with the terms of office beginning July 1, 2011, and serving terms as follows:
(1) Eight (8) members shall be appointed for a term of four (4) years.
(2) Eight (8) members shall be appointed for a term of two (2) years.

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

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

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

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

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

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

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

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

(1) serves at the pleasure of the council; and

(2) does not receive travel reimbursement or per diem.

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

(1) IC 16-21.

(2) IC 16-25.

(3) IC 16-27.

(4) IC 16-28.

(b) The council may do the following:

(1) Propose rules to the executive board.

(2) Recommend issuance of interpretative guidelines when necessary to assist a facility or entity in meeting the requirements of a rule adopted under:

(A) IC 16-21-1;

(B) IC 16-27-0.5; or

(C) IC 16-28-1.

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

(c) The council shall do the following:

(1) Propose rules as set forth in the following:

(A) IC 16-21-1-7.

(B) IC 16-21-2-14.

(C) IC 16-27-0.5-9.

(D) IC 16-28-1-7.

(E) IC 16-28-1-11.

(F) IC 16-28-6-2.

(2) Advise the state department as set forth in the following:

(A) IC 16-27-0.5.

(B) IC 16-28-1-7(4).

(3) Make recommendations to the fire prevention and building safety commission as set forth in IC 16-28-1-7(2).

(4) Classify health facilities in health care categories as required in IC 16-28-1-7.

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

(1) The hospital council (established by IC 16-21-1-1, before its repeal).

(2) The home health care services and hospice services council (established by IC 16-27-0.5-1, before its repeal).

(3) The health facilities council (established by IC 16-28-1-1, before its repeal).

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

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

(1) adopted under this chapter; or

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

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

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

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

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

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

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

(2) is not assignable or transferable;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A licensed physician.
(2) A licensed dentist.
(3) A licensed chiropractor.
(4) A licensed podiatrist.
(5) A licensed optometrist.
(6) A nurse licensed under IC 25-23-1.
(7) A physical therapist licensed under IC 25-27 or a physical therapy assistant certified under IC 25-27.
(8) A speech-language pathologist or an audiologist licensed under IC 25-35.6-3.
(9) A speech-language pathology aide or an audiology aide (as defined in IC 25-35.6-1-2).
(10) An:
(A) occupational therapist; ~~licensed,~~ or
(B) occupational therapy assistant; ~~certified,~~
licensed under IC 25-23.5.
(11) A social worker licensed under IC 25-23.6 or a social work assistant.
(12) A pharmacist licensed under IC 25-26-13.

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

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

therapy assistant certified under IC 25-27.

(8) A speech-language pathologist or an audiologist licensed under IC 25-35.6-3.

(9) A speech-language pathology aide or an audiology aide (as defined in IC 25-35.6-1-2).

(10) An:

(A) occupational therapist licensed; or

(B) occupational therapy assistant ~~certified,~~ **licensed;** under IC 25-23.5.

(11) A social worker licensed under IC 25-23.6 or a clinical social worker licensed under IC 25-23.6.

(12) A pharmacist licensed under IC 25-26-13.

SECTION 66. IC 16-28-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) The department may request the council to propose a new rule or an amendment to a rule necessary to protect the health, safety, rights, and welfare of patients. If the council does not propose a rule not more than ninety (90) days after the department's request, the department may propose its own rule.

(b) ~~The executive board shall consider rules proposed by the council under this section and section 1 of this chapter.~~ The executive board may adopt, modify, remand, or reject specific rules or parts of rules proposed by the council.

(c) To become effective, all rules adopted under this chapter must be adopted by the executive board in accordance with IC 4-22-2. The rules adopted under this chapter are the only rules governing the licensing and operation of health facilities.

SECTION 67. IC 16-28-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The ~~council~~ **state department** shall refer an allegation of breach received about licensed personnel at a health facility to the appropriate licensing board for review and possible disciplinary action.

SECTION 68. IC 16-28-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The ~~council~~ **state department** shall adopt rules governing the emergency relocation of patients that provide for the following:

(1) Notice to the patient, the patient's next of kin, guardian, and physician of the emergency transfer and the reasons for the relocation.

(2) Protections designed to ensure the welfare and desires of the patient.

SECTION 69. IC 16-28-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The director may, after consultation with the commissioner, ~~and the chairman of the council,~~ request the attorney general to petition the circuit or superior court of the county in which a health facility is located to place the facility in receivership to protect the patients in the facility.

SECTION 70. IC 16-29-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. A decision of the ~~council~~ **state department** under this chapter is subject to review under IC 4-21.5. IC 16-28-10 applies to review hearings and appeals.

