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**TITLE 879 MANUFACTURED HOME INSTALLER LICENSING BOARD**

**Proposed Rule**  
LSA Document #23-35

DIGEST

Adds [879 IAC 1-10](#) concerning convictions of concern and related provisions, implementing [IC 25-1-1.1-6](#). Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

**[879 IAC 1-10](#)**

SECTION 1. [879 IAC 1-10](#) IS ADDED TO READ AS FOLLOWS:

**Rule 10. Convictions of Concern**

**[879 IAC 1-10-1](#) Scope**

Authority: [IC 25-1-1.1-6](#)

Affected: [IC 25-1-1.1-6](#); [IC 25-23.7](#)

Sec. 1. This rule implements [IC 25-1-1.1-6](#) regarding convictions of concern, which may disqualify an individual for licensure, and includes in section 4 of this rule an explicit list of crimes that may disqualify an individual from receiving a license issued under [IC 25-23.7](#).

*(Manufactured Home Installer Licensing Board; [879 IAC 1-10-1](#))*

**[879 IAC 1-10-2](#) Issuance of license**

Authority: [IC 25-1-1.1-6](#)

Affected: [IC 25-1-1.1-6](#); [IC 25-23.7](#)

Sec. 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\(h\)](#).

*(Manufactured Home Installer Licensing Board; [879 IAC 1-10-2](#))*

**[879 IAC 1-10-3](#) Authority to issue license on probation**

Authority: [IC 25-1-1.1-6](#)

Affected: [IC 25-1-1.1-6](#); [IC 25-1-11-19](#); [IC 25-23.7](#)

Sec. 3. This rule and [IC 25-1-1.1-6](#) do not limit the authority of a board or committee to issue a license on probation if appropriate under [IC 25-1-11-19](#) or any other applicable statute.

*(Manufactured Home Installer Licensing Board; [879 IAC 1-10-3](#))*

**[879 IAC 1-10-4](#) Convictions of concern**

Authority: [IC 25-1-1.1-6](#)

Affected: [IC 9-30-5-4](#); [IC 9-30-5-5](#); [IC 12-24-17-3](#); [IC 12-24-17-7](#); [IC 23-0.5-2-9](#); [IC 25](#); [IC 35](#)

Sec. 4. The following are convictions of concern:

(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. Penalties; death or catastrophic injury; death of a law enforcement animal ([IC 9-30-5-5](#)).
  - (K) Operating a vehicle while intoxicated causing serious bodily injury to another person. Classification of offense; serious bodily injury ([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) Adoption deception ([IC 35-46-1-9.5](#)).
- (4) Agricultural terrorism ([IC 35-47-12-2](#)) (before its repeal).
- (5) Arson ([IC 35-43-1-1](#)).
- (6) Attempt under [IC 35-41-5-1](#) to commit an offense listed in this section.
- (7) Battery ([IC 35-42-2-1](#)).
- (8) Battery, neglect, or exploitation of endangered adult or person with mental or physical disability; failure to report; unlawful disclosures; referrals; retaliation ([IC 35-46-1-13](#)).
- (9) Burglary ([IC 35-43-2-1](#)).
- (10) Check deception ([IC 35-43-5-5](#)) (before its repeal).
- (11) Check fraud ([IC 35-43-5-12](#)) (before its repeal).
- (12) Child exploitation; possession of child pornography; exemptions; defenses ([IC 35-42-4-4](#)).
- (13) Child solicitation ([IC 35-42-4-6](#)).
- (14) Corrupt business influence ([IC 35-45-6-2](#)).
- (15) Counterfeiting; false or fraudulent sales receipts; forgery; application fraud ([IC 35-43-5-2](#)).
- (16) Criminal confinement ([IC 35-42-3-3](#)).
- (17) Criminal mischief; institutional criminal mischief; controlled substance criminal mischief ([IC 35-43-1-2](#)).
- (18) Criminal stalking ([IC 35-45-10-5](#)).
- (19) Criminal trespass; denial of entry; denial by posting with purple marks; permission to enter; exceptions ([IC 35-43-2-2](#)).
- (20) Dealing in a controlled substance by a practitioner ([IC 35-48-4-1.5](#)).
- (21) Dealing in a counterfeit substance ([IC 35-48-4-5](#)).
- (22) Dealing in a schedule I, II, or III controlled substance or controlled substance analog ([IC 35-48-4-2](#)).
- (23) Dealing in a schedule IV controlled substance or controlled substance analog ([IC 35-48-4-3](#)).
- (24) Dealing in a schedule V controlled substance or controlled substance analog ([IC 35-48-4-4](#)).
- (25) Dealing in a substance represented to be a controlled substance ([IC 35-48-4-4.5](#)) (before its repeal).
- (26) Dealing in a synthetic drug or synthetic drug lookalike substance ([IC 35-48-4-10.5](#)) (before its repeal).
- (27) Dealing in cocaine or narcotic drug ([IC 35-48-4-1](#)).
- (28) Dealing in marijuana, hash oil, hashish, or salvia ([IC 35-48-4-10](#)).
- (29) Dealing in methamphetamine ([IC 35-48-4-1.1](#)).

