

Final Rule
LSA Document #23-44

DIGEST

Adds [840 IAC 1-4](#), concerning convictions of concern and related provisions, implementing [IC 25-1-1.1-6](#). Effective 30 days after filing with the publisher.

[840 IAC 1-4](#)

SECTION 1. [840 IAC 1-4](#) IS ADDED TO READ AS FOLLOWS:

Rule 4. Convictions of Concern

[840 IAC 1-4-1](#) Scope

Authority: [IC 25-1-1.1-6](#); [IC 25-19-1-4](#)

Affected: [IC 25-1-1.1-6](#); [IC 25-2.5](#); [IC 25-3.7](#); [IC 25-14.3](#); [IC 25-14.5](#); [IC 25-17.3](#); [IC 25-20](#); [IC 25-22.5](#); [IC 25-23.4](#); [IC 25-23.5](#); [IC 25-27.5](#); [IC 25-34.5](#)

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 25-2.5](#), [IC 25-3.7](#), [IC 25-14.3](#), [IC 25-14.5](#), [IC 25-17.3](#), [IC 25-20](#), [IC 25-22.5](#), [IC 25-23.4](#), [IC 25-23.5](#), [IC 25-27.5](#), or [IC 25-34.5](#).

(Indiana State Board of Health Facility Administrators; [840 IAC 1-4-1](#); filed Oct 23, 2023, 3:43 p.m.: [20231122-IR-840230044FRA](#))

[840 IAC 1-4-2](#) Issuance of license

Authority: [IC 25-1-1.1-6](#); [IC 25-19-1-4](#)

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

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\(h\)](#).

(Indiana State Board of Health Facility Administrators; [840 IAC 1-4-2](#); filed Oct 23, 2023, 3:43 p.m.: [20231122-IR-840230044FRA](#))

[840 IAC 1-4-3](#) Authority to issue license on probation

Authority: [IC 25-1-1.1-6](#); [IC 25-19-1-4](#)

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

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 25-1-11-16](#) [[IC 25-1-11-19](#)] or any other applicable statute.

(Indiana State Board of Health Facility Administrators; [840 IAC 1-4-3](#); filed Oct 23, 2023, 3:43 p.m.: [20231122-IR-840230044FRA](#))

[840 IAC 1-4-4](#) Convictions of concern

Authority: [IC 25-1-1.1-6](#); [IC 25-19-1-4](#)

Affected: [IC 6-3-6-11](#); [IC 7.1-5-1-3](#); [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 12-17.2-5-1](#); [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 23-0.5-2-9](#); [IC 23-19-5-2](#); [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 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) 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) Altering historic property ([IC 35-43-1-6](#)).
- (8) Armor-piercing ammunition; offense; exception ([IC 35-47-5-11.5](#)).
- (9) Arson ([IC 35-43-1-1](#)).
- (10) Assisting a criminal ([IC 35-44.1-2-5](#)).
- (11) Assisting suicide ([IC 35-42-1-2.5](#)).
- (12) Attempt under [IC 35-41-5-1](#) to commit an offense listed in this section.
- (13) Attempting to purchase handgun by ineligible person ([IC 35-47-2.5-15](#)) (before its repeal).
- (14) Attendance at fighting contest ([IC 35-46-3-10](#)).
- (15) Auto theft ([IC 35-43-4-2.5](#)) (before its repeal).
- (16) Battery ([IC 35-42-2-1](#)).
- (17) 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](#)).
- (18) Bestiality ([IC 35-46-3-14](#)).
- (19) Bigamy ([IC 35-46-1-2](#)).
- (20) Bribery ([IC 35-44.1-1-2](#)).
- (21) Burglary ([IC 35-43-2-1](#)).
- (22) Carjacking ([IC 35-42-5-2](#)) (before its repeal).
- (23) Carrying a handgun without being licensed; exceptions; person convicted of domestic battery ([IC 35-47-2-1](#)).
- (24) Causing suicide ([IC 35-42-1-2](#)).
- (25) Cemetery mischief ([IC 35-43-1-2.1](#)).
- (26) Check deception ([IC 35-43-5-5](#)) [*sic, (before its repeal)*].
- (27) Check fraud ([IC 35-43-5-12](#)) [*sic, (before its repeal)*].
- (28) Child exploitation; possession of child pornography; exemptions; defenses ([IC 35-42-4-4](#)).

