



Journal of the House

State of Indiana

111th General Assembly

Second Regular Session

Twenty-second Meeting Day

Monday Afternoon

February 14, 2000

The House convened at 1:00 p.m. with the Speaker in the Chair.

The invocation was offered by Pastor Bob Taylor, Colonial Hills Baptist Church, Indianapolis, the guest of Representative James D. Atterholt.

The Pledge of Allegiance to the Flag was led by Representative David N. Frizzell.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Alderman	Kruse
Atterholt	Kruzan
Avery	Kuzman
Ayres	Lawson
Bailey	Leuck
Bardon	Liggett
Bauer	Linder
Becker	J. Lutz
Behning •	Lytle
Bischoff	Mahern
Bodiker	Mangus
Bosma	Mannweiler
Bottorff	McClain
C. Brown	Mellinger
T. Brown	Mock
Buck	Moses
Budak	Munson
Buell	Murphy
Burton	Oxley
Cheney	Pelath
Cherry	Pond
Cochran	Porter
Cook	Richardson
Crawford	Ripley
Crooks	Robertson
Crosby	Ruppel
Day	Saunders
Denbo	Scholer
Dickinson	M. Smith
Dillon	V. Smith •
Dobis	Steele
Dumezich	Stevenson
Duncan	Stilwell
Dvorak •	Sturtz
Espich	Summers
Foley	Thompson
Frenz	Tincher
Friend	Torr
Frizzell	Turner
Fry	Ulmer
GiaQuinta	Villalpando
Goeglein	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins
Herrell	D. Young
Hoffman	M. Young
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 247: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were

excused.]

HOUSE MOTION

Mr. Speaker: I move that we dispense with the reading of the Journal.

LYTLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, February 16, 2000, at 1:00 p.m.

DOBIS

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 39, 43, and 45 and the same are herewith returned to the House.

CAROLYN J. TINKLE
Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 17 and the same is herewith transmitted to the House for further action.

CAROLYN J. TINKLE
Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 49

Representatives Lytle, Mannweiler, Friend, and Ruppel introduced House Concurrent Resolution 49:

A CONCURRENT RESOLUTION to honor McDonald's and its Indiana Owner/Operators for their initiative to aid Indiana Pork Producers with a special McRib sandwich promotion.

Whereas, Indiana has a rich heritage in pork production;

Whereas, Since the fall of 1998, Indiana pork producers have experienced a severe financial crisis due to record high levels of pork and lack of meat processing facilities in the United States;

Whereas, McDonald's and its Indiana Owner/Operators came to the aid of Indiana's pork producing families;

Whereas, McDonald's purchased over 500,000 pounds of pork for the special McRib promotion that ran February 5 through March 25, 1999 in over 300 McDonald's restaurants statewide;

Whereas, As a result of this promotion, McDonald's awarded \$108,000 in post-secondary scholarships to 72 sons and daughters of Indiana pork producers: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. The Indiana General Assembly expresses its appreciation to McDonald's and its Indiana Owner/Operators for their generosity and support of Indiana's Pork Producers.

SECTION 2. The Indiana General Assembly expresses its appreciation to McDonald's and its Indiana Owner/Operators for their commitment to their Indiana friends and neighbors and to higher education.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Nugent and R. Young.

House Resolution 27

Representative Cochran introduced House Resolution 27:

A HOUSE RESOLUTION to honor Lauren Coffey for receipt of the bronze Distinguished Finalist medallion from the Prudential Spirit of Community Awards.

Whereas, Lauren Coffey, a resident of New Albany, Indiana, has achieved national recognition for outstanding contributions to her community by receiving a 2000 Prudential Spirit of Community Award;

Whereas, This prestigious award, presented in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities;

Whereas, Lauren Coffey earned this award by generously contributing time and energy to organize a school wide toy drive, which collected more than 300 Christmas gifts which were wrapped and distributed to homeless children at the WaySide Christian Mission in Louisville, Kentucky; and

Whereas, The continuing growth and strength of our communities depends in great measure upon the dedication of young people like Lauren Coffey, who has used her talents to serve others: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the House of Representatives of the Indiana General Assembly congratulates Lauren Coffey as a recipient of a Prudential Spirit of Community Award, honors this outstanding record of volunteer service, peer leadership and community spirit, and extends best wishes for continued success and happiness.

SECTION 2. The Principal Clerk of the House of Representatives is directed to send a copy of this resolution to Lauren Coffey.

The resolution was read a first time and adopted by voice vote.

House Resolution 28

Representative V. Smith introduced House Resolution 28:

A RESOLUTION congratulating Lucille Gause Bobo on the occasion of her retirement from the Lake County Criminal Court Probation Department, Crown Point, Indiana.

Whereas, Lucille Gause was born to Eron and Isom Gause in Grenada, Mississippi;

Whereas, Cille, as she was called by her mother, moved to Gary, Indiana, in 1940;

Whereas, Lucille, one of eight children, was raised in a very religious home where she and her siblings were members of the Galilee Baptist Church;

Whereas, Lucille attended Froebel High School where she was a member of the National Honor Society;

Whereas, Cille's shorthand teacher, Mrs. Marguerite Ghodes, helped her get her first job as a secretary in a law firm after graduation from Froebel High School;

Whereas, Through her affiliation with the Galilee Baptist Church and Pastor D. G. Lewis, Cille began working for Metro M. Holovachk when he was elected Lake County prosecuting attorney in 1953;

Whereas, On June 23, 1957, Lucille married Daniel S. Bobo, and on July 3, 1969, their daughter Gayle was born;

Whereas, Cille's affiliation with the Lake County prosecuting attorney's office lasted for 26 years;

Whereas, In April 1979, Cille began working for the Lake County Criminal Court Probation Department, an association that lasted for 21 years;

Whereas, After 47 years of service, Cille decided to retire; and

Whereas, It is due to the dedicated service of citizens like Lucille Gause Bobo that the state of Indiana has prospered and progressed: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana General Assembly wishes to congratulate Lucille Gause Bobo on the occasion of her retirement and to thank her for her many years of dedicated service to Lake County and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Lucille Gause Bobo and her family.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 17

The Speaker handed down Senate Concurrent Resolution 17, sponsored by Representative Dumezich:

A CONCURRENT RESOLUTION honoring Hanover Central High School Principal Joseph Fetty as the 1999 Indiana High School Principal of the Year.

Whereas, The people of Indiana admire and revere those individuals who undertake the challenging and rewarding task of educating our youth;

Whereas, Selected by his administrative peers from a pool of over 400 principals, Hanover Central High School Principal Joseph Fetty was named the 1999 High School Principal of the Year at the Indiana Association of School Principals' annual fall conference;

Whereas, Mr. Fetty has been a dedicated high school educator for thirty years, serving at Hanover Central from 1977 to 1980 as assistant principal, and since 1980 as principal;

Whereas, Already named as the District 1 High School Principal of the Year for his exemplary track record at Hanover Central, Mr. Fetty served as an excellent representative from his district at the fall conference, representing Lake, Porter, Jasper and Newton counties; and

Whereas, Mr. Fetty attributes his school's success in academics and athletics to the dedication of his administration and the involvement of the student parents: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly hereby congratulates Hanover Central High School Principal Joseph Fetty as the 1999 Indiana High School Principal of the Year.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Hanover Central High School Principal Joseph Fetty.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 96

Representative C. Brown called down Engrossed Senate Bill 96 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 96-1)

Mr. Speaker: I move that Engrossed Senate Bill 96 be amended to read as follows:

Page 1, after line 15, begin a new paragraph and insert:

“SECTION 3. IC 2-5-23-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 14. The commission shall submit to the legislative council findings and recommendations on any topic assigned to the commission by the legislative council. **The commission shall offer no recommended legislation without an accompanying cost benefit analysis.**”

Renumber all SECTIONS consecutively.

