

# Indiana Board of Chiropractic Examiners

A compilation of the Indiana Code and Indiana Administrative Code

2008 Edition



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**NOTICE:** This compilation incorporates the most recent revisions of statutes and administrative rules governing the chiropractor profession, as of July 1, 2008. Note that this compilation is not an official version of the Indiana Code. It is distributed as a general guide to the chiropractor profession by the Indiana Board of Chiropractic Examiners and the Indiana Professional Licensing Agency. It is not intended to be offered as legal advice, and it may contain typographical errors. The Indiana Board of Chiropractic Examiners and 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](http://www.in.gov/legislative).

# INDIANA BOARD OF CHIROPRACTIC EXAMINERS

July 2008 Edition

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INDIANA CODE § 25-10

ARTICLE 10. CHIROPRACTORS

INDIANA CODE § 25-10-1

Chapter 1. Regulation of Chiropractors; Creation of Board

IC 25-10-1-1 Definitions

Sec. 1. As used in this article:

(1) "Chiropractic" means the diagnosis and analysis of any interference with normal nerve transmission and expression, the procedure preparatory to and complementary to the correction thereof by an adjustment of the articulations of the vertebral column, its immediate articulation, and includes other incidental means of adjustments of the spinal column and the practice of drugless therapeutics. However, chiropractic does not include any of the following:

- (A) Prescription or administration of legend drugs or other controlled substances.
- (B) Performing of incisive surgery or internal or external cauterization.
- (C) Penetration of the skin with a needle or other instrument for any purpose except for the purpose of blood analysis.
- (D) Use of colonic irrigations, plasmatrics, ionizing radiation therapy, or radionics.
- (E) Conducting invasive diagnostic tests or analysis of body fluids except for urinalysis.
- (F) The taking of x-rays of any organ other than the vertebral column and extremities.
- (G) The treatment or attempt to treat infectious diseases, endocrine disorders, or atypical or abnormal histology.

(2) "Chiropractor" means any person who is qualified under this chapter to practice the science of chiropractic.

(3) "Board" means the board of chiropractic examiners under section 1.5 of this chapter.

(4) "Agency" refers to the Indiana professional licensing agency under IC 25-1-5.

*(Formerly: Acts 1955, c.42, s.1.) As amended by Acts 1981, P.L.222, SEC.74; P.L.169-1985, SEC.33; P.L.1-2006, SEC.427.*

**IC 25-10-1-1.5 Board of chiropractic examiners; creation; appointment of members; tenure; powers and duties; expenses**

Sec. 1.5. (a) There is created a board of chiropractic examiners. The board shall consist of seven (7) members appointed by the governor, not more than four (4) of whom may be affiliated with the same political party. Six (6) of the board members must be licensed under this chapter and must have had at least five (5) years of experience as a chiropractor prior to their appointment. One (1) member is to represent the general public and must be:

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

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

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

as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

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

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

(f) The board may do the following:

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

(g) The board shall adopt rules establishing standards for the competent practice of the science of the chiropractic in accordance with IC 4-22-2.

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

*As added by Acts 1981, P.L.222, SEC.103. Amended by P.L.169-1985, SEC.34; P.L.149-1987, SEC.23; P.L.152-1988, SEC.7; P.L.235-1989, SEC.1; P.L.33-1993, SEC.24; P.L.125-1994, SEC.1; P.L.1-2006, SEC.428.*

**IC 25-10-1-2 Requirements for licensure**

Sec. 2. (a) A person who is at least eighteen (18) years of age and who has not been convicted of a crime that has a direct bearing on the person's ability to practice competently is eligible to be licensed to practice chiropractic in Indiana if the person is a graduate of an

incorporated chiropractic school or college incorporated for the purpose of teaching the science of chiropractic. The school or college must meet the reasonable requirements of the board and must be accredited by the Accreditation Commission of the Council on Chiropractic Education during the applicant's attendance at the accredited school or college. The board may not discriminate against a chiropractic school or college that meets these requirements.

(b) In addition to the requirements in subsection (a), an applicant for a license to practice chiropractic must have completed at least two (2) years (sixty (60) semester hours) of education in a college or university of learning accredited by an accrediting agency that has been approved by the United States Department of Education before the applicant's training and education in a chiropractic school or college.

*(Formerly: Acts 1955, c.42, s.2; Acts 1973, P.L.252, SEC.6.) As amended by Acts 1981, P.L.222, SEC.104; Acts 1982, P.L.113, SEC.45; P.L.169-1985, SEC.35; P.L.149-1987, SEC.24; P.L.152-1988, SEC.6; P.L.235-1989, SEC.2; P.L.186-1990, SEC.8; P.L.33-1993, SEC.18; P.L.234-1995, SEC.16.*

### **IC 25-10-1-3 Examinations**

Sec. 3. (a) All examinations of applicants for a license to practice chiropractic shall be held at the times and places as the board shall direct. The application for a license shall be accompanied by an examination fee established by the board.

(b) Any applicant failing in any examination and being refused a license shall be entitled to take a subsequent examination upon the payment of an additional examination fee fixed by the board. An applicant failing in any examination shall be entitled to take a subsequent examination at the next regular examination.

*(Formerly: Acts 1955, c.42, s.3.) As amended by Acts 1981, P.L.222, SEC.105; P.L.152-1988, SEC.8.*

### **IC 25-10-1-4 Waiver of educational requirements; examination**

Sec. 4. Applicants who are and have been residents of the state of Indiana and who have practiced chiropractic in the state of Indiana for at least one (1) year immediately prior to December 1, 1954, shall be exempted from the educational requirements as provided by this chapter: provided, that application for a license and examination shall be made within sixty (60) days after March 4, 1955. All such applicants shall be given an examination in accordance with the provisions of this chapter, to determine their ability to practice chiropractic. Such applicants shall not be discriminated against by the board for their participation in any legal proceedings brought under the provisions of the former Indiana Medical Practice Act, (Acts 1897, c.169, as amended) where the primary issue was the practicing of chiropractic, as defined in this chapter, without having a license to practice medicine. Such applications shall be accompanied by the affidavits of two (2) freeholders stating therein that the applicant has practiced chiropractic in this state for a period of at least one (1) year prior to December 1, 1954.

*(Formerly: Acts 1955, c.42, s.4.) As amended by Acts 1982, P.L.154, SEC.37.*

### **IC 25-10-1-5 License by reciprocity**

Sec. 5. Any applicant may, upon the payment of a fee established by the board, be granted a license, without an examination, providing that the applicant submits satisfactory evidence to the board that the applicant has been licensed to practice chiropractic in another state for at least three (3) years under qualifications substantially equivalent to those specified in this chapter for a license to practice chiropractic.

*(Formerly: Acts 1955, c.42, s.5.) As amended by Acts 1981, P.L.222, SEC.106; P.L.234-1995, SEC.17.*

### **IC 25-10-1-5.5 Temporary permits for chiropractic school graduates**

Sec. 5.5. (a) The board may issue a temporary permit to a graduate of a chiropractic school to manually manipulate, manually adjust, or manually mobilize the spinal column or vertebral column of an individual if the graduate applying for the permit is:

- (1) qualified to become a licensed chiropractor by examination; and
- (2) employed by and under the direct supervision of a chiropractor licensed under this chapter.

(b) A temporary permit issued under this section expires on the day after the board releases the results of the next examination given by the board.

(c) The board may not issue a temporary permit under this section to an individual who has failed an examination under this chapter.

*As added by P.L.235-1989, SEC.3.*

### **IC 25-10-1-5.6 Persons licensed in other jurisdictions; temporary permits**

Sec. 5.6. A person who:

- (1) is licensed to practice chiropractic by a board or licensing agency of another state or jurisdiction; and
- (2) meets the requirements established by the board under section 1.5 of this chapter;

may be issued a temporary permit limited by terms and conditions considered appropriate by the board. A temporary permit issued under this section is valid for a nonrenewable period of not more than thirty (30) days.

*As added by P.L.48-1991, SEC.22.*

### **IC 25-10-1-6 Renewal of licenses; fee; display; retirement of chiropractor; inactive license; discipline**

Sec. 6. (a) A license issued under this chapter is valid until the next renewal date described under subsection (b).

(b) All licenses issued by the board shall be subject to renewal biennially on a date established by the licensing agency under IC 25-1-5-4. A renewal license fee established by the board under IC 25-1-8-2 must be paid to the board on or before the date established by the licensing agency, and if not paid on or before that date, the license expires and becomes invalid without any action taken by the board.

(c) An individual whose license has been expired for not more than three (3) years may have the license reinstated upon meeting the requirements for reinstatement under IC 25-1-8-6(c).

(d) If more than three (3) years have elapsed since the date a license under this chapter expired, the individual holding the license may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

(e) A license must be displayed in the office or the place of practice of the licensee.

(f) Each applicant for renewal shall furnish evidence of attendance during each preceding licensing year at not less than one (1) chiropractic educational conference or seminar approved by the board. The conference or seminar may be conducted by an established chiropractic organization or college. This requirement does not apply to the applicant's first licensing year. If an applicant fails to comply with this subsection, the applicant's license expires and becomes invalid at midnight of the renewal date and may be reinstated only upon application and the payment of a fee established by the board and proper showing to the board that there has been a makeup by the applicant of the omitted educational work.