- (30) Dealing in paraphernalia ([IC 35-48-4-8.5](#)).
- (31) Deception ([IC 35-43-5-3](#)).
- (32) Dumping controlled substance waste ([IC 35-48-4-4.1](#)).
- (33) 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](#)).
- (34) Exploitation of dependent or endangered adult; financial exploitation of endangered adult; violation classification ([IC 35-46-1-12](#)).
- (35) False government issued identification ([IC 35-43-5-2.5](#)).
- (36) False identity statement ([IC 35-44.1-2-4](#)).
- (37) False reporting; false informing ([IC 35-44.1-2-3](#)).
- (38) Firearm, explosive, or deadly weapon; possession in commercial or chartered aircraft ([IC 35-47-6-1](#)).
- (39) Fraud ([IC 35-43-5-4](#)).
- (40) Fraud on financial institutions ([IC 35-43-5-8](#)) (before its repeal).
- (41) Home improvement fraud ([IC 35-43-6-12](#)) (before its repeal).
- (42) Identity deception ([IC 35-43-5-3.5](#)).
- (43) Impersonation of a public servant ([IC 35-44.1-2-6](#)).
- (44) Inappropriate communication with a child ([IC 35-42-4-13](#)).
- (45) Inhaling toxic vapors ([IC 35-46-6-2](#)).
- (46) Inmate fraud ([IC 35-43-5-20](#)) (before its repeal).
- (47) Insurance fraud; insurance application fraud ([IC 35-43-5-4.5](#)) (before its repeal).
- (48) Insurance fraud ([IC 35-43-5-7.2](#)) (before its repeal).
- (49) Intentional signing of false document ([IC 23-0.5-2-9](#)).
- (50) Interfering with drug or alcohol screening test ([IC 35-43-5-19](#)).
- (51) Loansharking ([IC 35-45-7-2](#)).
- (52) Making a false sales document ([IC 35-43-5-16](#)) (before its repeal).
- (53) Manufacture of paraphernalia ([IC 35-48-4-8.1](#)).
- (54) Manufacturing methamphetamine ([IC 35-48-4-1.2](#)).
- (55) Medicaid fraud ([IC 35-43-5-7.1](#)) (before its repeal).
- (56) Money laundering; defenses ([IC 35-45-15-5](#)).
- (57) Neglect, abuse, or maltreatment of a patient in a state institution; penalty ([IC 12-24-17-3](#)).
- (58) Neglect of a dependent; child selling ([IC 35-46-1-4](#)).
- (59) Notario publico deception ([IC 35-43-5-3.7](#)).
- (60) Notary fraud; notarial fraud ([IC 35-43-5-23](#)).
- (61) Offenses relating to registration labeling and prescription forms ([IC 35-48-4-14](#)).
- (62) Operating a vehicle while intoxicated ([IC 9-30-5](#)).
- (63) Perjury ([IC 35-44.1-2-1](#)).
- (64) Possession of a fraudulent sales document manufacturing device ([IC 35-43-5-15](#)) (before its repeal).
- (65) Possession of device or substance used to interfere with drug or alcohol screening test ([IC 35-43-5-18](#)).
- (66) Profiting from adoption ([IC 35-46-1-9](#)).
- (67) Promotion of child sexual trafficking; promotion of sexual trafficking of a younger child ([IC 35-42-3.5-1.2](#)).
- (68) Promotion of human labor trafficking ([IC 35-42-3.5-1](#)).
- (69) Promotion of human sexual trafficking ([IC 35-42-3.5-1.1](#)).
- (70) Residential entry ([IC 35-43-2-1.5](#)).
- (71) Resisting law enforcement ([IC 35-44.1-3-1](#)).
- (72) Robbery ([IC 35-42-5-1](#)).
- (73) Sex offender Internet offense ([IC 35-42-4-12](#)).
- (74) Sex offender residency restrictions ([IC 35-42-4-11](#)).
- (75) Sex offender unmanned aerial vehicle offense ([IC 35-42-4-12.5](#)).
- (76) Sexual battery ([IC 35-42-4-8](#)).
- (77) Stolen valor fraud ([IC 35-43-5-22](#)) (before its repeal).
- (78) Synthetic drug or synthetic drug lookalike substance ([IC 35-48-4-11.5](#)) (before its repeal).
- (79) Synthetic identity deception ([IC 35-43-5-3.8](#)) (before its repeal).
- (80) Tampering with a water supply; poisoning ([IC 35-43-1-5](#)).
- (81) Terrorism ([IC 35-47-12-1](#)) (before its repeal).
- (82) Terroristic deception ([IC 35-43-5-3.6](#)) (before its repeal).
- (83) Terroristic mischief ([IC 35-47-12-3](#)) (before its repeal).
- (84) Theft ([IC 35-43-4-2](#)).