(Reference is to ESB96 as printed February 11, 2000.)

T. BROWN

Upon request of Representatives T. Brown and Buck, the Speaker ordered the roll of the House to be called. Roll Call 248: yeas 39, nays 51. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 134

Representative Crawford called down Engrossed Senate Bill 134 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 320

Representative C. Brown called down Engrossed Senate Bill 320 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 320-1)

Mr. Speaker: I move that Engrossed Senate Bill 320 be amended to read as follows:

Page 1, delete lines 1 through 11, and insert:

"SECTION 1. IC 4-6-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 3. If the attorney general has reasonable cause to believe that a person may be in possession, custody, or control of documentary material, or may have knowledge of a fact that is relevant to an investigation conducted to determine if a person is or has been engaged in a violation of IC 4-6-9, IC 4-6-10, IC 13-14-10, IC 13-14-12, IC 13-24-2, IC 13-30-4, IC 13-30-5, IC 13-30-6, IC 13-30-8, IC 23-7-8, IC 24-1-2, IC 24-5-0.5, IC 24-5-7, IC 24-5-8, IC 25-1-7, **IC 25-1-7.5**, IC 32-9-1.5, or any other statute enforced by the attorney general, only the attorney general may issue in writing, and cause to be served upon the person or the person's representative or agent, an investigative demand that requires that the person served do any combination of the following:

- (1) Produce the documentary material for inspection and copying or reproduction.
- (2) Answer under oath and in writing written interrogatories.
- (3) Appear and testify under oath before the attorney general or the attorney general's duly authorized representative.

SECTION 2. IC 5-2-5-5, AS AMENDED BY P.L.10-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 5. (a) Except as provided in subsection (b), on request, law enforcement agencies shall release or allow inspection of a limited criminal history to noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has applied for a license and criminal history data as required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement agency;
- (5) is placed under arrest for the alleged commission of a crime;
- (6) has charged that his rights have been abused repeatedly by criminal justice agencies;
- (7) is the subject of judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
- (8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;
- (9) has volunteered services at a public school (as defined in IC 20-10.1-1-2) or non-public school (as defined in IC 20-10.1-1-3) that involve contact with, care of, or supervision

over a student enrolled in the school;

(10) is being investigated for welfare fraud by an investigator of the division of family and children or a county office of family and children;

(11) is being sought by the parent locator service of the child support bureau of the division of family and children; or

(12) is being investigated for a violation under IC 25-1-9 by an investigator of the health professions investigation division (IC 25-1-7.5); or

~~(12)~~ **(13)** has been convicted of any of the following:

- (A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
- (C) Child molesting (IC 35-42-4-3).
- (D) Child exploitation (IC 35-42-4-4(b)).
- (E) Possession of child pornography (IC 35-42-4-4(c)).
- (F) Vicarious sexual gratification (IC 35-42-4-5).
- (G) Child solicitation (IC 35-42-4-6).
- (H) Child seduction (IC 35-42-4-7).
- (I) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

- (1) Federally chartered or insured banking institutions.
- (2) Officials of state and local government for the purpose of employment and licensing.
- (3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 3. IC 15-5-1.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 8. (a) The powers enumerated in this section are granted for the purpose of enabling the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

(b) The board is vested with the sole authority to determine the qualifications of applicants for:

- (1) a license to practice veterinary medicine in this state; and
- (2) registration to practice as a veterinary technician in this state.

(c) The board is vested with the sole authority to issue, renew, deny, suspend, or revoke:

- (1) licenses and special permits to practice veterinary medicine in this state; and
- (2) registrations or special permits to practice as a veterinary technician in this state.

(d) The board is vested with sole authority to discipline licensed veterinarians and registered veterinary technicians consistent with the provisions of this chapter and the rules adopted thereunder.

(e) The board is vested with the sole authority to determine the examinations applicants are required to take, the subjects to be covered, and the places where and the dates on which examinations will be given.

(f) The board may establish by rule minimum standards of continuing education for the renewal of licenses to practice veterinary medicine and for the renewal of registrations as a veterinary technician.

(g) The board shall adopt by rule standards of professional conduct for the competent practice of veterinary medicine and the competent practice of a veterinary technician.

(h) Subject to ~~IC 25-1-7~~, **IC 25-1-7.5**, the board may conduct investigations for the purpose of discovering violations of this chapter:

- (1) by licensed veterinarians or registered veterinary technicians; or

(2) by persons practicing veterinary medicine without a license or persons practicing as a registered veterinary technician without being registered.

(i) The board may inspect, without notice and during normal working hours, veterinary hospitals, clinics, or other establishments to determine if such places meet the board's standards of cleanliness and sanitation as defined by the board's rules.

(j) The board may hold hearings on all matters properly brought before it and in connection thereto may administer oaths, receive evidence, make findings, and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission depositions. The board may designate one (1) or more of its members to serve as its hearing officer.

(k) The board may bring proceedings in the courts for the enforcement of this chapter or any rules made pursuant thereto.

(l) The board shall have fees collected for examining and licensing veterinarians and for examining and registering veterinary technicians.

(m) The board may enter into reciprocal agreements with its counterpart boards in other states and may effect such agreements by rule.

(n) The board may appoint from its own membership one (1) or more members to act as representatives of the board at any meeting within or without the state where such representation is deemed desirable.

(o) The bureau shall provide the board with full or part-time professional and clerical personnel and supplies including printed matter and equipment necessary to effectuate the provisions of this chapter.

(p) The board may, in the manner prescribed by IC 4-22-2, adopt such reasonable rules as it deems necessary for the performance of its duties, consistent with this chapter and other applicable laws of this state. Any rule adopted under, and applicable to, the prior veterinarian and veterinary technician licensing and registration laws (IC 15-5-1 and IC 15-5-1.5) continues in effect under this chapter until rescinded or amended by the board.

(q) The board may adopt an appropriate seal which may be affixed to all license and registration certificates and other official documents of the board.

SECTION 4. IC 25-1-5-4, AS AMENDED BY P.L.22-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [JULY 1, 2000] [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) The bureau shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of:

(1) the boards, including ~~but not limited to:~~ **the following:**

- (+) (A) notice of board meetings and other communication services;
- (+) (B) recordkeeping of board meetings, proceedings, and actions;
- (+) (C) recordkeeping of all persons licensed, regulated, or certified by a board;
- (+) (D) administration of examinations; and
- (+) (E) administration of license or certificate issuance or renewal; and

(2) **the health professions investigation division."**

Page 2, line 41, strike "IC 25-1-7." and insert "**IC 25-1-7.5**."

Page 3, line 13, strike "office of the attorney general" and insert "**health professions investigation division**".

Page 3, line 14, strike "office of the attorney general" and insert "**health professions investigation division**".

Page 3, line 16, strike "office of the attorney general" and insert "**health professions investigation division**".

Page 3, between lines 34 and 35, begin a new paragraph and insert: "SECTION 5. IC 25-1-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. (a) The bureau shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the bureau or the executive director's designee.

