

Final Rule  
LSA Document #23-39

DIGEST

Adds [839 IAC 1-7](#) concerning convictions of concern and related provisions, implementing [IC 25-1-1.1-6](#). Effective 30 days after filing with the publisher.

[839 IAC 1-7](#)

SECTION 1. [839 IAC 1-7](#) IS ADDED TO READ AS FOLLOWS:

**Rule 1. Convictions of Concern**

**[839 IAC 1-7-1](#) Scope**

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

Affected: [IC 25-1-1.1-6](#); [IC 25-23.6](#)

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 25-23.6](#).

*(Behavioral Health and Human Services Licensing Board; [839 IAC 1-7-1](#); filed Oct 16, 2023, 1:43 p.m.: [20231115-IR-839230039FRA](#))*

**[839 IAC 1-7-2](#) Issuance of license**

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

Affected: [IC 25-1-1.1-6](#); [IC 25-23.6](#)

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\(h\)](#).

*(Behavioral Health and Human Services Licensing Board; [839 IAC 1-7-2](#); filed Oct 16, 2023, 1:43 p.m.: [20231115-IR-839230039FRA](#))*

**[839 IAC 1-7-3](#) Authority to issue license on probation**

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

Affected: [IC 25-1-1.1-6](#); [IC 25-1-9-16](#); [IC 25-23.6](#)

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 25-1-9-16](#) or any other applicable statute.

*(Behavioral Health and Human Services Licensing Board; [839 IAC 1-7-3](#); filed Oct 16, 2023, 1:43 p.m.: [20231115-IR-839230039FRA](#))*

**[839 IAC 1-7-4](#) Convictions of concern**

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

Affected: [IC 6-3-6-11](#); [IC 7.1-5-7-8](#); [IC 9-26-1-1.1](#); [IC 9-30-5-4](#); [IC 9-30-5-5](#); [IC 11-8-8-17](#); [IC 11-8-8-18](#); [IC 12-24-17-3](#); [IC 12-24-17-7](#); [IC 16-36-5-27](#); [IC 16-36-5-28](#); [IC 16-42-19](#); [IC 25](#); [IC 31-33-22](#); [IC 31-34-2.3-7](#); [IC 31-34-2.3-8](#); [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 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 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) Penalties; death or catastrophic injury; death of a law enforcement animal ([IC 9-30-5-5](#)) (formerly: Operating a vehicle while intoxicated causing death).
  - (K) Classification of offenses; serious bodily injury ([IC 9-30-5-4](#)) (formerly: Operating a vehicle while intoxicated causing serious bodily injury to another person).
  - (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) Abandonment or neglect of vertebrate animals; defense ([IC 35-46-3-7](#)).
- (4) Abuse of corpse ([IC 35-45-11-2](#)).
- (5) Adoption deception ([IC 35-46-1-9.5](#)).
- (6) Agricultural terrorism ([IC 35-47-12-2](#)) (before its repeal).
- (7) Arson ([IC 35-43-1-1](#)).
- (8) Assisting a criminal ([IC 35-44.1-2-5](#)).
- (9) Assisting suicide ([IC 35-42-1-2.5](#)).
- (10) Attempt under [IC 35-41-5-1](#) to commit an offense listed in this section.
- (11) Attempting to purchase handgun by ineligible person ([IC 35-47-2.5-15](#)) (before its repeal).
- (12) Attendance at fighting contest ([IC 35-46-3-10](#)).
- (13) Auto theft ([IC 35-43-4-2.5](#)) (before its repeal).
- (14) Battery ([IC 35-42-2-1](#)).
- (15) 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](#)).
- (16) Bestiality ([IC 35-46-3-14](#)).
- (17) Bribery ([IC 35-44.1-1-2](#)).
- (18) Burglary ([IC 35-43-2-1](#)).
- (19) Carjacking ([IC 35-42-5-2](#)) (before its repeal).
- (20) Carrying a handgun without being licensed; exceptions; person convicted of domestic battery ([IC 35-47-2-1](#)).
- (21) Causing suicide ([IC 35-42-1-2](#)).
- (22) Child exploitation; possession of child pornography; exemptions; defenses ([IC 35-42-4-4](#)).
- (23) Child sexual trafficking ([IC 35-42-3.5-1.3](#)).
- (24) Child solicitation ([IC 35-42-4-6](#)).
- (25) Conspiracy under [IC 35-41-5-2](#) to commit an offense listed in this section.
- (26) Consumer product tampering; offenses ([IC 35-45-8-3](#)).
- (27) Conversion ([IC 35-43-4-3](#)).
- (28) Corrupt business influence ([IC 35-45-6-2](#)).
- (29) Counterfeiting; false or fraudulent sales receipts; forgery; application fraud ([IC 35-43-5-2](#)).
- (30) Criminal confinement ([IC 35-42-3-3](#)).