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

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

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

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

(1) Indiana board of accountancy.
(2) Indiana grain buyers and warehouse licensing agency.
(3) Indiana auctioneer commission.
(4) Board of registration for architects and landscape architects.
~~*(5) State board of barber examiners.*~~
~~*(6)*~~ *(5)* State board of cosmetology *and barber* examiners.
~~*(7)*~~ *(6)* Medical licensing board of Indiana.
~~*(8)*~~ *(7)* Secretary of state.
~~*(9)*~~ *(8)* State board of dentistry.
~~*(10)*~~ *(9)* State board of funeral and cemetery service.
~~*(11)*~~ *(10)* Worker's compensation board of Indiana.
~~*(12)*~~ *(11)* Indiana state board of health facility administrators.
~~*(13)*~~ *(12)* Committee of hearing aid dealer examiners.
~~*(14)*~~ *(13)* Indiana state board of nursing.
~~*(15)*~~ *(14)* Indiana optometry board.
~~*(16)*~~ *(15)* Indiana board of pharmacy.
~~*(17)*~~ *(16)* Indiana plumbing commission.
~~*(18)*~~ *(17)* Board of podiatric medicine.
~~*(19)*~~ *(18)* Private investigator and security guard licensing board.
~~*(20)*~~ *(19)* State board of registration for professional engineers.
~~*(21) Board of environmental health specialists.*~~

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

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

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

(1) Inform the individual of the following:

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

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

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

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

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

(1) Permanently revoke a practitioner's license.

(2) Suspend a practitioner's license.

(3) Censure a practitioner.

(4) Issue a letter of reprimand.

(5) Place a practitioner on probation status and require the practitioner to:

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

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

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

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

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

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

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

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

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

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

(1) an individual who; or

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

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

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

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

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

(1) an individual who; or

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

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

(b) This section expires July 1, 2012.

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

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

(2) The procedure of investigations and hearings.

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

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

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

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

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

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

(9) Substantial equivalency.

(10) Administration of the accountant investigative fund established by IC 25-2.1-8-4.

SECTION 78. IC 25-2.1-5-8, AS AMENDED BY P.L.190-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) The board shall adopt rules that require as a condition to renew a permit under this chapter, that an applicant undergo, not more than once every three (3) years, a quality review **(before July 1, 2012) or peer review (after June 30, 2012)** conducted in a manner the board specifies.

(b) The rules adopted under subsection (a) must:

(1) be adopted reasonably in advance of the time when a quality review **(before July 1, 2012) or peer review (after June 30, 2012)** first becomes effective;

(2) include reasonable provision for compliance by an applicant showing that the applicant has in the preceding three (3) years undergone a quality review **(before July 1, 2012) or peer review (after June 30, 2012)** that is a satisfactory equivalent to the quality review **(before July 1, 2012) or peer review (after June 30, 2012)** required under this section;

(3) require, with respect to quality reviews **(before July 1, 2012) or peer reviews (after June 30, 2012)** under subdivision (2), that the quality review **(before July 1, 2012) or peer review (after June 30, 2012)** be subject to review by an oversight body established or sanctioned by the board that shall:

(A) comply with IC 25-2.1-9-4; and

(B) periodically report to the board on the effectiveness of the review program and provide to the board a listing of firms that have participated in a quality review **(before July 1, 2012) or peer review (after June 30, 2012)** program; and

(4) **subject to section 9 of this chapter and IC 25-2.1-9-4,** require, with respect to quality reviews **(before July 1, 2012) or peer reviews (after June 30, 2012)** under subdivision (2), that:

(A) the proceedings, records, and work papers of a review committee are privileged and are not subject to discovery, subpoena, or other means of legal process or introduction into evidence in a civil action, arbitration, administrative proceeding, or Indiana board of accountancy proceeding; and

(B) a member of the review committee or individual who was involved in the quality review **(before July 1, 2012) or peer review (after June 30, 2012)** process is not permitted or required to testify in a civil action, arbitration, administrative proceeding, or ~~Indiana~~ board ~~of accountancy~~ proceeding to matters:

(i) produced, presented, disclosed or discussed during, or in connection with, the quality review **(before July 1, 2012) or peer review (after June 30, 2012)** process; or

(ii) that involve findings, recommendations, evaluations, opinions, or other actions of the committee or a committee member.

SECTION 79. IC 25-2.1-5-9 IS AMENDED TO READ AS

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

(b) Any:

(1) materials prepared in connection with a particular engagement merely because they happen to subsequently be presented or considered as part of the quality review **(before July 1, 2012) or peer review (after June 30, 3012)** process; or

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

are not privileged.

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

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

(A) a peer review rating of fail; or

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

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

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

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

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

(5) Failure to complete continuing education requirements satisfactorily.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The following definitions apply throughout this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) in rendering an opinion on the presentation of financial statements;

(2) in ethical investigations conducted by private professional organizations;

(3) in the course of quality reviews **(before July 1, 2012) or peer reviews (after June 30, 2012) or an investigation or proceeding related to a quality review (before July 1, 2012) or peer review (after June 30, 2012);** or

(4) in making disclosure where the financial statements or the professional services of an accountant are contested.

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

(1) "Client provided records" means accounting or other records belonging to the client that are provided to the licensee by or on behalf of the client.

(2) "Client records prepared by the licensee" means accounting or other records (for example, tax returns, general ledgers, subsidiary journals, and supporting schedules such as detailed employee payroll records and depreciation schedules) that the licensee was engaged to prepare for the client.

(3) "Supporting records" means information not reflected in the client's books and records that are otherwise not available to the client with the result that the client's financial information is incomplete.

