

# Indiana Board of Accountancy

## Laws and Regulations

A compilation of the Indiana Code and Indiana Administrative Code

2012 Edition



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**NOTICE:** This compilation incorporates the most recent revisions of statutes and administrative rules governing the accountancy profession, as of July 1, 2012. Note that this compilation is not an official version of the Indiana Code. It is distributed as a general guide to individuals in the accountancy profession regulated by the Indiana Board of Accountancy 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 Accountancy 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 ACCOUNTANCY

July 2012 Edition

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INDIANA CODE § 25-2.1

ARTICLE 2.1. ACCOUNTANTS

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INDIANA CODE § 25-2.1-1

Chapter 1. Title and Definitions

**IC 25-2.1-1-1 Short title**

Sec. 1. This article may be cited as "the accountancy act of 2007".  
*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.3; P.L.190-2007, SEC.1.*

**IC 25-2.1-1-2 Applicability of definitions**

Sec. 2. The definitions of this chapter apply throughout this article.  
*As added by P.L.30-1993, SEC.7.*

**IC 25-2.1-1-3 "Accounting practitioner"**

Sec. 3. "Accounting practitioner" means a person certified under IC 25-2.1-6.  
*As added by P.L.30-1993, SEC.7.*

**IC 25-2.1-1-3.3 "AICPA"**

Sec. 3.3. "AICPA" refers to the American Institute of Certified Public Accountants.  
*As added by P.L.128-2001, SEC.4.*

**IC 25-2.1-1-3.8 "Attest"**

Sec. 3.8. "Attest" means to provide any of the following financial statement services:

- (1) An audit or other engagement performed in accordance with the AICPA Statements on Auditing Standards (SAS) or other similar standards adopted by reference under IC 25-2.1-2-15.
- (2) A review of a financial statement performed in accordance with the AICPA Statements on Standards for Accounting and Review Services (SSARS) or other similar standards adopted by reference under IC 25-2.1-2-15.
- (3) An examination of prospective financial information performed in accordance with the AICPA Statements on Standards for Attestation Engagements (SSAE) or other similar standards adopted by reference under IC 25-2.1-2-15.
- (4) An engagement performed in accordance with the standards of the Public Company Accounting Oversight Board.

*As added by P.L.128-2001, SEC.5. Amended by P.L.190-2007, SEC.2.*

**IC 25-2.1-1-4 "Board"**

Sec. 4. "Board" means the Indiana board of accountancy established by IC 25-2.1-2-1.  
*As added by P.L.30-1993, SEC.7.*

**IC 25-2.1-1-5 "Certificate"**

Sec. 5. "Certificate" means:

- (1) a certificate for a certified public accountant issued under IC 25-2.1-3 or IC 25-2.1-4;
- (2) a certificate of registration for an accounting practitioner issued under IC 25-2.1-6-1 (before its repeal); or
- (3) a certificate for a certified public accountant, public accountant, or accounting practitioner renewed under IC 25-2.1-4.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.6; P.L.190-2007, SEC.3.*

**IC 25-2.1-1-6 "Client"**

Sec. 6. "Client" means an individual or entity retaining a licensee for the performance of professional services.  
*As added by P.L.30-1993, SEC.7.*

**IC 25-2.1-1-6.3 "Compilation"**

Sec. 6.3. "Compilation" means providing a service to be performed in accordance with AICPA Statements on Standards for Accounting and Review Services (SSARS) or other similar standards adopted by reference under IC 25-2.1-2-15 that is presenting, in the form of financial statements, information that is the representation of the management or owners without undertaking to express any assurance on the statements.  
*As added by P.L.128-2001, SEC.7.*

**IC 25-2.1-1-6.5 "CPA"**

Sec. 6.5. "CPA" means a certified public accountant.  
*As added by P.L.128-2001, SEC.8.*

**IC 25-2.1-1-7 "Firm"**

Sec. 7. "Firm" means a proprietorship, a general business corporation, a professional corporation, a limited liability company, a partnership, or other form of legal entity issued a permit under IC 25-2.1-5 or a registration under IC 25-2.1-6.  
*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.9.*

**IC 25-2.1-1-8 "Licensee"**

Sec. 8. "Licensee" means the holder of:

- (1) a certificate; or
- (2) a firm permit issued under IC 25-2.1-5 or IC 25-2.1-6.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.10.*

**IC 25-2.1-1-8.5 "PA"**

Sec. 8.5. "PA" means a public accountant.  
*As added by P.L.128-2001, SEC.11.*

**IC 25-2.1-1-8.7 "Peer review"**

Sec. 8.7. (a) "Peer review" means a study, an appraisal, or a review of at least one (1) aspect of the professional work of:

- (1) an individual who; or
- (2) a firm in the practice of accountancy that; attests or issues compilation reports, by at least one (1) individual who holds a certificate from any state and possesses qualifications that meet the applicable substantial equivalency standards and who is independent of the individual or firm being reviewed. The term includes any part of a quality review conducted before July 1, 2012, that becomes part of a peer review conducted or peer review report issued after June 30, 2012.

(b) After June 30, 2012, any reference in any law, rule, or other document to "quality review" as that term was applied under this article before July 1, 2012, shall be treated as a reference to peer review.  
*As added by P.L.197-2011, SEC.75.*

**IC 25-2.1-1-9 "Permit"**

Sec. 9. "Permit" means a permit to practice accountancy as a firm issued under IC 25-2.1-5 or by another state.  
*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.12.*

**IC 25-2.1-1-10 "Practice of accountancy"**

Sec. 10. (a) "Practice of accountancy" means the performance or the offering to perform by a licensee of a service involving:

(1) the use of accounting or auditing skills, including the issuance of reports on financial statements;

(2) management advisory, financial advisory, or consulting services; or

(3) the preparation of tax returns or the furnishing of advice on tax matters.

(b) The term does not include the performance or offering of the following services if the person performing or offering the services is not a licensee and no representation is made that the person performing or offering the service is a licensee:

(1) The selling and installing of data processing or bookkeeping equipment and forms.

(2) The preparation of tax returns.

(3) The performance of bookkeeping.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.13.*

#### **IC 25-2.1-1-10.3 "Professional"**

Sec. 10.3. "Professional" means the following:

(1) For a certified public accountant, arising out of or related to the specialized knowledge or skills associated with certified public accountants.

(2) For a public accountant, arising out of or related to the specialized knowledge or skills associated with public accountants.

(3) For an accounting practitioner, arising out of or related to the specialized knowledge or skills associated with accounting practitioners.

*As added by P.L.128-2001, SEC.14.*

#### **IC 25-2.1-1-11 "Public accountant"**

Sec. 11. "Public accountant" means an individual certified by the board under IC 25-2.1-6.

*As added by P.L.30-1993, SEC.7.*

#### **IC 25-2.1-1-12 "Quality review"; expiration**

Sec. 12. (a) "Quality review" means a study, an appraisal, or a review of at least one (1) aspect of the professional work of:

(1) an individual who; or

(2) a firm in the practice of accountancy that;

attests or issues compilation reports, by at least one (1) individual who holds a certificate from any state and possesses qualifications that meet the applicable substantial equivalency standards and who is independent of the individual or firm being reviewed.

(b) This section expires July 1, 2012.

*As added by P.L.30-1993, SEC.7. Amended by P.L.190-2007, SEC.4; P.L.197-2007, SEC.27; P.L.197-2011, SEC.76.*

#### **IC 25-2.1-1-13 "Report"**

Sec. 13. (a) "Report", when used with reference to financial statements, means an opinion or other form of language that states or implies assurance as to the reliability of any financial statements and that also includes or is accompanied by any statement or implication that the individual or firm issuing it has special knowledge or competence in accounting or auditing. The statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the individual is an accountant or auditor or from the language of the report.

(b) The term includes any form of language that disclaims an opinion when the form of the language is conventionally understood to imply any positive assurance as to:

(1) the reliability of the financial statements referred to; or

(2) special competence on the part of the individual or firm issuing the language.

(c) The term includes any other form of language that is conventionally understood to imply an assurance or special knowledge or competence described in subsection (b).

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.15.*

#### **IC 25-2.1-1-14 "State"**

Sec. 14. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, and Guam.

*As added by P.L.30-1993, SEC.7.*

#### **IC 25-2.1-1-15 "Substantial equivalency"**

Sec. 15. "Substantial equivalency" means a determination by the board or its designee that the:

(1) education, examination, and experience requirements contained in the laws and administrative rules of another state are comparable to or exceed the education, examination, and experience requirements of this state; or

(2) education, examination, and experience qualifications of the holder of a certificate granted by another state are comparable to or exceed the education, examination, and experience requirements of this state.

*As added by P.L.128-2001, SEC.16.*

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## **INDIANA CODE § 25-2.1-2**

### **Chapter 2. State Board of Accountancy**

#### **IC 25-2.1-2-1 Establishment of board**

Sec. 1. The Indiana board of accountancy is established.

*As added by P.L.30-1993, SEC.7.*

#### **IC 25-2.1-2-2 Enforcement responsibilities**

Sec. 2. The board is responsible for the administration and enforcement of this article.

*As added by P.L.30-1993, SEC.7.*

#### **IC 25-2.1-2-3 Membership of board; qualifications**

Sec. 3. (a) The board consists of six (6) members appointed by the governor.

(b) Five (5) members must meet the following conditions:

(1) Be a resident of Indiana.

(2) Be a certified public accountant under IC 25-2.1-3 or IC 25-2.1-4.

(c) One (1) member must meet the following conditions:

(1) Be a resident of Indiana.

(2) Be a consumer who is not certified under this article but has professional or practical experience in the use of accounting services and financial statements that qualify the individual to make judgments about the qualifications and conduct of individuals and firms under this article.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.17; P.L.105-2008, SEC.4.*

#### **IC 25-2.1-2-4 Terms of members; successive terms; expiration**

Sec. 4. (a) A member of the board serves a term of three (3) years and until the member's successor is appointed and qualified.

(b) An individual may not serve more than two (2) complete terms. An appointment to fill an unexpired term is not a complete term.

(c) All terms expire on June 30.

*As added by P.L.30-1993, SEC.7. Amended by P.L.190-2007, SEC.5.*

#### **IC 25-2.1-2-5 Removal of members; filling vacancies**

Sec. 5. (a) A member of the board is automatically removed from the board if the member's certificate is suspended or revoked under this article.

(b) The governor may remove a member for neglect of duty, incompetency, or unprofessional conduct.

(c) A vacancy in the membership of the board shall be filled by appointment by the governor for the unexpired term.

*As added by P.L.30-1993, SEC.7.*

#### **IC 25-2.1-2-6 Chairman; officers**

Sec. 6. (a) Each year the board shall elect a member as chairman.

(b) The board may annually elect a member to fill an office that the board determines is appropriate.

*As added by P.L.30-1993, SEC.7.*

#### **IC 25-2.1-2-7 Meetings**

Sec. 7. The board shall meet at times and places determined by the board.

*As added by P.L.30-1993, SEC.7.*

#### **IC 25-2.1-2-8 Quorum**

Sec. 8. A quorum of the board consists of a majority of the appointed members.

*As added by P.L.30-1993, SEC.7.*

#### **IC 25-2.1-2-9 Seal**

Sec. 9. The board shall adopt and use an official seal.

*As added by P.L.30-1993, SEC.7.*

#### **IC 25-2.1-2-10 Compensation and reimbursements**

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

*As added by P.L.30-1993, SEC.7. Amended by P.L.3-2008, SEC.183.*

#### **IC 25-2.1-2-11 Document retention and registries; admissibility of records**

Sec. 11. (a) The board shall:

(1) retain or arrange for the retention of all applications and all verified documents that are filed with the board and the records of the board's proceedings; and

(2) maintain registry of the names and addresses of all licensees.

(b) In a civil or criminal court proceeding arising out of or founded on a provision of this article, copies of a certified and sealed record are admissible as evidence to prove the contents of records.

*As added by P.L.30-1993, SEC.7.*

#### **IC 25-2.1-2-12 Deposit and accounting for fees**

Sec. 12. (a) Fees collected by the board shall be received and accounted for by the board and be deposited in the state general fund.

(b) In addition to the fee to issue or renew a certificate or permit, the board shall establish a fee of not more than ten dollars (\$10) per year for a person who holds a certificate as an accounting practitioner, a CPA, or a PA to provide funds for administering and enforcing the provisions of this article, including investigating and taking action against persons who violate this article. All funds collected under this subsection shall be deposited in the accountant investigative fund established by IC 25-2.1-8-4.

*As added by P.L.30-1993, SEC.7. Amended by P.L.190-2007, SEC.6.*

#### **IC 25-2.1-2-13 Appointment of enforcement personnel**

Sec. 13. The board may appoint committees or individuals to advise or assist the board in the administration and enforcement of this article.

*As added by P.L.30-1993, SEC.7.*

#### **IC 25-2.1-2-14 Actions and proceedings; judicial powers**

Sec. 14. The board may:

(1) sue and be sued in the board's name as an agency of the state;

(2) issue subpoenas to compel the attendance of witnesses and the production of documents;

(3) administer oaths; and

(4) take testimony and receive evidence concerning matters under the board's jurisdiction.

*As added by P.L.30-1993, SEC.7.*

#### **IC 25-2.1-2-15 Adoption of rules**

Sec. 15. The board may adopt rules under IC 4-22-2 governing the administration and enforcement of this article and the conduct of licensees, including the following:

(1) The board's meetings and conduct of business.

(2) The procedure of investigations and hearings.

(3) The educational and experience qualifications required for the issuance of certificates under this article and the continuing professional education required for renewal of certificates under IC 25-2.1-4.

(4) Rules of professional conduct directed to controlling the quality and probity of the practice of accountancy by licensees, including independence, integrity, and objectivity, competence and technical standards, and responsibilities to the public and clients.

(5) The actions and circumstances that constitute professing to be a licensee in connection with the practice of accountancy.

(6) The manner and circumstances of use of the title "certified public accountant" and the abbreviation "CPA".

(7) Quality reviews (before July 1, 2012) or peer reviews (after June 30, 2012) that may be required to be performed under this article.

(8) Methods of applying for and conducting the examinations, including methods for grading examinations and determining a passing grade required of an applicant for a certificate. However, the board shall to the extent possible provide that the examination, grading of the examination, and the passing grades are uniform with those applicable in other states.

(9) Substantial equivalency.

(10) Administration of the accountant investigative fund established by IC 25-2.1-8-4.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.18; P.L.190-2007, SEC.7; P.L.197-2011, SEC.77.*

#### **IC 25-2.1-2-16**

##### **Rules; professional standards**

Sec. 16. (a) The board may adopt a rule under IC 4-22-2-37.1 to incorporate by reference into a rule the latest statement, edition, or compilation of the professional standards governing the competent practice of accountancy that are:

(1) enacted in a federal or state statute, rule, or regulation; or

(2) adopted by an agent of the United States, a state, or a nationally recognized organization or association, including the AICPA, the International Accounting Standards Board, and the Public Company Accounting Oversight Board.

(b) The board may, by resolution, authorize the executive director of the Indiana professional licensing agency to adopt one (1) or more rules described in subsection (a) on behalf of the board. The authorization may be limited as determined by the board. The board may revise or terminate an authorization by resolution. The executive director of the Indiana professional licensing agency shall adopt rules under IC 4-22-2-

37.1 in conformity with the resolution adopted by the board. A rule adopted on behalf of the board by the executive director must:

(1) be signed by the executive director;  
(2) specify on the signature page that the executive director is acting on behalf of the board; and

(3) be submitted to the publisher of the Indiana Register under IC 4-22-2-37.1 with a copy of the resolution authorizing the rulemaking.

A rule adopted by the executive director in conformity with this subsection shall be treated as a rule of the board.

(c) A rule described in subsection (a) or (b) expires on the later of the date:

(1) specified in the rule; or  
(2) that another rule becomes effective that amends or repeals the previously issued rule.

*As added by P.L.25-2012, SEC.2.*

## INDIANA CODE § 25-2.1-3

### Chapter 3. Certified Public Accountant

#### IC 25-2.1-3-1 Qualification for certificate

Sec. 1. The board shall issue a CPA certificate to an individual who does the following:

- (1) Demonstrates good character through lack of a history of dishonest or felonious acts.
- (2) Meets the requirements set forth in this chapter and IC 25-2.1-4.
- (3) Pays the fee established by the board.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.19.*

#### IC 25-2.1-3-2 Examination; qualifications; education requirement

Sec. 2. A first time examination candidate must have at least one hundred fifty (150) semester hours (or the equivalent if a different grading period is used) of college education, including a baccalaureate or higher degree conferred by a college or university acceptable to the board, the total educational program to include an accounting concentration or equivalent as determined by the board to be appropriate.

*As added by P.L.30-1993, SEC.7. Amended by P.L.87-1996, SEC.4; P.L.6-2003, SEC.1.*

#### IC 25-2.1-3-3 Examination; contents

Sec. 3. The examination under section 5 of this chapter must test the candidate's knowledge of the subjects of accounting and auditing, and other related subjects that the board specifies, including business law and taxation.

*As added by P.L.30-1993, SEC.7. Amended by P.L.6-2003, SEC.2.*

#### IC 25-2.1-3-4 Time of holding examinations

Sec. 4. (a) The board shall determine when to hold an examination.

(b) The examination must be administered at least two (2) times a year.

*As added by P.L.30-1993, SEC.7.*

#### IC 25-2.1-3-5 Use of standardized test; contracting for administration of examination

Sec. 5. The board may:

- (1) use any part of the Uniform Certified Public Accountant Examination and Advisory Grading Service of the American Institute of Certified Public Accountants; and
- (2) contract with third parties to perform administrative services for the examination as the board determines is appropriate.

*As added by P.L.30-1993, SEC.7.*

#### IC 25-2.1-3-6 Repealed

*(Repealed by P.L.6-2003, SEC.7.)*

#### IC 25-2.1-3-7 Examination in another state; partial credit

Sec. 7. A candidate shall retain credit for each test section of an examination passed in another state if the credit would have been given under the requirements applicable in Indiana at the time the candidate took the examination.

*As added by P.L.30-1993, SEC.7. Amended by P.L.6-2003, SEC.3.*

#### IC 25-2.1-3-8 Examination; waiver; conditional credit

Sec. 8. If the candidate can show that credit was lost because of circumstances beyond the candidate's control, the board may extend the term of conditional credit validity.

*As added by P.L.30-1993, SEC.7. Amended by P.L.6-2003, SEC.4.*

#### IC 25-2.1-3-9 Examination; fee

Sec. 9. The board may charge, or provide for a third party administering the examination to charge, each candidate a fee prescribed by the board, for each section of the examination or reexamination taken by the candidate.

*As added by P.L.30-1993, SEC.7. Amended by P.L.6-2003, SEC.5.*

#### IC 25-2.1-3-10 Qualifications; experience requirement

Sec. 10. An applicant for the initial issuance of a certificate under this chapter shall show that the applicant has had two (2) years of experience. To qualify as experience under this section, an applicant may provide any type of service or advice that:

- (1) constitutes the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills as determined under the rules adopted by the board; and
- (2) is verified by the holder of an active certificate issued under this article or the corresponding provisions of another state, as determined by the board.

Experience of the type described in this section applies equally toward meeting the experience requirement of this section regardless of whether it is gained through employment in government, industry, academia, or public practice.

*As added by P.L.30-1993, SEC.7. Amended by P.L.179-1997, SEC.1; P.L.128-2001, SEC.21; P.L.6-2003, SEC.6.*

#### IC 25-2.1-3-11 Advanced degree instead of accountancy experience requirement

Sec. 11. An advanced degree in accounting or business administration from a college or university recognized by the board, and the satisfactory completion of the semester hours in accounting, business administration, economics, and other related subjects that the board determines are appropriate, may be substituted as the board determines appropriate for experience of the type described in section 10 of this chapter.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.22.*

#### IC 25-2.1-3-12 Good character requirement

Sec. 12. (a) The board may refuse to grant a certificate on the ground of failure to satisfy the good character requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a licensee.

(b) A finding by the board of lack of good character must be supported by clear and convincing evidence.

(c) When an applicant is found to be unqualified for a certificate because of a lack of good character, the board shall furnish the applicant:

- (1) a statement containing the findings of the board;
- (2) a complete record of the evidence on which the determination was based; and
- (3) a notice of the applicant's right of appeal.

*As added by P.L.30-1993, SEC.7.*



## INDIANA CODE § 25-2.1-4

### Chapter 4. Certificates

#### IC 25-2.1-4-1 Renewal of certificate

Sec. 1. The board shall renew a certificate issued under:

- (1) this chapter;
- (2) IC 25-2.1-3 (certified public accountants); or
- (3) IC 25-2.1-6 (public accountants and accounting practitioners) before July 1, 2007;

if the holder of the certificate applies and meets the requirements under this chapter.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.23; P.L.190-2007, SEC.8.*

#### IC 25-2.1-4-2 Expiration date of certificate

Sec. 2. (a) An initial and renewed certificate expires on the date established by the licensing agency under IC 25-1-6-4.

(b) An individual may renew a certificate by paying a renewal fee and complying with the continuing education requirements established under section 5 of this chapter on or before the expiration date of the certificate.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a certificate, the certificate becomes invalid without further action by the board.

(d) If an individual holds a certificate that has been invalid for not more than three (3) years, the board shall reinstate the certificate if the individual meets the requirements of IC 25-1-8-6(c).

(e) If more than three (3) years have elapsed since the date a certificate expired, the individual who holds the certificate may seek reinstatement of the certificate by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

*As added by P.L.30-1993, SEC.7. Amended by P.L.105-2008, SEC.5.*

#### IC 25-2.1-4-3 Form and time of application; time for grant or denial; temporary certificates

Sec. 3. (a) An application for a certificate must be made:

- (1) in a form; and
- (2) in the case of an application for renewal, between the dates the board specifies.

(b) The board shall grant or deny an application not more than ninety (90) days after the application is properly filed.

(c) If the applicant seeks the opportunity to show that issuance or renewal of a certificate was mistakenly denied, or if the board is not able to determine whether a certificate should be granted or denied, the board may issue to the applicant a temporary certificate that expires ninety (90) days after its issuance or when the board determines whether to issue or renew the certificate.

*As added by P.L.30-1993, SEC.7.*

#### IC 25-2.1-4-4 Applicants from other states; requirements

Sec. 4. (a) The board shall issue a CPA certificate to a holder of a certificate issued by another state if the holder meets the requirements under subsection (b) or (c).

(b) With regard to applicants who do not qualify for reciprocity under the substantial equivalency standard set forth in section 10(a)(2) of this chapter, the board shall issue a CPA certificate to a holder of a certificate issued by another state upon a showing that:

- (1) the applicant has:
  - (A) passed the examination required for issuance of the applicant's certificate; and
  - (B) the applicant:

- (i) had four (4) years of experience in Indiana or another state of the type described in IC 25-2.1-3-10 or meets equivalent requirements prescribed by the board after passing the examination on which the applicant's certificate was based and during the ten (10) years immediately preceding the applicant's application; and

- (ii) if the applicant's certificate was issued by the other state more than four (4) years before the application for issuance of an initial certificate under this chapter, fulfilled the requirements for continuing professional education that would have been applicable under section 5 of this chapter.

(c) The board shall issue a CPA certificate to a CPA certified by another state board or its designee if the board determines that the individual's CPA qualifications are substantially equivalent to the CPA licensure requirements of Indiana.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.24; P.L.105-2008, SEC.6.*

#### IC 25-2.1-4-5 Continuing professional education; requirements for renewal; inactive status

Sec. 5. (a) Except as provided in subsection (c), to renew a certificate under this chapter an applicant must complete one hundred twenty (120) hours of continuing professional education during a three (3) year period with a minimum of twenty (20) hours each year.

(b) The board may prescribe the content, duration, and organization of continuing professional education courses that contribute to the general professional competence of the applicant.

(c) If a licensee desires to discontinue the practice of accountancy in Indiana, the licensee may select inactive status on the renewal form. A licensee selecting inactive status may renew a certificate under this chapter without completing the continuing professional education courses required by subsection (a).

(d) The board may establish the following:

- (1) Prorated continuing professional education requirements to be met by applicants whose initial certificates were issued substantially less than three (3) years before the renewal date.

- (2) Special lesser requirements to be met by applicants for certificate renewal whose prior certificates lapsed substantially before their applications for renewal or for an inactive licensee who wishes to reactivate the licensee's license, when it would be inequitable to require a full compliance with all requirements of continuing professional education that would have been applicable to the period of lapse.

*As added by P.L.30-1993, SEC.7. Amended by P.L.179-1997, SEC.2.*

#### IC 25-2.1-4-6 Fees

Sec. 6. The board shall establish fees under IC 25-1-8-2.

*As added by P.L.30-1993, SEC.7.*

#### IC 25-2.1-4-7 Applicant information on foreign state jurisdiction licensures and suspensions; duty to provide

Sec. 7. An applicant for initial issuance or renewal of a certificate under this chapter shall:

- (1) list each state in which the applicant has applied for or holds a certificate, license, or permit; and
- (2) notify the board in writing, not more than thirty (30) days after its occurrence, of an issuance, denial, revocation, or suspension of a certificate, license, or permit by another state.

*As added by P.L.30-1993, SEC.7.*

#### IC 25-2.1-4-8 Foreign nation accountancy designation; requirements for state licensure

Sec. 8. The board shall issue a CPA certificate to a holder of a designation granted in a foreign country entitling the holder to engage in the practice of accountancy if:

- (1) the foreign authority that granted the designation makes a similar provision to allow an individual who holds a valid certificate issued by the board to obtain the foreign authority's comparable designation;
- (2) the foreign designation:
  - (A) was issued by a foreign authority that regulates the practice of accountancy and has not expired, been revoked, or suspended;
  - (B) entitles the holder to issue reports for financial statements; and
  - (C) was issued upon the basis of educational and examination and experience requirements established by the foreign authority; and
- (3) the applicant:
  - (A) received the designation, based on educational and examination standards substantially equivalent to those in effect in Indiana at the time the foreign designation was granted;
  - (B) meets:
    - (i) an experience requirement substantially equivalent to the requirement under IC 25-2.1-3-10, in the jurisdiction that granted the foreign designation;
    - (ii) has completed four (4) years of experience in Indiana or another state of the type described in IC 25-2.1-3-10; or
    - (iii) meets equivalent requirements established by the board within the ten (10) years immediately preceding the application; and
  - (C) passed a uniform qualifying examination in national standards and an examination on the laws, rules, and code of ethical conduct in effect in Indiana acceptable to the board.

