State Board of Cosmetology Examiners

Licensure Laws and Regulations

A compilation from the Indiana Code and Indiana Administrative Code

2007 Edition

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NOTICE: This compilation incorporates the most recent revisions of statutes and administrative rules governing the beauty culture profession, as of July 1, 2007. Note that this compilation is not an official version of the Indiana Code or the Indiana Administrative Code. It is distributed as a general guide for Indiana's cosmetologists, manicurists, estheticians, electrologists, and tanning facility operators. It is not intended to be offered as legal advice, and it may contain typographical errors. The State Board of Cosmetology Examiners and the staff of the Indiana Professional Licensing Agency are prohibited from providing legal advice on issues contained herein. For legal advice, please consult an attorney. To obtain official copies of the Indiana Code or Indiana Administrative Code, contact your nearest public library or visit the website of the Indiana General Assembly at www.in.gov/legislative.

TABLE OF CONTENTS

INDIANA CODE § 25-8 – Beauty Culture

Chapter 1.	Repealed	IC 25-8-1	Page 5
Chapter 2.	Cosmetology Regulation; Definitions	IC 25-8-2	Pages 5 - 6
Chapter 3.	State Board of Cosmetology Examiners	IC 25-8-3	Pages 6 - 8
Chapter 4.	Cosmetology Licenses; General Provisions	IC 25-8-4	Pages 8 - 10
Chapter 5.	Cosmetology School Licenses	IC 25-8-5	Pages 10 - 11
Chapter 6.	Beauty Culture Instructor Licenses	IC 25-8-6	Pages 11 -12
Chapter 6.1.	Repealed	IC 25-8-6.1	Page 11
Chapter 6.2.	Repealed	IC 25-8-6.2	Page 11
Chapter 7.	Cosmetology Salon Licenses	IC 25-8-7	Page 12 - 13
Chapter 7.1.	Manicurist Salon Licenses	IC 25-8-7.1	Page 13
Chapter 7.2.	Electrology Salon Licenses	IC 25-8-7.2	Page 13
Chapter 8.	Repealed	IC 25-8-8	Page 13
Chapter 9.	Cosmetologist Licenses	IC 25-8-9	Pages 14 - 15
Chapter 10.	Electrologist Licenses	IC 25-8-10	Page 15
Chapter 11.	Manicurist Licenses	IC 25-8-11	Page 15
Chapter 12.	Repealed	IC 25-8-12	Page 15
Chapter 12.5.	Esthetician Licenses	IC 25-8-12.5	Page 16
Chapter 12.6.	Esthetician Shop Licenses	IC 25-8-12.6	Pages 16 -17
Chapter 13.	Fees	IC 25-8-13	Pages 17 - 18
Chapter 14.	Enforcement	IC 25-8-14	Page 18
Chapter 15.	Repealed	IC 25-8-15	Page 18
Chapter 15.4.	Tanning Facilities	IC 25-8-15.4	Pages 18 - 20
Chapter 16.	Repealed	IC 25-8-16	Page 20

INDIANA CODE § 25-1 – General Provisions

Chapter 1.	Evidence of License Applicant's Payment of Personal Property Taxes Required	IC 25-1-1	Page 21

Chapter 1.1.	Effect of Criminal Convictions on Licensed or Registered Persons	IC 25-1-1.1	Page 21
Chapter 1.2 .	Effect of Delinquency in Child Support Payments on Licensed or Registered Persons	IC 25-1-1.2	Pages 22 - 23
Chapter 2.	Renewal of Licenses Granted by State Agencies. Notice of Expiration	IC 25-1-2	Pages 23 - 24
Chapter 3.	Civil Immunity of Regulatory Agencies	IC 25-1-3	Pages 24 - 25
Chapter 4.	Continuing Education	IC 25-1-4	Pages 25 - 26
Chapter 5.	Professional Licensing Agency	IC 25-1-5	Pages 26 - 29
Chapter 6.	Professional Licensing Agency	IC 25-1-6	Pages 29 - 31
Chapter 7.	Investigation and Prosecution of Complaints Concerning Regulated Occupations	IC 25-1-7	Pages 31 - 33
Chapter 8.	Occupational and Professional Licensure, Registration, and Certification Fees	IC 25-1-8	Pages 33 - 35
Chapter 11.	Professional Licensing Standards of Practice	IC 25-1-11	Pages 35 - 37
Chapter 12.	Renewal of Licenses Held by Individuals in Military Service	IC 25-1-12	Pages 37 - 38

INDIANA ADMINISTRATIVE CODE

Title 820, Article 1 – Beauty Culture Schools and Shops (Repealed)

Title 820, Article 2 – Licensing

Rule 1.	Licensing Requirements; Miscellaneous Provisions	820 IAC 2-1	Pages 38 - 39
Rule 2.	Examinations	820 IAC 2-2	Pages 39 - 41

Title 820, Article 3 – Sanitary and Equipment Requirements

Rule 1.	Sanitary and Equipment Requirements for Cosmetology Salons, Electrology Salons, Manicurist Salons, and Cosmetology Schools	820 IAC 3-1	Pages 41 - 43
Rule 2.	Sanitary and Equipment Requirements for Esthetic Salons and Cosmetology Schools Teaching Esthetics	820 IAC 3-2	Pages 43 - 46

Title 820, Article 4 – Cosmetology Schools

Rule 1.	General Requirements	820 IAC 4-1	Pages 46 - 47
Rule 2.	Equipment and Facilities	820 IAC 4-2	Pages 47 - 50
Rule 3.	Instructors	820 IAC 4-3	Pages 50 - 51
Rule 4.	Curriculum	820 IAC 4-4	Pages 51 - 72

Title 820, Article 5 – Tanning Facilities

Rule 1.	Sanitation and Safety	820 IAC 5-1	Pages 72 - 79

Title 820, Article 6 – Repealed Page 79

INDIANA CODE § 25-8-1

Chapter 1. Repealed

IC 25-8-1 Repealed
(Repealed by P.L.257-1987, SEC.18.)

INDIANA CODE § 25-8-2

Chapter 2. Cosmetology Regulation; Definitions

IC 25-8-2-1 Definitions applicable to article
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.257-1987, SEC.1.

IC 25-8-2-2 "Agency" defined
Sec. 2. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.
As added by P.L.257-1987, SEC.1. Amended by P.L.1-2006, SEC.424.

IC 25-8-2-2.5 Repealed
(Repealed by P.L.157-2006, SEC.76.)

IC 25-8-2-3 "Board" defined
Sec. 3. "Board" refers to the state board of cosmetology examiners.
As added by P.L.257-1987, SEC.1.

IC 25-8-2-3.5 "Continuing education course" defined
Sec. 3.5. "Continuing education course" means an orderly process of instruction that is:
(1) offered by a cosmetology educator that is approved by the board; and
(2) designed to directly enhance the knowledge and skill of practicing cosmetology professionals in providing cosmetology services.
As added by P.L.239-1995, SEC.2.

IC 25-8-2-4 "Cosmetologist" defined
Sec. 4. "Cosmetologist" means a person licensed under IC 25-8-9 to provide cosmetology.
As added by P.L.257-1987, SEC.1.

IC 25-8-2-5 "Cosmetology" defined
Sec. 5. (a) "Cosmetology" means performing any of the following acts on the head, face, neck, shoulders, torso, arms, hands, legs, or feet of a person:
(1) Cutting, trimming, styling, arranging, dressing, curling, waving, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.
(2) Applying oils, creams, antiseptics, clays, lotions, or other preparations to massage, cleanse, stimulate, manipulate, exercise, or beautify.
(3) Arching eyebrows.
(4) Using depilatories.
(5) Manicuring and pedicuring.
(b) "Cosmetology" does not include performing any of the acts described in subsection (a):
(1) in treating illness or disease;
(2) as a student in a cosmetology school that complies with the notice requirements set forth in IC 25-8-5-6;
(3) in performing shampooing operations; or
(4) without compensation.
As added by P.L.257-1987, SEC.1. Amended by P.L.5-1988, SEC.135; P.L.236-1995, SEC.3; P.L.157-2006, SEC.35.

IC 25-8-2-5.5 "Cosmetology professional" defined
Sec. 5.5. "Cosmetology professional" refers to the following:
(1) A cosmetologist licensed under IC 25-8-9.
(2) An electrologist licensed under IC 25-8-10.
(3) A manicurist licensed under IC 25-8-11.
(4) An esthetician licensed under IC 25-8-12.5.
(5) An instructor licensed under IC 25-8-6.
As added by P.L.239-1995, SEC.3. Amended by P.L.157-2006, SEC.36.

IC 25-8-2-6 "Cosmetology salon" defined
Sec. 6. "Cosmetology salon" means an establishment offering cosmetology to the public.
As added by P.L.257-1987, SEC.1.

IC 25-8-2-7 "Cosmetology school" defined
Sec. 7. "Cosmetology school" means an establishment licensed under this article that offers training in cosmetology.
As added by P.L.257-1987, SEC.1. Amended by P.L.236-1995, SEC.4.

IC 25-8-2-8 "Electrolysis" defined
Sec. 8. "Electrolysis" means the removal of unwanted hair by an electrified needle.
As added by P.L.257-1987, SEC.1.

IC 25-8-2-9 "Electrologist" defined
Sec. 9. "Electrologist" means a person licensed under IC 25-8-10 to provide electrolysis.
As added by P.L.257-1987, SEC.1.

IC 25-8-2-9.2 "Electrology salon" defined
Sec. 9.2. "Electrology salon" means an establishment offering electrology to the public.
As added by P.L.184-1991, SEC.1.

IC 25-8-2-9.5 "Esthetician" defined
Sec. 9.5. (a) "Esthetician" means a person who engages solely in one (1) or more of the following practices:
(1) Giving facials, applying makeup, and giving skin care.
(2) Beautifying, massaging, or cleaning the body with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.
(3) Removing superfluous hair from the body by the use of depilatories, waxing, or tweezers.
(b) The term does not include performing any of the acts described in subsection (a):
(1) in treating an illness or a disease;
(2) as a student in a cosmetology school that complies with the notice requirements under IC 25-8-5-6;
(3) without compensation; or
(4) incident to the retail sale of cosmetics.
As added by P.L.144-1990, SEC.1. Amended by P.L.184-1991, SEC.2; P.L.113-1999, SEC.2.

IC 25-8-2-9.6 "Esthetic salon" defined
Sec. 9.6. "Esthetic salon" means a place in which a person acts as an esthetician.
As added by P.L.144-1990, SEC.2. Amended by P.L.184-1991, SEC.3.

IC 25-8-2-10 "Instructor" defined
Sec. 10. "Instructor" means a person licensed under IC 25-8-6 to teach in a cosmetology school.

As added by P.L.257-1987, SEC.1. Amended by P.L.236-1995, SEC.5; P.L.113-1999, SEC.3.

IC 25-8-2-11 "License" defined

Sec. 11. "License" means a document issued by the agency and the board to permit a person to engage in an activity regulated under this article.

As added by P.L.257-1987, SEC.1.

IC 25-8-2-12 "Licensed" defined

Sec. 12. "Licensed" means possessing a valid license issued under this article.

As added by P.L.257-1987, SEC.1.

IC 25-8-2-13 "Manicuring" defined

Sec. 13. "Manicuring" means cleaning, dressing, polishing, sculpting, tipping, or wrapping the nails of a person.

As added by P.L.257-1987, SEC.1.

IC 25-8-2-14 "Manicurist" defined

Sec. 14. "Manicurist" means a person licensed under IC 25-8-11 to provide manicuring.

As added by P.L.257-1987, SEC.1.

IC 25-8-2-15 "Manicurist salon" defined

Sec. 15. "Manicurist salon" means an establishment offering manicuring to the public.

As added by P.L.184-1991, SEC.4.

IC 25-8-2-15.5 "Mobile salon" defined

Sec. 15.5. "Mobile salon" means either of the following:

(1) A self-contained facility that may be moved, towed, or transported from one (1) location to another and in which cosmetology, electrology, esthetics, or manicuring is practiced.

(2) A business in which cosmetology, electrology, esthetics, or manicuring equipment is transported to and used on a temporary basis at a location other than a selected salon site, including:

(A) other cosmetology, electrology, esthetic, or manicuring salons;

(B) clients' homes; and

(C) nursing homes.

As added by P.L.1821-2007, SEC.29.

IC 25-8-2-16 Repealed

(Repealed by P.L.157-2006, SEC.76.)

IC 25-8-2-17 "Shampoo operation" defined

Sec. 17. "Shampoo operation" means performing any of the following acts on the head only:

(1) Applying shampoo, conditioner, or rinses.

(2) Massaging the scalp.

(3) Rinsing the hair and scalp.

As added by P.L.113-1999, SEC.4.

IC 25-8-2-18 Repealed

(Repealed by P.L.157-2006, SEC.76.)

INDIANA CODE § 25-8-3

Chapter 3. State Board of Cosmetology Examiners

IC 25-8-3-1 Establishment

Sec. 1. The state board of cosmetology examiners is established.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-2 Members; appointment

Sec. 2. The board consists of seven (7) members. The governor shall appoint all the members of the board.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-3 Resident physician as board member

Sec. 3. One (1) member of the board must:

(1) reside in Indiana; and

(2) be a physician as defined by IC 25-22.5-1-1.1(g).

As added by P.L.257-1987, SEC.2.

IC 25-8-3-4 Resident consumer as board member

Sec. 4. One (1) member of the board must:

(1) reside in Indiana; and

(2) have no association with cosmetology, except as a consumer.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-5 Board membership qualifications

Sec. 5. (a) Each of the remaining five (5) members of the board must reside in Indiana.

(b) At least three (3) of the members described in subsection (a) must have been licensed cosmetologists practicing in cosmetology salons in Indiana continuously for at least five (5) years before appointment.

(c) Two (2) of the members described in subsection (a) may be owners or operators of cosmetology schools. One (1) of the members described in this subsection must be a licensed cosmetologist. One (1) of the members described in this subsection is not required to be a cosmetologist.

(d) Not more than two (2) members of the board may be:

(1) owners of;

(2) operators of;

(3) members of the board of directors of;

(4) employees of; or

(5) contractors with;

a cosmetology school.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.6.

IC 25-8-3-6 Board member political affiliation

Sec. 6. No more than four (4) members of the board may belong to the same political party.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-7 Term of office

Sec. 7. Each board member serves a term of three (3) years, beginning on the date of appointment and continuing until:

(1) the member is removed under section 8 of this chapter; or

(2) a successor is appointed.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-8 Removal; grounds

Sec. 8. The governor may remove a board member for incompetency or failure to perform the member's duties under this chapter.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-9 Appointment of successor

Sec. 9. If a member of the board is removed under section 8 of this chapter, the governor shall appoint a successor to serve for the remainder of the unexpired term.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-10 Election of officers

Sec. 10. The board shall, at its first meeting of each year, elect a president, vice president, and secretary from among its membership. Election of an officer under this section requires a majority vote of all the members of the board.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-11 Officers; terms of office

Sec. 11. The officers elected under section 10 of this chapter have terms of one (1) year, beginning upon election and ending upon the election of a successor.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-12 Officers; vacancy

Sec. 12. If an office described in section 10 of this chapter becomes vacant, the board may fill the vacancy at its next meeting following the vacancy.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-13 Quorum

Sec. 13. The board must have a quorum to transact business. Four (4) members of the board constitute a quorum.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-14 Business office

Sec. 14. The agency shall furnish the board with suitable quarters to conduct its business.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-15 Seal

Sec. 15. The board shall adopt a seal to authenticate its orders and records.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-16 Records

Sec. 16. The agency shall maintain a record of:

(1) the proceedings of the board;

(2) each person licensed under this article, stating the:

(A) name of the person; and

(B) address of the person;

(3) licenses issued under this article, stating the:

(A) number assigned to the license by the agency;

(B) date the license was issued; and

(C) actions taken by the board concerning the license, including any renewal, suspension, and revocation; and

(4) applications for a license under this article that were refused.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.7.

IC 25-8-3-17 Per diem and incurred expenses

Sec. 17. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board 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 department of administration and approved by the state budget agency.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-18 Disposition of receipts

Sec. 18. All money received under this article shall be paid to the agency.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-19 Receipts; deposit

Sec. 19. The agency shall deposit all money received under this article with the treasurer of state.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.8.

IC 25-8-3-20 Repository of receipts

Sec. 20. The treasurer of state shall deposit the money received under section 19 of this chapter in the state general fund.

As added by P.L.257-1987, SEC.2. Amended by P.L.1-1990, SEC.250.

IC 25-8-3-21 Administration expenses

Sec. 21. The agency shall pay for the expenses for administering this article from the state general fund under appropriations designated for that purpose.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-22 Implementing rules

Sec. 22. The board may adopt rules under IC 4-22-2 to implement this article.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-23 Rules prescribing sanitary requirements; establishing standards; implementing licensing system; cosmetology school uniform requirements

Sec. 23. (a) The board shall adopt rules under IC 4-22-2 to:

(1) prescribe sanitary requirements for:

(A) cosmetology salons;

(B) electrology salons;

(C) esthetic salons;

(D) manicuring salons; and

(E) cosmetology schools;

(2) establish standards for the practice of cosmetology and the operation of:

(A) cosmetology salons;

(B) electrology salons;

(C) esthetic salons;

(D) manicuring salons; and

(E) cosmetology schools;

(3) implement the licensing system under this article and provide for a staggered renewal system for licenses; and

(4) establish requirements for cosmetology school uniforms for students and instructors.

(b) The board may adopt rules under IC 4-22-2 to establish the following for the practice of cosmetology, electrology, esthetics, or manicuring in a mobile salon:

(1) Sanitation standards.

(2) Safety requirements.

(3) Permanent address requirements at which the following are located:

(A) Records of appointments.

(B) License numbers of employees.

(C) If applicable, the vehicle identification number of the license holder's self-contained facility.

(4) Enforcement actions to ensure compliance with the requirements under this article and all local laws and ordinances.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.9. Amended by P.L.1821-2007, SEC.30.

IC 25-8-3-24 Enforcement personnel; compensation

Sec. 24. The agency shall provide inspectors, investigators, and clerks to enforce this article. The agency shall fix their compensation and reimburse them for their necessary expenses incurred in enforcing this

article by payments from the state general fund under appropriations designated for that purpose.
As added by P.L.257-1987, SEC.2.

IC 25-8-3-25 Qualifications of inspector or investigator {Repealed}
(Repealed by P.L.214-1993, SEC.91.)

IC 25-8-3-26 Sanitary requirement rules in salon or school
Sec. 26. The board shall furnish each person licensed to operate:
(1) a cosmetology salon;
(2) an electrology salon;
(3) an esthetic salon;
(4) a manicuring salon; or
(5) a cosmetology school;
with a copy of the rules concerning sanitary requirements described in section 23(1) of this chapter.
As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.10.

IC 25-8-3-27 Posting sanitary requirement rules in salon or school
Sec. 27. A person operating:
(1) a cosmetology salon;
(2) an electrology salon;
(3) an esthetic salon;
(4) a manicuring salon; or
(5) a cosmetology school;
shall post the rules described in section 26 of this chapter in a conspicuous place in that salon or school.
As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.11.

IC 25-8-3-28 Permissive and mandatory inspections
Sec. 28. A member of the board or any inspector or investigator may inspect:
(1) a cosmetology salon;
(2) an electrology salon;
(3) an esthetic salon;
(4) a manicuring salon; or
(5) a cosmetology school;
during its regular business hours.
As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.12; P.L.157-2006, SEC.37.

INDIANA CODE § 25-8-4

Chapter 4. Cosmetology Licenses; General Provisions

IC 25-8-4-1 Exempt individuals
Sec. 1. The provisions of this article requiring a person to obtain a license do not apply to a person performing cosmetology as a:
(1) licensed barber under IC 25-7;
(2) commissioned medical or surgical officer of the United States armed forces;
(3) chiropractor (as defined by IC 25-10-1-1(2));
(4) embalmer (as defined by IC 25-15-2-8);
(5) funeral director (as defined by IC 25-15-2-12);
(6) registered nurse (as defined by IC 25-23-1-1.1(a));
(7) licensed practical nurse (as defined by IC 25-23-1-1.2);
(8) physician (as defined by IC 25-22.5-1-1.1(g));
(9) podiatrist (as defined by IC 25-29-1-13);
(10) person conducting an educational activity involving cosmetology at a scheduled meeting of an association that:
(A) recognizes a group of its members as cosmetologists; and
(B) is not open to persons who are not licensed under this chapter; or
(11) student in a cosmetology school.
As added by P.L.257-1987, SEC.3. Amended by P.L.33-1993, SEC.17; P.L.236-1995, SEC.6.

IC 25-8-4-2 License reciprocity
Sec. 2. (a) If the board determines that:
(1) a person possesses a valid license from another jurisdiction to perform acts that require a license under this article; and
(2) the jurisdiction issuing the license imposes substantially equal requirements on applicants for the license as are imposed on applicants for an Indiana license;
the board may issue a license to perform those acts in Indiana to that person upon payment of the fee required under IC 25-8-13.
(b) This subsection applies only to applications for a cosmetologist license under IC 25-8-9. If the jurisdiction issuing the license does not impose substantially equal requirements as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice is equal to one hundred (100) hours of education to an applicant who has completed a minimum of one thousand (1,000) hours of education.
(c) This subsection applies only to applications for a manicurist license under IC 25-8-11. Applicants for a manicurist license under this section must take the written examination described by section 8(2) of this chapter and score at least seventy-five percent (75%) on the examination.
As added by P.L.257-1987, SEC.3. Amended by P.L.184-1991, SEC.13; P.L.236-1995, SEC.7; P.L.84-1998, SEC.21.

IC 25-8-4-3 Repealed
(Repealed by P.L.236-1995, SEC.54.)

IC 25-8-4-4 Transfer of license
Sec. 4. A license issued under this article may not be transferred unless:
(1) the license is a cosmetology salon license; and
(2) the person holding the license was required to change the location of the cosmetology salon by circumstances that the board determines were beyond the control of that person.
As added by P.L.257-1987, SEC.3.

IC 25-8-4-5 Application
Sec. 5. A person who wishes to obtain a license issued under this article must complete a license application form prescribed by the board and file the application with the secretary of the board.
As added by P.L.257-1987, SEC.3.

IC 25-8-4-6 Verified statement negating misconduct
Sec. 6. The applicant must file with the application described in section 5 of this chapter a verified statement that the applicant has not engaged in activity which would subject the applicant to disciplinary procedures under IC 25-1-11.
As added by P.L.257-1987, SEC.3. Amended by P.L.214-1993, SEC.28.

IC 25-8-4-7 Examinations; time and place
Sec. 7. (a) Each applicant must pass a final practical demonstration examination of the acts permitted by the license. The applicant's cosmetology school shall administer the final practical demonstration examination.
(b) The board shall conduct a written examination of the applicants for a cosmetologist license at least once each month. The board shall

conduct a written examination of the applicants for all other licenses issued under this article at least four (4) times each year. The written examinations described in this section:

(1) shall be conducted at the times and places determined by the board; and

(2) may be administered through computer based testing.

As added by P.L.257-1987, SEC.3. Amended by P.L.157-2006, SEC.38.

IC 25-8-4-8 Subjects tested

Sec. 8. The examinations described in section 7 of this chapter must include:

(1) a practical demonstration of the acts permitted by the license; and

(2) a written test concerning the licensed activity, as it is customarily taught in a cosmetology school.

As added by P.L.257-1987, SEC.3. Amended by P.L.214-1993, SEC.29.

IC 25-8-4-8.5 Repealed

(Repealed by P.L.157-2006, SEC.76.)

IC 25-8-4-9 Issuance of license

Sec. 9. The board shall issue a license to an applicant who:

(1) receives a minimum grade of seventy-five percent (75%) on both the written and practical examinations described in section 8 of this chapter; and

(2) complies with the remaining requirements for a license set forth in this article.

As added by P.L.257-1987, SEC.3. Amended by P.L.214-1993, SEC.30.

IC 25-8-4-10 Change of licensee's address; notice

Sec. 10. A person who holds a license issued under this article shall inform the board of a change of address by submitting a written statement that sets forth the current address of the person to the board no later than thirty (30) days following the change.

As added by P.L.257-1987, SEC.3.

IC 25-8-4-11 Licensed schools; signs

Sec. 11. A person who holds a cosmetology school license shall display a sign that complies with standards prescribed by the board on the premises of that establishment indicating that the establishment is a cosmetology school licensed under this article.

As added by P.L.257-1987, SEC.3. Amended by P.L.184-1991, SEC.16.

IC 25-8-4-12 Visibility of sign

Sec. 12. The sign described in section 11 of this chapter must be visible to a customer entering the main entrance of the establishment.

As added by P.L.257-1987, SEC.3.

IC 25-8-4-13 Individual license display

Sec. 13. A person who holds any license issued under this chapter except the licenses described in section 11 of this chapter shall display the license in a conspicuous place in that person's work area in the cosmetology salon or cosmetology school where the person is employed. The license must be clearly visible to a customer of that person who is present in the licensed person's work area.

As added by P.L.257-1987, SEC.3.

IC 25-8-4-14 Duplicate license; issuance procedure

Sec. 14. The board may issue a duplicate license to a person licensed under this article if the person:

(1) files a verified statement with the board that the original license has been lost or destroyed; and

(2) pays the fee required under IC 25-1-8-2.

As added by P.L.257-1987, SEC.3. Amended by P.L.235-1995, SEC.4.

IC 25-8-4-15 Duplicate license registration number

Sec. 15. A duplicate license has the same registration number as the original license issued to that person.

As added by P.L.257-1987, SEC.3.

IC 25-8-4-16 Repealed

(Repealed by P.L.184-1991, SEC.42.)

IC 25-8-4-17 Expiration of license

Sec. 17. A license issued or renewed under this article is valid for four (4) years.

As added by P.L.257-1987, SEC.3.

IC 25-8-4-18 Renewal application

Sec. 18. Except as provided in IC 25-8-9-11, a person who holds a license under this article may apply for its renewal.

As added by P.L.257-1987, SEC.3.

IC 25-8-4-19 Pre-expiration renewal

Sec. 19. The board shall renew a license if the license holder pays the fee set forth in IC 25-8-13 to renew the license before the license is to expire.

As added by P.L.257-1987, SEC.3. Amended by P.L.239-1995, SEC.4; P.L.157-2006, SEC.39.

IC 25-8-4-20 Date of expiration

Sec. 20. (a) Except as provided for:

(1) a cosmetology salon license under subsection (b); and

(2) a temporary cosmetology license under IC 25-8-9-10;

a license that is not renewed under section 19 of this chapter expires August 1 of the year of expiration unless a different date is fixed by the board.

(b) A cosmetology salon license expires February 1 of the year of expiration.

As added by P.L.257-1987, SEC.3.

IC 25-8-4-21 Restoration procedure following expiration

(a) Except as provided in IC 25-8-9-11, the board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:

(1) pays renewal fees established by the board under IC 25-1-8-2;

(2) pays the license reinstatement fee established under IC 25-1-8-6; and

(3) complies with all of the requirementsestablished under IC 25-1-8-6.

(b) Except as provided in subsection (e) and (f), the board may not reinstate a license issued under this article if the person holding the license does not apply for reinstatement within three (3) years after the expiration date of the license, unless the person holding the license;

(1) receives a satisfactory grade (as described in section 9 of this chapter) on an examination prescribed by the board;

(2) pays the examination fee set forth in IC 25-1-8-2;

(3) pays the renewal fees established by the board under IC 25-1-8-2; and

(4) pays the reinstatement fee established under IC 25-1-8-6.

(c) If a person does not receive a satisfactory grade on the examination described in subsection (b)(1), the person may repeat the examination subject to the rules governing the examination as adopted by the board.

(d) If a person does not receive a satisfactory grade on a repeat examination as provided in subsection (c), the board may:

(1) permit the person to take the examination again;

(2) require the person to complete remediation and additional

training as required by the board before the person is permitted to take the examination again; or

(3) refuse to permit the person to take the examination again and deny the application for reinstatement of the license.

(e) The board may not reinstate:

(1) a cosmetology salon license issued under IC 25-8-7;

(2) an electrology salon license issued under IC 25-8-7.2;

(3) an esthetic salon license issued under IC 25-8-12.6; or

(4) a manicurist salon license issued under IC 25-8-7.1;

unless the license holder submits an application for reinstatement of the license not later than three (3) years after the date the license expires.

(f) The board may not reinstate a cosmetology school license issued under IC 25-8-5 unless the license holder submits an application for reinstatement of the license not later than three (3) years after the date the license expires.

As added by P.L.257-1987, SEC.3. Amended by P.L.184-1991, SEC.17; P.L.239-1995, SEC.5; P.L.194-2005, SEC. 33; P.L.157-2006, SEC.40. Amended by P.L. 1821-2007; SEC. 31.

IC 25-8-4-22 Repealed

(Repealed by P.L. 1821-2007, SEC. 94.)

IC 25-8-4-23 Repealed

(Repealed by P.L. 1821-2007, SEC. 94.)

IC 25-8-4-24 Repealed

(Repealed by P.L. 1821-2007, SEC. 94.)

IC 25-8-4-25 Repealed

(Repealed by P.L. 1821-2007, SEC. 94.)

IC 25-8-4-26 Repealed

(Repealed by P.L. 1821-2007, SEC. 94.)

IC 25-8-4-27 New salon or school license application by former license holder failing to comply with restoration application requirements; fees

Sec. 27. If a person holding a license described in section 21(e) or 21(f) of this chapter does not comply with the reinstatement application filing requirements set forth in that section, that person may:

(1) file an application for a new license to operate:

(A) a cosmetology salon;

(B) an electrology salon;

(C) an esthetic salon;

(D) a manicurist salon; or

(E) a cosmetology school;

under this article; and

(2) pay the reinstatement fee set forth in:

(A) IC 25-8-13-3; or

(B) IC 25-8-13-5(b).

As added by P.L.257-1987, SEC.3. Amended by P.L.184-1991, SEC.19; P.L. 194-2005, SEC. 39. Amended by P.L. 1821-2007, SEC. 32.

IC 25-8-4-28 Issuance of new application by former license holder failing to comply with restoration application requirements; fee

Sec. 28. The board may issue a cosmetology salon or cosmetology school license to a person described in section 27 of this chapter if that person complies with the requirements imposed in this article on an applicant for an initial license to operate a cosmetology salon or cosmetology school.

As added by P.L.257-1987, SEC.3.

IC 25-8-4-29 Prohibited acts of licensee no longer complying with requirements for issuance of license

Sec. 29. A person holding a license under this chapter may not perform an act authorized by that license if the person knows that the person no longer complies with the requirements for the issuance of the license.

As added by P.L.257-1987, SEC.3.

IC 25-8-4-30 Licensed activity separate from residence

Sec. 30. A person may not engage in any activity licensed under this article in a structure that contains a residence unless the residence:

(1) is separated from the place where the licensed activity occurs by a substantial floor to ceiling partition; and

(2) has a separate entry.

As added by P.L.257-1987, SEC.3. Amended by P.L.184-1991, SEC.20.

INDIANA CODE § 25-8-5

Chapter 5. Cosmetology School Licenses

IC 25-8-5-1 Issuance of license

Sec. 1. The board may issue a license under this article to operate a cosmetology school.

As added by P.L.257-1987, SEC.4.

IC 25-8-5-2 Application; form

Sec. 2. A person must file a verified application for a cosmetology school license with the board on a form prescribed by the board to obtain that license.

As added by P.L.257-1987, SEC.4.

IC 25-8-5-3 Contents of application

Sec. 3. The application described in section 2 of this chapter must state that:

(1) as a requirement for graduation, the proposed school will require its students to successfully complete at least the one thousand five hundred (1,500) hours of course work required to be eligible to sit for the licensing examination;

(2) no more than ten (10) hours of course work may be taken by a student during one (1) day;

(3) the course work will instruct the students in all theories and practical application of the students' specific course of study;

(4) the school will provide one (1) instructor for each twenty (20) students or any fraction of that number;

(5) the school will be operated under the personal supervision of a licensed cosmetologist instructor;

(6) the person has obtained any building permit, certificate of occupancy, or other planning approval required under IC 22-15-3 and IC 36-7-4 to operate the school;

(7) the school, if located in the same building as a residence, will:

(A) be separated from the residence by a substantial floor to ceiling partition; and

(B) have a separate entry;

(8) as a requirement for graduation, the proposed school must:

(A) administer; and

(B) require the student to pass;

a final practical demonstration examination of the acts permitted by the license; and

(9) the applicant has paid the fee set forth in IC 25-8-13-3.

As added by P.L.257-1987, SEC.4. Amended by P.L.184-1991, SEC.21; P.L.113-1999, SEC.6; P.L.157-2006, SEC.42. Amended by P.L. 1821-2007, SEC. 33.

IC 25-8-5-4 Curriculum requirement rules

Sec. 4. The board may adopt rules under IC 4-22-2 requiring that the curriculum offered by a cosmetology school licensed under this chapter provide a minimum number of hours of instruction of each of the subjects described in section 3(3) of this chapter.
As added by P.L.257-1987, SEC.4.

IC 25-8-5-4.2

Sec. 4.2. (a) A cosmetology school licensed under this chapter shall require each student for graduation to pass a final examination that tests the student's practical knowledge of the curriculum studied.

(b) The board shall consider an applicant for the cosmetology professional examination as fulfilling the practical examination requirement established by IC 25-8-4-8(1) after successfully completing the final practical demonstration examination.

(c) A passing score of at least seventy-five percent (75%) is required on the final practical demonstration examination.