- (85) Unauthorized adoption advertising ([IC 35-46-1-21](#)).
- (86) Unauthorized adoption facilitation ([IC 35-46-1-22](#)).
- (87) Unlawful employment by a sexual predator ([IC 35-42-4-10](#)).
- (88) Unlawful entry of school property by a serious sex offender ([IC 35-42-4-14](#)).
- (89) Unlawful delivery, manufacture, distribution, or possession of a substance represented to be a controlled substance; factors ([IC 35-48-4-4.6](#)).
- (90) Unlawful possession of a card skimming device ([IC 35-43-5-4.3](#)) (before its repeal).
- (91) Unlawful possession of a firearm by a serious violent felon ([IC 35-47-4-5](#)).
- (92) Unlawful sale or possession of a transaction manipulation device ([IC 35-43-5-4.6](#)) (before its repeal).
- (93) Vicarious sexual gratification; sexual conduct in presence of minor ([IC 35-42-4-5](#)).
- (94) Violation of civil rights ([IC 35-46-2-1](#)).
- (95) Violation of [IC 25-2.1-12](#) (unauthorized practice of accounting) under [IC 25-2.1-13-3](#).
- (96) Violation of [IC 25-2.5](#) (unauthorized practice of acupuncture) under [IC 25-2.5-3-4](#).
- (97) Violation of [IC 25-3.7](#) (unauthorized practice of an anesthesiologist assistant) under [IC 25-3.7-3](#).
- (98) Violation of [IC 25-5.1-4-1](#) (unauthorized practice of athletic trainer) under [IC 25-5.1-4-2](#).
- (99) Violation of [IC 25-5.2-2-12](#) (misconduct by athlete agent) under [IC 25-5.2-2-12](#).
- (100) Violation of [IC 25-6.1-7-1](#) (unauthorized practice of auctioneering) under [IC 25-6.1-7-1](#).
- (101) Violation of [IC 25-6.1-7-2](#) (violation of auctioneering statute) under [IC 25-6.1-7-2](#).
- (102) Violation of [IC 25-8-15.4](#) (unauthorized operation of a tanning facility) under [IC 25-8-15.4-25](#).
- (103) Violation of [IC 25-10-1](#) (unauthorized practice of chiropractic) under [IC 25-10-1-11](#).
- (104) Violation of [IC 25-11-1](#) (violation of the collection agency statute) under [IC 25-11-1-12](#).
- (105) Violation of [IC 25-13-1](#) (unauthorized practice of a dental hygienist) under [IC 25-13-1-3](#).
- (106) Violation of [IC 25-14-1](#) (unauthorized practice of dentistry) under [IC 25-14-1-25](#).
- (107) Violation of [IC 25-14-1-25.5](#) (preventing a dentist from following retirement procedures) under [IC 25-14-1-25.5](#).
- (108) Violation of [IC 25-14-4](#) (unlawful referral services for a dentist) under [IC 25-14-4-6](#).
- (109) Violation of [IC 25-14.3](#) (violation of diabetes educator statute) under [IC 25-14.3-5-1](#).
- (110) Violation of [IC 25-14.5](#) (unauthorized practice of a dietitian) under [IC 25-14.5-7-2](#).
