TITLE 820 STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

Emergency Rule
LSA Document #19-502(E)

DIGEST

Temporarily adds a list of convictions of concern and related provisions, implementing IC 25-1-1.1-6. Statutory authority: IC 25-1-1.1-6. Effective September 30, 2019.

SECTION 1. **This document implements IC 25-1-1.1-6 regarding convictions of concern, which may disqualify an individual for licensure by the state board of cosmetology and barber examiners, and includes in SECTION 4 of this document an explicit list of convictions of concern that may disqualify an individual from receiving a license.**

SECTION 2. **An applicant for licensure who has a conviction of concern may still be granted a license based on the criteria stated in IC 25-1-1.1-6(h).**

SECTION 3. **This document and IC 25-1-1.1-6 do not limit the authority of the state board of cosmetology and barber examiners 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) Crimes involving sexual acts that can be considered without respect to age of conviction are as follows:
(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) (before its repeal).
(D) Incest (IC 35-46-1-3).
(E) Making an unlawful proposition (IC 35-45-4-3).
(F) Prostitution (IC 35-45-4-2).
(G) Rape (IC 35-42-4-1).
(H) Sexual misconduct with a minor (IC 35-42-4-9(a)).
(2) Crimes of violence that can be considered without respect to age of conviction are as follows:
(A) Aggravated battery (IC 35-42-2-1.5).
(B) Attempted murder (IC 35-41-5-1).
(C) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).
(D) Child exploitation as a Level 5 felony under IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).
(E) Child molesting (IC 35-42-4-3).
(F) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
(G) Involuntary manslaughter (IC 35-42-1-4).
(H) Kidnapping (IC 35-42-3-2).
(I) Murder (IC 35-42-1-1).
(J) Operating a vehicle while intoxicated causing death (IC 9-30-5-5).
(K) Operating a vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).
(L) Rape (IC 35-42-4-1).
(M) Reckless homicide (IC 35-42-1-5).
(N) Resisting law enforcement as a felony (IC 35-44.1-3-1).
(O) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).
(P) Sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).
(Q) Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5).
(R) Voluntary manslaughter (IC 35-42-1-3).
(3) Agricultural terrorism (IC 35-47-12-2 *[IC 35-47-12 was repealed by P.L.66-2019, SECTION 19, effective July 1, 2019.]***).**
(4) Armor-piercing ammunition; offense; exception (IC 35-47-5-11.5).
(5) Arson (IC 35-43-1-1).
(6) Assisting suicide (IC 35-42-1-2.5).
(7) Attempt under IC 35-41-5-1 to commit an offense listed in this SECTION.