*As added by P.L.30-1993, SEC.7. Amended by P.L.2-1995, SEC.94; P.L.128-2001, SEC.25.*

#### **IC 25-2.1-4-9 Applicant information on foreign accountancy designation to practice or suspension from practice; duty to provide**

Sec. 9. An applicant for initial issuance or renewal of a certificate shall in the application list each jurisdiction where the applicant has applied for or holds a designation to practice accountancy and each holder of a certificate issued under this article shall notify the board in writing, not more than thirty (30) days after its occurrence of any issuance, denial, revocation, or suspension of a designation, or the commencement of a disciplinary or enforcement action by any jurisdiction.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.26.*

#### **IC 25-2.1-4-10 Certification or permit not required for CPA certificate holders from other states; conditions**

Sec. 10. (a) An individual:

- (1) whose principal place of business is not in Indiana; and
  - (2) who either:
    - (A) has a valid certificate as a CPA from any state that the board or its designee has determined to be in substantial equivalence with the CPA licensure requirements of this state; or
    - (B) has individual CPA qualifications that have been determined by the board or its designee as substantially equivalent to the CPA licensure requirements of Indiana;
- shall be presumed to have qualifications substantially equivalent to this state's requirements and shall have all the privileges granted to the holder of a CPA certificate under IC 25-2.1-3 without the need to obtain a certificate under IC 25-2.1-3 or a permit under IC 25-2.1-5.
- (b) Notwithstanding any other provision of law, an individual who offers or renders professional services, in person or by mail, telephone, or other electronic means, as authorized under this section:
    - (1) is not required to provide notice or other submissions to the board; and
    - (2) is subject to the requirements in subsection (c).

(c) An individual of another state exercising the privilege granted under this section and a CPA firm that employs the individual consent, as a condition of the grant of this privilege:

- (1) to the personal and subject matter jurisdiction and disciplinary authority of the board;
- (2) to comply with this article and the board's rules;
- (3) that if a certificate as a CPA from the state of the individual's principal place of business is no longer valid, the individual shall cease exercising the privilege granted under this section in Indiana, individually and on behalf of the CPA firm; and
- (4) to the appointment of the state board or agency that issued the individual's license as the individual's agent on whom process may be served in any action or proceeding by this board against the individual.

*As added by P.L.128-2001, SEC.27. Amended by P.L.190-2007, SEC.9.*

## **INDIANA CODE § 25-2.1-5**

### **Chapter 5. Permits for Firms**

#### **IC 25-2.1-5-1 Grant of permit or renewal**

Sec. 1. The board shall grant or renew a permit to practice accountancy to a CPA or PA firm that applies and meets the requirements under this chapter.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.28.*

#### **IC 25-2.1-5-2 Expiration of renewal**

Sec. 2. An initial and renewed permit expires at the earlier of the following:

- (1) Three (3) years after issuance.
- (2) At a time established by the board.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.29.*

#### **IC 25-2.1-5-3 Form and time for application; grant or denial; temporary permit**

Sec. 3. (a) An application for a permit must be made:

- (1) in a form; and
- (2) in the case of an application for renewal, between the dates the board specifies.

(b) The board shall grant or deny an application within ninety (90) days after the application is properly filed.

(c) When the applicant seeks the opportunity to show that issuance or renewal of a permit was mistakenly denied, or when the board is not able to determine whether a permit should be granted or denied, the board may issue to the applicant a temporary permit that expires ninety (90) days after issuance or when the board determines whether to issue or renew the permit.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.30.*

#### **IC 25-2.1-5-4 Application for initial permit; demonstration of firm member qualifications**

Sec. 4. (a) An applicant for initial issuance or renewal of a permit to practice under this chapter must show that:

- (1) a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, belongs to holders of an active CPA certificate issued under this article or a corresponding certificate that is issued after examination by another state; and
- (2) the partners, officers, shareholders, members, or managers whose principal place of business is in Indiana and who practice accountancy in Indiana hold a valid CPA certificate issued under this article.

(b) For firms of public accountants, at least a simple majority of ownership of the firm, in terms of financial interests and voting rights, must belong to public accountants certified under IC 25-2.1-6.

(c) A firm issued a permit under this section may include nonlicensee owners if:

- (1) the firm designates a licensee who is responsible for the proper registration of the firm and identifies that individual to the board;
- (2) all nonlicensee owners are active individual participants in the CPA or PA firm or affiliated entities; and
- (3) the firm complies with the other requirements that the board may impose by rule.

(d) An individual licensee who is responsible for supervising attest or compilation services and signs or authorizes an individual to sign the accountant's report on the financial statements on behalf of the firm shall meet the competency requirements set out in the professional standards adopted by the board for the services.

(e) An individual licensee who signs or authorizes an individual to sign the accountant's report on the financial statements on behalf of the firm shall meet the competency requirement of subsection (d).

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.31.*

#### **IC 25-2.1-5-5 Application for initial permit; registration of separate offices run by qualified person**

Sec. 5. (a) An applicant for initial issuance or renewal of a permit to practice as a CPA firm under this chapter must:

- (1) register each office of the firm within Indiana with the board; and
- (2) show that all attest and compilation services rendered in this state are under the charge of an individual holding a valid CPA certificate issued under this article or the corresponding provisions of another state.

(b) An applicant for initial issuance or renewal of a permit to practice as a PA firm under this chapter must:

- (1) register each office of the firm within Indiana with the board; and
- (2) show that all attest and compilation services rendered in this state are under the charge of an individual holding a valid CPA or PA certificate issued under this article or the corresponding provision of another state.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.32.*

#### **IC 25-2.1-5-6 Fees**

Sec. 6. The board shall establish fees under IC 25-1-8-2.

*As added by P.L.30-1993, SEC.7.*

#### **IC 25-2.1-5-7 Information as to other jurisdictions where applicant practices; notice of changes in practice or suspension of members**

Sec. 7. (a) An applicant for initial issuance or renewal of a permit under this chapter shall:

- (1) list each state in which the applicant has applied for or holds a permit to practice accountancy as a firm;
- (2) list any past denial, revocation, or suspension of a permit by another state; and
- (3) notify the board in writing, not more than thirty (30) days after a change:

- (A) in the identities of partners, members, officers, or shareholders who work regularly in Indiana;
- (B) in the number or location of offices in Indiana;
- (C) in the identity of the individuals in charge of the offices; and
- (D) of the issuance, denial, revocation, or suspension of a permit by another state.

(b) Firms that fail to comply with this chapter due to changes in firm ownership or personnel, after receiving or renewing a permit, shall take corrective action to bring the firm into compliance as quickly as possible. The board may grant a reasonable time for a firm to take corrective action. Failure to bring the firm into compliance within a reasonable

period as determined by the board shall result in the suspension or revocation of the firm permit.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.33.*

#### **IC 25-2.1-5-8 Rules requiring quality review before renewal**

Sec. 8. (a) The board shall adopt rules that require as a condition to renew a permit under this chapter, that an applicant undergo, not more than once every three (3) years, a quality review (before July 1, 2012) or peer review (after June 30, 2012) conducted in a manner the board specifies.

(b) The rules adopted under subsection (a) must:

(1) be adopted reasonably in advance of the time when a quality review (before July 1, 2012) or peer review (after June 30, 2012) first becomes effective;

(2) include reasonable provision for compliance by an applicant showing that the applicant has in the preceding three (3) years undergone a quality review (before July 1, 2012) or peer review (after June 30, 2012) that is a satisfactory equivalent to the quality review (before July 1, 2012) or peer review (after June 30, 2012) required under this section;

(3) require, with respect to quality reviews (before July 1, 2012) or peer reviews (after June 30, 2012) under subdivision (2), that the quality review (before July 1, 2012) or peer review (after June 30, 2012) be subject to review by an oversight body established or sanctioned by the board that shall:

(A) comply with IC 25-2.1-9-4; and

(B) periodically report to the board on the effectiveness of the review program and provide to the board a listing of firms that have participated in a quality review (before July 1, 2012) or peer review (after June 30, 2012) program; and

(4) subject to section 9 of this chapter and IC 25-2.1-9-4, require, with respect to quality reviews (before July 1, 2012) or peer reviews (after June 30, 2012) under subdivision (2), that:

- (A) the proceedings, records, and work papers of a review committee are privileged and are not subject to discovery, subpoena, or other means of legal process or introduction into evidence in a civil action, arbitration, administrative proceeding, or Indiana board of accountancy proceeding; and
- (B) a member of the review committee or individual who was involved in the quality review (before July 1, 2012) or peer review (after June 30, 2012) process is not permitted or required to testify in a civil action, arbitration, administrative proceeding, or board proceeding to matters:

(i) produced, presented, disclosed or discussed during, or in connection with, the quality review (before July 1, 2012) or peer review (after June 30, 2012) process; or

(ii) that involve findings, recommendations, evaluations, opinions, or other actions of the committee or a committee member.

*As added by P.L.30-1993, SEC.7. Amended by P.L.190-2007, SEC.10; P.L.197-2011, SEC.78.*

#### **IC 25-2.1-5-9 Quality review; confidentiality of records**

Sec. 9. (a) Notwithstanding section 8(b)(4)(B) of this chapter, information, documents, or records that are publicly available are not immune from discovery or use in any civil action, arbitration, administrative proceeding, or board proceeding merely because they were presented or considered in connection with the quality review (before July 1, 2012) or peer review (after June 30, 2012) process.

(b) Any:

- (1) materials prepared in connection with a particular engagement merely because they happen to subsequently be presented or considered as part of the quality review (before July 1, 2012) or peer review (after June 30, 2012) process; or

(2) dispute between review committees and individuals or firms subject to a quality review (before July 1, 2012) or peer review (after June 30, 2012) arising from the performance of the quality review (before July 1, 2012) or peer review (after June 30, 2012); are not privileged.

As added by P.L.30-1993, SEC.7. Amended by P.L.197-2011, SEC.79.

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## INDIANA CODE § 25-2.1-6

### Chapter 6. Accounting Practitioners

#### IC 25-2.1-6-1 Repealed

(Repealed by P.L.190-2007, SEC.16.)

#### IC 25-2.1-6-2 Repealed

(Repealed by P.L.190-2007, SEC.16.)

#### IC 25-2.1-6-3 Repealed

(Repealed by P.L.190-2007, SEC.16.)

#### IC 25-2.1-6-4 Repealed

(Repealed by P.L.190-2007, SEC.16.)

#### IC 25-2.1-6-4.5 No new certificates; renewal of certificate held before July 1, 2007

Sec. 4.5. (a) The board may not issue a certificate under this chapter after July 1, 2007.

(b) The board may renew a certificate under this chapter that is held validly before July 1, 2007.

As added by P.L.190-2007, SEC.11.

#### IC 25-2.1-6-5 Use of title "accounting practitioner"

Sec. 5. An individual who is registered with the board to practice accounting as an accounting practitioner and holds a valid certificate issued under section 1 of this chapter (before its repeal) or renewed under IC 25-2.1-4 may be known as an "accounting practitioner" and may use the abbreviation "AP". However, an individual registered as an accounting practitioner may not prepare or render accounting opinions or certificates for any purpose, including financial statements, schedules, reports, or exhibits for publication, credit purposes, and use in a court. As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.36; P.L.190-2007, SEC.12.

#### IC 25-2.1-6-6 Practice of accounting practitioners as firm

Sec. 6. A firm engaged in Indiana in the practice of accountancy as accounting practitioners shall register with the board as a firm of accounting practitioners, and have and maintain all of the following requirements:

- (1) A least one (1) partner must be a certified public accountant, a public accountant, or an accounting practitioner who holds an active certificate to practice in Indiana.
- (2) Each partner personally engaged within Indiana in the practice of accountancy as a member of the firm must be a certified public accountant, a public accountant, or an accounting practitioner who holds an active certificate to practice in Indiana.
- (3) Each partner:
  - (A) shall be a certified public accountant, a public accountant, or an accounting practitioner in good standing of a state; or
  - (B) who is a nonresident of the United States and who is not a certified public accountant, a public accountant, or an accounting practitioner in good standing of a state shall hold a license or rating in a foreign country that is equivalent to that of a certified public accountant, a public accountant, or an accounting

practitioner in the United States.

(4) Each resident manager in charge of an office of a firm in Indiana must be a certified public accountant, a public accountant, or an accounting practitioner who holds a certificate to practice in Indiana.

As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.37.

#### IC 25-2.1-6-7 Verification of application for firm registration; notice of membership changes

Sec. 7. (a) An application for registration must be verified by a partner, a member, an officer, or a shareholder of the firm who holds a certificate to practice in Indiana as a certified public accountant, a public accountant, or an accounting practitioner.

(b) The board shall determine whether each applicant is eligible for registration.

(c) A firm that is registered and holds a firm permit issued under this chapter may use the words "accounting practitioners" or the abbreviation "APs" in connection with the firm's name.

(d) Notification must be given the board, at least thirty (30) days after the admission to or withdrawal of a partner, a member, an officer, or a shareholder residing in Indiana from a registered firm.

As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.38.

#### IC 25-2.1-6-8 Issuance or renewal of permit to firm

Sec. 8. (a) The board shall issue or renew a permit to an accounting practitioner firm that applies and meets the requirements under this chapter.

(b) Applications and renewals under this chapter are subject to IC 25-2.1-5-2 and IC 25-2.1-5-3.

As added by P.L.128-2001, SEC.39.

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## INDIANA CODE § 25-2.1-7

### Chapter 7. Appointment of Agent

#### IC 25-2.1-7-1 Appointment of secretary of state as process agent

Sec. 1. An application by an individual or a firm that is not a resident of Indiana for a certificate under IC 25-2.1-3 or IC 25-2.1-4 or a permit to practice under IC 25-2.1-5 constitutes appointment of the secretary of state as the applicant's agent on whom process may be served in an action or proceeding against the applicant arising out of a transaction or operation connected with or incidental to the practice of accountancy by the applicant within Indiana.

As added by P.L.30-1993, SEC.7.

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## INDIANA CODE § 25-2.1-8

### Chapter 8. Enforcement

#### IC 25-2.1-8-1 Sanctions and disciplinary action; investigating complaints

Sec. 1. (a) The board may impose sanctions for any of the following reasons:

(1) A violation of IC 25-1-11-5, including:

(A) a peer review rating of fail; or

(B) an act or omission that is the basis of a peer review rating of fail;

on any peer review report issued under this article after June 30, 2012.

(2) Revocation or suspension of the right to practice before a state or federal agency.

(3) Dishonesty, fraud, or gross negligence in the practice of accountancy or in the filing of or failure to file the licensee's own income tax returns.

(4) Any conduct reflecting adversely on the licensee's fitness to engage in the practice of accountancy.

(5) Failure to complete continuing education requirements satisfactorily.

(6) Failure to furnish evidence, when required, of satisfactory completion of continuing education requirements.

(b) A holder of a CPA certificate issued under this article is subject to disciplinary action in this state if the CPA certificate holder:

(1) offers or renders services or uses the CPA title in another state; and

(2) commits an act in that other state for which the CPA certificate holder would be subject to discipline in the other state if the CPA certificate holder were licensed in the other state.

The board shall investigate a complaint made by a board of accountancy or the equivalent of a board of accountancy in another state.

*As added by P.L.30-1993, SEC.7. Amended by P.L.173-1996, SEC.2; P.L.128-2001, SEC.40; P.L.190-2007, SEC.13; P.L.197-2011, SEC.80.*

#### **IC 25-2.1-8-2 Quality review and continuing professional education requirements in addition to remedies**

Sec. 2. In place of or in addition to any remedy specifically provided in IC 25-1-11, the board may require the following of a licensee:

(1) To undergo a quality review (before July 1, 2012) or a peer review (after June 30, 2012).

(2) To satisfactorily complete continuing professional education programs.

*As added by P.L.30-1993, SEC.7. Amended by P.L.173-1996, SEC.3; P.L.197-2011, SEC.81.*

#### **IC 25-2.1-8-3 Repealed**

*(Repealed by P.L.179-1997, SEC.8.)*

#### **IC 25-2.1-8-4 Accountant investigative fund; establishment; appropriation; memorandum of understanding; review**

Sec. 4. (a) The accountant investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the Indiana professional licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of:

(1) money from a fee imposed upon a person who holds a certificate as an accounting practitioner, a CPA, or a PA under IC 25-2.1-2-12(b); and

(2) civil penalties collected under IC 25-2.1-13-3(b).

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the total amount in the fund exceeds seven hundred fifty thousand dollars (\$750,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds seven hundred fifty thousand dollars (\$750,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated to the Indiana professional licensing agency for its use in administering and enforcing this article and conducting investigations and taking enforcement action against persons violating this article.

(f) The attorney general and the Indiana professional licensing agency may enter into a memorandum of understanding to provide the attorney

general with funds to conduct investigations and pursue enforcement action against violators of this article.

(g) The attorney general and the Indiana professional licensing agency shall present the memorandum of understanding annually to the board for review.

*As added by P.L.190-2007, SEC.14.*

## **INDIANA CODE § 25-2.1-9**

### **Chapter 9. Complaints**

#### **IC 25-2.1-9-1 Investigation of complaints**

Sec. 1. (a) The board may, upon receipt of a complaint or other information suggesting a violation of this article or IC 25-1-11, conduct an investigation to determine whether a violation has occurred.

(b) The board shall investigate any complaint made by the board of accountancy of another state against the holder of a CPA certificate issued under this article who offers or renders services in that state.

*As added by P.L.30-1993, SEC.7. Amended by P.L.179-1997, SEC.3; P.L.128-2001, SEC.41.*

#### **IC 25-2.1-9-2 Investigation by investigating officer; report; confidentiality of information**

Sec. 2. (a) The board may designate a member or other individual of appropriate competence to serve as investigating officer to conduct an investigation.

(b) After the completion of an investigation, the investigating officer shall file a report with the board.

(c) Unless the board has determined that there is reason to believe that the subject of an investigation has violated this article or IC 25-1-11, the report of the investigating officer, the complaint, if any, the testimony and documents submitted in support of the complaint or gathered in the investigation, and the fact of pendency of the investigation are confidential information and may not be disclosed to any individual except law enforcement authorities and, to the extent necessary to conduct the investigation, the subject of the investigation, individuals whose complaints are being investigated, and witnesses questioned in the course of the investigation.

*As added by P.L.30-1993, SEC.7. Amended by P.L.179-1997, SEC.4.*

#### **IC 25-2.1-9-3 Disposition of complaint**

Sec. 3. (a) If the board has reason to believe that the subject of an investigation has committed a violation of this article or IC 25-1-11:

(1) the board shall direct that a complaint be issued under IC 25-1-7, if the subject of the investigation is a licensee; and

(2) the board shall take appropriate action under IC 25-1-7-14, if the subject of the investigation is not a licensee.

(b) Subsection (a) does not prohibit the board from taking an action permitted under IC 25-1 or IC 25-2.1-8-2, including an action under the following:

(1) IC 25-1-4-5 (conditional license and other actions related to continuing education or lapsed license).

(2) IC 25-1-6-4 (refusal to issue a license or placement on probationary status).

(c) If the board does not proceed under subsection (a) or (b), the board shall close the matter and may release the information only with the consent of the individual or firm that was under investigation.

*As added by P.L.30-1993, SEC.7. Amended by P.L.179-1997, SEC.5; P.L.84-2010, SEC.20; P.L.197-2011, SEC.82.*

#### **IC 25-2.1-9-4 Peer review rating of fail; definitions; peer review after June 30, 2012**

Sec. 4. (a) This section applies to a licensee that receives a peer review rating of fail on a peer review report issued after June 30, 2012, for a peer review conducted under IC 25-2.1-5-8.

(b) The following definitions apply throughout this section:

(1) "Administering entity" refers to the oversight body established or sanctioned by the board to conduct a peer review program.

(2) "Director" refers to the director of the division of consumer protection in the office of the attorney general.

(3) "Oversight committee" refers to a committee of licensees who are not board members that is designated by the board to receive a report.

(4) "Report" refers to a peer review report described in subsection (a), including any description of the deficiencies on which the peer review rating of fail is based.

(c) The board shall provide the director with the name and contact information for the administering entity.

(d) Not more than thirty (30) days after the issuance of a report, the administering entity shall make the report available to the oversight committee. The oversight committee may forward the report to the director. Receipt of the report shall be treated under IC 25-1-7-4, IC 25-1-7-5, and IC 25-1-7-6 as a complaint submitted by the board. If, after conducting an investigation, the director believes that a licensee should be subjected to disciplinary sanctions by the board, the director shall report the director's determination 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. IC 25-1-7-7(b) does not apply to a determination related to a complaint filed under this section.

(e) The administering entity and the peer review committee issuing a report shall cooperate with an investigation under IC 25-1-7 of a complaint filed under this section and with any resulting proceeding, including compliance with any request for access to or production of the proceedings, records, and work papers of the review committee by the director, the office of the attorney general, or a party to any proceeding initiated as a result of the filing of a complaint under this section. However, all complaints and information pertaining to a complaint are confidential until the attorney general files notice with the board of the attorney general's intent to prosecute a licensee under IC 25-1-7-7. Any meeting of the board, the oversight committee, or a designee of the board or oversight committee that is required in an investigation conducted before the attorney general files notice of intent to prosecute shall be conducted as an executive session under IC 5-14-1.5-6.1.

*As added by P.L.197-2011, SEC.83.*

#### **IC 25-2.1-9-5 Peer review immunity**

Sec. 5. An:

(1) entity administering a quality review program before July 1, 2012, or a peer review program after June 30, 2012;

(2) officer, member, or employee of an entity administering a quality review program before July 1, 2012, or a peer review program after June 30, 2012;

(3) employee or member of a quality review committee before July 1, 2012, or a peer review committee after June 30, 2012; and

(4) entity in which or for which a member of a quality review committee (before July 1, 2012) or peer review committee (after June 30, 2012) is a sole proprietor, a partner, a shareholder, a member, or an employee;

is immune from civil liability that would otherwise arise from communications, supervision, findings, recommendations, evaluations, reports, opinions, or other actions taken or omissions occurring in good faith in the course and scope of the duties of a quality review administering entity (before July 1, 2012) or peer review administering entity (after June 30, 2012) or a quality review committee (before July 1, 2012) or peer review committee (after June 30, 2012) that arise under this article, including the rules adopted by the board. The immunity

granted under this section includes immunity for an act or omission related to any part of a quality review conducted under this article before July 1, 2012, that becomes part of a peer review conducted or peer review report issued after June 30, 2012.

*As added by P.L.197-2011, SEC.84.*

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## **INDIANA CODE § 25-2.1-10**

### **Chapter 10. Hearings**

#### **IC 25-2.1-10-1 Conduct of hearing**

Sec. 1. Each hearing conducted by the board must be held under IC 4-21.5-3.

*As added by P.L.30-1993, SEC.7.*

#### **IC 25-2.1-10-2 Repealed**

*(Repealed by P.L.179-1997, SEC.8.)*

#### **IC 25-2.1-10-3 Repealed**

*(Repealed by P.L.179-1997, SEC.8.)*

#### **IC 25-2.1-10-4 Repealed**

*(Repealed by P.L.179-1997, SEC.8.)*

#### **IC 25-2.1-10-5 Repealed**

*(Repealed by P.L.179-1997, SEC.8.)*

#### **IC 25-2.1-10-6 Repealed**

*(Repealed by P.L.179-1997, SEC.8.)*

#### **IC 25-2.1-10-7 Notice of sanctions; foreign state accountancy boards; other state authorities and professional organizations**

Sec. 7. (a) If the board renders a decision imposing discipline against a licensee under IC 25-1-11, the board shall examine its records to determine whether the licensee holds a certificate or a permit to practice accountancy in another state and, if so, the board shall notify the board of accountancy of that state of the board's decision.

(b) The board may also furnish information relating to proceedings resulting in disciplinary action to other public authorities and to private professional organizations having a disciplinary interest in the licensee.

*As added by P.L.30-1993, SEC.7. Amended by P.L.173-1996, SEC.4.*

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## **INDIANA CODE § 25-2.1-11**

### **Chapter 11. Reinstatement**

#### **IC 25-2.1-11-1 Repealed**

*(Repealed by P.L.179-1997, SEC.8.)*

#### **IC 25-2.1-11-2 Continuing professional education or quality review as conditions precedent**

Sec. 2. Before reinstating a suspended certificate or permit under IC 25-1-11-14, the board may require the applicant to show successful completion of specified continuing professional education, and the board may make the reinstatement of a certificate or permit conditional on satisfactory completion of a quality review (before July 1, 2012) or peer review (after June 30, 2012) specified by the board.

*As added by P.L.30-1993, SEC.7. Amended by P.L.173-1996, SEC.5; P.L.197-2011, SEC.85.*

#### **IC 25-2.1-11-3 Rules of procedure for reinstatement**

Sec. 3. The board shall adopt rules under IC 4-22-2 concerning the procedures for reinstatement.  
*As added by P.L.30-1993, SEC.7.*

## INDIANA CODE § 25-2.1-12

### Chapter 12. Violations

#### IC 25-2.1-12-1 Foreign country practitioners

Sec. 1. This chapter does not apply to an individual or a firm:

- (1) that holds a designation granted in a foreign country entitling the holder to engage in the practice of accountancy or its equivalent in that country;
- (2) whose activities in Indiana are limited to the provision of professional services to individuals or firms who are residents, to governments, or to business entities of the country in which the individual holds the entitlement;
- (3) that does not issue reports with respect to the financial statements of another individual, firm, or governmental unit in Indiana; and
- (4) that does not use in Indiana any title or designation other than the title or designation under which the individual practices in the individual's country, followed by a translation of the title or designation into the English language, if it is in a different language, and by the name of the country.

*As added by P.L.30-1993, SEC.7.*

#### IC 25-2.1-12-2 Reports of financial statements of another; right to issue by person without permit or certificate

Sec. 2. (a) Except as provided in subsection (b), an individual or a firm not holding a valid CPA or public accountant certificate under this article or permit under IC 25-2.1-5 may not issue a report on financial statements of another individual, member, organization, or governmental unit.

(b) Notwithstanding subsection (a):

- (1) an officer, a partner, or an employee of a firm or an organization may sign a statement or report in reference to the financial affairs of the firm or organization with any wording designating the position, title, or office that the signor holds; and
- (2) a public official or employee may, in the performance by an individual of other services, use accounting skills, including the preparation of tax returns, management advisory services, and the preparation of financial statements without the issuance of reports related to those documents.