- (111) Violation of [IC 25-16-1](#) (violation of employment services statute) under [IC 25-16-1-18](#).
- (112) Violation of [IC 25-17.3-5](#) (violation of genetic counselors statute) under [IC 25-17.3-5-3](#).
- (113) Violation of [IC 25-17.6-8-2](#) (unauthorized practice of professional geologist) under [IC 25-17.6-8-2](#).
- (114) Violation of [IC 25-20-1](#) (unauthorized practice of hearing aid dealer) under [IC 25-20-1-21](#).
- (115) Violation of [IC 25-20.7-5-1](#) (unauthorized practice of interior designer) under [IC 25-20.7-5-1](#).
- (116) 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](#).
- (117) Violation of [IC 25-21.5-13-2](#) (unauthorized practice of surveying) under [IC 25-21.5-13-2](#).
- (118) Violation of [IC 25-21.8](#) (unauthorized practice of massage therapy) under [IC 25-21.8-7-1](#).
- (119) 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](#).
- (120) Violation of [IC 25-22.5](#) (violation of temporary medical permit statute) under [IC 25-22.5-8-3](#).
- (121) Violation of [IC 25-23-1](#) (unauthorized practice of nursing) under [IC 25-23-1-27](#).
- (122) Violation of [IC 25-23.5-3](#) (unauthorized practice of occupational therapy) under [IC 25-23.5-3-2](#).
- (123) Violation of [IC 25-23.6-3](#) (unauthorized practice of marriage and family therapy) under [IC 25-23.6-3-3](#).
- (124) Violation of [IC 25-23.6-4](#) (unauthorized practice of social work) under [IC 25-23.6-4-4](#).
- (125) Violation of [IC 25-23.6-4.5](#) (violation of mental health counselor statute) under [IC 25-23.6-4.5-4](#).
- (126) Violation of [IC 25-23.6-7-6](#) (providing false information about counselor's educational background) under [IC 25-23.6-7-7](#).
- (127) Violation of [IC 25-23.6-10.1](#) (unauthorized practice of addiction counselor or therapist) under [IC 25-23.6-10.1-6](#).
- (128) Violation of [IC 25-23.6-11-1](#) (unauthorized use of term "psychotherapy" or "clinical psychology") under [IC 25-23.6-11-1](#).
- (129) 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](#).
- (130) 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](#).
- (131) Violation of [IC 25-23.7-7-5](#) (unauthorized practice of home installing) under [IC 25-23.7-7-5](#).
- (132) Violation of [IC 25-23.4](#) (unauthorized practice of direct entry midwife) under [IC 25-23.4-3-7](#).
- (133) Violation of [IC 25-24-1](#) (unauthorized practice of optometry) under [IC 25-24-1-18](#).
- (134) Violation of [IC 25-26-13-29](#) (unauthorized practice of pharmacy or as a pharmacist) under [IC 25-](#)