(4) "Working papers" includes, but is not limited to, audit programs, analytical review schedules, and statistical sampling results, analyses, and schedules prepared by the client at the request of the licensee.

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

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

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

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

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

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

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

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

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

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

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

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

(1) A comprehensive care facility administrator license.

(2) A residential care facility administrator license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) provide for examinations required under this article;

(3) license qualified persons;

(4) propose rules to the board concerning the:

(A) competent practice of occupational therapy;

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

(C) administration of this article; and

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

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

(1) the competent practice of occupational therapy;

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

(3) standards for the administration of this article.

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

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

(1) practice as an occupational therapist;

(2) practice as an occupational therapy assistant;
(3) use the title "occupational therapist";
(4) use the title "occupational therapy assistant"; or
(5) engage in the practice of occupational therapy;

unless the person is licensed ~~or certified~~ under this article.

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

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

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

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

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

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

(1) Approve a nationally recognized examination for each type of license ~~or certificate~~ issued under this article.
(2) Establish the passing score necessary to obtain a license under this article.

(b) The board may use any part of an examination administered by:

(1) the National Board for Certification in Occupational Therapy, or its successor; or
(2) another nationally recognized body that provides examination services for occupational therapists, as determined by the committee;

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

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

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

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

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

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

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

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

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

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

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

(3) Continue or renew professional education.

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

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

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

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

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

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

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

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

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

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

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

(3) meets all the following requirements:

(A) Has graduated from an accredited program.

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

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

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

(c) A temporary permit expires the earlier of:

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

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

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

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

(1) did not take the examination; and

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

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

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

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

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

(1) record the fact the person is retired; and

(2) release the person from further payment of renewal fees.

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

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

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

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

(1) is licensed or certified to practice occupational therapy as an occupational therapist or occupational therapy assistant in another state; or

(2) is practicing occupational therapy in a state that does not license or certify occupational therapists or occupational therapy assistants and is certified by a national occupational therapy association approved by the board;

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

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

(1) graduated from an educational program approved by the board;

(2) does not have a conviction for:

(A) an act that would constitute a ground for a disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the person's ability to practice competently;

(3) has not been the subject of a disciplinary action initiated by a licensing agency of another state or jurisdiction on the ground that the person was not able to practice occupational therapy as an occupational therapist or occupational therapy assistant without endangering the public;

(4) passes the examination required under this chapter; and

(5) pays a fee.

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

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

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

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

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

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

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

(B) eighteen (18) years of age.

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

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

(2) any instructions in the emergency determination.

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

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

(2) physician licensed under IC 25-22.5;

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

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

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

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

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

(B) protocols of the hospital.

The pharmacist shall review the appropriate medical records of

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

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

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

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

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

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

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

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

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

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

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

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

(c) This section applies to a pharmacist who:

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

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

(d) The protocols developed under this chapter must:

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

(2) at a minimum, require that:

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

(B) the procedures performed by the pharmacist relate to

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

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

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

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

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

(1) pass upon the qualifications of physical therapists who apply for licensure and physical therapist's assistants who apply for certification;

(2) provide all examinations either directly or by delegation under subsection (c);

(3) determine the applicants who successfully pass examinations;

(4) license qualified applicants; and

(5) propose rules concerning the competent practice of physical therapy to the board.

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

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

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

(1) license for a physical therapist; and

(2) certificate for a physical therapist's assistant.

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

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

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

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

(2) Both of the following apply:

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

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

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

~~(B) Either:~~

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

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

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

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

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

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

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

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

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

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

(c) The committee shall do the following:

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

(2) Approve or reject license applications.

(3) Approve or reject renewal applications.

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

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

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

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

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

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

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

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

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

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

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

(1) be in writing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

immediately available to assist in the management of the patient, and is qualified to rescue patients from deep sedation.

(B) The physician assistant is qualified to rescue patients from deep sedation and is competent to manage a compromised airway and provide adequate oxygenation and ventilation by reason of meeting the following conditions:

(i) The physician assistant is certified in advanced cardiopulmonary life support.

(ii) The physician assistant has knowledge of and training in the medications used in moderate sedation, including recommended doses, contraindications, and adverse reactions.

(g) Before a physician assistant may prescribe drugs, the physician assistant must have ~~been continuously employed~~ **practiced** as a physician assistant:

(1) for ~~not less than~~ **at least** one (1) year after graduating from a physician assistant program approved by the committee; ~~To be considered to have been continuously employed as a physician assistant for a year for purposes of this subsection, a person must have worked as a physician assistant more than~~ **and**

(2) for at least one thousand eight hundred (1,800) hours. ~~during the year.~~

SECTION 122. IC 25-27.5-5-6, AS ADDED BY P.L.90-2007, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Except as provided in section 4(d) of this chapter, a supervising physician may delegate authority to a physician assistant to prescribe:

(1) legend drugs except as provided in section 4(c) of this chapter; and

(2) medical devices (except ophthalmic devices, including glasses, contact lenses, and low vision devices).

(b) Any prescribing authority delegated to a physician assistant must be expressly delegated in writing by the physician assistant's supervising physician, including:

(1) the name of the drug or drug classification being delegated by the supervising physician; and

(2) the protocols the physician assistant shall use when prescribing the drug.