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- (31) Criminal mischief; institutional criminal mischief; controlled substance criminal mischief ([IC 35-43-1-2](#)).
  - (32) Criminal organization recruitment ([IC 35-45-9-5](#)).
  - (33) Criminal parole violation by a sexual predator ([IC 35-44.1-3-9](#)).
  - (34) Criminal recklessness; element of hazing; liability barred for good faith report or judicial participation ([IC 35-42-2-2](#)).
  - (35) Criminal stalking ([IC 35-45-10-5](#)).
  - (36) Criminal transfer of a firearm ([IC 35-47-2.5-16](#)).
  - (37) Criminal use or possession of code grabbing device ([IC 35-45-12-2](#)).
  - (38) Cruelty to a law enforcement animal ([IC 35-46-3-11](#)).
  - (39) Cruelty to a search and rescue dog ([IC 35-46-3-11.3](#)).
  - (40) Cruelty to a service animal ([IC 35-46-3-11.5](#)).
  - (41) Dangerous control of a firearm ([IC 35-47-10-6](#)).
  - (42) Dangerous possession and unlawful transfer of a firearm ([IC 35-47-10-5](#)).
  - (43) Dealing in a controlled substance by a practitioner ([IC 35-48-4-1.5](#)).
  - (44) Dealing in a controlled substance resulting in death ([IC 35-42-1-1.5](#)).
  - (45) Dealing in a counterfeit substance ([IC 35-48-4-5](#)).
  - (46) Dealing in a schedule I, II, or III controlled substance or controlled substance analog ([IC 35-48-4-2](#)).
  - (47) Dealing in a schedule IV controlled substance or controlled substance analog ([IC 35-48-4-3](#)).
  - (48) Dealing in a schedule V controlled substance or controlled substance analog ([IC 35-48-4-4](#)).
  - (49) Dealing in a substance represented to be a controlled substance ([IC 35-48-4-4.5](#)) (before its repeal).
  - (50) Dealing in a synthetic drug or synthetic drug lookalike substance ([IC 35-48-4-10.5](#)) (before its repeal).
  - (51) Dealing in cocaine or narcotic drug ([IC 35-48-4-1](#)).
  - (52) Dealing in marijuana, hash oil, hashish, or salvia ([IC 35-48-4-10](#)).
  - (53) Dealing in methamphetamine ([IC 35-48-4-1.1](#)).
  - (54) Dealing in paraphernalia ([IC 35-48-4-8.5](#)).
  - (55) Deception ([IC 35-43-5-3](#)).
  - (56) Deception with intent to cause withholding of CPR ([IC 16-36-5-28](#)).
  - (57) Delivery of deadly weapon to intoxicated person ([IC 35-47-4-1](#)).
  - (58) Deploying a booby trap ([IC 35-47.5-5-10](#)).
  - (59) Destruction of declaration; forgery of revocation ([IC 16-36-5-27](#)).
  - (60) Destructive device or explosive to kill, injure, or intimidate or to destroy property ([IC 35-47.5-5-8](#)).
  - (61) Destructive devices ([IC 35-47.5-5-2](#)).
  - (62) Disarming a law enforcement officer ([IC 35-44.1-3-2](#)).
  - (63) Disrupting operation of aircraft ([IC 35-47-6-1.6](#)).
  - (64) Dissemination of matter or conducting performance harmful to minors ([IC 35-49-3-3](#)).
  - (65) Distribution of destructive device, explosive, or detonator to a minor ([IC 35-47.5-5-5](#)).
  - (66) Distribution of regulated explosives to persons convicted of felony ([IC 35-47.5-5-4](#)).
  - (67) Domestic battery ([IC 35-42-2-1.3](#)).
  - (68) Domestic violence animal cruelty ([IC 35-46-3-12.5](#)).
  - (69) Dumping controlled substance waste ([IC 35-48-4-4.1](#)).
  - (70) Duties of driver of motor vehicle involved in accident; sentencing ([IC 9-26-1-1.1](#)).
  - (71) Decompression of animals ([IC 35-46-3-15](#)) (formerly: Electrocutation or decompression of animals).
  - (72) 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](#)).
  - (73) Escape ([IC 35-44.1-3-4](#)).
  - (74) Evasion of tax; offenses; prosecution ([IC 6-3-6-11](#)).
  - (75) Exploitation of dependent or endangered adult; financial exploitation of endangered adult; violation classification ([IC 35-46-1-12](#)).
  - (76) Failure of carriers of dangerous communicable diseases to warn persons at risk ([IC 35-45-21-3](#)).
  - (77) Failure to make report ([IC 31-33-22-1](#)).
  - (78) False government issued identification ([IC 35-43-5-2.5](#)).
  - (79) False identity statement ([IC 35-44.1-2-4](#)).
  - (80) False reporting; false informing ([IC 35-44.1-2-3](#)).
  - (81) False reports; criminal and civil liability; notification of prosecuting attorney ([IC 31-33-22-3](#)).
  - (82) Feticide ([IC 35-42-1-6](#)).
  - (83) Firearm, explosive, or deadly weapon; possession in commercial or chartered aircraft ([IC 35-47-6-1](#)).

