

---

---

# HOUSE BILL No. 1006

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-295; IC 20-26-9-18; IC 25-1; IC 25-8; IC 25-14.5; IC 25-20; IC 25-22.5-1-2; IC 25-24-3-11; IC 25-30; IC 25-35.6-1-4; IC 35-51-25-1.

**Synopsis:** Regulated occupations. Provides that optometrists may prescribe, dispense, and administer controlled substances. Repeals the law governing the following professions, including their professional licensing boards and licenses: (1) Beauty culture (cosmetologists and barbers). (2) Commission on dietetic registration and licensure of dietitians. (3) Hearing aid dealers. (4) Private investigator firms. (5) Security guards. Makes conforming and technical changes.

**Effective:** July 1, 2012.

---

---

## Wolkins

---

---

January 9, 2012, read first time and referred to Committee on Employment, Labor and Pensions.

---

---

C  
o  
p  
y



Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

C  
o  
p  
y

# HOUSE BILL No. 1006



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

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

- 1 SECTION 1. IC 16-18-2-295, AS AMENDED BY P.L.41-2007,
- 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2012]: Sec. 295. (a) "Provider", for purposes of IC 16-21-8,
- 4 has the meaning set forth in IC 16-21-8-0.5.
- 5 (b) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for
- 6 IC 16-39-7) and IC 16-41-1 through IC 16-41-9 and IC 16-41-37,
- 7 means any of the following:
- 8 (1) An individual (other than an individual who is an employee or
- 9 a contractor of a hospital, a facility, or an agency described in
- 10 subdivision (2) or (3)) who is licensed, registered, or certified as
- 11 a health care professional, including the following:
- 12 (A) A physician.
- 13 (B) A psychotherapist.
- 14 (C) A dentist.
- 15 (D) A registered nurse.
- 16 (E) A licensed practical nurse.
- 17 (F) An optometrist.



- 1 (G) A podiatrist.  
 2 (H) A chiropractor.  
 3 (I) A physical therapist.  
 4 (J) A psychologist.  
 5 (K) An audiologist.  
 6 (L) A speech-language pathologist.  
 7 ~~(M) A dietitian.~~  
 8 ~~(N)~~ (M) An occupational therapist.  
 9 ~~(O)~~ (N) A respiratory therapist.  
 10 ~~(P)~~ (O) A pharmacist.  
 11 ~~(Q)~~ (P) A sexual assault nurse examiner.  
 12 (2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or  
 13 described in IC 12-24-1 or IC 12-29.  
 14 (3) A health facility licensed under IC 16-28-2.  
 15 (4) A home health agency licensed under IC 16-27-1.  
 16 (5) An employer of a certified emergency medical technician, a  
 17 certified emergency medical technician-basic advanced, a  
 18 certified emergency medical technician-intermediate, or a  
 19 certified paramedic.  
 20 (6) The state department or a local health department or an  
 21 employee, agent, designee, or contractor of the state department  
 22 or local health department.  
 23 (c) "Provider", for purposes of IC 16-39-7-1, has the meaning set  
 24 forth in IC 16-39-7-1(a).  
 25 **(d) "Provider", for purposes of IC 16-48-1, has the meaning set**  
 26 **forth in IC 16-48-1-3.**  
 27 SECTION 2. IC 16-41-1-4, IS REPEALED [EFFECTIVE JULY 1,  
 28 2012]. ~~Sec. 4. The state department may adopt rules concerning:~~  
 29 ~~(1) sanitation requirements;~~  
 30 ~~(2) requirements for education on sanitation; and~~  
 31 ~~(3) any other health concerns;~~  
 32 ~~associated with threading (as defined in IC 25-8-2-19).~~  
 33 SECTION 3. IC 20-26-9-18, AS ADDED BY P.L.54-2006,  
 34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2012]: Sec. 18. (a) Before July 1, 2007, each school board  
 36 shall establish a coordinated school health advisory council (referred  
 37 to as the "advisory council" in this section). The advisory council may  
 38 review the corporation's wellness policies on a yearly basis and suggest  
 39 to the school board for approval changes to the policies that comply  
 40 with the requirements of federal Public Law 108-265 and  
 41 IC 5-22-15-24(c) before July 1 of each year. The advisory council must  
 42 hold at least one (1) hearing at which public testimony about the local

C  
O  
P  
Y

1 wellness policy being developed is allowed.

2 (b) The school board shall appoint the members of the advisory  
3 council, which must include the following:

- 4 (1) Parents.  
5 (2) Food service directors and staff.  
6 (3) Students.  
7 (4) Nutritionists or ~~certified~~ dietitians.  
8 (5) Health care professionals.  
9 (6) School board members.  
10 (7) A school administrator.  
11 (8) Representatives of interested community organizations.

12 (c) The school board shall adopt a school district policy on child  
13 nutrition and physical activity that takes into consideration  
14 recommendations made by the advisory council.

15 (d) The department shall, in consultation with the state department  
16 of health, provide technical assistance to the advisory councils,  
17 including providing information on health, nutrition, and physical  
18 activity, through educational materials and professional development  
19 opportunities. The department shall provide the information given to  
20 an advisory council under this subsection to a school or parent upon  
21 request.

22 SECTION 4. IC 20-28-2-6, AS AMENDED BY P.L.90-2011,  
23 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2012]: Sec. 6. (a) Subject to subsection (c) and in addition to  
25 the powers and duties set forth in IC 20-20-22 or this article, the state  
26 board may adopt rules under IC 4-22-2 to do the following:

- 27 (1) Set standards for teacher licensing and for the administration  
28 of a professional licensing and certification process by the  
29 department.  
30 (2) Approve or disapprove teacher preparation programs.  
31 (3) Set fees to be charged in connection with teacher licensing.  
32 (4) Suspend, revoke, or reinstate teacher licenses.  
33 (5) Enter into agreements with other states to acquire reciprocal  
34 approval of teacher preparation programs.  
35 (6) Set standards for teacher licensing concerning new subjects of  
36 study.  
37 (7) Evaluate work experience and military service concerning  
38 postsecondary education and experience equivalency.  
39 (8) Perform any other action that:  
40 (A) relates to the improvement of instruction in the public  
41 schools through teacher education and professional  
42 development through continuing education; and