(g) Any chiropractor licensed to practice chiropractic in this state who intends to retire from practice shall notify the board in writing of the chiropractor's intention to retire and shall surrender the license to the board. Upon receipt of this notice and license, the board shall record the fact that the chiropractor is retired and excuse the person from further payment of license renewal fees and attendance at license renewal

seminars. If any chiropractor surrenders the license to practice chiropractic in this state, the chiropractor's reinstatement may be considered by the board on the chiropractor's written request. If any disciplinary proceedings under this chapter are pending against a chiropractor, the chiropractor may not surrender the license without the written approval of the board.

(h) Any chiropractor licensed to practice chiropractic in this state who intends to become inactive in the practice of chiropractic shall notify the board in writing that the chiropractor will not maintain an office or practice chiropractic in Indiana. The board shall then classify the chiropractor's license as inactive. The renewal fee of the inactive license is one-half (1/2) of the license renewal fee, and the chiropractor shall not be required to attend license renewal seminars. If a chiropractor holding an inactive license intends to maintain an office or practice chiropractic, the chiropractor shall notify the board of that intent. The board may reinstate that chiropractor's license upon notification and receipt of:

- (1) an application;
- (2) payment of the current renewal fee;
- (3) payment of the current reinstatement fee; and
- (4) evidence of attendance of one (1) educational conference approved by the board for each year or portion of a year of inactive license classification.

(i) The board shall discipline a practitioner of the chiropractic in accordance with IC 25-1-9.

*(Formerly: Acts 1955, c.42, s.6; Acts 1963, c.366, s.2; Acts 1965, c.44, s.1.) As amended by Acts 1977, P.L.172, SEC.9; Acts 1981, P.L.222, SEC.107; P.L.169-1985, SEC.36; P.L.149-1987, SEC.25; P.L.152-1988, SEC.9; P.L.48-1991, SEC.23; P.L.105-2008, SEC.26.*

#### **IC 25-10-1-6.5 Repealed**

*(Repealed by P.L.152-1988, SEC.30.)*

#### **IC 25-10-1-7 Service in Armed Forces disrupting chiropractic education**

Sec. 7. Any applicant for a license to practice chiropractic who is a graduate of a legally incorporated chiropractic school, institution or college, and who can produce satisfactory evidence to the board that his chiropractic education was interrupted by reason of his induction or enlistment into the active armed forces of the United States and that he received an honorable discharge from such forces, shall be entitled to have his date of graduation determined as if he had completed his course of study in chiropractic without such interruption.

*(Formerly: Acts 1955, c.42, s.7.)*

#### **IC 25-10-1-8 Repealed**

*(Repealed by Acts 1981, P.L.222, SEC.296.)*

#### **IC 25-10-1-9 Rights of practitioner holding license under article governing practice of medicine**

Sec. 9. Nothing in this chapter shall in any manner repeal, modify, or change any right, privilege, authority or license granted a practitioner of chiropractic holding a license under IC 25-22.5.

*(Formerly: Acts 1955, c.42, s.10.) As amended by Acts 1982, P.L.154, SEC.38.*

#### **IC 25-10-1-10 Fees; use and disposition**

Sec. 10. All fees collected under this chapter shall be deposited in the general fund of this state and shall be paid out only by warrant of the auditor of state, upon the treasurer of state. All money appropriated to the board shall be used for the purpose of administering this chapter and may not be used for any other purposes.

*(Formerly: Acts 1955, c.42, s.11.) As amended by Acts 1982, P.L.154, SEC.39; P.L.169-1985, SEC.38.*

#### **IC 25-10-1-11 Necessity of license; violations**

Sec. 11. (a) No person may practice chiropractic or hold out as a chiropractor without a license to practice chiropractic in Indiana.

(b) A person who violates this chapter commits a Class A misdemeanor.

*(Formerly: Acts 1955, c.42, s.12.) As amended by Acts 1978, P.L.2, SEC.2524; P.L.234-1995, SEC.18.*

#### **IC 25-10-1-12 Repealed**

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

#### **IC 25-10-1-13 Employees; act, duty, or function**

Sec. 13. (a) Subject to subsection (b), an employee of a chiropractor licensed under this article may perform an act, duty, or function that is within the specific scope of practice of the employing chiropractor, if the act, duty, or function is:

- (1) performed under the direction and supervision of the employing chiropractor; and
- (2) reported to the employing chiropractor.

(b) An employee of a chiropractor who is not licensed as a chiropractor or a physician may not:

- (1) make a diagnosis or prescribe a treatment; or
- (2) manipulate, adjust, or mobilize the spinal column or vertebral column of an individual.

(c) This section does not grant the employee of a chiropractor independent practitioner status or the authority to perform patient services in an independent practice.

*As added by P.L.244-1985, SEC.1.*

#### **IC 25-10-1-14 Necessity of license; injunction or order; physical therapists**

Sec. 14. (a) This section applies to all persons, including persons listed in IC 25-22.5-1-2.

(b) A person may manually manipulate, manually adjust, or manually mobilize the spinal column or the vertebral column of an individual only if the person is:

- (1) a chiropractor who has been issued a license under this chapter;
- (2) a physician who has been issued an unlimited license to practice medicine under IC 25-22.5; or
- (3) an osteopathic physician who has been issued a license to practice osteopathic medicine under IC 25-22.5.

(c) A person may not delegate the manual manipulation, manual adjustment, or manual mobilization of the spinal column or the vertebral column of an individual to another person, unless the other person is:

- (1) licensed as a chiropractor under this chapter;
- (2) licensed as a physician with an unlimited license to practice medicine under IC 25-22.5;
- (3) licensed as an osteopathic physician with a license to practice osteopathic medicine under IC 25-22.5;
- (4) a student in the final year of course work at an accredited chiropractic school participating in a preceptorship program and working under the direct supervision of a chiropractor licensed under this chapter; or
- (5) a graduate of a chiropractic school who holds a valid temporary permit issued under section 5.5 of this chapter.

(d) If a violation of subsection (b) or (c) is being committed:

- (1) the board in its own name;
- (2) the board in the name of the state; or
- (3) the prosecuting attorney of the county in which the violation occurs, at the request of the board and in the name of the state;

may apply for an order enjoining the violation from the circuit court of the county in which the violation occurs.

(e) Upon a showing that a person has violated subsection (b) or (c), the court may grant without bond an injunction, a restraining order, or other appropriate order.

(f) This section does not apply to a physical therapist practicing under IC 25-27. However, a physical therapist may not practice chiropractic (as defined in IC 25-10-1-1) or medicine (as defined in IC 25-22.5-1-1.1) unless licensed to do so.

*As added by P.L.245-1985, SEC.1. Amended by P.L.235-1989, SEC.4; P.L.33-1993, SEC.19.*

**IC 25-10-1-15 Admissibility of testimony regarding physician records or reports**

Sec. 15. In any legal proceeding, a chiropractor's testimony relating to records or reports of a licensed physician may be admissible as evidence in the legal proceeding if the:

- (1) chiropractor is qualified as an expert by the chiropractor's knowledge, skill, experience, training, or education; and
- (2) court is satisfied that the information is of the type reasonably relied upon by other chiropractors.

*As added by P.L.180-1997, SEC.1.*

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**INDIANA CODE § 25-10-2**

**Chapter 2. Chiropractic Management Consultants**

**IC 25-10-2-1 "Chiropractic management consultant" defined**

Sec. 1. As used in this chapter, "chiropractic management consultant" means any person doing business in Indiana for the purpose of offering consulting services to chiropractors regarding the administration and operation of their practice. The term does not include persons engaged in the medical claims review under IC 27-8-16 or utilization review under IC 27-8-17.

*As added by P.L.33-1993, SEC.25.*

**IC 25-10-2-2 Board powers; rules; registration fees**

Sec. 2. The board shall:

- (1) establish rules for the registration and regulation of a chiropractic management consultant; and
- (2) establish a registration fee to be paid annually by a chiropractic management consultant.

*As added by P.L.33-1993, SEC.25.*

**IC 25-10-2-3 Rules for registration and regulation; inclusions**

Sec. 3. Rules adopted under section 2(1) of this chapter shall include the regulation of advice on advertising, promotions, office management, fraudulent or misleading billing practices, and practice building regarding patient volume.

*As added by P.L.33-1993, SEC.25.*

**IC 25-10-2-4 Registration forms**

Sec. 4. If rules are established under section 2 of this chapter, a chiropractic management consultant must file an annual registration with the board on a form approved by the board.

*As added by P.L.33-1993, SEC.25.*

**IC 25-10-2-5 Registration fee**

Sec. 5. If a registration fee is set under section 2 of this chapter, a chiropractic management consultant must pay an annual registration fee in the amount set by the board under section 2 of this chapter.

*As added by P.L.33-1993, SEC.25.*

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INDIANA CODE § 25-1

ARTICLE 1. GENERAL PROVISIONS

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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.)

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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 or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- (9) Maintaining a common nuisance under IC 35-48-4-13.
- (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
- (13) 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 (12).