(c) A physician assistant who is delegated the authority to prescribe legend drugs or medical devices must do the following:

(1) Enter the following on each prescription form that the physician assistant uses to prescribe a legend drug or medical device:

(A) The signature of the physician assistant.

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

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

(2) Comply with all applicable state and federal laws concerning prescriptions for legend drugs and medical devices.

(d) A supervising physician may delegate to a physician assistant the authority to prescribe only legend drugs and medical devices that

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

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

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

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

(A) The signature of the physician assistant.

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

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

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

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

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

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

(2) in an amount that does not exceed

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

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

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

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

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

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

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

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

(1) Be licensed under IC 25-22.5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the:

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

(ii) land and improvements are unused;

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

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

(i) Obsolete or inefficient buildings.

(ii) Aging infrastructure or inefficient utility services.

(iii) Utility relocation requirements.

(iv) Transportation or access problems.

(v) Topographical obstacles.

(vi) Environmental contamination.

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

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

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

(A) The mayor of East Chicago.

(B) The mayor of Gary.

(C) The mayor of Hammond.

(D) The mayor of Michigan City.

(E) The mayor of Portage.

(F) The mayor of Whiting.

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

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

(i) is not a steel company; and

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

~~(I) One (1) representative of the department of environmental management.~~

~~(J) One (1) representative of the department of natural resources.~~

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

~~transportation.~~

~~(L)~~ **(I)** One (1) ~~representative of~~ **member appointed jointly by the executives of the following municipalities:**

(i) Beverly Shores.

~~(M) One (1) representative of Burns Harbor.~~

~~(N) One (1) representative of~~ **(ii)** Dune Acres.

~~(O) One (1) representative of~~ **(iii)** Ogden Dunes.

(J) One (1) member appointed jointly by the executives of the following municipalities:

(i) Burns Harbor.

(ii) Chesterton.

(iii) Porter.

~~(P) One (1) representative of the northwest Indiana advisory board established under IC 13-13-6.~~

~~(Q)~~ **(K)** One (1) ~~representative of~~ **member appointed by** a public utility that owns real property that:

(i) is located in the counties contiguous to Lake Michigan; and

(ii) has a total assessed value that exceeds the total assessed value of real property in the counties contiguous to Lake Michigan that is owned by any other public utility.

~~(R) The port director of the Port of Indiana-Burns Harbor.~~

~~(2) One (1) member, preferably from a visitor and tourism business, appointed by the lieutenant governor.~~

~~(3)~~ **(L)** Two (2) members appointed by the speaker of the house of representatives who:

~~(A)~~ **(i)** are members of the house of representatives;

~~(B)~~ **(ii)** represent house districts that have territory within the corridor; and

~~(C)~~ **(iii)** are not affiliated with the same political party.

If ~~all the house districts that have territory within the corridor are represented by members of the house of representatives who are from the same political party,~~ **the requirement under item (iii) cannot be satisfied,** the speaker ~~shall appoint a member of the house of representatives who represents a house district that is located anywhere in a county that has territory within the corridor to satisfy~~ **may disregard** the requirement under ~~clause (C).~~ **item (iii) when appointing members under this clause.**

~~(4)~~ **(M)** Two (2) members appointed by the president pro tempore of the senate who:

~~(A)~~ **(i)** are members of the senate;

~~(B)~~ **(ii)** represent senate districts that have territory within the corridor; and

~~(C)~~ **(iii)** are not affiliated with the same political party.

If ~~all the senate districts that have territory within the corridor are represented by members of the senate who are from the same political party,~~ **the requirement under item (iii) cannot be satisfied,** the president pro tempore ~~shall appoint a member of the senate who represents a senate district that is located~~

~~anywhere in a county that has territory within the corridor to satisfy~~ **may disregard** the requirement under ~~clause (C).~~ **item (iii) when appointing members under this clause.**

(2) The following nonvoting members:

(A) One (1) member to represent the department of environmental management, appointed by the governor.

(B) One (1) member to represent the department of natural resources, appointed by the governor.

(C) One (1) member to represent the Indiana department of transportation, appointed by the governor.

(D) One (1) member appointed by the executive of the Indiana Dunes National Lakeshore.

(E) The port director of the Port of Indiana-Burns Harbor.

(F) One (1) member appointed by the Lake County Convention and Visitors Bureau.

(G) One (1) member appointed by the LaPorte County Convention and Visitors Bureau.

(H) One (1) member appointed by the Porter County Convention Recreation and Visitor Commission.

SECTION 130. IC 36-7-13.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The members of the commission referred to in section 3(1)(G) of this chapter **and their designees** may not represent the same steel company.

(b) A member of the commission ~~referred to in section 3(1)(A) through 3(1)(F) of this chapter~~ may designate an individual to serve on the commission in the member's place.

SECTION 131. IC 36-7-13.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. **(a) A quorum of the commission must be present to conduct the commission's business. A quorum consists of a majority of the voting members of the commission.**

(b) The affirmative votes of a majority of the **voting** members of the commission are required for the commission to take action on any measure.