C  
o  
p  
y



- 1 (B) attracts qualified candidates for teacher education from  
 2 among the high school graduates of Indiana.
- 3 (9) Set standards for endorsement of school psychologists as  
 4 independent practice school psychologists under IC 20-28-12.
- 5 (10) Before July 1, 2011, set standards for sign language  
 6 interpreters who provide services to children with disabilities in  
 7 an educational setting and an enforcement mechanism for the  
 8 interpreter standards.
- 9 ~~(b) Notwithstanding subsection (a)(1), an individual is entitled to~~  
 10 ~~one (1) year of occupational experience for purposes of obtaining an~~  
 11 ~~occupational specialist certificate under this article for each year the~~  
 12 ~~individual holds a license under IC 25-8-6.~~
- 13 ~~(c)~~ **(b)** The state board may adopt rules under IC 4-22-2, including  
 14 emergency rules under IC 4-22-2-37.1, to establish procedures to  
 15 expedite the issuance, renewal, or reinstatement under this article of a  
 16 license or certificate of a person whose spouse serves on active duty (as  
 17 defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.
- 18 SECTION 5. IC 25-1-1.1-4, AS ADDED BY P.L.155-2011,  
 19 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2012]: Sec. 4. (a) This section applies to an individual who is  
 21 applying for, or will be applying for, an initial license or an initial  
 22 certificate under one (1) of the following:
- 23 (1) IC 25-2.5 (acupuncturists).  
 24 (2) IC 25-10 (chiropractors).  
 25 (3) IC 25-13 (dental hygienists).  
 26 (4) IC 25-14 (dentists).  
 27 ~~(5) IC 25-14.5 (dietitians).~~  
 28 ~~(6)~~ **(5)** IC 25-17.3 (genetic counselors).  
 29 ~~(7)~~ **(6)** IC 25-19 (health facility and residential care facility  
 30 administrators).  
 31 ~~(8)~~ **(7)** IC 25-21.8 (massage therapists).  
 32 ~~(9)~~ **(8)** IC 25-22.5 (physicians).  
 33 ~~(10)~~ **(9)** IC 25-23 (nurses).  
 34 ~~(11)~~ **(10)** IC 25-23.5 (occupational therapists).  
 35 ~~(12)~~ **(11)** IC 25-24 (optometrists).  
 36 ~~(13)~~ **(12)** IC 25-26 (pharmacists).  
 37 ~~(14)~~ **(13)** IC 25-27 (physical therapists).  
 38 ~~(15)~~ **(14)** IC 25-27.5 (physician assistants).  
 39 ~~(16)~~ **(15)** IC 25-29 (podiatrists).  
 40 ~~(17)~~ **(16)** IC 25-33 (psychologists).  
 41 ~~(18)~~ **(17)** IC 25-34.5 (respiratory care practitioners).  
 42 ~~(19)~~ **(18)** IC 25-35.6 (speech pathologists and audiologists).

C  
O  
P  
Y

- 1           ~~(20)~~ **(19)** IC 25-38.1 (veterinarians).
- 2           (b) As used in this chapter, "national criminal history background  
3 check" means the criminal history record system maintained by the  
4 Federal Bureau of Investigation based on fingerprint identification or  
5 any other method of positive identification.
- 6           (c) An individual applying for an initial license or initial certificate  
7 specified in subsection (a) shall submit to a national criminal history  
8 background check at the cost of the individual.
- 9           (d) The state police department shall release the results of a national  
10 criminal history background check conducted under this section to the  
11 Indiana professional licensing agency.
- 12           (e) A board, a commission, or a committee may conduct a random  
13 audit and require an individual seeking a renewal of a license or a  
14 certificate specified in subsection (a) to submit to a national criminal  
15 history background check at the cost of the individual.
- 16           SECTION 6. IC 25-1-2-6, AS AMENDED BY P.L.197-2011,  
17 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2012]: Sec. 6. (a) As used in this section, "license" includes  
19 all occupational and professional licenses, registrations, permits, and  
20 certificates issued under the Indiana Code, and "licensee" includes all  
21 occupational and professional licensees, registrants, permittees, and  
22 certificate holders regulated under the Indiana Code.
- 23           (b) This section applies to the following entities that regulate  
24 occupations or professions under the Indiana Code:
- 25           (1) Indiana board of accountancy.
- 26           (2) Indiana grain buyers and warehouse licensing agency.
- 27           (3) Indiana auctioneer commission.
- 28           (4) Board of registration for architects and landscape architects.
- 29           ~~(5) State board of cosmetology and barber examiners.~~
- 30           ~~(6)~~ **(5)** Medical licensing board of Indiana.
- 31           ~~(7)~~ **(6)** Secretary of state.
- 32           ~~(8)~~ **(7)** State board of dentistry.
- 33           ~~(9)~~ **(8)** State board of funeral and cemetery service.
- 34           ~~(10)~~ **(9)** Worker's compensation board of Indiana.
- 35           ~~(11)~~ **(10)** Indiana state board of health facility administrators.
- 36           ~~(12) Committee of hearing aid dealer examiners.~~
- 37           ~~(13)~~ **(11)** Indiana state board of nursing.
- 38           ~~(14)~~ **(12)** Indiana optometry board.
- 39           ~~(15)~~ **(13)** Indiana board of pharmacy.
- 40           ~~(16)~~ **(14)** Indiana plumbing commission.
- 41           ~~(17)~~ **(15)** Board of podiatric medicine.
- 42           ~~(18) Private investigator and security guard licensing board.~~

C  
o  
p  
y

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

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

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

- 39           (1) Inform the individual of the following:  
 40                  (A) That the individual's license has expired.  
 41                  (B) Any requirements that must be met before reinstatement  
 42                  of a license may occur.



C  
o  
p  
y

- 1 (2) Be sent electronically. However, if the entity does not have an  
 2 electronic mail address on record for the individual, the notice  
 3 must be sent via United States mail.
- 4 SECTION 7. IC 25-1-2-8 IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2012]: Sec. 8. This chapter applies to the  
 6 imposition and collection of fees under the following:
- 7 IC 14-24-10  
 8 IC 16-19-5-2  
 9 ~~IC 25-30-1-17~~  
 10 IC 33-42-2-1.
- 11 SECTION 8. IC 25-1-4-0.3, AS AMENDED BY P.L.84-2010,  
 12 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2012]: Sec. 0.3. As used in this chapter, "board" means any of  
 14 the following:
- 15 (1) Indiana board of accountancy (IC 25-2.1-2-1).  
 16 (2) Board of registration for architects and landscape architects  
 17 (IC 25-4-1-2).  
 18 (3) Indiana athletic trainers board (IC 25-5.1-2-1).  
 19 (4) Indiana auctioneer commission (IC 25-6.1-2-1).  
 20 (5) Board of chiropractic examiners (IC 25-10-1).  
 21 ~~(6) State board of cosmetology and barber examiners~~  
 22 ~~(IC 25-8-3-1).~~  
 23 ~~(7) (6) State board of dentistry (IC 25-14-1).~~  
 24 ~~(8) Indiana dietitians certification board (IC 25-14.5-2-1).~~  
 25 ~~(9) (7) State board of registration for professional engineers~~  
 26 ~~(IC 25-31-1-3).~~  
 27 ~~(10) (8) State board of funeral and cemetery service (IC 25-15-9).~~  
 28 ~~(11) (9) Indiana state board of health facility administrators~~  
 29 ~~(IC 25-19-1).~~  
 30 ~~(12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).~~  
 31 ~~(13) (10) Home inspectors licensing board (IC 25-20.2-3-1).~~  
 32 ~~(14) (11) State board of registration for land surveyors~~  
 33 ~~(IC 25-21.5-2-1).~~  
 34 ~~(15) (12) Manufactured home installer licensing board~~  
 35 ~~(IC 25-23.7).~~  
 36 ~~(16) (13) Medical licensing board of Indiana (IC 25-22.5-2).~~  
 37 ~~(17) (14) Indiana state board of nursing (IC 25-23-1).~~  
 38 ~~(18) (15) Occupational therapy committee (IC 25-23.5).~~  
 39 ~~(19) (16) Indiana optometry board (IC 25-24).~~  
 40 ~~(20) (17) Indiana board of pharmacy (IC 25-26).~~  
 41 ~~(21) (18) Indiana physical therapy committee (IC 25-27-1).~~  
 42 ~~(22) (19) Physician assistant committee (IC 25-27.5).~~