As added by P.L.67-1990, SEC.7. Amended by P.L.1-1991, SEC.162; P.L.17-2001, SEC.5; P.L.151-2006, SEC.10.

**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 or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) 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.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
- (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).
- (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

## 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 31-25-3-1.

As added by P.L.133-1995, SEC.19. Amended by P.L.145-2006, SEC.157.

#### 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 31-25-4-32(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) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under

IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;

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, which must include an income withholding order under IC 31-16-

15-2 or IC 31-16-15-2.5;

(C) request a hearing under IC 31-25-4-33.

(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 which includes an income withholding order under

IC 31-16-15-2 or IC 31-16-15-2.5.

(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 which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(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 which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

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 which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

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 which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

*As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.20; P.L.1-1997, SEC.110; P.L.145-2006, SEC.158; P.L.103-2007, SEC.7.*

#### **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.
- (31) Massage therapists.

*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; P.L.200-2007, SEC.2; P.L.3-2008, SEC.175.*

#### **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 therefor 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 investigator and security guard 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) State board of massage therapy.

(44) 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; P.L.185-2007, SEC.1; P.L.200-2007, SEC.3; P.L.3-2008, SEC.176.*

### 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.)*

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## 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.)

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**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.
- (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. Amended by P.L.2-2008, SEC.51.

**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 of 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 investigator and security guard licensing board (IC 25-30-1-5.2).
- (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 25-38.1-2).

As added by P.L.269-2001, SEC.2. Amended by P.L.157-2006, SEC.11; P.L.185-2007, SEC.2; P.L.2-2008, SEC.52.

**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:

- (1) that is approved by:
  - (A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or
  - (B) for a real estate appraiser:
    - (i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or
    - (ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and
- (2) 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. Amended by P.L.57-2007, SEC.1.

**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 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. Amended by P.L.2-2008, SEC.53.*

#### **IC 25-1-4-2 Promotion**

Sec. 2. A board or agency regulating a profession or occupation under this title or under 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. Amended by P.L.2-2008, SEC.54.*

#### **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 16 or IC 22 shall require that at least one-half (1/2) 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. Amended by P.L.2-2008, SEC.55.*

#### **IC 25-1-4-4 Hardship waiver**

Sec. 4. A board, a commission, a committee, or an agency regulating a profession or an occupation under this title or under 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. Amended by P.L.2-2008, SEC.56.*

#### **IC 25-1-4-5 Failure to comply; license suspension; penalties; reinstatement requirements**

Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter or IC 25-1-8-6 at the time that the practitioner applies for license renewal or reinstatement 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 or reinstatement, require the practitioner to comply with subsection (b).

(3) For license renewal, 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 or IC 25-1-8-6, if applicable, 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 or refuse to reinstate the license of the practitioner and send notice of the suspension or refusal 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's license; 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) or IC 25-1-8-6, if applicable.

*As added by P.L.157-2006, SEC.14. Amended by P.L.197-2007, SEC.17.*

#### **IC 25-1-4-6 Failure to comply; denial of license renewal; penalties**

Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter or IC 25-1-8-6, if applicable, 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 or reinstatement.

(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. Amended by P.L.197-2007, SEC.18.*

#### **IC 25-1-4-7 Credit Hours**

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 Rules

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 25-38.1-2).
- (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; P.L.2-2008, SEC.57.

#### 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 25-38.1-2).
- (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; P.L.2-2008, SEC.58.*

#### **IC 25-1-5-11 Provision of Social Security number; access to numbers**

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.*

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### **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 25-38.1).
- (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 investigator and security guard licensing board (IC 25-30-1-5.2).
- (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) State department of health, for out-of-state mobile health care facilities.

(38) State board of massage therapy (IC 25-21.8-2-1)

(39) 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; P.L.185-2007, SEC.4; P.L.193-2007, SEC.4; P.L.200-2007, SEC.5; P.L.3-2008, SEC.178; P.L.134, SEC.16.*

#### **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 (Repealed)).

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.1; P.L.1-2007, SEC.166.*

#### **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.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.2; P.L.1-2007, SEC.167.*

#### **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 25-38.1-2-1).
- (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 investigator and security guard licensing board (IC 25-30-1-5-2).
- (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) State board of massage therapy (IC 25-21.8-2-1)
- (39) 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; P.L.185-2007, SEC.5; P.L.200-2007, SEC.6; P.L.3-2008, SEC.179.*

#### **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 twenty-five dollars (\$25) unless the fee is collected under a rule adopted by the board which sets a fee for 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; P.L.197-2007, SEC.19.*

#### **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 of 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 investigator and security guard licensing board (IC 25-30-1-5.2).
- (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 25-38.1).
- (37) State board of massage therapy (IC 25-21.8-2-1).

(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 and except as provided in section 8 of this chapter, 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:
  - (A) 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; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, 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:

(A) 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; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6

(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; P.L.185-2007, SEC.6; P.L.197-2007, SEC.20; P.L.3-2008, SEC.180; P.L.105-2008, SEC.2.*

#### **IC 25-1-8-7 Repealed**

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

#### **IC 25-1-8-8 License reinstatement; grounds for denial**

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) Reinstatement of the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.

(3) Reinstatement of 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.197-2007, SEC.21.*

## **INDIANA CODE § 25-1-9**

### **Chapter 9. Health Professions Standards of Practice**

#### **IC 25-1-9-1 "Board" defined**

Sec. 1. As used in this chapter, "board" means 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).

(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 25-38.1-2).

(13) Indiana physical therapy committee (IC 25-27-1).

(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).

*As added by P.L.152-1988, SEC.1. Amended by P.L.242-1989, SEC.7; P.L.238-1989, SEC.7; P.L.186-1990, SEC.7; P.L.48-1991, SEC.20; P.L.227-1993, SEC.7; P.L.33-1993, SEC.14; P.L.213-1993, SEC.4; P.L.1-1994, SEC.122; P.L.124-1994, SEC.6; P.L.175-1997, SEC.6; P.L.147-1997, SEC.10; P.L.84-1998, SEC.5; P.L.24-1999, SEC.6; P.L.2-2008, SEC.59.*

### **IC 25-1-9-2 "Practitioner" defined**

Sec. 2. 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 by the board regulating the profession in question, including a certificate of registration issued under IC 25-20.

*As added by P.L.152-1988, SEC.1.*

### **IC 25-1-9-3 "License" defined**

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

*As added by P.L.152-1988, SEC.1.*

### **IC 25-1-9-3.5 "Sexual contact" defined**

Sec. 3.5. As used in this chapter, "sexual contact" means:

- (1) sexual intercourse (as defined in IC 35-41-1-26);
- (2) deviate sexual conduct (as defined in IC 35-41-1-9); or
- (3) any fondling or touching intended to arouse or satisfy the sexual desires of either the individual performing the fondling or touching or the individual being fondled or touched.

*As added by P.L.200-2001, SEC.1.*

### **IC 25-1-9-4 Standards of professional practice; findings required for sanctions; evidence of foreign discipline**

Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:

- (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 license examination;
  - (B) engaged in fraud or material deception in the course of professional services or activities;
  - (C) advertised services in a false or misleading manner; or
  - (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices, including fraud under:
    - (i) Medicaid (42 U.S.C. 1396 et seq.);
    - (ii) Medicare (42 U.S.C. 1395 et seq.);
    - (iii) the children's health insurance program under IC 12-17.6; or
    - (iv) insurance claims;
- (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 any state statute or rule, or federal statute or regulation, regulating the profession in question;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
  - (A) professional incompetence that:
    - (i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and
    - (ii) does not include activities performed under IC 16-21-2-9;
  - (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 upon 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 who renders services beyond the scope of that individual's training, experience, or competence;
- (7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;
- (8) a practitioner has diverted:
  - (A) a legend drug (as defined in IC 16-18-2-199); or
  - (B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;
- (9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to a habitue or addict;
- (10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter;
- (11) a practitioner has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care;
- (12) a practitioner who is a participating provider of a health maintenance organization has knowingly collected or attempted to collect from a subscriber or enrollee of the health maintenance organization any sums that are owed by the health maintenance organization; or
- (13) a practitioner has assisted another person in committing an act that would be grounds for disciplinary sanctions under this chapter.

(b) A practitioner who provides health care services to the practitioner's spouse is not subject to disciplinary action under subsection (a)(11).

(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.152-1988, SEC.1. Amended by P.L.2-1993, SEC.136; P.L.149-1997, SEC.7; P.L.22-1999, SEC.4; P.L.200-2001, SEC.2; P.L.203-2001, SEC.3; P.L.1-2002, SEC.96; P.L.197-2007, SEC.22.*

### **IC 25-1-9-5 Optometry employment practice**

Sec. 5. In addition to section 4 of this chapter, a practitioner licensed to practice optometry is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has accepted employment to practice optometry from a person other than:

- (1) a corporation formed by an optometrist under IC 23-1.5; or
- (2) an individual who is licensed as an optometrist under this article and whose legal residence is in Indiana.

*As added by P.L.152-1988, SEC.1.*

### **IC 25-1-9-6 Veterinary practitioners; cruelty to animals**

Sec. 6. In addition to section 4 of this chapter, a practitioner licensed to practice veterinary medicine or registered as a veterinary technician is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has engaged in cruelty to animals.