(d) The cosmetology school licensed under this chapter shall allow each student for graduation at least three (3) attempts to pass the final practical demonstration examination.

(e) The board may monitor the administration of the final practical demonstration examination for any of the following purposes:

(1) As a result of a complaint received.
(2) As part of random observations.
(3) To collect data.

As added by P.L.157-2006, SEC.43.

IC 25-8-5-4.5 Credit for valid license

Sec. 4.5. (a) If a student in a cosmetology school presents to the school a valid license issued by the board, the school shall accept and provide credit toward the student's current program for the hours completed in a cosmetology school in the theory and demonstration, or actual practice, of any of the following subjects:

(1) Electricity (basic electricity).
(2) Facials.
(3) Hair coloring (color rinses).
(4) Hair removal.
(5) Makeup.
(6) Manicuring.
(7) Pedicuring.
(8) Salesmanship (salesmanship and marketing).
(9) Sanitation (infection control or bacteriology).
(10) Scalp treatment.
(11) Skin (skin care).
(12) Shampooing (shampoo rinsing).
(13) Hair coloring (weekly rinses).
(14) Other areas as determined by the board.

(b) The school shall credit the appropriate subject areas on a student's transcript for the hours transferred under subsection (a).

(c) A student may not transfer any hours of credit above the amount required in each subject area under the student's current program.

(d) The student may receive credit for the number of hours that the student's current program requires in the subject areas covered by the student's license, even if the number of hours required under the current program is greater than the actual number of hours completed when the student's license was earned.
As added by P.L.113-1999, SEC.7.

IC 25-8-5-5 Sign display at school entrances; standards

Sec. 5. (a) A cosmetology school licensed under this chapter shall display a sign complying with standards established by the board at each entrance to the cosmetology school used by the school's customers.

(b) The sign must state that the students of the school are performing cosmetology in that establishment.
As added by P.L.257-1987, SEC.4.

IC 25-8-5-6 Sign displaying prices

Sec. 6. A cosmetology school licensed under this chapter may not display a sign listing the prices charged for services at the cosmetology school unless:

(1) the cosmetology school displays the sign required under section 5 of this chapter; or
(2) the price list sign described in this section is only visible inside the school.

As added by P.L.257-1987, SEC.4.

INDIANA CODE § 25-8-6

Chapter 6. Beauty Culture Instructor Licenses

IC 25-8-6-1 Authorization

Sec. 1. The board may license a person to be a beauty culture instructor.
As added by P.L.257-1987, SEC.5. Amended by P.L.236-1995, SEC.9. Amended by P.L. 1821-2007, SEC. 34.

IC 25-8-6-2 Applications; forms

Sec. 2. A person must file a verified application for a beauty culture instructor license with the board. The application must be made on a form prescribed by the board.
As added by P.L.257-1987, SEC.5. Amended by P.L.236-1995, SEC.10. Amended by P.L. 1821-2007, SEC. 35.

IC 25-8-6-3 Contents of application

Sec. 3. The application described in section 2 of this chapter must state that the applicant:

(1) is at least eighteen (18) years of age;
(2) has graduated from high school or received the equivalent of a high school education;
(3) holds a cosmetologist, an electrologist, a manicurist, or an esthetician license issued under this article;
(4) has completed the education and experience requirements subject to the rules adopted by the board;
(5) has not committed an act for which the applicant could be disciplined under IC 25-8-14;
(6) has received a satisfactory grade (as described in IC 25-8-4-9) on an examination for instructor license applicants prescribed by the board; and
(7) has paid the fee set forth in IC 25-8-13-4 for the issuance of a license under this chapter.

As added by P.L.257-1987, SEC.5. Amended by P.L.5-1988, SEC.136; P.L.184-1991, SEC.22. Amended by P.L. 1821-2007, SEC. 36.

IC 25-8-6-4 Repeat examination; rules

Sec. 4. If a person does not receive a satisfactory grade on the examination described in section 3(6) of this chapter, that person may repeat the examination subject to the rules governing the examination adopted by the board.
As added by P.L.257-1987, SEC.5.

IC 25-8-6-5 Unsatisfactory examination grades; consequences

Sec. 5. If a person does not receive a satisfactory grade on the examination described in section 4 of this chapter, the board may:

(1) refuse to permit the person to take the examination again; or

(2) permit the person to take the examination again subject to the rules governing the examination adopted by the board.
As added by P.L.257-1987, SEC.5.

IC 25-8-6-6 Beauty culture instructor experience requirements
Sec. 6. A person who obtains a license as a beauty culture instructor may provide instruction in the following:
(1) Cosmetology, if the person:
(A) holds a cosmetologist license under IC 25-8-9; and
(B) has actively practiced cosmetology for at least six (6) months in a cosmetology salon and subsequently successfully completed at least six (6) months of instruction in theory and practice of instructor training as a student in a cosmetology school.
(2) Electrology, if the person holds an electrologist license under IC 25-8-10.
(3) Manicuring, if the person holds a manicurist license under IC 25-8-11.
(4) Esthetics, if the person holds an esthetician license under IC 25-8-12.5.
As added *by P.L. 1821-2007, SEC. 37.*

INDIANA CODE § 25-8-6.1
Chapter 6.1 Repealed

Chapter 6.1. Repealed
(Repealed by P.L. 1821-2007, SEC. 94.)

INDIANA CODE § 25-8-6.2
Chapter 6.2 Repealed

Chapter 6.2. Repealed
(Repealed by P.L. 1821-2007, SEC. 94.)

INDIANA CODE § 25-8-7

Chapter 7. Cosmetology Salon Licenses

IC 25-8-7-1 Issuance
Sec. 1. The board may issue a license under this article to operate a cosmetology salon.
As added by P.L.257-1987, SEC.6.

IC 25-8-7-2 Requirement for license
Sec. 2. A person who wishes to obtain a cosmetology salon license must:
(1) do one (1) or more of the following:
(A) Select a site for the salon which, if located in the same building as a residence:
(i) is separated from the residence by a substantial floor to ceiling partition; and
(ii) has a separate entry.
(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);
(2) if applicable, obtain any building permit, certificate of occupancy, or other approval action required under IC 22-15-3 and IC 36-7-4 to operate the cosmetology salon;
(3) install the furnishings, if applicable, and obtain the salon equipment required under rules adopted by the board; and
(4) submit a verified statement on a form prescribed by the board that the cosmetology salon will be under the personal supervision of a person who has at least six (6) months active experience as a cosmetologist under IC 25-8-9 before the application was submitted under this chapter.
As added by P.L.257-1987, SEC.6. Amended by P.L.184-1991, SEC.23. Amended by P.L.1821-2007, SEC.38.

IC 25-8-7-3 Waiver of licensee supervision requirement; condition
Sec. 3. The requirement for a cosmetologist license under section 2(4) of this chapter may be waived by the board if:
(1) the applicant submits a verified petition for the waiver on a form prescribed by the board which:
(A) states the reasons for requesting the waiver; and
(B) is signed by two (2) persons who know the applicant and are familiar with the facts set forth in the petition; and
(2) the board determines that the requirement would result in extreme hardship to the applicant if enforced.
As added by P.L.257-1987, SEC.6.

IC 25-8-7-4 Prerequisites to license issuance
Sec. 4. The board may issue a license under this chapter if the applicant has:
(1) complied with section 2 of this chapter; and
(2) paid the fee for the license set forth in IC 25-8-13-5.
As added by P.L.257-1987, SEC.6.

IC 25-8-7-5 Temporary license
Sec. 5. If:
(1) the board cannot determine whether an applicant has complied with section 2 of this chapter at the time the application is filed; and
(2) the board determines that the board will require more than fifteen (15) days to determine if the applicant has complied with section 2 of this chapter;
then the board shall issue a temporary cosmetology salon license to the applicant.
As added by P.L.257-1987, SEC.6.

IC 25-8-7-6 Duration of temporary license
Sec. 6. The temporary license issued under section 5 of this chapter is valid until the board approves or denies the application for a license under this chapter or until three (3) months following its issuance, whichever occurs first.
As added by P.L.257-1987, SEC.6.

IC 25-8-7-7 Salon license requirement of lessee of licensed salon
Sec. 7. The board may not require a cosmetologist to obtain a license under this chapter if the cosmetologist has leased or subleased a portion of a cosmetology salon from a person licensed under this chapter.
As added by P.L.257-1987, SEC.6.

IC 25-8-7-8 Sign display at salon entrance; standards
Sec. 8. (a) A person holding a license issued under IC 25-8-7, IC 25-8-7.1, IC 25-8-7.2, or IC 25-8-12.6 shall display a sign complying with standards prescribed by the board at the main public entrance to the salon.
(b) The sign must:
(1) be clearly visible to a customer entering the establishment at that entrance; and
(2) state in legible printing that the establishment is a structure licensed as one (1) of the following:
(A) Cosmetology salon.
(B) Electrology salon.
(C) Manicuring salon.
(D) Esthetic salon.
As added by P.L.257-1987, SEC.6. Amended by P.L.184-1991, SEC.24; P.L.113-1999, SEC.10.

INDIANA CODE § 25-8-7.1

Chapter 7.1. Manicurist Salon Licenses

IC 25-8-7.1-1 Issuance

Sec. 1. The board may issue a license under this article to operate a manicurist salon.

As added by P.L.184-1991, SEC.25.

IC 25-8-7.1-2 Requirements for license

Sec. 2. A person who desires to obtain a manicurist salon license must:

(1) do one (1) or more of the following:

(A) Select a site for the salon that, if located in the same building as a residence:

(i) is separated from the residence by a substantial floor to ceiling partition; and

(ii) has a separate entry.

(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);

(2) if applicable, obtain:

(A) a building permit;

(B) a certificate of occupancy; or

(C) other approval action required under IC 22-15-3 and IC 36-7-4; to operate the manicurist salon;

(3) install the furnishings, if applicable, and obtain the salon equipment required under rules adopted by the board; and

(4) submit a verified statement on a form prescribed by the board that the manicurist salon will be under the personal supervision of a person who has at least six (6) months active experience as a:

(A) manicurist under IC 25-8-11; or

(B) cosmetologist under IC 25-8-9;

before the application was submitted under this chapter.

As added by P.L.184-1991, SEC.25. Amended by P.L.1821-2007, SEC.39.

IC 25-8-7.1-3 Waiver of the licensee supervision requirement

Sec. 3. The requirement for a manicurist license under section 2(4) of this chapter may be waived by the board if:

(1) the applicant submits a verified petition for the waiver on a form prescribed by the board that:

(A) states the reasons for requesting the waiver; and

(B) is signed by two (2) individuals who know the applicant and are familiar with the facts in the petition; and

(2) the board determines that the requirement would result in extreme hardship to the applicant if enforced.

As added by P.L.236-1995, SEC.13.

IC 25-8-7.1-4 Temporary manicurist salon license

Sec. 4. If the board:

(1) cannot determine whether an applicant has complied with section 2 of this chapter at the time the application is filed; and

(2) determines that more than fifteen (15) days are required to determine whether the applicant has complied with section 2 of this chapter;

the board shall issue a temporary manicurist salon license to the applicant.

As added by P.L.173-1996, SEC.10.

INDIANA CODE § 25-8-7.2

Chapter 7.2. Electrology Salon Licenses

IC 25-8-7.2-1 Issuance

Sec. 1. The board may issue a license under this article to operate an electrology salon.

As added by P.L.184-1991, SEC.26.

IC 25-8-7.2-2 Requirements for license

Sec. 2. A person who desires to obtain an electrology salon license must:

(1) do one (1) or more of the following:

(A) Select a site for the salon that, if located in the same building as a residence:

(i) is separated from the residence by a substantial floor to ceiling partition; and

(ii) has a separate entry.

(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);

(2) if applicable, obtain:

(A) a building permit;

(B) a certificate of occupancy; or

(C) other approval action required under IC 22-15-3 and IC 36-7-4; to operate the manicurist salon;

(3) install the furnishings, if applicable, and obtain the salon equipment required under rules adopted by the board; and

(4) submit a verified statement on a form prescribed by the board that the electrology salon will be under the personal supervision of a person who has at least six (6) months active experience as an electrologist under IC 25-8-10 before the application was submitted under this chapter.

As added by P.L.184-1991, SEC.26. Amended by P.L.1821-2007, SEC.40.

IC 25-8-7.2-3 Waiver of licensee supervision requirement

Sec. 3. The requirement for an electrologist license under section 2(4) of this chapter may be waived by the board if:

(1) the applicant submits a verified petition for the waiver on a form prescribed by the board that:

(A) states the reasons for requesting the waiver; and

(B) is signed by two (2) individuals who know the applicant and are familiar with the facts in the petition; and

(2) the board determines that the requirement would result in extreme hardship to the applicant if enforced.

As added by P.L.236-1995, SEC.14.

IC 25-8-7.2-4 Temporary electrology salon license

Sec. 4. If the board:

(1) cannot determine whether an applicant has complied with section 2 of this chapter at the time the application is filed; and

(2) determines that more than fifteen (15) days are required to determine whether the applicant has complied with section 2 of this chapter;

the board shall issue a temporary electrology salon license to the applicant.

As added by P.L.173-1996, SEC.11.

INDIANA CODE § 25-8-8

Chapter 8. Repealed

IC 25-8-8 Repealed

(Repealed by P.L.157-2006, SEC.76.)

INDIANA CODE § 25-8-9

Chapter 9. Cosmetologist Licenses

IC 25-8-9-1 Authorization

Sec. 1. The board may license a person to be a cosmetologist.
As added by P.L.257-1987, SEC.8.

IC 25-8-9-2 Application; form

Sec. 2. A person must file a verified application for a cosmetologist license with the board on a form prescribed by the board to obtain that license.
As added by P.L.257-1987, SEC.8.

IC 25-8-9-3 Contents of application

Sec. 3. The application described in section 2 of this chapter must state that the applicant:

(1) is at least eighteen (18) years of age;
(2) has successfully completed the tenth grade or received the equivalent of tenth grade education;
(3) has graduated from a cosmetologist program in a cosmetology school;
(4) has received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for cosmetologist license applicants prescribed by the board;
(5) has not committed an act for which the applicant could be disciplined under IC 25-8-14; and
(6) has paid the fee set forth in IC 25-8-13-7 for the issuance of a license under this chapter.

As added by P.L.257-1987, SEC.8. Amended by P.L.113-1999, SEC.11.

IC 25-8-9-4 Waiver of tenth grade education requirement; conditions

Sec. 4. The board may waive the requirement for applicants under section 3(2) of this chapter if:

(1) the applicant petitions the board for a waiver; and
(2) the board determines that the requirement would result in extreme hardship to the applicant if enforced.

As added by P.L.257-1987, SEC.8.

IC 25-8-9-5 Repeat examination

Sec. 5. If a person does not receive a satisfactory grade on the examination described in section 3(4) of this chapter, that person may repeat the examination without completing any additional study in cosmetology.
As added by P.L.257-1987, SEC.8.

IC 25-8-9-6 Unsuccessful repeat examination; consequences

Sec. 6. If a person does not receive a satisfactory grade on the repeat examination described in section 5 of this chapter, the board may:

(1) refuse to permit the person to take the examination again; or
(2) permit the person to take the examination again, subject to the rules governing the examination adopted by the board.

As added by P.L.257-1987, SEC.8.

IC 25-8-9-7 Temporary work permit

Sec. 7. The board may issue a temporary work permit to practice cosmetology, electrology, esthetics, or manicuring.
As added by P.L.257-1987, SEC.8. Amended by P.L.214-1993, SEC.33; P.L.236-1995, SEC.15; P.L.157-2006, SEC.44. As added by P.L. 1821-2007, SEC. 41.

IC 25-8-9-8 Temporary work permit application

Sec. 8. A person must file a verified application for a temporary:

(1) cosmetologist work permit;
(2) electrologist work permit;
(3) esthetician work permit; or
(4) manicurist work permit;

with the board on a form prescribed by the board to obtain that work permit.
As added by P.L.257-1987, SEC.8. Amended by P.L.214-1993, SEC.34; P.L.236-1995, SEC.16; P.L.157-2006, SEC.45. As added by P.L. 1821-2007, SEC. 42.

IC 25-8-9-9 Contents of temporary work permit application

Sec. 9. (a) The temporary cosmetologist work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice cosmetology under the supervision of a cosmetologist; and
(2) has filed an application under:
  (A) section 2 of this chapter, but has not taken the examination described by section 3(4) of this chapter; or
  (B) IC 25-8-4-2 and is awaiting a board determination.

(b) The temporary electrologist work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice electrology under the supervision of an electrologist; and
(2) has filed an application under:
  (A) IC 25-8-10-2, but has not taken the examination described in IC 25-8-10-3(3); or
  (B) IC 25-8-4-2 and is awaiting a board determination.

(c) The temporary esthetician work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice esthetics under the supervision of an esthetician; and
(2) has filed an application under:
  (A) IC 25-8-12.5-3, but has not taken the examination described in IC 25-8-12.5-4(4); or
  (B) IC 25-8-4-2 and is awaiting a board determination.

(d) The temporary manicurist work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice manicuring under the supervision of a cosmetologist or manicurist; and
(2) has filed an application under:
  (A) IC 25-8-11-3, but has not taken the examination described in IC 25-8-11-4(4); or
  (B) IC 25-8-4-2 and is awaiting a board determination.

As added by P.L.257-1987, SEC.8. Amended by P.L.214-1993, SEC.35; P.L.236-1995, SEC.17; P.L.157-2006, SEC.46. As added by P.L. 1821-2007, SEC. 43.

IC 25-8-9-10 Expiration of temporary work permit

Sec. 10. (a) Except when held by an applicant who has filed an application under IC 25-8-4-2, a temporary work permit issued under section 7 of this chapter expires:

(1) three (3) months after the date of issuance; or
(2) thirty (30) days after the license holder takes the applicable examination;

whichever occurs first.

(b) A temporary work permit held by a license applicant who has filed an application under IC 25-8-4-2 expires thirty (30) days after the board's approval of the applicant's application. If the application for licensure is denied, the applicant's temporary work permit expires five (5) days after the board's decision.
As added by P.L.257-1987, SEC.8. Amended by P.L.184-1991, SEC.27; P.L.236-1995, SEC.18.

IC 25-8-9-11 Temporary licenses; renewal or restoration

Sec. 11. The board may not renew or reinstate a license issued under section 7 of this chapter.
As added by P.L.257-1987, SEC.8. As amended by P.L. 194-2005, SEC. 40.

IC 25-8-9-12 Number of temporary licenses
Sec. 12. The board may not grant a person more than one (1) license under section 7 of this chapter.
As added by P.L.257-1987, SEC.8.

IC 25-8-9-13 Practice in cosmetology school; restoration
Sec. 13. A person licensed under this chapter may not engage in cosmetology in a cosmetology school except as part of student instruction.
As added by P.L.257-1987, SEC.8.

IC 25-8-9-14 Practice restriction
Sec. 14. A person licensed under this chapter may not engage in cosmetology outside a cosmetology salon unless that person:
(1) has the permission of a person who holds a cosmetology salon license and:
(A) employs the person licensed under this chapter; or
(B) leases or subleases a portion of a salon to the person licensed under this chapter; and
(2) complies with any other practice restrictions regarding this section established by the board.
As added by P.L.257-1987, SEC.8. Amended by P.L.236-1995, SEC.19.

INDIANA CODE § 25-8-10

Chapter 10. Electrologist Licenses

IC 25-8-10-1Authorization
Sec. 1. The board may license a person to perform electrolysis.
As added by P.L.257-1987, SEC.9.

IC 25-8-10-2 Application; form
Sec. 2. A person must file a verified application for an electrologist license with the board on a form prescribed by the board to obtain that license.
As added by P.L.257-1987, SEC.9.

IC 25-8-10-3 Contents of application
Sec. 3. The application described in section 2 of this chapter must state that the applicant:
(1) holds a cosmetologist license issued under IC 25-8-9 or an esthetician license issued under IC 25-8-12.5;
(2) has successfully completed three hundred (300) hours of instruction in electrology in a cosmetology school;
(3) has received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for electrologist license prescribed by the board;
(4) has not committed an act for which the applicant could be disciplined under IC 25-8-14; and
(5) has paid the fee set forth in IC 25-8-13-8 for the issuance of a license under this chapter.
As added by P.L.257-1987, SEC.9. Amended by P.L.184-1991, SEC.28; P.L.214-1993, SEC.36; P.L.2-1995, SEC.95.

INDIANA CODE § 25-8-11

Chapter 11. Manicurist Licenses

IC 25-8-11-1 Authorization
Sec. 1. The board may license a person to perform manicuring.
As added by P.L.257-1987, SEC.10.

IC 25-8-11-2 Performance of manicuring without offering cosmetology
Sec. 2. A person may perform manicuring without offering cosmetology.
As added by P.L.257-1987, SEC.10.

IC 25-8-11-3 Application; form
Sec. 3. A person must file a verified application for a manicurist license with the board on a form prescribed by the board to obtain that license.
As added by P.L.257-1987, SEC.10.

IC 25-8-11-4 Contents of application
Sec. 4. The application described in section 3 of this chapter must state that the applicant:
(1) is at least eighteen (18) years of age;
(2) has successfully completed the eighth grade or received the equivalent of an eighth grade education;
(3) has graduated from a manicurist program in a cosmetology school;
(4) has received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for manicurist license applicants prescribed by the board;
(5) has not committed an act for which the applicant could be disciplined under IC 25-8-14; and
(6) has paid the fee set forth in IC 25-8-13-9 for the issuance of a license under this chapter.
As added by P.L.257-1987, SEC.10. Amended by P.L.184-1991, SEC.29; P.L.113-1999, SEC.12.

IC 25-8-11-5 Unsuccessful examination; consequences
Sec. 5. If a person does not receive a satisfactory grade on the examination described in section 4(4) of this chapter, the person may repeat the examination subject to the rules governing the examination that are adopted by the board.
As added by P.L.257-1987, SEC.10. Amended by P.L.236-1995, SEC.20; P.L.173-1996, SEC.12.

IC 25-8-11-6 Unsuccessful repeat examination; consequences
Sec. 6. If a person does not receive a satisfactory grade on the repeat examination described in section 5 of this chapter, the board may:
(1) refuse to permit that person to take the examination again; or
(2) permit the person to take the examination again, subject to the rules governing the examination adopted by the board.
As added by P.L.257-1987, SEC.10.

IC 25-8-11-7 Use of acrylic liquid monomer formulated with methyl methacrylate
Sec. 7. (a) A person licensed under this article may not use acrylic liquid monomer formulated with methyl methacrylate (MMA).
(b) A person who violates subsection (a) may be disciplined under IC 25-1-11.
As added by P.L.113-1999, SEC.13.

INDIANA CODE § 25-8-12

Chapter 12. Repealed

IC 25-8-12 Repealed
(Repealed by P.L.157-2006, SEC.76.)

INDIANA CODE § 25-8-12.5

Chapter 12.5. Esthetician Licenses

IC 25-8-12.5-1 Authorization

Sec. 1. The board may license a person to be an esthetician.
As added by P.L.144-1990, SEC.3.

IC 25-8-12.5-2 Cosmetology; optional

Sec. 2. A person may act as an esthetician without offering cosmetology.
As added by P.L.144-1990, SEC.3.

IC 25-8-12.5-3 Application; form

Sec. 3. A person must file a verified application for an esthetician license with the board on a form prescribed by the board to obtain the license.
As added by P.L.144-1990, SEC.3.

IC 25-8-12.5-4 Requirements for license

Sec. 4. Except as provided in section 7 of this chapter, to receive a license issued under this chapter, a person must:

(1) be at least eighteen (18) years of age;
(2) have successfully completed the tenth grade or received the equivalent of a tenth grade education;
(3) have graduated from an esthetics program in a cosmetology school;
(4) have received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for esthetician license applicants prescribed by the board;
(5) not have committed an act for which the person could be disciplined under IC 25-8-14; and
(6) pay the fee set forth in IC 25-8-13-11 for the issuance of a license under this chapter.

As added by P.L.144-1990, SEC.3. Amended by P.L.184-1991, SEC.30; P.L.197-1995, SEC.2; P.L.84-1998, SEC.22; P.L.113-1999, SEC.15.

IC 25-8-12.5-5 Examination; unsatisfactory grade

Sec. 5. If a person does not receive a satisfactory grade on the examination described in section 4(a)(4) of this chapter, the person may repeat the examination subject to the rules governing the examination that are adopted by the board.
As added by P.L.144-1990, SEC.3. Amended by P.L.2-1995, SEC.96; P.L.236-1995, SEC.21; P.L.173-1996, SEC.13.

IC 25-8-12.5-6 Repeat examination; unsatisfactory grade

Sec. 6. If a person does not receive a satisfactory grade on the repeat examination described in section 5 of this chapter, the board may:

(1) refuse to permit the person to take the examination again; or
(2) permit the person to take the examination again, subject to the rules governing the examination adopted by the board.

As added by P.L.144-1990, SEC.3.

IC 25-8-12.5-7 License Reciprocity

Sec. 7. (a) If the board determines that:

(1) a person is licensed to:
(A) act as an esthetician; or
(B) perform acts of an esthetician that require a license under this article to be performed in Indiana;
in a jurisdiction outside Indiana; and
(2) the jurisdiction in which the person is licensed imposes licensure requirements that are substantially equal to those imposed by Indiana;

the board shall issue to the person a license to act as an esthetician in Indiana upon payment of the fee required under IC 25-8-13.

(b) If the board does not issue a license under subsection (a) to a person with esthetician instruction or practice experience from another state or jurisdiction, to satisfy the instruction requirements of section 4(a)(3) of this chapter, the board shall approve a combination of:

(1) the person's instruction hours; and
(2) the person's licensed practice of esthetics in the other state or jurisdiction at the rate of one (1) year of licensed practice to one hundred (100) approved instruction hours if the person has completed at least four hundred (400) nonpractice hours of instruction.

As added by P.L.84-1998, SEC.23.

INDIANA CODE § 25-8-12.6

Chapter 12.6. Esthetician Shop License

IC 25-8-12.6-1 Authorization

Sec. 1. The board may issue a license to operate an esthetic salon.
As added by P.L.144-1990, SEC.4. Amended by P.L.184-1991, SEC.31.

IC 25-8-12.6-2 Requirements for license

Sec. 2. To obtain an esthetic salon license, a person must:

(1) select a site for the salon that, if located in the same building as a residence:
(A) is separated from the residence by a substantial partition; and
(B) has a separate entry;
(2) obtain a building permit, certificate of occupancy, or other approval action required under IC 22-12 and IC 36-7-4 to operate the esthetic salon;
(3) install the furnishings and obtain the salon equipment required under rules adopted by the board; and
(4) submit a verified statement on a form prescribed by the board that the esthetic salon will be under the personal supervision of a person who holds an esthetician license under IC 25-8-12.5 and has at least six (6) months of active experience as an esthetician under IC 25-8-12.5 or as a cosmetologist under IC 25-8-9 before the application was submitted under this chapter.

As added by P.L.144-1990, SEC.4. Amended by P.L.184-1991, SEC.32.

IC 25-8-12.6-3 Waiver

Sec. 3. The requirement for an esthetic salon license under section 2(4) of this chapter may be waived by the board if:

(1) the applicant submits a verified petition for the waiver on a form prescribed by the board that:
(A) states the reasons for requesting the waiver; and
(B) is signed by two (2) persons who know the applicant and are familiar with the facts set forth in the petition; and
(2) the board determines that the requirement would result in extreme hardship to the applicant if enforced.

As added by P.L.144-1990, SEC.4. Amended by P.L.184-1991, SEC.33.

IC 25-8-12.6-4 Issuance

Sec. 4. The board may issue a license under this chapter if the applicant has:

(1) complied with section 2 of this chapter; and
(2) paid the fee for the license set forth in IC 25-8-13-5.

As added by P.L.144-1990, SEC.4. Amended by P.L.184-1991, SEC.34.

IC 25-8-12.6-5 Temporary esthetic salon license

Sec. 5. If:

(1) the board cannot determine whether an applicant has complied with section 2 of this chapter at the time the application is filed; and
(2) the board determines that the board will require more than fifteen (15) days to determine if the applicant has complied with section 2 of this chapter;

the board shall issue a temporary esthetic salon license to the applicant.
As added by P.L.144-1990, SEC.4. Amended by P.L.184-1991, SEC.35.

IC 25-8-12.6-6 Validity; time

Sec. 6. A temporary license issued under section 5 of this chapter is valid until the earlier of:
(1) the date the board approves or denies the application for a license under this chapter; or
(2) three (3) months from the date the temporary license is issued.
As added by P.L.144-1990, SEC.4.

IC 25-8-12.6-7 License; leased or subleased salon

Sec. 7. The board may not require an esthetician to obtain a license under this chapter if the esthetician has leased or subleased a portion of a cosmetology salon:
(1) from a cosmetologist licensed under IC 25-8-7; and
(2) that meets the requirements of section 2(3) of this chapter.
As added by P.L.144-1990, SEC.4. Amended by P.L.184-1991, SEC.36.

IC 25-8-12.6-8 Sign

Sec. 8. (a) A person holding a license issued under this chapter shall display a sign complying with standards prescribed by the board at the main public entrance to the esthetic salon.
(b) The sign must:
(1) be clearly visible to a customer entering the establishment at the entrance; and
(2) state in legible printing that the establishment is an esthetic salon.
As added by P.L.144-1990, SEC.4. Amended by P.L.184-1991, SEC.37.

INDIANA CODE § 25-8-13

Chapter 13. Fees

IC 25-8-13-1 "Examination" defined

Sec. 1. As used in this chapter, "examination" includes the repetition of an examination by a person who did not receive a satisfactory grade (as defined by IC 25-8-4-9) on a prior examination.
As added by P.L.257-1987, SEC.12.

IC 25-8-13-2 Fee exempt transactions

Sec. 2. The board may not charge a fee for:
(1) transferring a cosmetology salon license under IC 25-8-4-4; or
(2) issuing a temporary license to practice cosmetology under IC 25-8-7-6.
As added by P.L.257-1987, SEC.12.

IC 25-8-13-3 School license fee

Sec. 3. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for an application to issue or renew a cosmetology school license.
(b) The board shall charge a fee established under IC 25-1-8-6 for reinstating a cosmetology school license.
As added by P.L.257-1987, SEC.12. Amended by P.L.197-1995, SEC.3; P.L.194-2005, SEC. 41; P.L.157-2006, SEC.47.

IC 25-8-13-4 Instructor's licensing fee

Sec. 4. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing:
(1) a cosmetology instructor license;
(2) an esthetics instructor license; or
(3) an electrology instructor license.
(b) The board shall charge a fee established under IC 25-1-8-6 for reinstating an instructor license.
As added by P.L.257-1987, SEC.12. Amended by P.L.214-1993, SEC.37; P.L.236-1995, SEC.22; P.L.197-1995, SEC.4; P.L. 194-2005, SEC. 42; P.L.157-2006, SEC.48.

IC 25-8-13-5 Salon license fees

Sec. 5. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing:
(1) a cosmetology salon license;
(2) an electrology salon license;
(3) an esthetic salon license; or
(4) a manicurist salon license.
(b) The board shall charge a fee established under IC 25-1-8-6 for reinstating:
(1) a cosmetology salon license;
(2) an electrology salon license;
(3) an esthetic salon license; or
(4) a manicurist salon license.
As added by P.L.257-1987, SEC.12. Amended by P.L.184-1991, SEC.38; P.L. 194-2005, SEC. 43; P.L.157-2006, SEC.49.

IC 25-8-13-6 Repealed

(Repealed by P.L.157-2006, SEC.76.)

IC 25-8-13-7 Cosmetologist license fees

Sec. 7. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for a cosmetologist license.
(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing a cosmetologist license.
(c) The board shall charge a fee established under IC 25-1-8-6 for reinstating a cosmetologist license.
(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing an Indiana cosmetologist license to a person who holds a license from another jurisdiction that meets the requirements set forth in IC 25-8-4-2.
As added by P.L.257-1987, SEC.12. Amended by P.L.236-1995, SEC.23; P.L.197-1995, SEC.6; P.L.194-2005, SEC. 45; P.L.157-2006, SEC.50.

IC 25-8-13-8 Electrologist license fees

Sec. 8. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for an electrologist license.
(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing an electrologist license.
(c) The board shall charge a fee established under IC 25-1-8-6 for reinstating an electrologist license.
(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds an electrologist license from another jurisdiction that meets the requirements under IC 25-8-4-2.
As added by P.L.257-1987, SEC.12. Amended by P.L.214-1993, SEC.38; P.L.236-1995, SEC.24; P.L.197-1995, SEC.7; P.L.194-2005, SEC. 46; P.L.157-2006, SEC.51.

IC 25-8-13-9 Manicurist license fees

Sec. 9. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for a manicurist license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing a manicurist license.

(c) The board shall charge a fee established under IC 25-1-8-6 for reinstating a manicurist license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds a manicurist license from another jurisdiction that meets the requirements under IC 25-8-4-2.
As added by P.L.257-1987, SEC.12. Amended by P.L.214-1993, SEC.39; P.L.236-1995, SEC.25; P.L.197-1995, SEC.8; P.L.194-2005, SEC. 47; P.L.157-2006, SEC.52.

IC 25-8-13-10 Repealed
(Repealed by P.L.157-2006, SEC.76.)

IC 25-8-13-11 Esthetician examination and license fees
Sec. 11. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for an esthetician license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing an esthetician license.