(c) A CPA or public accountant may not issue a report in standard form upon a compilation of financial information through any form of business that does not hold a valid permit issued under IC 25-2.1-5 unless the report discloses the name of the business through which the individual is issuing the report, and the individual:

- (1) signs the compilation report identifying the individual as a CPA or public accountant; and
- (2) meets the competency requirement provided in applicable standards.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.42.*

#### IC 25-2.1-12-3 Applicability of IC 25-2.1-12-2 prohibitions

Sec. 3. The prohibition contained in section 2 of this chapter is applicable to issuance, by an individual or a firm not holding a valid certificate or permit, of a report using any form of language conventionally used by licensees with respect to:

- (1) a review of financial statements; and
- (2) compilation of financial statements.

*As added by P.L.30-1993, SEC.7.*

#### IC 25-2.1-12-3.5 Attest services performance prohibited

Sec. 3.5. A holder of a CPA or PA certificate issued under this article may not perform attest services except through a firm that holds a valid permit under IC 25-2.1-5.

*As added by P.L.128-2001, SEC.43.*

#### IC 25-2.1-12-4 Individual use of title "CPA"; inactive licensee

Sec. 4. (a) An individual may not use the title or designation "certified public accountant", the abbreviation "CPA", or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the individual is a certified public accountant unless the individual:

- (1) holds a valid CPA certificate;
- (2) meets the substantial equivalency standards of this article; or
- (3) is an employee of a firm holding a permit under IC 25-2.1-5 and has not been an employee long enough to meet the experience requirement under IC 25-2.1-3-10 for a certificate.

(b) A licensee who has selected inactive status on the licensee's renewal form may not use the title or designation "certified public accountant" or the abbreviation "CPA" unless the title, designation, or abbreviation is immediately followed by the word "inactive".

*As added by P.L.30-1993, SEC.7. Amended by P.L.179-1997, SEC.6; P.L.128-2001, SEC.44.*

#### IC 25-2.1-12-5 Firm use of title "CPA"

Sec. 5. A firm may not provide attest services or use the title or designation "certified public accountant", the abbreviation "CPA", or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm is composed of certified public accountants, unless:

- (1) the firm holds a valid permit issued under IC 25-2.1-5; and
- (2) ownership of the firm meets the requirements of this article and the rules adopted by the board.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.45.*

#### IC 25-2.1-12-6 Individual use of title "PA" or "AP"; inactive licensee

Sec. 6. (a) An individual may not use the title or designation "public accountant" or "accounting practitioner", the abbreviation "PA" or "AP", or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the individual is a public accountant or an accounting practitioner unless the individual holds a valid certificate.

(b) A licensee who has selected inactive status on the licensee's renewal form may not use the title or designation "public accountant" or "accounting practitioner" or the abbreviation "PA" or the abbreviation "AP" unless the title, designation, or abbreviation is immediately followed by the word "inactive".

*As added by P.L.30-1993, SEC.7. Amended by P.L.179-1997, SEC.7; P.L.128-2001, SEC.46.*

#### IC 25-2.1-12-7 Firm use of title "PA"

Sec. 7. A firm not holding a valid permit issued under IC 25-2.1-5 may not use the title or designation "public accountant", the abbreviation "PA", or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm is composed of public accountants.

*As added by P.L.30-1993, SEC.7.*

#### IC 25-2.1-12-8 Use of other related titles; prohibition

Sec. 8. (a) An individual or a firm not holding a valid certificate or permit issued under this article may not use the title or designation "certified accountant", "chartered accountant", "enrolled accountant", "licensed accountant", "registered accountant", "accredited accountant", or other title or designation likely to be confused with the titles "certified

public accountant" or "public accountant", or "accounting practitioner" or use any of the abbreviations "CA", "LA", "RA", "AA", or similar abbreviation likely to be confused with the abbreviations "CPA", "PA", or "AP".

(b) The title "enrolled agent" or "EA" may only be used by individuals who are so designated by the Internal Revenue Service under 31 CFR 10.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.47.*

#### **IC 25-2.1-12-9 Use of terms by persons or firms without certificate or permit; prohibition**

Sec. 9. (a) An individual or a firm not holding a valid certificate or permit issued under this article may not use a title or designation that includes the words "accountant", "auditor", or "accounting", in connection with any other words, including statements in a report that imply that the individual or firm holds a certificate or permit or has special competence as an accountant or auditor.

(b) Notwithstanding subsection (a), this section does not prohibit an officer, a member, a partner, a public official, an employee, a firm, or an organization from signing a statement in reference to the financial affairs of the firm, office, or organization with any wording designating the position, title, or office that the signor holds.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.48.*

#### **IC 25-2.1-12-10 Repealed**

*(Repealed by P.L.128-2001, SEC.51.)*

#### **IC 25-2.1-12-11 Individual practitioner use of misleading firm name; firm names of successor partners**

Sec. 11. An individual licensee may not engage in the practice of accountancy in a firm holding a permit under this article using a professional or firm name or designation that is misleading about:

- (1) the legal form of the firm;
- (2) the individuals who are partners, members, officers, or shareholders of the firm; or
- (3) any other matter.

However, the names of former partners or shareholders may be included in the name of a firm or a firm's successor.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.49.*

#### **IC 25-2.1-12-12 Use of initials "P.A." by physician assistant**

Sec. 12. Use of the initials "P.A." by a physician assistant who is authorized to use the initials "P.A." by IC 25-27.5 is not a violation of this chapter.

*As added by P.L.227-1993, SEC.9.*

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### **INDIANA CODE § 25-2.1-13**

#### **Chapter 13. Injunctions and Criminal Penalties**

##### **IC 25-2.1-13-1 Injunctive relief**

Sec. 1. (a) Whenever, as a result of an investigation under IC 25-2.1-9, the board believes that an individual or a firm has engaged or is about to engage in an act or a practice that constitutes or will constitute a violation of IC 25-2.1-12, the board may apply to a circuit or superior court for an order enjoining the act or practice.

(b) If the board determines that the individual or firm has engaged or is about to engage in an act or practice that constitutes or will constitute a violation of IC 25-2.1-12, an injunction, a restraining order, or another appropriate order may be granted by the court.

*As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.50.*

##### **IC 25-2.1-13-2 Criminal proceedings brought by attorney general**

Sec. 2. If the board believes that an individual or a firm has knowingly engaged in an act or a practice that violates IC 25-2.1-12, the board may bring its information to the attention of the attorney general who may cause criminal proceedings to be brought against the individual or firm.

*As added by P.L.30-1993, SEC.7.*

##### **IC 25-2.1-13-3 Knowing violations; offense; civil penalties**

Sec. 3. (a) An individual or a firm who knowingly violates IC 25-2.1-12 commits a Class A misdemeanor.

(b) If the board finds that an individual or a firm knowingly violates IC 25-2.1-12 or a rule or order established by the board under this section, the board may impose a civil penalty of not more than twenty-five thousand dollars (\$25,000) per violation. Penalties collected under this section shall be deposited in the accountant investigative fund established by IC 25-2.1-8-4.

*As added by P.L.30-1993, SEC.7. Amended by P.L.190-2007, SEC.15.*

##### **IC 25-2.1-13-4 Evidence of single acts**

Sec. 4. In any action brought under this chapter or IC 25-2.1-10, evidence of the commission of a single act prohibited by this article is sufficient to justify a penalty, injunction, restraining order, or conviction without evidence of a general course of conduct.

*As added by P.L.30-1993, SEC.7.*

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### **INDIANA CODE § 25-2.1-14**

#### **Chapter 14. Client Records**

##### **IC 25-2.1-14-1 Confidentiality preserved**

Sec. 1. A certified public accountant, a public accountant, an accounting practitioner, or any employee is not required to divulge information relative to and in connection with any professional service as a certified public accountant, a public accountant, or an accounting practitioner.

*As added by P.L.30-1993, SEC.7.*

##### **IC 25-2.1-14-2 Disclosures required by standards of profession**

Sec. 2. The information derived from or as the result of professional services is confidential and privileged. However, this section does not prohibit a certified public accountant, a public accountant, or an accounting practitioner from disclosing any data required to be disclosed by the standards of the profession:

- (1) in rendering an opinion on the presentation of financial statements;
- (2) in ethical investigations conducted by private professional organizations;
- (3) in the course of quality reviews (before July 1, 2012) or peer reviews (after June 30, 2012) or an investigation or proceeding related to a quality review (before July 1, 2012) or peer review (after June 30, 2012); or
- (4) in making disclosure where the financial statements or the professional services of an accountant are contested.

*As added by P.L.30-1993, SEC.7. Amended by P.L.197-2011, SEC.86.*

##### **IC 25-2.1-14-3 Property rights in client records and reports of licensee**

Sec. 3. (a) The following definitions apply throughout this section:

- (1) "Client provided records" means accounting or other records belonging to the client that are provided to the licensee by or on behalf of the client.
- (2) "Client records prepared by the licensee" means accounting or other records (for example, tax returns, general ledgers, subsidiary journals, and supporting schedules such as detailed employee



payroll records and depreciation schedules) that the licensee was engaged to prepare for the client.

(3) "Supporting records" means information not reflected in the client's books and records that are otherwise not available to the client with the result that the client's financial information is incomplete.

(4) "Working papers" includes, but is not limited to, audit programs, analytical review schedules, and statistical sampling results, analyses, and schedules prepared by the client at the request of the licensee.

(b) All statements, records, schedules, working papers, and memoranda made by a licensee or a partner, a member, a shareholder, an officer, a director, or an employee of a licensee, including information prepared by the client for the work and services rendered to a client in the practice of accountancy, except the reports submitted by the licensee to the client and records that are part of the client's records, must remain the property of the licensee except in an express agreement between the licensee and the client to the contrary.

(c) Upon a client's request, a licensee is required to provide the following to the client:

(1) Client provided records in the licensee's custody or control.

(2) Client records prepared by the licensee. However, client records prepared by the licensee may be withheld if the preparation of the records is not complete or there are fees due the licensee for the engagement to prepare those records.

(3) Supporting records related to a completed and issued work product of a licensee. However, supporting records prepared by the licensee may be withheld if there are fees due to the licensee for the specific work product.

(d) A licensee may make and retain a copy of any records returned to a client. Records may be provided in any format usable to the client. To the extent practicable, records shall be returned to a client not more than forty-five (45) days after a request is received.

*As added by P.L.30-1993, SEC.7. Amended by P.L.197-2011, SEC.87.*

#### **IC 25-2.1-14-4 Transfer of records without consent of client; prohibition**

Sec. 4. A statement, record, schedule, working paper, or memorandum may not be sold, transferred, or bequeathed without the consent of the client or the client's personal representative or assignee, to anyone except for surviving partners, members, stockholders, new partners, or new stockholders of the licensee, or any combined or merged firm or successor in interest to the licensee.

*As added by P.L.30-1993, SEC.7.*

#### **IC 25-2.1-14-5 Quality review use of papers; duration of record keeping required of licensee**

Sec. 5. (a) This chapter does not prohibit a temporary transfer of work papers or other material necessary to carry out quality reviews (before July 1, 2012) or peer reviews (after June 30, 2012), conduct an investigation or proceeding related to a quality review (before July 1, 2012) or peer review (after June 30, 2012), or comply with the disclosure of information under this chapter.

(b) A licensee is not required to keep any work paper beyond the period prescribed in any applicable statute.

*As added by P.L.30-1993, SEC.7. Amended by P.L.197-2011, SEC.88.*

Sec. 1. This chapter governs an action based on negligence or breach of contract brought against an accountant, a partnership of accountants, or an accounting corporation registered, licensed, or practicing in Indiana by an individual or a business entity claiming to have been injured as a result of financial statements or other information examined, compiled, certified, audited, or reported on by the defendant accountant as a result of an agreement to provide professional accounting services.

*As added by P.L.30-1993, SEC.7.*

#### **IC 25-2.1-15-2 Time for commencement of action**

Sec. 2. An action under this chapter must be commenced by the earlier of the following:

(1) One (1) year from the date the alleged act, omission, or neglect is discovered or should have been discovered by the exercise of reasonable diligence.

(2) Three (3) years after the service for which the suit is brought has been performed or the date of the initial issuance of the accountant's report on the financial statements or other information.

*As added by P.L.30-1993, SEC.7.*

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## **INDIANA CODE § 25-2.1-15**

### **Chapter 15. Statute of Limitations**

#### **IC 25-2.1-15-1 Actions for negligence or breach of conduct against practitioner; scope of chapter**

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INDIANA CODE § 23-1.5

ARTICLE 1.5. PROFESSIONAL CORPORATIONS

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INDIANA CODE § 23-1.5-1

Chapter 1. Definitions

**IC 23-1.5-1-1 Application of definitions**

Sec. 1. The definitions in this chapter apply throughout this article.  
As added by P.L.239-1983, SEC.1.

**IC 23-1.5-1-2 "Accounting professional"**

Sec. 2. "Accounting professional" means an individual who is licensed as:

- (1) a certified public accountant under IC 25-2.1-3;
- (2) a public accountant under IC 25-2.1-6; or
- (3) an accounting practitioner under IC 25-2.1-6.

As added by P.L.239-1983, SEC.1. Amended by P.L.30-1993, SEC.2.

**IC 23-1.5-1-3 "Architectural or engineering professional"**

Sec. 3. "Architectural or engineering professional" means an individual who is registered as:

- (1) an architect under IC 25-4-1;
- (2) a landscape architect under IC 25-4-2;
- (3) a professional engineer under IC 25-31-1; or
- (4) a land surveyor under IC 25-21.5.

As added by P.L.239-1983, SEC.1. Amended by P.L.23-1991, SEC.5.

**IC 23-1.5-1-4 "Attorney"**

Sec. 4. "Attorney" means an individual in good standing admitted to the practice of law in Indiana.

As added by P.L.239-1983, SEC.1.

**IC 23-1.5-1-5 "Bureau"**

Sec. 5. "Bureau" means the following:

- (1) In the case of:
  - (A) an accounting professional;
  - (B) an architectural professional;
  - (C) an engineering professional;
  - (D) a health care professional;
  - (E) a real estate professional; or
  - (F) a veterinarian;

the Indiana professional licensing agency established by IC 25-1-5-3.

- (2) In the case of an attorney, the state board of law examiners.

As added by P.L.239-1983, SEC.1. Amended by P.L.132-1984, SEC.1; P.L.169-1985, SEC.19; P.L.229-1995, SEC.1; P.L.1-2006, SEC.406.

**IC 23-1.5-1-5.4 "Charitable remainder annuity trust"**

Sec. 5.4. "Charitable remainder annuity trust" has the meaning set forth in Section 664(d)(1) of the Internal Revenue Code.

As added by P.L.172-1996, SEC.1.

**IC 23-1.5-1-5.6 "Charitable remainder unitrust"**

Sec. 5.6. "Charitable remainder unitrust" has the meaning set forth in Section 664(d)(2) or 664(d)(3) of the Internal Revenue Code.

As added by P.L.172-1996, SEC.2.

**IC 23-1.5-1-6 "Disqualified person"**

Sec. 6. "Disqualified person" means an individual, corporation, limited liability company, partnership, fiduciary, trust, association, government agency, or other entity that for any reason is or becomes ineligible under this article to own shares issued by a professional corporation. The term includes a charitable remainder unitrust or charitable remainder annuity trust that is or becomes a disqualified person for failure to comply with section 13(3) of this chapter.

As added by P.L.239-1983, SEC.1. Amended by P.L.8-1993, SEC.307; P.L.172-1996, SEC.3.

**IC 23-1.5-1-7 "Foreign professional corporation"**

Sec. 7. "Foreign professional corporation" means a corporation for profit organized for the purpose of rendering professional services under the law of another state or country.

As added by P.L.239-1983, SEC.1.

**IC 23-1.5-1-8 "Health care professional"**

Sec. 8. "Health care professional" means an individual who is licensed, certified, or registered by a board (as defined in IC 25-1-9-1). However, the term does not include a veterinarian.

As added by P.L.239-1983, SEC.1. Amended by P.L.150-1986, SEC.1; P.L.149-1987, SEC.15; P.L.14-2002, SEC.1.

**IC 23-1.5-1-9 "Licensing authority"**

Sec. 9. "Licensing authority" means the following:

- (1) In the case of an accounting professional, the Indiana state board of public accountancy.
- (2) In the case of an architectural professional, the board of registration for architects and landscape architects.
- (3) In the case of an engineering professional, the state board of registration for professional engineers.
- (4) In the case of an attorney, the Indiana supreme court.
- (5) In the case of a health care professional, the board (as defined in IC 25-1-9-1) that issues the individual's license, certification, or registration.
- (6) In the case of a veterinarian, the Indiana board of veterinary medical examiners.
- (7) In the case of a land surveyor, the state board of registration for land surveyors.
- (8) In the case of a real estate professional, the Indiana real estate commission.

As added by P.L.239-1983, SEC.1. Amended by P.L.137-1985, SEC.4; P.L.169-1985, SEC.20; P.L.150-1986, SEC.2; P.L.149-1987, SEC.16; P.L.23-1991, SEC.6; P.L.33-1993, SEC.8; P.L.229-1995, SEC.2; P.L.24-1999, SEC.1; P.L.82-2000, SEC.1; P.L.14-2002, SEC.2.

**IC 23-1.5-1-10 "Professional corporation"**

Sec. 10. "Professional corporation" means:

- (1) a corporation for profit organized under this article; or
- (2) a foreign corporation admitted to do business under this article.

As added by P.L.239-1983, SEC.1.

**IC 23-1.5-1-11 "Professional service"**

Sec. 11. "Professional service" means any type of service that may be legally performed only by:

- (1) an accounting professional;
- (2) an architectural or engineering professional;
- (3) an attorney;
- (4) a health care professional;
- (5) a veterinarian; or
- (6) a real estate professional.

As added by P.L.239-1983, SEC.1. Amended by P.L.229-1995, SEC.3.

**IC 23-1.5-1-12 "Qualified person"**

Sec. 12. "Qualified person" means an individual, general partnership, professional corporation, or trustee of a qualified trust that is eligible under this article to own shares issued by a professional corporation. As added by P.L.239-1983, SEC.1.

#### **IC 23-1.5-1-13 "Qualified trust"**

Sec. 13. "Qualified trust" means one (1) of the following:

- (1) A trust of which the entire beneficial ownership is owned by a qualified person and the trustee is a qualified person.
- (2) A voting trust established under IC 23-1-31, if the beneficial owner of any shares on deposit and the trustee of the voting trust are qualified persons.
- (3) A charitable remainder unitrust or charitable remainder annuity trust that complies with each of the following conditions:
  - (A) Has one (1) or more current income recipients, all of whom are qualified persons.
  - (B) Has a trustee or an independent special trustee who:
    - (i) is a qualified person; and
    - (ii) has exclusive authority over the shares of the professional corporation while the shares are held in the trust.
  - (C) Has one (1) or more irrevocably designated charitable remaindermen, all of which must at all times:
    - (i) be domiciled; or
    - (ii) maintain a local chapter; in Indiana.
  - (D) When distributing any assets during the term of the trust to charitable organizations, the distributions are made only to charitable organizations described in Section 170(c) of the Internal Revenue Code that:
    - (i) are domiciled; or
    - (ii) maintain a local chapter; in Indiana.

As added by P.L.239-1983, SEC.1. Amended by P.L.149-1986, SEC.46; P.L.172-1996, SEC.4.

#### **IC 23-1.5-1-13.5 Version a "Real estate professional"**

*Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.*

Sec. 13.5. "Real estate professional" means an individual who is licensed as:

- (1) a real estate salesperson under IC 25-34.1-3-3.1; or
- (2) a real estate broker licensed under IC 25-34.1-3-4.1.

As added by P.L.229-1995, SEC.4.

#### **IC 23-1.5-1-13.5 Version b "Real estate professional"**

*Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.*

Sec. 13.5. "Real estate professional" means an individual who is licensed as a real estate broker licensed under IC 25-34.1-3-4.1.

As added by P.L.229-1995, SEC.4. Amended by P.L.127-2012, SEC.2.

#### **IC 23-1.5-1-14 "Veterinarian"**

Sec. 14. "Veterinarian" means an individual admitted to practice veterinary medicine under IC 25-38.1-3.

As added by P.L.239-1983, SEC.1. Amended by P.L.2-2008, SEC.47.

## **INDIANA CODE § 23-1.5-2**

### **Chapter 2. Administrative Provisions**

#### **IC 23-1.5-2-1 Application of IC 23-1**

Sec. 1. IC 23-1 applies to professional corporations formed under this article. However, in the event of a conflict between this article and IC 23-1, this article applies.

As added by P.L.239-1983, SEC.1.

#### **IC 23-1.5-2-2 Performance of administrative functions by bureaus**

Sec. 2. All administrative functions, duties, and responsibilities assigned by this article to any licensing authority shall be performed by the appropriate bureau.

As added by P.L.239-1983, SEC.1.

#### **IC 23-1.5-2-3 Formation of professional corporations; authorization of investments; admission of foreign professional corporations**

Sec. 3. (a) Except as provided in subsections (c) and (d) and IC 25-2.1-5, a professional corporation may be formed to render professional services as follows:

- (1) One (1) or more accounting professionals may form a professional corporation to render services that may legally be performed only by an accounting professional.
- (2) One (1) or more architectural or engineering professionals may form a professional corporation to render services that may legally be performed only by an architectural or engineering professional.
- (3) One (1) or more attorneys may form a professional corporation to render services that may legally be performed only by an attorney.
- (4) One (1) or more health care professionals may form a professional corporation to render services that may legally be performed only by a health care professional.
- (5) One (1) or more veterinarians may form a professional corporation to render services that may legally be performed only by a veterinarian.
- (6) One (1) or more real estate professionals may form a professional corporation to render services that may legally be performed only by a real estate professional.

(b) A foreign professional corporation may be admitted to render professional services in Indiana by complying with IC 23-1.5-5.

(c) A domestic professional corporation or a foreign professional corporation admitted to render professional services in Indiana:

- (1) shall have at least one (1) shareholder who is licensed in Indiana; and
- (2) may have at least one (1) shareholder who is licensed under the laws of another state to render similar professional services.

(d) In addition to the professional services permitted by its articles of incorporation, a professional corporation may invest its funds in any type of investment not prohibited by law.

As added by P.L.239-1983, SEC.1. Amended by P.L.229-1995, SEC.5; P.L.34-1997, SEC.3; P.L.128-2001, SEC.1.

#### **IC 23-1.5-2-4 Qualifications of directors and officers**

Sec. 4. The directors of a professional corporation and all the officers other than the secretary and the treasurer must be qualified persons with respect to the corporation.

As added by P.L.239-1983, SEC.1.

#### **IC 23-1.5-2-5 Persons rendering professional services; licensing**

Sec. 5. (a) A professional corporation may render professional services only through individuals permitted to render such services in Indiana. However, individuals who are not usually and ordinarily considered by custom and practice to be rendering professional services (such as clerks, bookkeepers, and technicians) are not required to be licensed to perform their services.

(b) A licensed individual acting in his individual capacity may render professional services, even though the individual may be a shareholder, director, officer, employee, or agent of a professional corporation.

As added by P.L.239-1983, SEC.1.

**IC 23-1.5-2-6 Liability of corporation, shareholders, and persons rendering professional services**

Sec. 6. (a) An individual who renders professional services as an employee of a professional corporation is liable for any negligent or wrongful act or omission in which he personally participates to the same extent as if he rendered such services as a sole practitioner.

(b) An individual who renders professional services as an employee of a professional corporation is liable for the conduct of other employees of the professional corporation under his direction or control to the same extent a sole practitioner would be so liable.

(c) A corporation whose employees perform professional services within the scope of their employment or of their apparent authority to act for the corporation is liable to the same extent as its employees.

(d) Except as otherwise provided by statute or by rule of the licensing authority, the personal liability of a shareholder of a professional corporation is no greater in any respect than that of a shareholder of a corporation organized under IC 23-1.

*As added by P.L.239-1983, SEC.1.*

**IC 23-1.5-2-7 Relationship of patient or client to corporation or person performing professional services; privileged communications**

Sec. 7. (a) The relationship between an individual performing professional services as an employee of a professional corporation and a client or patient is the same as if the individual performed such services as a sole practitioner.

(b) The relationship between a professional corporation performing professional services and the client or patient is the same as between the client or patient and the individual performing the services.

(c) A privilege applicable to communications between a person rendering professional services and the person receiving such services recognized under Indiana law remains inviolate and extends to a professional corporation and its employees in all cases in which it applies to communications between an individual rendering professional services on behalf of the corporation and the person receiving such services.

*As added by P.L.239-1983, SEC.1.*

**IC 23-1.5-2-8 Corporate name**

Sec. 8. (a) The corporate name of every professional corporation organized under this article:

- (1) must include the words "Professional Services Corporation" or "Professional Corporation" or an abbreviation of these words;
- (2) may not contain any word or phrase that indicates or implies any purpose or power not possessed by corporations organizable under this article; and
- (3) may not contain any word or phrase that indicates that it is organized for any purpose other than that listed in the articles of incorporation.

In addition, only a professional corporation in which all shareholders are physicians licensed under IC 25-22.5 may use the term "medical" in its corporate name.

(b) A licensing authority may by rule adopt further requirements than those specified in subsection (a) as to the names of professional corporations organized under this article.

*As added by P.L.239-1983, SEC.1.*

**IC 23-1.5-2-9 Certificates of registration and incorporation; issuance**

Sec. 9. (a) The secretary of state may issue a certificate of incorporation under this article only if a certificate of registration has first been obtained as provided by this section.

- (b) Application for a certificate of registration:
- (1) shall be made to the bureau in writing; and

(2) must contain the name and address of the proposed corporation and such other information as may be required by a licensing authority.

(c) Upon receipt of the application, the licensing authority shall review the application and make such investigation of the proposed corporation as it considers necessary. If the licensing authority finds that:

- (1) the directors and shareholders are properly licensed in compliance with statute and the rules of the licensing authority; and
- (2) the corporation will be organized in compliance with statute and with the rules of the licensing authority;

the licensing authority shall certify to the bureau that a certificate of registration should be issued. When the bureau has received approval from the appropriate licensing authorities, the bureau shall issue, upon payment of a registration fee of twenty-five dollars (\$25), a certificate of registration.

(d) The incorporators shall present the certificate of registration to the secretary of state at the time the articles of incorporation are presented for filing.

(e) The secretary of state shall issue a certificate of incorporation within sixty (60) days after the date the articles of incorporation are filed, if he finds that the articles of incorporation conform to law.

(f) After the articles of incorporation are approved, the secretary of state shall:

- (1) place his endorsement on the certificate of registration; and
- (2) return to the incorporators the certificate of registration and the certificate of incorporation, along with all accompanying documents.