C  
o  
p  
y

- 1           ~~(23)~~ **(20)** Indiana plumbing commission (IC 25-28.5-1-3).  
 2           ~~(24)~~ **(21)** Board of podiatric medicine (IC 25-29-2-1).  
 3           ~~(25)~~ **Private investigator and security guard licensing board**  
 4           ~~(IC 25-30-1-5.2)~~.  
 5           ~~(26)~~ **(22)** State psychology board (IC 25-33).  
 6           ~~(27)~~ **(23)** Indiana real estate commission (IC 25-34.1-2).  
 7           ~~(28)~~ **(24)** Real estate appraiser licensure and certification board  
 8           (IC 25-34.1-8).  
 9           ~~(29)~~ **(25)** Respiratory care committee (IC 25-34.5).  
 10          ~~(30)~~ **(26)** Behavioral health and human services licensing board  
 11          (IC 25-23.6).  
 12          ~~(31)~~ **(27)** Speech-language pathology and audiology board  
 13          (IC 25-35.6-2).  
 14          ~~(32)~~ **(28)** Indiana board of veterinary medical examiners  
 15          (IC 25-38.1-2).  
 16          SECTION 9. IC 25-1-5-3, AS AMENDED BY P.L.84-2010,  
 17          SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18          JULY 1, 2012]: Sec. 3. (a) There is established the Indiana professional  
 19          licensing agency. The agency shall perform all administrative  
 20          functions, duties, and responsibilities assigned by law or rule to the  
 21          executive director, secretary, or other statutory administrator of the  
 22          following:  
 23                  (1) Board of chiropractic examiners (IC 25-10-1).  
 24                  (2) State board of dentistry (IC 25-14-1).  
 25                  (3) Indiana state board of health facility administrators  
 26                  (IC 25-19-1).  
 27                  (4) Medical licensing board of Indiana (IC 25-22.5-2).  
 28                  (5) Indiana state board of nursing (IC 25-23-1).  
 29                  (6) Indiana optometry board (IC 25-24).  
 30                  (7) Indiana board of pharmacy (IC 25-26).  
 31                  (8) Board of podiatric medicine (IC 25-29-2-1).  
 32                  (9) Speech-language pathology and audiology board  
 33                  (IC 25-35.6-2).  
 34                  (10) State psychology board (IC 25-33).  
 35                  (11) Indiana board of veterinary medical examiners  
 36                  (IC 25-38.1-2).  
 37                  ~~(12)~~ **Committee of hearing aid dealer examiners (IC 25-20)**.  
 38                  ~~(13)~~ **(12)** Indiana physical therapy committee (IC 25-27).  
 39                  ~~(14)~~ **(13)** Respiratory care committee (IC 25-34.5).  
 40                  ~~(15)~~ **(14)** Occupational therapy committee (IC 25-23.5).  
 41                  ~~(16)~~ **(15)** Behavioral health and human services licensing board  
 42                  (IC 25-23.6).



C  
O  
P  
Y

1           ~~(17)~~ **(16)** Physician assistant committee (IC 25-27.5).

2           ~~(18)~~ **(17)** Indiana athletic trainers board (IC 25-5.1-2-1).

3           ~~(19)~~ **Indiana dietitians certification board (IC 25-14.5-2-1).**

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

6           SECTION 10. IC 25-1-5-10, AS AMENDED BY P.L.84-2010,  
7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2012]: Sec. 10. (a) As used in this section, "provider" means  
9 an individual licensed, certified, registered, or permitted by any of the  
10 following:

11           (1) Board of chiropractic examiners (IC 25-10-1).

12           (2) State board of dentistry (IC 25-14-1).

13           (3) Indiana state board of health facility administrators  
14 (IC 25-19-1).

15           (4) Medical licensing board of Indiana (IC 25-22.5-2).

16           (5) Indiana state board of nursing (IC 25-23-1).

17           (6) Indiana optometry board (IC 25-24).

18           (7) Indiana board of pharmacy (IC 25-26).

19           (8) Board of podiatric medicine (IC 25-29-2-1).

20           (9) Speech-language pathology and audiology board  
21 (IC 25-35.6-2).

22           (10) State psychology board (IC 25-33).

23           (11) Indiana board of veterinary medical examiners  
24 (IC 25-38.1-2).

25           (12) Indiana physical therapy committee (IC 25-27).

26           (13) Respiratory care committee (IC 25-34.5).

27           (14) Occupational therapy committee (IC 25-23.5).

28           (15) Behavioral health and human services licensing board  
29 (IC 25-23.6).

30           (16) Physician assistant committee (IC 25-27.5).

31           (17) Indiana athletic trainers board (IC 25-5.1-2-1).

32           ~~(18)~~ **Indiana dietitians certification board (IC 25-14.5-2-1).**

33           (b) The agency shall create and maintain a provider profile for each  
34 provider described in subsection (a).

35           (c) A provider profile must contain the following information:

36           (1) The provider's name.

37           (2) The provider's license, certification, registration, or permit  
38 number.

39           (3) The provider's license, certification, registration, or permit  
40 type.

41           (4) The date the provider's license, certification, registration, or  
42 permit was issued.

C  
o  
p  
y



- 1 (5) The date the provider's license, certification, registration, or
- 2 permit expires.
- 3 (6) The current status of the provider's license, certification,
- 4 registration, or permit.
- 5 (7) The provider's city and state of record.
- 6 (8) A statement of any disciplinary action taken against the
- 7 provider within the previous ten (10) years by a board or
- 8 committee described in subsection (a).
- 9 (d) The agency shall make provider profiles available to the public.
- 10 (e) The computer gateway administered by the office of technology
- 11 established by IC 4-13.1-2-1 shall make the information described in
- 12 subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally
- 13 available to the public on the Internet.
- 14 (f) The agency may adopt rules under IC 4-22-2 to implement this
- 15 section.

16 SECTION 11. IC 25-1-6-3, AS AMENDED BY P.L.42-2011,  
 17 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2012]: Sec. 3. (a) The licensing agency shall perform all  
 19 administrative functions, duties, and responsibilities assigned by law  
 20 or rule to the executive director, secretary, or other statutory  
 21 administrator of the following:

- 22 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 23 (2) Board of registration for architects and landscape architects
- 24 (IC 25-4-1-2).
- 25 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 26 ~~(4) State board of cosmetology and barber examiners~~
- 27 ~~(IC 25-8-3-1).~~
- 28 ~~(5) (4) State board of funeral and cemetery service (IC 25-15-9).~~
- 29 ~~(6) (5) State board of registration for professional engineers~~
- 30 ~~(IC 25-31-1-3).~~
- 31 ~~(7) (6) Indiana plumbing commission (IC 25-28.5-1-3).~~
- 32 ~~(8) (7) Indiana real estate commission (IC 25-34.1).~~
- 33 ~~(9) (8) Real estate appraiser licensure and certification board~~
- 34 ~~(IC 25-34.1-8-1).~~
- 35 ~~(10) Private investigator and security guard licensing board~~
- 36 ~~(IC 25-30-1-5.2).~~
- 37 ~~(11) (9) State board of registration for land surveyors~~
- 38 ~~(IC 25-21.5-2-1).~~
- 39 ~~(12) (10) Manufactured home installer licensing board~~
- 40 ~~(IC 25-23.7).~~
- 41 ~~(13) (11) Home inspectors licensing board (IC 25-20.2-3-1).~~
- 42 ~~(14) (12) State board of massage therapy (IC 25-21.8-2-1).~~

COPY



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

3 SECTION 12. IC 25-1-7-1, AS AMENDED BY P.L.42-2011,  
4 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2012]: Sec. 1. As used in this chapter:

6 "Board" means the appropriate agency listed in the definition of  
7 regulated occupation in this section.