- (29) Child sexual trafficking ([IC 35-42-3.5-1.3](#)).
- (30) Child solicitation ([IC 35-42-4-6](#)).
- (31) "Chinese throwing star" defined; related offenses ([IC 35-47-5-12](#)).
- (32) Computer trespass; computer hoarding programs ([IC 35-43-2-3](#)).
- (33) Conflict of interest ([IC 35-44.1-1-4](#)).
- (34) Conspiracy under [IC 35-41-5-2](#) to commit an offense listed in this section.
- (35) Consumer product tampering; offenses ([IC 35-45-8-3](#)).
- (36) Contributing to the delinquency of a minor ([IC 35-46-1-8](#)).
- (37) Conversion ([IC 35-43-4-3](#)).
- (38) Corrupt business influence ([IC 35-45-6-2](#)).
- (39) Counterfeiting; false or fraudulent sales receipts; forgery; application fraud ([IC 35-43-5-2](#)).
- (40) Criminal confinement ([IC 35-42-3-3](#)).
- (41) Criminal mischief; institutional criminal mischief; controlled substance criminal mischief ([IC 35-43-1-2](#)).
- (42) Criminal organization recruitment ([IC 35-45-9-5](#)).
- (43) Criminal parole violation by a sexual predator ([IC 35-44.1-3-9](#)).
- (44) Criminal recklessness; element of hazing; liability barred for good faith report or judicial participation ([IC 35-42-2-2](#)).
- (45) Criminal stalking ([IC 35-45-10-5](#)).
- (46) Criminal transfer of a firearm ([IC 35-47-2.5-16](#)).
- (47) Criminal trespass; denial of entry; denial by posting with purple marks; permission to enter; exceptions ([IC 35-43-2-2](#)).
- (48) Criminal use or possession of code grabbing device ([IC 35-45-12-2](#)).
- (49) Cruelty to a law enforcement animal ([IC 35-46-3-11](#)).
- (50) Cruelty to a search and rescue dog ([IC 35-46-3-11.3](#)).
- (51) Cruelty to a service animal ([IC 35-46-3-11.5](#)).
- (52) Dangerous control of a firearm ([IC 35-47-10-6](#)).
- (53) Dangerous possession and unlawful transfer of a firearm ([IC 35-47-10-5](#)).
- (54) Dealing in a controlled substance by a practitioner ([IC 35-48-4-1.5](#)).
- (55) Dealing in a controlled substance resulting in death ([IC 35-42-1-1.5](#)).
- (56) Dealing in a counterfeit substance ([IC 35-48-4-5](#)).
- (57) Dealing in a schedule I, II, or III controlled substance or controlled substance analog ([IC 35-48-4-2](#)).
- (58) Dealing in a schedule IV controlled substance or controlled substance analog ([IC 35-48-4-3](#)).
- (59) Dealing in a schedule V controlled substance or controlled substance analog ([IC 35-48-4-4](#)).
- (60) Dealing in a substance represented to be a controlled substance ([IC 35-48-4-4.5](#)) (before its repeal).
- (61) Dealing in a synthetic drug or synthetic drug lookalike substance ([IC 35-48-4-10.5](#)) (before its repeal).
- (62) Dealing in cocaine or narcotic drug ([IC 35-48-4-1](#)).
- (63) Dealing in marijuana, hash oil, hashish, or salvia ([IC 35-48-4-10](#)).
- (64) Dealing in methamphetamine ([IC 35-48-4-1.1](#)).
- (65) Dealing in paraphernalia ([IC 35-48-4-8.5](#)).
- (66) Deception ([IC 35-43-5-3](#)).
- (67) Deception with intent to cause withholding of CPR ([IC 16-36-5-28](#)).
- (68) Delivery of deadly weapon to intoxicated person ([IC 35-47-4-1](#)).
- (69) Deploying a booby trap ([IC 35-47.5-5-10](#)).
- (70) Destruction of declaration; forgery of revocation ([IC 16-36-5-27](#)).
- (71) Destructive device or explosive to kill, injure, or intimidate or to destroy property ([IC 35-47.5-5-8](#)).
- (72) Destructive devices ([IC 35-47.5-5-2](#)).
- (73) Directing laser pointer at public safety officer or state police motor carrier inspector ([IC 35-47-4.5-4](#)).
- (74) Disarming a law enforcement officer ([IC 35-44.1-3-2](#)).
- (75) Disrupting operation of aircraft; a Class B felony ([IC 35-47-6-1.6](#)).
- (76) Dissemination of matter or conducting performance harmful to minors ([IC 35-49-3-3](#)).
- (77) Distribution of destructive device, explosive, or detonator to a minor ([IC 35-47.5-5-5](#)).
- (78) Distribution of regulated explosives to persons convicted of felony ([IC 35-47.5-5-4](#)).
- (79) Domestic battery ([IC 35-42-2-1.3](#)).
- (80) Domestic violence animal cruelty ([IC 35-46-3-12.5](#)).
- (81) Dumping controlled substance waste ([IC 35-48-4-4.1](#)).
- (82) Duties of driver of motor vehicle involved in accident; sentencing ([IC 9-26-1-1.1](#)).