(8) Attempting to purchase handgun by ineligible person (IC 35-47-2.5-15) (before its repeal).
(9) Auto theft (IC 35-43-4-2.5) (before its repeal).
(10) Battery (IC 35-42-2-1).
(11) Burglary (IC 35-43-2-1).
(12) Carjacking (IC 35-42-5-2) (before its repeal).
(13) Carrying a handgun without being licensed; exceptions; person convicted of domestic battery (IC 35-47-2-1).
(14) Causing suicide (IC 35-42-1-2).
(15) Check deception (IC 35-43-5-5).
(16) Check fraud (IC 35-43-5-12).
(17) Child exploitation; possession of child pornography; exemptions; defenses (IC 35-42-4-4).
(18) Child sexual trafficking (IC 35-42-3.5-1.3).
(19) Child solicitation (IC 35-42-4-6).
(20) "Chinese throwing star" defined; related offenses (IC 35-47-5-12).
(21) Conspiracy under IC 35-41-5-2 to commit an offense listed in this SECTION.
(22) Consumer product tampering; offenses (IC 35-45-8-3).
(23) Corrupt business influence (IC 35-45-6-2).
(24) Counterfeiting; false or fraudulent sales receipts; forgery; application fraud (IC 35-43-5-2).
(25) Criminal confinement (IC 35-42-3-3).
(26) Criminal organization recruitment (IC 35-45-9-5).
(27) Criminal parole violation by a sexual predator (IC 35-44.1-3-9).
(28) Criminal recklessness; element of hazing; liability barred for good faith report or judicial participation (IC 35-42-2-2).
(29) Criminal stalking (IC 35-45-10-5).
(30) Criminal transfer of a firearm (IC 35-47-2.5-16).
(31) Criminal use or possession of code grabbing device (IC 35-45-12-2).
(32) Dangerous control of a firearm (IC 35-47-10-6).
(33) Dangerous possession and unlawful transfer of a firearm (IC 35-47-10-5).
(34) Dealing in a controlled substance by a practitioner (IC 35-48-4-1.5).
(35) Dealing in a controlled substance resulting in death (IC 35-42-1-1.5).
(36) Dealing in a counterfeit substance (IC 35-48-4-5).
(37) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(38) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(39) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(40) Dealing in a substance represented to be a controlled substance (IC 35-48-4-4.5 *[IC 35-48-4-4.5 was repealed by P.L.80-2019, SECTION 26, effective July 1, 2019.]***).**
(41) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5 *[IC 35-48-4-10.5 was repealed by P.L.80-2019, SECTION 29, effective July 1, 2019.]***).**
(42) Dealing in cocaine or narcotic drug (IC 35-48-4-1).
(43) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
(44) Dealing in methamphetamine (IC 35-48-4-1.1).
(45) Deception (IC 35-43-5-3).
(46) Delivery of deadly weapon to intoxicated person (IC 35-47-4-1).
(47) Deploying a booby trap (IC 35-47.5-5-10).
(48) Destructive device or explosive to kill, injure, or intimidate or to destroy property (IC 35-47.5-5-8).
(49) Destructive devices (IC 35-47.5-5-2).
(50) Disarming a law enforcement officer (IC 35-44.1-3-2).
(51) Disrupting operation of aircraft (IC 35-47-6-1.6).
(52) Dissemination of matter or conducting performance harmful to minors (IC 35-49-3-3).
(53) Distribution of destructive device, explosive, or detonator to a minor (IC 35-47.5-5-5).
(54) Distribution of regulated explosives to persons convicted of felony (IC 35-47.5-5-4).
(55) Domestic battery (IC 35-42-2-1.3).
(56) Dumping controlled substance waste (IC 35-48-4-4.1).
(57) Duties of driver of motor vehicle involved in accident; sentencing (IC 9-26-1-1.1).
(58) Escape (IC 35-44.1-3-4).
(59) Evasion of tax; offenses; prosecution (IC 6-3-6-11).
(60) Failure of carriers of dangerous communicable diseases to warn persons at risk (IC 35-45-21-3).
(61) Failure to make report (IC 31-33-22-1).
(62) False government issued identification (IC 35-43-5-2.5).
(63) False identity statement (IC 35-44.1-2-4).
(64) False reporting; false informing (IC 35-44.1-2-3).

(65) False reports; criminal and civil liability; notification of prosecuting attorney (IC 31-33-22-3).
(66) Feticide (IC 35-42-1-6).
(67) Firearm, explosive, or deadly weapon; possession in commercial or chartered aircraft (IC 35-47-6-1).
(68) Firearm, explosive, or deadly weapon; possession in controlled access areas of an airport (IC 35-47-6-1.3).
(69) Firearms and handguns; giving false information or offering false evidence of identity (IC 35-47-2-17).
(70) Fraud (IC 35-43-5-4).
(71) Fraud on financial institutions (IC 35-43-5-8).
(72) Harassment; "obscene message" defined (IC 35-45-2-2).
(73) Hindering or obstructing detection, disarming, or destruction of destructive device (IC 35-47.5-5-7).
(74) Hoax devices or replicas (IC 35-47.5-5-6).
(75) Homicide (IC 35-42-1).
(76) Human organ trafficking (IC 35-46-5-1).
(77) Human trafficking (IC 35-42-3.5-1.4).
(78) Identity deception (IC 35-43-5-3.5).
(79) Inappropriate communication with a child (IC 35-42-4-13).
(80) Inmate fraud (IC 35-43-5-20).
(81) Insurance fraud; insurance application fraud (IC 35-43-5-4.5).
(82) Insurance fraud (IC 35-43-5-7.2).
(83) Intentional signing of false document (IC 23-0.5-2-9).
(84) Interference with custody (IC 35-42-3-4).
(85) Interfering with drug or alcohol screening test (IC 35-43-5-19).
(86) Intimidation (IC 35-45-2-1).
(87) Knife with a detachable blade (IC 35-47-5-2).
(88) Legend drug deception; penalty (IC 35-43-10-3).
(89) Machine gun (IC 35-47-5-8).
(90) Malicious mischief (IC 35-45-16-2).
(91) Manufacturing methamphetamine (IC 35-48-4-1.2).
(92) Medicaid fraud (IC 35-43-5-7.1).
(93) Money laundering; defenses (IC 35-45-15-5).
(94) Neglect of a dependent; child selling (IC 35-46-1-4).
(95) Notario publico deception (IC 35-43-5-3.7).
(96) Notary fraud; notarial fraud (IC 35-43-5-23).
(97) Obscene performance (IC 35-49-3-2).
(98) Obstruction of delivery of prescription drug (IC 35-45-21-5).
(99) Obtaining child abuse information under false pretenses; knowingly falsifying records or interfering with an investigation (IC 31-33-22-2).
(100) Offenses concerning Social Security numbers (IC 35-44.2-4-2).
(101) Offenses relating to registration labeling and prescription forms (IC 35-48-4-14).
(102) Operating loaded machine gun (IC 35-47-5-9).
(103) Participation in criminal organization; offense (IC 35-45-9-3).
(104) Perjury (IC 35-44.1-2-1).
(105) Permitting child to possess a firearm (IC 35-47-10-7).
(106) Pointing firearm at another person (IC 35-47-4-3).
(107) Possession of a controlled substance; obtaining a schedule V controlled substance (IC 35-48-4-7).
(108) Possession of a dangerous device while incarcerated (IC 35-44.1-3-7).
(109) Possession of a fraudulent sales document manufacturing device (IC 35-43-5-15).
(110) Possession of a knife on school property (IC 35-47-5-2.5).
(111) Possession of cocaine or narcotic drug (IC 35-48-4-6).
(112) Possession of device or substance used to interfere with drug or alcohol screening test (IC 35-43-5-18).
(113) Possession of electronic gaming device; maintaining a professional gambling site; exception for antique slot machines possessed for decorative, historic, or nostalgic purposes (IC 35-45-5-3.5).
(114) Possession of firearms on school property or a school bus; possession of firearms in a motor vehicle parked in a school parking lot (IC 35-47-9-2).
(115) Possession of methamphetamine (IC 35-48-4-6.1).
(116) Prohibited sales or transfers of ownership (IC 35-47-2-7).

