

**Emergency Rule**  
LSA Document #18-462(E)

DIGEST

Temporarily adds a list of disqualifying crimes and related provisions, implementing [IC 25-1-1.1-6](#). Statutory authority: [IC 25-1-1.1-6](#). Effective November 1, 2018.

SECTION 1. This document implements [IC 25-1-1.1-6](#) regarding disqualifying criminal history for licensure by the Indiana state board of nursing and includes in SECTION 4 of this document an explicit list of crimes that will disqualify an individual from receiving a license.

SECTION 2. An applicant for licensure who has a disqualifying criminal history may still be granted a license based on the criteria stated in [IC 25-1-1.1-6\(f\)](#).

SECTION 3. This document and [IC 25-1-1.1-6](#) do not limit the authority of the board to issue a license on probation if appropriate under [IC 25-1-9-16](#) or any other applicable statute.

SECTION 4. This SECTION contains the list of disqualifying crimes as follows:

(1) Criminal sexual acts:

- (A) Child molesting ([IC 35-42-4-3](#)).
- (B) Child seduction ([IC 35-42-4-7](#)).
- (C) Criminal deviate conduct ([IC 35-42-4-2](#) [[IC 35-42-4-2](#) was repealed by P.L.158-2013, SECTION 438 and P.L.214-2013, SECTION 37, effective July 1, 2014]).
- (D) Incest ([IC 35-46-1-3](#)).
- (E) Making an unlawful proposition/patronizing a prostitute ([IC 35-45-4-3](#)).
- (F) Rape ([IC 35-42-4-1](#)).
- (G) Sexual misconduct with a minor ([IC 35-42-4-9\(a\)](#)).

(2) Crimes of violence:

- (A) Aggravated battery ([IC 35-42-2-1.5](#)).
- (B) Attempted murder ([IC 35-41-5-1](#)).
- (C) Burglary as a Level 2 or Level 3 felony ([IC 35-43-2-1](#)).
- (D) Child exploitation as a Level 4 or a Level 5 felony ([IC 35-42-4-4\(b\)](#), [IC 35-42-4-4\(c\)](#)).
- (E) Child molesting ([IC 35-42-4-3](#)).
- (F) Criminal deviate conduct ([IC 35-42-4-2](#) [[IC 35-42-4-2](#) was repealed by P.L.158-2013, SECTION 438 and P.L.214-2013, SECTION 37, effective July 1, 2014]).
- (G) Kidnapping ([IC 35-42-3-2](#)).
- (H) Murder ([IC 35-42-1-1](#)).
- (I) Rape ([IC 35-42-4-1](#)).
- (J) Resisting law enforcement as a felony ([IC 35-44.1-3-1](#)).
- (K) Robbery as a Level 2 or Level 3 felony ([IC 35-42-5-1](#)).
- (L) Sexual misconduct with a minor as a Level 1 or 2 felony ([IC 35-42-4-9\(a\)\(2\)](#), [IC 35-42-4-9\(b\)\(2\)](#)).
- (M) Unlawful possession of a firearm [sic] by a serious violent felon ([IC 35-47-4-5](#)).
- (N) Voluntary manslaughter ([IC 35-42-1-3](#)).

(3) Abuse of corpse ([IC 35-45-11-2](#)).

(4) Adoption deception ([IC 35-46-1-9.5](#)).

(5) Agricultural terrorism ([IC 35-47-12-2](#)).

(6) Arson ([IC 35-43-1-1](#)).

(7) Assisting suicide ([IC 35-42-1-2.5\(b\)\(1\)](#)).

(8) Battery, neglect, or exploitation of endangered adult or person with mental or physical disability; failure to report; unlawful disclosure; referrals; retaliation ([IC 35-46-1-13](#)).

(9) Bestiality ([IC 35-46-3-14](#)).

(10) Burglary ([IC 35-43-2-1](#)).

(11) Check fraud ([IC 35-43-5-12](#)).