(g) The certificate of registration takes effect upon the issuance of the certificate of incorporation by the secretary of state, and remains in effect until January 31 following the date of incorporation.

*As added by P.L.239-1983, SEC.1.*

**IC 23-1.5-2-10 Certificate of registration; renewal**

Sec. 10. (a) The certificate of registration must be renewed biennially before January 31 of even numbered years. The holder of the certificate of registration must apply for renewal by submitting to the bureau:

- (1) a written application upon a form prescribed by the bureau; and
- (2) a fee of twenty dollars (\$20).

(b) The licensing authority shall submit its approval to the bureau for the renewal of the certificate of registration if the licensing authority finds that the corporation has complied with:

- (1) this chapter; and
- (2) the rules of the licensing authority.

*As added by P.L.239-1983, SEC.1. Amended by P.L.152-1988, SEC.4.*

**IC 23-1.5-2-11 Repealed**

(Repealed by P.L.34-1997, SEC.26.)

**IC 23-1.5-2-11.1 Biennial report**

Sec. 11.1. A professional corporation must file a biennial report under IC 23-1.

*As added by P.L.34-1997, SEC.4.*

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**INDIANA CODE § 23-1.5-3**

**Chapter 3. Ownership**

**IC 23-1.5-3-1 Shares; issuance; transfer**

Sec. 1. (a) Except as provided in IC 25-2.1-5, a professional corporation may issue shares, fractional shares, and rights or options to purchase shares only to:

- (1) individuals who are authorized by Indiana law or the laws of another state to render a professional service permitted by the articles of incorporation of the corporation;

- (2) general partnerships in which all the partners are authorized by Indiana law or the laws of another state to render a professional service permitted by the articles of incorporation of the corporation;
- (3) professional corporations authorized by Indiana law or the laws of another state to render a professional service permitted by the articles of incorporation of the corporation; and
- (4) the trustee of a qualified trust.

(b) When determined necessary by the licensing authority for any profession in order to prevent violations of the ethical standards of the profession, the licensing authority may by rule further restrict, condition, or abridge the authority of professional corporations to issue shares, but no such rule may, of itself, have the effect of causing a shareholder of a professional corporation at the time the rule becomes effective to become a disqualified person. All shares issued in violation of:

- (1) this section; or
  - (2) any rule adopted by a licensing authority as provided by this section;
- are void.

(c) Except as provided in IC 25-2.1-5, a shareholder of a professional corporation may transfer or pledge shares, fractional shares, and rights or options to purchase shares of the corporation only to individuals, general partnerships, professional corporations, and trustees of qualified trusts qualified under this article to own shares issued directly to them by the professional corporation. A transfer of shares in violation of this subsection is void; however, this subsection does not apply to the transactions described in section 3 of this chapter.

(d) Each certificate representing shares of a professional corporation must state conspicuously upon its face that the shares represented by that certificate are subject to:

- (1) restrictions on transfer imposed by this article; and
- (2) such restrictions on transfer as may be imposed by the licensing authority under this article.

(e) This section does not permit or authorize an individual to practice within Indiana any profession with respect to which a license or registration is required by the state without the individual being licensed or registered under the laws of the state.

*As added by P.L.239-1983, SEC.1. Amended by P.L.34-1997, SEC.5; P.L.128-2001, SEC.2.*

#### **IC 23-1.5-3-2 Authority to purchase shares from disqualified persons**

Sec. 2. A professional corporation may purchase its own shares from a disqualified person without regard to the availability of capital or earned surplus for the purchase; however, no purchase of or payment for its own shares may be made at a time when the corporation is insolvent or when the purchase or payment would make it insolvent.

*As added by P.L.239-1983, SEC.1.*

#### **IC 23-1.5-3-3 Transfer or purchase of shares from disqualified persons; procedure**

Sec. 3. (a) Whenever:

- (1) a shareholder of a professional corporation dies;
- (2) a shareholder of a professional corporation becomes a disqualified person;
- (3) a charitable remainder unitrust or charitable remainder annuity trust that holds shares of a professional corporation becomes a disqualified person; or
- (4) shares of a professional corporation are transferred by operation of law or court decree to a disqualified person;

the shares of the deceased shareholder or disqualified person may be transferred to a qualified person. If the shares are not so transferred, the shares shall be purchased or redeemed by the corporation to the extent of funds that may legally be made available for the purchase, as provided in section 2 of this chapter.

(b) Within five (5) months after such death or thirty (30) days after such a disqualification or transfer, if the price and method of payment for such shares is not fixed or ascertainable by the articles of incorporation or bylaws of the corporation or by private agreement, the corporation shall make a written offer to pay for the shares at a specified price determined by the corporation to be the fair value of the shares as of the date of the death, disqualification, or transfer. The offer:

(1) shall be given to the disqualified person, which, in the case of a deceased shareholder, is the executor, administrator, or heirs at law if there is no executor or administrator; and

(2) must be accompanied by:

(A) a balance sheet of the corporation, as of the latest available date and not more than twelve (12) months before the making of the offer; and

(B) an income statement of the corporation for the twelve (12) month period ending on the date of the balance sheet.

(c) If the fair value of the shares is agreed upon between the disqualified person and the corporation within thirty (30) days after the date of the written offer from the corporation, payment for the shares shall be made upon surrender of the certificate or certificates representing the shares:

(1) within sixty (60) days after the date of the offer; or

(2) at such other time as the parties may fix by agreement.

Upon payment of the agreed value, the disqualified person ceases to have any interest in the shares.

(d) If the disqualified person and the corporation do not agree on the fair value of the shares within thirty (30) days after the corporation's written offer, the following procedures apply:

(1) The disqualified person may make written demand within sixty (60) days after the date of the corporation's written offer that the corporation file a petition in the circuit or superior court in the county where the principal office of the corporation is located, requesting that the fair value of the shares be determined. The corporation shall file a petition under this subdivision within thirty (30) days after receipt of written demand from the disqualified person. If the corporation fails to institute the proceeding as required by this subdivision, the disqualified person may do so within sixty (60) days after delivery of the written demand to the corporation.

(2) If the corporation so elects at any time within sixty (60) days after the date of the corporation's written offer, it may file a petition for the determination of the fair value of the shares in the circuit or superior court in the county where the principal office of the corporation is located.

(3) The disqualified person shall be made a party to any proceeding under this subsection.

(4) All proceedings instituted under this subsection shall be governed by the Indiana rules of trial procedure.

(5) In a proceeding under this subsection, the court may appoint one (1) or more persons as appraisers to receive evidence and make a recommendation to the court on the question of the fair value of the shares. The appraisers have such authority as shall be specified in the appointment order of the court.

(e) In a proceeding under subsection (d), the disqualified person is entitled to judgment against the corporation for the amount of the fair value of his shares as of the date of death, disqualification, or transfer, upon surrender to the corporation of the certificate or certificates representing the shares. The court may order that the judgment be paid by the corporation in such installments as the court determines to be fair and just. The judgment may include an allowance for interest, not to exceed the legal rate of interest for judgments specified in IC 24-4.6-1-101, from the date of death, disqualification, or transfer.

(f) Except as provided in this subsection, the costs and expenses of any proceeding under subsection (d) shall be determined by the court and shall be assessed against the corporation. If the fair value of the

shares as determined by the court does not exceed the amount specified in the last written offer made by the corporation, the court may assess all or any part of the costs and expenses of the proceeding against the disqualified person. For purposes of this subsection, expenses include:

- (1) reasonable compensation for and reasonable expenses of the appraisers; and
- (2) reasonable fees and expenses of counsel.

(g) If a purchase, redemption, or transfer of the shares of a deceased or disqualified shareholder or of a transferee who is a disqualified person is not completed within ten (10) months after the death of the deceased shareholder or within five (5) months after the disqualification or transfer, the corporation shall immediately cancel the shares on its books, and the disqualified person as of the date of cancellation has no further interest as a shareholder in the corporation other than his right to payment for such shares under this section. A corporation may not cancel its shares if a petition for a determination of fair value has been filed under this section in a circuit or superior court.

(h) Shares acquired by a corporation:

- (1) in payment of the agreed value for the shares; or
- (2) in payment of a judgment entered for the payment of those shares, as provided in this section;

may be held and disposed of by the corporation as in the case of other treasury shares.

(i) Any provision regarding purchase, redemption, or transfer of shares of a professional corporation contained in the articles of incorporation, bylaws, or any private agreement is specifically enforceable in the courts of this state.

(j) This section does not prevent or relieve a professional corporation from paying pension benefits or other deferred compensation for services rendered to or on behalf of a former shareholder as otherwise permitted by law.

*As added by P.L.239-1983, SEC.1. Amended by P.L.172-1996, SEC.5.*

#### **IC 23-1.5-3-4 Proxies; voting trusts**

Sec. 4. (a) A proxy for shares of a professional corporation is valid only if it is given to a qualified person of that corporation.

(b) A voting trust with respect to shares of a professional corporation is valid only if all the trustees and beneficiaries of the voting trust are qualified persons.

*As added by P.L.239-1983, SEC.1.*

#### **IC 23-1.5-3-5 Powers of administrator, executor, guardian, and others of estate of shareholder who holds all outstanding shares**

Sec. 5. This section applies to an administrator, executor, guardian, conservator, or receiver of the estate of a shareholder of a professional corporation who holds all of the outstanding shares of the corporation. Such a person may:

- (1) exercise voting rights; and
- (2) serve as a director and officer of the corporation;

for the purposes of amending the articles of incorporation as provided in IC 23-1.5-4-2 or dissolving the corporation.

*As added by P.L.239-1983, SEC.1.*

#### **IC 23-1.5-3-6 Filing of articles of incorporation; notice of change of ownership or address**

Sec. 6. (a) A professional corporation shall file a copy of its articles of incorporation, certified by the secretary of state, with the bureau. Thereafter, the corporation shall file with the bureau certified copies of all amendments to its articles of incorporation, including articles of acceptance and all articles of merger to which the corporation is a party.

(b) A professional corporation shall notify the bureau of a change in the ownership of any of the shares in the professional corporation or a change in its business address within thirty (30) days after the date of the change. Notice of change in ownership must contain the names and post

office addresses of the transferor shareholder and the transferee shareholder, and notice of change of business address must contain the street address of the old location and the street address of the new location.

*As added by P.L.239-1983, SEC.1. Amended by P.L.34-1997, SEC.6.*

## **INDIANA CODE § 23-1.5-4**

### **Chapter 4. Change of Corporate Form**

#### **IC 23-1.5-4-1 Merger and consolidation**

Sec. 1. (a) A professional corporation may merge or consolidate with another corporation, domestic or foreign, only if every shareholder of each corporation is qualified to be a shareholder of the surviving or new corporation.

(b) Upon the merger or consolidation of a professional corporation, if the surviving or new corporation is to render professional services in Indiana, it shall comply with this article.

*As added by P.L.239-1983, SEC.1.*

#### **IC 23-1.5-4-2 Cessation of professional services**

Sec. 2. (a) If a professional corporation ceases to render professional services, the corporation shall:

- (1) amend its articles of incorporation to delete from its stated purposes the rendering of professional services; and
- (2) conform to the requirements of IC 23-1 regarding its corporate name.

(b) The corporation may then continue in existence as a corporation under IC 23-1 and is no longer subject to this article.

*As added by P.L.239-1983, SEC.1.*

#### **IC 23-1.5-4-3 Involuntary dissolution**

Sec. 3. (a) A professional corporation formed under this article may be involuntarily dissolved as provided by IC 23-1-47.

(b) In addition to the causes specified in IC 23-1-47 for the involuntary dissolution of a corporation, a failure to comply with this article is a cause for the involuntary dissolution of a professional corporation under IC 23-1-46.

*As added by P.L.239-1983, SEC.1. Amended by P.L.34-1987, SEC.278.*

#### **IC 23-1.5-4-4 Right of corporation to accept this article**

Sec. 4. (a) Any corporation organized under Indiana law for any purpose or purposes for which a corporation might be organized under this article, and existing on September 1, 1983, may accept this article, and avail itself of the rights and privileges provided by this article, by complying with this article. Without limitation, this right to accept this article extends to any corporation formed under this or any other general statute, for any purpose or purposes for which a corporation might be organized under this article, if the corporation existed on or after September 1, 1983, or if its articles of incorporation fix a time of corporate existence that has terminated or thereafter terminates, if this corporation files its articles of acceptance within two (2) years after such termination. The acceptance of this article may be effected by the officer, directors, and members of the corporation or by persons acting as such.

(b) Upon acceptance and compliance with the requirements of this article, the corporation shall be considered to have existed since termination and its acts, during this time, have the same validity as if performed before termination.

(c) This section does not apply to any corporation whose corporate franchise has been forfeited under any other statute.

*As added by P.L.239-1983, SEC.1.*

**IC 23-1.5-4-5 Articles of acceptance; approval by board of directors and members; presentation to secretary of state**

Sec. 5. (a) The board of directors or trustees of a corporation desiring to accept this article shall, by a resolution adopted by a majority vote of the board, approve articles of acceptance setting forth the following information:

- (1) The name of the corporation.
- (2) The location of its principal office and the name and address of its resident agent.
- (3) The date of its incorporation.
- (4) A designation of the law under which it was organized.
- (5) A declaration that it accepts all of the terms and provisions of this article.
- (6) A restatement of those provisions of its articles of incorporation or association that it desires to have continued in effect, as long as the provisions restated would have been authorized by this article as provisions of original articles of incorporation for a corporation organized under this article. Failure to restate such provisions in the articles of acceptance constitutes nonconformance to law, and the secretary of state shall refuse to file these articles of acceptance. Any provision not stated in its articles of acceptance is not effective after the articles are filed; however, this subdivision does not prevent any corporation from adopting and filing amended articles of acceptance that make the articles conform to this subdivision. Amended articles of acceptance shall be filed and recorded in the same manner as required for original articles of acceptance.

(b) The resolution of the board of directors approving the articles of acceptance must direct that the articles be submitted to a vote of those members of the corporation who are entitled to vote in respect to the articles, at a designated meeting, which may be an annual meeting of members or a special meeting of those members who are entitled to vote. If the designated meeting is an annual meeting, notice of the submission of the articles of acceptance shall be included in the notice of the annual meeting. If it is a special meeting, it shall be called by the resolution designating the meeting and notice shall be given at the time and in the manner provided in IC 23-17-10.

(c) The articles of acceptance approved by the board of directors shall be submitted to a vote of the members as provided in subsection (b). To be adopted, they must receive the affirmative votes of two-thirds (2/3) of the members entitled to vote.

(d) Upon approval and adoption, the articles of acceptance:

- (1) shall be signed in duplicate, in the form prescribed by the secretary of state, by any current officer of the corporation and verified and affirmed subject to penalties for perjury; and
- (2) shall be presented in duplicate to the secretary of state at his office, accompanied by those fees prescribed by law.

*As added by P.L.239-1983, SEC.1. Amended by P.L.179-1991, SEC.27.*

**IC 23-1.5-4-6 Articles of acceptance; approval by secretary of state**

Sec. 6. Upon the presentation of the articles of acceptance, the secretary of state, if he finds they conform to the requirements of section 5 of this chapter, shall endorse his approval upon both of the copies of the articles, and, when all fees have been paid as required by law, shall:

- (1) file one (1) copy of the articles in his office;
- (2) issue a certificate of acceptance; and
- (3) return to the corporation the remaining copy of the articles of acceptance, bearing the endorsement of his approval, together with the certificate of acceptance.

*As added by P.L.239-1983, SEC.1.*

**IC 23-1.5-4-7 Certificate of acceptance; issuance**

Sec. 7. The acceptance becomes effective upon issuance of a certificate of acceptance by the secretary of state. The corporation is entitled to all rights and privileges and is subject to all penalties, liabilities,

and restrictions provided by this article granted to or imposed upon corporations organized under this article. The articles of incorporation shall be considered to be amended to the extent, if any, that any provision or provisions of the articles are restated in the articles of acceptance.

*As added by P.L.239-1983, SEC.1.*

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**INDIANA CODE § 23-1.5-5**

**Chapter 5. Foreign Professional Corporations**

**IC 23-1.5-5-1 Necessity of compliance; application of IC 23-1-50**

Sec. 1. A foreign professional corporation desiring to be admitted to render professional services in Indiana must:

- (1) comply with IC 23-1-49; and
- (2) comply with this article.

IC 23-1-50 applies to the foreign professional corporation.

*As added by P.L.239-1983, SEC.1. Amended by P.L.11-1987, SEC.26.*

**IC 23-1.5-5-2 Revocation of certificate of admission**

Sec. 2. The certificate of admission of any foreign corporation admitted to render professional services in Indiana may be revoked at any time by the secretary of state:

- (1) as provided by IC 23-1-51; or
- (2) for failure to comply with this article.

*As added by P.L.239-1983, SEC.1. Amended by P.L.34-1987, SEC.279.*

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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 5 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; P.L.155-2011, SEC.5.

**IC 25-1-1.1-2 Version a  
Suspension, denial, or revocation of license or certificate for specified convictions**

Note: This version of section effective until 3-15-2012. See also following version of this section, effective 3-15-2012.

Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

- (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, hashish, salvia, or a synthetic cannabinoid 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) A sex crime under IC 35-42-4.
  - (14) A felony that reflects adversely on the individual's fitness to hold a professional license.
  - (15) 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 in this section.
- 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; P.L.138-2011, SEC.6; P.L.182-2011, SEC.6; P.L.155-2011, SEC.6; P.L.6-2012, SEC.168.

**IC 25-1-1.1-2 Version b  
Suspension, denial, or revocation of a license or certificate for specified convictions**

Note: This version of section effective 3-15-2012. See also preceding version of this section, effective until 3-15-2012.

Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

- (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, hashish, salvia, or a synthetic drug 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) A sex crime under IC 35-42-4.

(14) A felony that reflects adversely on the individual's fitness to hold a professional license.

(15) 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 in this section.

*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; P.L. 138-2011, SEC. 6; P.L. 182-2011, SEC. 6; P.L. 155-2011, SEC. 6; P.L. 6-2012, SEC. 168; P.L. 78-2012, SEC. 7.*

#### **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, hashish, salvia, or a synthetic drug 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.

*As added by P.L. 67-1990, SEC. 8. Amended by P.L. 182-1991, SEC. 1; P.L. 17-2001, SEC. 6; P.L. 1-2002, SEC. 94; P.L. 151-2006, SEC. 11; P.L. 138-2011, SEC. 7; P.L. 182-2011, SEC. 7; P.L. 78-2012, SEC. 8.*

#### **IC 25-1-1.1-4 National criminal history background check for certain licenses and certificates; release of background results; random audit**

Sec. 4. (a) This section applies to an individual who is applying for, or will be applying for, an initial license or an initial certificate under one (1) of the following:

(1) IC 25-2.5 (acupuncturists).

(2) IC 25-10 (chiropractors).

(3) IC 25-13 (dental hygienists).

(4) IC 25-14 (dentists).

(5) IC 25-14.5 (dietitians).

(6) IC 25-17.3 (genetic counselors).

(7) IC 25-19 (health facility and residential care facility administrators).

(8) IC 25-21.8 (massage therapists).

(9) IC 25-22.5 (physicians).

(10) IC 25-23 (nurses).

(11) IC 25-23.5 (occupational therapists).

(12) IC 25-23.6 (social workers, marriage and family therapists, and counselors).

(13) IC 25-24 (optometrists).

(14) IC 25-26 (pharmacists).

(15) IC 25-27 (physical therapists).

(16) IC 25-27.5 (physician assistants).

(17) IC 25-29 (podiatrists).

(18) IC 25-33 (psychologists).

(19) IC 25-34.5 (respiratory care practitioners).

(20) IC 25-35.6 (speech pathologists and audiologists).

(21) IC 25-38.1 (veterinarians).

(b) As used in this chapter, "national criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(c) An individual applying for an initial license or initial certificate specified in subsection (a) shall submit to a national criminal history background check at the cost of the individual.

(d) The state police department shall release the results of a national criminal history background check conducted under this section to the Indiana professional licensing agency.

(e) A board, a commission, or a committee may conduct a random audit and require an individual seeking a renewal of a license or a certificate specified in subsection (a) to submit to a national criminal history background check at the cost of the individual.

*As added by P.L. 155-2011, SEC. 7. Amended by P.L. 28-2012, SEC. 23.*

#### **IC 25-1-1.1-5 Memorandum of understanding for data exchange; use of personal information**

Sec. 5. (a) As used in this section, "licensee" refers to an individual who is licensed or certified in a profession set forth in section 4 of this chapter.

(b) As used in this section, "personal information" means information that identifies an individual, including the following:

(1) Photograph.

(2) Social Security number.

(3) Driver's license number or identification card number.

(4) Name.

(5) Address.

(6) Telephone number.

(7) Fingerprints.

(c) The state police department and the Indiana professional licensing agency shall enter into a memorandum of understanding to provide data exchange and data matching regarding licensees who are charged with or convicted of an offense.

(d) Personal information data exchanged under subsection (c) shall be kept confidential and may be used only for the purposes of a government agency, including the following:

- (1) A prosecuting attorney.
- (2) The Indiana professional licensing agency or a board, committee, or commission administered by the Indiana professional licensing agency.
- (3) A court.
- (4) A law enforcement agency.
- (5) The office of the attorney general.

As added by P.L.155-2011, SEC.8.

## 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 as 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; and
- (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 therefor, 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) Athlete agents.
- (28) Manufactured home installers.
- (29) Home inspectors.
- (30) Massage therapists.
- (31) Interior designers.
- (32) Genetic counselors.

*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; P.L.177-2009, SEC.10; P.L.84-2010, SEC.6.*

#### **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 cosmetology and barber examiners.
- (6) Medical licensing board of Indiana.
- (7) Secretary of state.
- (8) State board of dentistry.
- (9) State board of funeral and cemetery service.
- (10) Worker's compensation board of Indiana.
- (11) Indiana state board of health facility administrators.
- (12) Committee of hearing aid dealer examiners.
- (13) Indiana state board of nursing.
- (14) Indiana optometry board.
- (15) Indiana board of pharmacy.
- (16) Indiana plumbing commission.
- (17) Board of podiatric medicine.
- (18) Private investigator and security guard licensing board.
- (19) State board of registration for professional engineers.
- (20) State psychology board.
- (21) Indiana real estate commission.
- (22) Speech-language pathology and audiology board.
- (23) Department of natural resources.
- (24) Board of chiropractic examiners.
- (25) Mining board.
- (26) Indiana board of veterinary medical examiners.
- (27) State department of health.
- (28) Indiana physical therapy committee.
- (29) Respiratory care committee.
- (30) Occupational therapy committee.
- (31) Behavioral health and human services licensing board.
- (32) Real estate appraiser licensure and certification board.
- (33) State board of registration for land surveyors.
- (34) Physician assistant committee.
- (35) Indiana dietitians certification board.

(36) Attorney general (only for the regulation of athlete agents).

(37) Manufactured home installer licensing board.

(38) Home inspectors licensing board.

(39) State board of massage therapy.

(40) 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.

(d) Notwithstanding any other law, the entities included in subsection (b) shall send notice of the expiration of a license to each individual whose license has expired within thirty (30) days following the expiration of the license. The notice must meet the following requirements:

(1) Inform the individual of the following:

(A) That the individual's license has expired.

(B) Any requirements that must be met before reinstatement of a license may occur.

(2) Be sent electronically. However, if the entity does not have an electronic mail address on record for the individual, the notice must be sent via United States mail.

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; P.L.122-2009, SEC.1; P.L.160-2009, SEC.4; P.L.1-2010, SEC.100; P.L.84-2010, SEC.7; P.L.113-2010, SEC.100; P.L.42-2011, SEC.49; P.L.197-2011, SEC.73.

#### **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.)

## **INDIANA CODE § 25-1-4**

### **Chapter 4. Continuing Education**

#### **IC 25-1-4-0.2 "Approved organization"**

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"**

Sec. 0.3. 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 athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) Indiana dietitians certification board (IC 25-14.5-2-1).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) State board of funeral and cemetery service (IC 25-15-9).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of registration for land surveyors (IC 25-21.5-2-1).
- (15) Manufactured home installer licensing board (IC 25-23.7).
- (16) Medical licensing board of Indiana (IC 25-22.5-2).
- (17) Indiana state board of nursing (IC 25-23-1).
- (18) Occupational therapy committee (IC 25-23.5).
- (19) Indiana optometry board (IC 25-24).
- (20) Indiana board of pharmacy (IC 25-26).
- (21) Indiana physical therapy committee (IC 25-27-1).
- (22) Physician assistant committee (IC 25-27.5).
- (23) Indiana plumbing commission (IC 25-28.5-1-3).
- (24) Board of podiatric medicine (IC 25-29-2-1).
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) State psychology board (IC 25-33).
- (27) Indiana real estate commission (IC 25-34.1-2).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) Respiratory care committee (IC 25-34.5).
- (30) Behavioral health and human services licensing board (IC 25-23.6).
- (31) Speech-language pathology and audiology board (IC 25-35.6-2).
- (32) 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; P.L.122-2009, SEC.2; P.L.160-2009, SEC.5; P.L.1-2010, SEC.101; P.L.84-2010, SEC.8.

#### **IC 25-1-4-0.5 "Continuing education"**

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.

The term includes an activity that is approved by the board for a profession or occupation, other than a real estate appraiser, and that augments 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; P.L.177-2009, SEC.11.

#### **IC 25-1-4-0.6 "Practitioner"**

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 25-1-4-0.7 Computation of designated time periods**

Sec. 0.7. (a) In computing any period under this chapter, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:

- (1) a Saturday;
- (2) a Sunday;
- (3) a legal holiday under a state statute; or
- (4) a day that the office in which the act is to be done is closed during regular business hours.

(b) A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period allowed is less than seven (7) days, intermediate Saturdays, Sundays, state holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.

(c) A period under this chapter that begins when a person is served with a paper begins with respect to a particular person on the earlier of the date that:

- (1) the person is personally served with the notice; or
- (2) a notice for the person is deposited in the United States mail.

(d) If a notice is served through the United States mail, three (3) days must be added to a period that begins upon service of that notice.

As added by P.L.177-2009, SEC.12.

#### **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 or refusal to reinstate; 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 to the practitioner's last known address.
- (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 service 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 service 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 service of the notice.