- (83) Decompression of animals ([IC 35-46-3-15](#)).
- (84) 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](#)).
- (85) Escape ([IC 35-44.1-3-4](#)).
- (86) Evasion of tax; offenses; prosecution ([IC 6-3-6-11](#)).
- (87) Exploitation of dependent or endangered adult; financial exploitation of endangered adult; violation classification ([IC 35-46-1-12](#)).
- (88) Failure of carriers of dangerous communicable diseases to warn persons at risk ([IC 35-45-21-3](#)).
- (89) Failure to appear ([IC 35-44.1-2-9](#)).
- (90) Failure to make report ([IC 31-33-22-1](#)).
- (91) Failure to report a dead body ([IC 35-45-19-3](#)).
- (92) Failure to respond to a summons ([IC 35-44.1-2-10](#)).
- (93) False government issued identification ([IC 35-43-5-2.5](#)).
- (94) False identity statement ([IC 35-44.1-2-4](#)).
- (95) False reporting; false informing ([IC 35-44.1-2-3](#)).
- (96) False reports; criminal and civil liability; notification of prosecuting attorney ([IC 31-33-22-3](#)).
- (97) Feticide ([IC 35-42-1-6](#)).
- (98) Firearm, explosive, or deadly weapon; possession in commercial or chartered aircraft ([IC 35-47-6-1](#)).
- (99) Firearm, explosive, or deadly weapon; possession in controlled access areas of an airport ([IC 35-47-6-1.3](#)).
- (100) Firearms and handguns; giving false information or offering false evidence of identity ([IC 35-47-2-17](#)).
- (101) Fraud ([IC 35-43-5-4](#)).
- (102) Fraud on financial institutions ([IC 35-43-5-8](#)) [*sic, (before its repeal)*].
- (103) Ghost employment ([IC 35-44.1-1-3](#)).
- (104) Harassment; "obscene message" defined ([IC 35-45-2-2](#)).
- (105) Harboring a non-immunized dog ([IC 35-46-3-1](#)).
- (106) Hindering or obstructing detection, disarming, or destruction of destructive device ([IC 35-47.5-5-7](#)).
- (107) Hoax devices or replicas ([IC 35-47.5-5-6](#)).
- (108) Home improvement fraud ([IC 35-43-6-12](#)) [*sic, (before its repeal)*].
- (109) Homicide ([IC 35-42-1](#)).
- (110) Human organ trafficking ([IC 35-46-5-1](#)).
- (111) Human trafficking ([IC 35-42-3.5-1.4](#)).
- (112) Identity deception ([IC 35-43-5-3.5](#)).
- (113) Impersonating a firefighter at an emergency incident area ([IC 35-44.1-4-7](#)).
- (114) Impersonation of a public servant ([IC 35-44.1-2-6](#)).
- (115) Inappropriate communication with a child ([IC 35-42-4-13](#)).
- (116) Indecent display by a youth ([IC 35-45-4-6](#)).
- (117) Inhaling toxic vapors ([IC 35-46-6-2](#)).
- (118) Inmate fraud ([IC 35-43-5-20](#)) [*sic, (before its repeal)*].
- (119) Insurance fraud; insurance application fraud ([IC 35-43-5-4.5](#)) [*sic, (before its repeal)*].
- (120) Insurance fraud ([IC 35-43-5-7.2](#)) [*sic, (before its repeal)*].
- (121) Intentional signing of false document ([IC 23-0.5-2-9](#)).
- (122) Interference with custody ([IC 35-42-3-4](#)).
- (123) Interference with jury service ([IC 35-44.1-2-11](#)).
- (124) Interference with the reporting of a crime ([IC 35-45-2-5](#)).
- (125) Interference with witness service ([IC 35-44.1-2-12](#)).
- (126) Interfering with drug or alcohol screening test ([IC 35-43-5-19](#)).
- (127) Intimidation ([IC 35-45-2-1](#)).
- (128) Invasion of privacy; offense; penalties ([IC 35-46-1-15.1](#)).
- (129) Knife with a detachable blade ([IC 35-47-5-2](#)).
- (130) Legend drug deception; penalty ([IC 35-43-10-3](#)).
- (131) Loansharking ([IC 35-45-7-2](#)).
- (132) Machine gun ([IC 35-47-5-8](#)).
- (133) Malicious mischief ([IC 35-45-16-2](#)).
- (134) Making a false sales document ([IC 35-43-5-16](#)) [*sic, (before its repeal)*].
- (135) Making an unlawful proposition ([IC 35-45-4-3](#)).
- (136) Manufacture of paraphernalia ([IC 35-48-4-8.1](#)).
- (137) Manufacturing methamphetamine ([IC 35-48-4-1.2](#)).