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- (84) Firearm, explosive, or deadly weapon; possession in controlled access areas of an airport ([IC 35-47-6-1.3](#)).
  - (85) Firearms and handguns; giving false information or offering false evidence of identity ([IC 35-47-2-17](#)).
  - (86) Fraud ([IC 35-43-5-4](#)).
  - (87) Fraud on financial institutions ([IC 35-43-5-8](#)) (before its repeal).
  - (88) Harassment; "obscene message" defined ([IC 35-45-2-2](#)).
  - (89) Hindering or obstructing detection, disarming, or destruction of destructive device ([IC 35-47.5-5-7](#)).
  - (90) Hoax devices or replicas ([IC 35-47.5-5-6](#)).
  - (91) Homicide ([IC 35-42-1](#)).
  - (92) Human organ trafficking ([IC 35-46-5-1](#)).
  - (93) Human trafficking ([IC 35-42-3.5-1.4](#)).
  - (94) Identity deception ([IC 35-43-5-3.5](#)).
  - (95) Impersonation of a public servant ([IC 35-44.1-2-6](#)).
  - (96) Inappropriate communication with a child ([IC 35-42-4-13](#)).
  - (97) Inmate fraud ([IC 35-43-5-20](#)) (before its repeal).
  - (98) Insurance fraud; insurance application fraud ([IC 35-43-5-4.5](#)) (before its repeal).
  - (99) Insurance fraud ([IC 35-43-5-7.2](#)) (before its repeal).
  - (100) Interference with custody ([IC 35-42-3-4](#)).
  - (101) Interference with the reporting of a crime ([IC 35-45-2-5](#)).
  - (102) Interfering with drug or alcohol screening test ([IC 35-43-5-19](#)).
  - (103) Intimidation ([IC 35-45-2-1](#)).
  - (104) Invasion of privacy; offense; penalties ([IC 35-46-1-15.1](#)).
  - (105) Legend drug deception; penalty ([IC 35-43-10-3](#)).
  - (106) Loansharking ([IC 35-45-7-2](#)).
  - (107) Malicious mischief ([IC 35-45-16-2](#)).
  - (108) Making an unlawful proposition ([IC 35-45-4-3](#)).
  - (109) Manufacture of paraphernalia ([IC 35-48-4-8.1](#)).
  - (110) Manufacturing methamphetamine ([IC 35-48-4-1.2](#)).
  - (111) Medicaid fraud ([IC 35-43-5-7.1](#)) (before its repeal).
  - (112) Money laundering; defenses ([IC 35-45-15-5](#)).
  - (113) Neglect, abuse, or maltreatment of a patient in a state institution; penalty ([IC 12-24-17-3](#)).
  - (114) Neglect of a dependent; child selling ([IC 35-46-1-4](#)).
  - (115) Obscene performance ([IC 35-49-3-2](#)).
  - (116) Obstruction of delivery of prescription drug ([IC 35-45-21-5](#)).
  - (117) Obstruction of justice ([IC 35-44.1-2-2](#)).
  - (118) Obtaining child abuse information under false pretenses; knowingly falsifying records or interfering with an investigation ([IC 31-33-22-2](#)).
  - (119) Offenses concerning Social Security numbers ([IC 35-44.2-4-2](#)).
  - (120) Offenses relating to registration labeling and prescription forms ([IC 35-48-4-14](#)).
  - (121) Official misconduct ([IC 35-44.1-1-1](#)).
  - (122) Participation in criminal organization; offense ([IC 35-45-9-3](#)).
  - (123) Perjury ([IC 35-44.1-2-1](#)).
  - (124) Permitting child to possess a firearm ([IC 35-47-10-7](#)).
  - (125) Pointing firearm at another person ([IC 35-47-4-3](#)).
  - (126) Possession of a controlled substance; obtaining a schedule V controlled substance or controlled substance analog ([IC 35-48-4-7](#)).
  - (127) Possession of a dangerous device while incarcerated ([IC 35-44.1-3-7](#)).
  - (128) Possession of animal fighting paraphernalia ([IC 35-46-3-8.5](#)).
  - (129) Possession of cocaine or narcotic drug ([IC 35-48-4-6](#)).
  - (130) Possession of device or substance used to interfere with drug or alcohol screening test ([IC 35-43-5-18](#)).
  - (131) Possession of firearms on school property or a school bus; possession of firearms in a motor vehicle parked in a school parking lot; defense to a prosecution ([IC 35-47-9-2](#)).
  - (132) Possession of marijuana, hash oil, hashish, or salvia ([IC 35-48-4-11](#)).
  - (133) Possession of methamphetamine ([IC 35-48-4-6.1](#)).
  - (134) Possession of paraphernalia ([IC 35-48-4-8.3](#)).
  - (135) Possession or sale of drug precursors ([IC 35-48-4-14.5](#)).
  - (136) Profiteering from public service ([IC 35-44.1-1-5](#)).
  - (137) "Machine gun"; prohibited sales or transfers of ownership ([IC 35-47-2-7](#)).