*As added by P.L.152-1988, SEC.1.*

### **IC 25-1-9-6.5 Chiropractors; waiver of deductible or copayment**

Sec. 6.5. (a) In addition to section 4 of this chapter, a practitioner licensed to practice chiropractic is subject to the exercise of the

disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds a practitioner has:

- (1) waived a payment of a deductible or a copayment required to be made to the practitioner by a patient under the patient's insurance or health care plan; and
  - (2) advertised the waiver of a payment described in subdivision (1).
- (b) This section does not apply to the waiver of a deductible or a copayment by a practitioner if:
- (1) the practitioner determines chiropractic service is necessary for the immediate health and welfare of a patient;
  - (2) the practitioner determines the payment of a deductible or a copayment would create a substantial financial hardship for the patient; and
  - (3) the waiver is based on the evaluation of the individual patient and is not a regular business practice of the practitioner.

As added by P.L.151-1989, SEC.9.

#### **IC 25-1-9-6.7 Marriage and family therapists; disciplinary sanctions**

Sec. 6.7. In addition to the actions listed under section 4 of this chapter that subject a practitioner to the exercise of disciplinary sanctions, a practitioner who is licensed under IC 25-23.6 is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds that the practitioner has:

- (1) performed any therapy that, by the prevailing standards of the mental health professions in the community where the services were provided, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent;
- (2) failed to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance in professional activities, including the undertaking of activities that the practitioner is not qualified by training or experience to undertake;
- (3) performed services, including any duties required of the individual under IC 31, in reckless disregard of the best interests of a patient, a client, or the public;
- (4) without the consent of the child's parent, guardian, or custodian, knowingly participated in the child's removal or precipitated others to remove a child from the child's home unless:
  - (A) the child's physical health was endangered due to injury as a result of the act or omission of the child's parent, guardian, or custodian;
  - (B) the child had been or was in danger of being a victim of an offense under IC 35-42-4, IC 35-45-4-1, IC 35-45-4-2, IC 35-46-1-3, IC 35-49-2-2, or IC 35-49-3-2; or
  - (C) the child was in danger of serious bodily harm as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, shelter, or medical care, and a court order was first obtained;
- (5) willfully made or filed a false report or record, failed to file a report or record required by law, willfully impeded or obstructed the filing of a report or record, or induced another individual to:
  - (A) make or file a false report or record; or
  - (B) impede or obstruct the filing of a report or record; or
- (6) performed a diagnosis (as defined in IC 25-22.5-1-1.1(c));
- (7) provided evidence in an administrative or judicial proceeding that had insufficient factual basis for the conclusions rendered by the practitioner;
- (8) willfully planted in the mind of the patient suggestions that are not based in facts known to the practitioner; or
- (9) performed services outside of the scope of practice of the license issued under IC 25-23.6.

As added by P.L.147-1997, SEC.11. Amended by P.L.2-1998, SEC.65.

#### **IC 25-1-9-6.8 Practitioner guidelines before prescribing stimulant medication for a child for treatment of certain disorders**

Sec. 6.8. (a) This section applies to a practitioner who is:

- (1) licensed to practice medicine or osteopathic medicine under IC 25-22.5; or
- (2) an advanced practice nurse granted prescriptive authority under IC 25-23, and whose practice agreement with a collaborating physician reflects the conditions specified in subsection (b).

(b) Before prescribing a stimulant medication for a child for the treatment of attention deficit disorder or attention deficit hyperactivity disorder, a practitioner described in subsection (a) shall follow the most recent guidelines adopted by the American Academy of Pediatrics or the American Academy of Child and Adolescent Psychiatry for the diagnosis and evaluation of a child with attention deficit disorder or attention deficit hyperactivity disorder.

As added by P.L.107-2002, SEC.28.

#### **IC 25-1-9-6.9 Failing to provide or providing false information to agency**

Sec. 6.9. In addition to the actions listed under section 4 of this chapter that subject a practitioner to disciplinary sanctions, a practitioner is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds that the practitioner has:

- (1) failed to provide information requested by the Indiana professional licensing agency; or
- (2) knowingly provided false information to the Indiana professional licensing agency;

for a provider profile required under IC 25-1-5-10.

As added by P.L.211-2001, SEC.2. Amended by P.L. 206-2005, SEC. 14.

#### **IC 25-1-9-7 Physical or mental examination; power to require**

Sec. 7. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's own expense, if the practitioner's physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

As added by P.L.152-1988, SEC.1. Amended by P.L.158-2003, SEC.2.

#### **IC 25-1-9-8 Failure to submit to physical or mental examination; sanctions**

Sec. 8. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 10 of this chapter.

As added by P.L.152-1988, SEC.1.

#### **IC 25-1-9-9 Disciplinary sanctions**

Sec. 9. (a) The board may impose any of the following sanctions, singly or in combination, if it finds that a practitioner is subject to disciplinary sanctions under section 4, 5, 6, 6.7, or 6.9 of this chapter or IC 25-1-5-4:

- (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 under a preceptor, or as otherwise directed or 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 fine against the practitioner in an amount not to exceed one thousand dollars (\$1,000) for each violation listed in section 4 of this chapter, except for a finding of incompetency due to a physical or mental disability. When imposing a fine, the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the fine 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 fine.

(b) The board may withdraw or modify the probation under subsection (a)(5) if it 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.152-1988, SEC.1. Amended by P.L.48-1991, SEC.21; P.L.22-1999, SEC.5; P.L.32-2000, SEC.10; P.L.211-2001, SEC.3.*

#### **IC 25-1-9-10 Summary license suspension pending final adjudication; notice; opportunity to be heard**

Sec. 10. (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 health and safety 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 ninety (90) days or less.

(b) Before the board may summarily suspend a license that has been issued under IC 25-22.5, IC 25-38.1, or IC 25-14, 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 reach the practitioner is made if the consumer protection division of the attorney general's office attempts to reach the practitioner by telephone or facsimile at the last telephone number of the practitioner on file with the board.

(c) After a reasonable attempt is made to notify a practitioner under subsection (b):

(1) a court may not stay or vacate a summary suspension of a practitioner's license for the sole reason that the practitioner was not notified; and

(2) the practitioner may not petition the board for a delay of the summary suspension proceedings.

*As added by P.L.152-1988, SEC.1. Amended by P.L.43-1995, SEC.2; P.L.71-2000, SEC.18; P.L.2-2008, SEC.60.*

#### **IC 25-1-9-10.1 Retention of clinical consultants and experts to advise on suspension**

Sec. 10.1. The attorney general may retain the services of a clinical consultant or an expert to provide the attorney general with advice concerning the acts that are the subject of a suspension under this chapter.

*As added by P.L.43-1995, SEC.3.*

#### **IC 25-1-9-11 Reinstatement of suspended licenses**

Sec. 11. The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety 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.152-1988, SEC.1.*

#### **IC 25-1-9-12 Reinstatement of revoked license**

Sec. 12. 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.152-1988, SEC.1.*

#### **IC 25-1-9-13 Consistency of sanctions prescribed**

Sec. 13. The board shall seek to achieve consistency in the application of the sanctions authorized in this section. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

*As added by P.L.152-1988, SEC.1.*

#### **IC 25-1-9-14 Surrender of practitioners license instead of hearing; approval**

Sec. 14. A practitioner may petition the board to accept the surrender of the practitioner's license instead of 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.152-1988, SEC.1.*

#### **IC 25-1-9-15 Costs in disciplinary proceedings**

Sec. 15. Practitioners who have been subjected to disciplinary sanctions may be required by a board to pay for 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) Photoduplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.

*As added by P.L.152-1988, SEC.1. Amended by P.L.158-2003, SEC.3.*

#### **IC 25-1-9-16 Refusal of licensure or grant of probationary license**

Sec. 16. (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 been disciplined by a licensing entity of any state or jurisdiction, or has committed an act that would have subjected the applicant to the disciplinary process had the applicant been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was, or could have been, disciplined has a direct bearing on the applicant's ability to competently practice 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 impose one (1) or more of the following conditions:

- (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 those areas prescribed by the board.
- (3) Continue or renew professional education.
- (4) Engage in community restitution or service without compensation for a 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 hearing that the deficiency that required disciplinary action has been remedied.  
*As added by P.L.33-1993, SEC.15. Amended by P.L.32-2000, SEC.11; P.L.197-2007, SEC.23.*

**IC 25-1-9-17 Applicant appearance before board or controlled substances advisory committee**

Sec. 17. The board and the controlled substances advisory committee (IC 35-48-2-1) may require an applicant for licensure to appear before the board or committee before issuing a license.  
*As added by P.L.33-1993, SEC.16.*

**IC 25-1-9-18 Fitness determination of health care provider; filing complaint**

Sec. 18. (a) If the insurance commissioner forwards to the board the name of a practitioner under IC 34-18-9-4(a) (or IC 27-12-9-4(a) before its repeal), the board shall consider whether:

- (1) the practitioner has become unfit to practice under section 4 of this chapter; and
- (2) a complaint should be filed under IC 25-1-7-4.