SECTION 132. IC 36-7-13.5-11, AS AMENDED BY P.L.4-2005, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. **(a)** The commission shall **do the following:**

(1) Identify qualifying properties.

(2) Prepare a comprehensive **environmental** master plan for development and redevelopment within the corridor that:

(A) plans for remediation of environmental contamination;

(B) accounts for economic development and transportation issues relating to environmental contamination; and

(C) establishes priorities for development or redevelopment of qualifying properties.

(3) Establish guidelines for the evaluation of applications for **environmental** grants from the **environmental** fund.

(4) After reviewing a report from the department of environmental management under section 22 of this chapter, ~~refer to the executive committee~~ **make decisions on** applications for

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

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

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

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

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

(A) the activities of the commission; and

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

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

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

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

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

(A) Prepare a comprehensive marina plan.

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

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

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

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

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

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

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

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

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

(B) Other public and private agencies.

(4) When requested, act as a coordinating agency for programs and activities of other public and private agencies that are related to the commission's objectives.

(5) Receive grants and appropriations from the following:

(A) Federal, state, and local governments.

(B) Individuals.

(C) Foundations.

(D) Other organizations.

(6) Enter into agreements or contracts regarding the acceptance or use of these grants and appropriations for the purpose of carrying out the commission's activities under this chapter.

(7) Acquire and dispose of real or personal property by grant, gift, purchase, lease, devise, or otherwise.

(8) Hold, use, improve, maintain, operate, own, manage, or lease as lessor or lessee:

(A) real or personal property; or

(B) any interest in real or personal property.

(9) Employ an executive director and other individuals who are necessary to carry out the commission's duties.

~~(b) The commission may~~ **(10)** Contract for staff services with:

~~(1)~~ **(A)** qualified agencies or individuals; or

~~(2)~~ **(B)** a **regional** planning commission established under IC 36-7-7.

(11) Appoint advisory committees, which may include representatives of the following:

(A) Municipal parks.

(B) County parks.

(C) National parks.

(D) Port authorities.

SECTION 134. IC 36-7-13.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) The ~~executive committee~~ **commission** shall elect the following officers from among the **voting** members of the ~~executive committee.~~ **commission:**

(1) A chairman.

(2) A vice chairman.

(3) A treasurer.

(b) Each officer serves a term of one (1) year beginning July 1 of each year.

SECTION 135. IC 36-7-13.5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. The ~~executive committee~~ **commission** shall:

(1) ~~be responsible for the management of~~ **carry out** all functions related to the provision of **environmental** grants to political subdivisions from the **environmental** fund **and marina grants** for the purposes set forth in this chapter;

(2) review each **environmental** grant application ~~referred to the executive committee by the commission under~~ **described in** section 11 of this chapter, including the report received from the department of environmental management under section 22 of this chapter, to determine whether to approve ~~a~~ **an**

environmental grant;

(3) determine the amount of each **environmental** grant to a political subdivision approved by the ~~executive committee,~~ **commission;**

(4) approve, with appropriate signatures, each **environmental** grant that the ~~executive committee~~ **commission** determines to make under this chapter; and

(5) prepare and adopt by majority vote an annual budget for carrying out the activities of the commission.

SECTION 136. IC 36-7-13.5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 18. (a) After approval of the budget by the ~~executive committee,~~ **commission,** money may be expended only as budgeted, unless a majority vote of the ~~executive committee~~ **commission** authorizes other expenditures.

(b) Appropriated money remaining unexpended or unencumbered at the end of the year **and not otherwise restricted by law or agreement** becomes part of a nonreverting cumulative fund to be held in the name of the commission. The ~~executive committee~~ **commission** may authorize unbudgeted expenditures from this fund by a majority vote of the ~~executive committee.~~ **commission. However, unencumbered money appropriated from the environmental fund at the end of a budget year reverts to the environmental fund.**

(c) The ~~executive committee~~ **treasurer of the commission** is responsible for the safekeeping and deposit of money the commission receives under this chapter. The state board of accounts shall:

(1) prescribe the methods and forms for keeping; and

(2) periodically audit;

the accounts, records, and books of the commission. **The commission may establish the funds and the accounts that the commission determines necessary to operate the commission.**

(d) The treasurer of the ~~executive committee~~ **commission** may receive, disburse, and handle money belonging to the commission, subject to the following:

(1) Applicable statutes.

(2) Procedures established by the ~~executive committee.~~ **commission.**

SECTION 137. IC 36-7-13.5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. The shoreline environmental trust fund is established to provide a source of money for the following:

(1) The rehabilitation, redevelopment, and reuse of qualifying property by providing **environmental** grants to political subdivisions to conduct any of the following activities:

(A) Identification and acquisition of qualifying property within a political subdivision.

(B) Environmental assessment of identified qualifying property and other activities necessary or convenient to complete the environmental assessments.

(C) Remediation of environmental contamination conducted on qualifying property.

(D) Clearance of real property under IC 36-7-14-12.2 or

IC 36-7-15.1-7 in connection with remediation activities.

(E) Other activities necessary or convenient to return qualified property to full use.