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- (138) Promoting an animal fighting contest ([IC 35-46-3-9.5](#)).
  - (139) Promoting prostitution ([IC 35-45-4-4](#)).
  - (140) Promotion of child sexual trafficking; promotion of sexual trafficking of a younger child ([IC 35-42-3.5-1.2](#)).
  - (141) Promotion of human labor trafficking ([IC 35-42-3.5-1](#)).
  - (142) Promotion of human sexual trafficking ([IC 35-42-3.5-1.1](#)).
  - (143) Promotion, use of animals, or attendance with animal at animal fighting contest ([IC 35-46-3-9](#)).
  - (144) Public indecency ([IC 35-45-4-1](#)).
  - (145) Public nudity ([IC 35-45-4-1.5](#)).
  - (146) Purchase or possession of animals for fighting contests ([IC 35-46-3-8](#)).
  - (147) "Qualified egg bank"; unlawful transfer of human organisms; exceptions; penalties ([IC 35-46-5-3](#)).
  - (148) Reckless supervision ([IC 35-46-1-4.1](#)).
  - (149) Registration violations; penalty ([IC 11-8-8-17](#)).
  - (150) Regulated explosives; persons convicted of felonies; prior unrelated convictions ([IC 35-47.5-5-3](#)).
  - (151) Removal of attack dog's vocal cords; animal cruelty ([IC 35-46-3-13](#)).
  - (152) Residential entry ([IC 35-43-2-1.5](#)).
  - (153) Resisting law enforcement ([IC 35-44.1-3-1](#)).
  - (154) Rioting ([IC 35-45-1-2](#)).
  - (155) Robbery ([IC 35-42-5-1](#)).
  - (156) Sale, distribution, or exhibition of obscene matter ([IC 35-49-3-1](#)).
  - (157) Sale or distribution of HIV testing equipment ([IC 35-45-21-2](#)).
  - (158) Sale to minors prohibited; furnishing property for the purpose of enabling minors to consume alcohol prohibited ([IC 7.1-5-7-8](#)).
  - (159) Sex offender Internet offense ([IC 35-42-4-12](#)).
  - (160) Sex offender residency restrictions ([IC 35-42-4-11](#)).
  - (161) Sex offender unmanned aerial vehicle offense ([IC 35-42-4-12.5](#)).
  - (162) Sexual battery ([IC 35-42-4-8](#)).
  - (163) Sexual misconduct with a service provider ([IC 35-44.1-3-10](#)).
  - (164) Sexually violent predator; duty to notify ([IC 11-8-8-18](#)).
  - (165) Stolen valor fraud ([IC 35-43-5-22](#)) (before its repeal).
  - (166) Strangulation ([IC 35-42-2-9](#)).
  - (167) Synthetic drug or synthetic drug lookalike substance; penalties ([IC 35-48-4-11.5](#)) (before its repeal).
  - (168) Synthetic identity deception ([IC 35-43-5-3.8](#)) (before its repeal).
  - (169) "Synthetic urine" ([IC 35-43-5-19.5](#)).
  - (170) Tampering with a water supply; poisoning ([IC 35-43-1-5](#)).
  - (171) Terrorism ([IC 35-47-12-1](#)) (before its repeal).
  - (172) Terroristic deception ([IC 35-43-5-3.6](#)) (before its repeal).
  - (173) Terroristic mischief ([IC 35-47-12-3](#)) (before its repeal).
  - (174) Theft ([IC 35-43-4-2](#)).
  - (175) Threats; refusal to join or withdrawal from organization; intimidation offense ([IC 35-45-9-4](#)).
  - (176) Torture or mutilation of a vertebrate animal; killing a domestic animal ([IC 35-46-3-12](#)).
  - (177) Trafficking with an inmate; carrying a deadly weapon into a correctional facility ([IC 35-44.1-3-5](#)).
  - (178) Trafficking with an inmate outside a facility ([IC 35-44.1-3-6](#)).
  - (179) Transferring contaminated body fluids ([IC 35-45-21-1](#)).
  - (180) Undisclosed transport of dangerous device ([IC 35-47-6-1.1](#)).
  - (181) Unlawful employment by a sexual predator ([IC 35-42-4-10](#)).
  - (182) Unlawful entry of school property by a serious sex offender ([IC 35-42-4-14](#)).
  - (183) Unlawful entry to restricted area of airport ([IC 35-47-6-1.4](#)).
  - (184) Unlawful delivery, manufacture, distribution, or possession of a substance represented to be a controlled substance; factors ([IC 35-48-4-4.6](#)).
  - (185) Unlawful participation in human cloning; exception ([IC 35-46-5-2](#)).
  - (186) Unlawful possession of a firearm by a domestic batterer ([IC 35-47-4-6](#)).
  - (187) Unlawful possession of a firearm by a serious violent felon ([IC 35-47-4-5](#)).
  - (188) Unlawful purchase of a handgun ([IC 35-47-2.5-14](#)) (before its repeal).
  - (189) Unlawful transfer of fetal tissue ([IC 35-46-5-1.5](#)).
  - (190) Unlawful use of a communications medium; definitions ([IC 35-45-2-3](#)) (before its repeal).
  - (191) Use of overpressure device ([IC 35-47.5-5-9](#)).
  - (192) Use of regulated explosive in violation of commission rule ([IC 35-47.5-5-11](#)).
  - (193) Vicarious sexual gratification; sexual conduct in presence of a minor ([IC 35-42-4-5](#)).