(c) The board shall charge a fee established under IC 25-1-8-6 for reinstating an esthetician license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds an esthetician license from another jurisdiction that meets the requirements under IC 25-8-4-2.
As added by P.L.144-1990, SEC.5. Amended by P.L.184-1991, SEC.39; P.L.214-1993, SEC.40; P.L.236-1995, SEC.26; P.L.197-1995, SEC.10; P.L.194-2005, SEC. 49; P.L.157-2006, SEC.53.

IC 25-8-13-12 Repealed
(Repealed by P.L.184-1991, SEC.42.)

IC 25-8-13-13 Fees; duplicate license issuance
Sec. 13. The board shall charge the fee established under IC 25-1-8-2 for issuing a duplicate license.
As added by P.L.184-1991, SEC.40. Amended by P.L.235-1995, SEC.5.

INDIANA CODE § 25-8-14

Chapter 14. Enforcement

IC 25-8-14-1 Refusal to issue, renew or reinstatee license; suspension or revocation
Sec. 1. The board may under IC 4-21.5 refuse to issue, renew, or reinstate a license issued under this article if it determines that the applicant or license holder has not complied with IC 25-1-11.
As added by P.L.257-1987, SEC.13. Amended by P.L.214-1993, SEC.32; P.L. 194-2005, SEC. 50.

IC 25-8-14-2 Grounds for refusal to issue, renew or restore license or for suspension or revocation {Repealed}
(Repealed by P.L.214-1993, SEC.91.)

IC 25-8-14-3 Revocation, suspension, censure, reprimand and probation orders {Repealed}
(Repealed by P.L.214-1993, SEC.91.)

IC 25-8-14-4 Rescission of probation order {Repealed}
(Repealed by P.L.214-1993, SEC.91.)

IC 25-8-14-5 Violations; unlicensed acts; offense
Sec. 5. A person who:

(1) violates any provision of this article; or

(2) performs any act authorized by a license issued under this article without possessing a valid license to do so;

commits a Class C infraction.
As added by P.L.257-1987, SEC.13. Amended by P.L.239-1995, SEC.6.

IC 25-8-14-6 Practice or attending school while diseased; offenses
Sec. 6. (a) A person who:

(1) is a cosmetologist, a manicurist, an electrologist, an esthetician, or an instructor; and

(2) knowingly performs any act authorized by a license issued under this article while the person has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact;

commits a Class C infraction.

(b) A person who knowingly attends a cosmetology school as a student while the person has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact commits a Class C infraction.
As added by P.L.257-1987, SEC.13. Amended by P.L.184-1991, SEC.41; P.L.214-1993, SEC.41.

INDIANA CODE § 25-8-15

Chapter 15. Repealed

IC 25-8-15 Repealed
(Repealed by P.L.157-2006, SEC.76.)

INDIANA CODE § 25-8-15.4

Chapter 15.4. Tanning Facilities

IC 25-8-15.4-1 Application of chapter
Sec. 1. This chapter does not apply to a medical treatment facility that uses ultraviolet radiation in the treatment of disease.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-2 "Committee" defined
Sec. 2. As used in this chapter, "committee" refers to the tanning facility committee that may be established under section 21 of this chapter.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-3 "Tanning device" defined
Sec. 3. As used in this chapter, "tanning device" means equipment that meets the following conditions:

(1) Emits ultraviolet radiation with wavelengths in the air between two hundred (200) and four hundred (400) nanometers.

(2) Is used for tanning human skin.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-4 "Tanning facility" defined
Sec. 4. As used in this chapter, "tanning facility" means a facility that provides persons with access to a tanning device.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-5 Necessity for license
Sec. 5. A person may not operate a tanning facility and charge a fee for the use of tanning devices unless the person has a license to operate

the tanning facility issued by the board under this chapter.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-6 License requirements

Sec. 6. To obtain a license to operate a tanning facility, a person must do the following:

(1) Submit an application to the board on a form prescribed by the board.

(2) Pay a fee established by the board under IC 25-1-8-2.

As added by P.L.142-1995, SEC.31. As amended by P.L. 164-2005, SEC. 51

IC 25-8-15.4-7 Contents of license application

Sec. 7. The form described under section 6(1) of this chapter must contain the following information:

(1) The name and location of the tanning facility.

(2) The name of the person that owns the tanning facility.

(3) Any other information required by the board.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-8 Separate licenses; transfer of license to new location

Sec. 8. (a) A person must obtain a separate license for each tanning facility the person operates.

(b) If a person:

(1) has obtained a license to operate a tanning facility issued under this chapter; and

(2) changes the location of the tanning facility;

the board may transfer the license to the tanning facility at the new location.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-9 Expiration and renewal of licenses

Sec. 9. (a) A license issued under this chapter expires July 1 following the July 1 following the date the license is issued.

(b) The board shall renew a license issued under this chapter if the person that operates the facility does the following:

(1) Submits a renewal application to the board on a form prescribed by the board before the license expires.

(2) Has complied with this chapter and rules adopted under this chapter.

(3) Has allowed the board to inspect the tanning facility.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-9.5 Reinstatement of license

Sec. 9.5. The board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:

(1) pays the current renewal fee established by the board under IC 25-1-8-2;

(2) pays the license reinstatement fee established under IC 25-1-8-6; and

(3) complies with all requirements established under this article for an applicant for an initial license.

As added by P.L.1821-2007, SEC.44.

IC 25-8-15.4-10 Display of license

Sec. 10. A person holding a tanning facility license issued under this chapter shall display the license in a manner that is clearly visible to a person entering the tanning facility.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-11 Written statement

Sec. 11. Before a person uses a tanning device in a tanning facility, the operator, owner, or employee of the operator or owner of the tanning facility shall require the person to read and sign a written statement approved by the board that contains the following information:

(1) A person who uses a tanning device in this tanning facility must use protective eyewear.

(2) If the provided eye protection is not worn, use of a tanning device in this tanning facility may cause damage to the eyes.

(3) Overexposure to the ultraviolet radiation produced by a tanning device in this tanning facility may cause burns.

(4) Exposure to the ultraviolet radiation produced by the tanning devices in this tanning facility may cause premature aging of the skin and skin cancer.

(5) Abnormal skin sensitivity to ultraviolet radiation or burning may be caused by certain foods, cosmetics, or medication, including the following:

(A) Tranquilizers.

(B) Diuretics.

(C) Antibiotics.

(D) High blood pressure medication.

(E) Birth control medication.

(F) Other photosensitizing agents as determined under rules adopted by the board.

(6) A person who is taking a prescription drug or an over-the-counter drug should consult a physician or pharmacist before using a tanning device.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-12 Display of sign

Sec. 12. An operator of a tanning facility shall display a sign approved by the board in a manner that is clearly visible to a person using the tanning devices in the tanning facility.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-13 Denial of risks

Sec. 13. An owner, operator, or employee of a tanning facility may not profess that using a tanning device is free from risk.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-14 Duties of operator

Sec. 14. The operator of a tanning facility shall do the following:

(1) Have an employee present in the tanning facility during business hours who, as determined under rules adopted by the board, is knowledgeable in the correct operation of the tanning devices in the tanning facility and is able to assist persons in the proper use of the tanning devices.

(2) Provide each person using a tanning device with properly sanitized eyewear that protects the eyes from ultraviolet radiation and allows adequate vision.

(3) Provide instructions to each person using a tanning device on how to maintain proper exposure distance as recommended by the manufacturer of the tanning device.

(4) Limit each person using a tanning device to the maximum exposure time:

(A) established under rules of the board; or

(B) if the board has not adopted rules concerning exposure time for the tanning device, recommended by the manufacturer of the tanning device.

(5) Not allow the temperature of a tanning facility to exceed one hundred (100) degrees Fahrenheit at any time.

(6) Provide and maintain:

(A) the tanning facility; and

(B) tanning devices in the tanning facility;

in a manner that meets sanitation and safety rules adopted by the

board.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-15 Presence of parent or guardian
Sec. 15. A person who is less than sixteen (16) years of age must be accompanied by a parent or guardian when using a tanning device in a tanning facility.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-16 Signature of parent or guardian on written statement
Sec. 16. A person who is less than eighteen (18) years of age may not use a tanning device in a tanning facility unless the parent or guardian of the person has also signed the written statement under section 11 of this chapter in the presence of the operator of the tanning facility.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-17 Protective eyewear
Sec. 17. A person who uses a tanning device in a tanning facility must use protective eyewear.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-18 Reports to board
Sec. 18. (a) The operator of a tanning facility must report to the board each known:
(1) injury; or
(2) complaint of an injury;
that results from the use of a tanning device in the tanning facility.
(b) The operator must do the following:
(1) Telephone a report under subsection (a) to the board not more than forty-eight (48) hours after the injury or complaint of an injury occurs.
(2) File a written report under subsection (a) with the board on a form provided by the board not later than seven (7) days after the injury or complaint of an injury occurs.
(c) The board shall send a copy of the report filed under subsection (b)(2) to the following:
(1) The injured person or complaining person.
(2) The federal Food and Drug Administration.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-19 Inspections
Sec. 19. An authorized representative of the board may inspect each tanning facility to determine compliance with this chapter and rules adopted under this chapter at any time during normal business hours of a tanning facility.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-20 Denial, suspension, or revocation of license
Sec. 20. The board may deny, suspend, or revoke a license issued under this chapter if the person holding or requesting the license violates this chapter or a rule adopted under this chapter.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-21 Tanning facility committee; members; appointment
Sec. 21. (a) The board may establish the tanning facility committee.
(b) If the board establishes the committee under subsection (a), the committee consists of five (5) members appointed by the president of the board for terms of two (2) years. The committee must include the following:
(1) One (1) member of the board.
(2) One (1) owner of a licensed tanning facility who is licensed as a cosmetologist under IC 25-8-4.
(3) One (1) owner of a licensed tanning facility who does not hold any other license under this article.
(4) One (1) physician or other licensed health care provider who works in the area of dermatology.
(5) One (1) individual who is not associated with a tanning facility or a profession licensed under this article other than as a consumer.
(c) If the board establishes the committee under this section, the president of the board shall appoint one (1) of the committee members to serve as chairman of the committee.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-22 Committee; removal of member
Sec. 22. A member of the committee may be removed by the board without cause.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-23 Rules
Sec. 23. (a) The committee may propose rules to the board concerning the following:
(1) The operation of tanning devices.
(2) The implementation of this chapter.
(b) The board may adopt rules under IC 4-22-2 that are recommended by the committee.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-24 Schedule of civil penalties; order of compliance; imposition of civil penalty
Sec. 24. (a) In addition to the other remedies provided in this chapter, the board shall adopt a schedule of civil penalties that may be levied to enforce the provisions of the following:
(1) This chapter.
(2) The rules adopted under this chapter by the board.
(b) A penalty included in the schedule of civil penalties adopted under subsection (a) may not exceed one thousand dollars ($1,000) for each violation per day.
(c) The board may issue an order of compliance, impose a civil penalty included in the schedule of civil penalties adopted under subsection (a), or both, against a person who does any of the following:
(1) Fails to comply with this chapter or a rule adopted under this chapter.
(2) Interferes with or obstructs the board or the board's authorized representative in the performance of duties under this chapter.
(d) An order of compliance may be issued under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4. A civil penalty may be imposed only in a proceeding under IC 4-21.5-3-8.
(e) A proceeding commenced to impose a civil penalty may be consolidated with any other proceeding commenced to enforce this chapter or a rule adopted under this chapter.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-25 Violations; offenses
Sec. 25. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a Class C misdemeanor.
(b) Each day a violation continues constitutes a separate offense.
As added by P.L.142-1995, SEC.31.

INDIANA CODE § 25-8-16

Chapter 16. Repealed

IC 25-8-16-1 Repealed
(Repealed by P.L. 1821-2007, SEC. 94.)

INDIANA CODE § 25-1-1

Chapter 1. Evidence of License Applicant's Payment of Personal Property Taxes Required

IC 25-1-1-1 Issuance of license; evidence of payment of personal property tax

Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana.

(Formerly: Acts 1931, c.124, s.1; Acts 1941, c.61, s.1; Acts 1943, c.124, s.1; Acts 1953, c.208, s.1.) As amended by Acts 1978, P.L.2, SEC.2501.

IC 25-1-1-2 License defined

Sec. 2. The term "license" as used in this chapter shall be construed to mean and include motor vehicle registration licenses, certificates of title showing the ownership of any motor vehicle, except those classed as passenger vehicles.

(Formerly: Acts 1931, c.124, s.2; Acts 1972, P.L.183, SEC.1.)

IC 25-1-1-3 Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

IC 25-1-1-4 Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

INDIANA CODE § 25-1-1.1

Chapter 1.1. Effect of Criminal Convictions on Licensed or Registered Persons

IC 25-1-1.1-1 Denial, revocation, or suspension of license or certificate of registration; conviction of crime

Sec. 1. Except as provided under sections 2 through 3 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(Formerly: Acts 1973, P.L.249, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2502; P.L.67-1990, SEC.6.

IC 25-1-1.1-2 Suspension or revocation of license or certificate; conviction for drug related offense

Sec. 2. A board, a commission, or a committee may suspend or revoke a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

(1) Possession of cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-6.
(2) Possession of a controlled substance under IC 35-48-4-7(a).
(3) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
(4) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
(5) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
(6) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
(7) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
(8) Maintaining a common nuisance under IC 35-48-4-13.
(9) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).
(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).

As added by P.L.67-1990, SEC.7. Amended by P.L.1-1991, SEC.162; P.L.17-2001, SEC.5.

IC 25-1-1.1-3 Suspension or revocation of license or certificate; conviction for additional drug related offenses

Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

(1) Dealing in or manufacturing cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-1.
(2) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
(3) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
(4) Dealing in a schedule V controlled substance under IC 35-48-4-4.
(5) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
(6) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
(7) Dealing in a counterfeit substance under IC 35-48-4-5.
(8) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
(9) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (8).
(10) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (8).
(11) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (10).
(12) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

As added by P.L.67-1990, SEC.8. Amended by P.L.182-1991, SEC.1; P.L.17-2001, SEC.6; P.L.1-2002, SEC.94.

INDIANA CODE § 25-1-1.2

Chapter 1.2. Effect of Delinquency in Child Support Payments on Licensed or Registered Persons

IC 25-1-1.2-1 "Applicant" defined

Sec. 1. As used in this chapter, "applicant" means a person who applies for:

(1) an unlimited license, certificate, registration, or permit;
(2) a limited or probationary license, certificate, registration, or permit;
(3) a temporary license, certificate, registration, or permit; or
(4) an intern permit;

issued by a board regulating a profession or an occupation.
As added by P.L.133-1995, SEC.19.

IC 25-1-1.2-2 "Board" defined

Sec. 2. As used in this chapter, "board" means an entity that regulates occupations or professions under this title and the department of education established by IC 20-19-3-1.
As added by P.L.133-1995, SEC.19. Amended by P.L. 1-2005, SEC. 191; P.L. 246-2005, SEC. 210.

IC 25-1-1.2-3 "Bureau" defined

Sec. 3. As used in this chapter, "bureau" means the child support bureau established by IC 12-17-2-5.
As added by P.L.133-1995, SEC.19.

IC 25-1-1.2-4 "Delinquent" defined

Sec. 4. As used in this chapter, "delinquent" means at least:

(1) two thousand dollars ($2,000); or
(2) three (3) months;

past due on payment of court ordered child support.
As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.18.

IC 25-1-1.2-5 "License" defined

Sec. 5. As used in this chapter, "license" has the meaning set forth in IC 25-1-2-6.
As added by P.L.133-1995, SEC.19.

IC 25-1-1.2-6 "Practitioner" defined

Sec. 6. As used in this chapter, "practitioner" means a person that holds:

(1) an unlimited license, certificate, registration, or permit;
(2) a limited or probationary license, certificate, registration, or permit;
(3) a temporary license, certificate, registration, or permit; or
(4) an intern permit;

issued by a board regulating a profession or an occupation.
As added by P.L.133-1995, SEC.19.

IC 25-1-1.2-7 Order for suspension or denial of license; notice to practitioner; contents; reinstatement

Sec. 7. (a) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall:

(1) suspend the license of the practitioner; or
(2) deny the application of the applicant;

who is the subject of the order.

(b) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.
(2) That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.

(c) The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.
As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.19; P.L.1-1997, SEC.109.

IC 25-1-1.2-8 Notice of delinquency; contents; delinquency finding; probationary status; suspension; reinstatement

Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 12-17-2-34(e), send a notice to the practitioner identified by the bureau that includes the following:

(1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.
(2) Describes the amount of child support that the practitioner is in arrears.
(3) Explains that unless the practitioner contacts the bureau and:
  (A) pays the practitioner's child support arrearage in full;
  (B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the bureau to pay the arrearage; or
  (C) requests a hearing under IC 12-17-2-35;

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.
(4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.
(5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.
(6) Explains the procedures to:
  (A) pay the practitioner's child support arrearage in full;
  (B) establish a payment plan with the bureau to pay the arrearage;
  (C) request the activation of an income withholding order under IC 31-16-15-2; and
  (D) request a hearing under IC 12-17-2-35.
(7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:
  (A) paid the practitioner's child support arrearage in full; or
  (B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

(1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:
  (A) paid the person's child support arrearage in full; or
  (B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding

order under IC 31-16-15-2.

(2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.20; P.L.1-1997, SEC.110.

IC 25-1-1.2-9 Repealed

(Repealed by P.L.23-1996, SEC.33.)

IC 25-1-1.2-10 Repealed

(Repealed by P.L.23-1996, SEC.33.)

INDIANA CODE § 25-1-2

Chapter 2. Renewal of Licenses Granted by State Agencies. Notice of Expiration

IC 25-1-2-1 Declaration of intent

Sec. 1. It is the declared intent of the general assembly by the enactment of this law to require those agencies which are authorized to issue the licenses designated in section 2.1 of this chapter, in the interests of efficiency and economy in the administration of government, to issue such designated permits, licenses, certificates of registration, and other evidences of compliance with statute or regulation, and renewals thereof, for periods of two (2) years duration rather than upon an annual basis, and at the time of issuance or reissuance, or at the time designated by law for the collection of fees therefore, to require the payment of such fees for a period of two (2) years rather than for one (1) year.

(Formerly: Acts 1961, c.79, s.1.) As amended by P.L.1-1990, SEC.246.

IC 25-1-2-2 Repealed

(Repealed by P.L.1-1990, SEC.247.)

IC 25-1-2-2.1 Two year or longer period for certain licenses

Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

(1) Certified public accountants, public accountants, and accounting practitioners.

(2) Architects and landscape architects.

(3) Dry cleaners.

(4) Professional engineers.

(5) Land surveyors.

(6) Real estate brokers.

(7) Real estate agents.

(8) Security dealers' licenses issued by the securities commissioner.

(9) Dental hygienists.

(10) Dentists.

(11) Veterinarians.

(12) Physicians.

(13) Chiropractors.

(14) Physical therapists.

(15) Optometrists.

(16) Pharmacists and assistants, drugstores or pharmacies.

(17) Motels and mobile home community licenses.

(18) Nurses.

(19) Podiatrists.

(20) Occupational therapists and occupational therapy assistants.

(21) Respiratory care practitioners.

(22) Social workers, marriage and family therapists, and mental health counselors.

(23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.

(24) Wholesale legend drug distributors.

(25) Physician assistants.

(26) Dietitians.

(27) Hypnotists.

(28) Athlete agents.

(29) Manufactured home installers.

(30) Home inspectors.

As added by P.L.1-1990, SEC.248. Amended by P.L.186-1990, SEC.1; P.L.183-1991, SEC.1; P.L.182-1991, SEC.2; P.L.25-1992, SEC.26; P.L.227-1993, SEC.2; P.L.124-1994, SEC.1; P.L.234-1995, SEC.1; P.L.175-1997, SEC.2; P.L.147-1997, SEC.5; P.L.84-1998, SEC.1; P.L.54-2001, SEC.3; P.L.162-2002, SEC.1; P.L.145-2003, SEC.1; P.L. 87-2005, SEC. 31.

IC 25-1-2-3 Authorization to issue and reissue two year licenses

Sec. 3. Effective October 1, 1961, such licensing agencies as are authorized to issue any of the foregoing shall issue and reissue such licenses and collect the fees for the same on the basis of two (2) years and the dates by month and day which govern the issuance or reissuance of licenses for one (1) year shall govern the issuance or reissuance of licenses for two (2) years; provided, that entire fees for a two (2) year period shall be payable before issuance thereof on the day and month designated for payment of fees for one (1) year licenses.

(Formerly: Acts 1961, c.79, s.3.) As amended by Acts 1982, P.L.154, SEC.1.

IC 25-1-2-4 Rebates and proration of fees

Sec. 4. Rebates and proration of fees for fractions of a biennium shall be allowed only with respect to the second year of such license if claim be made therefore before the expiration of the first year for which the license was issued.

(Formerly: Acts 1961, c.79, s.4.)

IC 25-1-2-5 Rules and regulations

Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem

necessary in the manner prescribed by law.
(Formerly: Acts 1961, c.79, s.5.) As amended by Acts 1982, P.L.154, SEC.2.

IC 25-1-2-6 Definitions; application of section; notice to licensee of need to renew

Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

(1) Indiana board of accountancy.
(2) Indiana grain buyers and warehouse licensing agency.
(3) Indiana auctioneer commission.
(4) Board of registration for architects and landscape architects.
(5) State board of barber examiners.
(6) State board of cosmetology examiners.
(7) Medical licensing board of Indiana.
(8) Secretary of state.
(9) State board of dentistry.
(10) State board of funeral and cemetery service.
(11) Worker's compensation board of Indiana.
(12) Indiana state board of health facility administrators.
(13) Committee of hearing aid dealer examiners.
(14) Indiana state board of nursing.
(15) Indiana optometry board.
(16) Indiana board of pharmacy.
(17) Indiana plumbing commission.
(18) Board of podiatric medicine.
(19) Private detectives licensing board.
(20) State board of registration for professional engineers.
(21) Board of environmental health specialists.
(22) State psychology board.
(23) Indiana real estate commission.
(24) Speech-language pathology and audiology board.
(25) Department of natural resources.
(26) State boxing commission.
(27) Board of chiropractic examiners.
(28) Mining board.
(29) Indiana board of veterinary medical examiners.
(30) State department of health.
(31) Indiana physical therapy committee.
(32) Respiratory care committee.
(33) Occupational therapy committee.
(34) Social worker, marriage and family therapist, and mental health counselor board.
(35) Real estate appraiser licensure and certification board.
(36) State board of registration for land surveyors.
(37) Physician assistant committee.
(38) Indiana dietitians certification board.
(39) Indiana hypnotist committee.
(40) Attorney general (only for the regulation of athlete agents).
(41) Manufactured home installer licensing board.
(42) Home inspectors licensing board.
(43) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.
As added by Acts 1981, P.L.221, SEC.1. Amended by P.L.137-1985, SEC.5; P.L.246-1985, SEC.13; P.L.169-1985, SEC.22; P.L.149-1987, SEC.17; P.L.5-1988, SEC.132; P.L.28-1988, SEC.73; P.L.242-1989, SEC.4; P.L.234-1989, SEC.1; P.L.238-1989, SEC.4; P.L.186-1990, SEC.2; P.L.183-1991, SEC.2; P.L.23-1991, SEC.7; P.L.48-1991, SEC.12; P.L.2-1992, SEC.765; P.L.227-1993, SEC.3; P.L.33-1993, SEC.9; P.L.124-1994, SEC.2; P.L.175-1997, SEC.3; P.L.125-1997, SEC.17; P.L.147-1997, SEC.6; P.L.253-1997(ss), SEC.22; P.L.24-1999, SEC.2; P.L.82-2000, SEC.2; P.L.54-2001, SEC.4; P.L.162-2002, SEC.2; P.L.145-2003, SEC.2.

IC 25-1-2-7 Application of IC 25-1-2-6

Sec. 7. Section 6 of this chapter applies to the mining board (IC 22-10-1.5-2).
As added by P.L.37-1985, SEC.56.

IC 25-1-2-8 Application of chapter; fees

Sec. 8. This chapter applies to the imposition and collection of fees under the following:

IC 14-24-10
IC 16-19-5-2
IC 25-30-1-17
IC 33-42-2-1.

As added by P.L.5-1988, SEC.133. Amended by P.L.2-1993, SEC.135; P.L.1-1995, SEC.69; P.L.98-2004, SEC.98.

IC 25-1-2-9 Repealed

(Repealed by P.L. 194-2005, SEC. 87.)

INDIANA CODE § 25-1-3

Chapter 3. Civil Immunity of Regulatory Agencies

IC 25-1-3-1 Definitions

Sec. 1. (a) As used in this chapter, the term "regulatory board" means any state board, commission, or state agency which licenses persons in order to regulate the practice of a particular profession or professions.

(b) As used in this chapter, the term "board members" means members of a regulatory board.

(c) As used in this chapter, the term "secretary" means the executive secretary or other person charged with the administration of the affairs of a regulatory board.
(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-2 Extent of immunity from civil liability

Sec. 2. The board members, the secretary, his staff, counsel, investigators and hearing officer of every regulatory board, except as provided in section 4 of this chapter, shall be immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties. This section shall not be construed to include civil actions for damages not directly related to the investigative process and shall apply only to the process for the finding of fact of the regulatory board.
(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-3 Immunity from civil liability; statements in course of investigatory hearing or review proceedings

Sec. 3. Any person shall be immune from civil liability for damages for any sworn or written statements, made without malice, and transmitted to the regulatory board, executive secretary, or his staff, or made in the course of investigatory, hearing or review proceedings.
(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-4 Regulatory boards covered

Sec. 4. The provisions of this chapter extend to every regulatory board of the state except the disciplinary commission of the supreme court of Indiana which is protected under IC 1971, 33-2-3-1.
(Formerly: Acts 1975, P.L.268, SEC.1.)

INDIANA CODE § 25-1-4

Chapter 4. Continuing Education

IC 25-1-4-0.2 "Approved organization" defined

Sec. 0.2. As used in this chapter, "approved organization" refers to the following:

(1) United States Department of Education.
(2) Council on Post-Secondary Education.
(3) Joint Commission on Accreditation of Hospitals.
(4) Joint Commission on Healthcare Organizations.
(5) Federal, state, and local government agencies.
(6) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.
(7) A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title or IC 15.
(8) A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (7).
(9) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).
(10) Any other organization or individual approved by the board.

As added by P.L. 157-2006, SEC.10.

IC 25-1-4-0.3 "Board" defined

Sec. 0.3. As used in section 3 of this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana athletic trainers board (IC 25-5.1-2-1).
(4) Indiana auctioneer commission (IC 25-6.1-2-1).
(5) State board of barber examiners (IC 25-7-5-1).
(6) State boxing commission (IC 25-9-1).
(7) Board of chiropractic examiners (IC 25-10-1).
(8) State board of cosmetology examiners (IC 25-8-3-1).
(9) State board of dentistry (IC 25-14-1).
(10) Indiana dietitians certification board (IC 25-14.5-2-1).
(11) State board of registration for professional engineers (IC 25-31-1-3).
(12) Board of environmental health specialists (IC 25-32).
(13) State board of funeral and cemetery service (IC 25-15-9).
(14) Indiana state board of health facility administrators (IC 25-19-1).
(15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
(16) Home inspectors licensing board (IC 25-20.2-3-1).
(17) Indiana hypnotist committee (IC 25-20.5-1-7).
(18) State board of registration for land surveyors (IC 25-21.5-2-1).
(19) Manufactured home installer licensing board (IC 25-23.7).
(20) Medical licensing board of Indiana (IC 25-22.5-2).
(21) Indiana state board of nursing (IC 25-23-1).
(22) Occupational therapy committee (IC 25-23.5).
(23) Indiana optometry board (IC 25-24).
(24) Indiana board of pharmacy (IC 25-26).
(25) Indiana physical therapy committee (IC 25-27-1).
(26) Physician assistant committee (IC 25-27.5).
(27) Indiana plumbing commission (IC 25-28.5-1-3).
(28) Board of podiatric medicine (IC 25-29-2-1).
(29) Private detective licensing board (IC 25-30-1-5.1).
(30) State psychology board (IC 25-33).
(31) Indiana real estate commission (IC 25-34.1-2).
(32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(33) Respiratory care committee (IC 25-34.5).
(34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
(35) Speech-language pathology and audiology board (IC 25-35.6-2).
(36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

As added by P.L.269-2001, SEC.2. Amended by P.L.157-2006, SEC.11.

IC 25-1-4-0.5 "Continuing education" defined

Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction that is approved by an approved organization or the board and that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.
As added by P.L.157-2006, SEC.12.

IC 25-1-4-0.6 "Practitioner" defined

Sec. 0.6. As used in section 3 of this chapter, "practitioner" means an individual who holds:

(1) an unlimited license, certificate, or registration;
(2) a limited or probationary license, certificate, or registration;
(3) a temporary license, certificate, registration, or permit;
(4) an intern permit; or
(5) a provisional license;

issued by the board regulating the profession in question.
As added by P.L.269-2001, SEC.3.

IC 25-1-4-1 Requirement

Sec. 1. No board or agency regulating a profession or occupation under this title or under IC 15, IC 16, or IC 22 may require continuing education as a condition of certification, registration, or licensure unless so specifically authorized or mandated by statute.
As added by Acts 1981, P.L.222, SEC.1.

IC 25-1-4-2 Promotion

Sec. 2. A board or agency regulating a profession or occupation under this title or under IC 15, IC 16, or IC 22 may cooperate with members of the profession or occupation it regulates to promote continuing education within the profession or occupation.
As added by Acts 1981, P.L.222, SEC.1.

IC 25-1-4-3 Sworn statements of compliance; retention of copies of certificates of completion; audits

Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:

(1) The practitioner shall provide the board with a sworn statement executed by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board.
(2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The

practitioner shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

(b) Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

As added by P.L.269-2001, SEC.4. Amended by P.L.157-2006, SEC.13.

IC 25-1-4-3.2 Distance learning methods

Sec. 3.2. A board or agency regulating a profession or occupation under this title or under IC 15, IC 16, or IC 22 shall require that at least one-half (50%) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses, chiropractors, optometrists and dentists.

As added by P.L.227-2001, SEC.1.

IC 25-1-4-4 Hardship waiver

Sec. 4. A board, a commission, a committee, or an agency regulating a profession or occupation under this title or under IC 15, IC 16, or IC 22 may grant an applicant a waiver from all or part of the continuing education requirement for a renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following:

(1) Service in the armed forces of the United States during a substantial part of the renewal period.

(2) An incapacitating illness or injury.

(3) Other circumstances determined by the board or agency.

As added by P.L.88-2004, SEC.1.

IC 25-1-4-5

Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter at the time that the practitioner applies for license renewal or after an audit conducted under section 3 of this chapter, the board shall do the following:

(1) Send the practitioner notice of noncompliance by certified mail.

(2) As a condition of license renewal, require the practitioner to comply with subsection (b).

(3) Issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon receipt of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

(1) If the practitioner believes that the practitioner has complied with this chapter, within twenty-one (21) days of receipt of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.

(2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars ($1,000) within twenty-one (21) days of receipt of the notice.

(B) Acquire, within six (6) months after receiving the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend the license of the practitioner and send notice of the suspension to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars ($5,000) under subsection (b)(2)(A).

(e) The board shall:

(1) reinstate a practitioner suspended under subsection (c); or

(2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1).

As added by P.L.157-2006, SEC.14.

IC 25-1-4-6

Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

(1) Provide the practitioner notice of noncompliance by certified mail.

(2) Deny the practitioner's application for license renewal.

(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

(1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars ($1,000).

(2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.

(3) The practitioner otherwise complies with this chapter.

As added by P.L.157-2006, SEC.15.

IC 25-1-4-7

Sec. 7. Credit hours acquired by a practitioner under section 5(b)(2) or 6(b)(2) of this chapter may not apply to the practitioner's credit hour requirement for the license period in which the credit hours are acquired.

As added by P.L.157-2006, SEC.16.

IC 25-1-4-8

Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.157-2006, SEC.17.

INDIANA CODE § 25-1-5

Chapter 5. Professional Licensing Agency

IC 25-1-5-1 Centralization of staff, functions, and services; purpose

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the Indiana professional licensing agency's ability to:

(1) make maximum use of data processing as a means of more efficient operation; and

(2) provide more services and carry out functions of superior quality.

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.23; P.L. 206-2005, SEC. 1.

IC 25-1-5-2 Definitions

Sec. 2. As used in this chapter:

(1) "Agency" means the Indiana professional licensing agency established by section 3 of this chapter.

(2) "Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

As added by Acts 1981, P.L. 222, SEC. 2. Amended by P.L. 206-2005, SEC. 2.

IC 25-1-5-3 Indiana professional licensing agency; functions, duties, and responsibilities

Sec. 3. (a) There is established the Indiana professional licensing agency. The agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

(1) Board of chiropractic examiners (IC 25-10-1).
(2) State board of dentistry (IC 25-14-1).
(3) Indiana state board of health facility administrators (IC 25-19-1).
(4) Medical licensing board of Indiana (IC 25-22.5-2).
(5) Indiana state board of nursing (IC 25-23-1).
(6) Indiana optometry board (IC 25-24).
(7) Indiana board of pharmacy (IC 25-26).
(8) Board of podiatric medicine (IC 25-29-2-1).
(9) Board of environmental health specialists (IC 25-32).
(10) Speech-language pathology and audiology board (IC 25-35.6-2).
(11) State psychology board (IC 25-33).
(12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
(13) Controlled substances advisory committee (IC 35-48-2-1).
(14) Committee of hearing aid dealer examiners (IC 25-20).
(15) Indiana physical therapy committee (IC 25-27).
(16) Respiratory care committee (IC 25-34.5).
(17) Occupational therapy committee (IC 25-23.5).
(18) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
(19) Physician assistant committee (IC 25-27.5).
(20) Indiana athletic trainers board (IC 25-5.1-2-1).
(21) Indiana dietitians certification board (IC 25-14.5-2-1).
(22) Indiana hypnotist committee (IC 25-20.5-1-7).