(12) Child exploitation; possession of child pornography; exemptions; defenses ([IC 35-42-4-4\(b\)\(1\)](#)).

(13) Child sexual trafficking ([IC 35-42-3.5-1.3](#)).

(14) Child solicitation ([IC 35-42-4-6](#)).

(15) Corrupt business influence ([IC 35-45-6-2](#)).

(16) Criminal confinement ([IC 35-42-3-3\(a\)](#)).

- (17) Criminal parole violation by a sexual predator ([IC 35-44.1-3-9](#)).
- (18) Criminal recklessness ([IC 9-21-8-55](#)).
- (19) Criminal stalking ([IC 35-45-10-5](#)).
- (20) Cruelty to a law enforcement animal ([IC 35-46-3-11](#)).
- (21) Cruelty to a search and rescue dog ([IC 35-46-3-11.3](#)).
- (22) Cruelty to a service animal ([IC 35-46-3-11.5](#)).
- (23) Dangerous control of a firearm ([IC 35-47-10-6](#)).
- (24) Dangerous possession and unlawful transfer of a firearm ([IC 35-47-10-5](#)).
- (25) Dealing in a controlled substance by a practitioner *[sic]* ([IC 35-48-4-1.5](#)).
- (26) Dealing in a controlled substance resulting in death ([IC 35-42-1-1.5](#)).
- (27) Dealing in a counterfeit substance ([IC 35-48-4-5](#)).
- (28) Dealing in a schedule I, II, or III controlled substance ([IC 35-48-4-2](#)).
- (29) Dealing in a schedule IV controlled substance ([IC 35-48-4-3](#)).
- (30) Dealing in a schedule V controlled substance ([IC 35-48-4-4](#)).
- (31) Dealing in a substance represented to be a controlled substance ([IC 35-48-4-4.5](#)).
- (32) Dealing in a synthetic drug or synthetic drug lookalike substance ([IC 35-48-4-10.5](#)).
- (33) Dealing in cocaine or narcotic drug ([IC 35-48-4-1](#)).
- (34) Dealing in marijuana, hash oil, hashish, or salvia ([IC 35-48-4-10](#)).
- (35) Dealing in methamphetamine ([IC 35-48-4-1.1](#)).
- (36) Dealing in paraphernalia ([IC 35-48-4-8.5](#)).
- (37) Deception with intent to cause withholding of CPR ([IC 16-36-5-28](#)).
- (38) Delivery of deadly weapon to intoxicated person ([IC 35-47-4-1](#)).
- (39) Destructions of declaration; forgery of revocation ([IC 16-36-5-27](#)).
- (40) Destructive device or explosive to kill, injure, or intimidate or to destroy property ([IC 35-47.5-5-8](#)).
- (41) Destructive devices ([IC 35-47.5-5-2](#)).
- (42) Disrupting operation of aircraft; Class B felony ([IC 35-47-6-1.6](#)).
- (43) Dissemination of matter or conducting performance harmful to minors ([IC 35-49-3-3](#)).
- (44) Distribution of destructive device, explosive, or detonator to a minor ([IC 35-47.5-5-5](#)).
- (45) Distribution of regulated explosives to persons convicted of felony ([IC 35-47.5-5-4](#)).
- (46) Domestic violence animal cruelty ([IC 35-46-3-12.5](#)).
- (47) Dumping controlled substance waste ([IC 35-48-4-4.1](#)).
- (48) Electrocutation or decompression of animals ([IC 35-46-3-15](#)).
- (49) Enticing or taking a patient away or aiding a patient to escape from the custody of an administrator or a superintendent ([IC 12-24-17-7](#)).
- (50) Exploitation of dependent or endangered adult; financial exploitation of endangered adult; violation classification ([IC 35-46-1-12](#)).
- (51) Failure of carriers of dangerous communicable diseases to warn persons at risk ([IC 35-45-21-3](#)).
- (52) Failure to report a dead body ([IC 35-45-19-3](#)).
- (53) False government issued identification ([IC 35-43-5-2.5](#)).
- (54) False identity statement ([IC 35-44.1-2-4](#)).
- (55) Feticide ([IC 16-34](#)).
- (56) Firearm, explosive, or deadly weapon; possession in commercial or chartered aircraft ([IC 35-47-6-1](#)).
- (57) Firearm, explosive, or deadly weapon; possession in controlled access areas of an airport ([IC 35-47-6-1.3](#)).
- (58) Firearms and handguns; giving false information or offering false evidence of identity ([IC 35-47-2-17](#)).
- (59) Fraud on financial institutions ([IC 35-43-5-8](#)).
- (60) Hindering or obstructing detection, disarming, or destruction of destructive device ([IC 35-47.5-5-7](#)).
- (61) Human organ trafficking ([IC 35-46-5-1](#)).
- (62) Human trafficking ([IC 35-42-3.5-1.4](#)).
- (63) Identity deception ([IC 35-43-5-3.5](#)).
- (64) Impersonating a firefighter at an emergency incident area ([IC 35-44.1-4-7](#)).
- (65) Impersonation of a public servant ([IC 35-44.1-2-6](#)).
- (66) Inmate fraud ([IC 35-43-5-20](#)).
- (67) Insurance fraud ([IC 35-43-5-7.2](#)).
- (68) Insurance fraud; insurance application fraud ([IC 35-43-5-4.5](#)).
- (69) Intentional signing of false document; sanctions ([IC 23-0.5-2-9](#)).
- (70) Loansharking ([IC 35-45-7-2](#)).
- (71) Malicious mischief ([IC 35-45-16-2](#)).