- (194) Violation of civil rights ([IC 35-46-2-1](#)).
- (195) Violation of [IC 25-2.1-12](#) (unauthorized practice of accounting) under [IC 25-2.1-13-3](#).
- (196) Violation of [IC 25-2.5](#) (unauthorized practice of acupuncture) under [IC 25-2.5-3-4](#).
- (197) Violation of [IC 25-3.7](#) (unauthorized practice of an anesthesiologist assistant) under [IC 25-3.7-3](#).
- (198) Violation of [IC 25-5.1-4-1](#) (unauthorized practice of athletic trainer) under [IC 25-5.1-4-2](#).
- (199) Violation of [IC 25-6.1-7-1](#) (unauthorized practice of auctioneering) under [IC 25-6.1-7-1](#).
- (200) Violation of [IC 25-6.1-7-2](#) (violation of auctioneering statute) under [IC 25-6.1-7-2](#).
- (201) Violation of [IC 25-8-15.4](#) (unauthorized operation of a tanning facility) under [IC 25-8-15.4-25](#).
- (202) Violation of [IC 25-10-1](#) (unauthorized practice of chiropractic) under [IC 25-10-1-11](#).
- (203) Violation of [IC 25-11-1](#) (violation of the collection agency statute) under [IC 25-11-1-12](#).
- (204) Violation of [IC 25-13-1](#) (unauthorized practice of dental hygienist) under [IC 25-13-1-3](#).
- (205) Violation of [IC 25-14-1](#) (unauthorized practice of dentistry) under [IC 25-14-1-25](#).
- (206) Violation of [IC 25-14.3](#) (violation of diabetes educator statute) under [IC 25-14.3-5-1](#).
- (207) Violation of [IC 25-14.5](#) (unauthorized practice of dietitian) under [IC 25-14.5-7-2](#).
- (208) Violation of [IC 25-16-1](#) (violation of employment services statute) under [IC 25-16-1-18](#) [[IC 25-16](#) was repealed by P.L. 149-2023, SECTION 20, effective July 1, 2023].
- (209) Violation of [IC 25-17.3-5](#) (violation of genetic counselors statute) under [IC 25-17.3-5-3](#).
- (210) Violation of [IC 25-17.6-8-2](#) (unauthorized practice of professional geologist) under [IC 25-17.6-8-2](#).
- (211) Violation of [IC 25-20-1](#) (unauthorized practice of hearing aid dealer) under [IC 25-20-1-21](#).
- (212) Violation of [IC 25-20.7-5-1](#) (unauthorized practice of interior designer) under [IC 25-20.7-5-1](#).
- (213) Violation of [IC 25-21.5-13-2](#) (unauthorized practice of surveying) under [IC 25-21.5-13-2](#).
- (214) Violation of [IC 25-21.8](#) (unauthorized practice of massage therapy) under [IC 25-21.8-7-1](#).
- (215) 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](#).
- (216) Violation of [IC 25-22.5](#) (violation of temporary medical permit statute) under [IC 25-22.5-8-3](#).
- (217) Violation of [IC 25-23-1](#) (unauthorized practice of nursing) under [IC 25-23-1-27](#).
- (218) Violation of [IC 25-23.5-3](#) (unauthorized practice of occupational therapy) under [IC 25-23.5-3-2](#).