(2) **Payment of the share of** the operations of the commission, **as determined by the commission.**

SECTION 138. IC 36-7-13.5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 20. (a) The budget agency shall:

(1) administer the **environmental** fund; and

(2) report to the ~~executive committee~~ **commission** semiannually:

(A) revenue receipted to the **environmental** fund;

(B) distributions from the **environmental** fund; and

(C) the balance in the **environmental** fund.

(b) The following shall be paid from money in the **environmental** fund:

(1) The expenses of administering the **environmental** fund.

(2) **Environmental** grants approved by the ~~executive committee~~ **commission** under section 17 of this chapter.

(3) The amount budgeted **from the environmental fund** by the ~~executive committee~~ **commission** for the operations of the commission.

(c) The **environmental** fund consists of the following:

(1) Appropriations made by the general assembly.

(2) **Environmental** grants and gifts intended for deposit in the **environmental** fund.

(3) Interest, gains, or other earnings of the **environmental** fund.

(d) The budget agency shall invest the money in the **environmental** fund not currently needed to meet the obligations of the **environmental** fund in the same manner as other public funds may be invested. Interest, gains, or other earnings from these investments shall be credited to the **environmental** fund.

(e) As an alternative to subsection (d), the budget agency may invest or cause to be invested all or a part of the **environmental** fund in a fiduciary account with a trustee that is a financial institution. Notwithstanding any other law, any investment may be made by the trustee in accordance with at least one (1) trust agreement or indenture. A trust agreement or indenture may allow disbursements by the trustee to the budget agency as provided in the trust agreement or indenture. The budget agency and the state board of finance must approve any trust agreement or indenture before its execution.

(f) Money in the **environmental** fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 139. IC 36-7-13.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21. (a) Before a political subdivision may receive ~~a~~ **an environmental** grant from the **environmental** fund, the political subdivision must submit to the department of environmental management and the commission the following:

(1) ~~A~~ **An environmental** grant application, in the form prescribed by the department of environmental management and the

commission, that:

(A) identifies the qualifying property;

(B) includes any ordinances, resolutions, or other documentation of the political subdivision's determination to submit the **environmental** grant application;

(C) identifies the entity from which the qualifying property has been acquired or will be acquired by the political subdivision;

(D) specifies the cost of acquisition of the qualifying property to the political subdivision, if any;

(E) identifies any environmental contamination of the qualifying property that will be subject to remediation;

(F) specifies the environmental remediation objectives with respect to the qualifying property;

(G) estimates all costs the political subdivision will incur with respect to the qualifying property;

(H) evaluates the prospect for conveyance of the qualifying property for use by a private or public entity; and

(I) includes a schedule of all actions taken or to be taken by the political subdivision with respect to the qualifying property between the time of acquisition and the anticipated time of conveyance by the political subdivision.

(2) Documentation of community and neighborhood comment concerning the use of a qualifying property on which environmental remediation activities will be undertaken after environmental remediation activities are completed.

(b) A political subdivision may apply for ~~a~~ **an environmental** grant under this section for activities under this chapter with respect to:

(1) qualifying property previously acquired by the political subdivision by:

(A) purchase; or

(B) donation from a private or public entity; or

(2) qualifying property to be acquired using **environmental** grant money.

SECTION 140. IC 36-7-13.5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 22. The department of environmental management shall do the following under this chapter:

(1) Upon receipt of ~~a~~ **an environmental** grant application from a political subdivision under section 21 of this chapter with respect to a qualifying property, evaluate the technical aspects of the political subdivision's:

(A) environmental assessment of the property; and

(B) proposed environmental remediation with respect to the property.

(2) Submit to the commission a report of its evaluation under subdivision (1).

(3) Evaluate the technical aspects of the political subdivision's environmental remediation activities conducted on qualifying properties.

(4) Act as a liaison with the United States Environmental Protection Agency.

SECTION 141. IC 36-7-13.5-23 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 23. The ~~executive committee~~ **commission** shall develop a priority ranking system for making **environmental** grants under this chapter based on the following:

(1) The comprehensive **environmental** master plan.

(2) Socioeconomic distress in an area, as determined by the poverty level and unemployment rate in the area.

(3) The technical evaluation by the department of environmental management under section 22 of this chapter.

(4) Other factors determined by the commission, including the following:

(A) The number and quality of jobs that would result from reuse of the qualifying property.

(B) Housing, recreational, and educational needs of communities.

(C) Any other factors the ~~executive committee~~ **commission** determines will assist in the implementation of this chapter.

SECTION 142. IC 36-7-13.5-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 24. (a) Based on the priority ranking system established under section 23 of this chapter, the ~~executive committee~~ **commission** may make **environmental** grants from the **environmental** fund to political subdivisions under this section.

(b) ~~A~~ **An environmental** grant must be used for at least one (1) of the purposes set forth in section 19 of this chapter and may be used to pay consultant, advisory, and legal fees and any other costs or expenses resulting from the assessment, planning, or environmental remediation of a qualifying property.