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- (138) Medicaid fraud ([IC 35-43-5-7.1](#)) [*sic, (before its repeal)*].
- (139) Money laundering; defenses ([IC 35-45-15-5](#)).
- (140) Neglect, abuse, or maltreatment of a patient in a state institution; penalty ([IC 12-24-17-3](#)).
- (141) Neglect of a dependent; child selling ([IC 35-46-1-4](#)).
- (142) Nitrous oxide distribution; nonmedical purposes ([IC 35-46-6-3](#)).
- (143) Nonsupport of a dependent child ([IC 35-46-1-5](#)).
- (144) Nonsupport of a parent ([IC 35-46-1-7](#)).
- (145) Nonsupport of a spouse ([IC 35-46-1-6](#)).
- (146) Notario publico deception ([IC 35-43-5-3.7](#)).
- (147) Notary fraud; notarial fraud ([IC 35-43-5-23](#)).
- (148) Obscene performance ([IC 35-49-3-2](#)).
- (149) Obstructing a firefighter ([IC 35-44.1-4-8](#)).
- (150) Obstructing an emergency medical person ([IC 35-44.1-4-9](#)).
- (151) Obstruction of delivery of prescription drug ([IC 35-45-21-5](#)).
- (152) Obstruction of justice ([IC 35-44.1-2-2](#)).
- (153) Obstruction of traffic ([IC 35-44.1-2-13](#)).
- (154) Obtaining child abuse information under false pretenses; knowingly falsifying records or interfering with an investigation ([IC 31-33-22-2](#)).
- (155) Offense against computer users ([IC 35-43-1-8](#)).
- (156) Offense against intellectual property ([IC 35-43-1-7](#)).
- (157) Offenses concerning Social Security numbers ([IC 35-44.2-4-2](#)).
- (158) Offenses relating to registration labeling and prescription forms ([IC 35-48-4-14](#)).
- (159) Official misconduct ([IC 35-44.1-1-1](#)).
- (160) Operating a motorboat while intoxicated ([IC 35-46-9-6](#)).
- (161) Operating a vehicle while intoxicated ([IC 9-30-5](#)).
- (162) Operating loaded machine gun ([IC 35-47-5-9](#)).
- (163) Operation of home without proper licensure; prohibition ([IC 12-17.2-5-1](#)).
- (164) Operation of tobacco business near school; prohibited ([IC 35-46-1-11.2](#)).
- (165) Participation in criminal organization; offense ([IC 35-45-9-3](#)).
- (166) Perjury ([IC 35-44.1-2-1](#)).
- (167) Permitting child to possess a firearm ([IC 35-47-10-7](#)).
- (168) Pointing firearm at another person ([IC 35-47-4-3](#)).
- (169) Possession of a cellular telephone while incarcerated ([IC 35-44.1-3-8](#)).
- (170) Possession of a controlled substance or controlled substance analog; obtaining a schedule V controlled substance ([IC 35-48-4-7](#)).
- (171) Possession of a dangerous device while incarcerated ([IC 35-44.1-3-7](#)).
- (172) Possession of a fraudulent sales document manufacturing device ([IC 35-43-5-15](#)) [*sic, (before its repeal)*].
- (173) Possession of a knife on school property ([IC 35-47-5-2.5](#)).
- (174) Possession of animal fighting paraphernalia ([IC 35-46-3-8.5](#)).
- (175) Possession of cocaine or narcotic drug ([IC 35-48-4-6](#)).
- (176) Possession of device or substance used to interfere with drug or alcohol screening test ([IC 35-43-5-18](#)).
- (177) 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](#)).
- (178) 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](#)).
- (179) Possession of marijuana, hash oil, hashish, or salvia ([IC 35-48-4-11](#)).
- (180) Possession of methamphetamine ([IC 35-48-4-6.1](#)).
- (181) Possession of paraphernalia ([IC 35-48-4-8.3](#)).
- (182) Possession or sale of drug precursors ([IC 35-48-4-14.5](#)).
- (183) Professional gambling; professional gambling on the Internet ([IC 35-45-5-3](#)).
- (184) Profiteering from public service ([IC 35-44.1-1-5](#)).
- (185) Profiting from adoption ([IC 35-46-1-9](#)).
- (186) "Machine gun"; prohibited sales or transfers of ownership ([IC 35-47-2-7](#)).
- (187) Promoting an animal fighting contest ([IC 35-46-3-9.5](#)).
- (188) Promoting professional gambling; acts constituting; boat manufacturers; public utilities ([IC 35-45-5-4](#)).
- (189) Promoting prostitution ([IC 35-45-4-4](#)).
- (190) Promotion of child sexual trafficking; promotion of sexual trafficking of a younger child ([IC 35-42-3.5-1.2](#)).