(d) The executive director is the chief fiscal officer of the bureau and is responsible for hiring of all staff, and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the bureau are subject to IC 4-15-1.8 but are not under IC 4-15-2. **Except as provided under IC 25-1-7.5-8**, the executive director may appoint not to **exceed more than three (3)** deputy directors, who must be qualified to work for the boards which are served by the bureau.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the bureau to execute a bond if that employee receives, disburses, or in any way handles funds or property of the bureau. The costs of any such bonds shall be paid from funds available to the bureau.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the bureau and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) The executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of a board or committee when requested to do so by the board or committee.

(h) The executive director or the executive director's designee may, upon request of a board or committee, provide advice and technical assistance on issues that may be presented to the boards or committees.

SECTION 6. IC 25-1-7-1, AS AMENDED BY P.L.24-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) ~~Board of chiropractic examiners (IC 25-10-1);~~
- (7) (6) State board of cosmetology examiners (IC 25-8-3-1).
- (8) ~~State board of dentistry (IC 25-14-1);~~
- (9) (7) State board of funeral and cemetery service (IC 25-15-9).
- (10) (8) State board of registration for professional engineers (IC 25-31-1-3).
- (11) ~~Indiana state board of health facility administrators (IC 25-19-1);~~
- (12) ~~Medical licensing board of Indiana (IC 25-22.5-2);~~
- (13) ~~Indiana state board of nursing (IC 25-23-1);~~
- (14) ~~Indiana optometry board (IC 25-24);~~
- (15) ~~Indiana board of pharmacy (IC 25-26);~~
- (16) (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) ~~Board of podiatric medicine (IC 25-29-2-1);~~
- (18) ~~Board of environmental health specialists (IC 25-32-1);~~
- (19) ~~State psychology board (IC 25-33);~~

- (20) Speech-language pathology and audiology board (IC 25-35.6-2);
 (21) (10) Indiana real estate commission (IC 25-34.1-2).
 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1);
 (23) (11) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
 (24) Respiratory care committee (IC 25-34.5);
 (25) (12) Private detectives licensing board (IC 25-30-1-5.1).
 (26) Occupational therapy committee (IC 25-23.5);
 (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6);
 (28) (13) Real estate appraiser licensure and certification board (IC 25-34.1-8).
 (29) (14) State board of registration for land surveyors (IC 25-21.5-2-1).
 (30) Physician assistant committee (IC 25-27.5);
 (31) Indiana athletic trainers board (IC 25-5.1-2-1);
 (32) Indiana dietitians certification board (IC 25-14.5-2-1);
 (33) Indiana hypnotist committee (IC 25-20.5-1-7);
 (34) Indiana physical therapy committee (IC 25-27);
 (35) (15) Except for a regulated occupation defined under IC 25-1-7.5-7, any other occupational or professional agency created after June 30, 1981.

SECTION 7. IC 25-1-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2000]:

Chapter 7.5. Investigation and Prosecution of Complaints Concerning Regulated Health Professions

Sec. 1. As used in this chapter, "board" means the appropriate agency listed in the definition of regulated occupation in this chapter.

Sec. 2. As used in this chapter, "bureau" refers to the health professions bureau established by IC 25-1-5-3.

Sec. 3. As used in this chapter, "director" refers to the director of the health professions investigation division.

Sec. 4. As used in this chapter, "division" refers to the health professions investigation division established by section 8 of this chapter.

Sec. 5. As used in this chapter, "licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this chapter; and
- (2) the subject of a complaint filed with the division.

Sec. 6. As used in this chapter, "person" means an individual, a partnership, a limited liability company, a limited liability partnership, a corporation, or another legal business entity.

Sec. 7. As used in this chapter, "regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana athletic trainers certification board (IC 25-5.1-2-1).
- (2) Board of chiropractic examiners (IC 25-10-1).
- (3) State board of dental examiners (IC 25-14-1).
- (4) Indiana dietitians certification board (IC 25-14.5-2-1).
- (5) Board of environmental health specialists (IC 25-32).
- (6) Indiana state board of health facility administrators (IC 25-19-1).
- (7) Medical licensing board of Indiana (IC 25-22.5-2).
- (8) Indiana state board of nursing (IC 25-23-1).
- (9) Occupational therapy committee (IC 25-23.5).
- (10) Indiana optometry board (IC 25-24).
- (11) Indiana board of pharmacy (IC 25-26).
- (12) Indiana physical therapy committee (IC 25-27-1).
- (13) Physician assistant committee (IC 25-27.5).
- (14) Board of podiatric medicine (IC 25-29-2-1).
- (15) State psychology board (IC 25-33).
- (16) Respiratory care committee (IC 25-34.5).
- (17) Social work certification and marriage and family therapists credentialing board (IC 25-23.6).
- (18) Speech-language pathology and audiology board (IC 25-35.6-2).
- (19) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(20) Indiana hypnotist committee (IC 25-20.5-1-7).

Sec. 8. (a) The health professions investigation division is established within the bureau.

(b) The executive director of the bureau shall appoint a director and at least one (1) deputy director of the division. The director and deputy directors must be licensed attorneys.

(c) The director, with the approval of the executive director of the bureau, shall hire at least seven (7) investigators to work in the division. An investigator's duties may not include staffing or providing administrative functions to a board.

(d) The director may delegate duties assigned to the director under this chapter to a deputy director.

Sec. 9. (a) The division is responsible for the investigation of complaints concerning licensees.

(b) The office of the attorney general is not prohibited from conducting an investigation of a licensee that is being or has been investigated by the division.

Sec. 10. Each board shall designate one (1) member to serve as an official liaison with the division.

Sec. 11. The director has the following duties and powers:

(1) To make an initial determination as to the merit of each complaint and to determine whether to initiate an investigation against a licensee or an unlicensed person who is practicing a regulated profession or using a title without a credential required for that profession.

(2) To contract with health care professionals or other experts to assist in an investigation.

(3) To notify the licensee through reasonable means of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.

(4) To report any pertinent information regarding the status of the complaint to the complainant.

(5) To subpoena witnesses and send for and compel the production of books, records, papers and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where a subpoena is issued by the director shall enforce the subpoena.

(6) To assign duties under this section to employees in the division.

Sec. 12. (a) A complaint must be written and signed by the complainant and initially filed with the director. A report of a judgment rendered or a settlement issued under IC 34-18-9-3 is a complaint.

(b) Except for employees of the division acting in their official capacity, a complaint may be filed by any person, including a member of a board.

(c) Except as needed to proceed with an investigation or as provided in this chapter, a complaint filed against a licensee is confidential until charges are filed under section 18 of this chapter.

Sec. 13. The division must maintain a confidential computer data base that includes the following:

(1) Each complaint filed under this chapter, including the name of the complainant and the licensee or unlicensed individual who is practicing a regulated profession.

(2) The action taken on each complaint.

(3) Other information required by the director.

Sec. 14. The division may examine the following concerning an individual against whom a complaint is filed under section 12 of this chapter:

(1) An application or report that is submitted to a board.

(2) A limited criminal history under IC 5-2-5.

Sec. 15. (a) If the director determines a complaint has merit, the director shall do the following:

(1) Assign an investigator to begin an investigation.

(2) If the complaint is against a licensee, submit a notice to the board having jurisdiction over the licensee's regulated occupation stating that a complaint has been filed.

(b) If the director determines that a complaint against a licensee does not have merit, a synopsis of the complaint and reasons for not investigating the complaint must be provided to the liaison from the licensee's board. The name of the licensee may not be included on the

synopsis.