SECTION 143. IC 36-7-13.5-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25. If:

(1) a private entity offers a political subdivision a donation of property for which the political subdivision intends to submit ~~a~~ **an environmental** grant application under section 21 of this chapter; and

(2) the donation of the property is conditioned on obtaining from the state a covenant not to sue the private entity for any potential liability arising under state law associated with environmental contamination of the property;

the political subdivision may request that the commission seek the covenant not to sue from the governor. The governor may execute a covenant not to sue under this section.

SECTION 144. IC 36-7-13.5-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 26. The ~~executive committee~~ **commission** may adopt guidelines or guidance documents to implement this chapter without complying with IC 4-22-2.

SECTION 145. IC 36-7-13.5-27 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 27. This chapter does not limit the power of a participating county, township, port authority, or municipal corporation to develop or improve a port, terminal, or lakefront facility.**

SECTION 146. IC 36-7.5-1-12, AS AMENDED BY P.L.47-2006, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. "Eligible political subdivision" means the following:

(1) An airport authority.

(2) A commuter transportation district.

(3) A regional bus authority under IC 36-9-3-2(c).

(4) A regional transportation authority established under IC 36-9-3-2.

(5) ~~A~~ **The Lake Michigan marina and** shoreline development commission under IC 36-7-13.5.

SECTION 147. IC 36-7.5-1-12.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 12.4. "Lake Michigan marina and shoreline development commission" means the commission established by IC 36-7-13.5-2.**

SECTION 148. IC 36-7.5-1-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 12.5. "Lake Michigan marina and shoreline development commission project" means a project that can be financed with the proceeds of bonds issued by the Lake Michigan marina and shoreline development commission.**

SECTION 149. IC 36-7.5-1-13, AS AMENDED BY P.L.47-2006, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. "Project" means an airport authority project, a commuter transportation district project, an economic development project, a regional bus authority project, a regional transportation authority project, or a **Lake Michigan marina and** shoreline development commission project.

SECTION 150. IC 36-7.5-2-1, AS AMENDED BY P.L.47-2006, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The northwest Indiana regional development authority is established as a separate body corporate and politic to carry out the purposes of this article by:

(1) acquiring, constructing, equipping, owning, leasing, and financing projects and facilities for lease to or for the benefit of eligible political subdivisions under this article;

(2) funding and developing the Gary/Chicago International Airport expansion and other airport authority projects, commuter transportation district and other rail projects and services, regional bus authority projects and services, regional transportation authority projects and services, **Lake Michigan marina and** shoreline development projects and activities, and economic development projects in northwestern Indiana; and

(3) assisting with the funding of infrastructure needed to sustain development of an intermodal facility in northwestern Indiana.

SECTION 151. IC 36-7.5-3-1, AS AMENDED BY P.L.47-2006, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The development authority shall do the following:

(1) Assist in the coordination of local efforts concerning projects.

(2) Assist a commuter transportation district, an airport authority, ~~a~~ **the Lake Michigan marina and** shoreline development commission, a regional transportation authority, and a regional bus authority in coordinating regional transportation and economic development efforts.

(3) Fund projects as provided in this article.

(4) Fund bus services (including fixed route services and flexible or demand-responsive services) and projects related to bus services and bus terminals, stations, or facilities.

SECTION 152. IC 36-7.5-3-2, AS AMENDED BY P.L.182-2009(ss), SECTION 424, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The development authority may do any of the following:

(1) Finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, and equip land and projects located in an eligible county or eligible municipality.

(2) Lease land or a project to an eligible political subdivision.

(3) Finance and construct additional improvements to projects or other capital improvements owned by the development authority and lease them to or for the benefit of an eligible political subdivision.

(4) Acquire land or all or a portion of one (1) or more projects from an eligible political subdivision by purchase or lease and lease the land or projects back to the eligible political subdivision, with any additional improvements that may be made to the land or projects.

(5) Acquire all or a portion of one (1) or more projects from an eligible political subdivision by purchase or lease to fund or refund indebtedness incurred on account of the projects to enable the eligible political subdivision to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the eligible political subdivision considers to be unduly burdensome.

(6) Make loans, loan guarantees, and grants or provide other financial assistance to or on behalf of the following:

(A) A commuter transportation district.

(B) An airport authority or airport development authority.

(C) ~~A~~ **The Lake Michigan marina and** shoreline development commission.

(D) A regional bus authority. A loan, loan guarantee, grant, or other financial assistance under this clause may be used by a regional bus authority for acquiring, improving, operating, maintaining, financing, and supporting the following:

(i) Bus services (including fixed route services and flexible or demand-responsive services) that are a component of a public transportation system.

(ii) Bus terminals, stations, or facilities or other regional bus authority projects.

(E) A regional transportation authority.

(7) Provide funding to assist a railroad that is providing commuter transportation services in an eligible county or eligible

municipality.

(8) Provide funding to assist an airport authority located in an eligible county or eligible municipality in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport project.

(9) Provide funding to assist in the development of an intermodal facility to facilitate the interchange and movement of freight.

(10) Provide funding to assist ~~a~~ **the Lake Michigan marina and** shoreline development commission in carrying out the purposes of IC 36-7-13.5.

(11) Provide funding for economic development projects in an eligible county or eligible municipality.