(117) Promoting prostitution (IC 35-45-4-4).
(118) Promotion of child sexual trafficking; promotion of sexual trafficking of a younger child (IC 35-42-3.5-1.2).
(119) Promotion of human labor trafficking (IC 35-42-3.5-1).
(120) Promotion of human sexual trafficking (IC 35-42-3.5-1.1).
(121) Public intoxication prohibited; failure to enforce by a law enforcement officer (IC 7.1-5-1-3).
(122) "Qualified egg bank"; unlawful transfer of human organisms; exceptions; penalties (IC 35-46-5-3).
(123) Refusal to aid an officer (IC 35-44.1-3-3).
(124) Registration violations; penalty (IC 11-8-8-17).
(125) Regulated explosives; persons convicted of felonies; prior unrelated convictions (IC 35-47.5-5-3).
(126) Remote aerial harassment (IC 35-45-10-6).
(127) Resisting law enforcement (IC 35-44.1-3-1).
(128) Robbery (IC 35-42-5-1).
(129) Sale, distribution, or exhibition of obscene matter (IC 35-49-3-1).
(130) Sale or distribution of HIV testing equipment (IC 35-45-21-2).
(131) Sex offender Internet offense (IC 35-42-4-12).
(132) Sex offender residency restrictions (IC 35-42-4-11).
(133) Sex offender unmanned aerial vehicle offense (IC 35-42-4-12.5).
(134) Sexual battery (IC 35-42-4-8).
(135) Sexual misconduct with a service provider (IC 35-44.1-3-10).
(136) Sexually violent predator; duty to notify (IC 11-8-8-18).
(137) Stolen valor fraud (IC 35-43-5-22).
(138) Strangulation (IC 35-42-2-9).
(139) Synthetic drug or synthetic drug lookalike substance (IC 35-48-4-11.5 *[IC 35-48-4-11.5 was repealed by P.L.80-2019, SECTION 30, effective July 1, 2019.]***).**
(140) Synthetic identity deception (IC 35-43-5-3.8).
(141) "Synthetic urine" (IC 35-43-5-19.5).
(142) Terrorism (IC 35-47-12-1 *[IC 35-47-12 was repealed by P.L.66-2019, SECTION 19, effective July 1, 2019.]***).**
(143) Terroristic deception (IC 35-43-5-3.6 *[IC 35-43-5-3.6 was repealed by P.L.66-2019, SECTION 13, effective July 1, 2019.]***).**
(144) Terroristic mischief (IC 35-47-12-3 *[IC 35-47-12 was repealed by P.L.66-2019, SECTION 19, effective July 1, 2019.]***).**
(145) Theft (IC 35-43-4-2).
(146) Threats; refusal to join or withdraw from organization; intimidation offense (IC 35-45-9-4).
(147) Trafficking with an inmate; carrying a deadly weapon into a correctional facility (IC 35-44.1-3-5).
(148) Trafficking with an inmate outside a facility (IC 35-44.1-3-6).
(149) Transferring contaminated body fluids (IC 35-45-21-1).
(150) Undisclosed transport of dangerous device (IC 35-47-6-1.1).
(151) Unlawful employment near children (IC 35-42-4-10).
(152) Unlawful entry of school property by a serious sex offender (IC 35-42-4-14).
(153) Unlawful manufacture, distribution, or possession of counterfeit substance (IC 35-48-4-4.6).
(154) Unlawful photography and surveillance on private property (IC 35-46-8.5-1).
(155) Unlawful possession of a card skimming device (IC 35-43-5-4.3).
(156) Unlawful possession of a firearm by a domestic batterer (IC 35-47-4-6).
(157) Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5).
(158) Unlawful purchase of a handgun (IC 35-47-2.5-14) (before its repeal).
(159) Unlawful sale or possession of a transaction manipulation device (IC 35-43-5-4.6).
(160) Unlawful use of body armor (IC 35-47-5-13).
(161) Use of overpressure device (IC 35-47.5-5-9).
(162) Use of regulated explosive in violation of commission rule (IC 35-47.5-5-11).
(163) Vicarious sexual gratification; sexual conduct in presence of minor (IC 35-42-4-5).
(164) Violation of civil rights (IC 35-46-2-1).
(165) Violation of IC 25-2.1-12 (unauthorized practice of accounting) under IC 25-2.1-13-3.
(166) Violation of IC 25-2.5 (unauthorized practice of acupuncture) under IC 25-2.5-3-4.
(167) Violation of IC 25-3.7 (unauthorized practice of an anesthesiologist assistant) under IC 25-3.7-2-2.
(168) Violation of IC 25-5.1-4-1 (unauthorized practice of athletic trainer) under IC 25-5.1-4-2.
(169) Violation of IC 25-6.1-7-1 (unauthorized practice of auctioneering) under IC 25-6.1-7-1.