(b) Nothing in this chapter may be construed to give the agency policy making authority, which authority remains with each board.

As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.8; P.L.137-1985, SEC.6; P.L.169-1985, SEC.24; P.L.149-1987, SEC.18; P.L.242-1989, SEC.5; P.L.238-1989, SEC.5; P.L.186-1990, SEC.3; P.L.48-1991, SEC.13; P.L.227-1993, SEC.4; P.L.213-1993, SEC.1; P.L.33-1993, SEC.10; P.L.124-1994, SEC.3; P.L.175-1997, SEC.4; P.L.147-1997, SEC.7; P.L.84-1998, SEC.2; P.L.24-1999, SEC.3; P.L. 206-2005, SEC. 3.

IC 25-1-5-4 Additional duties and functions; staff

Sec. 4. (a) The agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

(1) notice of board meetings and other communication services;
(2) recordkeeping of board meetings, proceedings, and actions;
(3) recordkeeping of all persons licensed, regulated, or certified by a board;
(4) administration of examinations; and
(5) administration of license or certificate issuance or renewal.

(b) In addition the agency:

(1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
(3) may consolidate, where feasible, office space, recordkeeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the agency shall send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the agency, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the agency, the license or certificate is renewed within forty-five (45) days after receipt of the notice.

(d) In administering an examination for licensure or certification, the agency shall make the appropriate application forms available at least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

(e) The agency may require an applicant for license renewal to submit evidence proving that:

(1) the applicant continues to meet the minimum requirements for licensure; and
(2) the applicant is not in violation of:
(A) the statute regulating the applicant's profession; or
(B) rules adopted by the board regulating the applicant's profession.

(f) The agency shall process an application for renewal of a license or certificate:

(1) not later than ten (10) days after the agency receives all required forms and evidence; or
(2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the agency with all required forms and evidence.

This subsection does not require the agency to issue a renewal license or certificate to an applicant if subsection (g) applies.

(g) The agency may delay issuing a license renewal for up to ninety (90) days after the renewal date for the purpose of permitting the board to investigate information received by the agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the agency delays issuing a license renewal, the agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (h), before the end of the ninety (90) day period, the board shall do one (1) of the following:

(1) Deny the license renewal following a personal appearance by the applicant before the board.
(2) Issue the license renewal upon satisfaction of all other conditions for renewal.
(3) Issue the license renewal and file a complaint under IC 25-1-7.
(4) Request the office of the attorney general to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of IC 25-1-9-4 by the applicant.
(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under IC 25-1-9-9.

(h) If an individual fails to appear before the board under subsection (g), the board may take action on the applicant's license allowed under subsection (g)(1), (g)(2) or (g)(3).

(i) If the board makes a request under subsection (g)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4. If the office of the attorney general files a petition, the board shall set the matter for a hearing. If, after the hearing, the board finds the practitioner violated IC 25-1-9-4, the board may impose sanctions under IC 25-1-9-9. The board may delay issuing the renewal beyond the ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under IC 25-1-9-10.

(j) The license of the applicant for a license renewal remains valid

during the ninety (90) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license shall be automatically renewed at the end of the ninety (90) day period.

(k) Notwithstanding any other statute, the agency may stagger license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the agency must obtain the approval of the affected board or committee.

(l) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.25; P.L.149-1987, SEC.19; P.L.22-1999, SEC.1; P.L.44-2000, SEC.1; P.L.75-2002, SEC.1; P.L. 206-2005, SEC. 4.

IC 25-1-5-5 Executive Director

Sec. 5. (a) The agency 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 agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the agency 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 agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint not to exceed three (3) deputy directors, who must be qualified to work for the boards which are served by the agency.

(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 agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the agency. The costs of any such bonds shall be paid from funds available to the agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the agency 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.

As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.9; P.L.169-1985, SEC.26; P.L.149-1987, SEC.20; P.L.48-1991, SEC.14; P.L.49-1997, SEC.63; P.L. 206-2005, SEC. 5.

IC 25-1-5-6 Executive director; representatives; staff placement

Sec. 6. (a) The executive director may designate certain employees of the agency to represent the executive director of the agency at the board meetings, proceedings, or other activities of the board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.27; P.L. 206-2005, SEC. 6.

IC 25-1-5-7 Repealed

(Repealed by P.L.186-1990, SEC.17.)

IC 25-1-5-8 Repealed

(Repealed by P.L. 206-2005, SEC. 15)

IC 25-1-5-9 Submission of certified document as proof of required diploma

Sec. 9. If a board or committee requires an applicant for a certificate or license to submit a certified copy of a diploma showing that the applicant graduated from a school or program as a condition for certification or licensure, the applicant may satisfy this requirement by submitting another certified document that shows that the applicant graduated from or received the required diploma from the applicable school or program.

As added by P.L.177-1996, SEC.1.

IC 25-1-5-10 Provider profiles

Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the following:

(1) Board of chiropractic examiners (IC 25-10-1).
(2) State board of dentistry (IC 25-14-1).
(3) Indiana state board of health facility administrators (IC 25-19-1).
(4) Medical licensing board of Indiana (IC 25-22.5-2).
(5) Indiana state board of nursing (IC 25-23-1).
(6) Indiana optometry board (IC 25-24).
(7) Indiana board of pharmacy (IC 25-26).
(8) Board of podiatric medicine (IC 25-29-2-1).
(9) Board of environmental health specialists (IC 25-32-1).
(10) Speech-language pathology and audiology board (IC 25-35.6-2).
(11) State psychology board (IC 25-33).
(12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
(13) Indiana physical therapy committee (IC 25-27).
(14) Respiratory care committee (IC 25-34.5).
(15) Occupational therapy committee (IC 25-23.5).
(16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
(17) Physician assistant committee (IC 25-27.5).
(18) Indiana athletic trainers board (IC 25-5.1-2-1).
(19) Indiana dietitians certification board (IC 25-14.5-2-1).
(20) Indiana hypnotist committee (IC 25-20.5-1-7).

(b) The agency shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:

(1) The provider's name.
(2) The provider's license, certification, registration, or permit number.
(3) The provider's license, certification, registration, or permit type.
(4) The date the provider's license, certification, registration, or permit was issued.
(5) The date the provider's license, certification, registration, or permit expires.
(6) The current status of the provider's license, certification, registration, or permit.

(7) The provider's city and state of record.
(8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or committee described in subsection (a).
(d) The agency shall make provider profiles available to the public.
(e) The computer gateway administered by the office of technology established by IC 4-13.1-2-1 shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally available to the public on the Internet.
(f) The agency may adopt rules under IC 4-22-2 to implement this section.
As added by P.L.211-2001, SEC.1. Amended by P.L. 177-2005, SEC. 45; P.L. 206-2005, SEC. 7.

IC 25-1-5-11
Sec. 11. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the agency.
(b) The agency and the boards shall collect and release the applicant's or licensee's Social Security number as provided in state or federal law.
(c) Notwithstanding IC 4-1-10-3, the agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:
(1) a testing service that provides the examination for licensure to the agency or the boards; or
(2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.
As added by P.L.157-2006, SEC.18.

INDIANA CODE § 25-1-6

Chapter 6. Professional Licensing Agency

IC 25-1-6-1 Legislative intent
Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the licensing agency's ability to:
(1) make maximum use of data processing as a means of more efficient operation;
(2) provide more services and carry out functions of superior quality; and
(3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.
As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.2; P.L. 194-2005, SEC. 1.

IC 25-1-6-2 Definitions
Sec. 2. As used in this chapter:
"Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.
"Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.
As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.3; P.L. 206-2005, SEC. 8.

IC 25-1-6-3 Indiana professional licensing agency; functions, duties, and responsibilities
Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:
(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape 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) State board of cosmetology examiners (IC 25-8-3-1).
(7) State board of funeral and cemetery service (IC 25-15-9).
(8) State board of registration for professional engineers (IC 25-31-1-3).
(9) Indiana plumbing commission (IC 25-28.5-1-3).
(10) Indiana real estate commission (IC 25-34.1).
(11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
(12) Private detectives licensing board (IC 25-30-1-5.1).
(13) State board of registration for land surveyors (IC 25-21.5-2-1).
(14) Manufactured home installer licensing board (IC 25-23.7).
(15) Home inspectors licensing board (IC 25-20.2-3-1).
(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.
As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.10; P.L.132-1984, SEC.4; P.L.246-1985, SEC.14; P.L.257-1987, SEC.14; P.L.234-1989, SEC.2; P.L.186-1990, SEC.4; P.L.23-1991, SEC.8; P.L.48-1991, SEC.15; P.L.1-1992, SEC.129; P.L.30-1993, SEC.4; P.L.234-1995, SEC.2; P.L.82-2000, SEC.3; P.L.227-2001, SEC.3; P.L.162-2002, SEC.3; P.L.145-2003, SEC.3; P.L. 194-2005, SEC. 2; P.L. 206-2005, SEC. 9.

IC 25-1-6-4 Additional duties and functions; staff
Sec. 4. (a) The licensing agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:
(1) notice of board meetings and other communication services;
(2) recordkeeping of board meetings, proceedings, and actions;
(3) recordkeeping of all persons or individuals licensed, regulated, or certified by a board;
(4) administration of examinations; and
(5) administration of license or certificate issuance or renewal.
(b) In addition, the licensing agency:
(1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
(3) may consolidate, where feasible, office space, recordkeeping, and data processing services.
(c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice must inform the holder of a license or certificate of the requirements to:
(1) renew the license or certificate; and
(2) pay the renewal fee.
(d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.
(e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:
(1) meets the minimum requirements for licensure or certification;

and

(2) is not in violation of:

(A) the law regulating the applicant's profession; or

(B) rules adopted by the board regulating the applicant's profession.

(f) The licensing agency may delay renewing a license or certificate for not more than ninety (90) days after the renewal date to permit the board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

(1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.

(2) Renew the license or certificate upon satisfaction of all other requirements for renewal.

(3) Renew the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.

(g) If an applicant fails to appear before the board under subsection (f), the board may take action as provided in subsection (f)(1), (f)(2), or (f)(3).

(h) If the board makes a request under subsection (f)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds the applicant violated IC 25-1-11-5, the board may impose sanctions under IC 25-1-11-12. The board may delay renewing a license or certificate beyond ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:

(1) denied; or

(2) summarily suspended under IC 25-1-11-13.

(i) The license or certificate of the applicant for license renewal remains valid during the ninety (90) day period unless the license or certificate is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license or certificate shall be automatically renewed at the end of the ninety (90) day period.

(j) Notwithstanding any other law, the licensing agency may stagger license or certificate renewal cycles.

(k) An application for a license or certificate is abandoned without an action by the board if the applicant does not complete the requirements for obtaining the license or certificate not more than one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.5; P.L. 194-2005, SEC. 3.

IC 25-1-6-5 Executive director

Sec. 5. (a) The licensing agency 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 licensing agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the licensing agency 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 licensing agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.

(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 licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.

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

(g) Upon the request of a board or commission, the executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of the board or commission.

(h) Upon the request of a board or commission, the executive director may provide advice and technical assistance on issues that may be presented to the board or commission.

As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.11; P.L.132-1984, SEC.6; P.L.49-1997, SEC.64; P.L. 194-2005, SEC. 4.

IC 25-1-6-5.5 Appeal of license renewal denial

Sec. 5.5. A person who has a license renewal denied by a board listed in section 3 of this chapter may file an appeal of the denial in accordance with IC 4-21.5-3.

As added by P.L.227-2001, SEC.4. Amended by P.L.1-2002, SEC.95; P.L. 194-2005, SEC. 5.

IC 25-1-6-6 Executive director; representatives; staff placement

Sec. 6. (a) The executive director shall designate certain employees of the licensing agency to represent the executive director of the licensing agency at board meetings, proceedings, or any other activities of a board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.7.

IC 25-1-6-7 Repealed

(Repealed by P.L.186-1990, SEC.17.)

IC 25-1-6-8 Department of state revenue; access to names of licensees and applicants; persons on tax warrant list

Sec. 8. (a) The bureau and the boards may allow the department of

state revenue access to the name of each person who:

(1) is licensed under this chapter or IC 25-1-5; or

(2) has applied for a license under this chapter or IC 25-1-5.

(b) If the department of state revenue notifies the licensing agency that a person is on the most recent tax warrant list, the licensing agency may not issue or renew the person's license until:

(1) the person provides to the licensing agency a statement from the department of revenue that the person's delinquent tax liability has been satisfied; or

(2) the licensing agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

As added by P.L.26-1985, SEC.20. Amended by P.L.332-1989(ss), SEC.46; P.L. 2-2005, SEC. 63; P.L. 206-2005, SEC. 10.

IC 25-1-6-9 Repealed

(Repealed by P.L.186-1990, SEC.17.)

IC 25-1-6-10

Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.

(b) The licensing agency and the boards shall collect and release the applicant's or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

(1) a testing service that provides the examination for licensure to the licensing agency or the boards; or

(2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

As added by P.L.157-2006, SEC.19.

INDIANA CODE § 25-1-7

Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations

IC 25-1-7-1 Definitions

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 and landscape 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) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15-9).

(10) 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) 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) Indiana real estate commission (IC 25-34.1-2).

(22) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(23) 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) 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) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(29) 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) Manufactured home installer licensing board (IC 25-23.7).

(36) Home inspectors licensing board (IC 25-20.2-3-1).

(37) Any other occupational or professional agency created after June 30, 1981.

As added by Acts 1981, P.L.222, SEC.4. Amended by Acts 1982, P.L.113, SEC.12; P.L.137-1985, SEC.7; P.L.246-1985, SEC.15; P.L.169-1985, SEC.29; P.L.149-1987, SEC.21; P.L.257-1987, SEC.15; P.L.242-1989, SEC.6; P.L.234-1989, SEC.3; P.L.238-1989, SEC.6; P.L.1-1990, SEC.249; P.L.186-1990, SEC.5; P.L.183-1991, SEC.3; P.L.23-1991, SEC.9; P.L.48-1991, SEC.16; P.L.1-1992, SEC.130; P.L.30-1993, SEC.5; P.L.227-1993, SEC.5; P.L.213-1993, SEC.2; P.L.8-1993, SEC.371; P.L.33-1993, SEC.11; P.L.1-1994, SEC.120; P.L.124-1994, SEC.4; P.L.234-1995, SEC.3; P.L.175-1997, SEC.5; P.L.147-1997, SEC.8; P.L.84-1998, SEC.3; P.L.24-1999, SEC.4; P.L.82-2000, SEC.4; P.L.162-2002, SEC.4; P.L.145-2003, SEC.4.

IC 25-1-7-2 Duties of attorney general

Sec. 2. The office of the attorney general, under the conditions specified in this chapter, may receive, investigate, and prosecute complaints concerning regulated occupations.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-3 Investigation of complaints

Sec. 3. The division is responsible for the investigation of complaints concerning licensees.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-4 Complaints; requisites; standing

Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general's office acting in their official capacity, a complaint may be filed by any person, including members of any of the boards listed in section 1 of this chapter.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-5 Duties and powers of director

Sec. 5. (a) Subsection (b)(1) does not apply to:

(1) a complaint filed by:

(A) a member of any of the boards listed in section 1 of this chapter; or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) The director has the following duties and powers:

(1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.

(2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.

(3) The director shall report any pertinent information regarding the status of the complaint to the complainant.

(4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.

(5) The director has the power to subpoena witnesses and to 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 the subpoena is to be issued shall enforce any such subpoena by the director.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.2; P.L.14-2000, SEC.55; P.L. 206-2005, SEC. 11.

IC 25-1-7-6 Statement of settlement; period of time to resolve

Sec. 6. (a) This section does not apply to:

(1) a complaint filed by:

(A) a member of any of the boards listed in section 1 of this chapter; or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director's recommendations with the attorney general, 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. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day time period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.3; P.L. 206-2005, SEC. 12.

IC 25-1-7-7 Disciplinary sanctions; report to attorney general; prosecution; hearing officer

Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.

(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-8 Witnesses

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-9 Disqualification of board member

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5).

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.1.

IC 25-1-7-10 Confidentiality of complaints and information

Sec. 10. (a) All complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not disclose or further a disclosure of information concerning the complaint unless the disclosure is required:

(1) under law; or

(2) for the advancement of an investigation.

(c) Notwithstanding subsections (a) and (b), under IC 25-23.2 the state board of nursing may disclose to the coordinated licensure information system (as defined by IC 25-23.2-1-4) complaints and information concerning complaints that the board determines to be current significant investigative information (as defined by IC 25-23.2-1-5).

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.2.

IC 25-1-7-11 Administrative orders and procedures

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.7-1987, SEC.110.

IC 25-1-7-12 Reimbursement of attorney general

Sec. 12. (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).

As added by P.L.255-1987, SEC.1.

IC 25-1-7-13 Reports; contents

Sec. 13. The office of the attorney general shall submit to each board, at the request of the board, a 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.

(5) The age of the complaints.

As added by P.L.177-1997, SEC.1.

INDIANA CODE § 25-1-8

Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees

IC 25-1-8-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape 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) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15).

(10) 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) Mining board (IC 22-10-1.5-2).

(14) Indiana state board of nursing (IC 25-23-1).

(15) Indiana optometry board (IC 25-24).

(16) Indiana board of pharmacy (IC 25-26).

(17) Indiana plumbing commission (IC 25-28.5-1-3).

(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) Indiana real estate commission (IC 25-34.1-2-1).

(22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).

(23) Department of insurance (IC 27-1).

(24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.

(25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(26) Private detectives licensing board (IC 25-30-1-5.1).

(27) Occupational therapy committee (IC 25-23.5-2-1).

(28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).

(29) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(30) State board of registration for land surveyors (IC 25-21.5-2-1).

(31) Physician assistant committee (IC 25-27.5).

(32) Indiana athletic trainers board (IC 25-5.1-2-1).

(33) Board of podiatric medicine (IC 25-29-2-1).

(34) Indiana dietitians certification board (IC 25-14.5-2-1).

(35) Indiana physical therapy committee (IC 25-27).

(36) Manufactured home installer licensing board (IC 25-23.7).

(37) Home inspectors licensing board (IC 25-20.2-3-1).

(38) Any other occupational or professional agency created after June 30, 1981.

As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6; P.L.33-1993, SEC.12; P.L.213-1993, SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998, SEC.4; P.L.24-1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5.

IC 25-1-8-1.1 Repealed

(Repealed by P.L.19-1986, SEC.43.)

IC 25-1-8-2 Fees; establishment and collection

Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

(1) Examination of applicants for licensure, registration, or certification.

(2) Issuance, renewal, or transfer of a license, registration, or certificate.

(3) Restoration of an expired license, registration, or certificate when such action is authorized by law.

(4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.

(5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than ten dollars ($10) unless the fee is collected under a rule adopted by the board which sets a fee f or miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ten dollars ($10) for the issuance of a duplicate license, registration, or certificate.

As added by Acts 1981, P.L.223, SEC.1. Amended by Acts 1982, P.L.113, SEC.13; P.L.169-1985, SEC.31; P.L.48-1991, SEC.18; P.L.33-1993, SEC.13; P.L.235-1995, SEC.1.

IC 25-1-8-3 Quadrennial license or registration cycle; refunds

Sec. 3. (a) A board, operating on a quadrennial license, registration, or certificate renewal cycle, shall refund one-half (1/2) of the amount of the

license, registration, or certificate fee if the holder of the license, registration, or certificate surrenders it at least two (2) years before it expires.

(b) This section does not apply to the holder of a license, registration, or certificate revoked or suspended by the board.

As added by Acts 1982, P.L.113, SEC.14.

IC 25-1-8-4 Quadrennial license renewal system

Sec. 4. (a) Notwithstanding any law establishing a biennial license renewal system, a board operating on such a system may by rule establish a quadrennial license renewal system.

(b) If a board establishes a quadrennial license renewal system, it may provide for a reduction in the fees for the four (4) year license.

As added by P.L.234-1983, SEC.3.

IC 25-1-8-5 Employment of professionals for testing; examination on statutes, rules, and regulations; standards of review

Sec. 5. (a) Notwithstanding any statutory provisions regarding the administration of examinations, a board or committee may employ organizations or additional professionals to assist in the preparation, administration, and scoring of licensing examinations.

(b) A board or committee may require applicants for licensure, certification, or registration by examination, endorsement, or reciprocity to pass a test on the state or federal statutes, state rules, and federal regulations that the board or committee determines by rule to be relevant to the practice of a regulated profession.

(c) A board or committee may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for licensure, certification, or registration. The standards of review may include:

(1) setting fees for review;

(2) requiring that an examination remain confidential; and

(3) prohibiting the release of the examination or copies of the examination.

As added by P.L.169-1985, SEC.32. Amended by P.L.152-1988, SEC.5; P.L.48-1991, SEC.19.

IC 25-1-8-6 Reinstatement of delinquent or lapsed licenses

Sec. 6. (a) As used in this section, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana athletic trainers board (IC 25-5.1-2-1).

(4) Indiana auctioneer commission (IC 25-6.1-2-1).

(5) State board of barber examiners (IC 25-7-5-1).

(6) State boxing commission (IC 25-9-1).

(7) Board of chiropractic examiners (IC 25-10-1).

(8) State board of cosmetology examiners (IC 25-8-3-1).

(9) State board of dentistry (IC 25-14-1).

(10) Indiana dietitians certification board (IC 25-14.5-2-1).

(11) State board of registration for professional engineers (IC 25-31-1-3).

(12) Board of environmental health specialists (IC 25-32-1).

(13) State board of funeral and cemetery service (IC 25-15-9).

(14) Indiana state board of health facility administrators (IC 25-19-1).

(15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).

(16) Home inspectors licensing board (IC 25-20.2-3-1).

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

(18) State board of registration for land surveyors (IC 25-21.5-2-1).

(19) Manufactured home installer licensing board (IC 25-23.7).

(20) Medical licensing board of Indiana (IC 25-22.5-2).

(21) Indiana state board of nursing (IC 25-23-1).

(22) Occupational therapy committee (IC 25-23.5).

(23) Indiana optometry board (IC 25-24).

(24) Indiana board of pharmacy (IC 25-26).

(25) Indiana physical therapy committee (IC 25-27).

(26) Physician assistant committee (IC 25-27.5).

(27) Indiana plumbing commission (IC 25-28.5-1-3).

(28) Board of podiatric medicine (IC 25-29-2-1).

(29) Private detectives licensing board (IC 25-30-1-5.1).

(30) State psychology board (IC 25-33).

(31) Indiana real estate commission (IC 25-34.1-2).

(32) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(33) Respiratory care committee (IC 25-34.5).

(34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).

(35) Speech-language pathology and audiology board (IC 25-35.6-2).

(36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee established by the Indiana professional licensing agency.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee equal to the current initial application fee.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

As added by P.L.269-2001, SEC.5. Amended by P.L. 206-2005, SEC. 13; P.L.157-2006, SEC.20.

IC 25-1-8-7 Repealed

(Repealed by P.L.157-2005, SEC.76.)

IC 25-1-8-8 Reinstatement of license, certificate, or registration; delay for Ninety Days

Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

(1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.

(2) Reinstate the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.

(3) Reinstate the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.

(c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).

(d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.

(e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless:

(1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period;

(2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or

(3) the reinstatement is denied.

If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.

As added by P.L.1821-2007, SEC.21.

INDIANA CODE § 25-1-11

Chapter 11. Professional Licensing Standards of Practice

IC 25-1-11-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) State board of cosmetology examiners (IC 25-8-3-1).

(7) State board of registration of land surveyors (IC 25-21.5-2-1).

(8) State board of funeral and cemetery service (IC 25-15-9).

(9) State board of registration for professional engineers (IC 25-31-1-3).

(10) Indiana plumbing commission (IC 25-28.5-1-3).

(11) Indiana real estate commission (IC 25-34.1-2-1).

(12) Real estate appraiser licensure certification board (IC 25-34.1-8).

(13) Private detectives licensing board (IC 25-30-1-5.1).

(14) Manufactured home installer licensing board (IC 25-23.7).

As added by P.L.214-1993, SEC.1. Amended by P.L.2-1995, SEC.93; P.L.234-1995, SEC.5; P.L.82-2000, SEC.6; P.L.162-2002, SEC.6.

IC 25-1-11-2 "Practitioner" defined

Sec. 2. As used in this chapter, "practitioner" means a person that holds:

(1) an unlimited license, certificate, registration, or permit;

(2) a limited or probationary license, certificate, registration, or permit;

(3) a temporary license, certificate, registration, or permit;

(4) an intern permit; or

(5) an inactive license;

issued by the board regulating a profession.

As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.1.

IC 25-1-11-3 "License" defined

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-4 "Person" defined

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.2.

IC 25-1-11-5 Practitioner compliance with professional standards; findings; meriting disciplinary sanctions

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

(1) a practitioner has:

(A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;

(B) engaged in fraud or material deception in the course of professional services or activities; or

(C) advertised services or goods in a false or misleading manner; or

(D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices;

(2) a practitioner has been convicted of a crime that:

(A) has a direct bearing on the practitioner's ability to continue to practice competently; or

(B) is harmful to the public;

(3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(4) a practitioner has continued to practice although the practitioner

has become unfit to practice due to:

(A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in ~~another~~ any state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; ~~or~~

(9) a practitioner has allowed a license issued by a board to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; or

(10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

As added by P.L.214-1993, SEC.1. Amended by P.L.84-1998, SEC.6; P.L.113-1999, SEC.1. Amended by P.L. 1821-2007. SEC 24..

IC 25-1-11-7 Auctioneers; grounds for disciplinary sanctions

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

(1) account and to make payment under IC 25-6.1-6-2; or

(2) keep the funds of others separate from the practitioner's own private accounts.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-9.5 Repealed

(Repealed by P.L. 194-2005, SEC. 87.)

IC 25-1-11-10 Physical and mental examination of practitioner

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.1. Amended by P.L. 194-2005, SEC. 7.

IC 25-1-11-11 Refusal of physical or mental examination; summary suspension

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-12 Sanctions for violations

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

(1) Permanently revoke a practitioner's license.

(2) Suspend a practitioner's license.

(3) Censure a practitioner.

(4) Issue a letter of reprimand.

(5) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the board upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the board;

(C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

(6) Assess a civil penalty against the practitioner for not more than one thousand dollars ($1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

As added by P.L.214-1993, SEC.1. Amended by P.L.32-2000, SEC.12.

IC 25-1-11-13 Summary suspension of practitioners

Sec. 13. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional

misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed upon a hearing before the board. Each renewal of a summary suspension may not be for more than ninety (90) days.

(c) Before the board may summarily suspend a license under this section, the consumer protection division of the attorney general's office

shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the attorney general's office attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.
As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.2. Amended by P.L. 1821-2007, SEC. 25.

IC 25-1-11-14 Reinstatement of suspended license
Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.
As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.3.

IC 25-1-11-15 Reinstatement of revoked license
Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.
As added by P.L.214-1993, SEC.1.

IC 25-1-11-16 Consistency of sanctions
Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.
As added by P.L.214-1993, SEC.1.

IC 25-1-11-17 Surrender of practitioner license
Sec. 17. A practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.
As added by P.L.214-1993, SEC.1.

IC 25-1-11-18 Costs; practitioners subjected to sanctions
Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:
(1) Court reporters.
(2) Transcripts.
(3) Certification of documents.
(4) Photo duplication.
(5) Witness attendance and mileage fees.
(6) Postage.
(7) Expert witnesses.
(8) Depositions.
(9) Notarizations.
(10) Administrative law judges
As added by P.L.214-1993, SEC.1. Amended by P.L. 194-2005, SEC. 8.

IC 25-1-11-19 Refusal of licensure or granting of probationary license
Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:
(1) the applicant has:
(A) been disciplined by a licensing entity of another state or jurisdiction; or
(B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and
(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.
(b) The board may:
(1) refuse to issue a license; or
(2) issue a probationary license;
to an applicant for licensure if the applicant practiced without a license in violation of the law.
(c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:
(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
(2) Limit practice to the areas prescribed by the board.
(3) Continue or renew professional education requirements.
(4) Engage in community restitution or service without compensation for the number of hours specified by the board.
(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.
(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.
As added by P.L.194-2005, SEC.9. Amended by P.L. 1821-2007, SEC. 26.

IC 25-1-11-20 Applicant appearance before board
Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.
As added by P.L. 194-2005, SEC. 10.

INIDIANA CODE § 25-1-12

Chapter 12. Renewal of Licenses Held by Individuals in Military Service

IC 25-1-12-1 Applicability of chapter
Sec. 1. This chapter applies to an individual who:
(1) holds a license, certificate, registration, or permit under this title, IC 15, IC 16, or IC 22; and
(2) is called to active duty.
As added by P.L.88-2004, SEC.2.

IC 25-1-12-2 "Active duty" defined
Sec. 2. As used in this chapter, "active duty" means full-time service in the:
(1) armed forces of the United States; or
(2) national guard;
for a period that exceeds thirty (30) consecutive days in a calendar year.
As added by P.L.88-2004, SEC.2.

IC 25-1-12-3 "Armed forces of the United States" defined
Sec. 3. As used in this chapter, "armed forces of the United States" means the active or reserve components of:
(1) the army;
(2) the navy;

(3) the air force;
(4) the coast guard;
(5) the marine corps; or
(6) the merchant marine.
As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 64.

IC 25-1-12-4 "National guard" defined
Sec. 4. As used in this chapter, "national guard" means:
(1) the Indiana army national guard; or
(2) the Indiana air national guard.
As added by P.L.88-2004, SEC.2.

IC 25-1-12-5 "Practitioner" defined
Sec. 5. As used in this chapter, "practitioner" means an individual who holds:
(1) an unlimited license, certificate, or registration;
(2) a limited or probationary license, certificate, or registration;
(3) a temporary license, certificate, registration, or permit;
(4) an intern permit; or
(5) a provisional license;
issued under this title or IC 15, IC 16, or IC 22.
As added by P.L.88-2004, SEC.2.

IC 25-1-12-6 Extension to renew license or complete continuing education; requirements for extension; additional extensions
Sec. 6. (a) Notwithstanding any other law, a practitioner who is called to active duty out-of-state and meets the requirements of subsection (b) is entitled to an extension of time described in subsection (c) to:
(1) renew; and
(2) complete the continuing education required by;
the practitioner's license, certificate, registration, or permit.
(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):
(1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7.
(2) The practitioner's license, certificate, registration, or permit must expire while the practitioner is out-of-state on active duty and the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.
(3) The practitioner shall provide proof of out-of-state active duty by providing a copy of the practitioner's:
(A) discharge; or
(B) government movement orders;
to the agency, board, commission, or committee issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit underthis chapter.
(c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.
(d) The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.
As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 65.

IC 25-1-12-7 Waiver of late fees
Sec. 7. Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.
As added by P.L.88-2004, SEC.2.

IC 25-1-12-8 Construction with federal law
Sec. 8. This chapter may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:
(1) the armed forces of the United States; or
(2) the national guard;
under federal law.
As added by P.L.88-2004, SEC.2.

TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS

NOTE: Originally adopted by the Board of Beauty Culturist Examiners. Name changed by P.L.257-1987, SECTION 20, effective September 1, 1987.

ARTICLE 1. Beauty Culture Schools and Shops *(REPEALED)*
(Repealed by State Board of Cosmetology Examiners; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1412, eff Apr 1, 1990)

ARTICLE 2. Licensing

Rule 1. Licensing Requirements; Miscellaneous Provisions

820 IAC 2-1-1 Transfer of licenses prohibited
Authority: IC 25-8-3-23
Affected: IC 25-8-4-4
Sec. 1. (a) Under IC 25-8-4-4, licenses issued by the board may not be transferred. Accordingly, cosmetology schools, cosmetology salons, electrology salons, manicurist salons, and esthetic salons may not operate under new ownership or in a new location until a new license has been issued by the board.
(b) Subsection (a) does not apply to cosmetology salons changing locations if approved by the board under IC 25-8-4-4. *(State Board of Cosmetology Examiners; 820 IAC 2-1-1; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1401, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 561; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-1-2 Cosmetology schools, cosmetology salons, electrology salons, manicurist salons, and esthetic salons; mobile structure prohibited
Authority: IC 25-8-3-23
Affected: IC 25-8
Sec. 2. Cosmetology schools, cosmetology salons, electrology salons, manicuring salons, and esthetic salons may not be located in mobile structures. *(State Board of Cosmetology Examiners; 820 IAC 2-1-2; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1401, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 561; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-1-3 Cosmetology school license applications; notice of intention
Authority: IC 25-8-3-23
Affected: IC 25-8-5-2
Sec. 3. (a) Thirty (30) days prior to submitting the application for a license, an applicant for a cosmetology school license shall file a "notice of intention" on a form provided by the board listing the owner's name and the location of the school.

(b) Subsequent to the filing of the notice of intention, an on-site inspection of the proposed cosmetology school shall be made by a member of the board.