(b) If the board determines that a complaint should be filed under subsection (a), the board must report to the consumer protection division whether the board will schedule the matter:

- (1) for informal negotiation under IC 25-1-7-6;
- (2) on the board's agenda for a vote requesting that the attorney general prosecute the matter before the board under IC 25-1-7-7; or
- (3) on the board's agenda for a vote on summary suspension of the practitioner's license pending prosecution of the matter before the board under IC 25-1-7-7.

(c) A board may designate a board member or staff member to act on behalf of the board under this section.

*As added by P.L.43-1995, SEC.4. Amended by P.L.1-1998, SEC.131.*

**IC 25-1-9-19 Third party billing notice**

Sec. 19. A practitioner that provides to a patient notice concerning a third party billing for a health care service provided to the patient shall ensure that the notice:

- (1) conspicuously states that the notice is not a bill;
- (2) does not include a tear-off portion; and
- (3) is not accompanied by a return mailing envelope.

*As added by P.L.178-2003, SEC.12.*

**IC 25-1-9-20 Adoption of rules; spouses of active duty military personnel**

Sec. 20. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

- (1) license;
- (2) certificate;
- (3) registration; or
- (4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.

*As added by P.L.144-2007, SEC.25.*

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**INDIANA CODE § 25-1-10**

**Chapter 10. Reserved**

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**INDIANA 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 16, or IC 22; and
- (2) is called to active duty.

*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.61.*

**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, IC 16, or IC 22.

*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.62.*

**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 under this 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.*

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## **INDIANA CODE § 25-1-14**

### **Chapter 14. Meetings**

#### **IC 25-1-14-1 Applicability**

Sec. 1. This section applies to a meeting of a board, committee, or commission listed in IC 25-1-5-3 or IC 25-1-6-3.

*As added by P.L.179-2007, SEC.14.*

#### **IC 25-1-14-2 Participation by member not physically present at meeting**

Sec. 2. (a) A member of a board, committee, or commission may participate in a meeting of the board, committee, or commission:

(1) except as provided in subsections (b) and (c), at which at least a quorum is physically present at the place where the meeting is conducted; and

(2) by using a means of communication that permits:

(A) all other members participating in the meeting; and

(B) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(b) A member of a board, committee, or commission may participate in an emergency meeting of the board, committee, or commission to consider disciplinary sanctions under IC 25-1-9-10 or IC 25-1-11-13 by using a means of communication that permits:

(1) all other members participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member of the state boxing commission may participate in meetings of the commission to consider the final approval of a permit for a particular boxing or sparring match or exhibition under IC 25-9-1-6(b) by using a means of communication that permits:

(1) all other members participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(d) A member who participates in a meeting under subsection (b) or (c):

(1) is considered to be present at the meeting;

(2) shall be counted for purposes of establishing a quorum; and

(3) may vote at the meeting.

*As added by P.L.179-2007, SEC.14. Amended by P.L.105-2008, SEC.3.*

#### **IC 25-1-14-3 Member considered present**

Sec. 3. A member who participates in a meeting under section 2 of this chapter:

(1) is considered to be present at the meeting;

(2) shall be counted for purposes of establishing a quorum; and

(3) may vote at the meeting.

*As added by P.L.179-2007, SEC.14.*

#### **IC 25-1-14-4 Meeting memoranda requirements**

Sec. 4. The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:

(1) each member who was physically present at the place where the meeting was conducted;

(2) each member who participated in the meeting by using a means of communication described in section 2 of this chapter; and

(3) each member who was absent.

*As added by P.L.179-2007, SEC.14.*

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## **Non-Code Provision under Public Law 206-2005**

### **P.L. 206-2005, SECTION 16**

(a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the Indiana professional licensing agency.

(b) On July 1, 2005, the Indiana professional licensing agency becomes the owner of all of the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the Indiana professional licensing agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the Indiana professional licensing agency.

## TITLE 846. INDIANA BOARD OF CHIROPRACTIC EXAMINERS

### ARTICLE 1. General Provisions

#### Rule 1. Board of Chiropractic Examiners, Meetings, Duties

##### 846 IAC 1-1-1 Board of chiropractic examiners (*Repealed*)

Sec. 1. (*Repealed by Board of Chiropractic Examiners; filed Mar 8, 1989, 10:00 a.m.: 12 IR 1553*)

##### 846 IAC 1-1-2 Officers of the board

**Authority:** IC 25-10-1-5

**Affected:** IC 25-10-1

Sec. 2. (a) The election of officers provided under IC 25-10-1-1.5(b) shall take place at the annual meeting of the board in each year.

(b) The chairman's duties shall be to preside over all meetings of the board. In the absence of the chairman, the vice chairman shall act in the chairman's place during the duration of the chairman's absence.

(*Board of Chiropractic Examiners; 846 IAC 1-1-2; filed Jul 28, 1983, 9:03 a.m.: 6 IR 1739; filed Mar 8, 1989, 10:00 a.m.: 12 IR 1553; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA*)

##### 846 IAC 1-1-3 Meetings of the board

**Authority:** IC 25-10-1-5

**Affected:** IC 5-14-1.5-5; IC 25-10-1-5

Sec. 3. (a) The annual meeting of the board provided under IC 25-10-1-1.5(b) shall be held in Indianapolis, Indiana in July of each year.

(b) At all meetings of the board anyone not a member of the board will be prohibited from entering into discussion with the board unless invited by the board, or unless said person has requested and received permission to enter into discussion with the board. Such request must be in writing to the chairman of the board and will state the nature of the business to be discussed. The date, time, and place of such discussion will be at the discretion of the chairman. The secretary of the board shall give such person(s) prior notification as to date, time, and place of such meeting.

(*Board of Chiropractic Examiners; 846 IAC 1-1-3; filed Jul 28, 1983, 9:03 a.m.: 6 IR 1739; filed Mar 8, 1989, 10:00 a.m.: 12 IR 1553; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA*)

##### 846 IAC 1-1-4 Powers and duties of the board (*Repealed*)

Sec. 4. (*Repealed by Board of Chiropractic Examiners; filed Mar 8, 1989, 10:00 a.m.: 12 IR 1553*)

#### Rule 2. Educational Standards

##### 846 IAC 1-2-1 Objective and educational standards required of applicants for licensure

**Authority:** IC 25-10-1-1.5

**Affected:** IC 4-21.5; IC 25-10-1-2

Sec. 1. (a) It shall be the objective of a chiropractic college approved by the board to prepare the doctor of chiropractic as a primary health care provider; as a portal of entry to the health delivery system; to be well-educated to examine, diagnose, and assume responsibility for the care of patients; to care for the human body in health and disease; to consult with or refer to, other health care providers; and to develop postgraduate education and research.

(b) Professional standards for licensure. Every applicant shall be a graduate of a chiropractic school or college:

(1) which is accredited by an accrediting agency that has been approved by the United States Office of Education or its successor to accredit chiropractic schools or colleges; and

(2) which requires for graduation resident attendance instruction of at least four thousand hours distributed over a minimum period of eight semesters or the equivalent; and

(3) which has a curriculum including at least the following disciplines: human anatomy; biochemistry; physiology; microbiology; pathology; public health; physical, clinical and laboratory diagnosis; gynecology; obstetrics; pediatrics; geriatrics; dermatology; otolaryngology; roentgenology; psychology; dietetics; orthopedics; rehabilitative procedures: including physiological therapeutics and/or ancillary therapeutics; first aid and emergency procedures; spinal analysis; principles and practice of chiropractic; adjustive technique of the articulations and adjacent tissues of the body, including but not limited to, the spine, cranium, and extremities and adjacent tissues.

(c) Pre-professional requirements. Every applicant shall have completed at least two (2) years (sixty (60) semester hours) education in a college or university of learning accredited to grant a degree of bachelor of arts or bachelor of science, prior to his or her training and education in a school or college of chiropractic.

(*Board of Chiropractic Examiners; 846 IAC 1-2-1; filed Jul 28, 1983, 9:03 am: 6 IR 1740; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA*)

#### Rule 3. Scope of Practice; Standards for Competent Practice; Code of Professional Conduct

##### 846 IAC 1-3-1 Scope of practice; diagnostic, treatment procedures

**Authority:** IC 25-10-1-1.5

**Affected:** IC 25-10-1-1

Sec. 1. (a) The practice of chiropractic will include and permit the use of such diagnostic and treatment procedures as are taught by board approved chiropractic colleges except as prohibited by law and/or the rules and regulations of this board.

(b) In the conduct of the practice of chiropractic no chiropractor shall perform any service that is beyond the scope of his education, training, and experience.

(c) The exclusion set out in subsection (1)(E) of IC 25-10-1-1 shall mean only the introducing of contrast medias into the blood-vascular system, but shall not include doppler examinations, electromyograms with surface electrodes, electrocardiograms, endocardiograms, echocardiograms, thermography, moire photography, blood analyses, or any other diagnostic test which a chiropractor may require to prepare a proper diagnosis of a patient in his/her practice of chiropractic.