8 "Director" refers to the director of the division of consumer  
9 protection.

10 "Division" refers to the division of consumer protection, office of  
11 the attorney general.

12 "Licensee" means a person who is:

13 (1) licensed, certified, or registered by a board listed in this  
14 section; and

15 (2) the subject of a complaint filed with the division.

16 "Person" means an individual, a partnership, a limited liability  
17 company, or a corporation.

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

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

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

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

24 (4) Board of chiropractic examiners (IC 25-10-1).

25 ~~(5) State board of cosmetology and barber examiners~~  
26 ~~(IC 25-8-3-1).~~

27 ~~(6)~~ (5) State board of dentistry (IC 25-14-1).

28 ~~(7)~~ (6) State board of funeral and cemetery service (IC 25-15-9).

29 ~~(8)~~ (7) State board of registration for professional engineers  
30 (IC 25-31-1-3).

31 ~~(9)~~ (8) Indiana state board of health facility administrators  
32 (IC 25-19-1).

33 ~~(10)~~ (9) Medical licensing board of Indiana (IC 25-22.5-2).

34 ~~(11)~~ (10) Indiana state board of nursing (IC 25-23-1).

35 ~~(12)~~ (11) Indiana optometry board (IC 25-24).

36 ~~(13)~~ (12) Indiana board of pharmacy (IC 25-26).

37 ~~(14)~~ (13) Indiana plumbing commission (IC 25-28.5-1-3).

38 ~~(15)~~ (14) Board of podiatric medicine (IC 25-29-2-1).

39 ~~(16)~~ (15) State psychology board (IC 25-33).

40 ~~(17)~~ (16) Speech-language pathology and audiology board  
41 (IC 25-35.6-2).

42 ~~(18)~~ (17) Indiana real estate commission (IC 25-34.1-2).

C  
O  
P  
Y



- 1        ~~(19)~~ **(18)** Indiana board of veterinary medical examiners  
 2        (IC 25-38.1).  
 3        ~~(20)~~ **(19)** Department of natural resources for purposes of  
 4        licensing water well drillers under IC 25-39-3.  
 5        ~~(21)~~ **(20)** Respiratory care committee (IC 25-34.5).  
 6        ~~(22)~~ **(21)** Private investigator and security guard licensing board  
 7        ~~(IC 25-30-1-5.2)~~.  
 8        ~~(23)~~ **(21)** Occupational therapy committee (IC 25-23.5).  
 9        ~~(24)~~ **(22)** Behavioral health and human services licensing board  
 10        (IC 25-23.6).  
 11        ~~(25)~~ **(23)** Real estate appraiser licensure and certification board  
 12        (IC 25-34.1-8).  
 13        ~~(26)~~ **(24)** State board of registration for land surveyors  
 14        (IC 25-21.5-2-1).  
 15        ~~(27)~~ **(25)** Physician assistant committee (IC 25-27.5).  
 16        ~~(28)~~ **(26)** Indiana athletic trainers board (IC 25-5.1-2-1).  
 17        ~~(29)~~ **(27)** Indiana dietitians certification board ~~(IC 25-14.5-2-1)~~.  
 18        ~~(30)~~ **(27)** Indiana physical therapy committee (IC 25-27).  
 19        ~~(31)~~ **(28)** Manufactured home installer licensing board  
 20        (IC 25-23.7).  
 21        ~~(32)~~ **(29)** Home inspectors licensing board (IC 25-20.2-3-1).  
 22        ~~(33)~~ **(30)** State department of health, for out-of-state mobile  
 23        health care entities.  
 24        ~~(34)~~ **(31)** State board of massage therapy (IC 25-21.8-2-1).  
 25        ~~(35)~~ **(32)** Any other occupational or professional agency created  
 26        after June 30, 1981.  
 27        SECTION 13. IC 25-1-8-1, AS AMENDED BY P.L.42-2011,  
 28        SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29        JULY 1, 2012]: Sec. 1. As used in this chapter, "board" means any of  
 30        the following:  
 31        (1) Indiana board of accountancy (IC 25-2.1-2-1).  
 32        (2) Board of registration for architects and landscape architects  
 33        (IC 25-4-1-2).  
 34        (3) Indiana auctioneer commission (IC 25-6.1-2-1).  
 35        (4) Board of chiropractic examiners (IC 25-10-1).  
 36        ~~(5)~~ **(5)** State board of cosmetology and barber examiners  
 37        ~~(IC 25-8-3-1)~~.  
 38        ~~(6)~~ **(5)** State board of dentistry (IC 25-14-1).  
 39        ~~(7)~~ **(6)** State board of funeral and cemetery service (IC 25-15).  
 40        ~~(8)~~ **(7)** State board of registration for professional engineers  
 41        (IC 25-31-1-3).  
 42        ~~(9)~~ **(8)** Indiana state board of health facility administrators