(B) Acquire, within six (6) months after service of 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; P.L.177-2009, SEC.13.*

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

### **Chapter 6. Professional Licensing Agency**

#### **IC 25-1-6-1 Centralization of staff, functions, and services**

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

- (1) make maximum use of data processing as a means of more efficient operation;
- (2) provide more services and carry out functions of superior quality; and
- (3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

*As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.2; P.L.194-2005, SEC.1.*

#### **IC 25-1-6-2 Definitions**

Sec. 2. As used in this chapter:

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

"Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

*As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.3; P.L.206-2005, SEC.8.*

#### **IC 25-1-6-3 Indiana professional licensing agency; functions, duties, and responsibilities**

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

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (5) State board of funeral and cemetery service (IC 25-15-9).
- (6) State board of registration for professional engineers (IC 25-31-1-3).
- (7) Indiana plumbing commission (IC 25-28.5-1-3).
- (8) Indiana real estate commission (IC 25-34.1).
- (9) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (10) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (11) State board of registration for land surveyors (IC 25-21.5-2-1).
- (12) Manufactured home installer licensing board (IC 25-23.7).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of massage therapy (IC 25-21.8-2-1).

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

*As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.10; P.L.132-1984, SEC.4; P.L.246-1985, SEC.14; P.L.257-1987, SEC.14; P.L.234-1989, SEC.2; P.L.186-1990, SEC.4; P.L.23-1991, SEC.8; P.L.48-1991, SEC.15; P.L.1-1992, SEC.129; P.L.30-1993, SEC.4; P.L.234-1995, SEC.2; P.L.82-2000, SEC.3; P.L.227-2001, SEC.3; P.L.162-2002, SEC.3; P.L.145-2003, SEC.3; P.L.194-2005, SEC.2; P.L.206-2005, SEC.9; P.L.185-2007, SEC.3; P.L.200-2007, SEC.4; P.L.3-2008, SEC.177; P.L.160-2009, SEC.6; P.L.84-2010, SEC.11; P.L.42-2011, SEC.50.*

#### **IC 25-1-6-3.5 Board membership not a lucrative office**

Sec. 3.5. For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, membership on a board is not a lucrative office.

*As added by P.L.135-2012, SEC.4.*

#### **IC 25-1-6-4 Additional duties and functions; staff; requirements for renewal; delay of renewal; attorney general; investigation; sanctions; staggering renewal cycles; abandoned application**

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

- (1) notice of board meetings and other communication services;
- (2) record keeping of board meetings, proceedings, and actions;
- (3) record keeping of all persons or individuals licensed, regulated, or certified by a board;

- (4) administration of examinations; and
  - (5) administration of license or certificate issuance or renewal.
- (b) In addition, the licensing agency:
- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
  - (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
  - (3) may consolidate, where feasible, office space, record keeping, and data processing services.
- (c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice must inform the holder of a license or certificate of the requirements to:
- (1) renew the license or certificate; and
  - (2) pay the renewal fee.
- (d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.
- (e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:
- (1) meets the minimum requirements for licensure or certification; and
  - (2) is not in violation of:
    - (A) the law regulating the applicant's profession; or
    - (B) rules adopted by the board regulating the applicant's profession.
- (f) The licensing agency may delay renewing a license or certificate for not more than ninety (90) days after the renewal date to permit the board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the ninety (90) day period:
- (1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.
  - (2) Renew the license or certificate upon satisfaction of all other requirements for renewal.
  - (3) Renew the license and file a complaint under IC 25-1-7.
  - (4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-11-5.
  - (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.
- (g) If an applicant fails to appear before the board under subsection (f), the board may take action as provided in subsection (f)(1), (f)(2), or (f)(3).
- (h) If the board makes a request under subsection (f)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds the applicant violated IC 25-1-11-5, the board may impose sanctions under IC 25-1-11-12. The board may delay renewing a license or certificate beyond ninety (90) days after the renewal date until a final

determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:

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

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

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

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

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

#### **IC 25-1-6-5 Executive director**

Sec. 5. (a) The licensing agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

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

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

(d) The executive director is the chief fiscal officer of the licensing agency and is responsible for hiring of all staff and for procurement of all services and supplies in accordance with IC 5-22. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.

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

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

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

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

*As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.11; P.L.132-1984, SEC.6; P.L.49-1997, SEC.64; P.L.194-2005, SEC.4; P.L.6-2012, SEC.170.*

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



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

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

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

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

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

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

**IC 25-1-6-7 Repealed**

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

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

*Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.*

Sec. 8. (a) The licensing agency and the boards may allow the department of state revenue access to the name of each person who:

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

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

- (1) the person provides to the licensing agency a statement from the department of revenue that the person's delinquent tax liability has been satisfied; or
- (2) the licensing agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

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

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

*Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.*

Sec. 8. (a) The licensing agency and the boards may allow the department of state revenue access to the name of each person who:

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

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

- (1) the person provides to the licensing agency a statement from the department of state revenue indicating that the person's tax warrant has been satisfied; or
- (2) the licensing agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

*As added by P.L.26-1985, SEC.20. Amended by P.L.332-1989(ss), SEC.46; P.L.2-2005, SEC.63; P.L.206-2005, SEC.10; P.L.172-2011, SEC.131.*

**IC 25-1-6-9 Repealed**

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

**IC 25-1-6-10 Provision of Social Security numbers; access to numbers**

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

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

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

- (1) a testing service that provides the examination for licensure to the licensing agency or the boards; or
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

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

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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) Board of chiropractic examiners (IC 25-10-1).
- (5) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (6) State board of dentistry (IC 25-14-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana state board of health facility administrators (IC 25-19-1).
- (10) Medical licensing board of Indiana (IC 25-22.5-2).
- (11) Indiana state board of nursing (IC 25-23-1).
- (12) Indiana optometry board (IC 25-24).
- (13) Indiana board of pharmacy (IC 25-26).
- (14) Indiana plumbing commission (IC 25-28.5-1-3).
- (15) Board of podiatric medicine (IC 25-29-2-1).
- (16) State psychology board (IC 25-33).
- (17) Speech-language pathology and audiology board (IC 25-35.6-2).
- (18) Indiana real estate commission (IC 25-34.1-2).
- (19) Indiana board of veterinary medical examiners (IC 25-38.1).

- (20) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (21) Respiratory care committee (IC 25-34.5).
- (22) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (23) Occupational therapy committee (IC 25-23.5).
- (24) Behavioral health and human services licensing board (IC 25-23.6).
- (25) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (26) State board of registration for land surveyors (IC 25-21.5-2-1).
- (27) Physician assistant committee (IC 25-27.5).
- (28) Indiana athletic trainers board (IC 25-5.1-2-1).
- (29) Indiana dietitians certification board (IC 25-14.5-2-1).
- (30) Indiana physical therapy committee (IC 25-27).
- (31) Manufactured home installer licensing board (IC 25-23.7).
- (32) Home inspectors licensing board (IC 25-20.2-3-1).
- (33) State department of health, for out-of-state mobile health care entities.
- (34) State board of massage therapy (IC 25-21.8-2-1).
- (35) 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.134-2008, SEC.16; P.L.1-2009, SEC.138; P.L.122-2009, SEC.5; P.L.160-2009, SEC.7; P.L.1-2010, SEC.102; P.L.84-2010, SEC.12; P.L.113-2010, SEC.101; P.L.42-2011, SEC.51.*

#### **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. (a) Except as provided in subsection (b), the division is responsible for the investigation of complaints concerning licensees.  
(b) The medical licensing board of Indiana shall investigate a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8. The division shall forward a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8 to the medical licensing board of Indiana for investigation by the board. However, if the complaint includes a violation in addition to a violation specified in IC 25-22.5-2-8, the division shall investigate the complaint in its entirety and notify the medical licensing board of Indiana of the investigation.  
*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L. 149-2011, SEC.1; P.L.226-2011, SEC.17.*

#### **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) Except as provided in section 3(b) of this chapter, 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; P.L.149-2011, SEC.2; P.L.226-2011, SEC.18.*

#### **IC 25-1-7-6 Statement of settlement; period 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) Except as provided in section 3(b) of this chapter, 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; P.L.149-2011, SEC.3; P.L.226-2011, SEC.19.*

**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.*

**IC 25-1-7-14 Cease and desist orders**

Sec. 14. (a) Notwithstanding any other law, if the board of a regulated occupation believes that a person who is not licensed, certified, or registered under this title is engaged in or is believed to be engaged in activities for which a license, certification, or registration is required under this title, the board may do the following:

- (1) File a complaint with the attorney general, who shall investigate and may file:
  - (A) with notice; or
  - (B) without notice, if the attorney general determines that person is engaged in activities that may affect an individual's health or safety;

a motion for a cease and desist order with the appropriate board. For purposes of this subdivision, the board may designate a board member or an employee of the Indiana professional licensing agency to act on behalf or in the name of the board.

(2) Upon review of the attorney general's motion for a cease and desist order, the board may issue an order requiring the affected person to show cause why the person should not be ordered to cease and desist from such activities. The show cause order must set forth a time and place for a hearing at which the affected person may appear and show cause as to why the person should not be subject to licensing, certification, or registration under this title. For purposes of this subdivision, the board may designate a board member to act on behalf or in the name of the board.

(b) If the board, after a hearing, determines that the activities in which the person is engaged are subject to licensing, certification, or registration under this title, the board may issue a cease and desist order that must describe the person and activities that are the subject of the order.

(c) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(d) A cease and desist order issued under this section is enforceable in the circuit or superior courts. A person who is enjoined under a cease and desist order and who violates the order shall be punished for contempt of court.

(e) A cease and desist order issued under this section does not relieve any person from prosecution under any other law.

*As added by P.L.84-2010, SEC.13. Amended by P.L.155-2011, SEC.9.*

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**INDIANA CODE § 25-1-8**

**Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees**

**IC 25-1-8-1 "Board"**

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) Board of chiropractic examiners (IC 25-10-1).
- (5) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (6) State board of dentistry (IC 25-14-1).
- (7) State board of funeral and cemetery service (IC 25-15).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana state board of health facility administrators (IC 25-19-1).
- (10) Medical licensing board of Indiana (IC 25-22.5-2).
- (11) Mining board (IC 22-10-1.5-2).
- (12) Indiana state board of nursing (IC 25-23-1).
- (13) Indiana optometry board (IC 25-24).
- (14) Indiana board of pharmacy (IC 25-26).
- (15) Indiana plumbing commission (IC 25-28.5-1-3).
- (16) State psychology board (IC 25-33).
- (17) Speech-language pathology and audiology board (IC 25-35.6-2).
- (18) Indiana real estate commission (IC 25-34.1-2-1).
- (19) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (20) Department of insurance (IC 27-1).
- (21) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (22) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (23) Private investigator and security guard licensing board (IC 25-30-1-5-2).
- (24) Occupational therapy committee (IC 25-23.5-2-1).
- (25) Behavioral health and human services licensing board (IC 25-23.6-2-1).
- (26) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (27) State board of registration for land surveyors (IC 25-21.5-2-1).
- (28) Physician assistant committee (IC 25-27.5).
- (29) Indiana athletic trainers board (IC 25-5.1-2-1).
- (30) Board of podiatric medicine (IC 25-29-2-1).
- (31) Indiana dietitians certification board (IC 25-14.5-2-1).
- (32) Indiana physical therapy committee (IC 25-27).
- (33) Manufactured home installer licensing board (IC 25-23.7).
- (34) Home inspectors licensing board (IC 25-20.2-3-1).
- (35) State board of massage therapy (IC 25-21.8-2-1).
- (36) 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; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8; P.L.1-2010, SEC.103; P.L.84-2010, SEC.14; P.L.113-2010, SEC.102; P.L.42-2011, SEC.52.*

#### **IC 25-1-8-1.1 Repealed**

*(Repealed by P.L.19-1986, SEC.43.)*

#### **IC 25-1-8-2 Fees; establishment and collection**

Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for licensure, registration, or certification.
- (2) Issuance, renewal, or transfer of a license, registration, or certificate.
- (3) Restoration of an expired license, registration, or certificate when such action is authorized by law.
- (4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.
- (5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than ten dollars (\$10) unless the fee is collected under a rule adopted by the board which sets a fee 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 twenty-five dollars (\$25) 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) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) Indiana dietitians certification board (IC 25-14.5-2-1).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) State board of funeral and cemetery service (IC 25-15-9).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of registration for land surveyors (IC 25-21.5-2-1).
- (15) Manufactured home installer licensing board (IC 25-23.7).
- (16) Medical licensing board of Indiana (IC 25-22.5-2).
- (17) Indiana state board of nursing (IC 25-23-1).
- (18) Occupational therapy committee (IC 25-23.5).
- (19) Indiana optometry board (IC 25-24).
- (20) Indiana board of pharmacy (IC 25-26).
- (21) Indiana physical therapy committee (IC 25-27).
- (22) Physician assistant committee (IC 25-27.5).
- (23) Indiana plumbing commission (IC 25-28.5-1-3).
- (24) Board of podiatric medicine (IC 25-29-2-1).
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) State psychology board (IC 25-33).
- (27) Indiana real estate commission (IC 25-34.1-2).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) Respiratory care committee (IC 25-34.5).
- (30) Behavioral health and human services licensing board (IC 25-23.6).
- (31) Speech-language pathology and audiology board (IC 25-35.6-2).
- (32) Indiana board of veterinary medical examiners (IC 25-38.1).
- (33) 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; P.L.122-2009, SEC.7; P.L.160-2009, SEC.9; P.L.1-2010, SEC.104; P.L.84-2010, SEC.15.*

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

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

#### **IC 25-1-8-8 Delaying reinstatement; investigation; attorney general; petition; sanctions; invalid during investigation**

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.*

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## INDIANA CODE § 25-1-10

### Chapter 10. Reserved

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## INDIANA CODE § 25-1-11

### Chapter 11. Professional Licensing Standards of Practice

#### IC 25-1-11-1 "Board"

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (5) State board of registration for land surveyors (IC 25-21.5-2-1).
- (6) State board of funeral and cemetery service (IC 25-15-9).
- (7) State board of registration for professional engineers (IC 25-31-1-3).
- (8) Indiana plumbing commission (IC 25-28.5-1-3).
- (9) Indiana real estate commission (IC 25-34.1-2-1).
- (10) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (11) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (12) Manufactured home installer licensing board (IC 25-23.7).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of massage therapy (IC 25-21.8-2-1).

*As added by P.L.214-1993, SEC.1. Amended by P.L.2-1995, SEC.93; P.L.234-1995, SEC.5; P.L.82-2000, SEC.6; P.L.162-2002, SEC.6; P.L.145-2003, SEC.6; P.L.185-2007, SEC.7; P.L.200-2007, SEC.7; P.L.3-2008, SEC.181; P.L.160-2009, SEC.10; P.L.84-2010, SEC.18; P.L.113-2010, SEC.103; P.L.42-2011, SEC.53.*

#### IC 25-1-11-2 "Practitioner"

Sec. 2. As used in this chapter, "practitioner" means a person that holds:

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

issued by the board regulating a profession.

*As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.1.*

#### IC 25-1-11-3 "License"

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

*As added by P.L.214-1993, SEC.1.*

#### IC 25-1-11-4 "Person"

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

*As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.2.*

#### IC 25-1-11-5 Practitioner compliance with professional standards; findings meriting disciplinary sanctions; fraud or material deception

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

- (1) a practitioner has:
  - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
  - (B) engaged in fraud or material deception in the course of professional services or activities;
  - (C) advertised services or goods in a false or misleading manner; or
  - (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices;
- (2) a practitioner has been convicted of a crime that:
  - (A) has a direct bearing on the practitioner's ability to continue to practice competently; or
  - (B) is harmful to the public;
- (3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
  - (A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;
  - (B) failure to keep abreast of current professional theory or practice;
  - (C) physical or mental disability; or
  - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;

(9) a practitioner has allowed a license issued by a board to be:

- (A) used by another person; or
- (B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; or

(10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

*As added by P.L.214-1993, SEC.1. Amended by P.L.84-1998, SEC.6; P.L.113-1999, SEC.1; P.L.197-2007, SEC.24.*

#### **IC 25-1-11-6 Architect or landscape architect; grounds for disciplinary sanctions**

Sec. 6. A practitioner registered as an architect or a landscape architect is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has:

(1) permitted the practitioner's seal to be affixed to plans, specifications, or drawings that were not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or

(2) used the title "engineer" or advertised to practice engineering and is not registered under IC 25-31-1.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-7 Auctioneers; grounds for disciplinary sanctions**

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

(1) account and to make payment under IC 25-6.1-6-2; or

(2) keep the funds of others separate from the practitioner's own private accounts.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-8 Barbers; grounds for disciplinary sanctions**

Sec. 8. A practitioner registered as a barber is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has continued to practice barbering while the practitioner has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact during the scope of practice of barbering.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-9 Engineers or land surveyors; grounds for disciplinary sanctions**

Sec. 9. A practitioner registered as an engineer or a land surveyor is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner:

(1) has permitted the practitioner's seal to be affixed to plans, specifications, or drawings not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or

(2) has used the title "architect" or advertised to practice architecture and is not registered under IC 25-4-1.

*As added by P.L.214-1993, SEC.1. Amended by P.L.42-2011, SEC.54.*

#### **IC 25-1-11-9.5 Repealed**

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

#### **IC 25-1-11-10 Physical and mental examination of practitioner**

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

*As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.1; P.L.194-2005, SEC.7.*

#### **IC 25-1-11-11 Refusal of physical or mental examination; summary suspension**

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-12 Sanctions for violations**

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

(1) Permanently revoke a practitioner's license.

(2) Suspend a practitioner's license.

(3) Censure a practitioner.

(4) Issue a letter of reprimand.

(5) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the board upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the board;

(C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation;

(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; or

(E) satisfactorily complete a quality review (before July 1, 2012) or peer review (after June 30, 2012) specified by the board as a condition for termination of probationary status if the practitioner is a licensee (as defined in IC 25-2.1-1-8).

(6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(7) Order a practitioner to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without

additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

*As added by P.L.214-1993, SEC.1. Amended by P.L.32-2000, SEC.12; P.L.177-2009, SEC.17; P.L.197-2011, SEC.74.*

**IC 25-1-11-13 Summary license suspension of real estate appraisers and other practitioners; notification by consumer protection division**

Sec. 13. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed after a hearing before the board. Each renewal of a summary suspension may be for not more than ninety (90) days.

(c) Before the board may summarily suspend a license under this section, the consumer protection division of the office of the attorney general shall make a reasonable attempt to notify a practitioner of:

- (1) a hearing by the board to suspend the practitioner's license; and
- (2) information regarding the allegation against the practitioner.

The consumer protection division of the office of the attorney general shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the office of the attorney general attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.

*As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.2; P.L.197-2007, SEC.25; P.L.209-2007, SEC.3; P.L.3-2008, SEC.182.*

**IC 25-1-11-14 Reinstatement of suspended license**

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

*As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.3.*

**IC 25-1-11-15 Reinstatement of revoked license**

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

*As added by P.L.214-1993, SEC.1.*

**IC 25-1-11-16 Consistency of sanctions**

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

*As added by P.L.214-1993, SEC.1.*

**IC 25-1-11-17 Surrender of practitioner license; surrender prohibited if attorney general opposes**

Sec. 17. (a) Except as provided in subsection (b), a practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(b) The board may not approve the surrender of a practitioner's license under subsection (a) if the office of the attorney general:

- (1) has filed an administrative complaint concerning the practitioner's license; and
- (2) opposes the surrender of the practitioner's license.

*As added by P.L.214-1993, SEC.1. Amended by P.L.52-2009, SEC.10; P.L.105-2009, SEC.13.*

**IC 25-1-11-18 Costs; practitioners subject to sanctions**

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.
- (11) Real estate review appraisals, if applicable.

*As added by P.L.214-1993, SEC.1. Amended by P.L.194-2005, SEC.8; P.L.52-2009, SEC.11; P.L.105-2009, SEC.14.*

**IC 25-1-11-19 Refusal to issue license; probationary license; requirements**

Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has:
  - (A) been disciplined by a licensing entity of another state or jurisdiction; or
  - (B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) The board may:

- (1) refuse to issue a license; or
- (2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to the areas prescribed by the board.
- (3) Continue or renew professional education requirements.



(4) Engage in community restitution or service without compensation for the number of hours specified by the board.

(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

*As added by P.L.194-2005, SEC.9. Amended by P.L.197-2007, SEC.26.*

#### **IC 25-1-11-20 Appearance before board**

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.

*As added by P.L.194-2005, SEC.10.*

#### **IC 25-1-11-21 Authority to adopt rules**

Sec. 21. 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.26.*

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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. (a) 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.

(b) This chapter applies to all individuals who:

- (1) hold a license, certificate, registration, or permit under this title, IC 15, IC 16, or IC 22; and
- (2) have been called to full-time service in the:
  - (A) armed forces of the United States; or
  - (B) National Guard;

after September 11, 2001.

*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.61; P.L.220-2011, SEC.405.*

#### **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**

*Note: This version of chapter effective until 1-1-2013. See also following repeal of this chapter, effective 1-1-2013.*

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

*Note: This version of section effective until 1-1-2013. See also following repeal of this chapter, effective 1-1-2013.*

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 Version a**

##### **Participation by member not physically present at meeting**

*Note: This version of section effective until 1-1-2013. See also following repeal of this chapter, effective 1-1-2013.*

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 subsection (b), 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 who participates in a meeting under subsection (b):

- (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; P.L.160-2009, SEC.11; P.L.113-2010, SEC.104.

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

*Note: This version of section effective until 1-1-2013. See also following repeal of this chapter, effective 1-1-2013.*

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 Version a**

#### **Meeting memoranda requirements**

*Note: This version of section effective until 1-1-2013. See also following repeal of this chapter, effective 1-1-2013.*

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.

#### **IC 25-1-14 Version b Repealed**

*(Repealed by P.L.134-2012, SEC.28.)*

*Note: This repeal of chapter effective 1-1-2013. See also preceding sections of this chapter, effective until 1-1-2013.*

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## **INDIANA CODE § 25-1-16**

### **Chapter 16. Evaluation of Regulated Occupations**

#### **IC 25-1-16-1 "Agency"**

Sec. 1. As used in this chapter, "agency" refers to the Indiana professional licensing agency.

As added by P.L.84-2010, SEC.19.

#### **IC 25-1-16-2 "Board"**

Sec. 2. As used in this chapter, "board" means an entity that regulates a specific regulated occupation.

As added by P.L.84-2010, SEC.19.

#### **IC 25-1-16-3 "Committee"**

Sec. 3. As used in this chapter, "committee" means the regulated occupations evaluation committee established by section 6 of this chapter.

As added by P.L.84-2010, SEC.19.

#### **IC 25-1-16-4 "License"**

Sec. 4. As used in this chapter, "license" means:

- (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 regulated occupation in question.

As added by P.L.84-2010, SEC.19.

#### **IC 25-1-16-5 "Regulated occupation"**

Sec. 5. As used in this chapter, "regulated occupation" has the meaning set forth in IC 25-1-7-1.

As added by P.L.84-2010, SEC.19.

#### **IC 25-1-16-6 Regulated occupations evaluation committee established**

Sec. 6. The regulated occupations evaluation committee is established.

As added by P.L.84-2010, SEC.19.

#### **IC 25-1-16-7 Members; terms; votes**

Sec. 7. (a) The committee consists of the following individuals:

(1) The dean of the Indiana University School of Public and Environmental Affairs or the dean's designee. The dean or the dean's designee shall serve as chairperson of the committee.

(2) The director of the agency or the director's designee.

(3) The attorney general or the attorney general's designee, as a nonvoting member.

(4) Two (2) individuals appointed by the governor who are licensed in a regulated occupation.

(5) Two (2) individuals appointed by the governor who are not licensed in a regulated occupation.

(b) The term of a member appointed under subsection (a)(4) or (a)(5) is three (3) years.

(c) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-8 Review and evaluation of regulated occupations; report**

Sec. 8. (a) The committee shall review and evaluate each regulated occupation. The review and evaluation must include the following:

(1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.

(2) An assessment of the management efficiency of the board.

(3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.

(4) Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation that the committee reviews and evaluates. The report must contain the following:

(1) The number of individuals who are licensed in the regulated occupation.

(2) A summary of the board's functions and actions.

(3) The budget and other fiscal factors of regulating the regulated occupation.

(4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

(5) Any recommendations for legislation, including whether a regulated occupation should be modified, combined with another board, or terminated.

(6) Any recommendations for administrative changes.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-9 Cooperation with committee; testimony**

Sec. 9. (a) A board shall cooperate with the committee, as the committee determines is necessary in the committee's review and evaluation of the board.

(b) The committee shall allow testimony concerning each regulated occupation that is being reviewed and evaluated.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-10 Review schedule**

Sec. 10. The committee shall establish a schedule to review and evaluate each regulated occupation. Each regulated occupation must be reviewed and evaluated at least every seven (7) years.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-11 Staff; expenditures**

Sec. 11. (a) The agency shall provide staff and administrative support to the committee.

(b) The committee may hire, with approval of the director of the agency, an individual to assist the committee.

(c) The expenditures of the committee shall be paid from appropriations to the agency.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-12 Member reimbursement**

Sec. 12. (a) Each member of the committee who is not a state employee is 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.

(b) Each member of the committee who is a state employee is 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.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-13 Annual report**

Sec. 13. The committee shall submit a report to the:

(1) governor;

(2) health finance commission; and

(3) legislative services agency;

not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

*As added by P.L.84-2010, SEC.19.*

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### **INDIANA CODE § 25-1-17**

#### **Chapter 17. Licensure of Individuals with Military Training; Licensure of Military Spouses**

##### **IC 25-1-17-1 "Board"**

Sec. 1. As used in this chapter, "board" has the meaning set forth in IC 25-1-8-1.

*As added by P.L.57-2012, SEC.2.*

##### **IC 25-1-17-2 "Military service"**

Sec. 2. As used in this chapter, "military service" means service performed while an active member of any of the following:

(1) The armed forces of the United States.

(2) A reserve component of the armed forces of the United States.

(3) The National Guard.

*As added by P.L.57-2012, SEC.2.*

##### **IC 25-1-17-3 "Military spouse"**

Sec. 3. As used in this chapter, "military spouse" means the husband or wife of an individual who is a member of the armed forces of the United States.

*As added by P.L.57-2012, SEC.2.*

##### **IC 25-1-17-4 Issuance of license, certificate, registration, or permit to military service applicant; conditions**

Sec. 4. Notwithstanding any other law, a board shall issue a license, certificate, registration, or permit to a military service applicant to allow the applicant to practice the applicant's occupation in Indiana if, upon application to a licensing board, the applicant satisfies the following conditions:

(1) Has:

(A) completed a military program of training;

- (B) been awarded a military occupational specialty; and
- (C) performed in that occupational specialty;

at a level that is substantially equivalent to or exceeds the academic or experience requirements for a license, certificate, registration, or permit of the board from which the applicant is seeking licensure, certification, registration, or a permit.