(c) Within sixty (60) days after filing the notice of intention, the applicant must file a cosmetology school application and pay the required fee, or the notice of intention shall be null and void. *(State Board of Cosmetology Examiners; 820 IAC 2-1-3; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1402, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 561; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-1-4 Application for cosmetology school license; required items

Authority: IC 25-8-3-23
Affected: IC 25-8-5-2; IC 25-8-5-3

Sec. 4. (a) An application for cosmetology school license shall include the matters required by IC 25-8-5-3 and the following:

(1) The contract which is to be used between the cosmetology school and its students which must include the school's refund policy.
(2) A report from the office of the state fire marshal showing compliance with fire safety laws.
(3) A copy of the cosmetology school's deed for the property where the cosmetology school is located or a lease for at least one (1) year showing that the premises are to be used as a cosmetology school.
(4) A budget for the first year of operation of the cosmetology school.
(5) A financial statement on a form provided by the board.
(6) A floor plan of the cosmetology school which shall show, in detail, the following:
(A) The placement of students.
(B) Classroom entrances and exits.
(C) Space for waiting customers (indicating the number of chairs).
(D) Separate student and public cloakroom spaces.
(E) Separate lavatory and toilet facilities for men and women.
(7) A list of licensed instructors who will be teaching in the cosmetology school.

(b) The application shall be completed in its entirety and verified. *(State Board of Cosmetology Examiners; 820 IAC 2-1-4; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1402, eff Apr 1, 1990; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-1-5 Education equivalencies

Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 5. Successful completion of the general education diploma (GED) shall be considered the equivalent of the following:

(1) A tenth grade education for cosmetology applicants under IC 25-8-9-3(2).
(2) A tenth grade education for esthetician applicants under IC 25-8-12.5-4(2).
(3) An eighth grade education for manicurist applicants under IC 25-8-11-4(2).
(4) An eighth grade education for shampoo operator applicants under IC 25-8-12-3(2).

(State Board of Cosmetology Examiners; 820 IAC 2-1-5; filed Dec 3, 1991, 11:00 a.m.: 15 IR 561; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 2-1-6 Signs for cosmetology salons, electrology salons, manicurist salons, and esthetic salons

Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 6. (a) A person holding a:

(1) cosmetology salon license;
(2) electrology salon license;
(3) manicurist salon license; or
(4) esthetic salon license;

shall display a sign at the main public entrance of the salon.

(b) The sign must:

(1) be clearly visible at the main public entrance;
(2) state in legible printing the name of the establishment; and
(3) state that the establishment is licensed as a:
(A) cosmetology salon;
(B) electrology salon;
(C) manicurist salon; or
(D) esthetic salon.

(State Board of Cosmetology Examiners; 820 IAC 2-1-6; filed Dec 3, 1991, 11:00 a.m.: 15 IR 562; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 2-1-7 Addresses for cosmetology salons, electrology salons, manicurist salons, and esthetic salons

Authority: IC 25-8-3-23
Affected: IC 25-8-4-2

Sec. 7. Applications for cosmetology salon, electrology salon, manicurist salon, and esthetic salon licenses shall include both the applicant's mailing address and the actual location of the salon, if different than the mailing address. *(State Board of Cosmetology Examiners; 820 IAC 2-1-7; filed Dec 3, 1991, 11:00 a.m.: 15 IR 562; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

Rule 2. Examinations

820 IAC 2-2-1 Instructor, electrologist, or esthetician license; reciprocity applicants

Authority: IC 25-8-3-23
Affected: IC 25-8-4-2

Sec. 1. (a) An individual who applies for a cosmetologist, electrologist, or esthetician instructor license under IC 25-8-4-2 in addition to qualifying under those sections *[sic., that section]* must pass an examination on Indiana statutes and rules applicable to cosmetology, electrology, or esthetics, respectively, before being licensed.

(b) The passing score for each of the examinations shall be seventy-five percent (75%). *(State Board of Cosmetology Examiners; 820 IAC 2-2-1; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1402, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 562; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1487; filed May 4, 2001, 11:16 a.m.: 24 IR 2682; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-2 Instructor license; examination fee

Authority: IC 25-1-8-5; IC 25-8-3-23
Affected: IC 25-8-6-3

Sec. 2. The board shall charge a fee of fifteen dollars ($15) for providing an examination to an applicant for an instructor license. *(State Board of Cosmetology Examiners; 820 IAC 2-2-2; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1402, eff Apr 1, 1990; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3099; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-1.1 Photograph with application

Authority: IC 25-8-3-23; IC 25-8-6-4
Affected: IC 25-8

Sec. 1.1. Individuals submitting an application for examination under IC 25-8 shall include a photograph of the applicant that is at least two (2) inches by three (3) inches with the application. *(State Board of Cosmetology Examiners; 820 IAC 2-2-1.1; filed May 4, 2001, 11:16 a.m.: 24 IR 2682; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-1.2 Photo identification required

Authority: IC 25-8-3-23; IC 25-8-6-4

Affected: IC 25-8

Sec. 1.2. All applicants for examination are required to bring government issued photo identification to an examination and shall produce the photo identification for inspection upon request while at the examination. *(State Board of Cosmetology Examiners; 820 IAC 2-2-1.2; filed May 4, 2001, 11:16 a.m.: 24 IR 2682; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-3 Age requirement; necessity of examination

Authority: IC 25-8-3-23

Affected: IC 25-8-6-4; IC 25-8-9-3; IC 25-8-11-4; IC 25-8-12-3; IC 25-8-12.5-4

Sec. 3. (a) Individuals submitting an application for examination under IC 25-8 shall be at least eighteen (18) years of age.

(b) All first attempt state board examinations must be taken within one (1) year after graduation from an applicable course in a cosmetology school. Any repeat examination must be successfully completed within three (3) years after graduation from the same course.

(c) The board may waive the requirements in subsection (b) if an applicant can show good cause. *(State Board of Cosmetology Examiners; 820 IAC 2-2-3; filed Dec 3, 1991, 11:00 a.m.: 15 IR 562; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1488; filed May 4, 2001, 11:16 a.m.: 24 IR 2682; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-4 License examination; attire, equipment

Authority: IC 25-8-3-23

Affected: IC 25-8

Sec. 4. (a) Each applicant for a cosmetologist license, instructor license, electrologist license, manicurist license, shampoo operator license, and esthetician license shall report to the examination in the following manner:

(1) Attired in a white nurse style uniform and in white noncloth shoes.

(2) With tool cases as follows:

(A) For cosmetology applicants, the tool case required by 820 IAC 4-2-5.

(B) For instructor applicants, the tool case required by 820 IAC 4-2-5.

(C) For electrology applicants, the tool case required by 820 IAC 4-2-9.

(D) For manicurist applicants, the tool case required by 820 IAC 4-2-8.

(E) For esthetician applicants, the tool case required by 820 IAC 4-2-7.

(b) Subsection (a)(2) does not apply to applicants being examined for a shampoo operator license or to applicants being examined under section 1 of this rule. *(State Board of Cosmetology Examiners; 820 IAC 2-2-4; filed Dec 3, 1991, 11:00 a.m.: 15 IR 562; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-5 Repeat examinations; cosmetologist

Authority: IC 25-8-3-23

Affected: IC 25-8-9-5

Sec. 5. (a) An applicant who does not receive a satisfactory grade on the applicant's second attempt on the cosmetology written examination as allowed by IC 25-8-9-5 shall only be allowed to take the written examination again upon submission of proof of completion of an additional one hundred (100) hours of instruction in the theory of cosmetology as a student in a cosmetology school.

(b) An applicant who does not receive a satisfactory grade on the third attempt of the written examination allowed by subsection (a) may take the written examination the fourth time.

(c) The requirements of subsection (a) concerning additional education apply for the fifth written examination attempt and every odd-numbered attempt thereafter. *(State Board of Cosmetology Examiners; 820 IAC 2-2-5; filed Dec 3, 1991, 11:00 a.m.: 15 IR 563; filed May 4, 2001, 11:16 a.m.: 24 IR 2682; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-6 Repeat examinations; instructor

Authority: IC 25-8-3-23

Affected: IC 25-8

Sec. 6. (a) An instructor applicant who fails the applicant's first attempt on the instructor written examination may repeat the examination.

(b) An applicant who does not receive a satisfactory grade on the repeat instructor written examination allowed by subsection (a) may attempt the written examination again upon submission of proof of completion of an additional one hundred fifty (150) hours of instructor training in an approved cosmetology school, within sixty (60) days of receipt of examination failure notice. *(State Board of Cosmetology Examiners; 820 IAC 2-2-6; filed Dec 3, 1991, 11:00 a.m.: 15 IR 563; filed May 4, 2001, 11:16 a.m.: 24 IR 2683; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-7 Repeat examinations; manicurist

Authority: IC 25-8-3-23

Affected: IC 25-8-11-5

Sec. 7. (a) An applicant who does not receive a satisfactory grade on the second attempt on the manicurist written examination as allowed by IC 25-8-11-5 may take the written examination a third time.

(b) An applicant who does not receive a satisfactory grade on the third written examination attempt allowed by subsection (a) shall only be allowed to take the examination again upon the submission of proof of successful completion of an additional one hundred (100) hours of instruction in the theory of manicuring as a student in a cosmetology school.

(c) The requirement of subsection (b) concerning additional education applies for the fifth written examination attempt and every odd-numbered attempt thereafter. *(State Board of Cosmetology Examiners; 820 IAC 2-2-7; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2415; errata filed Jan 21, 1994, 3:00 p.m.: 17 IR 1101; filed May 4, 2001, 11:16 a.m.: 24 IR 2683; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-8 Repeat examinations; electrologist

Authority: IC 25-8-3-23

Affected: IC 25-8-10-2

Sec. 8. (a) An applicant who does not receive a satisfactory grade on the examination described in IC 25-8-10-3(3) may take the written examination a second time.

(b) An applicant who does not receive a satisfactory grade on the second written examination attempt allowed by subsection (a) shall only be allowed to take the written examination again upon submission of proof of the successful completion of an additional one hundred (100) hours of instruction in the theory of electrology in a cosmetology school.

(c) The requirement of subsection (b) concerning additional education applies for the fifth written examination attempt and every odd-numbered attempt thereafter. *(State Board of Cosmetology Examiners; 820 IAC 2-2-8; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2416; errata filed Jan 21, 1994, 3:00 p.m.: 17 IR 1101; filed May 4, 2001, 11:16 a.m.: 24 IR 2683; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-9 Repeat examinations; shampoo operator

Authority: IC 25-8-3-23

Affected: IC 25-8-12-4

Sec. 9. (a) An applicant who does not receive a satisfactory grade on the shampoo operator written examination as allowed by IC 25-8-12-4

must successfully complete an additional one hundred (100) hours in the theory of shampoo operation in a cosmetology school.

(b) An applicant who does not receive a satisfactory grade on the third written examination attempt as allowed by subsection (a) may take the written examination a fourth time.

(c) The requirements of subsection (a) concerning additional education applies for the fifth written examination attempt and every odd-numbered year thereafter. *(State Board of Cosmetology Examiners; 820 IAC 2-2-9; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2416; filed May 4, 2001, 11:16 a.m.: 24 IR 2683; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-10 Repeat examinations; esthetician

Authority: IC 25-8-3-23

Affected: IC 25-8-12.5-5

Sec. 10. (a) An applicant who does not receive a satisfactory grade on the second attempt on the written examination as allowed by IC 25-8-12.5-5 may take the written examination a third time.

(b) An applicant who does not receive a satisfactory grade on the third written examination attempt allowed by subsection (a) shall be allowed to take the written examination again upon the submission of proof of successful completion of an additional one hundred (100) hours of instruction in the theory of esthetics as a student in a cosmetology school.

(c) The requirement of subsection (b) concerning additional education applies for the fifth written examination attempt and every odd-numbered attempt thereafter. *(State Board of Cosmetology Examiners; 820 IAC 2-2-10; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2416; filed May 4, 2001, 11:16 a.m.: 24 IR 2684; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 2-2-11 Repeat examinations; instructor, electrologist, or esthetician license; reciprocity applicants

Authority: IC 25-8-3-23

Affected: IC 25-8

Sec. 11. (a) An applicant who fails the first attempt on a *[sic., an]* examination required by section 1 of this rule may repeat the examination.

(b) An applicant who does not receive a satisfactory grade on a repeat examination allowed by subsection (a) may attempt the examination again upon submission of proof of completion of an additional fifty (50) hours of training in a cosmetology school:

(1) for cosmetology applicants, on Indiana statutes and rules applicable to cosmetology;

(2) for esthetician applicants, on Indiana statutes and rules applicable to esthetics;

(3) for electrologist applicants, on Indiana statutes and rules applicable to electrology; or

(4) for cosmetology, esthetics, or electrology instructor applicants, on Indiana statutes and rules applicable to their instructor training.

(c) The requirements of subsection (b) concerning additional education apply for the fifth examination attempt and every odd-numbered attempt thereafter. *(State Board of Cosmetology Examiners; 820 IAC 2-2-11; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2416; errata filed Jan 21, 1994, 3:00 p.m.: 17 IR 1101; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1488; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

ARTICLE 3. SANITARY AND EQUIPMENT REQUIREMENTS

Rule 1. Sanitary and Equipment Requirements for Cosmetology Salons, Electrology Salons, Manicurist Salons, and Cosmetology Schools

820 IAC 3-1-1 Scope

Authority: IC 25-8-3-23

Affected: IC 25-8

Sec. 1. (a) This rule establishes sanitary and equipment requirements for cosmetology schools, cosmetology salons, electrology salons, and manicurist salons.

(b) Unless otherwise stated, all the requirements in this rule are applicable to both cosmetology schools and cosmetology salons.

(c) Sections 8, 12, 13, 14, and 17 of this rule apply to electrology salons.

(d) Sections 8 and 15 through 17 of this rule apply to manicurist salons. *(State Board of Cosmetology Examiners; 820 IAC 3-1-1; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1402, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 563; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-1-2 Water supply

Authority: IC 25-8-3-23

Affected: IC 25-8

Sec. 2. (a) Hot and cold running water shall be supplied.

(b) The water supply required in subsection (a) shall be connected as follows:

(1) With a pressure supply whenever it is available.

(2) If a pressure supply is unavailable, with gravity tanks.

(State Board of Cosmetology Examiners; 820 IAC 3-1-2; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1402, eff Apr 1, 1990; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 3-1-3 Sterilizers

Authority: IC 25-8-3-23

Affected: IC 25-8

Sec. 3. (a) There must be at least one (1) operable wet sterilizer and at least one (1) operable dry sterilizer on the premises.

(b) Each work station must have at least:

(1) one (1) operable wet sterilizer; or

(2) one (1) operable dry sterilizer.

(State Board of Cosmetology Examiners; 820 IAC 3-1-3; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1403, eff Apr 1, 1990; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 3-1-4 Work stations; covered waste receptacle

Authority: IC 25-8-3-23

Affected: IC 25-8

Sec. 4. (a) Cosmetology salons shall be supplied with at least one (1) covered waste receptacle for every two (2) work stations.

(b) As used in subsection (a), work stations refers to chairs, other than waiting room chairs, and booths. *(State Board of Cosmetology Examiners; 820 IAC 3-1-4; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1403, eff Apr 1, 1990; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-1-5 Floors; walls; furniture

Authority: IC 25-8-3-23

Affected: IC 25-8

Sec. 5. Floors, walls, and furniture shall be kept clean and sanitary at all times. *(State Board of Cosmetology Examiners; 820 IAC 3-1-5; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1403, eff Apr 1, 1990; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-1-6 Sterilization of instruments

Authority: IC 25-8-3-23

Affected: IC 25-8

Sec. 6. All instruments shall be properly sterilized. *(State Board of Cosmetology Examiners; 820 IAC 3-1-6; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1403, eff Apr 1, 1990; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-1-7 Shampoo boards, bowls, sinks
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 7. (a) A shampoo bowl or shampoo sink shall be used.

(b) The following shall be cleaned thoroughly and sanitized immediately after use:

(1) Shampoo boards.
(2) Shampoo bowls.
(3) Shampoo sinks.

(State Board of Cosmetology Examiners; 820 IAC 3-1-7; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1403, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 563; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 3-1-8 Clean hands; uniforms
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 8. (a) Each cosmetologist, electrologist, manicurist, shampoo operator, and instructor or student in a cosmetology school shall wash his or her hands with soap and fresh water before serving each customer.

(b) All cosmetologists, electrologists, manicurists, and shampoo operators shall at all times, while serving customers, wear a clean, washable outer garment.

(c) All students in a cosmetology school shall at all times wear a clean, washable uniform of the same color and style established by the cosmetology school. Sandals or other open footwear, shorts, denim jeans, or skirts above the knee are not acceptable elements of a uniform.

(d) Student name badges shall be required as part of the uniform required by subsection (c).

(e) All cosmetology school instructors and student instructors shall wear a clean, washable outer garment and badge identifying instructor's or student instructor's name and identifying the instructor as an instructor or student instructor. *(State Board of Cosmetology Examiners; 820 IAC 3-1-8; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1403, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 564; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1488; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-1-9 Combs, brushes, and towels
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 9. (a) Each cosmetologist, or student in a cosmetology school, shall be required to have an adequate supply of combs, brushes, and towels in order to service the needs of patrons.

(b) An adequate supply under subsection (a) shall be no fewer than twelve (12) towels.

(c) An adequate supply under subsection (a) shall be no fewer than eight (8) combs and three (3) brushes.

(d) After each use on a customer, combs and brushes must be:

(1) thoroughly cleaned;
(2) immersed in an effective disinfectant;
(3) rinsed in water and dried; and
(4) stored, until their next use, in a container which:
(A) is closed;
(B) is clean; and
(C) has nothing stored in it which has not been disinfected.

(State Board of Cosmetology Examiners; 820 IAC 3-1-9; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1403, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 564; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 3-1-10 Towels
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 10. (a) Clean towels shall be used for each customer.

(b) Clean towels shall be stored in a clean and closed cabinet or drawer.

(c) Soiled towels shall be stored in a covered hamper. *(State Board of Cosmetology Examiners; 820 IAC 3-1-10; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1403, eff Apr 1, 1990; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-1-11 Haircloths
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 11. Whenever a haircloth is used, a clean towel or other clean protection shall be placed around the customer's neck in such a manner to prevent the haircloth from touching the skin. *(State Board of Cosmetology Examiners; 820 IAC 3-1-11; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1403, eff Apr 1, 1990; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-1-12 Electrology; cleanliness
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 12. (a) All instruments, needles, and tweezers used by an electrologist shall be sterilized prior to use on a customer.

(b) Sterilization required under subsection (a) shall be as follows:

(1) Before putting into a sterilizer, needles/probes must be precleaned using a clean cotton ball moistened with a low residue detergent and cool water or a solution having at least seventy percent (70%) alcohol.
(2) Precleaning of needles/probes may also be accomplished by cleaning in an ultrasonic cleaning unit used according to manufacturer's instructions.
(3) After precleaning, needles/probes should be rinsed thoroughly and dried.
(4) Sterilization must be accomplished by means of a dry heat sterilizer in which the instruments are heated to three hundred forty degrees Fahrenheit (340°F) for two (2) hours or by means of steam autoclave sterilizer in which the instruments are subjected to saturated steam at the pressure of fifteen (15) pounds per square inch for thirty (30) minutes at two hundred fifty degrees Fahrenheit (250°F).

(c) An electrologist or electrology student in a cosmetology school shall:

(1) wash his or her hands in fresh water with germicidal soap immediately before serving each customer; and
(2) while serving customers, wear gloves which must be disposed after use during the service of one (1) customer.

(d) The chair and table where a customer is receiving electrology services shall have clean coverings.

(e) There shall be a clean draping between the electrologist and the customer during an electrology session. *(State Board of Cosmetology Examiners; 820 IAC 3-1-12; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1404, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 564; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-1-13 Electrology; separate room
Authority: IC 25-8-3-23
Affected: IC 25-8-7; IC 25-8-14

Sec. 13. (a) Where electrology is provided, the cosmetology salon or cosmetology school shall maintain a separate room for such practice which is used exclusively for electrology services.

(b) The room required under subsection (a) shall be surrounded by ceiling to floor walls and accessed only by closing doors. *(State Board of Cosmetology Examiners; 820 IAC 3-1-13; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1404, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 565; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-1-14 Electrology equipment; salons
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 14. (a) Electrology salons or cosmetology salons practicing electrology shall have the following equipment:

(1) At least one (1) sink or bowl with hot and cold running water.
(2) At least one (1) treatment table.
(3) At least one (1) treatment stool.
(4) At least one (1) lamp.
(5) At least one (1) closed cabinet for storage of clean linens.
(6) At least one (1) closed hamper for storage of soiled linens.
(7) At least one (1) covered waste receptacle.
(8) At least twelve (12) pairs of disposable rubber gloves.
(9) At least one (1) face mask.
(10) At least one (1) steam autoclave sterilizer or at least one (1) dry heat sterilizer.
(11) At least twelve (12) sterile needles.
(12) At least six (6) pair of tweezers.
(13) At least one (1) epiletor.
(14) At least twelve (12) clean coverings for chair and table where electrology is performed.
(15) At least twelve (12) clean drapings for securing between electrologist and customer during an electrology session.
(16) At least one (1) bottle for skin sanitizing agent.
(17) At least one (1) bottle of residue detergent or one (1) bottle of solution having at least seventy percent (70%) alcohol.
(18) At least one (1) covered container each for supplies such as cotton, lip rolls, etc.

(b) Regardless of the minimum requirements established in subsection (a), electrology salons or cosmetology salons practicing electrology must have whatever equipment is needed to adequately serve their customers and otherwise comply with IC 25-8 and this title. *(State Board of Cosmetology Examiners; 820 IAC 3-1-14; filed Dec 3, 1991, 11:00 a.m.: 15 IR 565; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-1-15 Manicurist; cleanliness
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 15. (a) All instruments used by a manicurist or manicurist student in a cosmetology school shall be sterilized prior to use on a customer.

(b) Sterilization required under subsection (a) shall be as follows:

(1) Before putting into a sterilizer, instruments shall be precleaned using a clean cotton ball moistened with a low residue detergent and cool water or a solution having at least seventy percent (70%) alcohol.
(2) After cleaning, instruments shall be rinsed thoroughly and dried.
(3) Sterilization shall be accomplished by means of wet sterilizer, according to manufacturer's specifications.

(c) A manicurist or manicurist student in a cosmetology school shall do the following:

(1) Wash hands in fresh water with germicidal soap immediately before serving each customer.
(2) Assure that the table where a customer is receiving manicuring services has been cleaned with an antiseptic.
(3) Use a clean towel for each customer.
(4) Clean the foot bath and foot paddle with soap, water, and alcohol after each use.
(5) Clean the hot mitten liners with soap and water after each use.
(6) Clean the manicure bowl with soap, water, and alcohol after each use.
(7) Use ventilation while using chemicals.

(State Board of Cosmetology Examiners; 820 IAC 3-1-15; filed Dec 3, 1991, 11:00 a.m.: 15 IR 565; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 3-1-16 Manicurist equipment; salons
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 16. (a) Manicurist salons or cosmetology salons practicing manicuring shall have the following equipment:

(1) At least one (1) sink or bowl with hot and cold running water.
(2) At least one (1) manicuring table.
(3) At least two (2) chairs.
(4) At least one (1) lamp.
(5) At least one (1) wet sterilizer.
(6) At least one (1) manicure bowl.
(7) At least one (1) foot bath.
(8) At least one (1) closed cabinet or drawer for storage of clean towels.
(9) At least one (1) closed hamper for storage of soiled towels.
(10) At least one (1) covered waste receptacle.
(11) At least one (1) ventilator.
(12) At least twelve (12) towels.
(13) At least one (1) pair of cuticle nippers.
(14) At least one (1) pair of cuticle scissors.
(15) At least one (1) pair of fingernail clippers.
(16) At least one (1) pair of toenail clippers.
(17) At least six (6) nail files.
(18) At least one (1) box of emery boards.
(19) At least one (1) pair of tweezers.
(20) At least one (1) nail brush.
(21) At least one (1) nail pusher.
(22) At least one (1) foot file or paddle.
(23) At least one (1) three (3) way buffer or chamois.
(24) At least one (1) bottle of seventy percent (70%) isopropyl alcohol.

(b) Regardless of the minimum requirements established in subsection (a), manicuring salons or cosmetology salons practicing manicuring must have whatever additional equipment is needed to adequately serve their customers and otherwise comply with IC 25-8 and this title. *(State Board of Cosmetology Examiners; 820 IAC 3-1-16; filed Dec 3, 1991, 11:00 a.m.: 15 IR 566; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-1-17 No pets; cosmetology schools, cosmetology salons, electrology salons, manicurist salons, and esthetic salons
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 17. (a) Cosmetology schools, cosmetology salons, electrology salons, and manicurist salons are prohibited from allowing pets on the premises.

(b) Subsection (a) does not prohibit seeing eye dogs.

(c) A person holding a cosmetology school or cosmetology salon license, electrology salon license, or a manicurist salon license shall display a sign at the entrance of the salon or school that states "no pets allowed". *(State Board of Cosmetology Examiners; 820 IAC 3-1-17; filed Dec 3, 1991, 11:00 a.m.: 15 IR 566; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

Rule 2. Sanitary and Equipment Requirements for Esthetic Salons and Cosmetology Schools Teaching Esthetics

820 IAC 3-2-1 Scope
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 1. (a) This rule establishes sanitary and equipment requirements for esthetic salons, cosmetology salons where esthetic services are provided, and cosmetology schools teaching esthetics.

(b) Unless otherwise stated, all the requirements in this rule are applicable to esthetic salons, cosmetology salons where esthetic services are provided, and cosmetology schools teaching esthetics. *(State Board of Cosmetology Examiners; 820 IAC 3-2-1; filed Dec 3, 1991, 11:00 a.m.: 15 IR 566; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-2 Water supply
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 2. (a) Hot and cold running water shall be supplied.

(b) The water supply required in subsection (a) shall be connected:

(1) with a pressure supply whenever it is available; or

(2) if a pressure supply is unavailable, with gravity tanks.

(State Board of Cosmetology Examiners; 820 IAC 3-2-2; filed Dec 3, 1991, 11:00 a.m.: 15 IR 566; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 3-2-3 Sterilizers
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 3. There must be:

(1) at least one (1) operable cold sterilizer; and

(2) at least one (1) of the following:

(A) One (1) operable steam autoclave sterilizer; or

(B) One (1) operable dry heat sterilizer;

on the premises. *(State Board of Cosmetology Examiners; 820 IAC 3-2-3; filed Dec 3, 1991, 11:00 a.m.: 15 IR 567; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-4 Work units; covered waste receptacle
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 4. (a) There shall be at least one (1) covered waste receptacle for every work unit.

(b) As used in subsection (a), "work unit" refers to chairs, tables (other than waiting room chairs and tables), and booths. *(State Board of Cosmetology Examiners; 820 IAC 3-2-4; filed Dec 3, 1991, 11:00 a.m.: 15 IR 567; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-5 Floors; walls; furniture
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 5. Floors, walls, and furniture shall be kept clean and sanitary at all times. *(State Board of Cosmetology Examiners; 820 IAC 3-2-5; filed Dec 3, 1991, 11:00 a.m.: 15 IR 567; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-6 Facial bowls; facial sinks
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 6. (a) There shall be at least one (1) facial bowl or facial sink on the premises.

(b) Facial bowls and facial sinks shall be cleaned with an effective disinfectant and rinsed with warm water prior to using. *(State Board of Cosmetology Examiners; 820 IAC 3-2-6; filed Dec 3, 1991, 11:00 a.m.: 15 IR 567; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-7 Clean uniforms
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 7. (a) All estheticians shall at all times while serving customers wear a clean, washable outer garment.

(b) All esthetician students in a cosmetology school shall at all times wear a clean, washable uniform and style established by the cosmetology school.

(c) A student name badge shall be required as part of the uniform required by subsection (b). *(State Board of Cosmetology Examiners; 820 IAC 3-2-7; filed Dec 3, 1991, 11:00 a.m.: 15 IR 567; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-8 Towels; linens; headbands
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 8. (a) Clean towels, linens, and headbands shall be used for each customer.

(b) Clean towels, linens, and headbands shall be stored in a clean and closed cabinet or drawer.

(c) Soiled towels, linens, and headbands shall be stored in a covered hamper. *(State Board of Cosmetology Examiners; 820 IAC 3-2-8; filed Dec 3, 1991, 11:00 a.m.: 15 IR 567; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-9 Esthetics; cleanliness
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 9. (a) All instruments including forceps, comedone extractors, tweezers, brushes, and facial rollers used by an esthetician or esthetics student in a cosmetology school shall be sterilized prior to use on a customer.

(b) Sterilization required under subsection (a) shall be as follows:

(1) Instruments shall be washed in a low residue detergent and rinsed prior to sterilization.

(2) Instruments shall be cleaned by cold sterilization using an effective disinfectant, used according to manufacturer's instructions.

(3) High frequency wands shall be cleaned using an effective disinfectant, used according to manufacturer's instructions.

(4) Forceps, tweezers, and comedone extractors shall be sterilized using a steam autoclave or a dry heat sterilizer.

(5) All instruments other than those instruments under subdivision (4) shall be sterilized by means of a disinfectant, a steam autoclave, or a dry heat sterilizer.

(6) Sterilization shall be accomplished by placing instruments in one (1) or both of the following:

(A) A cold sterilizer using an effective disinfectant, according to manufacturer's instructions.

(B) A steam autoclave sterilizer in which the instruments are subjected to saturated steam of the pressure of fifteen (15) pounds per square inch for thirty (30) minutes at two hundred fifty degrees Fahrenheit (250° F).

(C) A dry heat sterilizer in which instruments are heated for two (2) hours at three hundred forty degrees Fahrenheit (340° F).

(c) An esthetician or esthetics student in a cosmetology school shall do the following:

(1) Wash his or her hands in fresh water with germicidal soap (antimicrobiotic) immediately before serving each customer.

(2) When extracting blackheads, milia, or comedones, wear protective gloves which must be disposed after use during the service of one (1) customer.

(d) The chair and table where a customer is receiving esthetician services shall have clean coverings.

(e) There shall be a secured draping between the esthetician or esthetics student in a cosmetology school and the customer during an esthetics session.

(f) All disposable items, including cotton swabs, tissues, tongue depressors, spatulas and cellulose sponges, plastic or saran wraps, and gauze used by an esthetician or esthetics student in a cosmetology school shall be disposed of after serving a customer.

(g) Spatulas shall be used by an esthetician or an esthetics student in a cosmetology school in dispensing all products.

(h) Lancets used by an esthetician or an esthetics student in a cosmetology school shall be disposed of in a lancet safety device (waste container) after serving a customer. *(State Board of Cosmetology Examiners; 820 IAC 3-2-9; filed Dec 3, 1991, 11:00 a.m.: 15 IR 567; filed May 4, 2001, 11:16 a.m.: 24 IR 2684; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-10 Esthetics; separate room
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 10. (a) Cosmetology salons where esthetics services are provided, esthetic salons, and cosmetology schools where esthetics is provided shall maintain a separate room for such practice which is used exclusively for esthetic services.

(b) The room required under subsection (a) shall be surrounded by ceiling to floor walls and accessed only by doors which shall remain closed when esthetic services are being performed. *(State Board of Cosmetology Examiners; 820 IAC 3-2-10; filed Dec 3, 1991, 11:00 a.m.: 15 IR 568; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-11 Facility treatment chair; hydraulic chair
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 11. There shall be at least one (1) facility treatment chair or hydraulic treatment chair on the premises. *(State Board of Cosmetology Examiners; 820 IAC 3-2-11; filed Dec 3, 1991, 11:00 a.m.: 15 IR 568; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-12 Utility table
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 12. (a) There shall be at least one (1) utility table for each facility treatment chair or hydraulic treatment chair on the premises.