Sec. 16. (a) If the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action.

(b) The board may file a notice with the director not to proceed with the investigation of a licensee for a specific period of time. The board may file a subsequent notice to extend the postponement of the investigation or to proceed with the investigation.

Sec. 17. (a) If a statement of settlement has not been filed by the board under section 16 of this chapter, after conducting an initial investigation the director shall consult with and present information from the investigation to the attorney general and the appropriate board's liaison before making a recommendation to the board.

(b) The director, or the director's designee, shall present the information from the complaint and investigation of a licensee to the board. The board shall by roll call vote recommend one (1) or more of the following:

- (1) That the attorney general prosecute the matter on behalf of the state of Indiana at a hearing before the board.
- (2) That the board proceed with an informal negotiation with the licensee.
- (3) That the division investigate further concerning the licensee and report back to the board.
- (4) That a summary suspension of the licensee's license is in effect pending prosecution of the matter before the board.
- (5) That disciplinary action not be taken against the licensee.

(c) Upon receiving the board's recommendation, the attorney general may prosecute the matter on behalf of the state of Indiana before the board.

(d) Notwithstanding subsection (b), if the board by a two-thirds (2/3) vote of the appointed members requests, the attorney general shall prosecute the matter before the board on behalf of the state of Indiana.

Sec. 18. If the attorney general proceeds to prosecute a matter under section 17(c) or 17(d) of this chapter:

- (1) the attorney general must file charges against the licensee; and
- (2) the division shall transfer information collected from the division's investigation of the licensee to the attorney general.

Sec. 19. (a) The board may designate any person as a hearing officer to hear the matter before the board.

(b) At the hearing, the state, licensee, board, or hearing officer may call witnesses.

Sec. 20. If the director determines that an unlicensed person is practicing a regulated profession or using a title without a credential required for that profession, the director shall forward the complaint and any information gathered by the division to the appropriate prosecuting attorney.

Sec. 21. (a) A board member may not participate in a hearing by the board if the board member filed the complaint or participated in negotiations regarding the complaint.

(b) Serving as the hearing officer is not grounds for disqualifying a board member from the board's final determination.

Sec. 22. This chapter does not limit the rights of the licensee or the state under IC 4-21.5.

Sec. 23. The division shall submit to each board an annual report that includes the following information concerning that regulated occupation:

- (1) The number of complaints filed.
- (2) The number of cases currently under investigation.
- (3) The number of cases closed.
- (4) The number of cases resolved.

Sec. 24. (a) The health professions investigations fund is established for the purpose of funding the salaries and expenses of the division to carry out the division's duties and responsibilities under this chapter. The fund shall be administered by the bureau.

(b) The expenses of administering the fund shall be paid from money in the fund. The account consists of fees, civil penalties, and assessments collected by a board or the bureau.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same

manner as other public funds may be invested.

(d) Money in the fund at the end of a fiscal year does not revert to the state general fund. However, if the amount of money in the fund at the end of a state fiscal biennium exceeds seven hundred fifty thousand dollars (\$750,000), the treasurer shall transfer the excess from the fund into the state general fund.

Sec. 25. (a) Notwithstanding any other law, except as provided in subsection (b), all fees, civil penalties, and assessments collected by a board or the bureau must be deposited in the health professions investigations fund.

(b) The fees, civil penalties, and assessments collected by a board or the bureau for the following accounts may not be deposited in the health professions investigations fund:

- (1) The impaired nurses account (IC 25-23-1-34).
- (2) The optometry school account (IC 25-24-2-3).
- (3) The impaired pharmacists account (IC 25-26-13-30).

Sec. 26. (a) If:

- (1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and
- (2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

the office of the attorney general is entitled to reimbursement for the costs incurred in providing the services described in subdivision (2).

(b) If:

- (1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and
- (2) the office of the attorney general is entitled to reimbursement under subsection (a);

the funds for reimbursement shall be taken in equal amounts from each of the funds described in subdivision (1).

Sec. 27. The division may adopt rules under IC 4-22-2 that are necessary to implement this chapter.

SECTION 8. IC 25-1-11-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 9.5. (a) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the board shall initiate an investigation a complaint against the person with the health professions investigation division.

(b) Any complaint filed with the office of the attorney general alleging a violation of this chapter shall be referred to the board for summary review and for its general information and any authorized action at the time of the filing.

(c) The board shall assign one (1) or more of its members to conduct a fact finding investigation as the board considers proper in relation to the complaint.

SECTION 9. IC 25-10-1-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 1.5. (a) There is created a board of chiropractic examiners. The board shall consist of seven (7) members appointed by the governor, not more than four (4) of whom may be affiliated with the same political party. Six (6) of the board members must be licensed under this chapter and must have had at least five (5) years of experience as a chiropractor prior to their appointment. One (1) member is to represent the general public and must be:

- (1) a resident of this state; and
- (2) in no way associated with the profession of chiropractic other than as a consumer.

(b) All members shall be appointed for a term of three (3) years and serve until their successors are appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. Each appointed member shall serve for the unexpired term of the vacating member.

(c) The members of the board are entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Members are also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. The officers serve for a term of one (1) year. The board shall meet at least once each year and on other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum for the transaction of business. All decisions are required to be made by a majority vote of the quorum.

(e) The bureau shall provide a secretary of the board and other personnel necessary for the proper performance of the board's duties and responsibilities under this chapter. The board, through the bureau, shall receive and account for all money collected under this chapter. ~~and pay the money to the treasurer of state to be deposited by the treasurer in the general fund of the state.~~

(f) The board may do the following:

- (1) Establish reasonable application, examination, and renewal procedures for certification under this chapter.
 - (2) Use an examination under this chapter that is designed by the board, designed by another person, or designed in part by the board and in part by another person.
 - (3) Conduct in the manner prescribed by the board examinations of applicants for certification under this chapter. The board may conduct any part of the examinations through a person other than the bureau who is approved by the board. The bureau may conduct any part of the examinations under IC 25-1-5-4.
 - (4) Issue, deny, suspend, revoke, and renew certificates.
 - (5) Subject ~~to IC 25-1-7~~, to **IC 25-1-7.5**, investigate and conduct hearings, upon complaint against individuals certified or not certified under this chapter, concerning alleged violation of this chapter with hearings to be conducted in accordance with IC 4-21.5.
 - (6) Initiate the prosecution and enjoinder of a person violating this chapter.
 - (7) Adopt rules necessary for the proper performance of the board's duties, in accordance with IC 4-22-2.
 - (8) Maintain a current list of individuals certified under this chapter.
 - (9) Establish a code of professional conduct.
 - (10) Adopt rules under IC 4-22-2 to allow chiropractors licensed under this chapter to delegate the manual manipulation, manual adjustment, or manual mobilization of the spinal column or the vertebral column under section 14(c)(4) of this chapter.
 - (11) Adopt rules under IC 4-22-2 establishing standards for the registration and regulation of chiropractic management consultants (as defined by the board under IC 25-10-2).
 - (12) Set fees for the annual registration of a chiropractic management consultant under IC 25-10-2.
- (g) The board shall adopt rules establishing standards for the competent practice of the science of the chiropractic in accordance with IC 4-22-2.

(h) All expenses incurred in the administration of this chapter shall be paid from the state general fund upon appropriation being made in the manner provided by law for the making of appropriations.