C  
o  
p  
y

- 1 (IC 25-19-1).  
 2 ~~(9)~~ **(9)** Medical licensing board of Indiana (IC 25-22.5-2).  
 3 ~~(10)~~ **(10)** Mining board (IC 22-10-1.5-2).  
 4 ~~(11)~~ **(11)** Indiana state board of nursing (IC 25-23-1).  
 5 ~~(12)~~ **(12)** Indiana optometry board (IC 25-24).  
 6 ~~(13)~~ **(13)** Indiana board of pharmacy (IC 25-26).  
 7 ~~(14)~~ **(14)** Indiana plumbing commission (IC 25-28.5-1-3).  
 8 ~~(15)~~ **(15)** State psychology board (IC 25-33).  
 9 ~~(16)~~ **(16)** Speech-language pathology and audiology board  
 10 (IC 25-35.6-2).  
 11 ~~(17)~~ **(17)** Indiana real estate commission (IC 25-34.1-2-1).  
 12 ~~(18)~~ **(18)** Indiana board of veterinary medical examiners  
 13 (IC 25-38.1-2-1).  
 14 ~~(19)~~ **(19)** Department of insurance (IC 27-1).  
 15 ~~(20)~~ **(20)** State police department (IC 10-11-2-4), for purposes of  
 16 certifying polygraph examiners under IC 25-30-2.  
 17 ~~(21)~~ **(21)** Department of natural resources for purposes of  
 18 licensing water well drillers under IC 25-39-3.  
 19 ~~(22)~~ **(22)** Private investigator and security guard licensing board  
 20 (~~IC 25-30-1-5.2~~).  
 21 ~~(23)~~ **(22)** Occupational therapy committee (IC 25-23.5-2-1).  
 22 ~~(24)~~ **(23)** Behavioral health and human services licensing board  
 23 (IC 25-23.6-2-1).  
 24 ~~(25)~~ **(24)** Real estate appraiser licensure and certification board  
 25 (IC 25-34.1-8).  
 26 ~~(26)~~ **(25)** State board of registration for land surveyors  
 27 (IC 25-21.5-2-1).  
 28 ~~(27)~~ **(26)** Physician assistant committee (IC 25-27.5).  
 29 ~~(28)~~ **(27)** Indiana athletic trainers board (IC 25-5.1-2-1).  
 30 ~~(29)~~ **(28)** Board of podiatric medicine (IC 25-29-2-1).  
 31 ~~(30)~~ **(28)** Board of podiatric medicine (IC 25-29-2-1).  
 32 ~~(31)~~ **(29)** Indiana dietitians certification board (~~IC 25-14.5-2-1~~).  
 33 ~~(32)~~ **(29)** Indiana physical therapy committee (IC 25-27).  
 34 ~~(33)~~ **(30)** Manufactured home installer licensing board  
 35 (IC 25-23.7).  
 36 ~~(34)~~ **(31)** Home inspectors licensing board (IC 25-20.2-3-1).  
 37 ~~(35)~~ **(32)** State board of massage therapy (IC 25-21.8-2-1).  
 38 ~~(36)~~ **(33)** Any other occupational or professional agency created  
 39 after June 30, 1981.  
 40 SECTION 14. IC 25-1-8-6, AS AMENDED BY P.L.84-2010,  
 41 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2012]: Sec. 6. (a) As used in this section, "board" means any  
 of the following:



- 1 (1) Indiana board of accountancy (IC 25-2.1-2-1).  
 2 (2) Board of registration for architects and landscape architects  
 3 (IC 25-4-1-2).  
 4 (3) Indiana athletic trainers board (IC 25-5.1-2-1).  
 5 (4) Indiana auctioneer commission (IC 25-6.1-2-1).  
 6 (5) Board of chiropractic examiners (IC 25-10-1).  
 7 ~~(6) State board of cosmetology and barber examiners~~  
 8 ~~(IC 25-8-3-1).~~  
 9 ~~(7) (6) State board of dentistry (IC 25-14-1).~~  
 10 ~~(8) Indiana dietitians certification board (IC 25-14.5-2-1).~~  
 11 ~~(9) (7) State board of registration for professional engineers~~  
 12 ~~(IC 25-31-1-3).~~  
 13 ~~(10) (8) State board of funeral and cemetery service (IC 25-15-9).~~  
 14 ~~(11) (9) Indiana state board of health facility administrators~~  
 15 ~~(IC 25-19-1).~~  
 16 ~~(12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).~~  
 17 ~~(13) (10) Home inspectors licensing board (IC 25-20.2-3-1).~~  
 18 ~~(14) (11) State board of registration for land surveyors~~  
 19 ~~(IC 25-21.5-2-1).~~  
 20 ~~(15) (12) Manufactured home installer licensing board~~  
 21 ~~(IC 25-23.7).~~  
 22 ~~(16) (13) Medical licensing board of Indiana (IC 25-22.5-2).~~  
 23 ~~(17) (14) Indiana state board of nursing (IC 25-23-1).~~  
 24 ~~(18) (15) Occupational therapy committee (IC 25-23.5).~~  
 25 ~~(19) (16) Indiana optometry board (IC 25-24).~~  
 26 ~~(20) (17) Indiana board of pharmacy (IC 25-26).~~  
 27 ~~(21) (18) Indiana physical therapy committee (IC 25-27).~~  
 28 ~~(22) (19) Physician assistant committee (IC 25-27.5).~~  
 29 ~~(23) (20) Indiana plumbing commission (IC 25-28.5-1-3).~~  
 30 ~~(24) (21) Board of podiatric medicine (IC 25-29-2-1).~~  
 31 ~~(25) Private investigator and security guard licensing board~~  
 32 ~~(IC 25-30-1-5.2).~~  
 33 ~~(26) (22) State psychology board (IC 25-33).~~  
 34 ~~(27) (23) Indiana real estate commission (IC 25-34.1-2).~~  
 35 ~~(28) (24) Real estate appraiser licensure and certification board~~  
 36 ~~(IC 25-34.1-8).~~  
 37 ~~(29) (25) Respiratory care committee (IC 25-34.5).~~  
 38 ~~(30) (26) Behavioral health and human services licensing board~~  
 39 ~~(IC 25-23.6).~~  
 40 ~~(31) (27) Speech-language pathology and audiology board~~  
 41 ~~(IC 25-35.6-2).~~  
 42 ~~(32) (28) Indiana board of veterinary medical examiners~~



C  
O  
P  
Y

1 (IC 25-38.1).  
 2 ~~(33)~~ (29) State board of massage therapy (IC 25-21.8-2-1).  
 3 (b) This section does not apply to a license, certificate, or  
 4 registration that has been revoked or suspended.  
 5 (c) Notwithstanding any other law regarding the reinstatement of a  
 6 delinquent or lapsed license, certificate, or registration and except as  
 7 provided in section 8 of this chapter, the holder of a license, certificate,  
 8 or registration that was issued by the board that is three (3) years or less  
 9 delinquent must be reinstated upon meeting the following  
 10 requirements:  
 11 (1) Submission of the holder's completed renewal application.  
 12 (2) Payment of the current renewal fee established by the board  
 13 under section 2 of this chapter.  
 14 (3) Payment of a reinstatement fee established by the Indiana  
 15 professional licensing agency.  
 16 (4) If a law requires the holder to complete continuing education  
 17 as a condition of renewal, the holder:  
 18 (A) shall provide the board with a sworn statement, signed by  
 19 the holder, that the holder has fulfilled the continuing  
 20 education requirements required by the board; or  
 21 (B) shall, if the holder has not complied with the continuing  
 22 education requirements, meet any requirements imposed under  
 23 IC 25-1-4-5 and IC 25-1-4-6.  
 24 (d) Notwithstanding any other law regarding the reinstatement of a  
 25 delinquent or lapsed license, certificate, or registration and except as  
 26 provided in section 8 of this chapter, unless a statute specifically does  
 27 not allow a license, certificate, or registration to be reinstated if it has  
 28 lapsed for more than three (3) years, the holder of a license, certificate,  
 29 or registration that was issued by the board that is more than three (3)  
 30 years delinquent must be reinstated upon meeting the following  
 31 requirements:  
 32 (1) Submission of the holder's completed renewal application.  
 33 (2) Payment of the current renewal fee established by the board  
 34 under section 2 of this chapter.  
 35 (3) Payment of a reinstatement fee equal to the current initial  
 36 application fee.  
 37 (4) If a law requires the holder to complete continuing education  
 38 as a condition of renewal, the holder:  
 39 (A) shall provide the board with a sworn statement, signed by  
 40 the holder, that the holder has fulfilled the continuing  
 41 education requirements required by the board; or  
 42 (B) shall, if the holder has not complied with the continuing

COPY



- 1 education requirements, meet any requirements imposed under
- 2 IC 25-1-4-5 and IC 25-1-4-6.
- 3 (5) Complete such remediation and additional training as deemed
- 4 appropriate by the board given the lapse of time involved.
- 5 (6) Any other requirement that is provided for in statute or rule
- 6 that is not related to fees.