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- (72) Manufacturing methamphetamine ([IC 35-48-4-1.2](#)).
  - (73) Medicaid fraud ([IC 35-43-5-7.1](#)).
  - (74) Money laundering; defenses ([IC 35-45-15-5](#)).
  - (75) Neglect of a dependent; child selling ([IC 35-46-1-4](#)).
  - (76) Neglect, abuse, or maltreatment of a patient in a state institution; penalty ([IC 12-24-17-3](#)).
  - (77) Notario publico deception ([IC 43-5-3.7](#) [*sic*, [IC 35-43-5-3.7](#)]).
  - (78) Notary fraud; notarial fraud ([IC 35-43-5-23](#)).
  - (79) Obscene performance ([IC 35-49-3-2](#)).
  - (80) Offenses relating to registration labeling and prescription forms ([IC 35-48-4-14](#)).
  - (81) Operating loaded machine gun ([IC 35-47-5-9](#)).
  - (82) Perjury ([IC 35-44.1-2-1](#)).
  - (84) Permitting child to possess a firearm ([IC 35-47-10-7](#)).
  - (85) Possession of a dangerous device while incarcerated ([IC 35-44.1-3-7](#)).
  - (86) Possession of firearms on school property or a school bus; defense to a prosecution; possession of firearms in a motor vehicle parked in a school parking lot ([IC 35-47-9-2](#)).
  - (87) Profiteering from public service ([IC 35-44.1-1-5](#)).
  - (88) Promoting prostitution ([IC 35-45-4-4](#)).
  - (89) Promotion of child sexual trafficking; promotion of sexual trafficking of a younger child ([IC 35-42-3.5-1.2](#)).
  - (90) Promotion of human sexual trafficking ([IC 35-42-3.5-1.1](#)).
  - (91) Promotion of human trafficking; sexual trafficking of a minor; human trafficking ([IC 35-42-4-4](#)).
  - (92) Removal of attack dog's vocal cords; animal cruelty ([IC 35-46-3-13](#)).
  - (93) Robbery ([IC 35-42-5-1](#)).
  - (94) Sale, distribution, or exhibition of obscene matter ([IC 35-49-3-1](#)).
  - (95) Sex offender Internet offense ([IC 35-42-4-12](#)).
  - (96) Sex offender residency restrictions ([IC 35-42-4-11](#)).
  - (97) Sex offender unmanned aerial vehicle offense ([IC 35-42-4-12.5](#)).
  - (98) Sexual battery ([IC 35-42-4-8](#)).
  - (99) Sexual misconduct with a minor ([IC 35-42-4-9](#)).
  - (100) Sexual misconduct with a service provider ([IC 35-44.1-3-10](#)).
  - (101) Stolen valor fraud ([IC 35-43-5-22](#)).
  - (102) Synthetic identity deception ([IC 35-43-5-3.8](#)).
  - (103) Tampering with a water supply; poisoning ([IC 35-43-1-5](#)).
  - (104) Terrorism ([IC 35-47-12-1](#)).
  - (105) Terroristic deception ([IC 35-43-5-3.6](#)).
  - (106) Terroristic mischief ([IC 35-47-12-3](#)).
  - (107) Torture or mutilation of a vertebrate animal; killing a domestic animal ([IC 35-46-3-12](#)).
  - (108) Trafficking with an inmate outside a facility ([IC 35-44.1-3-6](#)).