(b) As an alternative to the requirement in subsection (a), one (1) continuous counter top may be used. *(State Board of Cosmetology Examiners; 820 IAC 3-2-12; filed Dec 3, 1991, 11:00 a.m.: 15 IR 568; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-13 Esthetician's stool
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 13. There shall be at least one (1) esthetician stool on the premises. *(State Board of Cosmetology Examiners; 820 IAC 3-2-13; filed Dec 3, 1991, 11:00 a.m.: 15 IR 568; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-14 Hands free magnification lamp
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 14. There shall be at least one (1) hands free magnification lamp on the premises. *(State Board of Cosmetology Examiners; 820 IAC 3-2-14; filed Dec 3, 1991, 11:00 a.m.: 15 IR 568; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-15 Effective disinfectant
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 15. There shall be at least one (1) container of effective disinfectant on the premises. *(State Board of Cosmetology Examiners; 820 IAC 3-2-15; filed Dec 3, 1991, 11:00 a.m.: 15 IR 568; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-16 Storage cabinet
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 16. There shall be at least one (1) closed cabinet for storage of clean linens on the premises. *(State Board of Cosmetology Examiners; 820 IAC 3-2-16; filed Dec 3, 1991, 11:00 a.m.: 15 IR 568; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-17 Storage hamper
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 17. There shall be at least one (1) storage hamper for storage of soiled linens on the premises. *(State Board of Cosmetology Examiners; 820 IAC 3-2-17; filed Dec 3, 1991, 11:00 a.m.: 15 IR 568; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-18 Lancet safety device
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 18. There shall be at least one (1) lancet safety device (waste container) on the premises. *(State Board of Cosmetology Examiners; 820 IAC 3-2-18; filed Dec 3, 1991, 11:00 a.m.: 15 IR 569; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-19 Protective gloves
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 19. There shall be at least twelve (12) pair of protective gloves on the premises. *(State Board of Cosmetology Examiners; 820 IAC 3-2-19; filed Dec 3, 1991, 11:00 a.m.: 15 IR 569; filed May 4, 2001, 11:16 a.m.: 24 IR 2684; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-20 Spatulas; tongue depressors
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 20. There shall be at least twelve (12) spatulas or tongue depressors on the premises. *(State Board of Cosmetology Examiners; 820 IAC 3-2-20; filed Dec 3, 1991, 11:00 a.m.: 15 IR 569; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-21 Towels
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 21. There shall be at least twelve (12) towels on the premises. *(State Board of Cosmetology Examiners; 820 IAC 3-2-21; filed Dec 3, 1991, 11:00 a.m.: 15 IR 569; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-22 Draping
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 22. There shall be at least twelve (12) clean drapings on the premises for securing between esthetician and customer as required by section 9(e) of this rule. *(State Board of Cosmetology Examiners; 820 IAC 3-2-22; filed Dec 3, 1991, 11:00 a.m.: 15 IR 569; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 3-2-23 Additional requirements
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 23. Regardless of the minimum requirements established in sections 11 through 22 of this rule, esthetic salons or cosmetology salons practicing esthetics must have whatever additional equipment is needed to adequately serve their customers and otherwise comply with IC 25-8 and this title. *(State Board of Cosmetology Examiners: 820 IAC 3-2-23; filed Dec 3, 1991, 11:00 a.m.: 15 IR 569; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

ARTICLE 4. COSMETOLOGY SCHOOLS

Rule 1. General Requirements

820 IAC 4-1-1 Courses offered
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 1. (a) Cosmetology schools may offer courses in one (1) or more of the following:

(1) Cosmetologist training for individuals attempting to obtain the education required by IC 25-8-9-3(3).
(2) Manicurist training for individuals attempting to obtain the education required by IC 25-8-11-4(3).
(3) Shampoo operator training for individuals attempting to obtain the education required by IC 25-8-12-3(3).
(4) Electrologist training for individuals attempting to obtain the education required by IC 25-8-10-3(2).
(5) Instructor training for individuals attempting to obtain the education required by IC 25-8-6-3(4).
(6) Esthetician training for individuals attempting to obtain the education required by IC 25-8-12.5-4(3).

(b) Cosmetology schools may enroll students for more than the number of hours required by IC 25-8 and this article.

(c) Cosmetology schools may offer courses to licensees in order to provide advanced training. *(State Board of Cosmetology Examiners; 820 IAC 4-1-1; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1404, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 569; filed May 4, 2001, 11:16 a.m.: 24 IR 2684; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-1-2 Enrolling students
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 2. (a) Cosmetology schools are prohibited from enrolling students who do not meet the educational requirements for licensure unless they advise the student that he or she must obtain the education before he or she can obtain a license.

(b) The educational requirements referred to in subsection (a) are those required by statute for particular licenses as follows:

(1) For instructor licenses in IC 25-8-6-3(2).
(2) For cosmetologist licenses in IC 25-8-9-3(2) (subject to waiver provisions of IC 25-8-9-4).
(3) For manicurist licenses in IC 25-8-11-4(2).
(4) For shampoo operator licenses in IC 25-8-12-3(2).
(5) For esthetician licenses in IC 25-8-12.5-4(2).

(State Board of Cosmetology Examiners; 820 IAC 4-1-2; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1404, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 569; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 4-1-3 Electrologist training; necessity of cosmetologist or esthetician license
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 3. Individuals may not enroll in electrologist training unless they have obtained a cosmetologist or esthetician license. *(State Board of Cosmetology Examiners; 820 IAC 4-1-3; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1405, eff Apr 1, 1990; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1488; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-1-4 Age of students
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 4. (a) Except as provided for in subsections (b) through (c), all students in cosmetology schools must be at least sixteen (16) years of age.

(b) High school students enrolled in a high school vocational program shall be either:

(1) juniors or seniors; or
(2) at least sixteen (16) years of age.

(c) Students enrolled in an esthetics course in a cosmetology school must be at least seventeen and one-half (17 1/2) years of age. *(State Board of Cosmetology Examiners; 820 IAC 4-1-4; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1405, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 570; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-1-5 Hours in session
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 5. (a) Students in cosmetology schools must be enrolled for no fewer than twenty (20) hours and no more than forty-eight (48) hours a week.

(b) Students shall obtain all required hours on the premises of the cosmetology school; however, forty (40) clock hours may be used for educational programs, seminars, workshops, or other industry-related activities located off the school premises under the direction of the cosmetology school.

(c) A complete record of hours of attendance for each student must be kept by time clock or computer and recorded in the school's records.

(d) Students enrolled in cosmetology schools after June 30, 2001, shall complete the required education within three (3) years from the date of enrollment.

(e) Notwithstanding subsection (d), if a student is enrolled in cosmetology school prior to July 1, 2001, the student shall complete the required education within five (5) years from the date of enrollment. *(State Board of Cosmetology Examiners; 820 IAC 4-1-5; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1405, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 570; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1489; filed May 4, 2001, 11:16 a.m.: 24 IR 2685; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-1-6 Theory, demonstration practice and actual practice hours; restrictions
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 6. (a) Course hours obtained by students in cosmetology schools for:

(1) theory and demonstration practice; and
(2) actual practice;

may not be obtained simultaneously.

(b) Students shall not be called away from scheduled theory and demonstration practice in order to do actual practice. *(State Board of Cosmetology Examiners; 820 IAC 4-1-6; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1405, eff Apr 1, 1990; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-1-7 Records

Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 7. Cosmetology schools shall retain records for each student which must include the following:

(1) Hours of school attendance.
(2) Grades awarded.
(3) Time records.
(4) Progress book.

(State Board of Cosmetology Examiners; 820 IAC 4-1-7; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1405, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 570; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 4-1-8 Transcripts to students
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 8. (a) If all financial obligations have been met according to the cosmetology school's contract, certified transcripts of all hours and grades must be available to any current or former student, upon request, within thirty (30) days.

(b) Cosmetology school may charge a fee not to exceed ten dollars ($10) for providing a certified transcript. *(State Board of Cosmetology Examiners; 820 IAC 4-1-8; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1405, eff Apr 1, 1990; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-1-9 Record retention
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 9. Cosmetology schools shall retain student records for no fewer than seven (7) years, which shall include the following:

(1) Hours of school attendance.
(2) Grades awarded.
(3) Progress book.

(State Board of Cosmetology Examiners; 820 IAC 4-1-9; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1405, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 570; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 4-1-10 Monthly verified report
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 10. (a) No later than the fifteenth day of each month, cosmetology schools shall submit a verified report to the board including the information required in subsection (b).

(b) The report required by subsection (a) must include the following information concerning student activity in the previous month:

(1) The names of all new students.
(2) For all students who have paid the cosmetology school all money (tuition) to which it is legally entitled, the names of all students who have dropped out of school and the number of hours they have accrued.

(c) Cosmetology schools are not required to send enrollment cards to the board. *(State Board of Cosmetology Examiners; 820 IAC 4-1-10; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1405, eff Apr 1, 1990: readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-1-11 Graduation defined
Authority: IC 25-8-3-23
Affected: IC 25-8-5-4; IC 25-8-9-3

Sec. 11. A student shall be deemed to have graduated from a cosmetology school (having completed the educational requirements established by IC 25-8-9-3(3)) when all of the following have occurred:

(1) When one (1) of the following education requirements have been completed:
(A) At least the one thousand five hundred (1,500) hours as required by 820 IAC 4-4-4.
(B) At least the four hundred fifty (450) hours as required by 820 IAC 4-4-5.
(C) At least the three hundred (300) hours as required by 820 IAC 4-4-6.
(D) At least the three hundred (300) hours as required by 820 IAC 4-4-7.
(E) At least the seven hundred (700) hours as required by 820 IAC 4-4-7.1.
(F) At least the one thousand (1,000) hours as required by 820 IAC 4-4-7.2.
(2) The student has passed all required examinations.
(3) All money owed by the student to the school has been paid.

(State Board of Cosmetology Examiners; 820 IAC 4-1-11: filed Feb 23, 1990, 5:00 p.m.: 13 IR 1406, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 570; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1489; filed May 4, 2001, 11:16 a.m.: 24 IR 2685; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236; filed Sep 30, 2003, 11:30 a.m.: 27 IR 515)

820 IAC 4-1-11.1 Completion of esthetics course defined *(Repealed)*

Sec.11.1. *(Repealed by State Board of Cosmetology Examiners; filed May 4, 2001, 11:16 a.m.: 24 IR 2694)*

820 IAC 4-1-12 Completion of application by cosmetology school; cosmetology student required to attend cosmetology school after graduation prohibited
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 12. A cosmetology school shall fill out its portion of its students' applications for a license no later than ten (10) days after the student graduates under section 11 of this rule. *(State Board of Cosmetology Examiners; 820 IAC 4-1-12; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1406, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 571; filed May 4, 2001, 11:16 a.m.: 24 IR 2685; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-1-13 School closure; notification to board
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 13. Cosmetology schools that are going out of business shall notify the board not less than thirty (30) days before closing. *(State Board of Cosmetology Examiners; 820 IAC 4-1-13; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1406, eff Apr 1, 1990; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-1-14 Copy of law and rules to student
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 14. Cosmetology schools shall provide a copy of the state board of cosmetology examiners' licensing laws and rules to each student upon enrollment. *(State Board of Cosmetology Examiners; 820 IAC 4-1-14; filed Dec 3, 1991, 11:00 a.m.: 15 IR 571: readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

Rule 2. Equipment and Facilities

820 IAC 4-2-1 Size and separation
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 1. (a) The only businesses permitted in a cosmetology school is the teaching of cosmetology and barbering. Any other business operation must be separated by a solid wall from ceiling to floor, with no openings, and must be accessed only by a separate outside entrance.

(b) Cosmetology schools shall contain at least three thousand (3,000) square feet.

(c) Subsection (b) shall not apply to any cosmetology school licensed before July 1, 2001. However, cosmetology schools which were licensed before July 1, 2001, and have less than three thousand (3,000) square feet may not reduce their square footage. Cosmetology schools which were licensed before July 1, 2001, and have more than three thousand (3,000) square feet may not reduce their sizes to less than three thousand (3,000) square feet. *(State Board of Cosmetology Examiners; 820 IAC 4-2-1; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1406, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 571; filed Oct 31, 1997, 8:45 a.m.: 21 IR 1004; filed May 4, 2001, 11:16 a.m.: 24 IR 2686; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-2-2 Facilities
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 2. (a) Cosmetology schools shall have the following:

(1) A student lounge.
(2) A locker room for students with a locker for each student enrolled.
(3) Separate rest rooms for men and women.
(4) A waiting area with seating capacity for at least eight (8) individuals.
(5) Cloak space for the general public to accommodate twenty (20) people. This space shall be in addition to that provided to students.
(6) At least one (1) classroom with a seating capacity for not fewer than twenty (20) students.
(7) A classroom of sufficient size to accommodate worktables, mannequins, and any other equipment required for the courses taught for at least twenty (20) students. This classroom must be separate from any other area or any other activities of the school that take place.
(8) A laboratory area of sufficient size to accommodate the equipment, in kind and number, specified for each cosmetology discipline taught. If the school also teaches barbering, the laboratory must be of sufficient size to also accommodate the equipment required by the laws regulating that profession.
(9) Ventilation to provide for proper heating and cooling and exhaust of fumes.
(10) A sign visible at the main entrance of the school designating the name of the school and that the establishment is a cosmetology school licensed by the state board of cosmetology examiners under IC 25-8. If a school also teaches barbering, it must comply with the sign requirements in 816 IAC 1-2-3.
(11) A visible sign posted inside the school notifying customers of the school that cosmetology and, if applicable, barbering services are done by students.
(12) A school seal designating the name of the school. If a person holds more than one (1) cosmetology school license, each cosmetology school shall be required to have a seal.
(13) A time clock or computer which will accurately record the date or day and hours that each student spends in attendance at the school.
(14) A visible sign posted at the entrance of the cosmetology school that indicates "no pets allowed".

(b) The student lounge and locker room required in subsection (a) may be separate or combined.

(c) The rest rooms required in subsection (a) shall be located within the three thousand (3,000) square foot area required by section 1(b) of this rule. *(State Board of Cosmetology Examiners; 820 IAC 4-2-2; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1406, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 571; filed Oct 31, 1997, 8:45 a.m.: 21 IR 1004; filed May 4, 2001, 11:16 a.m.: 24 IR 2686; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-2-3 Equipment
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 3. Cosmetology schools shall have the following equipment, which shall be maintained in good working condition:

(1) At least one (1) fire-resistant and two (2) metal locked filing cabinets for records of enrolled students. If a school uses computerized records, it must maintain a backup for those records. The backup of the records must be removed from the school or stored in a fire proof safe.
(2) At least one (1) wet sterilizer for each dresserette or worktable in use.
(3) At least one (1) electric dry sterilizer for each twenty (20) students present.
(4) At least four (4) shampoo chairs and four (4) shampoo bowls with hot and cold running water.
(5) At least two (2) reclining facial chairs, which are capable of supporting both the head and feet, to be placed in an enclosed or screened area and to be used for facials only.
(6) At least one (1) facial supply cabinet containing astringents, lotions, creams, makeup, and other necessary supplies for facials.
(7) At least fifteen (15) hair dryers of which at least ten (10) must be stationary hooded dryers.
(8) At least twenty (20) work dresserettes with mirror.
(9) Closed cabinets equipped for storing clean towels to be used on customers. Cabinets shall have storage space for ten (10) dozen towels for every twenty (20) students present in class.
(10) At least one (1) covered soiled towel container per ten (10) students.
(11) At least ten (10) disposal cans with covers, placed at convenient locations throughout the school.
(12) Sanitary drinking water facilities.
(13) At least two (2) manicuring tables and at least two (2) stools.

(State Board of Cosmetology Examiners; 820 IAC 4-2-3; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1407, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 572; filed Oct 31, 1997, 8:45 a.m.: 21 IR 1005; filed May 4, 2001, 11:16 a.m.: 24 IR 2687; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 4-2-4 Electrology equipment
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 4. Cosmetology schools which offer a course in electrology shall have the following equipment which shall be maintained in good working condition:

(1) At least one (1) epilator or a combination of epilators capable of demonstrating manual thermolysis, flash thermolysis, single needle galvanic, multiple needle galvanic, and the blend modalities.
(2) At least one (1) treatment table.
(3) At least one (1) operator stool.
(4) At least one (1) magnifying lamp.
(5) At least one (1) halogen lamp.
(6) At least one (1) closed cabinet for clean linens for each treatment table.
(7) At least one (1) steam autoclave sterilizer or at least one (1) dry heat sterilizer. (No pressure cooker type autoclave.)
(8) At least one (1) closed hamper for the storage of soiled linen for each treatment table.
(9) At least one (1) closed waste receptacle for storage of waste.
(10) At least one (1) medical ultrasonic cleaner.
(11) At least one (1) puncture proof sharps container.
(12) At least one (1) instrument pick up forceps.
(13) At least one (1) pick up forceps cylinder.
(14) At least one (1) germicide boat with lid.

(State Board of Cosmetology Examiners; 820 IAC 4-2-4; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1407, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 572; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2417; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 4-2-5 Cosmetology tool case; textbooks and workbooks
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 5. (a) No later than the completion of the first two hundred fifty (250) hours, cosmetology schools shall furnish each student enrolled in cosmetologist training a tool case, textbooks, and workbooks.

(b) The tool case required by subsection (a) shall be a cosmetology tool case that shall not be less than thirteen and three-eighths (13 3/8) inches long by eight and one-fourth (8 1/4) inches wide by eight and one-fourth (8 1/4) inches deep or more than eighteen (18) inches long by sixteen (16) inches wide by seven (7) inches deep in size.

(c) The tool case required by subsection (a) shall include at least the following:

(1) Six (6) dozen rollers.
(2) One (1) razor.
(3) Eight (8) combs.
(4) Three (3) brushes.
(5) One (1) shampoo cape.
(6) One (1) pair of scissors.
(7) One (1) hair net.
(8) One (1) pair of nippers.
(9) One (1) nail file.
(10) One (1) box emery boards.
(11) One (1) nail pusher.
(12) One (1) manicure bowl.
(13) One (1) nail brush.
(14) One (1) box of clippies.

(d) The items required to be furnished to students under this section shall become the personal property of the students to be used in their training. *(State Board of Cosmetology Examiners; 820 IAC 4-2-5; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1407, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 573; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-2-6 Esthetics equipment
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 6. Cosmetology schools which offer a course in esthetics shall have the following equipment in good working condition located in a separate room for use of esthetics students:

(1) At least one (1) utility table for each facility treatment chair or hydraulic treatment chair or, alternatively, one (1) continuous counter top may be used for every two (2) students.
(2) At least one (1) esthetician's stool for every two (2) students.
(3) At least one (1) facial vaporizer for every two (2) students.
(4) At least one (1) pulverizer spray.
(5) At least one (1) galvanic disencrustation/ionization current apparatus or faradic and sinusoidal apparatus for every eight (8) students.
(6) At least one (1) high frequency apparatus for every four (4) students.
(7) At least one (1) heating mask.
(8) At least one (1) heating mitts.
(9) At least one (1) infrared lamp.
(10) At least one (1) woods lamp.
(11) At least one (1) hands free magnification lamp per facial treatment chair, table, or hydraulic treatment chair.
(12) At least one (1) electric wax heater.
(13) At least one (1) utility table for each facial treatment chair, table, or hydraulic treatment chair. Alternatively, one (1) continuous counter top may be used.
(14) At least one (1) table for machines.
(15) At least one (1) facial bowl or sink per facial treatment chair, table, or hydraulic treatment chair.
(16) At least one (1) cold sterilizer.
(17) At least one (1) steam autoclave sterilizer or at least one (1) dry heat sterilizer.
(18) At least one (1) closed cabinet for clean linens.
(19) At least one (1) covered hamper for solid *[sic., soiled]* linens per work unit.
(20) At least one (1) covered waste receptacle per work unit.
(21) At least one (1) facial supply cabinet containing astringents, lotions, creams, makeup, and other necessary supplies for facials.
(22) At least one (1) lancet safety device (waste container).

(State Board of Cosmetology Examiners; 820 IAC 4-2-6; filed Dec 3, 1991, 11:00 a.m.: 15 IR 573; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 4-2-7 Esthetics tool case; textbooks and workbooks
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 7. (a) No later than the completion of the first eighty (80) hours, cosmetology schools shall furnish each student enrolled in esthetician training an esthetician tool case, a cosmetic case, textbooks, and workbooks.

(b) The tool case required by subsection (a) shall be an esthetics tool case that shall not be less than thirteen and three-eighths (13 3/8) inches long by eight and one-fourth (8 1/4) inches wide by eight and one-fourth (8 1/4) inches deep or more than eighteen (18) inches long by sixteen (16) inches wide by seven (7) inches deep in size.

(c) The esthetician tool case required by subsection (a) shall include the following:

(1) At least six (6) towels.
(2) At least two (2) headbands or plastic caps.
(3) At least one (1) jar of cold wax.
(4) At least twelve (12) wax gauze strips.
(5) At least twelve (12) tongue depressors.
(6) At least twelve (12) spatulas.
(7) At least twelve (12) cotton tipped applicators.
(8) At least one (1) box of tissues.
(9) At least three (3) pair of rubber gloves.
(10) At least two (2) comedone extractors.
(11) At least twelve (12) lancets.
(12) At least one (1) toner (spray bottle).
(13) At least two (2) small mixing bowls.
(14) At least one (1) bottle of disinfectant for hands.
(15) At least one (1) container with an effective disinfectant solution for implements.
(16) At least one (1) bottle of cleansing milk.
(17) At least one (1) bottle of massage cream.
(18) At least one (1) bottle penetrating cream or lotion.
(19) At least one (1) cotton roll.
(20) At least twelve (12) sponges.
(21) At least one (1) pair of tweezers.
(22) At least one (1) mirror.
(23) At least one (1) brow brush.
(24) At least one (1) jar of stuffing agent (cream).
(25) At least one (1) jar of petroleum jelly.
(26) At least one (1) lash tint/eye drops (saline).

(27) At least one (1) bottle of three percent (3%) hydrogen peroxide solution.
(28) At least one (1) jar of mask.
(29) At least one (1) trash bag for soiled items.
(30) At least one (1) lancet safety device (waste container).

(d) The cosmetic case required by subsection (a) shall include the following:
(1) At least two (2) makeup sponges.
(2) At least six (6) disposable lip brushes.
(3) At least two (2) eyeliner brushes.
(4) At least four (4) shadow brushes.
(5) At least two (2) blush brushes/powder brushes and at least two (2) powder brushes.
(6) At least one (1) concealer.
(7) At least two (2) foundations of different color.
(8) At least one (1) powder.
(9) At least one (1) powder brow/brow pencil.
(10) At least six (6) disposable mascara wands.
(11) At least two (2) each of light, medium, and dark eye shadow.
(12) At least six (6) lip pencils of different color.
(13) At least six (6) lipsticks.
(14) At least two (2) contour blushes of different color.
(15) At least two (2) highlight blushes of different color.

(e) The items required to be furnished to students under this section shall become the personal property of the students to be used in their training. *(State Board of Cosmetology Examiners; 820 IAC 4-2-7; filed Dec 3, 1991, 11:00 a.m.: 15 IR 574; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-2-8 Manicurist tool case; textbooks and workbooks
Authority: IC 25-8-3-23
Affected: IC 25-8-5

Sec. 8. (a) No later than completion of the first forty (40) hours, cosmetology schools shall furnish each student enrolled in manicurist training a manicurist tool case, textbooks, and workbooks.

(b) The tool case required by subsection (a) shall be a manicurist tool case that shall not be less than ten (10) inches long by seven and one-half (7 1/2) inches wide by seven (7) inches deep nor more than fifteen (15) inches long by ten (10) inches wide by nine (9) inches deep.

(c) The manicurist tool case required by subsection (a) shall include the following:
(1) At least one (1) pair of cuticle nippers.
(2) At least one (1) nail pusher.
(3) At least one (1) box of emery boards.
(4) At least one (1) nail file.
(5) At least one (1) pair of tweezers.
(6) At least one (1) pair of cuticle scissors.
(7) At least one (1) nail brush.
(8) At least one (1) manicure bowl.

(d) The items required to be furnished to students under this section shall become the personal property of the students to be used in their training. *(State Board of Cosmetology Examiners; 820 IAC 4-2-8; filed Dec 3, 1991, 11:00 a.m.: 15 IR 574; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-2-9 Electrology tool case; textbooks and workbooks
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 9. (a) No later than the completion of the first forty (40) hours, the cosmetology schools shall furnish each student enrolled in electrology training:
(1) an electrology tool case;
(2) textbooks; and
(3) workbooks.

(b) In the teaching of theory and practice in electrology, schools shall use one (1) or more textbooks which sufficiently address issues in the practice of electrology as it currently exists.

(c) A textbook which meets this requirement is the Compendium of Study, American Electrology Association, revised November 1991.

(d) The tool case required by subsection (a) shall be an electrology tool case that shall not be less than thirteen and three-eighths (13 3/8) inches long by eight and one-fourth (8 1/4) inches wide by eight and one-fourth (8 1/4) inches deep nor more than eighteen (18) inches long by sixteen (16) inches wide by seven (7) inches deep in size.

(e) The electrology tool case shall include the following:
(1) At least twelve (12) two-part needles.
(2) At least twelve (12) insulated needles.
(3) At least twelve (12) tapered needles.
(4) At least twelve (12) bulbous needles.
(5) At least three (3) pair of "H" forceps.
(6) At least three (3) pair of "OC" forceps.
(7) At least three (3) pair of "M3C" forceps.
(8) At least one (1) face mask.
(9) At least one (1) pair of eye goggles.
(10) At least twenty-five (25) client history cards.
(11) At least one (1) pair of magnifying glasses.
(12) At least one (1) pair of scissors.
(13) At least one (1) puncture-proof sharps container.
(14) At least one (1) roll of autoclave tubing or at least one (1) roll of dry heat tubing.
(15) At least one (1) roll of autoclave or dry heat indicator tape.
(16) At least two (2) spore tests.

(f) The items required to be furnished to students under this section shall become the personal property of the students to be used in their training. *(State Board of Cosmetology Examiners; 820 IAC 4-2-9; filed Dec 3, 1991, 11:00 a.m.: 15 IR 575; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2417; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

Rule 3. Instructors

820 IAC 4-3-1 License
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 1. (a) All instructors in cosmetology schools must hold an instructor license issued by the board.

(b) In addition to complying with subsection (a), any individual teaching electrology in a cosmetology school must:
(1) hold an electrologist license issued by the board; and
(2) have practiced electrology in a cosmetology or electrology salon for at least one (1) year.

(c) In addition to complying with subsection (a), any individual teaching esthetics in a cosmetology school must:
(1) hold an esthetician license issued by the board; and
(2) have practiced esthetics in a cosmetology salon or an esthetician salon for at least one (1) year.

(d) Subsection (c)(2) shall not apply to individuals who teach esthetics in a cosmetology school before July 1, 1993.

(e) In addition to complying with subsection (a), any individual teaching manicuring in a cosmetology school must:
(1) hold either a manicurist license or cosmetologist license issued by the board; and
(2) have practiced manicuring in a salon for at least one (1) year.

(f) Notwithstanding subsections (a) through (e), instructor students may instruct other students provided a licensed instructor is present.

(g) Notwithstanding subsections (a) through (e), an individual that:
(1) currently holds a valid cosmetology instructor, electrology instructor, or esthetician instructor license; and
(2) applies for another instructor license;

shall be deemed to have met the education and examination requirements to obtain the additional instructor license. *(State Board of Cosmetology Examiners; 820 IAC 4-3-1; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1408, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 575; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1489; filed May 4, 2001, 11:16 a.m.: 24 IR 2687; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236; filed Mar 18, 2005, 10:00 a.m.: 28 IR 2382)*

820 IAC 4-3-2 Number of instructors
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 2. (a) Cosmetology schools shall provide at least one (1) instructor present for each twenty (20) students or fraction thereof in attendance. An instructor who is engaged in personal or administrative matters shall not be considered present for the purpose of this subsection.

(b) Instructors in the quantity required by subsection (a) shall be in the school during all classroom hours and shall supervise all student demonstration practice hours and actual practice hours.

(c) No electrology services shall be provided to the customers of a cosmetology school by a student without direct and full-time personal supervision of an instructor.

(d) No esthetician services shall be provided to the customers of a cosmetology school by a student without direct supervision of an instructor.

(e) No cosmetology services shall be provided to the customers of a cosmetology school by a student without direct supervision of an instructor. *(State Board of Cosmetology Examiners; 820 IAC 4-3-2; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1408, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 575; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-3-3 Cosmetology practice prohibited
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 3. During school hours, instructors shall not engage in the private or public practice of cosmetology or esthetics. This shall not prohibit instructors from engaging in cosmetology or esthetics for the purpose of practical demonstrations for students. *(State Board of Cosmetology Examiners; 820 IAC 4-3-3; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1408, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 576; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

Rule 4. Curriculum

820 IAC 4-4-1 Scope of rule; compliance with hours required
Authority: IC 25-8-3-23; IC 25-8-5-4
Affected: IC 25-8-5; IC 25-8-14

Sec. 1. (a) This rule establishes the requirements for the education for students in cosmetology schools being trained as cosmetologists, manicurists, shampoo operators, electrologists, estheticians, and instructors.

(b) Cosmetology schools and their students must comply with the hour requirements as presented in detail in sections 4 through 7 of this rule. Credit hours may not be given for any hours not spent as provided for in sections 4 through 7 of this rule. *(State Board of Cosmetology Examiners; 820 IAC 4-4-1; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1408, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 576; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-4-2 Cosmetology courses
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 2. (a) Section 4 of this rule establishes the curriculum for cosmetologist training.

(b) Section 5 of this rule establishes the curriculum for manicurist training.

(c) Section 6 of this rule establishes the curriculum for shampoo operator training.

(d) Section 7 of this rule establishes the curriculum for electrologist training.

(e) Section 7.1 of this rule establishes the curriculum for esthetician training.

(f) Section 7.2 of this rule establishes the curriculum for instructor training.

(g) In sections 4 through 7.2 of this rule, the first column in each section states the subject matter of training. The second column lists the number of hours required in classroom theory training and demonstration practice. The third column lists the number of hours of actual practice required for each student. The fourth column lists the total number of hours of training required in each subject.

(h) The hours required in classroom theory training identified in subsection (g) is defined as a systematically organized knowledge of a system of facts, accepted principles, laws, and rules of procedure devised to analyze, predict, explain, or demonstrate the nature of a particular subject matter of training. Such a system is distinguished from actual practice. *(State Board of Cosmetology Examiners; 820 IAC 4-4-2; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1408, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 576; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-4-3 Transfer of hours between courses prohibited *(Voided)*

Sec. 3. *(Voided by P.L.113-1999, SECTION 18, effective May 3, 1999.)*

820 IAC 4-4-4 Specific curriculum for cosmetologists
Authority: IC 25-8-3-23; IC 25-8-5-4
Affected: IC 25-8-5; IC 25-8-14

Sec. 4. (a) The following are the requirements for cosmetologist training:

Subject	Theory and Demonstration Practice	Actual Practice	Total Hours
Hair cutting	100	150	250
Sanitation	40		40
Statute and rules	10		10
Salesmanship	5	5	10
Management	10		10
Manicuring	5	20	25
Pedicuring	5	15	20
Hair removal (waxing)	5	10	15
Eyebrow			
Upper lip			
Chin area			
Anatomy and physiology	5		5
Skin	5		5
Hair	5		5
Electricity	5		5
Chemistry	10		10
Shampooing	5	30	35
Scalp treatments	10	25	35
Facials and makeup	20	35	55

Hair coloring	40	60	100
Temporary			
Semipermanent			
Permanent			
Bleaching			
Frosting			
Permanent waving and chemical relaxing	70	300	370
Hair styling	70	210	280
Includes: wet and thermal sets, hair waving, hair pressing, hair braiding, and finger waves			
Discretionary hours	215		215
Totals	640	860	1,500

(b) Students shall be required to complete no fewer than the number of actual practice performances provided for in the progress book required by section 10 of this rule.

(c) All manicures, pedicures, facials, and scalp treatments must be done on live models. At least fifty percent (50%) of the other services must be done on live models.

(d) The actual practice not described in subsection (c) may be on actual customers of the cosmetology school. However, students shall not work on customers of the cosmetology school until they have completed a total of two hundred (200) hours. Customers shall be rotated according to students' needs for practice on live models. *(State Board of Cosmetology Examiners; 820 IAC 4-4-4; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1409, eff Apr 1, 1990; filed Oct 27, 1993, 9:00 a.m.: 17 IR 393; filed May 4, 2001, 11:16 a.m.: 24 IR 2687; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-4-5 Specific curriculum for manicurists
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 5. (a) The following are the requirements for manicurist training:

Subject	Theory and Demonstration Practice	Actual Practice	Total Hours
Sanitation	40		40
Anatomy and disorders	25		25
Statutes and rules	10		10
Nail techniques	40	160	200
Basic preparation			
Tips			
Sculptures			
Overlays			
Fiberglass			
Gel nails			
Nail wrapping			
Acrylic nails			
Manicuring	10	50	60
Pedicuring	10	25	35
Chemistry	10		10
Salesmanship	5	10	15
Electric drill/file	10	10	20
Discretionary hours	35		35
Totals	195	255	450

(b) Students shall be required to complete no fewer than the number of actual practice performances provided for in the progress book required by section 14 of this rule.

(c) The nails on two (2) hands or two (2) feet constitutes one (1) performance of a manicure or pedicure. All manicures, pedicures, and nail techniques must be done on live models.

(d) Students shall not work on customers of the cosmetology school until they have completed a total of forty (40) hours. Customers shall be rotated according to students' needs for practice on live models. *(State Board of Cosmetology Examiners; 820 IAC 4-4-5; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1409, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 576, eff Jan 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #91-87 was filed Dec 3, 1991.]; filed Oct 27, 1993, 9:00 a.m.: 17 IR 393; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1489; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236; filed May 17, 2002, 1:15 p.m.: 25 IR 3178; errata filed Nov 15, 2002, 3:37 p.m.: 26 IR 1109)*

820 IAC 4-4-6 Specific curriculum for shampoo operators
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 6. (a) The following are the requirements for shampoo operator training:

Subject	Theory and Demonstration Practice	Actual Practice	Total Hours
Personality development	10		10
Statute and rules	10		10
Salesmanship	10	10	20
Sanitation	15		15
Shampoo rinsing	10	90	100
Scalp treatment	10	80	90
Hair coloring			
Weekly color rinses	10	10	20
Discretionary hours	35		35
Totals	110	190	300

(b) Students shall be required to complete no fewer than the number of actual practice performances provided for in the progress book required by section 13 of this rule.

(c) All scalp treatments must be done on live models. At least fifty percent (50%) of the other services must be done on live models.