(12) Hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest, grant, condemnation, lease, or sublease, on the terms and conditions determined by the development authority, any real or personal property located in an eligible county or eligible municipality.

(13) After giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a project.

(14) Make or enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article.

(15) Sue, be sued, plead, and be impleaded.

(16) Design, order, contract for, and construct, reconstruct, and renovate a project or improvements to a project.

(17) Appoint an executive director and employ appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any consultants or employees that are necessary or desired by the development authority in exercising its powers or carrying out its duties under this article.

(18) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a political subdivision, or any other public or private source.

(19) Use the development authority's funds to match federal grants or make loans, loan guarantees, or grants to carry out the development authority's powers and duties under this article.

(20) Except as prohibited by law, take any action necessary to carry out this article.

(b) If the development authority is unable to agree with the owners, lessees, or occupants of any real property selected for the purposes of this article, the development authority may proceed under IC 32-24-1 to procure the condemnation of the property. The development authority may not institute a proceeding until it has adopted a resolution that:

(1) describes the real property sought to be acquired and the purpose for which the real property is to be used;

(2) declares that the public interest and necessity require the acquisition by the development authority of the property involved; and

(3) sets out any other facts that the development authority considers necessary or pertinent.

The resolution is conclusive evidence of the public necessity of the proposed acquisition.

SECTION 153. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2011]: IC 2-5-1.5; IC 4-12-4-16; IC 4-12-5-5; IC 4-15-1; IC 4-15-2-2.2; IC 4-15-2.5-2; IC 4-23-20; IC 9-23-1; IC 9-27-2-12; IC 12-15-42; IC 14-13-1-22; IC 14-13-1-23; IC 14-13-1-24; IC 14-13-1-25; IC 14-13-1-26; IC 14-13-3; IC 14-20-4; IC 15-15-8-6; IC 15-15-8-9; IC 15-15-8-10; IC 15-15-8-11; IC 15-15-8-13; IC 15-15-8-16; IC 15-15-8-18; IC 16-21-1-1; 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; IC 16-21-1-8; IC 16-27-0.5-0.5; IC 16-27-0.5-1; IC 16-27-0.5-2; IC 16-27-0.5-3; IC 16-27-0.5-4; IC 16-27-0.5-5; IC 16-27-0.5-6; IC 16-27-0.5-7; IC 16-27-0.5-8; IC 16-28-1-1; IC 16-28-1-2; 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; IC 25-23.5-1-5.5; IC 27-1-3-30; IC 36-7-13.5-9; IC 36-7-13.5-13; IC 36-7-13.5-15; IC 36-7-13.5-16; IC 36-7.5-1-16; IC 36-7.5-1-17.

SECTION 154. [EFFECTIVE JULY 1, 2011] **(a) On July 1, 2011, the rights, duties, property, personnel, liabilities, and contractual obligations of the following are transferred to the Lake Michigan marina and shoreline development commission established by IC 36-7-13.5-2, as amended by this act:**

(1) The Lake Michigan marina development commission.

(2) The shoreline development commission.

The commissions described in subdivisions (1) and (2) are abolished as soon as the property, personnel, liabilities, and contractual obligations of the commissions are transferred to the Lake Michigan marina and shoreline development commission. The only actions that a commission described in subdivision (1) or (2) may take after June 30, 2011, are those actions necessary to wind up the affairs of that commission.

(b) The members of the governing body of a commission described in subsection (a)(1) or (a)(2) remain members of the governing body until the commission is abolished. The governing bodies of each commission described in subsection (a)(1) or (a)(2) shall adopt a resolution as the last act of the governing body specifying the abolishment of the commission.

(c) Money transferred from the Lake Michigan marina development commission to the Lake Michigan marina and shoreline development commission shall initially be transferred to a fund that is separate from the shoreline environmental trust fund established by IC 36-7-13.5-19, as amended by this act, and used in accordance with the budget adopted by the Lake Michigan marina and shoreline development commission. The budget may provide for part or all of the money to be transferred and used for the purposes of the shoreline environmental trust fund.

(d) This SECTION expires July 1, 2014.

SECTION 155. [EFFECTIVE JULY 1, 2011] **(a) If an individual is certified as an occupational therapy assistant under IC 25-23.5 on June 30, 2011, the individual is considered to be a licensed**

occupational therapy assistant under IC 25-23.5, as amended by this act, on July 1, 2011. The license of an individual described in this subsection expires on the date the individual's certification that the license is replacing would have expired if this act had not been enacted.

(b) The occupational therapy committee established by IC 25-23.5-2-1 shall issue a license under IC 25-23.5-5-6 to an individual described in subsection (a). However, the occupational therapy committee and the Indiana professional licensing agency are not required to issue a new license to an individual.

(c) This SECTION expires July 1, 2013.

SECTION 156. [EFFECTIVE JULY 1, 2011] **(a) As used this SECTION, "commission" refers to the health finance commission under IC 2-5-23.**

(b) The commission shall study the feasibility of licensure of processionals providing care to individuals who have suffered traumatic brain injury.

(c) The commission shall study the feasibility of licensure of diabetes educators.

(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**