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- (191) Promotion of human labor trafficking ([IC 35-42-3.5-1](#)).
 - (192) Promotion of human sexual trafficking ([IC 35-42-3.5-1.1](#)).
 - (193) Promotion, use of animals, or attendance with animal at animal fighting contest ([IC 35-46-3-9](#)).
 - (194) Public indecency ([IC 35-45-4-1](#)).
 - (195) Public intoxication prohibited; failure to enforce by a law enforcement officer ([IC 7.1-5-1-3](#)).
 - (196) Public nudity ([IC 35-45-4-1.5](#)).
 - (197) Public safety remote aerial interference ([IC 35-44.1-4-10](#)).
 - (198) Purchase or possession of animals for fighting contests ([IC 35-46-3-8](#)).
 - (199) "Qualified egg bank"; unlawful transfer of human organisms; exceptions; penalties ([IC 35-46-5-3](#)).
 - (200) Railroad mischief ([IC 35-43-1-2.3](#)).
 - (201) Reckless supervision ([IC 35-46-1-4.1](#)).
 - (202) Refusal to aid an officer ([IC 35-44.1-3-3](#)).
 - (203) Registration violations; penalty ([IC 11-8-8-17](#)).
 - (204) Regulated explosives; persons convicted of felonies; prior unrelated convictions ([IC 35-47.5-5-3](#)).
 - (205) Remote aerial harassment ([IC 35-45-10-6](#)).
 - (206) Removal of attack dog's vocal cords; animal cruelty ([IC 35-46-3-13](#)).
 - (207) Residential entry ([IC 35-43-2-1.5](#)).
 - (208) Resisting law enforcement ([IC 35-44.1-3-1](#)).
 - (209) Rioting ([IC 35-45-1-2](#)).
 - (210) Robbery ([IC 35-42-5-1](#)).
 - (211) Sale, distribution, or exhibition of obscene matter ([IC 35-49-3-1](#)).
 - (212) Sale of kit or device for unauthorized use of cable television system services ([IC 35-43-5-6.5](#)) [*sic, (before its repeal)*].
 - (213) Sale or distribution of HIV testing equipment ([IC 35-45-21-2](#)).
 - (214) Sale to minors prohibited; furnishing property for the purpose of enabling minors to consume alcohol prohibited ([IC 7.1-5-7-8](#)).
 - (215) Sex offender Internet offense ([IC 35-42-4-12](#)).
 - (216) Sex offender residency restrictions ([IC 35-42-4-11](#)).
 - (217) Sex offender unmanned aerial vehicle offense ([IC 35-42-4-12.5](#)).
 - (218) Sexual battery ([IC 35-42-4-8](#)).
 - (219) Sexual misconduct with a service provider ([IC 35-44.1-3-10](#)).
 - (220) Sexually violent predator; duty to notify ([IC 11-8-8-18](#)).
 - (221) Stolen valor fraud ([IC 35-43-5-22](#)) [*sic, (before its repeal)*].
 - (222) Strangulation ([IC 35-42-2-9](#)).
 - (223) Stun guns; purchase, possession, and sale; use in commission of crime; use on law enforcement officer ([IC 35-47-8-5](#)).
 - (224) Synthetic drug or synthetic drug lookalike substance ([IC 35-48-4-11.5](#)) (before its repeal).
 - (225) Synthetic identity deception ([IC 35-43-5-3.8](#)) [*sic, (before its repeal)*].
 - (226) "Synthetic urine" ([IC 35-43-5-19.5](#)).
 - (227) Tampering with a water supply; poisoning ([IC 35-43-1-5](#)).
 - (228) Tattooing or body piercing a minor ([IC 35-45-21-4](#)).
 - (229) Terrorism ([IC 35-47-12-1](#)) (before its repeal).
 - (230) Terroristic deception ([IC 35-43-5-3.6](#)) (before its repeal).
 - (231) Terroristic mischief ([IC 35-47-12-3](#)) (before its repeal) (before its repeal) [*sic*].
 - (232) Theft ([IC 35-43-4-2](#)).
 - (233) Threats; refusal to join or withdraw from organization; intimidation offense ([IC 35-45-9-4](#)).
 - (234) Torture or mutilation of a vertebrate animal; killing a domestic animal ([IC 35-46-3-12](#)).
 - (235) Trafficking with an inmate; carrying a deadly weapon into a correctional facility ([IC 35-44.1-3-5](#)).
 - (236) Trafficking with an inmate outside a facility ([IC 35-44.1-3-6](#)).
 - (237) Transferring contaminated body fluids ([IC 35-45-21-1](#)).
 - (238) Unauthorized adoption advertising ([IC 35-46-1-21](#)).
 - (239) Unauthorized adoption facilitation ([IC 35-46-1-22](#)).
 - (240) Undisclosed transport of dangerous device ([IC 35-47-6-1.1](#)).
 - (241) Unlawful acts relating to caves; offense ([IC 35-43-1-3](#)).
 - (242) Unlawful documentation of a gift of organs, tissue, eyes, or body parts ([IC 35-46-5-4](#)).
 - (243) Unlawful employment by a sexual predator ([IC 35-42-4-10](#)).
 - (244) Unlawful entry of school property by a serious sex offender ([IC 35-42-4-14](#)).
 - (245) Unlawful entry to restricted area of airport ([IC 35-47-6-1.4](#)).
 - (246) Unlawful gambling ([IC 35-45-5-2](#)).
 - (247) Unlawful delivery, manufacture, distribution, or possession of a substance represented to be a