(*Board of Chiropractic Examiners; 846 IAC 1-3-1; filed Jul 28, 1983, 9:03 am: 6 IR 1741; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA*)

##### 846 IAC 1-3-2 Code of professional conduct

**Authority:** IC 25-10-1-1.5

**Affected:** IC 25-1-9-6.5; IC 25-10-1-1

Sec. 2. (a) Chiropractors practicing in Indiana shall conduct their practice of chiropractic in accordance with the standards set out in IC 25-10 and this title.

(b) No person holding a license to practice chiropractic shall conduct such practice under any name other than his or her own unless practicing as an employee of a clinic, center, or institution.

(c) To designate that they are licensed to practice chiropractic in Indiana, all licensees practicing chiropractic in Indiana shall use, in conjunction with their names, the words "chiropractic", "chiropractor", or the abbreviation "D.C." alone or in connection with other words, on all signs, letterheads, business cards, or similar items of identification, advertising, and solicitation of any kind. Provided, however, chiropractors

may not use any words which would mislead the public into believing they are licensed in Indiana to practice any other licensed occupation or profession for which they do not hold an Indiana license.

(d) Any identification using the word "clinic", "center", "corporation", or terms of similar import that is solely concerned with the practice of chiropractic, shall also designate that it is a chiropractic facility. Any licensee practicing in a multiple professional health care facility shall prominently display in the facility the fact that he or she is engaged in the practice of chiropractic.

(e) Every licensee practicing in Indiana shall publicly and prominently display the license issued him or her by the board or a photostatic copy thereof in all offices, clinics, corporations, centers, and/or similar places of business wherein he or she is practicing.

(f) In the conduct of practice, no person holding a license to practice chiropractic shall engage in advertising or soliciting for patronage that which is not in the public interest. Advertising or soliciting not in the public interest shall include advertising that:

- (1) is false, fraudulent, deceptive, or misleading;
- (2) represents intimidation or undue pressure; or
- (3) makes claims of professional superiority over fellow practitioners or over another health science which cannot be substantiated.

(g) It shall be considered unprofessional or unethical conduct and grounds for discipline if any licensee:

- (1) obtains a fee by fraud or deceit;
- (2) discloses, without authorization, any information about a patient revealed or discovered during the course of treatment, except as required by law;
- (3) engages in advertising or soliciting which, on its face or as applied, can reasonably be construed as deceiving the public; or
- (4) knowingly aids, assists, procures, or advises an unlicensed person to practice contrary to IC 25-10-1 or this title.

(h) A chiropractor has a duty and responsibility to his or her patients and to the chiropractic profession to promptly release a patient's records to any other chiropractor or any other health discipline practitioner designated by the patient upon written request of the patient.

(i) A practitioner may advertise his or her professional services in order to advise the public of the existence and scope of the services he or she offers, so long as the advertisement is dignified and confines itself to the existence of the practice and/or the field of practice of the practitioner.

(j) For the purposes of IC 25-1-9-6.5 and this rule, advertisements include the use of television, newspaper, radio, billboards, yellow pages, seminars, handbills, mailings, or other similar advertisements to the public.

*(Board of Chiropractic Examiners; 846 IAC 1-3-2; filed Jul 28, 1983, 9:03 a.m.: 6 IR 1741; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1068; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

### **846 IAC 1-3-3 Standards for competent practice**

**Authority: IC 25-10-1-1.5**

**Affected: IC 25-10-1-1**

Sec. 3. A practitioner, in the conduct of his chiropractic practice, shall abide by the following standards of competent practice:

- (1) The practitioner shall keep in confidence whatever he may learn about a patient in the discharge of professional duties. Information shall be divulged by the practitioner only when required by law or when authorized by the patient.
- (2) The practitioner shall give a candid account of the patient's condition to the patient or to those responsible for the patient's care.
- (3) The practitioner shall give due notice to a patient or to those responsible for the patient's care when he withdraws from a case so that another practitioner may be engaged. The practitioner shall not abandon a patient.

(4) A practitioner shall practice in accordance with the body of scientific systemized knowledge related to the healing arts.

(5) A practitioner shall not hold forth or indicate the possession of any degree recognized as the basis for licensure to practice the healing arts unless he is actually licensed on the basis of that degree in the state in which he practices.

(6) A practitioner shall obtain consultation whenever requested to do so by a patient. Further, the practitioner shall refer the patient to another practitioner in any case where the practitioner does not consider himself qualified to treat the patient or is unable to diagnose the illness or disease of the patient.

(7) Any practitioner who knows of the illegal, incompetent or unethical conduct in the practice of chiropractic of another practitioner shall report such conduct to the proper authorities and/or tribunals. Further, any practitioner who has knowledge of any person engaging in the unauthorized practice of chiropractic shall report such conduct to the proper authorities and/or tribunals.

(8) Any fee charged by a practitioner for his professional services shall be reasonable and shall compensate the practitioner only for services actually rendered.

(9) A practitioner shall not pay or receive compensation for referral of a patient.

(10) A practitioner shall be fully responsible and accountable for the conduct of each and every person employed by the practitioner for every action (or failure to act) by said employee or employees in the course of said employee's (employees') relationship with said practitioner. Provided however, a practitioner shall not be responsible for the actions of persons he may employ whose employment by the practitioner does not relate directly to the practitioner's practice of chiropractic.

(11) A practitioner may (whenever he believes it to be beneficial to the patient) send (or refer) a patient to another qualified health practitioner for treatment or health services which fall within the other health practitioner's scope of practice. Prior to any such referral, however, the practitioner shall examine the patient to insure that a condition does exist in the patient that is within the scope of practice of the other health practitioner to whom the patient is referred.

(12) A practitioner shall not charge a separate and distinct fee for the incidental, administrative, non-chiropractic [*sic.*] service of securing admission of a patient to a health care facility.

(13) The practitioner shall upon retirement, discontinuation of his chiropractic practice, or moving from a community, notify all patients upon his active list that he intends to discontinue his practice in the community and encourage such patients to seek the services of some other practitioner. The practitioner discontinuing his practice shall make arrangements with the patient for the transfer of his records (or copies thereof) to the succeeding practitioner.

(14) A practitioner shall not base his fee upon the uncertain outcome of a contingency, whether such contingency be the outcome of litigation or any other occurrence or condition which may or may not develop, occur or happen.

(15) In the conduct of the practice of chiropractic a chiropractor may perform any service that is not beyond the scope of practice set out in 846 IAC 1-3-1.

(16) In the conduct of the practice of chiropractic no chiropractor shall violate any of the provisions of the code of professional conduct set out in 846 IAC 1-3-2.

*(Board of Chiropractic Examiners; 846 IAC 1-3-3; filed Jul 28, 1983, 9:03 am: 6 IR 1742; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

### **846 IAC 1-3-4 Disciplinary sanctions (Repealed)**

Sec. 4. *(Repealed by Board of Chiropractic Examiners; filed Jul 11, 1996, 8:55 a.m.: 19 IR 3470)*

**Rule 4. Examinations; Licensure; Renewal of Licenses; Fees; Addresses of Licensees**

**846 IAC 1-4-1 Applications for licensure; requirements; fees; opportunity for hearing (Repealed)**

Sec. 1. (Repealed by Board of Chiropractic Examiners; filed May 20, 1988, 9:25 am: 11 IR 3564)

**846 IAC 1-4-2 Examination for licensure (Repealed)**

Sec. 2. (Repealed by Board of Chiropractic Examiners; filed May 20, 1988, 9:25 am: 11 IR 3564)

**846 IAC 1-4-3 Licensure by reciprocity or endorsement (Repealed)**

Sec. 3. (Repealed by Board of Chiropractic Examiners; filed Feb 9, 1988, 2:24 pm: 11 IR 1808)

**846 IAC 1-4-4 Renewal of license (Repealed)**

Sec. 4. (Repealed by Board of Chiropractic Examiners; filed May 31, 1988, 2:40 pm: 11 IR 3564)

**846 IAC 1-4-5 Addresses of licensees**

**Authority: IC 25-10-1-5**

**Affected: IC 25-10-1-2; IC 25-10-1-6**

Sec. 5. Every licensee practicing in Indiana shall inform the board of the addresses where he/she is practicing no later than two (2) weeks after beginning to practice and shall inform the board of any change of addresses or removals from a place of practice. A licensee's failure to receive notification of license renewal due to his/her failing to advise the board of a change of address shall not constitute an error on the part of the board, nor shall it exonerate the licensee from making such renewal as set forth in IC 25-10-1-6 and 846 IAC 1-4-4 [846 IAC 1-4-4 was repealed filed May 31, 1988, 2:40 p.m.: 11 IR 3564.].  
(Board of Chiropractic Examiners; 846 IAC 1-4-5; filed Jul 28, 1983, 9:03 am: 6 IR 1745; filed Apr 12, 1984, 8:30 am: 7 IR 1537; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)

**846 IAC 1-4-6 Loss, destruction, or theft of license; change of name**

**Authority: IC 25-10-1-5**

**Affected: IC 25-10-1-6**

Sec. 6. (a) The licensee shall report to the board, on the form supplied by the board, the loss, destruction or theft of the original certificate of licensure or the biennial renewal pocket card, and pay a fee of ten dollars (\$10) for a duplicate.