- (219) Violation of [IC 25-23.6-3](#) (unauthorized practice of marriage and family therapy) under [IC 25-23.6-3-3](#).
- (220) Violation of [IC 25-23.6-4](#) (unauthorized practice of social work) under [IC 25-23.6-4-4](#).
- (221) Violation of [IC 25-23.6-4.5](#) (violation of mental health counselor statute) under [IC 25-23.6-4.5-4](#).
- (222) Violation of [IC 25-23.6-10.1](#) (unauthorized practice of addiction counselor or therapist) under [IC 25-23.6-10.1-6](#).
- (223) Violation of [IC 25-23.6-11-1](#) (unauthorized use of term "psychotherapy" or "clinical psychology") under [IC 25-23.6-11-1](#).
- (224) 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](#).
- (225) 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](#).
- (226) Violation of [IC 25-23.7-7-5](#) (unauthorized practice of home installing) under [IC 25-23.7-7-5](#).
- (227) Violation of [IC 25-23.4](#) (unauthorized practice of direct entry midwife) under [IC 25-23.4-3-7](#).
- (228) Violation of [IC 25-24-1](#) (unauthorized practice of optometry) under [IC 25-24-1-18](#).
- (229) Violation of [IC 25-26-13-29](#) (unauthorized practice of pharmacy or as a pharmacist) under [IC 25-26-13-29](#).
- (230) Violation of any state drug law related to wholesale legend drug distribution ([IC 25-26-14](#)).
- (231) Violation of [IC 25-26-19-9](#) (unauthorized practice of pharmacy technician) under [IC 25-26-19-9](#).
- (232) Violation of [IC 25-26-21](#) (unauthorized provision of home medical equipment provider services) under [IC 25-26-21-11](#).
- (233) Violation of [IC 25-27-1](#) (unauthorized practice of physical therapy) under [IC 25-27-1-12](#).
- (234) Violation of [IC 25-27.5-7](#) (unauthorized practice of physician assistant) under [IC 25-27.5-7-2](#).
- (235) Violation of [IC 25-28.5-1](#) (unauthorized practice of plumbing) under [IC 25-28.5-1-31](#).
- (236) Violation of [IC 25-29](#) (unauthorized practice of podiatry) under [IC 25-29-9-1](#).
- (237) Violation of [IC 25-30-1](#) (unauthorized practice of being a private investigator) under [IC 25-30-1-21](#).
- (238) Violation of [IC 25-30-1.3](#) (unauthorized operation of a security agency) under [IC 25-30-1.3-23](#).
- (239) Violation of [IC 25-31-1](#) (unauthorized practice of engineering) under [IC 25-31-1-27](#).
- (240) Violation of [IC 25-31.5-8-7](#) (unauthorized practice as a registered professional soil scientist) under [IC 25-31.5-8-7](#).
- (241) Violation of [IC 25-33-1-14](#) (unlawful use of title "psychologist") under [IC 25-33-1-15](#).
- (242) Violation of [IC 25-34.5-3](#) (unauthorized practice of respiratory care) under [IC 25-34.5-3-2](#).
- (243) Violation of [IC 25-35.6](#) (unauthorized practice of speech-language pathology and audiology) under [IC 25-35.6-3-10](#).