SECTION 10. IC 25-10-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. ~~All fees collected under this chapter shall be deposited in the general fund of this state and shall be paid out only by warrant of the auditor of state, upon the treasurer of state.~~ All money appropriated to the board shall be used for the purpose of administering this chapter and may not be used for any other purposes."

Page 5, between lines 16 and 17, begin a new paragraph and insert:
"SECTION 12. IC 25-14-1-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3.5. (a) Under IC 25-1-8 the board shall establish, under IC 25-13-1-5 and section 13 of this chapter, fees sufficient to implement IC 25-13 and IC 25-14.

(b) All money received by the board under this chapter shall be paid to the bureau, which shall ~~(+) give a proper receipt for the same; and~~

~~(2) at the end of each month:~~

~~(A) report to the auditor of state the total amount received from all sources; and~~

~~(B) deposit the entire amount of such receipts with the state treasurer to be deposited by the treasurer in the general fund of the state.~~

money received. All expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made therefor in the manner provided by law for making such appropriations."

Page 6, after line 31, begin a new paragraph and insert:

"SECTION 14. IC 25-14-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 13. (a) The board is charged with the duty of administering and enforcing the laws pertaining to the practice of dentistry and of dental hygiene. The board may adopt and enforce rules for the administration and enforcement of this article in accordance with IC 4-22-2. The board shall adopt a code of professional conduct and shall adopt rules establishing standards for the competent practice of dentistry or dental hygiene. The board may adopt rules concerning assessment of costs in disciplinary proceedings before the board.

(b) Complaints against persons licensed under this article or IC 25-13 are subject to ~~IC 25-1-7~~. **IC 25-1-7.5.** The board may conduct hearings concerning these complaints in accordance with IC 4-21.5.

SECTION 15. IC 25-14-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 20. Proceedings for disciplinary action against a holder of a license to practice dentistry or dental hygiene in Indiana shall be had in accordance with ~~IC 25-1-7~~ **IC 25-1-7.5** and IC 4-21.5.

SECTION 16. IC 25-19-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. (a) The Indiana health facilities council, pursuant to authority provided by IC 16-28, has, by rule duly promulgated, classified health facilities into comprehensive health facilities and residential health facilities. The fee for a health facility administrator's license in either classification shall be set by the board under section 8 of this chapter.

(b) ~~Such fee Fees and application applications~~ shall be submitted to the board. ~~and~~ The board shall transmit all ~~such funds so~~ received to the ~~treasurer of state health professions bureau~~ to be deposited by ~~him~~ in the **general health professions investigations fund of the state.** All expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made therefor in the manner provided by law for making such appropriations.

(c) The administrator of a comprehensive care facility must have a comprehensive care license issued by the board in accordance with rules adopted under section 8 of this chapter.

SECTION 17. IC 25-19-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 8. The board shall do the following:

- (1) Adopt rules establishing standards for the competent practice of a health facility administrator.
- (2) Develop and apply appropriate techniques, including examination and investigations, for determining whether an individual meets the standards.
- (3) Issue licenses to individuals determined, after application of the appropriate criteria, to meet the standards, and for cause, after due notice and hearing, impose sanctions under IC 25-1-9, including placing the licensee on probation and revoking or suspending licenses previously issued by the board in any case where the individual holding the license is determined substantially to have failed to conform to the requirements of the standards.
- (4) Establish and carry out the procedures designed to ensure that individuals licensed as health facility administrators will, during any period that they serve as such, comply with the requirements of the standards.
- (5) Subject to ~~IC 25-1-7~~, **IC 25-1-7.5**, receive, investigate, and take appropriate action under IC 25-1-9 with respect to, and including probation, suspension, or the revocation of a license if necessary after due notice and hearing and for cause, any charge or complaint filed with the board to the effect that any individual licensed as a health facility administrator has failed to comply with the requirements of the standards.
- (6) Conduct a continuing study and investigation of health

facilities and administrators of health facilities in the state to improve the standards imposed for the licensing of the administrators and of procedures and methods for the enforcement of the standards with respect to licensed health facility administrators.

(7) Conduct, or cause to be conducted, one (1) or more courses of instruction and training sufficient to meet the requirements of this chapter, and shall make provisions for the courses and their accessibility to residents of this state unless it finds and approves a sufficient number of courses conducted by others within this state. The board may approve courses conducted in or outside this state sufficient to meet the education and training requirements of this chapter.

(8) Take other actions, not inconsistent with law, including establishing and approving requirements for continuing professional education for licensure renewal making provisions for accepting and disbursing funds for educational purposes, as may be necessary to enable the state to meet the requirements set forth in Section 1908 of the Social Security Act (42 U.S.C. 1396g), the federal regulations adopted under that law, and other pertinent federal authority, and designing any other action to improve the professional competence of licensees.

SECTION 18. IC 25-20-1-17.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 17.1. (a) A complaint against a person registered or temporarily registered under this chapter is subject to ~~IC 25-1-7~~ **IC 25-1-7.5**.

(b) The board may impose sanctions under IC 25-1-9 against a person registered or temporarily registered under this chapter.

(c) An action taken by the board under this section must be approved by a majority of the quorum.

SECTION 19. IC 25-22.5-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. The funds obtained from registration and penalty fees ~~shall, upon receipt thereof, must be accounted for and paid over deposited by the service bureau to into the treasurer of state and be placed in the general health professions investigations fund. of the state.~~ The expenses of the board shall be paid from the general fund upon appropriation being made therefor in the manner required by law for the making of such appropriations. The amount to be expended by the board shall not exceed the amount collected by the board from all sources.

SECTION 20. IC 25-24-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 13. Each member of the board may receive as compensation a salary per diem for each day actually engaged in the duties of his office and necessary travel expenses incurred in attending the meetings of the board in accordance with travel policies and procedures established by the department of administration and the state budget agency. All expenses shall be paid from the general fund upon appropriation being made therefor in the manner provided by law for the making of such appropriations. All fees and assessments received under ~~the provisions of this chapter shall must be deposited with the treasurer of the state of Indiana, and be deposited by him in the general health professions investigations fund. of the state.~~ The treasurer shall pay the per diem expenses as provided herein only on the itemized verified statement of the person entitled thereto. In accordance with IC 25-1-5, ~~said~~ the board is expressly authorized to use any part of ~~said~~ the appropriated funds available for the purpose of assisting in prosecuting any person violating any of the provisions of this chapter, or for the purpose of enforcing by legal action, any of the provisions of this chapter.

SECTION 21. IC 25-26-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 4. (a) The board may:

- (1) ~~promulgate adopt~~ rules and regulations under IC 4-22-2 for implementing and enforcing this chapter;
- (2) establish requirements and tests to determine the moral, physical, intellectual, educational, scientific, technical, and professional qualifications for applicants for pharmacists' licenses;
- (3) refuse to issue, deny, suspend, or revoke a license or permit

or place on probation or fine any licensee or permittee under this chapter;

(4) regulate the sale of drugs and devices in the state of Indiana;

(5) impound, embargo, confiscate, or otherwise prevent from disposition any drugs, medicines, chemicals, poisons, or devices which by inspection are deemed unfit for use or would be dangerous to the health and welfare of the citizens of the state of Indiana; the board shall follow those embargo procedures found in IC 16-42-1-18 through IC 16-42-1-31, and persons may not refuse to permit or otherwise prevent members of the board or their representatives from entering such places and making such inspections;

(6) prescribe minimum standards with respect to physical characteristics of pharmacies, as may be necessary to the maintenance of professional surroundings and to the protection of the safety and welfare of the public;

(7) subject to ~~IC 25-1-7~~ **IC 25-1-7.5**, investigate complaints, subpoena witnesses, schedule and conduct hearings on behalf of the public interest on any matter under the jurisdiction of the board;

(8) prescribe the time, place, method, manner, scope, and subjects of licensing examinations which shall be given at least twice annually; and

(9) perform such other duties and functions and exercise such other powers as may be necessary to implement and enforce this chapter.