(b) If a change of name is requested, the licensee shall submit a notarized copy of a marriage license, divorce decree or court order to the board. Upon receipt of the documentation of the name change, and payment of the ten dollar (\$10) fee, the board shall issue a new certificate and biennial renewal pocket card.

(Board of Chiropractic Examiners; 846 IAC 1-4-6; filed Apr 12, 1984, 8:30 am: 7 IR 1537; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)

**846 IAC 1-4-7 Fees**

**Authority: IC 25-10-1-5**

**Affected: IC 25-10-1-6**

Sec. 7. The following fees shall apply to all licensed chiropractors and applicants for licensure:

Examination/issuance	\$100
License renewal (July 1 of each even-numbered year)	\$100
Inactive license renewal (July 1 of each even-numbered year)	\$50
Endorsement issuance	\$100
Verification of licensure	\$10

Duplicate wall license	\$10
Reinstatement of inactive license	\$15
Temporary permit	\$50

(Board of Chiropractic Examiners; 846 IAC 1-4-7; filed Dec 2, 1987, 9:30 a.m.: 11 IR 1292; filed Nov 15, 1990, 11:15 a.m.: 14 IR 755; filed May 20, 1996, 3:00 p.m.: 19 IR 2880; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2390; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1325)

**Rule 5. Application for License by Examination**

**846 IAC 1-5-1 Application for a license by examination**

**Authority: IC 25-10-1-5**

**Affected: IC 25-10-1-2**

Sec. 1. (a) An application for a license by examination shall be filed on a form prescribed by the board and provided by the health professions bureau.

(b) Each applicant shall submit the following information:

(1) Official transcripts, certified by the school or college, recording completion of at least two (2) years (sixty (60) semester hours) of prechiropractic education as specified by IC 25-10-1-2(b). As used in this subsection, "prechiropractic education" means education that has been completed prior to the applicant's matriculation in a school or college of chiropractic defined under IC 25-10-1-2(a).

Prechiropractic education that has been completed in whole or in part after the date of matriculation in chiropractic school will not be accepted by the board to fulfill requirements of IC 25-10-1-2(b).

(2) Official transcripts, certified by the school or college, recording courses, grades, and degree earned in a school or college of chiropractic accredited under provisions of IC 25-10-1-2(a).

(3) Official score report from the National Board of Chiropractic Examiners (NBCE), with passing scores in Parts I through IV and physiotherapy.

(4) One (1) passport-quality photograph taken not earlier than one (1) year prior to the date of application.

(5) The fee specified by 846 IAC 1-4-7.

(c) All required documents submitted by an applicant must be in English. Documents that are not in English must include an official translation. As used in this subsection, "official translation" means only those translations completed by the consulate or embassy of the country in which the prechiropractic school or chiropractic school is located.

(d) An applicant for licensure by examination must pass a written examination in chiropractic jurisprudence. A score of seventy-five (75) or above is passing.

(Board of Chiropractic Examiners; 846 IAC 1-5-1; filed Mar 8, 1989, 10:00 a.m.: 12 IR 1554; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2390; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)

**846 IAC 1-5-2 Examination (Repealed)**

Sec. 2. (Repealed by Board of Chiropractic Examiners; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2391)

**846 IAC 1-5-3 Passing score (Repealed)**

Sec. 3. (Repealed by Board of Chiropractic Examiners; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2391)

**846 IAC 1-5-4 Fees (Repealed)**

Sec. 4. (Repealed by Board of Chiropractic Examiners; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2391)

#### **846 IAC 1-5-5 Personal appearance**

**Authority: IC 25-10-1-1.5**

**Affected: IC 25-10-1-2**

Sec. 5. (a) The board may require the applicant to make a personal appearance before the board or a member of the board prior to issuing a license by examination.

(b) If the applicant appears before a member of the board, the member of the board shall make a finding of the appearance and recommend the approval or disapproval of the issuance of a license by examination. The board shall, at its next meeting, review said findings, make such further inquiry as it sees fits, and take such action as required.

*(Board of Chiropractic Examiners; 846 IAC 1-5-5; filed Oct 28, 1998, 3:29 p.m.: 22 IR 758; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

#### **Rule 6. Application for License by Endorsement**

##### **846 IAC 1-6-1 Application**

**Authority: IC 25-10-1-1.5**

**Affected: IC 25-10-1-2; IC 25-10-1-5**

Sec. 1. (a) An application for a license by endorsement shall be filed on a form prescribed by the board of chiropractic examiners and provided by the health professions bureau.

(b) Each applicant for a license by endorsement shall submit the following information:

(1) Official transcripts, certified by the school or college, recording completion of at least two (2) years (sixty (60) semester hours) of prechiropractic education as specified by IC 25-10-1-2(b). As used in this subdivision, "prechiropractic education" means education that has been completed prior to the applicant's matriculation in a school or college of chiropractic as defined under IC 25-10-1-2(a).

Prechiropractic education that has been completed in whole or in part after the date of matriculation in chiropractic school will not be accepted by the board to fulfill requirements of IC 25-10-1-2(b).

(2) Official transcripts, certified by the school or college, recording courses, grades, and degree earned in a school or college of chiropractic accredited under IC 25-10-1-2(a).

(3) Official score report from the National Board of Chiropractic Examiners (NBCE), with passing scores in Parts I through IV and physiotherapy. An applicant who takes the NBCE examinations prior to September 11, 1987, is not required to submit Part III scores of the NBCE.

(4) One (1) passport-quality photograph taken not earlier than one (1) year prior to the date of application.

(5) A statement from the appropriate agency in each state where the applicant has been licensed, certifying whether or not disciplinary proceedings have ever been initiated or are presently pending against the applicant.

(6) If the applicant has not taken and passed Part IV of the NBCE examination, the applicant may submit a certification from the appropriate agency in a state where the applicant holds an active license that the applicant has passed an oral-practical examination, which is equivalent to Part IV of the NBCE examination.

(7) Satisfactory evidence to the board of chiropractic examiners that the applicant has been licensed to practice chiropractic in another state for at least three (3) years under qualifications substantially equivalent to those specified in IC 25-10-1.

(8) The fee specified by 846 IAC 1-4-7.

(b) All required documents submitted by an applicant must be in English. Documents that are not in English must include an official translation. As used in this subsection, "official translation" means only those translations completed by the consulate or embassy of the country in which the prechiropractic school or chiropractic school is located.

(c) An applicant for licensure by endorsement must pass a written examination in chiropractic jurisprudence. A score of seventy-five (75) or above is passing.

*(Board of Chiropractic Examiners; 846 IAC 1-6-1; filed Feb 9, 1988, 2:24 p.m.: 11 IR 1808; filed Jan 27, 1994, 5:00 p.m.: 17 IR 1095; filed Mar 9, 1998, 9:30 a.m.: 21 IR 2390; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

##### **846 IAC 1-6-2 Personal appearance**

**Authority: IC 25-10-1-1.5**

**Affected: IC 25-10-1-2; IC 25-10-1-5**

Sec. 2. (a) The board may require the applicant to make a personal appearance before the board or a member of the board prior to issuing a license by endorsement.

(b) If the applicant appears before a member of the board, the member of the board shall make a finding of the appearance and recommend the approval or disapproval of the issuance of a license by endorsement. The board shall, at its next meeting, review said findings, make such further inquiry as it sees fits, and take such action as required.

*(Board of Chiropractic Examiners; 846 IAC 1-6-2; filed Oct 28, 1998, 3:29 p.m.: 22 IR 758; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

#### **Rule 7. X-Ray Utilization**

##### **846 IAC 1-7-1 Use of x-rays**

**Authority: IC 25-10-1-1.5**

**Affected: IC 25-10-1-1.5**

Sec. 1. A chiropractor shall not overutilize or otherwise improperly use ionizing radiation. In order to avoid overutilization of ionizing radiation, a chiropractor shall observe the following guidelines:

Any offer or advertising of free x-rays to actual or potential patients shall be accompanied by a conspicuous statement that reads "to avoid needless health hazards associated with ionizing radiation, no such free x-ray will be given unless there is a prior observable clinical need for it."

*(Board of Chiropractic Examiners; 846 IAC 1-7-1; filed Apr 22, 1988, 2:10 pm: 11 IR 3044; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

##### **846 IAC 1-7-2 Violations**

**Authority: IC 25-10-1-1.5**

**Affected: IC 25-10-1-6.5**

Sec. 2. Violation of 846 IAC 1-7-1 constitutes the incompetent practice of chiropractic and is grounds for disciplinary action as provided by IC 25-10-1-6.5.

*(Board of Chiropractic Examiners; 846 IAC 1-7-2; filed Apr 22, 1988, 2:10 pm: 11 IR 3044; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

#### **Rule 8. Continuing Education for Renewal of License**

##### **846 IAC 1-8-1 Continuing education requirements**

**Authority: IC 25-10-1-1.5**

**Affected: IC 25-1-9; IC 25-10-1-6**

Sec. 1. (a) Twenty-four (24) hours of continuing education obtained by attending seminars approved by the board are required for license renewal. Seminars which have not been approved under this rule will not be accepted as credit for license renewal.

(b) A licensee is not required to complete continuing education requirements for the year in which the initial license is issued.