(170) Violation of IC 25-6.1-7-2 (violation of auctioneering statute) under IC 25-6.1-7-2.
(171) Violation of IC 25-8-15.4 (unauthorized operation of a tanning facility) under IC 25-8-15.4-25.
(172) Violation of IC 25-10-1 (unauthorized practice of chiropractic) under IC 25-10-1-11.
(173) Violation of IC 25-11-1 (violation of the collection agency statute) under IC 25-11-1-12.
(174) Violation of IC 25-13-1 (unauthorized practice of a dental hygienist) under IC 25-13-1-3.
(175) Violation of IC 25-14-1 (unauthorized practice of dentistry) under IC 25-14-1-25.
(176) Violation of IC 25-14-4 (unlawful referral services for a dentist) under IC 25-14-4-6.
(177) Violation of IC 25-14.3 (violation of diabetes educator statute) under IC 25-14.3-5-1.
(178) Violation of IC 25-14.5 (unauthorized practice of a dietitian) under IC 25-14.5-7-2.
(179) Violation of IC 25-16-1 (violation of employment services statute) under IC 25-16-1-18.
(180) Violation of IC 25-17.3-5 (violation of genetic counselors statute) under IC 25-17.3-5-3.
(181) Violation of IC 25-17.6-8-2 (unauthorized practice of professional geologist) under IC 25-17.6-8-2.
(182) Violation of IC 25-20-1 (unauthorized practice of hearing aid dealer) under IC 25-20-1-21.
(183) Violation of IC 25-20.7-5-1 (unauthorized practice of interior designer) under IC 25-20.7-5-1.
(184) Violation of IC 25-21.5-5-10 (making false statements in an application to become a surveyor) under IC 25-21.5-5-10.
(185) Violation of IC 25-21.5-13-2 (unauthorized practice of surveying) under IC 25-21.5-13-2.
(186) Violation of IC 25-21.8 (unauthorized practice of massage therapy) under IC 25-21.8-7-1.
(187) Violation of IC 25-22.5 (unauthorized practice of medicine, midwifery, osteopathic medicine, or physician assistant) under IC 25-22.5-8-1 and IC 25-22.5-8-2.
(188) Violation of IC 25-22.5 (violation of temporary medical permit statute) under IC 25-22.5-8-3.
(189) Violation of IC 25-23-1 (unauthorized practice of nursing) under IC 25-23-1-27.
(190) Violation of IC 25-23.5-3 (unauthorized practice of occupational therapy) under IC 25-23.5-3-2.
(191) Violation of IC 25-23.6-3 (unauthorized practice of marriage and family therapy) under IC 25-23.6-3-3.
(192) Violation of IC 25-23.6-4 (unauthorized practice of social work) under IC 25-23.6-4-4.
(193) Violation of IC 25-23.6-4.5 (violation of mental health counselor statute) under IC 25-23.6-4.5-4.
(194) Violation of IC 25-23.6-10.1 (unauthorized practice of addiction counselor or therapist) under IC 25-23.6-10.1-6.
(195) Violation of IC 25-23.6-11-1 (unauthorized use of term psychotherapy or clinical psychology) under IC 25-23.6-11-1.
(196) Violation of IC 25-23.6 (unauthorized use of license issued by behavioral health and human services board) under IC 25-23.6-11-2.
(197) Violation of IC 25-23.6-11-3 (presenting false information to the behavioral health and human services board to obtain license) under IC 25-23.6-11-3.
(198) Violation of IC 25-23.7-7-5 (unauthorized practice of home installing) under IC 25-23.7-7-5.
(199) Violation of IC 25-23.4 (unauthorized practice of direct entry midwife) under IC 25-23.4-3-7.
(200) Violation of IC 25-24-1 (unauthorized practice of optometry) under IC 25-24-1-18.
(201) Violation of IC 25-26-13-29 (unauthorized practice of pharmacy or as a pharmacist) under IC 25-26-13-29.
(202) Violation of any state drug law related to wholesale legend drug distribution (IC 25-26-14).
(203) Violation of IC 25-26-19-9 (unauthorized practice of pharmacy technician) under IC 25-26-19-9.
(204) Violation of IC 25-26-21 (unauthorized provision of home medical equipment provider services) under IC 25-26-21-11.
(205) Violation of IC 25-27-1 (unauthorized practice of physical therapy) under IC 25-27-1-12.
(206) Violation of IC 25-27.5-7 (unauthorized practice of physician assistant) under IC 25-27.5-7-2.
(207) Violation of IC 25-28.5-1 (unauthorized practice of plumbing) under IC 25-28.5-1-31.
(208) Violation of IC 25-29 (unauthorized practice of podiatry) under IC 25-29-9-1.
(209) Violation of IC 25-30-1 (unauthorized practice of being a private investigator) under IC 25-30-1-21.
(210) Violation of IC 25-30-1.3 (unauthorized operation of a security agency) under IC 25-30-1.3-23.
(211) Violation of IC 25-31-1-13 (making a false statement in an application to become an engineer) under IC 25-31-1-13.
(212) Violation of IC 25-31-1 (unauthorized practice of engineering) under IC 25-31-1-27.
(213) Violation of IC 25-31.5-8-7 (unauthorized practice as a professional soil scientist) under IC 25-31.5-8-7.
(214) Violation of IC 25-33-1-14 (unlawful use of title psychologist) under IC 25-33-1-15.
(215) Violation of IC 25-34.5-3 (unauthorized practice of respiratory care) under IC 25-34.5-3-2.
(216) Violation of IC 25-35.6 (unauthorized practice of speech-language pathology and audiology) under IC 25-35.6-3-10.
(217) Violation of IC 25-36.1-2 (violation of certified surgical technologist statute) under IC 25-36.1-2-3.