[26-13-29.](#)

- (135) Violation of any state drug law related to wholesale legend drug distribution ([IC 25-26-14](#)).
- (136) Violation of [IC 25-26-19-9](#) (unauthorized practice of pharmacy technician) under [IC 25-26-19-9](#).
- (137) Violation of [IC 25-26-21](#) (unauthorized provision of home medical equipment provider services) under [IC 25-26-21-11](#).
- (138) Violation of [IC 25-27-1](#) (unauthorized practice of physical therapy) under [IC 25-27-1-12](#).
- (139) Violation of [IC 25-27.5-7](#) (unauthorized practice of physician assistant) under [IC 25-27.5-7-2](#).
- (140) Violation of [IC 25-28.5-1](#) (unauthorized practice of plumbing) under [IC 25-28.5-1-31](#).
- (141) Violation of [IC 25-29](#) (unauthorized practice of podiatry) under [IC 25-29-9-1](#).
- (142) Violation of [IC 25-30-1](#) (unauthorized practice of being a private investigator) under [IC 25-30-1-21](#).
- (143) Violation of [IC 25-30-1.3](#) (unauthorized operation of a security agency) under [IC 25-30-1.3-23](#).
- (144) Violation of [IC 25-31-1-13](#) (making a false statement in an application to become an engineer) under [IC 25-31-1-13](#).
- (145) Violation of [IC 25-31-1](#) (unauthorized practice of engineering) under [IC 25-31-1-27](#).
- (146) Violation of [IC 25-31.5-8-7](#) (unauthorized practice as a registered professional soil scientist) under [IC 25-31.5-8-7](#).
- (147) Violation of [IC 25-33-1-14](#) (unlawful use of title psychologist) under [IC 25-33-1-15](#).
- (148) Violation of [IC 25-34.5-3](#) (unauthorized practice of respiratory care) under [IC 25-34.5-3-2](#).
- (149) Violation of [IC 25-35.6](#) (unauthorized practice of speech-language pathology and audiology) under [IC 25-35.6-3-10](#).
- (150) Violation of [IC 25-36.1-2](#) (violation of certified surgical technology statute) under [IC 25-36.1-2-3](#).
- (151) 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](#).
- (152) Violation of [IC 25-38.1](#) (unauthorized practice of veterinary medicine) under [IC 25-38.1-4-10](#).
- (153) Violation of [IC 25-38.1](#) (unauthorized practice of veterinary technician) under [IC 25-38.1-4-11](#).
- (154) Violation of [IC 25-39-5](#) (unlawful drilling and well installation) under [IC 25-39-5](#).
- (155) Violation of [IC 25-41-1-1](#) (before its repeal) (unauthorized practice of behavior analyst) under [IC 25-41-1-2](#) (before its repeal).
- (156) Voyeurism; public voyeurism; aerial voyeurism ([IC 35-45-4-5](#)).
- (157) Welfare fraud ([IC 35-43-5-7](#)) (before its repeal).
- (158) Worker's compensation fraud ([IC 35-43-5-21](#)) (before its repeal).

(Manufactured Home Installer Licensing Board; [879 IAC 1-10-4](#))

**[879 IAC 1-10-5](#) Convictions in another jurisdiction**

Authority: [IC 25-1-1.1-6](#)

Affected: [IC 25-23.7](#)

Sec. 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 rule shall also be a crime that may disqualify an individual from receiving a license and therefore included on the list.

(Manufactured Home Installer Licensing Board; [879 IAC 1-10-5](#))

**[879 IAC 1-10-6](#) Prelicensure determinations; fee**

Authority: [IC 25-1-1.1-6](#)

Affected: [IC 25-1-1.1-6](#); [IC 25-23.7](#)

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

(Manufactured Home Installer Licensing Board; [879 IAC 1-10-6](#))

[Notice of Public Hearing](#)