7 SECTION 15. IC 25-1-9-1, AS AMENDED BY P.L.84-2010,  
 8 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2012]: Sec. 1. As used in this chapter, "board" means any of  
 10 the following:

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

33 SECTION 16. IC 25-1-9-2 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this  
 35 chapter, "practitioner" means an individual who holds:

- 36 (1) an unlimited license, certificate, or registration;
- 37 (2) a limited or probationary license, certificate, or registration;
- 38 (3) a temporary license, certificate, registration, or permit;
- 39 (4) an intern permit; or
- 40 (5) a provisional license;
- 41 issued by the board regulating the profession in question. ~~including a~~
- 42 ~~certificate of registration issued under IC 25-20.~~

COPY



1 SECTION 17. IC 25-1-11-1, AS AMENDED BY P.L.42-2011,  
 2 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2012]: Sec. 1. As used in this chapter, "board" means any of  
 4 the following:

- 5 (1) Indiana board of accountancy (IC 25-2.1-2-1).  
 6 (2) Board of registration for architects and landscape architects  
 7 (IC 25-4-1-2).  
 8 (3) Indiana auctioneer commission (IC 25-6.1-2).  
 9 ~~(4) State board of cosmetology and barber examiners~~  
 10 ~~(IC 25-8-3-1).~~  
 11 ~~(5)~~ (4) State board of registration for land surveyors  
 12 (IC 25-21.5-2-1).  
 13 ~~(6)~~ (5) State board of funeral and cemetery service (IC 25-15-9).  
 14 ~~(7)~~ (6) State board of registration for professional engineers  
 15 (IC 25-31-1-3).  
 16 ~~(8)~~ (7) Indiana plumbing commission (IC 25-28.5-1-3).  
 17 ~~(9)~~ (8) Indiana real estate commission (IC 25-34.1-2-1).  
 18 ~~(10)~~ (9) Real estate appraiser licensure and certification board  
 19 (IC 25-34.1-8).  
 20 ~~(11) Private investigator and security guard licensing board~~  
 21 ~~(IC 25-30-1-5.2).~~  
 22 ~~(12)~~ (10) Manufactured home installer licensing board  
 23 (IC 25-23.7).  
 24 ~~(13)~~ (11) Home inspectors licensing board (IC 25-20.2-3-1).  
 25 ~~(14)~~ (12) State board of massage therapy (IC 25-21.8-2-1).

26 SECTION 18. IC 25-1-15-2, AS ADDED BY P.L.177-2009,  
 27 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2012]: Sec. 2. As used in this chapter, "practitioner" refers to  
 29 any of the following:

- 30 (1) Athletic trainer.  
 31 (2) Chiropractor.  
 32 (3) Dentist.  
 33 ~~(4) Dietitian.~~  
 34 ~~(5)~~ (4) Marriage and family therapist.  
 35 ~~(6)~~ (5) Massage therapist.  
 36 ~~(7)~~ (6) Mental health counselor.  
 37 ~~(8)~~ (7) Nurse.  
 38 ~~(9)~~ (8) Occupational therapist.  
 39 ~~(10)~~ (9) Optometrist.  
 40 ~~(11)~~ (10) Physical therapist.  
 41 ~~(12)~~ (11) Physician.  
 42 ~~(13)~~ (12) Physician assistant.

C  
o  
p  
y



1           ~~(14)~~ **(13)** Podiatrist.  
2           ~~(15)~~ **(14)** Psychologist.  
3           ~~(16)~~ **(15)** Respiratory care practitioner.  
4           ~~(17)~~ **(16)** Social worker.  
5           SECTION 19. IC 25-8 IS REPEALED [EFFECTIVE JULY 1,  
6           2012]. (Beauty Culture).  
7           SECTION 20. IC 25-14.5 IS REPEALED [EFFECTIVE JULY 1,  
8           2012]. (Dietitians).  
9           SECTION 21. IC 25-20 IS REPEALED [EFFECTIVE JULY 1,  
10          2012]. (Hearing Aid Dealers).  
11          SECTION 22. IC 25-22.5-1-2, AS AMENDED BY P.L.177-2009,  
12          SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13          JULY 1, 2012]: Sec. 2. (a) This article, as it relates to the unlawful or  
14          unauthorized practice of medicine or osteopathic medicine, does not  
15          apply to any of the following:  
16                (1) A student in training in a medical school approved by the  
17                board, or while performing duties as an intern or a resident in a  
18                hospital under the supervision of the hospital's staff or in a  
19                program approved by the medical school.  
20                (2) A person who renders service in case of emergency where no  
21                fee or other consideration is contemplated, charged, or received.  
22                (3) A paramedic (as defined in IC 16-18-2-266), an emergency  
23                medical technician-basic advanced (as defined in  
24                IC 16-18-2-112.5), an emergency medical technician-intermediate  
25                (as defined in IC 16-18-2-112.7), an emergency medical  
26                technician (as defined in IC 16-18-2-112), or a person with  
27                equivalent certification from another state who renders advanced  
28                life support (as defined in IC 16-18-2-7) or basic life support (as  
29                defined in IC 16-18-2-33.5):  
30                    (A) during a disaster emergency declared by the governor  
31                    under IC 10-14-3-12 in response to an act that the governor in  
32                    good faith believes to be an act of terrorism (as defined in  
33                    IC 35-41-1-26.5); and  
34                    (B) in accordance with the rules adopted by the Indiana  
35                    emergency medical services commission or the disaster  
36                    emergency declaration of the governor.  
37                (4) Commissioned medical officers or medical service officers of  
38                the armed forces of the United States, the United States Public  
39                Health Service, and medical officers of the United States  
40                Department of Veterans Affairs in the discharge of their official  
41                duties in Indiana.  
42                (5) An individual who is not a licensee who resides in another