(218) Violation of IC 25-36.5-1-10 (unauthorized practice of timber buying or timber buying agent) under IC 25-36.5-1-10 and IC 25-36.5-1-15.
(219) Violation of IC 25-38.1 (unauthorized practice of veterinary medicine) under IC 25-38.1-4-10.
(220) Violation of IC 25-38.1 (unauthorized practice of veterinary technician) under IC 25-38.1-4-11.
(221) Violation of IC 25-39-5 (unlawful drilling and well installation) under IC 25-39-5.
(222) Violation of IC 25-41-1-1 (unauthorized practice of behavior analyst) under IC 25-41-1-2.
(223) Violation of Indiana Legend Drug Act (IC 16-42-19).
(224) Violation of order by alleged perpetrator of child abuse or neglect (IC 31-34-2.3-8).
(225) Violations (IC 35-43-9-7).
(226) Voyeurism; public voyeurism; aerial voyeurism (IC 35-45-4-5).
(227) Welfare fraud (IC 35-43-5-7).
(228) Worker's compensation fraud (IC 35-43-5-21).

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 the document expire on September 1, 2021.

LSA Document #19-502(E)
Filed with Publisher: September 30, 2019, 8:51 a.m.

Posted: 10/02/2019 by Legislative Services Agency
An html version of this document.