(b) The board shall adopt rules under IC 4-22-2 for the following:

(1) Establishing standards for the competent practice of pharmacy.

(2) Establishing the standards for a pharmacist to counsel individuals regarding the proper use of drugs.

(c) The board may grant or deny a temporary variance to a rule it has adopted if:

(1) the board has adopted rules which set forth the procedures and standards governing the grant or denial of a temporary variance; and

(2) the board sets forth in writing the reasons for a grant or denial of a temporary variance.

SECTION 22. IC 25-26-13-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 23. (a) The board shall establish appropriate fees to carry out this chapter.

(b) All fees are nonrefundable. A receipt shall be issued for all fees and fines submitted.

(c) All fees collected under this section and fines collected under IC 25-1-9 ~~shall must be transferred to the treasurer of state and deposited in the general of the state. health professions investigations fund.~~

(d) The board may adopt rules that provide that at the time of license renewal, each licensed pharmacist pay an additional fee not to exceed ten dollars (\$10). The amounts collected under this subsection shall be deposited in the impaired pharmacists account established under section 30 of this chapter.

SECTION 23. IC 25-32-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 8. (a) The members of the board shall annually elect from their number a chairman and vice chairman.

(b) The board shall supervise the enforcement of the provisions of this chapter and possess the necessary authority to fulfill its duties as prescribed in this chapter. The board may utilize on a full or part-time basis such employees as are necessary to maintain records, pertinent to the examination and registration of environmental health specialists or to assist in any manner in the performance of duties as required under the chapter. The board may also utilize the staff of the health professions bureau.

(c) Subject to ~~IC 25-1-7~~ **IC 25-1-7.5**, the board may hold hearings for the purpose of administrative adjudication of such matters as may properly come before it, make the necessary determinations, and issue such orders as may be consistent with the findings.

(d) The board may establish the procedures for conducting examinations and for obtaining the certificates and permits required

by this chapter and methods by which the qualifications of an applicant shall be evaluated.

(e) The board may adopt reasonable rules to carry out and enforce the provisions of this chapter. The board shall adopt rules establishing standards for the competent practice of an environmental health specialist.

(f) The board shall issue a certificate of registration, upon the payment of the registration fee set by the board, to any applicant, who, in the opinion of the board, has satisfactorily met all requirements of this chapter.

(g) The board shall meet at least once a year to transact necessary business. Four (4) members of the board constitute a quorum. Special meetings of the board may be called by the chairman or shall be called upon written request of any three (3) members of the board. A majority of a quorum may transact business.

(h) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the board who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 24. IC 25-32-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. All registration fees and other fees and charges collected under this chapter ~~shall be deposited with the state treasurer. The state treasurer shall deposit amounts so received by him in the general health professions investigations fund. of the state.~~ All expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made therefor in the manner provided by law for the making of such appropriations.

SECTION 25. IC 25-33-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 3. (a) There is created a board to be known as the "state psychology board". The board shall consist of seven (7) members appointed by the governor. Six (6) of the board members shall be licensed under this article and ~~shall~~ have had at least five (5) years of experience as a professional psychologist prior to their appointment. The seventh member shall be appointed to represent the general public, must be a resident of this state, must never have been credentialed in a mental health profession, and must in no way be associated with the profession of psychology other than as a consumer. All members shall be appointed for a term of three (3) years. All members may serve until their successors are duly appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. The member so appointed shall serve for the unexpired term of the vacating member. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b) ~~Such a member is also entitled to and~~ reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

(b) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. Such officers shall serve for a term of one (1) year. The board shall meet at least once in each calendar year and on such other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

(c) The board is empowered to do the following:

(1) Establish reasonable application, examination, and renewal procedures and set fees for licensure under this article. However, no fee collected under this article shall, under any circumstances, be refunded.

(2) Adopt and enforce rules concerning assessment of costs in disciplinary proceedings before the board.

(3) Establish examinations of applicants for licensure under this article and issue, deny, suspend, revoke, and renew licenses.

(4) Subject to ~~IC 25-1-7~~, IC 25-1-7.5, investigate and conduct hearings, upon complaint against individuals licensed or not licensed under this article, concerning alleged violation of this article, under procedures conducted in accordance with IC 4-21.5.

(5) Initiate the prosecution and enjoinder of any person violating this article.

(6) Adopt rules which are necessary for the proper performance of its duties, in accordance with IC 4-22-2.

(7) Establish a code of professional conduct.

(d) The board shall adopt rules establishing standards for the competent practice of psychology.

(e) All expenses incurred in the administration of this article shall be paid from the general fund upon appropriation being made in the manner provided by law for the making of such appropriations.

(f) The bureau shall do the following:

(1) Carry out the administrative functions of the board.

(2) Provide necessary personnel to carry out the duties of this article.

(3) Receive and account for all fees required under this article.

(4) Deposit fees collected ~~with the treasurer of the state for deposit in the state general health professions investigations fund.~~

(g) The board shall adopt rules under IC 4-22-2 to establish, maintain, and update a list of restricted psychology tests and instruments (as defined in section 14(b) of this chapter) containing those psychology tests and instruments that, because of their design or complexity, create a danger to the public by being improperly administered and interpreted by an individual other than:

(1) a psychologist licensed under IC 25-33-1-5.1;

(2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);

(3) a qualified physician licensed under IC 25-22.5;

(4) a school psychologist who holds a valid:

(A) license issued by the professional standards board under IC 20-1-1.4-2; or

(B) endorsement under IC 20-1-1.9;

practicing within the scope of the school psychologist's license or endorsement; or

(5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance.

(h) The board shall provide to:

(1) the social work certification and marriage and family therapists credentialing board; and

(2) any other interested party upon receiving the request of the interested party;

a list of the names of tests and instruments proposed for inclusion on the list of restricted psychological tests and instruments under subsection (g) at least sixty (60) days before publishing notice of intent under IC 4-22-2-23 to adopt a rule regarding restricted tests and instruments.

(i) The social work certification and marriage and family therapists credentialing board and any other interested party that receives the list under subsection (h) may offer written comments or objections regarding a test or instrument proposed for inclusion on the list of restricted tests and instruments within sixty (60) days after receiving the list. If:

(1) the comments or objections provide evidence indicating that a proposed test or instrument does not meet the criteria established for restricted tests and instruments, the board may delete that test from the list of restricted tests; and

(2) the board determines that a proposed test or instrument meets the criteria for restriction after reviewing objections to the test or instrument, the board shall respond in writing to justify its decision to include the proposed test or instrument on the list of restricted tests and instruments.

(j) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

- (1) license or certification; and
- (2) training or credentials.

SECTION 26. IC 25-35.6-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 2. (a) The board:

- (1) shall administer, coordinate, and enforce this article;
- (2) shall evaluate the qualifications and supervise the examinations of applicants for licensure under this article;
- (3) may issue subpoenas, examine witnesses, and administer oaths; and
- (4) shall, at its discretion, investigate allegations of practices violating this article, subject to ~~IC 25-1-7~~. **IC 25-1-7.5.**

(b) The board shall adopt rules under IC 4-22-2 relating to professional conduct commensurate with the policy of this article, including rules that establish standards for the competent practice of speech-language pathology and audiology. Following their adoption, the rules govern and control the professional conduct of every person who holds a license to practice speech-language pathology or audiology in this state.