(d) The actual practice not described in subsection (c) may be on actual customers of the cosmetology school. However, students shall not work on customers of the cosmetology school until they have completed a total of forty (40) hours. Customers shall be rotated according to students' needs for practice on live models. *(State Board of Cosmetology Examiners; 820 IAC 4-4-6; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1409, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 577; filed Oct 27, 1993, 9:00 a.m.: 17 IR 394; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-4-7 Specific curriculum for electrologists
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 7. (a) The following are the requirements for electrology training:

Subject	Theory and Demonstration Practice	Actual Practice	Total Hours
Introduction to electrology	3		3
(1) Overview of school program			

(2) State laws and rules			
(3) Hair removal: past and present permanent, temporary, electronic tweezers, and laser			
Infection control	35		35
(1) Microbiology			
(2) Personal hygiene			
(3) Hand washing			
(4) Sanitation			
(5) Antisepsis			
(6) Disinfection			
(7) Sterilization (a minimum of two (2) hours must be actual manual use of sterilization equipment (steam autoclave or dry heat, or both) sterilized by each student)			
(8) Aseptic techniques			
(9) Immunology			
(10) Human immunodeficiency virus (HIV), hepatitis, and herpes			
Basic electricity	5		5
Basic chemistry	2		2
Causes of hair growth	8		8
(1) Terminology			
(2) Hair growth stimulation			
(3) Causes of excess hair			
(4) The endocrine system			
(5) The role of puberty, pregnancy, and menopause			
Anatomy and physiology	20		20
(1) Cells, metabolism, and body systems			
(2) Human anatomy			
Understanding electrology treatments	22		22
(1) Electrology equipment and accessories operation, care, and maintenance			
(2) Techniques and procedures			
(3) Variables: needles, intensity, timing, and insertions			
(4) Effects of maltreatment			
(5) Contraindications			
Modalities of electrology			
(1) Single needle electrolysis	8	24	32
(2) Multiple needle electrolysis	9	30	39
(3) Manual thermolysis	8	20	28
(4) Automatic thermolysis	9	25	34
(5) The blend	20	40	60
Professional considerations	5		5
(1) Professional image projection			
(2) Your personality and human relations			
(3) Ethical issues and legal issues			
(4) Business principles and practices			
Clinical learning experiences	7		7
(1) Interpersonal skills: stress management and relaxation techniques			
(2) Health history assessment			
(3) Consultation			
(4) Contraindications			
(5) Pretreatment and posttreatment care			
(6) Practice on all body parts			
(7) Side effects, tissue injury, and Complications			
(8) Treatment records			
Totals	125 *[sic.]*	175 *[sic.]*	300

(b) Students shall be required to complete no fewer than the number of actual practice performances provided for in the progress book required by section 12 of this rule.

(c) All electrology services must be done on live models.

(d) Students shall not work on customers of the cosmetology school until they have completed a total of forty (40) hours. Customers shall be rotated according to students' needs for practice on live models. *(State Board of Cosmetology Examiners; 820 IAC 4-4-7; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1410, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 577, eff Jan 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #91-87 was filed Dec 3, 1991.]; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2418; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1490; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-4-7.1 Specific curriculum for estheticians

Authority: IC 25-8-3-23

Affected: IC 25-8

Sec. 7.1. (a) An esthetician curriculum shall be a minimum course of seven hundred (700) hours of instruction in the theory and practice of esthetics consisting of the following:

Subject	Theory and Demonstration Practice	Actual Practice	Total Hours
Chemistry of skin care	15	25	40
Physiology and dermatology	30	30	60
(1) Anatomy			
(2) Skin and gland structure and function			
(3) Conditions and disorders of skin			
(4) Histology of skin; cells and tissue			
Bacteriology, sterilization, and sanitation	15	20	35
(1) Personal hygiene			
(2) Public health			
(3) Sanitation and sterilization			
(4) Methods and procedures			
Introduction and operation to skin care machinery	20	70	90
(1) Types of current			
(2) Purpose and effects			
Introduction to skin care	15	30	45
(1) Facial structure			

(2) Skin diagnose			
(3) Patron appointments and consultation			
Skin care	35	120	155
(1) Massage and cleansing procedures			
(2) Movements in facial massage manipulations			
(3) Mask and packs			
(4) Massage and cleansing hands and feet (credit will not be allowed for manicures and pedicures)			
(5) Extraction technique			
Makeup	15	35	50
(1) Contouring			
(2) Application			
(3) Color accent			
(4) Purpose and effects			
(5) Supplies and implements			
(6) Preparation and procedures			
Eyebrows and eyelashes	10	30	40
(1) Arching			
(2) Eyelash application			
Hair removal (superfluous hair)	10	30	40
Tweezing, waxing, and depilatories			
(1) Lip, chin, and face			
(2) Leg			
Safety precautions	5	15	20
(1) In skin care			
(2) Machinery (electrical)			
(3) Facial treatments			
(4) Makeup			
Professional and personality development	20		20
(1) Professional ethics and practices			
(2) Personality development			
(3) Personal attitude and image			
Management	25		25
Salesmanship, marketing, and retailing	5	20	25
(1) Salon development			
(2) Insurance			
(3) Client records			
State statute and rules	10		10
Discretionary hours			45
Total	230	425	700

(b) Students shall be required to complete no fewer than the number of actual practice performances provided for in the progress book required by section 11 of this rule.

(c) All acne treatments, makeup applications, and all waxing must be done on live models. At least fifty percent (50%) of other services must be done on live models.

(d) The actual practice not described in subsection (c) may be on actual customers of the cosmetology school. However, students shall not work on customers of the cosmetology school until they have completed a total of ninety (90) hours. Customers shall be rotated according to students' needs for practice on live models. *(State Board of Cosmetology Examiners; 820 IAC 4-4-7.1; filed Dec 3, 1991, 11:00 a.m.: 15 IR 577; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2419; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1491; filed May 4, 2001, 11:16 a.m.: 24 IR 2688; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-4-7.2 Specific 1,000 hour curriculum for instructor training
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 7.2. The following are the requirements for the one thousand (1,000) hour curriculum for instructor training:

Subject	Theory and Demonstration Practice	Actual Practice	Total Hours
Orientation and review of the pertinent curriculum	50	100	150
Introduction to teaching	60		60
Course outline and development	160	170	330
(1) Lesson planning			
(2) Teaching techniques			
(3) Teaching aids			
(4) Developing, administering, and grading examinations			
School administration	30	20	50
(1) Record keeping			
(2) Law and rules			
Teaching			
(1) Assisting in the clinic and theory classrooms		150	150
(2) Practice teaching in the clinic and theory classrooms		260	260
Totals	300	700	1,000

(State Board of Cosmetology Examiners; 820 IAC 4-4-7.2; filed Dec 3, 1991, 11:00 a.m.: 15 IR 578, eff Jan 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #91-87 was filed Dec 3, 1991.]; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1491; filed May 4, 2001, 11:16 a.m.: 24 IR 2689; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 4-4-8 School examinations
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 8. (a) Cosmetology schools shall give their students examinations in each of the subjects required in a particular course as listed in sections 4 through 7.2 of this rule. Discretionary hours shall not be considered a subject.

(b) Cosmetology schools may cover more than one (1) subject per examination.

(c) The passing score for each of these examinations shall be seventy-five percent (75%). *(State Board of Cosmetology Examiners; 820 IAC 4-4-8; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1410, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 579; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1492; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

820 IAC 4-4-9 Removal of credits prohibited
Authority: IC 25-8-3-23
Affected: IC 25-8-5; IC 25-8-14

Sec. 9. (a) Cosmetology schools may not remove credits earned by students for any reason.

(b) As used in this section, "credits earned" includes the following:

(1) Hours attended.
(2) Actual practice performances completed.
(3) Examinations passed.

(State Board of Cosmetology Examiners; 820 IAC 4-4-9; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1410, eff Apr 1, 1990; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 4-4-10 Student progress book for cosmetology
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 10. (a) Students in cosmetologist training shall perform no fewer than the number of performances of actual practice hours required by the student progress book.

(b) It is the purpose of the progress book that the student, cosmetology school, and board may at all times know the exact progress of the student concerning practical experience and the number of completed performances of required activities.

(c) It is the responsibility of the cosmetology school to keep the progress book up to date.

(d) The progress book reads as follows:

OFFICIAL STUDENT PROGRESS BOOK
TRAINING IN COSMETOLOGY

STATE OF INDIANA
BOARD OF COSMETOLOGY EXAMINERS

Student's Name _____

Date Issued _____ Date Completed _____

REQUIREMENTS FOR USE OF PROGRESS BOOK

(1) All students enrolling in cosmetology training shall be permitted to review this progress book which is to be completed on or before being admitted to the state board of cosmetology examiners for examination for a cosmetologist license.
(2) The amount of performances is equal to the hours outlined by the board. It is to be the minimum requirement only.
(3) Each performance, as it is accomplished, must be dated and initialed by the licensed instructor, or instructor trainee, who oversees the performance. All projects are to be checked for accuracy and credit given only if done to the school's standards. All projects must be identified whether "S" for student, "P" for patron (or customer), or "M" for mannequin. A pencil cap rubber stamp or pen written initials (first and last initials) of the instructor are both acceptable methods of marking.
(4) Number of performances on mannequin, patron, or student may be determined by each school subject to the requirements of section 4 of this rule.
(5) Overages in any area may not be applied to any other area.
(6) In the development of the student's sales ability, all items in the sales category must be completed on patrons.
(7) All projects are to be recorded as one (1) project marked for one (1) project completed.
(8) The progress book must never be taken home by the student and must remain in the school at all times.
(9) The requirements of this progress book are minimum requirements. A school may require more actual performances than those prescribed in this book.

School name _____

Address _____

City _____ State _____ Zip _____

Instructor's signature _____
Instructor's identifying initialing _____

Instructor's signature _____
Instructor's identifying initialing _____

Instructor's signature _____
Instructor's identifying initialing _____

Instructor's signature _____
Instructor's identifying initialing _____

Hair Styling (400 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	23	24	25	26
27	28	29	30	31	32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47	48	49	50	51	52
53	54	55	56	57	58	59	60	61	62	63	64	65
66	67	68	69	70	71	72	73	74	75	76	77	78
79	80	81	82	83	84	85	86	87	88	89	90	91
92	93	94	95	96	97	98	99	100	101	102	103	104
105	106	107	108	109	110	111	112	113	114	115	116	117
118	119	120	121	122	123	124	125	126	127	128	129	130
131	132	133	134	135	136	137	138	139	140	141	142	143
144	145	146	147	148	149	150	151	152	153	154	155	156
157	158	159	160	161	162	163	164	165	166	167	168	169
170	171	172	173	174	175	176	177	178	179	180	181	182
183	184	185	186	187	188	189	190	191	192	193	194	195
196	197	198	199	200	201	202	203	204	205	206	207	208
209	210	211	212	213	214	215	216	217	218	219	220	221
222	223	224	225	226	227	228	229	230	231	232	233	234
235	236	237	238	239	240	241	242	243	244	245	246	247
248	249	250	251	252	253	254	255	256	257	258	259	260
261	262	263	264	265	266	267	268	269	270	271	272	273
274	275	276	277	278	279	280	281	282	283	284	285	286
287	288	289	290	291	292	293	294	295	296	297	298	299
300	301	302	303	304	305	306	307	308	309	310	311	312
313	314	315	316	317	318	319	320	321	322	323	324	325
326	327	328	329	330	331	332	333	334	335	336	337	338
339	340	341	342	343	344	345	346	347	348	349	350	351
352	353	354	355	356	357	358	359	360	361	362	363	364
365	366	367	368	369	370	371	372	373	374	375	376	377
378	379	380	381	382	383	384	385	386	387	388	389	390
391	392	393	394	395	396	397	398	399	400			

Hair Styling, Finger Waves (20 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20						

Permanent Waving and Chemical Relaxing (100 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	23	24	25	26
27	28	29	30	31	32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47	48	49	50	51	52
53	54	55	56	57	58	59	60	61	62	63	64	65
66	67	68	69	70	71	72	73	74	75	76	77	78
79	80	81	82	83	84	85	86	87	88	89	90	91
92	93	94	95	96	97	98	99	100				

Scalp Treatments (50 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	23	24	25	26
27	28	29	30	31	32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47	48	49	50		

Facial Treatments (45 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	23	24	25	26
27	28	29	30	31	32	33	34	35	36	37	38	39
40	41	42	43	44	45							

Makeup Application (15 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15											

Hair Cuts (250 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	23	24	25	26
27	28	29	30	31	32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47	48	49	50	51	52
53	54	55	56	57	58	59	60	61	62	63	64	65
66	67	68	69	70	71	72	73	74	75	76	77	78
79	80	81	82	83	84	85	86	87	88	89	90	91
92	93	94	95	96	97	98	99	100	101	102	103	104
105	106	107	108	109	110	111	112	113	114	115	116	117
118	119	120	121	122	123	124	125	126	127	128	129	130
131	132	133	134	135	136	137	138	139	140	141	142	143
144	145	146	147	148	149	150	151	152	153	154	155	156
157	158	159	160	161	162	163	163	164	165	166	167	168
169	170	171	172	173	174	175	176	177	178	179	180	181
182	183	184	185	186	187	188	189	190	191	192	193	194
195	196	197	198	199	200	201	202	203	204	205	206	207
208	209	210	211	212	213	214	215	216	217	218	219	220
221	222	223	224	225	226	227	228	229	230	231	232	233
234	235	236	237	238	239	240	241	242	243	244	245	246
247	248	249	250									

Hair Coloring, Temporary (18 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18								

Hair Coloring, Semipermanent (18 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18								

Hair Coloring, Permanent Coloring, Bleaching, and Frosting (40 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	23	24	25	26
27	28	29	30	31	32	33	34	35	36	37	38	39
40												

Shampoo (120 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	23	24	25	26
27	28	29	30	31	32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47	48	49	50	51	52
53	54	55	56	57	58	59	60	61	62	63	64	65
66	67	68	69	70	71	72	73	74	75	76	77	78
79	80	81	82	83	84	85	86	87	88	89	90	91
92	93	94	95	96	97	98	99	100	101	102	103	104
105	106	107	108	109	110	111	112	113	114	115	116	117
118	119	120										

Manicures (27 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	23	24	25	26
27												

Pedicures (15 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15											

Salesmanship (20 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20						

Hair Removal (30 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	23	24	25	26
27	28	29	30									

I, _____, do hereby certify and declare this official progress book required to be kept by the state board of cosmetology examiners is a correct and accurate record of the progress of _____ school and meeting the requirements of the state board of cosmetology examiners.

Subscribed and sworn to me this _____day of _____, 19_____.

Notary Public _____

My Commission Expires _____

County of Residence _____

(State Board of Cosmetology Examiners; 820 IAC 4-4-10; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1412, eff Apr 1, 1990; filed Oct 27, 1993, 9:00 a.m.: 17 IR 394; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1492; filed May 4, 2001, 11:16 a.m.: 24 IR 2689; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 4-4-11 Student progress book for esthetician

Authority: IC 25-8-3-23

Affected: IC 25-8

Sec. 11. (a) Students in esthetician training shall perform no fewer than the number of performances of actual practice hours required by the student progress book.

(b) It is the purpose of the progress book that the student, cosmetology school, and board may at all times know the exact progress of the student concerning practical experience and the number of completed performances of required activities.

(c) It is the responsibility of the cosmetology school to keep the progress book up to date.

(d) The progress book reads as follows:

OFFICIAL STUDENT PROGRESS BOOK
TRAINING IN ESTHETICS

STATE OF INDIANA
BOARD OF COSMETOLOGY EXAMINERS

Student's Name _____

Date Issued _____ Date Completed _____

REQUIREMENTS FOR USE OF PROGRESS BOOK

(1) All students enrolling in a cosmetology school for training as an esthetician shall be permitted to review this progress book which is to be completed on or before being admitted to the state board of cosmetology examiners for examination for an esthetician license.
(2) The amount of performances or hours are *[sic., is]* equal to the hours outlined by the state board of cosmetology examiners. It is to be the minimum requirement only.
(3) Each performance or hour, as it is accomplished, must be dated and initialed by the licensed instructor or instructor trainee who oversees the performance. All projects are to be checked for accuracy and credit given only if done to the school's standards. All projects must be identified whether "S" for student, "P" for patron (or customer), *[sic., or]* "M" for mannequin. A pencil cap rubber stamp or pen written initials (first and last initials) of the instructor are both acceptable methods of marking.
(4) Number of performances on mannequin, patron, or student or number of hours may be determined by each school subject to the requirements of 820 IAC 4-4-6.1 *[sic.]*.
(5) Overages in any area may not be applied to any other area.
(6) In the development of the student's sales ability, all items in the sales category must be completed on patrons.
(7) All projects are to be recorded as one (1) project marked for one (1) project completed.
(8) The progress book shall not be taken home by the student and shall remain in the school at all times.
(9) The requirements of this progress book are minimum requirements. A school may require more actual performances than those prescribed in this book.

School name _____

Address _____

City _____ State _____ Zip _____

Instructor's signature _____
Instructor's identifying initialing _____

Instructor's signature _____
Instructor's identifying initialing _____

Instructor's signature _____
Instructor's identifying initialing _____

Instructor's signature _____
Instructor's identifying initialing _____

Skin Care Analysis/Consultations (50 performances)

1 2 3 4 5 6 7 8 9 10 11 12 13
14 15 16 17 18 19 20 21 22 23 24 25 26
27 28 29 30 31 32 33 34 35 36 37 38 39
40 41 42 43 44 45 46 47 48 49 50

Facials:

Cleansing (100 performances)

1 2 3 4 5 6 7 8 9 10 11 12 13
14 15 16 17 18 19 20 21 22 23 24 25 26
27 28 29 30 31 32 33 34 35 36 37 38 39
40 41 42 43 44 45 46 47 48 49 50 51 52
53 54 55 56 57 58 59 60 61 62 63 64 65
66 67 68 69 70 71 72 73 74 75 76 77 78
79 80 81 82 83 84 85 86 87 88 89 90 91
92 93 94 95 96 97 98 99 100

Massage (100 performances)

1 2 3 4 5 6 7 8 9 10 11 12 13
14 15 16 17 18 19 20 21 22 23 24 25 26
27 28 29 30 31 32 33 34 35 36 37 38 39
40 41 42 43 44 45 46 47 48 49 50 51 52
53 54 55 56 57 58 59 60 61 62 63 64 65
66 67 68 69 70 71 72 73 74 75 76 77 78
79 80 81 82 83 84 85 86 87 88 89 90 91
92 93 94 95 96 97 98 99 100

Facials (145 performances)

1 2 3 4 5 6 7 8 9 10 11 12 13
14 15 16 17 18 19 20 21 22 23 24 25 26
27 28 29 30 31 32 33 34 35 36 37 38 39
40 41 42 43 44 45 46 47 48 49 50 51 52
53 54 55 56 57 58 59 60 61 62 63 64 65
66 67 68 69 70 71 72 73 74 75 76 77 78
79 80 81 82 83 84 85 86 87 88 89 90 91
92 93 94 95 96 97 98 99 100 101 102 103 104
105 106 107 108 109 110 111 112 113 114 115 116 117
118 119 120 121 122 123 124 125 126 127 128 129 130
131 132 133 134 135 136 137 138 139 140 141 142 143
144 145

Acne Treatments (5)

1 2 3 4 5

Hand and Foot Treatments (25 performances)

1 2 3 4 5 6 7 8 9 10 11 12 13
14 15 16 17 18 19 20 21 22 23 24 25

Makeup Application (50 performances)

1 2 3 4 5 6 7 8 9 10 11 12 13
14 15 16 17 18 19 20 21 22 23 24 25 26
27 28 29 30 31 32 33 34 35 36 37 38 39
40 41 42 43 44 45 46 47 48 49 50

Eyelash Applications (15 performances)

Strip or Individual

1 2 3 4 5 6 7 8 9 10 11 12 13
14 15

Waxing (110 performances)

Lip

1 2 3 4 5 6 7 8 9 10 11 12 13
14 15 16 17 18 19 20 21 22 23 24 25 26
27 28 29 30

Chin

1 2 3 4 5 6 7 8 9 10 11 12 13
14 15 16 17 18 19 20 21 22 23 24 25 26
27 28 29 30

Facial

1 2 3 4 5 6 7 8 9 10

Eyebrow

1 2 3 4 5 6 7 8 9 10 11 12 13
14 15 16 17 18 19 20 21 22 23 24 25 26
27 28 29 30

Leg

1 2 3 4 5 6 7 8 9 10 11 12 13
14 15

Sterilization and sanitation (40 performances)

1 2 3 4 5 6 7 8 9 10 11 12 13
14 15 16 17 18 19 20 21 22 23 24 25 26
27 28 29 30 31 32 33 34 35 36 37 38 39
40

Salesmanship (50 performances)

(services or retail)

1 2 3 4 5 6 7 8 9 10 11 12 13
14 15 16 17 18 19 20 21 22 23 24 25 26
27 28 29 30 31 32 33 34 35 36 37 38 39
40 41 42 43 44 45 46 47 48 49 50

I, _____, do hereby certify and declare this official progress book required to be kept by the state board of cosmetology examiners is a correct and accurate record of the progress of _____ school and meeting the requirements of the state board of cosmetology examiners.

Subscribed and sworn to me this _____day of _____, 19_____.

Notary Public _____

My Commission Expires _____

County of Residence _____.

(State Board of Cosmetology Examiners; 820 IAC 4-4-11; filed Dec 3, 1991, 11:00 a.m.: 15 IR 579; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1494; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 4-4-12 Student progress book for electrology

Authority: IC 25-8-3-23

Affected: IC 25-8

Sec. 12. (a) Students in electrology training shall perform no fewer than the number of performances of actual practice hours required by the student progress book.

(b) It is the purpose of the progress book that the student, cosmetology school, and state board of cosmetology examiners may at all times know the exact progress of the student concerning practical experience and the number of completed performances of required activities.

(c) It is the responsibility of the cosmetology school to keep the progress book up to date.

(d) All performances listed in this progress book are to be completed in accordance with 820 IAC 3.

(e) The progress book reads as follows:

OFFICIAL STUDENT PROGRESS BOOK
TRAINING IN ELECTROLOGY

STATE OF INDIANA
BOARD OF COSMETOLOGY EXAMINERS

Student's Name _____

Date Issued _____ Date Completed _____

REQUIREMENTS FOR USE OF PROGRESS BOOK

(1) All students enrolling in training as an electrologist shall be permitted to review this progress book which is to be completed on or before being admitted to the state board of cosmetology examiners for examination for an electrologist license.
(2) The amount of performances is equal to the hours outlined by the state board of cosmetology examiners. It is to be the minimum requirement only.
(3) Each performance, as it is accomplished, must be dated and initialed by the licensed instructor or instructor trainee who oversees the performance. All projects are to be checked for accuracy and credit given only if done to the school's standards. All projects must be identified whether "S" for student or "P" for patron (or customer). A pencil cap rubber stamp or pen written initials (first and last initials) of the instructor are both acceptable methods of marking.
(4) Number of performances on patron or student may be determined by each school subject to the requirements of section 7 of this rule.
(5) Any overages in any area may not be applied to any other area.
(6) In the development of the student's sales ability, all items in the sales category must be completed on patrons.
(7) All projects are to be recorded as one (1) project marked for one (1) project completed.
(8) The progress book must never be taken home by the student and must remain in the school at all times.
(9) The requirements of this progress book are minimum requirements. A school may require more actual performances than those prescribed in this book.

School name _____

Address _____

City _____ State _____ Zip _____

Instructor's signature _____
Instructor's identifying initialing _____

Instructor's signature _____
Instructor's identifying initialing _____

Instructor's signature _____
Instructor's identifying initialing _____

Instructor's signature _____
Instructor's identifying initialing _____

Electrology Modalities - 175 total hours

Galvanic Single Needle Electrolysis - 30 hours (1 performance equals 15 minutes)

Facial Area - 15 hours (60 performances)

Eyebrow

1 2 3 4 5 6 7 8

Hairline

1 2 3 4 5 6 7 8

Chin

1 2 3 4 5 6 7 8 9 10 11 12

Upper Lip

1 2 3 4 5 6 7 8

Ears

1 2 3 4 5 6 7 8

Neck

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

Body Areas - 14 hours (56 performances)

Underarm

1 2 3 4 5 6 7 8

Breast

1 2 3 4

Bikini – Abdomen

1 2 3 4 5 6 7 8

Bikini – Upper Thigh

1 2 3 4 5 6 7 8

Legs

1 2 3 4 5 6 7 8

Back

1 2 3 4 5 6 7 8

Arms

1 2 3 4 5 6 7 8

Toes

1 2 3 4

Fingers

1 2 3 4

Galvanic Multiple Needle Electrolysis - 30 hours (1 performance equals 15 minutes)

Facial Areas - 15.5 hours (62 *[sic., 54]* performances)

Eyebrow

1 2 3 4 5 6 7 8

Hairline

1 2 3 4 5 6 7 8

Chin

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

Upper Lip

1 2 3 4 5 6 7 8

Ears

1 2

Neck

1 2 3 4 5 6 7 8 9 10 11 12

Body Areas - 14.5 hours (58 performances)

Underarm

1 2 3 4 5 6 7 8

Breast

1 2 3 4

Bikini - Abdomen

1 2 3 4 5 6 7 8

Bikini - Upper Thigh

1 2 3 4 5 6 7 8

Legs

1 2 3 4 5 6 7 8

Back

1 2 3 4 5 6 7 8

Arms

1 2 3 4 5 6 7 8

Toes

1 2

Fingers

1 2 3 4

Manual Thermolysis - 20 hours (1 performance equals 15 minutes)

Facial Areas - 7.5 hours (30 *[sic., 42]* performances)

Eyebrow

1 2 3 4 5 6

Hairline

1 2 3 4 5 6 7 8

Chin

1 2 3 4 5 6 7 8

Upper lip

1 2 3 4 5 6 7 8

Ears

1 2 3 4

Neck

1 2 3 4 5 6 7 8

Body Areas - 15 hours (60 *[sic., 64]* performances)

Underarm

1 2 3 4 5 6 7 8

Breast

1 2 3 4 5 6 7 8

Bikini - Abdomen

1 2 3 4 5 6 7 8

Bikini - Upper Thigh

1 2 3 4 5 6 7 8

Legs

1 2 3 4 5 6 7 8

Back

1 2 3 4 5 6 7 8

Arms

1 2 3 4 5 6 7 8

Toes

1 2 3 4

Fingers

1 2 3 4

Flash Thermolysis - 30 hours (1 performance equals 15 minutes)

Facial Areas - 15 hours (60 *[sic., 50]* performances)

Eyebrow

1 2 3 4 5 6 7 8

Hairline

1 2 3 4 5 6 7 8 9 10 11 12

Chin

1 2 3 4 5 6 7 8 9 10 11 12

Upper Lip

1 2 3 4 5 6 7 8

Ears

1 2

Neck

1 2 3 4 5 6 7 8

Body Areas - 13.5 hours (54 performances)

Underarm

1 2 3 4 5 6 7 8

Breast

1 2 3 4

Bikini – Abdomen

1 2 3 4 5 6 7 8

Bikini – Upper Thigh

1 2 3 4 5 6 7 8

Legs

1 2 3 4 5 6 7 8

Back

1 2 3 4 5 6

Arms

1 2 3 4 5 6 7 8

Toes

1 2

Fingers

1 2

Blend - 55 hours (1 performance equals 15 minutes)

Facial Areas - 20 hours (80 *[sic., 104]* performances)

Eyebrow

1 2 3 4 5 6 7 8 9 10 11 12

Hairline

1 2 3 4 5 6 7 8

Chin

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

Upper Lip

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

Ears

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

Neck

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32

Body Areas - 25 hours (100 performances)

Underarm

1 2 3 4 5 6 7 8 9 10 11 12

Breast

1 2 3 4

Bikini - Abdomen

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

Bikini - Upper Thigh

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

Legs

1 2 3 4 5 6 7 8 9 10 11 12

Back

1 2 3 4 5 6 7 8 9 10 11 12

Arms

1 2 3 4 5 6 7 8 9 10 11 12

Toes

1 2 3 4 5 6 7 8

Fingers

1 2 3 4 5 6 7 8

I, _____, do hereby certify and declare this official progress book required to be kept by the state board of cosmetology examiners is a correct and accurate record of the progress of _____ school and meeting the requirements of the state board of cosmetology examiners.

Subscribed and sworn to me this _____day of _____, 19_____.

Notary Public _____

My Commission Expires _____

County of Residence _____

(State Board of Cosmetology Examiners; 820 IAC 4-4-12; filed Jun 7, 1993, 10:00 a.m.: 16 IR 2419; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1496; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 4-4-13 Student progress book for shampoo operators
Authority: IC 25-8-3-23
Affected: IC 25-8

Sec. 13. (a) Students in shampoo operator training shall perform no fewer than the number of performances of actual practice hours required by the student progress book.

(b) It is the purpose of the progress book that the student, cosmetology school, and state board of cosmetology examiners may at all times know the exact progress of the student concerning practical experience and the number of completed performances of required activities.

(c) It is the responsibility of the cosmetology school to keep the progress book up to date.

(d) All performances listed in the progress book are to be completed in accordance with 820 IAC 3.

(e) The progress book reads as follows:

OFFICIAL STUDENT PROGRESS BOOK
SHAMPOO OPERATOR TRAINING

STATE OF INDIANA
BOARD OF COSMETOLOGY EXAMINERS

Student's Name _____

Date Issued _____ Date Completed _____

REQUIREMENTS FOR USE OF PROGRESS BOOK

(1) All students enrolling in training as a shampoo operator shall be permitted to review this progress book which is to be completed on or before being admitted to the state board of cosmetology examiners for examination for a shampoo operator license.
(2) The amount of performances is equal to the hours outlined by the state board of cosmetology examiners. It is to be the minimum requirement only.
(3) Each performance or hour, as it is accomplished, must be dated and initialed by the licensed instructor or instructor trainee who oversees the performance. All projects are to be checked for accuracy and credit given only if done to the school's standards. All projects must be identified whether "S" for student, "P" for patron (or customer), or "M" for mannequin. A pencil cap rubber stamp or pen written initials (first and last initials) of the instructor are both acceptable methods of marking.
(4) Number of performances on mannequin, patron, or student may be determined by each school subject to the requirements of section 8 of this rule.
(5) Overages in any area may not be applied to any other area.
(6) In the development of the student's sales ability, all items in the sales category must be completed on patrons.
(7) All projects are to be recorded as one (1) project marked for one (1) project completed.
(8) The progress book must never be taken home by the student and must remain in the school at all times.
(9) The requirements of the progress book are minimum requirements. A school may require more actual performances than those prescribed in this book.

School name _____

Address _____

City _____ State _____ Zip _____

Instructor's signature _____
Instructor's identifying initialing _____

Instructor's signature _____
Instructor's identifying initialing _____

Instructor's signature _____
Instructor's identifying initialing _____

Instructor's signature _____
Instructor's identifying initialing _____

Shampoo Rinsing (360 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	23	24	25	26
27	28	29	30	31	32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47	48	49	50	51	52
53	54	55	56	57	58	59	60	61	62	63	64	65
66	67	68	69	70	71	72	73	74	75	76	77	78
79	80	81	82	83	84	85	86	87	88	89	90	91
92	93	94	95	96	97	98	99	100	101	102	103	104
105	106	107	108	109	110	111	112	113	114	115	116	117
118	119	120	121	122	123	124	125	126	127	128	129	130
131	132	133	134	135	136	137	138	139	140	141	142	143
144	145	146	147	148	149	150	151	152	153	154	155	156
157	158	159	160	161	162	163	164	165	166	167	168	169
170	171	172	173	174	175	176	177	178	179	180	181	182
183	184	185	186	187	188	189	190	191	192	193	194	195
196	197	198	199	200	201	202	203	204	205	206	207	208
209	210	211	212	213	214	215	216	217	218	219	220	221
222	223	224	225	226	227	228	229	230	231	232	233	234
235	236	237	238	239	240	241	242	243	244	245	246	247
248	249	250	251	252	253	254	255	256	257	258	259	260
261	262	263	264	265	266	267	268	269	270	271	272	273
274	275	276	277	278	279	280	281	282	283	284	285	286
287	288	289	290	291	292	293	294	295	296	297	298	299
300	301	302	303	304	305	306	307	308	309	310	311	312
313	314	315	316	317	318	319	320	321	322	323	324	325
326	327	328	329	330	331	332	333	334	335	336	337	338
339	340	341	342	343	344	345	346	347	348	349	350	351
352	353	354	355	356	357	358	359	360				

Scalp Treatment (40 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	23	24	25	26
27	28	29	30	31	32	33	34	35	36	37	38	39
40												

Weekly Color Rinse (60 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	23	24	25	26
27	28	29	30	31	32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47	48	49	50	51	52
53	54	55	56	57	58	59	60					

Salesmanship (40 performances)

Scalp Treatments (20 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20						

Weekly Color Rinses (20 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20						

I, _____, do hereby certify and declare this official progress book required to be kept by the state board of cosmetology examiners is a correct and accurate record of the progress of _____ school and meeting the requirements of the state board of cosmetology examiners.

Subscribed and sworn to me this _____day of _____, 19_____.

Notary Public _____

My Commission Expires _____

County of Residence _____

(State Board of Cosmetology Examiners; 820 IAC 4-4-13; filed Oct 27, 1993, 9:00 a.m.: 17 IR 396; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1499; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

820 IAC 4-4-14 Student progress book for manicurists

Authority: IC 25-8-3-23

Affected: IC 25-8

Sec. 14. (a) Students in manicurist training shall perform no fewer than the number of performances of actual practice hours required by the student progress book.

(b) It is the purpose of the progress book that the student, cosmetology school, and state board of cosmetology examiners may at all times know the exact progress of the student concerning practical experience and the number of completed performances of required activities.