controlled substance; factors ([IC 35-48-4-4.6](#)).

(248) Unlawful manufacture or sale of police or fire insignia ([IC 35-44.1-2-8](#)).

(249) Unlawful participation in human cloning; exception ([IC 35-46-5-2](#)).

(250) Unlawful photography and surveillance on private property ([IC 35-46-8.5-1](#)).

(251) Unlawful possession of a card skimming device ([IC 35-43-5-4.3](#)) [*sic, (before its repeal)*].

(252) Unlawful possession of a firearm by a domestic batterer ([IC 35-47-4-6](#)).

(253) Unlawful possession of a firearm by a serious violent felon ([IC 35-47-4-5](#)).

(254) Unlawful practices; investment advisers and investment adviser representatives; investment advisory contract ([IC 23-19-5-2](#)).

(255) Unlawful promotion or organization of combative fighting ([IC 35-45-18-3](#)).

(256) Unlawful purchase of a handgun ([IC 35-47-2.5-14](#)) (before its repeal).

(257) Unlawful sale or possession of a transaction manipulation device ([IC 35-43-5-4.6](#)) [*sic, (before its repeal)*].

(258) Unlawful transfer of fetal tissue ([IC 35-46-5-1.5](#)).

(259) Unlawful use of a communications medium; definitions ([IC 35-45-2-3](#)) (before its repeal).

(260) Unlawful use of body armor ([IC 35-47-5-13](#)).

(261) Unlawful use of a police radio ([IC 35-44.1-2-7](#)).

(262) Use of overpressure device ([IC 35-47.5-5-9](#)).

(263) Use of regulated explosive in violation of commission rule ([IC 35-47.5-5-11](#)).

(264) Vicarious sexual gratification; sexual conduct in presence of minor ([IC 35-42-4-5](#)).

(265) Violation of certain no contact orders; offense; penalty ([IC 35-46-1-15.3](#)).

(266) Violation of civil rights ([IC 35-46-2-1](#)).

(267) Violation of [IC 25-2.1-12](#) (unauthorized practice of accounting) under [IC 25-2.1-13-3](#).

(268) Violation of [IC 25-2.5](#) (unauthorized practice of acupuncture) under [IC 25-2.5-3-4](#).

(269) Violation of [IC 25-3.7](#) (unauthorized practice of an anesthesiologist assistant) under [IC 25-3.7-2-2](#) [[IC 25-3.7-3](#)].

(270) Violation of [IC 25-5.1-4-1](#) (unauthorized practice of athletic trainer) under [IC 25-5.1-4-2](#).

(271) Violation of [IC 25-5.2-2-12](#) (misconduct by athlete agent) under [IC 25-5.2-2-12](#).

(272) Violation of [IC 25-6.1-7-1](#) (unauthorized practice of auctioneering) under [IC 25-6.1-7-1](#).