(2) Has engaged in the active practice of the occupation for which the person is seeking a license, certificate, registration, or permit from the board for at least two (2) of the five (5) years preceding the date of the application under this section.

(3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that occupation in Indiana at the time the act was committed.

(4) Pays the fees required by the board from which the applicant is seeking licensure, certification, registration, or a permit.

*As added by P.L.57-2012, SEC.2.*

#### **IC 25-1-17-5 Issuance of license, certificate, registration, or permit to military spouse applicant; conditions**

Sec. 5. Notwithstanding any other law, a board shall issue a license, certificate, registration, or permit to a military spouse to allow the military spouse to practice the military spouse's occupation in Indiana if, upon application to the board, the military spouse satisfies the following conditions:

(1) Holds a current license, certification, registration, or permit from another jurisdiction, and that jurisdiction's requirements for a license, certificate, registration, or permit are substantially equivalent to or exceed the requirements for a license, certificate, registration, or permit of the board from which the applicant is seeking licensure, certification, registration, or a permit.

(2) Can demonstrate competency in the occupation through methods as determined by the board, including having completed continuing education units or having had recent experience for at least two (2) of the five (5) years preceding the date of the application under this section.

(3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that occupation in Indiana at the time the act was committed.

(4) Is in good standing and has not been disciplined by the agency that has jurisdiction to issue the license, certification, registration, or permit.

(5) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification, registration, or a permit.

*As added by P.L.57-2012, SEC.2.*

#### **IC 25-1-17-6 Relevant experience**

Sec. 6. (a) All relevant experience of a:

(1) military service member in the discharge of official duties; or

(2) military spouse, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity; must be credited in the calculation of years of practice in an occupation as required under section 4 or 5 of this chapter.

(b) In determining if a military service member substantially meets the academic requirements for a license, certificate, registration, or permit issued by a board, the board shall consider the

recommendations in the Guide to the Evaluation of Educational Experiences in the Armed Services published by the American Council on Education, or the council's successor organization.

*As added by P.L.57-2012, SEC.2.*

#### **IC 25-1-17-7 Effect of nonresidency**

Sec. 7. A nonresident who is issued a license, certificate, registration, or permit under this chapter is entitled to the same rights and subject to the same obligations as required of a resident who is issued a license, certificate, registration, or permit by a board.

*As added by P.L.57-2012, SEC.2.*

#### **IC 25-1-17-8 Temporary practice permit**

Sec. 8. (a) Notwithstanding any other law, a board may issue a temporary practice permit or provisional license to a:

(1) military service applicant; or

(2) military spouse who is licensed, certified, registered, or issued a permit in another jurisdiction;

while the military service applicant or military spouse is satisfying certain requirements, as determined by the board, for a license, certificate, registration, or permit under section 4 or 5 of this chapter.

(b) The military service applicant or military spouse may practice under the temporary practice permit or provisional license issued under subsection (a) until:

(1) a license, certification, registration, or permit is granted or denied by the board;

(2) a temporary permit expires; or

(3) a provisional license holder fails to comply with the terms of the provisional license.

*As added by P.L.57-2012, SEC.2.*

#### **IC 25-1-17-9 Rules**

Sec. 9. A board may adopt rules under IC 4-22-2 necessary to implement this chapter.

*As added by P.L.57-2012, SEC.2.*

#### **IC 25-1-17-10 Applications under established requirements**

Sec. 10. This chapter does not prohibit a military service applicant or military spouse from proceeding under other licensure, certification, registration, or permit requirements established by a board.

*As added by P.L.57-2012, SEC.2.*

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**TITLE 872 INDIANA BOARD OF ACCOUNTANCY**

**ARTICLE 1. GENERAL PROVISIONS**

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**Rule 0.5. Definitions**

**872 IAC 1-0.5-1 Definitions**

**Authority:** IC 25-2.1-2-15

**Affected:** IC 25-2.1-1-7

Sec. 1. The following definitions apply throughout this title:

- (1) "Accounting internship" means work experience in accounting obtained with an employer for credit from a university or college.
- (2) "AICPA" means the American Institute of Certified Public Accountants.

- (3) "AP" means accounting practitioner.
- (4) "Board" means the Indiana board of accountancy.
- (5) "Bookkeeping" means the:
  - (A) recording;
  - (B) classifying; and
  - (C) summarizing;of financial transactions of an entity from original documents for the purpose of preparing financial statements for internal use of management.
- (6) "Corporate internal audit position" means work experience in the examination and evaluation of the adequacy and effectiveness of an organization's accounting and financial records and its system of internal control.
- (7) "Course", for CPE, includes the following:
  - (A) Seminars.
  - (B) Workshops.
  - (C) Panel discussions.
  - (D) Technical sessions.
  - (E) Similar terms to describe organized instruction.
- (8) "CPA" means certified public accountant.
- (9) "CPE" means continuing professional education.
- (10) "Financial statements" means the results of arranging fiscal transactions into a form in order to provide readers with information.
- (11) "Firm" has the meaning as set forth in IC 25-2.1-1-7. The term includes entities organized under the laws of Indiana or any other state, including limited liability partnerships.
- (12) "Full-time employment" means a position in which the individual:
  - (A) works at least forty (40) hours per week; or
  - (B) if a teaching position, carries a teaching load of at least twelve (12) semester hours or the equivalent.
- (13) "Group program" means a CPE process designed to permit a participant to learn a given subject through real-time interaction with an instructor and other participants either:
  - (A) in a classroom or conference setting;
  - (B) by telephonic means; or
  - (C) by using the Internet.
- (14) "He", "his", or "him", the masculine pronouns, includes the feminine and the neuter gender.
- (15) "Hours", used without a modifier, means CPE credit hours.
- (16) "Internet-based study" means a CPE learning activity, through a group program or a self-study course, that is designed to permit a participant to learn the given subject matter via the Internet.
- (17) "PA" means public accountant.
- (18) "Public communication" means a communication made in identical form to multiple persons or to the world at large, as by:
  - (A) television;
  - (B) radio;
  - (C) motion picture;
  - (D) newspaper;
  - (E) pamphlet;
  - (F) mass mailing;
  - (G) letterhead;
  - (H) business card; or
  - (I) directory.
- (19) "Self-study" means a CPE process designed to permit a participant to learn a given subject without involvement of an instructor. Self-study courses use a pilot test to measure the average completion time from which the recommended CPE credit is determined.

Any provision in this article that requires a specific number of semester credit hours shall be converted to the equivalent if a different grading period is used at the college or university. Unless it is established that a different equivalency applies, it shall be presumed that the correct equivalency is two (2) semester hours for every three (3) quarter hours.

(Indiana Board of Accountancy; 872 IAC 1-0.5-1; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1925; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1029; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2342; errata filed Sep 14, 1994, 2:50 p.m.: 18 IR 269; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3932; errata filed Jul 28, 1998, 10:59 a.m.: 21 IR 4537; filed Feb 21, 2000, 7:06 a.m.: 23 IR 1650; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA; filed Nov 5, 2008, 2:33 p.m.: 20081203-IR-872080293FRA)

## **Rule 1. Requirements for Certification, Licensure, and Registration**

### **872 IAC 1-1-1 Power to grant licenses; prohibited activities of unlicensed persons (Repealed)**

Sec. 1. (Repealed by Indiana Board of Accountancy; filed Mar 20, 1985, 3:25 pm: 8 IR 1044; errata, 8 IR 1046)

### **872 IAC 1-1-2 Applications for examination or registration; use of forms; filing deadlines**

**Authority:** IC 25-2.1-2-15

**Affected:** IC 25-2.1

Sec. 2. Applications must be made on forms authorized by the board. Reproductions will not be accepted. The forms include detailed instructions that if followed, should furnish the board or the board's designee with sufficient information to enable it to pass upon the candidate's eligibility for examination or the applicant's eligibility for registration. The board or the board's designee may require candidates to provide photographs, certified transcripts of education achievement, and other relevant data.

(Indiana Board of Accountancy; Rule 69-1,2; filed Jun 30, 1978, 9:54 a.m.: 1 IR 394; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1927; filed May 1, 1984, 12:50 p.m.: 7 IR 1538; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1030; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2733; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)

### **872 IAC 1-1-3 Age of applicant (Repealed)**

Sec. 3. (Repealed by Indiana Board of Accountancy; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2352)

### **872 IAC 1-1-4 Residence requirements (Repealed)**

Sec. 4. (Repealed by Indiana Board of Accountancy; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2352)

### **872 IAC 1-1-5 Character references (Repealed)**

Sec. 5. (Repealed by Indiana Board of Accountancy; filed Aug 28, 1986, 3:20 pm: 10 IR 72)

### **872 IAC 1-1-6 Educational requirements; transcripts (Repealed)**

Sec. 6. (Repealed by Indiana Board of Accountancy; filed Aug 3, 2001, 4:34 p.m.: 24 IR 3990)

#### **872 IAC 1-1-6.1 Educational requirements**

**Authority:** IC 25-2.1-2-15

**Affected:** IC 25-2.1-3-2; IC 25-2.1-6

Sec. 6.1. (a) Compliance with IC 25-2.1-3-2 regarding educational requirements for first time CPA examination candidates will be met by obtaining at least one hundred fifty (150) semester hours of college education, including a baccalaureate or higher degree from an accredited college or university. As part of the one hundred fifty (150) semester hours, a candidate must meet any one (1) of the following conditions:

- (1) Earned a graduate degree from a college or university that is accredited by an accrediting organization as included in section 6.3 of this rule and completed:

- (A) at least twenty-four (24) semester hours in accounting at the undergraduate level or fifteen (15) semester hours in accounting at the graduate level or an equivalent combination thereof; and
- (B) at least twenty-four (24) semester hours in business administration and economics courses, other than accounting courses, at the undergraduate or graduate level.

The business administration courses may include up to six (6) hours of business and tax law courses and up to six (6) hours of computer science courses. The accounting hours must include courses covering the subjects of financial accounting, auditing, taxation, and managerial accounting. If the accounting hours are a mixture of graduate and undergraduate hours, the higher number of required hours applies. An equivalent combination of undergraduate and graduate semester hours under clause (A) would be a total of twenty-four (24) semester hours calculated at the rate of one and six-tenths (1.6) semester hours for each actual one (1) semester hour in accounting at the graduate level and one (1) semester hour for each actual one (1) semester hour in accounting at the undergraduate level.

(2) Earned a baccalaureate degree from a college or university that is accredited by an accrediting organization as included in section 6.3 of this rule and completed:

- (A) at least twenty-four (24) semester hours in accounting at the undergraduate or graduate level, including courses covering the subjects of financial accounting, auditing, taxation, and managerial accounting; and
- (B) at least twenty-four (24) semester hours in business administration and economics courses other than accounting courses.

The business administration courses may include up to six (6) hours of business and tax law courses and up to six (6) hours of computer science courses.

(b) College courses with substantial duplication of content may be counted only one (1) time toward the requirements in IC 25-2.1-3-2 and this section. This subsection shall not apply to internships.  
(Indiana Board of Accountancy; 872 IAC 1-1-6.1; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3933; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Aug 3, 2001, 4:34 p.m.: 24 IR 3989; filed Jul 30, 2003, 5:15 p.m.: 26 IR 3881; filed Sep 8, 2004, 2:45 p.m.: 28 IR 212; filed Nov 29, 2004, 11:45 a.m.: 28 IR 1182; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)

#### **872 IAC 1-1-6.2 Graduation; accreditation**

**Authority:** IC 25-2.1-2-15

**Affected:** IC 25-2.1-3-2; IC 25-2.1-6

Sec. 6.2. A candidate is considered as graduating from an accredited educational institution if, at the time the educational institution grants the candidate's degree, it is accredited as outlined in sections 6.1 and 6.3 of this rule.

(Indiana Board of Accountancy; 872 IAC 1-1-6.2; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3934; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2733; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)

#### **872 IAC 1-1-6.3 Accepted colleges, universities, and degrees**

**Authority:** IC 25-2.1-2-15

**Affected:** IC 25-2.1-3-2; IC 25-2.1-6

Sec. 6.3. (a) A college or university is recognized by the board if it is accredited by one (1) of the following regional accrediting associations:

- (1) Middle States Association of Colleges and Schools/Commission on Higher Education.
- (2) New England Association of Schools and Colleges.
- (3) North Central Association of Schools and Colleges.
- (4) Northwest Association of Schools and Colleges.

(5) Southern Association of Colleges and Schools/Commission on Colleges.

(6) Western Association of Schools and Colleges/Accrediting Commission for Senior Colleges.

(b) The colleges and universities recognized by the board under subsection (a), which do not include candidates for accreditation, are listed in the following documents, which are incorporated by reference as if fully set out in this rule:

(1) Directory Accredited Membership and Candidates for Accreditation 1997-98, published by the Commission on Higher Education Middle States Association of Colleges and Schools, 3624 Market Street, 2nd Floor Annex, Philadelphia, Pennsylvania 19104, copyright 1997.

(2) New England Association of Schools and Colleges Membership Roster 1997, published by the New England Association of Schools and Colleges, Inc., 209 Burlington Road, Bedford, Massachusetts 01730-1433.

(3) 1997 Directory of CIHE Affiliated Institutions, NCA Quarterly, Volume 72, Number 2, Fall 1997, published by the North Central Association of Colleges and Schools, 30 North LaSalle, Suite 2400, Chicago, Illinois 60602.

(4) Directory of Accredited Postsecondary Institutions, July 1997, published by Commission on Colleges Northwest Association of Schools and Colleges, 11130 NE 33rd Place, Suite 120, Bellevue, Washington 98004.

(5) Commission on Colleges July 1997 Member List, published by Southern Association of Colleges and Schools/Commission on Colleges, 1866 Southern Lane, Decatur, Georgia 30033-4500.

(6) Directory of Accredited Institutions Candidates for Accreditation, 1997-1998, published by Western Association of Schools and Colleges, Inc., 533 Airport Boulevard, Suite 200, Burlingame, California 94010.

(c) Degrees from foreign universities, if they substantially comply with the requirements of section 6 or 6.1 of this rule and IC 25-2.1-3-2, will be deemed to meet the requirements established by IC 25-2.1-3-2.

(d) The applicant's claim to college or university credits must be confirmed by an official transcript of credit issued by the institution. The transcript must show that the degree has been conferred and must bear the official seal of the college or university, as well as the official signature of the registrar.

(e) The applicant is responsible for all such material being in possession of the board or the board's designee by the deadline for filing applications. Incomplete or late applications will be disapproved by the board.

*(Indiana Board of Accountancy; 872 IAC 1-1-6.3; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3934; errata filed Jul 28, 1998, 10:59 a.m.: 21 IR 4537; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

#### **872 IAC 1-1-6.4 Accredited degree equivalency requirements**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-3-2; IC 25-2.1-6**

Sec. 6.4. A graduate of a four (4) year degree granting college or university not accredited at the time the candidate's degree was received or at the time the application was filed will be deemed to be a graduate of an accredited educational institution if:

- (1) the candidate's degree is equivalent to a degree from an accredited educational institution, as defined in section 6.3 of this rule, and that fact is certified by a credentials certification service;
- (2) an accredited institution defined in section 6.3 of this rule accepts the candidate's nonaccredited baccalaureate degree for admission to a graduate business degree program; or
- (3) the:

(A) candidate satisfactorily completes at least fifteen (15) semester hours, or the equivalent, in postbaccalaureate education at the accredited educational institution, of which at least nine (9) semester hours, or the equivalent, shall be in accounting; and  
(B) accredited educational institution certifies that the candidate is in good standing for the continuation in the graduate program or has maintained a grade point average in these courses that is necessary for graduation.

*(Indiana Board of Accountancy; 872 IAC 1-1-6.4; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3935; errata filed Jul 28, 1998, 10:59 a.m.: 21 IR 4537; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2734; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

#### **872 IAC 1-1-6.5 Acceptance of degrees; previously not accredited**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-3-2; IC 25-2.1-6**

Sec. 6.5. If an educational institution was not accredited at the time a candidate's degree was received, but is so accredited at the time the application is filed with the board, the institution will be deemed to be accredited for the purpose of section 6.2 of this rule provided that it certifies that the candidate's total educational program would qualify the candidate for graduation with a baccalaureate degree during the time the institution has been accredited. *(Indiana Board of Accountancy; 872 IAC 1-1-6.5; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3935; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2734; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

#### **872 IAC 1-1-6.6 Courses taken at nonaccredited institutions**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-3-2; IC 25-2.1-6**

Sec. 6.6. If a candidate's degree was received at an accredited educational institution under section 6.3 or 6.4 of this rule, but the educational program that was used to qualify the candidate's major included courses taken at nonaccredited institutions, either before or after graduation, such courses will be deemed to have been taken at the accredited institution from which the candidate's degree was received provided the accredited institution has either:

- (1) accepted such courses by including them in its official transcript; or
- (2) certified to the board that it will accept such courses for credit toward graduation.

*(Indiana Board of Accountancy; 872 IAC 1-1-6.6; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3935; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2734; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

#### **872 IAC 1-1-7 Special written examination for waiver of educational requirement (Repealed)**

Sec. 7. *(Repealed by Indiana Board of Accountancy; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2352)*

#### **872 IAC 1-1-8 Experience requirements; credit for types of experience**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-3-10**

Sec. 8. (a) This section and sections 8.2 through 8.5 of this rule implement the requirements in IC 25-2.1-3-10 for experience to be obtained by applicants for certified public accountant certificates before the certificate or license may be issued by the board. The experience requirements are twenty-four (24) months of full-time employment in the following positions:

(1) As an employee or an accounting intern engaged in an accounting position in a firm (as that term is defined in 872 IAC 1-0.5-1(11)).

(2) As an employee in a financial or accounting position in industry, government, or a nonprofit organization.

(3) As an employee in an advisory and/or consulting services position related to one (1) or more of the following activities:

- (A) Financial.
- (B) Accounting.
- (C) Operational.

(4) As an instructor teaching accounting in a college or university (four (4) year institutions or junior colleges).

(5) As an instructor teaching accounting in an institution created under IC 20-12-61 [IC 20-12 was repealed by P.L.2-2007, SECTION 390, effective July 1, 2007.] or private school registered under IC 20-12-62 [IC 20-12 was repealed by P.L.2-2007, SECTION 390, effective July 1, 2007.].

(b) Clerical functions shall not count under this section toward meeting the experience requirements. Clerical functions are positions that do not have accounting significance, including doing merely mathematical calculations, account analysis (looking into accounting books for specific information already recorded), and merely recording information in the general ledger (as opposed to compiling the information). Positions that partly qualify under this section and partly do not qualify shall be treated under this method provided for in section 8.2 of this rule with the part of the position that does not qualify under this section being treated as if it were part-time employment.

(c) Experience in fractions of months will be counted.

(d) An applicant may combine the types of experience described in subsection (a). To do so, the applicant must obtain a total of twenty-four (24) months of experience.

*(Indiana Board of Accountancy; Rule 69-1.8; filed Jun 30, 1978, 9:54 a.m.: 1 IR 396; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1928; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1033; filed Aug 28, 1986, 3:20 p.m.: 10 IR 65; filed Nov 28, 1988, 5:32 p.m.: 12 IR 922; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2343; errata filed Sep 14, 1994, 2:50 p.m.: 18 IR 269; filed Feb 21, 2000, 7:06 a.m.: 23 IR 1651; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 4, 2002, 9:28 a.m.: 25 IR 2518; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2734; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

#### **872 IAC 1-1-8.1 Combining types of experience (Repealed)**

Sec. 8.1. *(Repealed by Indiana Board of Accountancy; filed Apr 4, 2002, 9:28 a.m.: 25 IR 2520)*

#### **872 IAC 1-1-8.2 Part-time work as experience**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-3-10**

Sec. 8.2. Part-time employment that qualifies for experience credit will be converted to the full-time equivalent, for example, working half time for eight (8) months will count as four (4) months of experience and teaching six (6) semester hours will count as one (1) quarter year of experience.

*(Indiana Board of Accountancy; 872 IAC 1-1-8.2; filed Feb 21, 2000, 7:06 a.m.: 23 IR 1653; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

#### **872 IAC 1-1-8.3 Experience verification**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-3-10**

Sec. 8.3. (a) An applicant's experience in a particular position meets the requirements in IC 25-2.1-3-10 if the work is verified by the holder of an active certificate issued by the board or issued by another state so long as the certificate allows the holder to perform similar acts to those allowed to be performed by certificate holders in Indiana who:

(1) employed the applicant or a legal entity controlled by that individual employed the applicant;

(2) worked for the same employer as the applicant;

(3) reviewed the accounting work of the applicant on a periodic basis in the capacity of an outside accounting firm, a government agency, or some similar capacity; or

(4) otherwise has direct knowledge of the work performed by the applicant.

(b) Any certificate holder who has been requested by an applicant to submit to the board verification of the applicant's experience and has refused to do so shall, upon request by the board, explain in writing or in person the basis for such refusal.

*(Indiana Board of Accountancy; 872 IAC 1-1-8.3; filed Feb 21, 2000, 7:06 a.m.: 23 IR 1653; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 4, 2002, 9:28 a.m.: 25 IR 2519; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2735; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

#### **872 IAC 1-1-8.4 Advanced degree as experience**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-3-10**

Sec. 8.4. (a) A master's degree in accounting or business administration from a college or university recognized by the board may be substituted for twelve (12) months of accounting experience for any person who was a first time examination candidate prior to January 1, 2000.

(b) A doctorate degree in accounting or business administration from a college or university recognized by the board may be substituted for twelve (12) months of accounting experience.

(c) For purposes of this section, an advanced degree shall be calculated as twelve (12) months of experience under section 8 of this rule.

(d) An applicant may not receive experience credit from more than one (1) advanced degree.

*(Indiana Board of Accountancy; 872 IAC 1-1-8.4; filed Feb 21, 2000, 7:06 a.m.: 23 IR 1653; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 4, 2002, 9:28 a.m.: 25 IR 2519; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

#### **872 IAC 1-1-8.5 Experience required on application and board verification**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-3-10**

Sec. 8.5. (a) To apply for a certified public accountant certificate, an applicant, who has previously met the applicable education and examination requirements, shall file an application on a form provided by the board, including the employer's name and address, contact person, and a job description for all employment for which experience credit under this section is claimed. If experience credit is claimed for an advanced degree under section 8.4 of this rule, the applicant shall also identify the institution from which the degree was conferred and the date it was conferred and shall include an official transcript from the college or university that conferred the degree.

(b) Subsequent to the receipt of an application under subsection (a), the board will seek verification of employment from all employers and may seek such additional information from the applicant and employer or third parties as is necessary to determine whether the applicant meets the experience requirements established in this section.

*(Indiana Board of Accountancy; 872 IAC 1-1-8.5; filed Feb 21, 2000, 7:06 a.m.: 23 IR 1654; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

#### **872 IAC 1-1-9 Requirements for examination**

**Authority: IC 25-2-1-3**



**Affected: IC 25-2-1-4**

Sec. 9. A candidate wishing to take the examination must:

- (1) complete the application provided for in section 2 of this rule; and
- (2) pay the candidate's cost of purchasing the examination, payable to the examination service.

*(Indiana Board of Accountancy; Rule 69-1.9; filed Jun 30, 1978, 9:54 a.m.: 1 IR 396; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1928; filed May 1, 1984, 12:50 p.m.: 7 IR 1539; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1033; filed Jul 6, 1995, 12:00 p.m.: 18 IR 2784; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2735; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

**872 IAC 1-1-9.5 Education required for admission to CPA examination**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1**

Sec. 9.5. (a) Candidates may not take the certified public accountant examination prior to meeting the education requirements found in sections 6.1 through 6.6 of this rule.

(b) Except as allowed by subsection (c), a candidate may not apply to take the CPA examination until the candidate has completed all the education requirements found in sections 6.1 through 6.6 of this rule.

(c) Notwithstanding subsection (b), a candidate may apply to take the CPA examination up to sixty (60) days prior to the candidate's completion of the education requirements found in sections 6.1 through 6.6 of this rule, after the board, or the board's designee, receives a certificate of enrollment from the educational institution or institutions where the candidate is completing the candidate's education. The certificate of enrollment must:

- (1) identify the courses in which the candidate is currently enrolled;
- (2) if applicable, state that with completion of the courses identified in subdivision (1), the candidate is anticipated to receive a baccalaureate or higher degree; and
- (3) have the seal of the institution or a notary seal placed on it.

(d) A candidate may be admitted to the CPA examination based on the education requirements anticipated to be completed by the certificate of enrollment. However, a candidate may only sit for the CPA examination after all educational requirements found in sections 6.1 through 6.6 of this rule are completed. The candidate is responsible for compliance with subsection (e) and is subject to action under subsection (f).

(e) Not later than sixty (60) days immediately following the end of the window (as described in section 14 of this rule) in which the candidate sits for the examination, a candidate, who applied to sit for the CPA examination under the provisions of subsection

(c), shall cause to be submitted to the board, or the board's designee, all final official transcripts and applicable supporting documentation indicating that the candidate has met all the education requirements found in sections 6.1 through 6.6 of this rule.

(f) The board may cancel any examination scores received by a candidate who fails to meet the requirements in subsection

(e). If an examination score is canceled, the candidate is not entitled to any credit for any section of the examination passed.

*(Indiana Board of Accountancy; 872 IAC 1-1-9.5; filed Feb 24, 1997, 4:00 p.m.: 20 IR 1736; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2735; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA; filed Mar 14, 2011, 10:23 a.m.: 20110413-IR-872100258FRA)*

**872 IAC 1-1-10 Application; fees**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1**

Sec. 10. (a) Applications to take the certified public accountant examination must be made on a form provided by the board. Candidates will be notified of their eligibility to sit for the exam.

(b) All fees are nonrefundable and nontransferable. The following is a schedule of fees adopted by the board:

- (1) The fee for the examination for CPA and AP licensure is the payment of the candidate's cost of purchasing the examination, payable to the examination service.
- (2) Transfer of grades, seventy-five dollars (\$75).
- (3) CPA certificate by reciprocity, seventy-five dollars (\$75).
- (4) Triennial certificate of registration for CPAs, PAs, and APs, seventy-five dollars (\$75).
- (5) For restoration of an expired triennial certificate of registration for CPAs, PAs, and APs, fifty dollars (\$50), plus all unpaid renewal fees.
- (6) Triennial permit to practice for firms, thirty dollars (\$30).
- (7) For restoration of an expired triennial permit to practice for firms, fifty dollars (\$50), plus all unpaid renewal fees.
- (8) Verification of certificate of registration for CPA, PA, or AP to another state, twenty-five dollars (\$25).