(c) Continuing education credit units or clock hours must be obtained within the current biennial renewal period and may not be carried over

from one (1) licensure period to another. However, a maximum of twelve (12) hours may be obtained within each licensure year.

(d) Continuing education credit units or clock hours must include four (4) hours per year in public health and/or risk management.

(e) Risk management is defined as the chiropractor's legal responsibility to his or her patient as provided by 846 IAC 1-3-3 and IC 25-1-9.

*(Board of Chiropractic Examiners; 846 IAC 1-8-1; filed May 31, 1988, 2:40 p.m.: 11 IR 3563; filed Jun 1, 1992, 5:00 p.m.: 15 IR 2244; filed Oct 31, 1994, 2:00 p.m.: 18 IR 879; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

#### **846 IAC 1-8-2 Licensee responsibilities**

**Authority: IC 25-10-1-5**

**Affected: IC 25-10-1-6**

Sec. 2. (a) A licensee must report continuing education required by 846 IAC 1-8 at the time of license renewal on a form provided by the health professions bureau.

(b) A licensee must retain a record of completion of continuing education required by 846 IAC 1-8 for four (4) years.

(c) A licensee must present verification of completion of continuing education required by 846 IAC 1-8 upon request by the board.

*(Board of Chiropractic Examiners; 846 IAC 1-8-2; filed May 31, 1988, 2:40 pm: 11 IR 3563; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

#### **846 IAC 1-8-3 Application for approval**

**Authority: IC 25-10-1-5**

**Affected: IC 25-10-1-6**

Sec. 3. (a) The sponsor must file an application provided by the bureau sixty (60) days prior to the date the program is given. The application shall include the following information:

- (1) Name of lecturer.
- (2) Academic and professional background of lecturer.
- (3) Brief summary of content of program.
- (4) Date and location of program.
- (5) Number of clock hours of continuing education requested.
- (6) Any other pertinent information required by the board.

(b) As a condition to approval of programs, the sponsor must agree to provide participants with a record of attendance and to retain records of attendance by participants for four (4) years from the date of the program.

*(Board of Chiropractic Examiners; 846 IAC 1-8-3; filed May 31, 1988, 2:40 pm: 11 IR 3563; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

#### **846 IAC 1-8-4 Standards for approval**

**Authority: IC 25-10-1-5**

**Affected: IC 25-10-1-6**

Sec. 4. (a) As provided by IC 25-10-1-6, seminars must be sponsored by a college of chiropractic or an established chiropractic organization. Seminars which do not meet the requirement of this subsection will not be approved as credit for license renewal.

(b) The board will approve a course if it determines that the course will make a significant contribution to the professional competency of chiropractors who enroll. In determining if a course meets this standard, the board will consider whether:

- (1) The course has substantial content.
- (2) The course content directly relates to the professional practice of chiropractic. Practice management courses will not be approved by the board.

(3) Each lecturer who has teaching responsibility in the course is qualified by academic work or practical experience to teach the assigned subject.

(4) The course is of sufficient length to provide a substantial educational experience. Courses of less than one (1) hour will be reviewed carefully to determine if they furnish a substantial educational experience.

*(Board of Chiropractic Examiners; 846 IAC 1-8-4; filed May 31, 1988, 2:40 pm: 11 IR 3563; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

#### **846 IAC 1-8-5 Penalty for noncompliance**

**Authority: IC 25-10-1-5**

**Affected: IC 25-10-1-6**

Sec. 5. The board will not renew a license of a licensee who fails to comply with 846 IAC 1-8, except for an inactive license.

*(Board of Chiropractic Examiners; 846 IAC 1-8-5; filed May 31, 1988, 2:40 pm: 11 IR 3563; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

#### **Rule 9. Temporary Permits**

##### **846 IAC 1-9-1 Temporary permits**

**Authority: IC 25-10-1-5**

**Affected: IC 25-10-1-2; IC 25-10-1-5.5**

Sec. 1. (a) The board may issue a temporary permit under IC 25-10-1-5.5 if the applicant submits the following:

- (1) An application to take the first examination given by the board after the applicant's graduation from an accredited chiropractic school or college provided by IC 25-10-1-2(a).
- (2) All information required by 846 IAC 1-5-1.
- (3) Certification of graduation from the accredited school or college of chiropractic provided by IC 25-10-1-2(a).
- (4) Fee provided by 846 IAC 1-4-7.

(b) An application for a temporary permit shall include the following information to be submitted by the supervisor:

- (1) The location of practice.
- (2) The name and license number of the supervisor.

(c) A supervisor shall hold an Indiana chiropractic license which is current and in good standing.

(d) A chiropractor shall supervise no more than one (1) holder of a temporary permit at any given time.

(e) A supervising chiropractor shall be exclusively responsible for the direct supervision of a holder of a temporary permit.

(f) A holder of a temporary permit shall not provide an independent diagnosis of a patient.

*(Board of Chiropractic Examiners; 846 IAC 1-9-1; filed Nov 15, 1990, 11:15 a.m.: 14 IR 755; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

##### **846 IAC 1-9-2 Temporary permit; licensed in another state**

**Authority: IC 25-10-1-5.6**

**Affected: IC 25-10-1-5.6**

Sec. 2. (a) A person licensed to practice chiropractic by a board or licensing agency of another state or jurisdiction may apply for a temporary permit under IC 25-10-1-5.6 by submitting an application approved by the board and provided by the bureau, including the following information:

- (1) The purpose for applying for a temporary permit.
- (2) The location where chiropractic services will be provided by the applicant.
- (3) The activity, organization, function, and event with regard to which the chiropractic services will be provided by the applicant.

- (4) The applicant's practice address and telephone number.
- (5) One (1) recent passport-quality photograph of the applicant, taken within eight (8) weeks prior to filing the application for a temporary permit.
- (6) Verification that the applicant is a graduate of a school or college of chiropractic accredited by the Accreditation Commission of the Council on Chiropractic Education (CCE).
- (7) Verification from other states where the applicant is licensed stating that the applicant's license is current and in good standing and is not or has not been the subject of disciplinary action.
- (8) Application fee provided by 846 IAC 1-4-7.

(b) A temporary permit issued under this section shall be limited to a specific activity, function, series of events, or purpose and to a specific geographical area within the state, which limitations shall be stated on the face of the temporary permit.

*(Board of Chiropractic Examiners; 846 IAC 1-9-2; filed Jun 1, 1992, 5:00 p.m.: 15 IR 2245; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

## Rule 10. Graduate Students

### 846 IAC 1-10-1 Definitions

**Authority: IC 25-10-1-1.5**

**Affected: IC 25-10-1-2; IC 25-10-1-14**

Sec. 1. For the purposes of this rule, the following definitions apply:

- (1) "Graduate student" means a student in the final year of course work at a chiropractic school or college provided by IC 25-10-1-2(a).
- (2) "Supervisor" means a chiropractor licensed under IC 25-10 who will act as the direct supervisor and overseer of the educational process for the graduate student.

*(Board of Chiropractic Examiners; 846 IAC 1-10-1; filed Nov 15, 1990, 11:15 a.m.: 14 IR 756; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

### 846 IAC 1-10-2 Applications

**Authority: IC 25-10-1-1.5**

**Affected: IC 25-10-1-14**

Sec. 2. A graduate student shall submit the following information:

- (1) Certification from the school that the applicant is enrolled in the final year of course work.
- (2) An application approved by the board and provided by the bureau, including, but not limited to, the following information:
  - (A) The location of practice of the supervisor.
  - (B) The proposed dates of practice by the graduate student.
  - (C) The name and license number of the supervisor.

*(Board of Chiropractic Examiners; 846 IAC 1-10-2; filed Nov 15, 1990, 11:15 a.m.: 14 IR 756; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

### 846 IAC 1-10-3 Duties of graduate students

**Authority: IC 25-10-1-1.5**

**Affected: IC 25-10-1-14**

Sec. 3. (a) A graduate student shall not provide an independent diagnosis of a patient.

(b) A graduate student shall maintain a log of chiropractic procedures that shall be reviewed daily by the supervisor and shall be available for review by the board at the board's request.

*(Board of Chiropractic Examiners; 846 IAC 1-10-3; filed Nov 15, 1990, 11:15 a.m.: 14 IR 756; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*

### 846 IAC 1-10-4 Duties of supervisors

**Authority: IC 25-10-1-1.5**

**Affected: IC 25-10-1-14**

Sec. 4. (a) The supervisor of a graduate student shall hold an Indiana chiropractic license which is current and in good standing.

(b) A supervisor shall supervise no more than one (1) graduate student at any given time.

(c) The supervisor shall develop a training schedule in coordination with the school or college of chiropractic that will be followed by the graduate student throughout the educational process.

(d) Chiropractors who supervise graduate students shall be exclusively responsible for the direct supervision of the graduate students.

(e) Upon successful completion of the educational program, the supervisor shall provide the board with a letter stating that the graduate student has completed a program from beginning date to ending date.

*(Board of Chiropractic Examiners; 846 IAC 1-10-4; filed Nov 15, 1990, 11:15 a.m.: 14 IR 756; readopted filed Jul 10, 2001, 2:55 p.m.: 24 IR 4236; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-846070057RFA)*