(273) Violation of [IC 25-6.1-7-2](#) (violation of auctioneering statute) under [IC 25-6.1-7-2](#).

(274) Violation of [IC 25-8-15.4](#) (unauthorized operation of a tanning facility) under [IC 25-8-15.4-25](#).

(275) Violation of [IC 25-10-1](#) (unauthorized practice of chiropractic) under [IC 25-10-1-11](#).

(276) Violation of [IC 25-11-1](#) (violation of the collection agency statute) under [IC 25-11-1-12](#).

(277) Violation of [IC 25-13-1](#) (unauthorized practice of a dental hygienist) under [IC 25-13-1-3](#).

(278) Violation of [IC 25-14-1](#) (unauthorized practice of dentistry) under [IC 25-14-1-25](#).

(279) Violation of [IC 25-14-1-25.5](#) (preventing a dentist from following retirement procedures) under [IC 25-14-1-25.5](#).

(280) Violation of [IC 25-14-4](#) (unlawful referral services for a dentist) under [IC 25-14-4-6](#).

(281) Violation of [IC 25-14.3](#) (violation of diabetes educator statute) under [IC 25-14.3-5-1](#).

(282) Violation of [IC 25-14.5](#) (unauthorized practice of a dietitian) under [IC 25-14.5-7-2](#).

(283) 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.].

(284) Violation of [IC 25-17.3-5](#) (violation of genetic counselors statute) under [IC 25-17.3-5-3](#).

(285) Violation of [IC 25-17.6-8-2](#) (unauthorized practice of professional geologist) under [IC 25-17.6-8-2](#).

(286) Violation of [IC 25-20-1](#) (unauthorized practice of hearing aid dealer) under [IC 25-20-1-21](#).

(287) Violation of [IC 25-20.7-5-1](#) (unauthorized practice of interior designer) under [IC 25-20.7-5-1](#).

(288) 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](#).

(289) Violation of [IC 25-21.5-13-2](#) (unauthorized practice of surveying) under [IC 25-21.5-13-2](#).

(290) Violation of [IC 25-21.8](#) (unauthorized practice of massage therapy) under [IC 25-21.8-7-1](#).

(291) 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](#).

(292) Violation of [IC 25-22.5](#) (violation of temporary medical permit statute) under [IC 25-22.5-8-3](#).

(293) Violation of [IC 25-23-1](#) (unauthorized practice of nursing) under [IC 25-23-1-27](#).

(294) Violation of [IC 25-23.5-3](#) (unauthorized practice of occupational therapy) under [IC 25-23.5-3-2](#).

(295) Violation of [IC 25-23.6-3](#) (unauthorized practice of marriage and family therapy) under [IC 25-23.6-3-3](#).

(296) Violation of [IC 25-23.6-4](#) (unauthorized practice of social work) under [IC 25-23.6-4-4](#).

(297) Violation of [IC 25-23.6-4.5](#) (violation of mental health counselor statute) under [IC 25-23.6-4.5-4](#).

(298) Violation of [IC 25-23.6-7-6](#) (providing false information about counselor's educational background) under [IC 25-23.6-7-7](#).