(c) Notwithstanding subsection (b)(4), a fee for an individual initially registered in the:

- (1) second year of a triennial registration period shall be fifty dollars (\$50); and
- (2) third year of the triennial registration period shall be twenty-five dollars (\$25).

(d) Failure of an applicant to pay the initial registration fee will cause the application to be terminated one (1) year after the board's action granting registration.

(e) Should an applicant pay the initial registration fee after the first renewal deadline for all licensees following the applicant's approval for licensure, the applicant must pay the renewal fee in addition to the initial registration fee in order to become licensed.

*(Indiana Board of Accountancy; Rule 69-1, 10; filed Jun 30, 1978, 9:54 a.m.: 1 IR 396; filed Feb 15, 1980, 3:05 p.m.: 3 IR 639; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1928; filed May 1, 1984, 12:50 p.m.: 7 IR 1540; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1033; filed Aug 28, 1986, 3:20 p.m.: 10 IR 65; filed Aug 6, 1990, 4:30 p.m.: 13 IR 2135; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2345; errata filed Jul 28, 1994, 4:00 p.m.: 17 IR 2891; filed Jul 6, 1995, 12:00 p.m.: 18 IR 2784; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3110; filed Feb 21, 2000, 7:06 a.m.: 23 IR 1654; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 4, 2002, 9:28 a.m.: 25 IR 2520; filed Jul 7, 2003, 3:45 p.m.: 26 IR 3654; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2735; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

**872 IAC 1-1-10.5 Accountant investigative fund**

**Authority: IC 25-2.1**

**Affected: IC 25-2.1-8-4**

Sec. 10.5. (a) To provide funds for administering and enforcing the provisions of IC 25-2.1, including investigating and taking action against persons who violate IC 25-2.1, in addition to the fees required under section 10 of this rule, the board shall charge and collect the following fees:

- (1) Ten dollars (\$10) for the issuance of a certificate to practice as a certified public accountant.
- (2) For the triennial renewal of a certificate to practice as:
  - (A) an accounting practitioner: \$30
  - (B) a certified public accountant: \$30
  - (C) a public accountant: \$30

(b) Fees collected under this section shall be deposited in the accountant investigative fund established under IC 25-2.1-8-4.

*(Indiana Board of Accountancy; 872 IAC 1-1-10.5; filed Oct 30, 2008, 4:01 p.m.: 20081126-IR-872070304FRA)*

**872 IAC 1-1-11 Notice by mail**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1**

Sec. 11. It is the policy of the Board or the Board's designee to mail all correspondence and notices to candidates and registrants at their last known address of record on file with the Board or the Board's designee. Failure to receive such correspondence or notices does not relieve the candidate or registrant of the obligation to pay application or renewal fees.

*(Indiana Board of Accountancy; Rule 69-1,11; filed Jun 30, 1978, 9:54 a.m.: 1 IR 397; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1929; filed May 1, 1984, 12:50 p.m.: 7 IR 1540; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1034; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

#### **872 IAC 1-1-12 Contents of examinations; grading**

**Authority:** IC 25-2.1-2-15

**Affected:** IC 25-2.1-3

Sec. 12. (a) Effective April 2004, as the examination for certified public accountant candidates, the board or the board's designee shall use the computer-based Uniform CPA examination that is available to be taken in four (4) testing windows as provided in section 14 of this rule and prepared by the AICPA under a plan of cooperation with the boards of all states and territories of the United States. The examination consists of the following sections:

- (1) Auditing and attestation.
- (2) Business environment and concepts.
- (3) Financial accounting and reporting.
- (4) Regulations.

(b) The board or the board's designee shall use the Advisory Grading Service provided by the AICPA under a plan of cooperation with the boards of all states and territories of the United States to assist it in performing its duties under IC 25-2.1.

(c) For purposes of section 19 of this rule, for conditioned candidates reexamination requirements, those candidates who prior to April 2004 had credit for passing:

- (1) auditing shall have credit for auditing and attestation;
- (2) business law and professional responsibilities shall have credit for business environment and concepts;
- (3) financial accounting and reporting shall have credit for financial accounting and reporting; and
- (4) accounting and reporting shall have credit for regulations.

(d) As the examination for accounting practitioners, the board or the board's designee shall use sections of the computer-based Uniform CPA examination as provided for in this subsection. An individual with a two (2) year associate degree under IC 25-2.1-6-1(a)(3)(A) [IC 25-2.1-6-1 was repealed by P.L.190-2007, SECTION 16, effective July 1, 2007.] shall take the financial accounting and reporting and the regulations sections of the Uniform CPA examination. An individual with a baccalaureate degree under IC 25-2.1-6-1(a)(3)(B) [IC 25-2.1-6-1 was repealed by P.L.190-2007, SECTION 16, effective July 1, 2007.] shall take only the financial accounting and reporting section of the Uniform CPA examination.

(e) The board or the board's designee may also make use of the Advisory Grading Service provided by the AICPA to assist in performing its duties under IC 25-2.1.

*(Indiana Board of Accountancy; Rule 69-1, 12; filed Jun 30, 1978, 9:54 a.m.: 1 IR 397; filed May 1, 1984, 12:50 p.m.: 7 IR 1540; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1034; filed Aug 28, 1986, 3:20 p.m.: 10 IR 66; filed Apr 5, 1994, 3:30 p.m.: 17 IR 1888; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Jul 30, 2003, 5:15 p.m.: 26 IR 3882; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2736; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

#### **872 IAC 1-1-13 Issuance of C.P.A. certificate or A.P. license (Repealed)**

*(Sec. 13. (Repealed by Indiana Board of Accountancy; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1044; errata, 8 IR 1046)*

#### **872 IAC 1-1-14 Time of holding examinations; notice**

**Authority:** IC 25-2.1-2-15

**Affected:** IC 25-2.1

Sec. 14. (a) Beginning April 2004, candidates will be allowed to take the examination during the following four (4) testing windows in a calendar year:

- (1) January 2 through February 29.
- (2) April 1 through May 31.
- (3) July 1 through August 31.
- (4) October 1 through November 30.

(b) Eligible candidates shall be notified of the time, place, and procedures of the examination or shall independently contact the board or a test center operator identified by the board to obtain the time, place, and procedures for the examination at an approved test site.

*(Indiana Board of Accountancy; Rule 69-1,14; filed Jun 30, 1978, 9:54 a.m.: 1 IR 398; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2737; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

#### **872 IAC 1-1-15 Examination hours (Repealed)**

*(Sec. 15. (Repealed by Indiana Board of Accountancy; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1044; errata, 8 IR 1046)*

#### **872 IAC 1-1-16 Location of examinations (Repealed)**

*(Sec. 16. (Repealed by Indiana Board of Accountancy; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1044; errata, 8 IR 1046)*

#### **872 IAC 1-1-17 Examination procedures (Repealed)**

*(Sec. 17. (Repealed by Indiana Board of Accountancy; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2738)*

#### **872 IAC 1-1-18 Refunding of examination and proctoring fees (Repealed)**

*(Sec. 18. (Repealed by Indiana Board of Accountancy; filed Aug 28, 1986, 3:20 p.m.: 10 IR 72)*

#### **872 IAC 1-1-19 Certified public accountants; passing grades; conditioned candidates; reexaminations**

**Authority:** IC 25-2.1-2-15

**Affected:** IC 25-2.1-3-8

Sec. 19. (a) The candidate must attain the uniform passing grade of seventy-five (75), scaled through a psychometrically acceptable standard setting procedure and approved by the board.

(b) A candidate may take the required test sections individually and in any order. Credit for any test section passed shall be valid for eighteen (18) months from the actual date the candidate took that test section provided the following:

- (1) Candidates must pass all four (4) test sections of the Uniform CPA examination within a rolling eighteen (18) month period, which begins on the date that the first test section passed is taken.
- (2) Candidates cannot retake a failed test section in the same testing window.
- (3) In the event all four (4) test sections of the Uniform CPA examination are not passed within the rolling eighteen (18) month period, credit for any test section passed more than eighteen (18) months previously will expire and that test section must be retaken.

(c) Candidates having earned conditional credits on the paper and pencil examination, prior to April 2004, will retain conditional credits for the corresponding test sections of the computer-based CPA examination as follows:

Paper and Pencil Examination Computer-Based Examination

Auditing Auditing and attestation  
Financial accounting and reporting (FARE) Financial accounting and reporting

Accounting and reporting (ARE) Regulation

Business law and professional responsibilities (LPR) Business environment and concepts

(d) Additional requirements for the transitional conditional status are as follows:

(1) Candidates who have attained conditional status prior to April 2004 will be allowed a transition period to complete any remaining test sections of the CPA examination. The transition is the maximum number of opportunities that candidates who have conditioned under the paper and pencil examination have remaining, prior to April 2004, to complete all remaining test sections, or the number of remaining opportunities under the paper and pencil examination, multiplied by six (6) months, whichever is first exhausted.

(2) If a previously conditioned candidate does not pass all remaining test sections during the transition period, conditional credits earned under the paper and pencil examination will expire and the candidate will lose credit for the test sections earned under the paper and pencil examination. However, any test section passed during the transition period is subject to the conditioning provisions of the computer-based examination as provided for in subsection (c), except that a previously conditioned candidate will not lose conditional credit for a test section of the computer-based examination that is passed during the transition period, even though more than eighteen (18) months may have elapsed from the date the test section is passed, until the end of the transition period.

(e) Under IC 25-2.1-3-8, the board may extend the term of conditional credit validity if the candidate can show that the credit was lost by reason of circumstances beyond the candidate's control.

(f) A candidate shall be deemed to have passed the Uniform CPA examination once the candidate holds at the same time valid credit for passing each of the four (4) test sections of the examination. For purposes of this section, credit for passing a test section of the computer-based examination is valid from the actual date of the testing event for that testing section, regardless of the date the candidate actually receives notice of the passing grade.

*(Indiana Board of Accountancy; Rule 69-1, 19; filed Jun 30, 1978, 9:54 a.m.: 1 IR 398; filed Feb 15, 1980, 3:05 p.m.: 3 IR 640; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1929; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1036; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2346; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2737; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

#### **872 IAC 1-1-20 Accounting practitioners; passing grades; conditioned candidates; reexaminations (Repealed)**

Sec. 20. *(Repealed by Indiana Board of Accountancy; filed Mar 20, 1985, 3:25 pm: 8 IR 1045; errata, 8 IR 1046)*

#### **872 IAC 1-1-21 Disclosure of grades (Repealed)**

Sec. 21. *(Repealed by Indiana Board of Accountancy; filed Mar 20, 1985, 3:25 pm: 8 IR 1045; errata, 8 IR 1046)*

#### **872 IAC 1-1-22 Reexamination (Repealed)**

Sec. 22. *(Repealed by Indiana Board of Accountancy; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2738)*

#### **872 IAC 1-1-23 Disposition of examination manuscripts (Repealed)**

Sec. 23. *(Repealed by Indiana Board of Accountancy; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2738)*

#### **872 IAC 1-1-24 Previous examination questions (Repealed)**

Sec. 24. *(Repealed by Indiana Board of Accountancy; filed Mar 20, 1985, 3:25 pm: 8 IR 1045; errata, 8 IR 1046)*

#### **872 IAC 1-1-25 Transfer of credits**

**Authority:** IC 25-2.1-2-15

**Affected:** IC 25-2.1-3-7

Sec. 25. An applicant for a CPA certificate who has taken the Uniform CPA examination under the jurisdiction of another state may be given credit for subjects passed as provided for by IC 25-2.1-3-7.

*(Indiana Board of Accountancy; Rule 69-1, 25; filed Jun 30, 1978, 9:54 a.m.: 1 IR 400; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1930; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1037; filed Aug 28, 1986, 3:20 p.m.: 10 IR 66; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2347; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Apr 16, 2004, 10:04 a.m.: 27 IR 2738; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

#### **872 IAC 1-1-26 Critique program (Repealed)**

Sec. 26. *(Repealed by Indiana Board of Accountancy; filed Mar 20, 1985, 3:25 pm: 8 IR 1045; errata, 8 IR 1046)*

#### **872 IAC 1-1-27 Biennial registration; fees; notice of change in registered partnership or corporation (Repealed)**

Sec. 27. *(Repealed by Indiana Board of Accountancy; filed Mar 20, 1985, 3:25 pm: 8 IR 1045; errata, 8 IR 1046)*

#### **872 IAC 1-1-28 Certificate, etc., property of board; return upon revocation or suspension (Repealed)**

Sec. 28. *(Repealed by Indiana Board of Accountancy; filed Feb 25, 1997, 12:30 p.m.: 20 IR 1737)*

#### **872 IAC 1-1-29 Duplicate certificate or license; fee**

**Authority:** IC 23-1.5-2-9; IC 25-2.1-2-15

**Affected:** IC 25-2.1

Sec. 29. Any licensee whose certificate or license has been inadvertently destroyed may receive another certificate or license from this board upon submission of a written request in affidavit form, certifying that the original has been lost, stolen, or destroyed together with payment of the applicable fee. If an original certificate or license has been damaged it may be replaced upon payment of the same fee provided the damaged certificate or license is returned to the board.

*(Indiana Board of Accountancy; Rule 69-1, 29; filed Jun 30, 1978, 9:54 am: 1 IR 401; filed Mar 20, 1985, 3:25 pm: 8 IR 1037; filed Aug 28, 1986, 3:20 pm: 10 IR 67; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

#### **872 IAC 1-1-30 Disciplinary action against APs; preparing or rendering opinions**

**Authority:** IC 25-2.1-2-15

**Affected:** IC 23-1.5; IC 25-2.1

Sec. 30. Any certificate, license, or permit to practice issued by the board to an AP may be subject to disciplinary action for preparing or rendering the following:

- (1) Opinions on financial statements.
- (2) Schedules.
- (3) Reports.
- (4) Exhibits for:
  - (A) publication;
  - (B) credit purposes;
  - (C) use in court of law or equity; or
  - (D) other purposes.

*(Indiana Board of Accountancy; Rule 69-1, 30; filed Jun 30, 1978, 9:54 a.m.: 1 IR 401; filed Feb 15, 1980, 3:05 p.m.: 3 IR 640; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1931; filed May 1, 1984, 12:50 p.m.: 7 IR 1543; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1037; filed Jun 1, 1994, 5:00 p.m.: 17*

IR 2347; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)

**872 IAC 1-1-31 Reciprocity requirements (Repealed)**

Sec. 31. (Repealed by Indiana Board of Accountancy; filed Dec 4, 1989, 4:40 p.m.: 13 IR 635)

**872 IAC 1-1-32 Reciprocity application (Repealed)**

Sec. 32. (Repealed by Indiana Board of Accountancy; filed Mar 20, 1985, 3:25 pm: 8 IR 1045; errata, 8 IR 1046)

**872 IAC 1-1-33 Reciprocity fees (Repealed)**

Sec. 33. (Repealed by Indiana Board of Accountancy; filed Aug 28, 1986, 3:20 pm: 10 IR 72)

**872 IAC 1-1-34 Qualifications for certificate by reciprocity (Repealed)**

Sec. 34. (Repealed by Indiana Board of Accountancy; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2352)

**872 IAC 1-1-35 Accountancy corporation subject to law and regulations (Repealed)**

Sec. 35. (Repealed by Indiana Board of Accountancy; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2352)

**872 IAC 1-1-36 Name of accountancy corporation; prohibitions (Repealed)**

Sec. 36. (Repealed by Indiana Board of Accountancy; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2352)

**872 IAC 1-1-37 Security for claims against corporation (Repealed)**

Sec. 37. (Repealed by Indiana Board of Accountancy; filed Nov 28, 1988, 5:32 p.m.: 12 IR 924)

**872 IAC 1-1-38 Reports by accountancy corporations (Repealed)**

Sec. 38. (Repealed by Indiana Board of Accountancy; filed Nov 28, 1988, 5:32 p.m.: 12 IR 924)

**Rule 2. Code of Professional Conduct**

**872 IAC 1-2-1 Rules of professional conduct; applicability**

**Authority: IC 25-2.1-2-15**

**Affected: IC 4-22-2; IC 23-1.5; IC 25-1-11-12; IC 25-2.1**

Sec. 1. (a) In the interpretation and enforcement of this rule, the board will give consideration, but not necessarily dispositive weight, to relevant interpretations, rulings, and opinions issued by the following:

- (1) Boards of other jurisdictions.
- (2) Appropriately authorized committees on ethics of professional organizations.

(b) No licensee of the board shall violate the following standards for the competent practice of accounting appropriate to establish and maintain a high standard of integrity and dignity in the profession of public accountancy, which are incorporated by reference as if fully set out in this rule:

- (1) The following pronouncements on professional standards set forth in the AICPA Professional Standards, Volumes 1 and 2 (June 1, 2011), subject to the exceptions listed in subsection (c) (applicable to certified public accountants and certified public accountant firms only):
  - (A) U.S. Auditing - AICPA, including the following:
    - (i) Statement on Auditing Standards - Introduction.
    - (ii) The General Standards.
    - (iii) The Standards of Field Work.

- (iv) The First, Second, and Third Standards of Reporting.
- (v) The Fourth Standard of Reporting.
- (vi) Other Types of Reports.
- (vii) Special Topics.
- (viii) Compliance Auditing.
- (ix) Special Reports of the Committee on Auditing Procedure.
- (B) Statements on Standards for Attestation Engagements.
- (C) Statements on Standards for Accounting and Review Services.
- (D) Code of Professional Conduct.
- (E) Statements on Standards for Valuation Services.
- (F) Statement on Standards for Consulting Services.
- (G) Tax Services.
- (H) Personal Financial Planning.
- (2) Professional corporation act at IC 23-1.5.
- (3) National Society of Accountants (NSA) Rules of Professional Conduct and Official Interpretations, June 2003, excluding the interpretations and Rule 9 (professional referrals) (applicable to accounting practitioners and public accountants and accounting practitioner and public accountant firms only).
- (c) As incorporated by reference in subsection (b)(1), the AICPA professional standards are amended to read as follows:
  - (1) ET 50 (Principles of Professional Conduct – Sections 51 through 57) is deleted.
  - (2) The third paragraph of Rule 505 (Form of Organization and Name) is deleted.
  - (3) The phrase "standards promulgated by bodies designated by Council", or any similar reference, shall mean the standards incorporated by reference in subsection (b)(1).
- (d) Except for the Statements of Standards for Attestation Engagements and the Statement on Standards for Accounting and Review Services, which are addressed by AT section 20.04 and AR section 20.04 respectively, notwithstanding the use of the word "should" in the AICPA pronouncements incorporated by reference in subsection (b)(1)(A) through (b)(1)(H), a certified public accountant must:
  - (1) comply with the pronouncements; or
  - (2) justify any departures therefrom and document how the alternative procedures performed in those circumstances were sufficient to achieve the objectives of the pronouncements.
- (e) It shall be deemed incompetent practice contrary to high standards of integrity and dignity in the profession of certified public accountancy for a licensee of the board to be found by a court of competent jurisdiction to have engaged in accounting practices falling below professional standards in Indiana.
- (f) As used in this rule, "member", as used in the:
  - (1) AICPA Professional Standards; and
  - (2) NSA Rules of Professional Conduct and Official Interpretations; means licensee.
- (g) Where matters incorporated by reference in this section conflict with express provisions of:
  - (1) IC 25-2.1 (accountancy act);
  - (2) IC 23-1.5 (professional corporation act); or
  - (3) rules adopted by the board;the express provisions control.
- (h) No subsequent editions, amendments, supplements, or releases of the:
  - (1) NSA Rules of Professional Standards; or
  - (2) NSA Rules of Professional Conduct;will be in effect in Indiana or adopted by the board, except by following the rulemaking provisions of IC 4-22-2.
- (i) The standards incorporated by reference in subsection (b) apply to conduct that occurs after May 20, 2012. This subsection shall not be construed to extinguish the board's authority to impose any sanction under IC 25-1-11-12 for conduct that occurred before, May 21, 2012, in violation of a previous version of this section.

(j) A copy of the AICPA Professional Standards and the NSA Rules of Professional Conduct are available for public inspection at the offices of the Indiana Professional Licensing Agency, 402 West Washington Street, Room W072, Indianapolis, Indiana 46204. Copies of the AICPA Professional Standards are available from the entity originally issuing the document, the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, New York 10036-8775. Copies of the NSA Rules of Professional Conduct are also available from the entity originally issuing the document, the National Society of Accountants, 1010 North Fairfax Street, Alexandria, Virginia 22314.  
(Indiana Board of Accountancy; Rule 69-1, 39; filed Jun 30, 1978, 9:54 a.m.: 1 IR 402; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1932; filed May 1, 1984, 12:50 p.m.: 7 IR 1544; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1040; filed Aug 28, 1986, 3:20 p.m.: 10 IR 68; filed Dec 11, 1992, 5:00 p.m.: 16 IR 1399; filed Feb 24, 1997, 4:00 p.m.: 20 IR 1736; filed Dec 18, 2000, 9:27 a.m.: 24 IR 1353, eff Feb 1, 2001; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Nov 18, 2005, 9:40 a.m.: 29 IR 1214, eff Jan 1, 2006; filed Oct 3, 2006, 12:00 p.m.: 20061101-IR-872060065FRA, eff Jan 1, 2007; filed Jul 31, 2009, 8:45 a.m.: 20090826-IR-872090151FRA, eff Sep 1, 2009; emergency rule filed May 21, 2012, 4:06 p.m.: 20120523-IR872120272ERA)

#### **872 IAC 1-2-2 Definitions (Repealed)**

Sec. 2. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-2.1 Records furnished to clients**

**Authority:** IC 25-2.1-2-15

**Affected:** IC 25-2.1

Sec. 2.1. A licensee shall furnish to his client or former client, upon request made within a reasonable time:

- (1) any accounting or other records belonging to, or obtained from or on behalf of, the client which the licensee removed from the client's premises or received for the client's account, but the licensee may make and retain copies of such documents when they form the basis for work done by him; and
- (2) a copy of the licensee's working papers, to the extent that such working papers include records which would ordinarily constitute part of the client's books and records are not otherwise available to the client.

(Indiana Board of Accountancy; 872 IAC 1-2-2.1; filed May 1, 1984, 12:50 pm: 7 IR 1545; filed Mar 20, 1985, 3:25 pm: 8 IR 1041; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)

#### **872 IAC 1-2-3 Independence (Repealed)**

Sec. 3. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-4 Integrity and objectivity (Repealed)**

Sec. 4. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-5 Commissions (Repealed)**

Sec. 5. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-6 Contingent fees (Repealed)**

Sec. 6. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-7 Incompatible occupations (Repealed)**

Sec. 7. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-8 Competence (Repealed)**

Sec. 8. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-9 Auditing standards (Repealed)**

Sec. 9. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-10 Accounting principles (Repealed)**

Sec. 10. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-11 Forecasts (Repealed)**

Sec. 11. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-12 Confidential client information (Repealed)**

Sec. 12. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-13 Records furnished to client (Repealed)**

Sec. 13. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-14 Discreditable acts (Repealed)**

Sec. 14. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-15 Acting through others (Repealed)**

Sec. 15. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-16 Advertising (Repealed)**

Sec. 16. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-17 Solicitation (Repealed)**

Sec. 17. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-18 Communications with board (Repealed)**

Sec. 18. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-19 Violation of acts or rules and regulations (Repealed)**

Sec. 19. (Repealed by Indiana Board of Accountancy; filed Aug 18, 1983, 3:20 pm: 6 IR 1934)

#### **872 IAC 1-2-20 Contingent fees (Repealed)**

Sec. 20. (Repealed by Indiana Board of Accountancy; filed Dec 18, 2000, 9:27 a.m.: 24 IR 1354, eff Feb 1, 2001)

#### **872 IAC 1-2-21 Interpretation of contingent fees in tax matters (Repealed)**

Sec. 21. (Repealed by Indiana Board of Accountancy; filed Dec 18, 2000, 9:27 a.m.: 24 IR 1354, eff Feb 1, 2001)

#### **872 IAC 1-2-22 Commissions and referral fees (Repealed)**

Sec. 22. (Repealed by Indiana Board of Accountancy; filed Dec 18, 2000, 9:27 a.m.: 24 IR 1354, eff Feb 1, 2001)

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### **Rule 3. Permits to Practice; Continuing Education**

### **872 IAC 1-3-1 Definitions (Repealed)**

Sec. 1. (Repealed by Indiana Board of Accountancy; filed Mar 20, 1985, 3:25 pm: 8 IR 1045; errata, 8 IR 1046)

### **872 IAC 1-3-2 Permit to practice required; practice without permit, sanctions; issuance biennially; application; expiration (Repealed)**

Sec. 2. (Repealed by Indiana Board of Accountancy; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2352)

### **872 IAC 1-3-3 Continuing professional education**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-4-5**

Sec. 3. (a) Applicants for renewal of a certificate as a CPA, PA, or AP must complete a minimum of one hundred twenty (120) hours of instruction acceptable under sections 4 and 5.1 of this rule. Subsections (c) and (d) and sections 3.1 through 3.4 of this rule will apply to determine the number of hours.

(b) CPE is measured by course length with one (1) fifty (50) minute period equal to one (1) hour of CPE credit. One-half (1/2) hour CPE credit increments (equal to twenty-five (25) minutes) are permitted after the first hour of credit has been earned in a given course. When the total minutes of a course are greater than fifty (50) minutes, but not divisible by fifty (50), CPE credit hours granted will be rounded down to the nearest one-half (1/2) credit. For example, for courses with segments totaling one hundred forty (140) minutes, two and one-half (2 1/2) hours CPE credit may be granted.

(c) A minimum of ten percent (10%) of the required minimum hours in a reporting period shall be in accounting or auditing, or both.

(d) A minimum of four (4) hours in the reporting period shall be in ethics.

(e) The time reporting period in which the applicant must have a minimum of one hundred twenty (120) hours is the three (3) years ending on December 31 prior to the expiration of certificates with a minimum of twenty (20) hours per year.