C  
o  
p  
y



- 1 state or country and is authorized to practice medicine or  
 2 osteopathic medicine there, who is called in for consultation by an  
 3 individual licensed to practice medicine or osteopathic medicine  
 4 in Indiana.
- 5 (6) A person administering a domestic or family remedy to a  
 6 member of the person's family.
- 7 (7) A member of a church practicing the religious tenets of the  
 8 church if the member does not make a medical diagnosis,  
 9 prescribe or administer drugs or medicines, perform surgical or  
 10 physical operations, or assume the title of or profess to be a  
 11 physician.
- 12 (8) A school corporation and a school employee who acts under  
 13 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 14 (9) A chiropractor practicing the chiropractor's profession under  
 15 IC 25-10 or to an employee of a chiropractor acting under the  
 16 direction and supervision of the chiropractor under IC 25-10-1-13.
- 17 (10) A dental hygienist practicing the dental hygienist's profession  
 18 under IC 25-13.
- 19 (11) A dentist practicing the dentist's profession under IC 25-14.
- 20 ~~(12) A hearing aid dealer practicing the hearing aid dealer's~~  
 21 ~~profession under IC 25-20.~~
- 22 ~~(13)~~ **(12)** A nurse practicing the nurse's profession under  
 23 IC 25-23. However, a certified registered nurse anesthetist (as  
 24 defined in IC 25-23-1-1.4) may administer anesthesia if the  
 25 certified registered nurse anesthetist acts under the direction of  
 26 and in the immediate presence of a physician.
- 27 ~~(14)~~ **(13)** An optometrist practicing the optometrist's profession  
 28 under IC 25-24.
- 29 ~~(15)~~ **(14)** A pharmacist practicing the pharmacist's profession  
 30 under IC 25-26.
- 31 ~~(16)~~ **(15)** A physical therapist practicing the physical therapist's  
 32 profession under IC 25-27.
- 33 ~~(17)~~ **(16)** A podiatrist practicing the podiatrist's profession under  
 34 IC 25-29.
- 35 ~~(18)~~ **(17)** A psychologist practicing the psychologist's profession  
 36 under IC 25-33.
- 37 ~~(19)~~ **(18)** A speech-language pathologist or audiologist practicing  
 38 the pathologist's or audiologist's profession under IC 25-35.6.
- 39 ~~(20)~~ **(19)** An employee of a physician or group of physicians who  
 40 performs an act, a duty, or a function that is customarily within  
 41 the specific area of practice of the employing physician or group  
 42 of physicians, if the act, duty, or function is performed under the

C  
o  
p  
y

1 direction and supervision of the employing physician or a  
 2 physician of the employing group within whose area of practice  
 3 the act, duty, or function falls. An employee may not make a  
 4 diagnosis or prescribe a treatment and must report the results of  
 5 an examination of a patient conducted by the employee to the  
 6 employing physician or the physician of the employing group  
 7 under whose supervision the employee is working. An employee  
 8 may not administer medication without the specific order of the  
 9 employing physician or a physician of the employing group.  
 10 Unless an employee is licensed or registered to independently  
 11 practice in a profession described in subdivisions (9) through  
 12 ~~(18)~~; **(17)**, nothing in this subsection grants the employee  
 13 independent practitioner status or the authority to perform patient  
 14 services in an independent practice in a profession.

15 ~~(21)~~ **(20)** A hospital licensed under IC 16-21 or IC 12-25.

16 ~~(22)~~ **(21)** A health care organization whose members,  
 17 shareholders, or partners are individuals, partnerships,  
 18 corporations, facilities, or institutions licensed or legally  
 19 authorized by this state to provide health care or professional  
 20 services as:

21 (A) a physician;

22 (B) a psychiatric hospital;

23 (C) a hospital;

24 (D) a health maintenance organization or limited service  
 25 health maintenance organization;

26 (E) a health facility;

27 (F) a dentist;

28 (G) a registered or licensed practical nurse;

29 (H) a midwife;

30 (I) an optometrist;

31 (J) a podiatrist;

32 (K) a chiropractor;

33 (L) a physical therapist; or

34 (M) a psychologist.

35 ~~(23)~~ **(22)** A physician assistant practicing the physician assistant  
 36 profession under IC 25-27.5.

37 ~~(24)~~ **(23)** A physician providing medical treatment under  
 38 IC 25-22.5-1-2.1.

39 ~~(25)~~ **(24)** An attendant who provides attendant care services (as  
 40 defined in IC 16-18-2-28.5).

41 ~~(26)~~ **(25)** A personal services attendant providing authorized  
 42 attendant care services under IC 12-10-17.1.

C  
o  
p  
y



1 (b) A person described in subsection (a)(9) through ~~(a)(18)~~ **(a)(17)**  
 2 is not excluded from the application of this article if:

- 3 (1) the person performs an act that an Indiana statute does not  
 4 authorize the person to perform; and  
 5 (2) the act qualifies in whole or in part as the practice of medicine  
 6 or osteopathic medicine.

7 (c) An employment or other contractual relationship between an  
 8 entity described in subsection ~~(a)(21)~~ **(a)(20)** through ~~(a)(22)~~ **(a)(21)**  
 9 and a licensed physician does not constitute the unlawful practice of  
 10 medicine under this article if the entity does not direct or control  
 11 independent medical acts, decisions, or judgment of the licensed  
 12 physician. However, if the direction or control is done by the entity  
 13 under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is  
 14 excluded from the application of this article as it relates to the unlawful  
 15 practice of medicine or osteopathic medicine.

16 (d) This subsection does not apply to a prescription or drug order for  
 17 a legend drug that is filled or refilled in a pharmacy owned or operated  
 18 by a hospital licensed under IC 16-21. A physician licensed in Indiana  
 19 who permits or authorizes a person to fill or refill a prescription or drug  
 20 order for a legend drug except as authorized in IC 16-42-19-11 through  
 21 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A  
 22 person who violates this subsection commits the unlawful practice of  
 23 medicine under this chapter.

24 (e) A person described in subsection (a)(8) shall not be authorized  
 25 to dispense contraceptives or birth control devices.

26 SECTION 23. IC 25-24-3-11, AS AMENDED BY P.L.1-2007,  
 27 SECTION 178, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The formulary established  
 29 under section 10 of this chapter shall include legend drugs **and may**  
 30 **include controlled substances (as defined in IC 35-48-1)** that:

- 31 (1) may be independently prescribed by an optometrist; or  
 32 (2) must be dependently prescribed by an optometrist.

33 (b) If a legend drug is designated in the formulary as one (1) that  
 34 must be dependently prescribed, the formulary must designate:

- 35 (1) those legend drugs for which the optometrist must only notify  
 36 the patient's physician that the optometrist is prescribing the  
 37 legend drug; and  
 38 (2) those legend drugs for which the optometrist must consult  
 39 with the patient's physician before prescribing the legend drug.

40 (c) If the patient has no physician, the optometrist must document  
 41 such in the patient's file.

42 (d) If the legend drug is designated in the formulary as a legend drug

C  
o  
p  
y



1 that must be dependently prescribed, the optometrist shall indicate on  
2 the prescription that:

- 3 (1) the patient's physician has been contacted; or  
4 (2) the patient has indicated to the optometrist that the patient has  
5 no physician.

6 (e) If the legend drug is designated in the formulary as a legend drug  
7 that may be independently prescribed, the optometrist may prescribe  
8 the legend drug without notifying the patient's physician.

9 SECTION 24. IC 25-30-1 IS REPEALED [EFFECTIVE JULY 1,  
10 2012]. (Private Investigator Firm Licensing).

11 SECTION 25. IC 25-30-1.3 IS REPEALED [EFFECTIVE JULY 1,  
12 2012]. (Security Guard Agency Licensing).

13 SECTION 26. IC 25-35.6-1-4, AS AMENDED BY P.L.2-2007,  
14 SECTION 348, IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2012]: Sec. 4. Nothing in this article shall be  
16 construed as preventing or restricting the following:

17 (1) A physician or surgeon from engaging in the practice of  
18 medicine in this state, or a person under the supervision and  
19 control of a physician or surgeon from conducting hearing testing,  
20 provided such a person is not called an audiologist.