(c) The board shall conduct the hearings and keep the records and minutes necessary for the orderly dispatch of its functions. The board shall have notice provided to the appropriate persons in a manner it considers appropriate of the times and places of all hearings authorized by this subsection. Approval by a majority of a quorum of the board is required for any action to be taken in actions for revocation or suspension of a license issued under this article.

(d) The board may adopt rules under IC 4-22-2 to:

- (1) administer or enforce this article;
- (2) register persons in the process of fulfilling the clinical experience required for a license under this article;
- (3) establish fees in accordance with IC 25-1-8-2; and
- (4) register speech-language pathology and audiology aides and establish rules governing the duties of aides.

(e) The conferral or enumeration of specific powers elsewhere in this article shall not be construed as a limitation of the general functions conferred by this section.

SECTION 27. IC 34-18-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 3. (a) A health care provider's insurer shall notify the commissioner of any malpractice case upon which the insurer has placed a reserve of at least one hundred twenty-five thousand dollars (\$125,000). The insurer shall give notice to the commissioner under this subsection immediately after placing the reserve. The notice and all communications and correspondence relating to the notice are confidential and may not be made available to any person or any public or private agency.

(b) All malpractice claims settled or adjudicated to final judgment against a health care provider shall be reported to the commissioner by the plaintiff's attorney and by the health care provider or the health care provider's insurer or risk manager within sixty (60) days following final disposition of the claim. The report to the commissioner must state the following:

- (1) The nature of the claim.
- (2) The damages asserted and the alleged injury.
- (3) The attorney's fees and expenses incurred in connection with the claim or defense.
- (4) The amount of the settlement or judgment.

(c) **The commissioner shall forward the report under subsection (b) to the health professions investigation division (IC 25-1-7.5).**

SECTION 28. IC 34-18-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 4. (a) The medical review panel (as described in IC 34-18-10) shall make a separate determination, at the time that it renders its opinion under IC 34-18-10-22, as to whether the name of the defendant health care provider should be forwarded to the ~~appropriate board of professional registration~~ **health professions investigation division** for review of the health care provider's fitness to practice the health care provider's profession. The commissioner shall forward the name of the defendant health care provider if the medical review panel unanimously determines that it should be forwarded. The medical

review panel determination concerning the forwarding of the name of the defendant health care provider is not admissible as evidence in a civil action. ~~In each case involving review of a health care provider's fitness to practice forwarded under this section, the appropriate board of professional registration and examination may, in appropriate cases, take the following disciplinary action:~~

- (1) ~~censure;~~
- (2) ~~imposition of probation for a determinate period;~~
- (3) ~~suspension of the health care provider's license for a determinate period; or~~
- (4) ~~revocation of the license.~~

(b) ~~Review of the health care provider's fitness to practice shall be conducted in accordance with IC 4-21-5.~~

(c) ~~(b) The appropriate board of professional registration and examination shall report to the commissioner the board's findings, the action taken, and the final disposition of each case involving review of a health care provider's fitness to practice forwarded under this section.~~

SECTION 29. IC 34-30-15-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 11. If a waiver of the privilege is executed on behalf of the peer review committee in favor of the ~~attorney general~~ **health professions investigation division** for the purpose of conducting an investigation under ~~IC 25-1-7, IC 25-1-7.5~~, the records of, determinations of, or communications to a peer review committee are confidential and privileged under this section, except for the ~~attorney general's health professions investigation division's~~ use in an investigation to identify information otherwise discoverable or admissible from original sources under section 3 of this chapter.

SECTION 30. IC 34-30-15-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 12. This chapter does not prevent the attorney general ~~from obtaining by subpoena as part of a prosecution or the health professions investigation division~~ from obtaining by subpoena as part of an investigation under ~~IC 25-1-7 IC 25-1-7.5~~ for a violation under IC 25-1-9:

- (1) the application for privileges or employment completed by the professional staff member under investigation regardless of whether the member is the subject of peer review committee proceedings;
- (2) except for reports prepared as part of a peer review investigation, incident reports prepared contemporaneously to document the circumstances of an accident or unusual occurrence involving a professional staff member regardless of whether the member is the subject of peer review committee proceedings; or
- (3) information otherwise discoverable from original sources, that is not the communications to, records of, or determinations of a peer review committee;

from a professional health care provider.

SECTION 31. IC 34-30-15-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2000]: Sec. 13. A subpoena issued by:

- (1) the attorney general to obtain the records necessary ~~to~~ **for a prosecution; or**
- (2) **the health professions investigation division to obtain records necessary for an investigation; shall**

must identify with reasonable particularity the documents sought and the specific professional health care provider under investigation.

SECTION 32. IC 25-1-9-18 IS REPEALED [EFFECTIVE NOVEMBER 1, 2000].

SECTION 33. [EFFECTIVE MAY 1, 2000] (a) **Notwithstanding IC 25-1-7.5, as added by this act, the attorney general shall receive, investigate, and prosecute the complaints that are filed before November 1, 2000, against a person in a regulated profession (as defined in IC 25-1-7.5-7, as added by this act).**

(b) **Notwithstanding IC 25-1-7.5, as added by this act, the health professions investigation division may not accept a filed complaint or investigate any complaint filed before November 1, 2000.**

(c) **Notwithstanding IC 25-1-7, as amended by this act, or IC 25-1-7.5, as added by this act, the attorney general shall complete the investigation and prosecution of any complaint filed before**

November 1, 2000, using the procedures under IC 25-1-7, before its amendment by this act.

(d) Notwithstanding any other law, all fees, civil penalties, and assessments collected by the health professions bureau or a board (as defined by IC 25-1-7.5-1, as added by this act) must be deposited in the health professions investigations fund established by IC 25-1-7.5-24, as added by this act.

(e) This SECTION expires November 1, 2005.

SECTION 34. [EFFECTIVE UPON PASSAGE] (a) Not later than July 1, 2000, the department of administration shall provide adequate office space for the health professions investigation division.

(b) This SECTION expires July 1, 2000.

SECTION 35. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 320, as printed February 11, 2000).

T. BROWN

Representative Moses rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 216

Representative GiaQuinta called down Engrossed Senate Bill 216 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

Engrossed Senate Bill 318

Representative Crosby called down Engrossed Senate Bill 318 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 318-1)

Mr. Speaker: I move that Engrossed Senate Bill 318 be amended to read as follows:

Page 2, after line 5, begin a new paragraph and insert:

"SECTION 2. IC 16-31-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. (a) The commission is composed of eleven (11) members. The governor shall appoint the members for four (4) year terms as follows:

- (1) One (1) must be appointed from a volunteer fire department that provides ~~ambulance~~ **emergency medical** service.
- (2) One (1) must be appointed from a full-time municipal fire or police department that provides ~~ambulance~~ **emergency medical** service.
- (3) One (1) must be a nonprofit provider of emergency ambulance services organized on a volunteer basis other than a volunteer fire department.
- (4) One (1) must be a provider of private ambulance services.
- (5) One (1) must be a state certified paramedic.
- (6) One (1) must be a licensed physician who:
 - (A) has a primary interest, training, and experience in emergency medical services; and
 - (B) is currently practicing in an emergency medical services facility.
- (7) One (1) must be a chief executive officer of a hospital that provides emergency ambulance services.
- (8) One (1) must be a registered nurse who has supervisory or administrative responsibility in a hospital emergency department.
- (9) One (1) must be a licensed physician who:
 - (A) has a primary interest, training, and experience in trauma care; and
 - (B) is practicing in a trauma facility.
- (10) One (1) must be a state certified emergency medical service technician.