- (299) Violation of [IC 25-23.6-10.1](#) (unauthorized practice of addiction counselor or therapist) under [IC 25-23.6-10.1-6](#).
- (300) Violation of [IC 25-23.6-11-1](#) (unauthorized use of term "psychotherapy" or "clinical psychology") under [IC 25-23.6-11-1](#).
- (301) 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](#).
- (302) 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](#).
- (303) Violation of [IC 25-23.7-7-5](#) (unauthorized practice of home installing) under [IC 25-23.7-7-5](#).
- (304) Violation of [IC 25-23.4](#) (unauthorized practice of direct entry midwife) under [IC 25-23.4-3-7](#).
- (305) Violation of [IC 25-24-1](#) (unauthorized practice of optometry) under [IC 25-24-1-18](#).
- (306) Violation of [IC 25-26-13-29](#) (unauthorized practice of pharmacy or as a pharmacist) under [IC 25-26-13-29](#).
- (307) Violation of any state drug law related to wholesale legend drug distribution ([IC 25-26-14](#)).
- (308) Violation of [IC 25-26-19-9](#) (unauthorized practice of pharmacy technician) under [IC 25-26-19-9](#).
- (309) Violation of [IC 25-26-21](#) (unauthorized provision of home medical equipment provider services) under [IC 25-26-21-11](#).
- (310) Violation of [IC 25-27-1](#) (unauthorized practice of physical therapy) under [IC 25-27-1-12](#).
- (311) Violation of [IC 25-27.5-7](#) (unauthorized practice of physician assistant) under [IC 25-27.5-7-2](#).
- (312) Violation of [IC 25-28.5-1](#) (unauthorized practice of plumbing) under [IC 25-28.5-1-31](#).
- (313) Violation of [IC 25-29](#) (unauthorized practice of podiatry) under [IC 25-29-9-1](#).
- (314) Violation of [IC 25-30-1](#) (unauthorized practice of being a private investigator) under [IC 25-30-1-21](#).
- (315) Violation of [IC 25-30-1.3](#) (unauthorized operation of a security agency) under [IC 25-30-1.3-23](#).
- (316) Violation of [IC 25-31-1-13](#) (making a false statement in an application to become an engineer) under [IC 25-31-1-13](#).
- (317) Violation of [IC 25-31-1](#) (unauthorized practice of engineering) under [IC 25-31-1-27](#).
- (318) Violation of [IC 25-31.5-8-7](#) (unauthorized practice as a registered professional soil scientist) under [IC 25-31.5-8-7](#).
- (319) Violation of [IC 25-33-1-14](#) (unlawful use of title "psychologist") under [IC 25-33-1-15](#).
- (320) Violation of [IC 25-34.5-3](#) (unauthorized practice of respiratory care) under [IC 25-34.5-3-2](#).
- (321) Violation of [IC 25-35.6](#) (unauthorized practice of speech-language pathology and audiology) under [IC 25-35.6-3-10](#).
- (322) Violation of [IC 25-36.1-2](#) (violation of certified surgical technology statute) under [IC 25-36.1-2-3](#).
- (323) 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](#).
- (324) Violation of [IC 25-38.1](#) (unauthorized practice of veterinary medicine) under [IC 25-38.1-4-10](#).
- (325) Violation of [IC 25-38.1](#) (unauthorized practice of veterinary technician) under [IC 25-38.1-4-11](#).
- (326) Violation of [IC 25-39-5](#) (unlawful drilling and well installation) under [IC 25-39-5](#).
- (327) Violation of [IC 25-41-1-1](#) [*sic, (before its repeal)*] (unauthorized practice of behavior analyst) under [IC 25-41-1-2](#) [*sic, (before its repeal)*].
- (328) Violation of Indiana Legend Drug Act ([IC 16-42-19](#)).
- (329) Violation of order by parent or other custodian of child ([IC 31-34-2.3-7](#)).
- (330) Violation of order by alleged perpetrator of child abuse or neglect ([IC 31-34-2.3-8](#)).
- (331) Violations ([IC 35-43-9-7](#)) [*sic, (before its repeal)*].
- (332) Visiting a common nuisance; maintaining a common nuisance ([IC 35-45-1-5](#)).
- (333) Voyeurism; public voyeurism; aerial voyeurism ([IC 35-45-4-5](#)).
- (334) Welfare fraud ([IC 35-43-5-7](#)) [*sic, (before its repeal)*].
- (335) Worker's compensation fraud ([IC 35-43-5-21](#)) [*sic, (before its repeal)*].

(Indiana State Board of Health Facility Administrators; [840 IAC 1-4-4](#); filed Oct 23, 2023, 3:43 p.m.: [20231122-IR-840230044FRA](#))

[840 IAC 1-4-5](#) Convictions in another jurisdiction

Authority: [IC 25-1-1.1-6](#); [IC 25-19-1-4](#)

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

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 will disqualify an individual from receiving a license and therefore included on the list.

(Indiana State Board of Health Facility Administrators; [840 IAC 1-4-5](#); filed Oct 23, 2023, 3:43 p.m.: [20231122-IR-840230044FRA](#))

[840 IAC 1-4-6](#) Prelicensure determinations; fee

Authority: [IC 25-1-1.1-6](#); [IC 25-19-1-4](#)

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

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

(Indiana State Board of Health Facility Administrators; [840 IAC 1-4-6](#); filed Oct 23, 2023, 3:43 p.m.: [20231122-IR-840230044FRA](#))

LSA Document #23-44(F)

Notice of Intent: [20230125-IR-840230044NIA](#)

Proposed Rule: [20230531-IR-840230044PRA](#)

Hearing Held: September 26, 2023

Approved by Attorney General: October 12, 2023

Approved by Governor: October 19, 2023

Filed with Publisher: October 23, 2023, 3:43 p.m.

Documents Incorporated by Reference: None Received by Publisher

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Posted: 11/22/2023 by Legislative Services Agency

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