(c) It is the responsibility of the cosmetology school to keep the progress book up to date.

(d) All performances listed in the progress book are to be completed in accordance with 820 IAC 3.

(e) The progress book reads as follows:

OFFICIAL STUDENT PROGRESS BOOK
TRAINING IN MANICURING

STATE OF INDIANA
BOARD OF COSMETOLOGY EXAMINERS

Student's Name _____

Date Issued _____ Date Completed _____

REQUIREMENTS FOR USE OF PROGRESS BOOK

(1) All students enrolling in manicuring training shall be permitted to review this progress book which is to be completed on or before being admitted to the state board of cosmetology examiners for examination for a manicurist license.
(2) The amount of performances is equal to the hours outlined by the state board of cosmetology examiners. It is to be the minimum requirement only.
(3) Each performance, as it is accomplished, must be dated and initialed by the licensed instructor, or instructor trainee, who oversees the performance. All projects are to be checked for accuracy and credit and given only if done to the school's standards. All projects must be identified whether "S" for student or "P" for patron (or customer). A pencil cap rubber stamp or pen written initials (first and last initials) of the instructor are both acceptable methods of marking.
(4) Number of performances on patron or student may be determined by each school subject to the requirements of section 6 of this rule.
(5) Overages in any area may not be applied to any other area.
(6) In the development of the student's sales ability, all items in the sales category must be completed on patrons.
(7) All projects are to be recorded as one (1) project marked for one (1) project completed.
(8) The progress book must never be taken home by the student and must remain in the school at all times.
(9) The requirements of the progress book are minimum requirements. A school may require more actual performances than those prescribed in this book.

School name _____

Address _____

City _____ State _____ Zip _____

Instructor's signature _____
Instructor's identifying initialing _____

Instructor's signature _____
Instructor's identifying initialing _____

Instructor's signature _____
Instructor's identifying initialing _____

Instructor's signature _____
Instructor's identifying initialing _____

Manicures (40 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	23	24	25	26
27	28	29	30	31	32	33	34	35	36	37	38	39
40												

Nail Techniques (28 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	23	24	25	26
27	28											

Nail Repair (15 performances)
(1 performance per patron)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15											

Pedicures (15 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15											

Salesmanship (20 performances)
Services or Retail

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20						

Electric File/Drill (20 performances)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20						

I, _____, do hereby certify and declare this official progress book required to be kept by the state board of cosmetology examiners is a correct and accurate record of the progress of _____ school and meeting the requirements of the state board of cosmetology examiners.

Subscribed and sworn to me this _____day of _____, 20_____.

Notary Public _____

My Commission Expires _____

County of Residence _____

(State Board of Cosmetology Examiners; 820 IAC 4-4-14; filed Oct 27, 1993, 9:00 a.m.: 17 IR 398; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1500; filed May 4, 2001, 11:16 a.m.: 24 IR 2693; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236; filed May 17, 2002, 1:15 p.m.: 25 IR 3179; errata filed Nov 15, 2002, 3:37 p.m.: 26 IR 1109)

820 IAC 4-4-15 Student progress book for instructor training (Repealed)

Sec. 15. *(Repealed by State Board of Cosmetology Examiners; filed May 4, 2001, 11:16 a.m.: 24 IR 2694)*

ARTICLE 5. TANNING FACILITIES

Rule 1. Sanitation and Safety

820 IAC 5-1-1 Repealed

Sec. 1. *(Repealed by State Board of Cosmetology Examiners; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461)*

820 IAC 5-1-1.5 "Board" defined
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4

Sec. 1.5. As used in this rule, "board" means the Indiana board of cosmetology examiners or its authorized representative. *(State Board of Cosmetology Examiners; 820 IAC 5-1-1.5; filed Sep 17, 1998, 3:55 p.m.: 22 IR 456; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236)*

820 IAC 5-1-2 "Customer" defined
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4

Sec. 2. As used in this rule, "customer" means a person receiving the services of a tanning facility. *(State Board of Cosmetology Examiners; 820 IAC 5-1-2; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1377; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-2) to the State Board of Cosmetology Examiners (820 IAC 5-1-2) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-3 Repealed

Sec. 3. *(Repealed by State Board of Cosmetology Examiners; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461)*

820 IAC 5-1-4 "Inspection" defined
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4

Sec. 4. As used in this rule, "inspection" means an official examination or observation, including, but not limited to, tests, surveys, and monitoring, to determine compliance with orders, requirements, and conditions. *(State Board of Cosmetology Examiners; 820 IAC 5-1-4; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1377; filed Sep 17, 1998, 3:55 p.m.: 22 IR 456; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-4) to the State Board of Cosmetology Examiners (820 IAC 5-1-4) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-5 "Interference with board agent" defined
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4

Sec. 5. As used in this rule, "interference with board agent" means, but is not limited to, physical obstruction, attack, or threatened attack on a representative of the department while that representative is conducting inspection, licensing, or enforcement activities. *(State Board of Cosmetology Examiners; 820 IAC 5-1-5; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1377; filed Sep 17, 1998, 3:55 p.m.: 22 IR 456; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-5) to the State Board of Cosmetology Examiners (820 IAC 5-1-5) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-6 "Operator" defined
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4

Sec. 6. (a) As used in this rule, "operator" means an individual eighteen (18) years of age or older, designated by the owner or licensee to control operation of the tanning facility and to instruct and assist the consumer in the proper operation of its sunlamp products. The operator is responsible for running the sunlamp products, exercising control over the kill switches, cleaning the equipment, cleaning the protective eyewear, providing protective eyewear to the users, and giving instructions to the person using the equipment.

(b) The person who is at the tanning facility to use the tanning equipment shall not be the operator.

(c) There must be at least one (1) operator on the premises at all times that the tanning facility is open. However, the tanning facility may have working at the tanning facility an employee who is not an operator. *(State Board of Cosmetology Examiners; 820 IAC 5-1-6; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1377; filed Sep 17, 1998, 3:55 p.m.: 22 IR 456; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-6) to the State Board of Cosmetology Examiners (820 IAC 5-1-6) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-7 "Person" defined
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4

Sec. 7. As used in this rule, "person" means any individual, partnership, copartnership, firm, company, corporation, association, trust, estate, or any other legal entity, its or their successors or assigns or agents of the aforesaid. *(State Board of Cosmetology Examiners; 820 IAC 5-1-7; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1377; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-7) to the State Board of Cosmetology Examiners (820 IAC 5-1-7) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-8 "Protective eyewear" defined
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4

Sec. 8. As used in this rule, "protective eyewear" means any device designed to be worn by users of sunlamp products to reduce the exposure of the eyes to radiation. *(State Board of Cosmetology Examiners; 820 IAC 5-1-8; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1377; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-8) to the State Board of Cosmetology Examiners (820 IAC 5-1-8) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-9 "Radiation machine" defined
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4

Sec. 9. As used in this rule, "radiation machine" means any device capable of producing radiation, including ultraviolet radiation used for tanning. *(State Board of Cosmetology Examiners; 820 IAC 5-1-9; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1377; filed Sep 17, 1998, 3:55 p.m.: 22 IR 456; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-9) to the State Board of Cosmetology Examiners (820 IAC 5-1-9) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-10 Repealed

Sec. 10. *(Repealed by State Board of Cosmetology Examiners; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461)*

820 IAC 5-1-11 Repealed

Sec. 11. *(Repealed by State Board of Cosmetology Examiners; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461)*

820 IAC 5-1-12 "Sunlamp product" defined
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4

Sec. 12. As used in this rule, "sunlamp product" means any electronic product designed to incorporate one (1) or more ultraviolet lamps and intended for irradiation of any part of the living human body, by ultraviolet radiation with wavelength in air between two hundred (200) and four hundred (400) nanometers, to induce skin tanning. *(State Board of Cosmetology Examiners; 820 IAC 5-1-12; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1377; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-12) to the State Board of Cosmetology Examiners (820 IAC 5-1-12) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-13 "Tanning facility" defined
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4

Sec. 13. As used in this rule, "tanning facility" means a facility that provides persons access to use a sunlamp product and charges a fee for a membership or usage. The term includes any club or association that provides access to a sunlamp to its members. The term does not include a medical treatment facility that uses ultraviolet radiation under the supervision of a licensed physician or other licensed medical practitioner in the treatment of disease. *(State Board of Cosmetology Examiners; 820 IAC 5-1-13; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1378; filed Sep 17, 1998, 3:55 p.m.: 22 IR 457; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-13) to the State Board of Cosmetology Examiners (820 IAC 5-1-13) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-14 "Ultraviolet radiation" defined
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4

Sec. 14. As used in this rule, "ultraviolet radiation" includes radiation in the wavelengths between two hundred (200) and four hundred (400) nanometers. *(State Board of Cosmetology Examiners; 820 IAC 5-1-14; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1378; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-14) to the State Board of Cosmetology Examiners (820 IAC 5-1-14) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-15 "Violation" defined
Authority: IC 25-8-15.4-23
Affected: IC 25-1-11-5; IC 25-8-15.4

Sec. 15. As used in this rule, "violation" means the failure of an owner, agent, or employee of a tanning facility to abide by IC 25-1-11-5 and local ordinances. *(State Board of Cosmetology Examiners; 820 IAC 5-1-15; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1378; filed Sep 17, 1998, 3:55 p.m.: 22 IR 457; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-15) to the State Board of Cosmetology Examiners (820 IAC 5-1-15) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-16 License to operate required
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4-5

Sec. 16. A person may not charge a fee for the use of sunlamp products unless the person has a license from the board of cosmetology examiners to operate a tanning facility. A separate license must be obtained for each tanning facility the person operates. *(State Board of Cosmetology Examiners; 820 IAC 5-1-16; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1378; filed Sep 17, 1998, 3:55 p.m.: 22 IR 457; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-16) to the State Board of Cosmetology Examiners (820 IAC 5-1-16) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-17 License period
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4-9

Sec. 17. A license to operate a tanning facility under this rule shall expire on July 1 of the second succeeding year following the date the license was issued. *(State Board of Cosmetology Examiners; 820 IAC 5-1-17; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1378; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-17) to the State Board of Cosmetology Examiners (820 IAC 5-1-17) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-18 License transfers
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4-9

Sec. 18. A license can only be transferred when the tanning facility has moved location. Changing ownership of the tanning facility requires a new license. *(State Board of Cosmetology Examiners; 820 IAC 5-1-18; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1378; filed Sep 17, 1998, 3:55 p.m.: 22 IR 457; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-18) to the State Board of Cosmetology Examiners (820 IAC 5-1-18) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-19 Repealed

Sec. 19. *(Repealed by State Board of Cosmetology Examiners; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461)*

820 IAC 5-1-20 License application required
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4

Sec. 20. To obtain a license to operate a tanning facility, a person must do the following:

(1) File an application with the board on a form prescribed by the board. Such information shall include the following:

(A) The name, address, and telephone number of the following:

(i) The tanning facility.

(ii) The owner of the tanning facility.

(iii) If the licensee is a corporation, all shareholders owning five percent (5%) or greater who own a sunlamp product.

(iv) If the licensee is a partnership, all partners of a business who own a sunlamp product.

(v) All settlors, trustees, and beneficiaries of trusts who own a sunlamp product.

(B) If the facility is mobile, the location, by address, at which the facility will be parked during the hours it is open for business.

(C) A signed and dated certification that the applicant has read and understands the requirements of this rule.

(D) All additional information requested by the department to substantiate that the proposed facility can reasonably be expected to provide access to sunlamp products without causing a health or safety hazard to its customers.

(2) Pay a fee of two hundred dollars ($200).

(3) Each person operating a tanning facility on the effective date of this rule shall apply for a permit no later than sixty (60) days following the effective date of this rule.

(4) Each person establishing or acquiring a tanning facility after the effective date of this rule shall apply to the board for a license and obtain such license prior to operating the facility.

(5) The owner shall maintain and make available for inspection written records that must include the:

(A) manufacturer;

(B) year and month of manufacture;

(C) model number;

(D) serial number; and

(E) type;

of each sunlamp product located within the facility.

(State Board of Cosmetology Examiners; 820 IAC 5-1-20; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1378; filed Sep 17, 1998, 3:55 p.m.: 22 IR 457; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-20) to the State Board of Cosmetology Examiners (820 IAC 5-1-20) by P.L.142-1995, SECTION 33, effective July 1, 1995.

820 IAC 5-1-21 License to be displayed
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4-10

Sec. 21. A person holding a tanning facility license issued under this rule shall display the license in a manner that is clearly visible to customers using the tanning facility. *(State Board of Cosmetology Examiners; 820 IAC 5-1-21; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1379; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-21) to the State Board of Cosmetology Examiners (820 IAC 5-1-21) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-22 Notification of changes
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4-7

Sec. 22. The operator of a tanning facility shall notify the board in writing before making any changes to the facility or its operating procedures which would require amendment of any information previously submitted to the board in accordance with this rule. Changing ownership of the tanning facility requires the new owner to obtain a new license. *(State Board of Cosmetology Examiners; 820 IAC 5-1-22; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1379; filed Sep 17, 1998, 3:55 p.m.: 22 IR 458; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-22) to the State Board of Cosmetology Examiners (820 IAC 5-1-22) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-23 Equipment construction
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4-14

Sec. 23. Sunlamp products shall meet the following codes:

(1) All sunlamp product electrical circuits shall be listed by the Underwriter Laboratories (UL) or the Electrical Testing Laboratories (ETL).

(2) Defective or burned out lamps or filters shall be replaced with a type intended for use in that device as specified on the product label or certified by the manufacturer to be equivalent to those specified on the product label.

(State Board of Cosmetology Examiners; 820 IAC 5-1-23; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1379; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-23) to the State Board of Cosmetology Examiners (820 IAC 5-1-23) by P.L.142-1995, SECTION 33, effective July 1, 1995.

820 IAC 5-1-24 Consumer protection
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4-14

Sec. 24. There shall be physical barriers to protect customers from injury induced by touching or breaking the lamps in a sunlamp product. Each customer shall be shown how to use suitable physical aids. Each customer shall be shown how to maintain the proper exposure distance recommended by the manufacturer. There shall also be the following requirements:

(1) The construction of a tanning booth shall be such that it will withstand the stress of use and the impact of a falling person.

(2) There shall be physical barriers or other means such as handrails or floor markings to indicate the proper exposure distance between ultraviolet lamps and the customer's skin in upright tanning booths.

(3) Each ultraviolet lamp contained within the sunlamp product shall be shielded to prevent contact with the customer. A screen or transparent cover shall be used for this purpose.

(4) Body contact surfaces of each sunlamp product shall be sanitized by the operator between each customer use by swabbing the body contact surfaces with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution as stated in section 25(d)(1), 25(d)(2), 25(d)(3), or 25(d)(4) of this rule. The swabbing shall be accomplished with single use towels. Exposure to the ultraviolet radiation produced by the tanning equipment itself is not a sanitizing agent for the purposes of this rule.

(5) The operator of a tanning facility shall keep a list of emergency telephone numbers in view at each tanning facility. This list shall include the telephone numbers of the following:
(A) Closest hospital.
(B) Fire department.
(C) Emergency medical services or, if the service is available, 911.

(State Board of Cosmetology Examiners; 820 IAC 5-1-24; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1379; filed Sep 17, 1998, 3:55 p.m.: 22 IR 458; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-24) to the State Board of Cosmetology Examiners (820 IAC 5-1-24) by P.L.142-1995, SECTION 33, effective July 1, 1995.

820 IAC 5-1-25 Protective eyewear
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4-14

Sec. 25. (a) No person shall be allowed to use a sunlamp product unless protective eyewear is worn.

(b) Each consumer shall be provided with protective eyewear and instructions for its use.

(c) The spectral transmittance of the protective eyewear required by this section shall not exceed a value of one-thousandth (0.001) over the wavelength through a range of greater than two hundred (200) nanometers through three hundred twenty (320) nanometers, and a value of one-hundredth (0.01) over the wavelength range of greater than three hundred twenty (320) nanometers through four hundred (400) nanometers, and shall be sufficient over the wavelength greater than four hundred (400) nanometers to enable the user to see clearly enough to prevent injury and to turn the timer off.

(d) Protective eyewear provided by the operator shall be sanitized by the operator before each use by:
(1) immersion for at least one (1) minute in a clean solution containing at least two hundred (200) milligrams per liter (two hundred (200) parts per million) of available quaternary ammonium compound at a temperature of at least seventy-five (75) degrees Fahrenheit;
(2) immersion for at least one (1) minute in a clean solution containing at least fifty (50) milligrams per liter (fifty (50) parts per million) of available chlorine as a hypochlorite and at a temperature of at least seventy-five (75) degrees Fahrenheit;
(3) immersion for at least one (1) minute in a clean solution containing at least twelve and one-half (12.5) milligrams per liter (twelve and one-half (12.5) parts per million) of available iodine and at a pH of which the efficacy has been demonstrated to be effective by the manufacturer and at a temperature of at least seventy-five (75) degrees Fahrenheit;
(4) immersion in a clean solution containing any other chemical sanitizing agent approved by the department that will provide the equivalent bactericidal effect of a solution containing at least fifty (50) milligrams per liter of available chlorine as hypochlorite at a temperature of at least seventy-five (75) degrees Fahrenheit for one (1) minute; or
(5) swabbing with a chemical sanitizing solution of the same strength required under subdivision (1) if quaternary ammonium compounds are used or at least twice the strength required for that particular sanitizing solution if halogens are used under subdivisions (2) through (4).

(e) A test kit or other device that accurately measures the concentration of the sanitizing solution in parts per million shall be provided and used to measure the strength of the sanitizing solution at least once each day of tanning facility operation.

(f) Exposure to the ultraviolet radiation produced by the tanning equipment itself is not considered a sanitizing agent.

(g) Each sunlamp product shall be accompanied by at least the number of sets of protective eyewear that is equal to the number of customers who can simultaneously use the facility. Eyewear shall be provided and shall meet or exceed the sunlamp product manufacturer's recommendations. *(State Board of Cosmetology Examiners; 820 IAC 5-1-25; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1379; filed Sep 17, 1998, 3:55 p.m.: 22 IR 458; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-25) to the State Board of Cosmetology Examiners (820 IAC 5-1-25) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-26 Limiting exposure
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4-14

Sec. 26. Each customer shall be limited to less than or equal to the maximum exposure time recommended by the manufacturer of the sunlamp product. However, in no event shall exposure at a tanning facility be allowed for more than the manufacturer's recommended exposure time for a given skin type in any twenty-four (24) hour period. *(State Board of Cosmetology Examiners; 820 IAC 5-1-26; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1380; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-26) to the State Board of Cosmetology Examiners (820 IAC 5-1-26) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-27 Equipment controls
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4-14

Sec. 27. (a) A control or kill switch must be incorporated on each sunlamp product which enables the customer to manually terminate radiation without disconnecting the electrical plug or coming into contact with the ultraviolet lamp.

(b) The electric power supply for each sunlamp product must run through a control or kill switch that will enable the operator to manually terminate the radiation. There must be a clear wide path to the kill switches. There shall be no obstructions of any kind in front of the kill switches, including, but not limited to, a circuit breaker cover, chairs, or any boxes or storage on the floor. The controller kill switch must be outside of the room that contains the sunlamp products. *(State Board of Cosmetology Examiners; 820 IAC 5-1-27; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1380; filed Sep 17, 1998, 3:55 p.m.: 22 IR 459; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-27) to the State Board of Cosmetology Examiners (820 IAC 5-1-27) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-28 Sunlamp product maintenance
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4-14

Sec. 28. (a) No customer shall be allowed to use a sunlamp product having a defective timer.

(b) All sunlamp products shall be maintained in compliance with this rule concerning repair, labeling, and alteration and accessibility of timing devices. If a part must be replaced, the defective part

shall be replaced with a part which complies with 21 CFR 1040.20(c) (April 1988 Edition). Sunlamp products shall be maintained as follows:

(1) For each sunlamp product and ultraviolet lamp, the ratio of the irradiance within the wavelength range of greater than two hundred (200) nanometers through two hundred sixty (260) nanometers to the irradiance within the wavelength range of greater than two hundred sixty (260) nanometers through three hundred twenty (320) nanometers shall not exceed three-thousandths (0.003) at any distance or direction from the product or lamp.

(2) Each sunlamp product shall incorporate a timing device with multiple timer settings adequate for the manufacturer's recommended exposure intervals as follows:

(A) The timer may not automatically reset and cause radiation emission to resume for a period greater than the unused portion of the timer cycle when emission from the sunlamp product has been terminated.

(B) The timing device shall not automatically reset when emission from the sunlamp product has been terminated. This requirement does not preclude the ability of the customer to reset the time.

(C) The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time. No timer shall have an error greater than ten percent (10%) of the maximum timer interval for the product.

(State Board of Cosmetology Examiners; 820 IAC 5-1-28; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1380; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-28) to the State Board of Cosmetology Examiners (820 IAC 5-1-28) by P.L.142-1995, SECTION 33, effective July 1, 1995.

820 IAC 5-1-29 Warning sign

Authority: IC 25-8-15.4-23

Affected: IC 25-8-15.4-12; IC 25-8-15.4-13

Sec. 29. An operator of a tanning facility shall conspicuously display warning signs in accordance with the following:

(1) A warning sign shall be posted in each tanning facility room where customers arrange for the use of a sunlamp product, in each tanning facility room where customers wait to use a sunlamp product, and in the immediate proximity of and no less than one (1) meter or thirty-nine (39) inches from each sunlamp product. The warning sign shall be readily legible, clearly visible, and not obstructed by any barrier, equipment, or other item present so that the customer can easily view the warning sign before energizing the ultraviolet light generating equipment. The warning sign shall meet the following requirements:

(A) The uppercase letters on the warning sign in the room where the customers pay for the use of a sunlamp product and in the room where the customers wait to use a sunlamp product shall be at least eighteen (18) millimeters or eleven-sixteenths (11/16) inch tall and the lowercase letters shall be at least thirteen (13) millimeters or one-half (1/2) inch tall.

(B) The uppercase letters on the warning sign in the immediate proximity of the sunlamp product shall be at least ten (10) millimeters or seven-sixteenths (7/16) inch tall and the lowercase letters shall be five (5) millimeters or one-fourth (1/4) inch tall.

(2) The warning signs required by subdivision (1) shall state the following:

WARNING: ULTRAVIOLET RADIATION

FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES

1. Protective eyewear is required by law.
2. Follow instructions.
3. Avoid overexposure. As with natural sunlight, exposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause skin cancer or chronic sun damage characterized by wrinkling, dryness, fragility and bruising of the skin.
4. Ultraviolet radiation from sunlamps will aggravate the effects of the sun. Therefore, do not sunbathe before or after exposure to ultraviolet radiation.
5. Medication or cosmetics may increase sensitivity to ultraviolet radiation. Consult a physician before using a sunlamp if you are using medications, have history of skin problems, or believe you are especially sensitive to sunlight. Individuals on birth control medication who use this product may develop discolored skin.

IF YOU DO NOT TAN IN THE SUN IT IS UNLIKELY THAT YOU WILL TAN FROM THE USE OF THIS DEVICE

(State Board of Cosmetology Examiners; 820 IAC 5-1-29; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1381; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-29) to the State Board of Cosmetology Examiners (820 IAC 5-1-29) by P.L.142-1995, SECTION 33, effective July 1, 1995.

820 IAC 5-1-30 Customer warning

Authority: IC 25-8-15.4-23

Affected: IC 25-8-15.4-11

Sec. 30. Before a person uses a tanning device in a tanning facility, the operator, owner, or employee of the operator or owner of the tanning facility shall require the person to read and sign a written statement approved by the department that contains the following information:

(1) A person who uses a tanning device in this tanning facility must use protective eyewear.

(2) If the provided eye protection is not worn, use of a tanning device in this tanning facility may cause damage to the eyes.

(3) Overexposure to the ultraviolet radiation produced by a tanning device in this tanning facility may cause burns.

(4) Exposure to the ultraviolet radiation produced by the tanning devices in this tanning facility may cause premature aging of the skin and skin cancer.

(5) Abnormal skin sensitivity to ultraviolet radiation or burning may be caused by certain foods, cosmetics, or medication, including the following:

(A) Tranquilizers.
(B) Diuretics.
(C) Antibiotics.
(D) High blood pressure medication.
(E) Birth control medication.
(F) Other photosensitizing agents as determined under rules adopted by the board.

(6) An individual who is taking a prescription drug or over-the-counter drug should consult a physician before using a tanning device.

(State Board of Cosmetology Examiners; 820 IAC 5-1-30; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1381; filed Sep 17, 1998, 3:55 p.m.: 22 IR 459; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-30) to the State Board of Cosmetology Examiners (820 IAC 5-1-30) by P.L.142-1995, SECTION 33, effective July 1, 1995.

820 IAC 5-1-31 Parental supervision
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4-15

Sec. 31. (a) A person who is less than sixteen (16) years of age must be accompanied by a parent or guardian while the child is using a sunlamp product in a tanning facility and while that sunlamp product is in use.

(b) A person who is less than eighteen (18) years of age may not use a sunlamp product in a tanning facility unless the parent or guardian of the person has also signed the written statement under section 34 of this rule in the presence of the operator of the tanning facility. *(State Board of Cosmetology Examiners; 820 IAC 5-1-31; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1382; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-31) to the State Board of Cosmetology Examiners (820 IAC 5-1-31) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-32 Records
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4-14

Sec. 32. The operator shall require each customer to fill out a form specifying home address, phone number, and age. This form shall be kept as a permanent record of the individual's attendance. *(State Board of Cosmetology Examiners; 820 IAC 5-1-32; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1382; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-32) to the State Board of Cosmetology Examiners (820 IAC 5-1-32) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-33 Assurance of notification
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4

Sec. 33. (a) Each time a customer uses a tanning facility, or each time a customer executes or renews a contract to use a tanning facility, the customer must, before using a sunlamp product, sign a written statement that he or she:

(1) has read and understood the warnings specified in sections 29 through 30 of this rule before using the device;
(2) agrees to use the protective eyewear that the tanning facility provides;
(3) understands that some people who are not susceptible to tanning under natural sunlight may also not be susceptible to tanning under artificial light; and
(4) has not used a tanning device within the past twenty-four (24) hours.

(b) For visually handicapped persons, the warning statement shall be read by the operator in the presence of a witness. Both the witness and the operator shall sign the statement.

(c) The owner or operator must maintain for a period not less than twenty-four (24) months, a record signed by the customer that he or she has read and understood the warning required in sections 29 through 30 of this rule.

(d) Records of each customer's total number of tanning visits and tanning times must be kept at the tanning facility and available for inspection for one (1) year. In addition, records up to five (5) years old must be provided to the board on request, although they need not be kept at the tanning facility. It is recommended that records be kept permanently, as potentially adverse health effects from tanning may not become apparent within five (5) years. *(State Board of Cosmetology Examiners; 820 IAC 5-1-33; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1382; filed Sep 17, 1998, 3:55 p.m.: 22 IR 460; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-33) to the State Board of Cosmetology Examiners (820 IAC 5-1-33) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-34 Training
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4-14

Sec. 34. (a) Each operator must be adequately trained prior to serving the customers. Training shall include the following:

(1) The requirements of sections 22 through 33 of this rule.
(2) Procedures for correct operation of the facility.
(3) How to recognize injury or overexposure.
(4) Manufacturer's procedures for operation and maintenance of sunlamp products.
(5) Emergency procedures in case of injury.

(b) A list of operators trained in accordance with this section shall be maintained and available at the facility during employment and for a period of one (1) year after termination. The list shall include the name, last known mailing address, and home telephone number of each operator. *(State Board of Cosmetology Examiners; 820 IAC 5-1-34; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1382; filed Sep 17, 1998, 3:55 p.m.: 22 IR 460; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-34) to the State Board of Cosmetology Examiners (820 IAC 5-1-34) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-35 Local zoning requirements
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4-7

Sec. 35. Tanning facilities shall meet all requirements of the local zoning commission and shall be approved by said commission before construction or operation begins. *(State Board of Cosmetology Examiners; 820 IAC 5-1-35; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1382; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-35) to the State Board of Cosmetology Examiners (820 IAC 5-1-35) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-36 Safe water supply
Authority: IC 25-8-15.4-23
Affected: IC 25-8-15.4-14

Sec. 36. A tanning facility shall be provided with safe, potable water. *(State Board of Cosmetology Examiners; 820 IAC 5-1-36; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1383; filed Sep 17, 1998, 3:55 p.m.: 22 IR 460; errata, 22 IR 3420; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-36) to the State Board of Cosmetology Examiners (820 IAC 5-1-36) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-37 Repealed

Sec. 37. *(Repealed by State Board of Cosmetology Examiners; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461)*

820 IAC 5-1-38 Repealed

Sec. 38. *(Repealed by State Board of Cosmetology Examiners; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461)*

820 IAC 5-1-39 Repealed

Sec. 39. *(Repealed by State Board of Cosmetology Examiners; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461)*

820 IAC 5-1-40 Repealed

Sec. 40. *(Repealed by State Board of Cosmetology Examiners; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461)*

820 IAC 5-1-41 Repealed

Sec. 41. *(Repealed by State Board of Cosmetology Examiners; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461)*

820 IAC 5-1-42 Repealed

Sec. 42. *(Repealed by State Board of Cosmetology Examiners; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461)*

820 IAC 5-1-43 Repealed

Sec. 43. *(Repealed by State Board of Cosmetology Examiners; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461)*

820 IAC 5-1-44 Repealed

Sec. 44. *(Repealed by State Board of Cosmetology Examiners; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461)*

820 IAC 5-1-45 Repealed

Sec. 45. *(Repealed by State Board of Cosmetology Examiners; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461)*

820 IAC 5-1-46 Repealed

Sec. 46. *(Repealed by State Board of Cosmetology Examiners; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461)*

820 IAC 5-1-47 Repealed

Sec. 47. *(Repealed by State Board of Cosmetology Examiners; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461)*

820 IAC 5-1-48 Advertising requirements

Authority: IC 25-8-15.4-23

Affected: IC 25-8-15.4-13

Sec. 48. A tanning facility owner or operator shall not claim, or distribute promotional material that claims, that using a sunlamp product is safe or free from risk. A tanning facility owner or operator shall not advertise or promote special unlimited use of the tanning facilities that encourage customers to repetitively use the facility beyond the manufacturer's recommended limits for a twenty-four (24) hour period. *(State Board of Cosmetology Examiners; 820 IAC 5-1-48; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1384; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-48) to the State Board of Cosmetology Examiners (820 IAC 5-1-48) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-49 Levying civil penalties

Authority: IC 25-8-15.4-23

Affected: IC 4-21.5; IC 25-8-15.4

Sec. 49. (a) The board may commence an action to levy civil penalties against the owner or operator of a tanning facility who does either of the following:

(1) Fails to comply with any federal, state, or local statute, rule, or ordinance regarding sunlamp products or the operation of any enterprise that owns sunlamp products.

(2) Interferes with or obstructs the board or its designated agent in the performance of its duties.

(b) A civil penalty shall not exceed one thousand dollars ($1,000) per violation and the absence of harm will not result in assessment of a lower penalty for a violation.

(c) In the determination of the seriousness of the violation and the specific amount of the civil penalty to be sought for each violation, the department will consider the following:

(1) The potential for harm or imminent threat to public health.

(2) The extent of deviation from statutory or regulatory requirements.

(3) The degree of willfulness or negligence.

(4) Any history of noncompliance.

(d) After determining the appropriate penalty based on the schedule in this section, the department may adjust the penalty to reflect a good faith effort to comply by the owner or operator of a tanning facility.

(e) Each individual penalty may be multiplied by the number of days the particular violation occurred.

(f) After filing an action under IC 4-21.5, and in an attempt to resolve violations without resort to a hearing, the department may negotiate and enter into agreed orders. An agreed order may suspend all or part of the civil penalty calculated under the requirements and deadlines established in the agreed order. *(State Board of Cosmetology Examiners; 820 IAC 5-1-49; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1384; filed Sep 17, 1998, 3:55 p.m.: 22 IR 460; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-49) to the State Board of Cosmetology Examiners (820 IAC 5-1-49) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-50 Incorporation by reference

Authority: IC 25-8-15.4-23

Affected: IC 25-8-15.4

Sec. 50. When used in this rule, 21 CFR 1040.20, (April 1988) is hereby incorporated by reference. This federal rule as incorporated does not include any later amendments than those specified in the incorporation citation. Sales of the CFR are handled exclusively by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The incorporated material is available for public review at the Indiana state department of health. *(State Board of Cosmetology Examiners; 820 IAC 5-1-50; filed Mar 17, 1992, 10:20 a.m.: 15 IR 1385; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236) NOTE: Transferred from the Indiana State Department of Health (410 IAC 6-13-50) to the State Board of Cosmetology Examiners (820 IAC 5-1-50) by P.L.142-1995, SECTION 33, effective July 1, 1995.*

820 IAC 5-1-51 Injuries

Authority: IC 25-8-15.4-23

Affected: IC 25-8-15.4

Sec. 51. Operators must promptly report any injury that:

(1) would be considered life threatening;
(2) could result in permanent injury; or
(3) could necessitate any form of medical treatment or first aid.
(State Board of Cosmetology Examiners; 820 IAC 5-1-51; filed Sep 17, 1998, 3:55 p.m.: 22 IR 461; readopted filed Jul 17, 2001, 9:57 a.m.: 24 IR 4236)

ARTICLE 6. Continuing Education; Repealed
(Repealed by State Board of Cosmetology Examiners; Filed October 25, 2006, 20061025-IR-820060108FRA)