21 (2) Any hearing aid dealer from **fitting and dispensing hearing**  
22 **aids.**

23 ~~(A) engaging in the testing of hearing and other practices and~~  
24 ~~procedures necessary for the business for which the dealer is~~  
25 ~~registered in this state under IC 25-20-1; and~~

26 ~~(B) using the title hearing aid specialist or any similar title or~~  
27 ~~description of service.~~

28 (3) Any person licensed or registered in this state by any other law  
29 from engaging in the profession or occupation for which the  
30 person is licensed or registered.

31 (4) A person employed as a speech-language pathologist or  
32 audiologist by the government of the United States, if such person  
33 performs speech-language pathology or audiology services solely  
34 within the confines or under the jurisdiction of the governmental  
35 organization by which the person is employed. However, such  
36 person may, without obtaining a license under this article, consult  
37 with or disseminate the person's research findings and other  
38 scientific information to speech-language pathologists and  
39 audiologists outside the jurisdiction of the organization by which  
40 the person is employed. Such person may also offer instruction  
41 and lectures to the public without being licensed under this  
42 article. Such person may additionally elect to be subject to this

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

article.  
(5) The activities and services of persons pursuing a course of study leading to a degree in speech-language pathology or audiology at a postsecondary educational institution, if:  
    (A) such activities and services constitute a part of a supervised course of study;  
    (B) such person is designated speech-language pathology or audiology intern, speech-language pathology or audiology trainee, or by other such titles clearly indicating the training status appropriate to the person's level of training; and  
    (C) the person works only under the supervision of a speech-language pathologist or audiologist licensed under this article.  
(6) The activities and services of persons fulfilling the clinical experience requirement of section 5(2)(B)(ii) or 6(3)(B) of this chapter, if such activities and services constitute a part of the experience required for that section's fulfillment.  
(7) The performance of pure tone air conduction testing by an industrial audiometric technician, as defined by federal law, who is working in an industrial hearing conservation program directed by a physician or an audiologist.  
(8) The performance of speech-language pathology or audiology services in this state by any person not a resident of this state who is not licensed under this article, if such services are performed for no more than five (5) days in any calendar year and in cooperation with a speech-language pathologist or audiologist licensed under this article, and if such person meets the qualifications and requirements for application for licensure described in sections 5(1) and 5(2) or 6(1) and 6(2) of this chapter. However, a person not a resident of this state who is not licensed under this article, but who is licensed under the law of another state which has established licensure requirements at least equivalent to those established by section 5 or 6 of this chapter or who is the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language or hearing, may offer speech-language pathology or audiology services in this state for no more than thirty (30) days in any calendar year, if such services are performed in cooperation with a speech-language pathologist or audiologist licensed under this article.

SECTION 27. IC 35-51-25-1, AS ADDED BY P.L.70-2011,

C  
o  
p  
y



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 25:  
3 IC 25-2.1-13-3 (Concerning accountants).  
4 IC 25-2.5-3-4 (Concerning acupuncturists).  
5 IC 25-5.1-4-2 (Concerning athletic trainers).  
6 IC 25-5.2-2-12 (Concerning athlete agents).  
7 IC 25-6.1-7-1 (Concerning auctioneers and auctions).  
8 IC 25-6.1-7-2 (Concerning auctioneers and auctions).  
9 ~~IC 25-8-15.4-25 (Concerning beauty culture).~~  
10 IC 25-10-1-11 (Concerning chiropractors).  
11 IC 25-11-1-12 (Concerning collection agencies).  
12 IC 25-13-1-3 (Concerning dental hygienists).  
13 IC 25-14-1-25 (Concerning dentists).  
14 IC 25-14-4-6 (Concerning dentists).  
15 ~~IC 25-14.5-7-2 (Concerning dietitians).~~  
16 IC 25-16-1-18 (Concerning employment services).  
17 IC 25-17.3-5-3 (Concerning genetic counselors).  
18 IC 25-17.6-8-2 (Concerning geologists).  
19 IC 25-18-1-19 (Concerning distress sales).  
20 ~~IC 25-20-1-21 (Concerning hearing aid dealers).~~  
21 IC 25-20.7-5-1 (Concerning interior designers).  
22 IC 25-21.5-5-10 (Concerning land surveyors).  
23 IC 25-21.5-13-2 (Concerning land surveyors).  
24 IC 25-21.8-7-1 (Concerning massage therapists).  
25 IC 25-22.5-8-2 (Concerning physicians).  
26 IC 25-22.5-8-3 (Concerning physicians).  
27 IC 25-23-1-27 (Concerning nurses).  
28 IC 25-23.5-3-2 (Concerning occupational therapists).  
29 IC 25-23.6-3-3 (Concerning marriage and family therapists).  
30 IC 25-23.6-4-4 (Concerning marriage and family therapists).  
31 IC 25-23.6-4.5-4 (Concerning marriage and family therapists).  
32 ~~IC 25-23.6-4.7-7~~ **IC 25-23.6-7-7** (Concerning marriage and  
33 family therapists).  
34 IC 25-23.6-10.1-6 (Concerning marriage and family therapists).  
35 IC 25-23.6-11-1 (Concerning marriage and family therapists).  
36 IC 25-23.6-11-2 (Concerning marriage and family therapists).  
37 IC 25-23.6-11-3 (Concerning marriage and family therapists).  
38 IC 25-23.7-7-5 (Concerning manufactured home installers).  
39 IC 25-24-1-18 (Concerning optometrists).  
40 IC 25-24-3-17 (Concerning optometrists).  
41 IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug  
42 stores).

C  
o  
p  
y



- 1 IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug  
2 stores).  
3 IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug  
4 stores).  
5 IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug  
6 stores).  
7 IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug  
8 stores).  
9 IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug  
10 stores).  
11 IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug  
12 stores).  
13 IC 25-27-1-12 (Concerning physical therapists).  
14 IC 25-27.5-7-2 (Concerning physician assistants).  
15 IC 25-28.5-1-31 (Concerning plumbers).  
16 IC 25-29-9-1 (Concerning podiatrists).  
17 IC 25-30-1-21 (Concerning private investigator firms, security  
18 guards, and polygraph examiners).  
19 IC 25-30-1.3-23 (Concerning ~~private investigator firms, security~~  
20 ~~guards, and polygraph examiners~~).  
21 IC 25-31-1-13 (Concerning engineers).  
22 IC 25-31-1-27 (Concerning engineers).  
23 IC 25-31.5-8-7 (Concerning soil scientists).  
24 IC 25-33-1-15 (Concerning psychologists).  
25 IC 25-34.5-3-2 (Concerning respiratory care specialists).  
26 IC 25-35.6-3-10 (Concerning speech pathologists and  
27 audiologists).  
28 IC 25-36.1-1-2 (Concerning surgical technologists).  
29 IC 25-36.5-1-10 (Concerning timber buyers).  
30 IC 25-36.5-1-15 (Concerning timber buyers).  
31 IC 25-38.1-4-10 (Concerning veterinarians).  
32 IC 25-38.1-4-11 (Concerning veterinarians).  
33 IC 25-39-5-1 (Concerning water well drilling contractors).  
34 IC 25-39-5-7 (Concerning water well drilling contractors).  
35 IC 25-41-1-2 (Concerning behavior analysts).

C  
o  
p  
y