  - (109) Trafficking with an inmate; carrying a deadly weapon into a correctional facility ([IC 35-44.1-3-5](#)).
  - (110) Transferring contaminated body fluids ([IC 35-45-21-1](#)).
  - (111) Undisclosed transport of dangerous device ([IC 35-47-6-1.1](#)).
  - (112) Unlawful documentation of a gift of organs, tissue, eyes, or body parts ([IC 35-46-5-4](#)).
  - (113) Unlawful entry of school property by a serious sex offender ([IC 35-42-4-14](#)).
  - (114) Unlawful manufacture, distribution, or possession of counterfeit substance ([IC 35-48-4-4.6](#)).
  - (115) Unlawful manufacture, possession, transfer, or offer to transfer armor-piercing ammunition ([IC 35-47-5-11.5](#)).
  - (116) Unlawful ownership or possession of a machine gun ([IC 35-47-5-8](#)).
  - (117) Unlawful participation in human cloning; exception ([IC 35-46-5-2](#)).
  - (118) Unlawful possession of a card skimming device ([IC 35-43-5-4.3](#)).
  - (119) Unlawful possession of a firearm by a domestic batterer ([IC 35-47-4-6](#)).
  - (120) Unlawful possession of firearm by serious violent felon ([IC 35-47-4-5](#)).
  - (121) Unlawful possession, manufacture, transportation, distribution, possession, or offer to distribute regulated explosives ([IC 35-47.5-5-3](#)).
  - (122) Unlawful purchase, possession, or use of stun guns ([IC 35-47-8-5](#)).
  - (123) Unlawful sale or possession of a transaction manipulation device ([IC 35-43-5-4.6](#)).
  - (124) Unlawful transfer of fetal tissue ([IC 35-46-5-1.5](#)).
  - (125) Unlawful transfer of human organisms ([IC 35-46-5-3](#)).
  - (126) Use of overpressure device ([IC 35-47.5-5-9](#)).
  - (127) Use of regulated explosive in violation of commission rule ([IC 35-47.5-5-11](#)).
  - (128) Vicarious sexual gratification; sexual conduct in presence of a minor ([IC 35-42-4-5](#)).
  - (129) Voyeurism; public voyeurism; aerial voyeurism ([IC 35-45-4-5](#)).

(130) Welfare fraud ([IC 35-43-5-7](#)).

(131) Worker's compensation fraud.

(132) A violation of [IC 25-23-1-27](#).

SECTION 5. A crime in any other jurisdiction for which the elements of the crime for which conviction was entered are substantially similar to the elements of a crime included on the list in SECTION 4 of this document shall also be a crime that will disqualify an individual from receiving a license and therefore included on the list.

SECTION 6. The fee for a petition under [IC 25-1-1.1-6\(h\)](#) for a determination as to whether the individual's misdemeanor or felony conviction will disqualify the individual from receiving a license or certification shall be twenty-five dollars (\$25).

SECTION 7. SECTIONS 1 through 6 of this document take effect November 1, 2018.

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