- (244) Violation of [IC 25-36.1-2](#) (violation of certified surgical technologist statute) under [IC 25-36.1-2-3](#).
- (245) 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](#).
- (246) Violation of [IC 25-38.1](#) (unauthorized practice of veterinary medicine) under [IC 25-38.1-4-10](#).
- (247) Violation of [IC 25-38.1](#) (unauthorized practice of veterinary technician) under [IC 25-38.1-4-11](#).
- (248) Violation of [IC 25-39-5](#) (unlawful drilling and well installation) under [IC 25-39-5](#).
- (249) Violation of [IC 25-41-1-1](#) (before its repeal) (unauthorized practice of behavior analyst) under [IC 25-41-1-2](#) (before its repeal).
- (250) Violation of Indiana Legend Drug Act ([IC 16-42-19](#)).
- (251) Violation of order by parent or other custodian of child ([IC 31-34-2.3-7](#)).
- (252) Violation of order by alleged perpetrator of child abuse or neglect ([IC 31-34-2.3-8](#)).
- (253) Voyeurism; public voyeurism; aerial voyeurism ([IC 35-45-4-5](#)).
- (254) Welfare fraud ([IC 35-43-5-7](#)) (before its repeal).
- (255) Worker's compensation fraud ([IC 35-43-5-21](#)) (before its repeal).

(Behavioral Health and Human Services Licensing Board; [839 IAC 1-7-4](#); filed Oct 16, 2023, 1:43 p.m.: [20231115-IR-839230039FRA](#))

### [839 IAC 1-7-5](#) Convictions in another jurisdiction

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

Affected: [IC 25-23.6](#)

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.

(Behavioral Health and Human Services Licensing Board; [839 IAC 1-7-5](#); filed Oct 16, 2023, 1:43 p.m.: [20231115-IR-839230039FRA](#))

### [839 IAC 1-7-6](#) Prelicensure determinations; fee

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

Affected: [IC 25-1-1.1-6](#); [IC 25-23.6](#)

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 is twenty-five dollars (\$25).

(Behavioral Health and Human Services Licensing Board; [839 IAC 1-7-6](#); filed Oct 16, 2023, 1:43 p.m.: [20231115-IR-839230039FRA](#))

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