(11) One (1) must be an individual who:

(A) represents the public at large; and

(B) is not in any way related to providing emergency medical services.

(b) The chief executive officer of a hospital appointed under subsection (a)(7) may designate another administrator of the hospital to serve for the chief executive officer on the commission.

(c) Not more than six (6) members may be from the same political party."

Renumber all SECTIONS consecutively.

(Reference is to ESB 318 as printed February 11, 2000.)

GREGG

Representative Mannweiler rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Chair ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 74, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 17, after "in" delete "," and insert "**or**".

Page 1, line 17, delete ", or within one thousand (1,000) feet of".

Page 2, line 4, delete "a state park" and insert "**department of natural resources owned or managed property**".

(Reference is to SB 74 as reprinted January 21, 2000.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

DVORAK, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 79 had been referred to the Committee on Ways and Means.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:05 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 28, 32, 46, and 47 and the same are herewith returned to the House.

CAROLYN J. TINKLE
Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 37, 39, and 41 and the same are herewith transmitted to the House for further action.

CAROLYN J. TINKLE
Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 37

The Speaker handed down Senate Concurrent Resolution 37, sponsored by Representatives Ulmer and Mangus:

A CONCURRENT RESOLUTION to pay tribute to the David Bontrager family for their many contributions to the Indiana farming community and for their recognition as the 2000 Indiana Farm Family of the Year.

Whereas, Mr. David Bontrager began his career in agriculture when he joined the Michigan State University Soil Science Department in the early 1960's;

Whereas, In 1963, Mr. Bontrager and his wife, Mary Ellen Bontrager, moved back to Indiana where they have established a 350 acre farm and a 100-cow dairy herd;

Whereas, Mr. and Mrs. Bontrager are joined in the profession by three of their four children. Their oldest son, DeWayne Bontrager, and his wife, Annette, operate their own 1200 acre grain farm in Elkhart County. In addition, their two younger sons, Linford and Kenneth Bontrager, both work with their parents on the family farm. The Bontrager's daughter, Frances Miller, and her husband, Merv, have pursued endeavors outside the family business;

Whereas, The Bontrager family's contributions to the farming profession have been recognized on several occasions, including the naming of David Bontrager by the Elkhart County Soil and Water Conservation District as the Conservation Farmer of the Year and the selection of the family as the Elkhart County Farm Family of the Year by the Elkhart County Agricultural Society in 1998;

Whereas, The Bontrager family's contributions to the farming community were again recognized this year when they were presented with the 2000 Indiana Farm Family of the Year Award at the Fort Wayne Farm Show;

Whereas, David Bontrager's contributions to the farming profession extend to the community where he serves as Associate Supervisor of the Elkhart County Soil and Water Conservation District, as a delegate to Dairy Farmers of America, and as a member of the Elkhart County Extension Advisory Board; and

Whereas, The Bontragers further serve their community through their involvement in the Mount Joy Conservative Mennonite Church, their volunteer work at the Greencroft Health Care Center and their willingness to educate others about agriculture by hosting tours of their farm and facilities: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly is proud to recognize the Bontrager family for their lifetime of service and contributions both to the Indiana farming industry and to their community.

SECTION 2. That, on behalf of the People of Indiana, the Indiana General Assembly congratulates the Bontrager family on their many accomplishments, culminating in their receipt of the 2000 Indiana Farm Family of the Year Award.

SECTION 3. The Secretary of the Senate is hereby directed to transmit copies of this resolution to each member of the Bontrager family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 39

The Speaker handed down Senate Concurrent Resolution 39, sponsored by Representatives Goeglein and Moses:

A CONCURRENT RESOLUTION congratulating Concordia Lutheran High School, Fort Wayne, Indiana, on winning the 1999 IHSAA Boys Track state championship.

Whereas, The Concordia Lutheran High School Cadets scored 42 points to edge out Northrop High School and Carroll High School to win their first track and field state championship;

Whereas, The state championships were held at Carroll Track and Soccer Stadium on the campus of Indiana University-Purdue University Indianapolis;

Whereas, The championship meet was a tightly contested competition with only 10 points separating the first and third place teams;

Whereas, Junior Rolando Scott, who scored the area's highest point totals, won the 100 meter dash, finished fifth in the long jump and the 200 meter dash, and ran anchor leg on the victorious 400 meter relay team;

Whereas, Rolando Scott accounted for 30 of the Cadet's 42 points in their winning effort;

Whereas, Each member of the Cadet track team is an integral part of the team, each contributing to the victory. Gustin Smith finished sixth in the 100 meter race and Matt Stebing finished fifth in the discus throw; and

Whereas, Excellence such as this deserves special recognition: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly wishes to recognize the accomplishments of the Concordia Lutheran High School track team on its state championship and to wish the team continued success in the future.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the members of the Concordia Lutheran High School track team, the team's coaches, and the school's athletic director and principal.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 41

The Speaker handed down Senate Concurrent Resolution 41, sponsored by Representatives Dillon and GiaQuinta:

A CONCURRENT RESOLUTION honoring Deb Sauers Casaburo on the occasion of her induction into the Indiana High School Track and Field Hall of Fame.

Whereas, As the Indiana High School Track and Field Hall of Fame begins its yearly inductions, Deb Sauers Casaburo will take her place among the elite group of Hall of Fame members;

Whereas, Deb Casaburo, who was Deb Sauers during her high school days, is a 1988 graduate of Columbia City High School;

Whereas, Deb set the state 300 meter hurdles record with a time of 42.51 seconds; this record is still intact today;

Whereas, Deb is still the holder of several records at Columbia City High School—the 200 meter dash (25.76 seconds), the 400 meter dash (57.60 seconds), the 100 meter hurdles (13.92 seconds), the 300 meter hurdles (42.40 seconds) and as a member of the 400 meter relay (50.1 seconds);

Whereas, Deb, who was a dominant force on the local high school track scene, earned All-American honors during her high school career and a place on the Indiana University women's track team;

Whereas, Deb's track career was cut short by an automobile accident in which her ankle was broken in several places;

Whereas, After her accident, Deb returned to Indiana University where she met Tom Casaburo, her husband to be;

Whereas, Today Deb and Tom and their two daughters, Cali and Tori, reside in Fort Wayne, Indiana; and

Whereas, Great athletic accomplishments such as Deb's deserve special recognition: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly wishes to congratulate Deb Sauers Casaburo on her induction into the Indiana High School Track and Field Hall of Fame.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Deb Sauers Casaburo and her family and the principal of Columbia City High School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative M. Young be removed as sponsor of Engrossed Senate Bill 353, Representative Kuzman be substituted as sponsor, and Representative M. Young be added as cosponsor.

M. YOUNG

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Herrell be added as cosponsor of Engrossed Senate Bill 431.

STURTZ

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Summers the House adjourned at 2:15 p.m., this fourteenth day of February, 2000, until Wednesday, February 16, 2000, at 1:00 p.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE SMITH

Principal Clerk of the House of Representatives