(Indiana Board of Accountancy; Rule 69-1, 40,3; filed Feb 15, 1980, 3:05 p.m.: 3 IR 642; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1041; filed Aug 28, 1986, 3:20 p.m.: 10 IR 68; filed May 17, 1988, 3:15 p.m.: 11 IR 3567, eff Jul 1, 1988; filed Dec 4, 1989, 4:40 p.m.: 13 IR 632; filed Nov 20, 1990, 9:33 a.m.: 14 IR 758, eff Jan 1, 1991; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2348; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3935; filed Feb 21, 2000, 7:06 a.m.: 23 IR 1654; filed Nov 20, 2000, 3:04 p.m.: 24 IR 1031; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA; filed Nov 5, 2008, 2:33 p.m.: 20081203-IR-872080293FRA; filed Dec 10, 2010, 10:34 a.m.: 20110105-IR-872100359FRA)

### **872 IAC 1-3-3.1 CPE credit for instruction**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-4-5**

Sec. 3.1. (a) Preparation time for the participant does not qualify for CPE credit.

(b) Actual time as lecturer, instructor, or discussion leader may be included. Two (2) hours of preparation time shall be granted to each instructor per one (1) hour of CPE allowed time for the course, provided that this credit is claimed once on the first time that the instructor conducts the course. Total time under this subsection shall be limited to fifty percent (50%) of the total minimum required for the reporting period. There will be no preparation time or actual time as a lecturer, instructor, or discussion leader granted for lecturers, instructors, or discussion leaders of a repeated course.

(c) College instructors teaching courses on a day-to-day basis will not receive any CPE credit as an instructor. (Indiana Board of Accountancy; 872 IAC 1-3-3.1; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3936; readopted filed

Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)

### **872 IAC 1-3-3.2 CPE self-study**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-4-5**

Sec. 3.2. (a) Self-study courses shall be acceptable, provided the following:

- (1) The subject matter is acceptable under section 4 of this rule.
- (2) A certificate of satisfactory completion is awarded no later than the end of the reporting period. The time to be included is the CPE course rating.
- (3) Total time of self-study as allowed under this section is limited to fifty percent (50%) of the total minimum requirement for the reporting period.

(b) Internet-based study that is not identified as a group program shall be presumed to be self-study.

(Indiana Board of Accountancy; 872 IAC 1-3-3.2; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3936; errata filed Jul 28, 1998, 10:59 a.m.: 21 IR 4537; filed Feb 21, 2000, 7:06 a.m.: 23 IR 1655; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA; filed Nov 5, 2008, 2:33 p.m.: 20081203-IR-872080293FRA)

### **872 IAC 1-3-3.3 College courses as CPE**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-4-5**

Sec. 3.3. (a) College courses that meet the requirements of this rule may be counted for CPE credit as permitted by this section.

(b) All licensees will be given CPE credit for graduate level courses.

(c) Public accountants and accounting practitioners who do not hold a bachelor's degree with required hours in accounting, business administration, and economics and who have taken undergraduate courses in an accredited university or college in accounting, business administration, and economics may receive CPE credit.

(d) CPE credit under this section shall be given at the rate of fifteen (15) CPE hours for each semester credit hour. CPE credit granted for these hours will be given only for a grade of C or above. A grade of C- or below is not considered as satisfactory completion of a course by the board.

(Indiana Board of Accountancy; 872 IAC 1-3-3.3; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3936; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Oct 8, 2004, 11:05 a.m.: 28 IR 605; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)

### **872 IAC 1-3-3.4 Noncredit courses as CPE for public accountants and accounting practitioners**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-4-5**

Sec. 3.4. All noncredit courses taken by public accountants and accounting practitioners from noneducational organizations (those not accredited by one (1) of the six (6) regional accrediting associations listed in 872 IAC 1-1-6.3) shall be given credit as follows:

(1) Coaching courses taken for the purpose of passing the CPA examination, ten (10) hours.

(2) Coaching courses taken for the purpose of passing the enrolled agent's examination, ten (10) hours.

This section applies only to public accountants and accounting practitioners.

(Indiana Board of Accountancy; 872 IAC 1-3-3.4; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3937; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)

### **872 IAC 1-3-4 Course requirements**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-4-5**

Sec. 4. (a) For a course to qualify and be included in the CPE minimum hour requirement, it must be:

- (1) formally organized;
- (2) primarily instructional; and
- (3) designed to directly enhance the certificate holder's knowledge and skill in providing services in the practice of public accountancy.

The requirements of subsection (b) must be met for a course to qualify.

(b) The following do not qualify:

- (1) Meetings conducted during eating periods.
- (2) Business meetings for the:
  - (A) election of directors or officers;
  - (B) treasurers' reports; or
  - (C) committee reports.
- (3) Committee work with local, state, and national professional organizations.
- (4) Firm staff meetings that are oriented toward administrative and housekeeping matters.

(c) The board may obtain assistance from state and national accounting organizations relating to interpreting the acceptability and number of CPE hours for an individual sponsor or course.

*(Indiana Board of Accountancy; Rule 69-1, 40, 4; filed Feb 15, 1980, 3:05 p.m.: 3 IR 643; filed May 1, 1984, 12:50 p.m.: 7 IR 1546; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1042; filed Aug 28, 1986, 3:20 p.m.: 10 IR 69; filed May 17, 1988, 3:15 p.m.: 11 IR 3568, eff Jul 1, 1988; filed Dec 4, 1989, 4:40 p.m.: 13 IR 633; filed Nov 20, 1990, 9:33 a.m.: 14 IR 759, eff Jan 1, 1991; filed Aug 22, 1991, 5:00 p.m.: 15 IR 8; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2349; filed Feb 21, 2000, 7:06 a.m.: 23 IR 1655; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA; filed Nov 5, 2008, 2:33 p.m.: 20081203-IR-872080293FRA)*

**872 IAC 1-3-5 Sponsor requirements; approval (Repealed)**

Sec. 5. *(Repealed by Indiana Board of Accountancy; filed Feb 21, 2000, 7:06 a.m.: 23 IR 1655)*

**872 IAC 1-3-5.1 CPE sponsor requirements**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-4-5**

Sec. 5.1. The following are required for CPE courses to be eligible:

- (1) The course sponsor must:
  - (A) be qualified in the subject matter; and
  - (B) use activities, materials, and delivery systems that are:
    - (i) current;
    - (ii) technically accurate; and
    - (iii) effectively designed.
- (2) Sponsored courses and materials must be prepared, presented, and updated timely. Learning activities must be developed by individuals or teams having expertise in the subject matter. Expertise may be demonstrated through practical experience or education.
- (3) The course materials must be periodically reviewed by the CPE course sponsor to assure that they are accurate and consistent with currently accepted standards relating to the program's subject matter.

*(Indiana Board of Accountancy; 872 IAC 1-3-5.1; filed Nov 5, 2008, 2:33 p.m.: 20081203-IR-872080293FRA)*

**872 IAC 1-3-6 Application for renewal of certificate; fee**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-4-2; IC 25-2.1-4-5**

Sec. 6. (a) Certificate holders must file triennially an application to renew their certificates using the application form provided by the board.

Certificates expire on June 30 of every third year, for example, June 30, 1994, and June 30, 1997.

(b) Applicants must sign a statement under penalty of perjury that:

- (1) the hours submitted are substantially correct;
- (2) they attended and completed courses taken; and
- (3) to the best of their knowledge, the courses completed meet the requirements of this rule.

(c) The board may:

- (1) verify any information submitted by the applicant; and
- (2) request the applicant to submit evidence supporting the course information.

(d) Each application for a permit must be accompanied by a check or money order in the amount specified in 872 IAC 1-1-10.

(e) It is the responsibility of each applicant to retain certificates of completion and other records to support the courses taken for thirty-six (36) months from the end of the renewal period for which CPE applied.

These records shall include the following:

- (1) Certificates of completion, such as the following:
  - (A) Course attendance verification by the sponsor.
  - (B) Certificates of completion for self-study courses.
  - (C) CPE attendance history by employer or third party.
- (2) Course outline or other evidence of course content.
- (3) Other evidence of support and justification.

(f) The board may ask certificate holders to provide information as provided in subsection (e) in order to verify the CPE hours claimed on the application. Failure to comply with this section may result in the board disallowing CPE. *(Indiana Board of Accountancy; Rule 69-1, 40, 6; filed Feb 15, 1980, 3:05 p.m.: 3 IR 644; filed Aug 18, 1983, 3:20 p.m.: 6 IR 1933; filed May 1, 1984, 12:50 p.m.: 7 IR 1547; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1043; filed Aug 28, 1986, 3:20 p.m.: 10 IR 70; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2350; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA; filed Nov 5, 2008, 2:33 p.m.: 20081203-IR-872080293FRA)*

**872 IAC 1-3-7 Reentry into public practice; application; continuing education requirements (Repealed)**

Sec. 7. *(Repealed by Indiana Board of Accountancy; filed May 17, 1988, 3:15 pm: 11 IR 3571, eff Jul 1, 1988)*

**872 IAC 1-3-8 Certificates issued to new licensees; proration of CPE requirement**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-4-5**

Sec. 8. (a) When a CPA or an AP certificate is issued to a person not previously licensed by the board, that person shall not be required to have any CPE hours prior to the issuance of the certificate.

(b) The number of CPE hours that a licensee must obtain for the reporting period in progress at the time of the issuance of a new certificate under subsection (a) shall be established by section 16 of this rule.

(c) CPE hours obtained by a licensee prior to the issuance of a new certificate under subsection (a), but during the same reporting period, may be counted toward meeting the requirements established in subsection (b) and section 16 of this rule.

*(Indiana Board of Accountancy; Rule 69-1, 40, 8; filed Feb 15, 1980, 3:05 p.m.: 3 IR 644; filed May 1, 1984, 12:50 p.m.: 7 IR 1548; filed Mar 20, 1985, 3:25 p.m.: 8 IR 1044; filed Aug 28, 1986, 3:20 p.m.: 10 IR 71; filed May 17, 1988, 3:15 p.m.: 11 IR 3568, eff Jul 1, 1988; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2350; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

**872 IAC 1-3-9 Exemptions from continuing professional education requirements; applications (Repealed)**

Sec. 9. (Repealed by Indiana Board of Accountancy; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2352)

**872 IAC 1-3-10 Failure to meet minimum hour requirement (Repealed)**

Sec. 10. (Repealed by Indiana Board of Accountancy; filed May 17, 1988, 3:15 pm: 11 IR 3571, eff Jul 1, 1988)

**872 IAC 1-3-11 Continuing education administrative committee; powers and duties (Repealed)**

Sec. 11. (Repealed by Indiana Board of Accountancy; filed May 1, 1984, 12:50 pm: 7 IR 1549)

**872 IAC 1-3-12 Failure to apply for permit (Repealed)**

Sec. 12. (Repealed by Indiana Board of Accountancy; filed Aug 28, 1986; 3:20 pm: 10 IR 72)

**872 IAC 1-3-13 Effective dates (Repealed)**

Sec. 13. (Repealed by Indiana Board of Accountancy; filed May 1, 1984, 12:50 pm: 7 IR 1549)

**872 IAC 1-3-14 Reactivation of lapsed certificate**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-4-5**

Sec. 14. (a) An individual whose certificate has lapsed for more than eighteen (18) months who wishes to reenter the practice of accountancy must file an application to renew the lapsed certificate. An individual whose certificate has lapsed for eighteen (18) months or less is governed by section 17 of this rule.

(b) The application shall be accompanied by the following:

(1) A statement of the licensee's employment activity for the previous twenty-four (24) months.

(2) The payment of the fee for a triennial permit specified in 872 IAC 1-1-10.

(3) Evidence of the completion of the CPE hours required by subsection (c).

(c) In order to reenter the practice of public accountancy and receive a certificate under this section, a licensee shall complete one hundred twenty (120) CPE hours prior to filing the application.

(d) The CPE hours required under subsection (c) must:

(1) have been obtained no earlier than three (3) years prior to the date the application for reentry is filed; and

(2) meet the requirements established in sections 3 through 4 of this rule.

(e) CPE hours obtained by a certificate holder to renew a lapsed certificate under this section cannot be double counted by also using them for credit in the reporting period in progress for renewal of the license at the end of the reporting period. The CPE requirements for the reporting period in progress at the time of reactivation are stated in section 16 of this rule.

(Indiana Board of Accountancy; 872 IAC 1-3-14; filed May 17, 1988, 3:15 p.m.: 11 IR 3569, eff Jul 1, 1988; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2351; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3937; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Jul 30, 2003, 5:15 p.m.: 26 IR 3882; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)

**872 IAC 1-3-14.5 Reactivation of inactive license**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-4-5**

Sec. 14.5. (a) A licensee who:

(1) is not active because of the selection of inactive status under IC 25-2.1-4-5(c); and

(2) wishes to reactivate his certificate; must file an application for reactivation.

(b) The application shall be accompanied by evidence of completion of the CPE hours required in subsection (c).

(c) In order to activate the certificate, a licensee shall complete one hundred twenty (120) CPE hours prior to filing the application.

(d) The CPE hours required under subsection (c) must:

(1) have been obtained no earlier than three (3) years prior to the date the application for reentry is filed; and

(2) meet the requirements established in sections 3 through 4 of this rule.

For purposes of this section, the reporting period referenced in section 4 of this rule shall be the period described in subdivision (1).

(e) CPE hours obtained by a licensee to reactivate an inactive license cannot be double counted by also using them for credit in the reporting period in progress for renewal of the license at the end of the reporting period. The CPE requirements for the reporting period in progress at the time of reactivation are stated in section 16 of this rule. (Indiana Board of Accountancy; 872 IAC 1-3-14.5; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3937; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA; filed Nov 5, 2008, 2:33 p.m.: 20081203-IR-872080293FRA)

**872 IAC 1-3-15 Continuing education hours required during current reporting period after reentry**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-4-5**

Sec. 15. (a) The number of CPE hours that a certificate holder must obtain for the reporting period in progress at the time of the issuance of a certificate under section 14 of this rule shall be established by section 16 of this rule.

(b) CPE hours obtained by a certificate holder prior to the issuance of a permit under section 14 of this rule, but during the same reporting period, may be counted toward meeting the requirements established in subsection (a) and section 16 of this rule only to the extent they exceed the one hundred twenty (120) hours required under section 14 of this rule.

(Indiana Board of Accountancy; 872 IAC 1-3-15; filed May 17, 1988, 3:15 p.m.: 11 IR 3570, eff Jul 1, 1988; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2351; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)

**872 IAC 1-3-16 Prorated continuing education requirements for holders of certificates granted during a reporting period**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-4-5**

Sec. 16. The following table establishes the number of CPE hours that a licensee must obtain for the three (3) year reporting period in progress at the time of the issuance or reactivation of a certificate under section 8, 14, or 14.5 of this rule, and it also establishes the minimum hours required in the calendar year of the issuance or reactivation:

Date of Issuance of Certificate	Required Hours for Three (3) Year Reporting Period	Required Minimum Hours for the Year of Issuance or Reactivation
January 1 – March 31 first year of the reporting period	120	20
April 1 – June 30 first year of the reporting period	110	15
July 1 – September 30 first year of the reporting period	100	10



October 1 – December 31 first year of the reporting period	90	0
January 1 – March 31 second year of the reporting period	80	20
April 1 – June 30 second year of the reporting period	70	15
July 1 – September 30 second year of the reporting period	60	10
October 1 – December 31 second year of the reporting period	50	0
January 1 – March 31 third year of the reporting period	40	N/A
April 1 – June 30 third year of the reporting period	30	N/A
July 1- September 30 third year of the reporting period	20	N/A
October 1 – December 31 third year of the reporting period	0	0

For purposes of this section, "N/A" means that there is no specifically stated requirement for the year of issuance or reactivation because the licensee would have to obtain the prorated CPE hours for the three (3) year reporting period.

*(Indiana Board of Accountancy; 872 IAC 1-3-16; filed May 17, 1988, 3:15 p.m.: 11 IR 3570, eff Jul 1, 1988; errata, 11 IR 3922; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2351; filed Feb 24, 1997, 4:00 p.m.: 20 IR 1737; filed Jun 5, 1998, 3:58 p.m.: 21 IR 3938; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; filed Sep 7, 2004, 5:00 p.m.: 28 IR 211; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

#### **872 IAC 1-3-17 Failure to meet continuing education provisions**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-1-11; IC 25-2.1-4-2; IC 25-2.1-4-5; IC 25-2.1-8**

Sec. 17. (a) A certificate holder who does not obtain the required number of CPE hours during a reporting period may cure that deficiency by taking them in the next reporting period. However, the certificate shall not be renewed until the necessary hours are obtained. An individual whose license has lapsed longer than eighteen (18) months is governed by section 14 of this rule.

(b) CPE hours obtained to cure a deficiency in a prior reporting period shall not be double-counted by also being included in the reporting period in progress when they are obtained.

*(Indiana Board of Accountancy; 872 IAC 1-3-17; filed May 17, 1988, 3:15 p.m.: 11 IR 3570, eff Jul 1, 1988; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2352; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA; filed Nov 5, 2008, 2:33 p.m.: 20081203-IR-872080293FRA)*

#### **872 IAC 1-3-18 Board review of continuing education compliance**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-1-4-5; IC 25-1-11; IC 25-2.1**

Sec. 18. (a) If, as the result of an audit or other review, the board determines that CPE hours a licensee has claimed do not meet the requirements of this rule it shall notify the licensee of that determination in accordance with IC 25-1-4-5.

(b) Licensee who submits false information under section 6 of this rule or this section shall be subject to action provided for under IC 25-1-4-5 and IC 25-1-11.

*(Indiana Board of Accountancy; 872 IAC 1-3-18; filed May 17, 1988, 3:15 p.m.: 11 IR 3571, eff Jul 1, 1988; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA; filed Nov 5, 2008, 2:33 p.m.: 20081203-IR-872080293FRA)*

#### **872 IAC 1-3-19 Permits for firms to practice accountancy**

**Authority: IC 25-2.1-2-15**

**Affected: IC 23-1.5-2-9; IC 23-1.5-2-10**

Sec. 19. (a) The expiration date for permits for firms to practice accountancy issued under IC 25-2.1-5 shall be June 30 of every third year, for example, June 30, 1997, and June 30, 2000.

(b) To obtain a permit to practice under IC 25-2.1-5 does not eliminate the requirement for professional corporations to obtain and renew the certificate of registration required by IC 23-1.5-2-9 and IC 23-1.5-2-10. *(Indiana Board of Accountancy; 872 IAC 1-3-19; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2352; readopted filed Jun 22, 2001, 8:57 a.m.: 24 IR 3824; readopted filed Oct 4, 2007, 3:32 p.m.: 20071031-IR-872070066RFA)*

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#### **Rule 4. Nonlicensee Firm Owners**

##### **872 IAC 1-4-1 General requirements**

**Authority: IC 25-2.1-2-15**

**Affected: IC 25-2.1-5-4; IC 25-2.1-6-6**

Sec. 1. (a) This section establishes the requirements for nonlicensee owners of CPA or PA firms under IC 25-2.1-5-4. This section does not apply to firms of accounting practitioners under IC 25-2.1-6-6.

(b) An active individual participant under IC 25-2.1-5-4(c)(2) is an individual who is actively engaged in the firm or affiliated entities in providing services to the firm's clients as his or her principal occupation.

(c) The firm's owners must comply with the AICPA Code of Professional Conduct (applicable to CPA firms only) or the NSA Rules of Professional Conduct (applicable to PA firms only) as adopted by the board in 872 IAC 1-2-1. *(Indiana Board of Accountancy; 872 IAC 1-4-1; filed Jul 7, 2003, 3:45 p.m.: 26 IR 3655; readopted filed Dec 1, 2009, 9:14 a.m.: 20091223-IR-872090784RFA)*

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#### **Rule 5. Substantial Equivalency**

##### **872 IAC 1-5-1 Certification or permit not required for CPA certificate holders from other states; substantial equivalency (Repealed)**

Sec. 1. *(Repealed by Indiana Board of Accountancy; filed Jul 23, 2008, 12:52 p.m.: 20080820-IR-872070305FRA)*

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#### **Rule 6. Quality Review**

##### **872 IAC 1-6-1 Applicability**

**Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9**

**Affected: IC 25-2.1-5; IC 25-2.1-6**

Sec. 1. (a) This rule establishes a quality review program for CPA and PA firms issued a permit under IC 25-2.1-5.

(b) This rule does not apply to AP firms issued a registration under IC 25-2.1-6.

*(Indiana Board of Accountancy; 872 IAC 1-6-1; filed Oct 13, 2004, 11:30 a.m.: 28 IR 966; readopted filed Nov 12, 2010, 10:07 a.m.: 20101208-IR-872100410RFA)*

##### **872 IAC 1-6-2 "Approved quality review program" defined**

**Authority: IC 25-2.1**

**Affected: IC 25-2.1-5-8; IC 25-2.1-5-9**

Sec. 2. "Approved quality review program" means a peer review program:

- (1) administered by an entity (administering entity) approved by the board under section 8 of this rule; and
- (2) meeting the requirements of this rule, including the AICPA document incorporated by reference in section 11 of this rule (applicable to CPA and PA firms).

*(Indiana Board of Accountancy; 872 IAC 1-6-2; filed Oct 13, 2004, 11:30 a.m.: 28 IR 966; filed Dec 5, 2008, 10:29 a.m.: 20081231-IR-872070306FRA; readopted filed Nov 12, 2010, 10:07 a.m.: 20101208-IR-872100410RFA)*

**872 IAC 1-6-3 "Attest" defined**

**Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9**

**Affected: IC 25-2.1-1-3; IC 25-2.1-1-3.8**

Sec. 3. "Attest" has the meaning set forth in IC 25-2.1-1-3.8.

*(Indiana Board of Accountancy; 872 IAC 1-6-3; filed Oct 13, 2004, 11:30 a.m.: 28 IR 966; readopted filed Nov 12, 2010, 10:07 a.m.: 20101208-IR-872100410RFA)*

**872 IAC 1-6-4 "Compilation" defined**

**Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9**

**Affected: IC 25-2.1-1-6.3**

Sec. 4. "Compilation" has the meaning set forth in IC 25-2.1-1-6.3.

*(Indiana Board of Accountancy; 872 IAC 1-6-4; filed Oct 13, 2004, 11:30 a.m.: 28 IR 966; readopted filed Nov 12, 2010, 10:07 a.m.: 20101208-IR-872100410RFA)*

**872 IAC 1-6-5 "Firm location" defined**

**Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9**

**Affected: IC 25-2.1-5-5**

Sec. 5. "Firm location" means an individual office location of a CPA or PA firm that is required to be registered under IC 25-2.1-5-5(a)(1) or IC 25-2.1-5-5(b)(1).

*(Indiana Board of Accountancy; 872 IAC 1-6-5; filed Oct 13, 2004, 11:30 a.m.: 28 IR 966; readopted filed Nov 12, 2010, 10:07 a.m.: 20101208-IR-872100410RFA)*

**872 IAC 1-6-6 "Quality review" defined**

**Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9**

**Affected: IC 25-2.1-1-12**

**Sec. 6. "Quality review" has the meaning set forth in IC 25-2.1-1-12.**

*(Indiana Board of Accountancy; 872 IAC 1-6-6; filed Oct 13, 2004, 11:30 a.m.: 28 IR 966; readopted filed Nov 12, 2010, 10:07 a.m.: 20101208-IR-872100410RFA)*

**872 IAC 1-6-7 Quality review oversight committee**

**Authority: IC 25-2.1**

**Affected: IC 25-2.1-5-8; IC 25-2.1-5-9**

Sec. 7. (a) The board shall appoint a quality review oversight committee.

(b) The oversight committee shall:

- (1) consist of three (3) licensees who have an active certificate as a certified public accountant or public accountant;
- (2) be composed of individuals who are not members of the board;
- (3) provide the board with the names of those firms that have undergone and have had an accepted review as well as whether the firms are meeting the terms, conditions, and remedial actions, if any, required for completion of the review;

(4) along with the board, establish procedures designed to ensure confidentiality of documents furnished or generated in the course of the review; and

(5) carry out other duties as delegated by the board necessary for the administration and enforcement of this rule.

(c) An appointment under this section is for a term of three (3) years, except for an appointment to fill a vacancy shall be for the remainder of the unexpired term. A committee member may continue to serve until the member's successor is appointed and qualified. An oversight committee member may be reappointed at the end of each term. *(Indiana Board of Accountancy; 872 IAC 1-6-7; filed Oct 13, 2004, 11:30 a.m.: 28 IR 966; filed Dec 5, 2008, 10:29 a.m.: 20081231-IR-872070306FRA; readopted filed Nov 12, 2010, 10:07 a.m.: 20101208-IR-872100410RFA)*

**872 IAC 1-6-8 Responsibilities of administering entity**

**Authority: IC 25-2.1**

**Affected: IC 25-2.1-5-8; IC 25-2.1-5-9**

Sec. 8. (a) The board shall appoint an administering entity.

(b) The administering entity shall:

- (1) administer the program in compliance with section 11 of this rule;
- (2) provide the oversight committee with the names of those firms that have undergone and have had an accepted review as well as whether the firms are meeting the terms, conditions, and remedial actions, if any, required for completion of the review; and
- (3) periodically report on the effectiveness of the review program to the board.

*(Indiana Board of Accountancy; 872 IAC 1-6-8; filed Oct 13, 2004, 11:30 a.m.: 28 IR 967; filed Dec 5, 2008, 10:29 a.m.: 20081231-IR-872070306FRA; readopted filed Nov 12, 2010, 10:07 a.m.: 20101208-IR-872100410RFA)*

**872 IAC 1-6-9 Requirements for firms**

**Authority: IC 25-2.1**

**Affected: IC 25-2.1-5**

Sec. 9. (a) This section applies to renewal of firm permits that expire on or after June 30, 2006.

(b) During the three (3) year period preceding a firm's application for renewal of a permit under IC 25-2.1-5, a firm shall complete a quality review in compliance with this rule, unless the firm is not required to have a quality review under subsection (d)(2) or (d)(3). Failure of a firm to complete a quality review may result in the denial of the renewal of the firm's permit under IC 25-2.1-5.

(c) Each firm where attest or compilation services are performed shall be covered by a quality review. A single quality review report covering all locations may be submitted for firms with multiple firm locations.

(d) Each application for renewal of a permit under IC 25-2.1-5 shall certify:

- (1) under the penalty of perjury, acceptance of the quality review report issued to the firm by the administering entity;
- (2) that the firm is not required to have a quality review to renew its permit because it has not performed any attest or compilation engagements:
  - (A) since the last expiration of the firm permit; or
  - (B) if the firm permit was initially issued subsequent to the last renewal, since the initial issuance of the firm permit; or
  - (3) that the firm is not required to have a quality review to renew its firm permit because it:
    - (A) did not perform any attest or compilation engagement within the first eighteen (18) months of the three (3) year period preceding the firm's application for renewal of its permit; or
    - (B) obtained the initial issuance of its firm permit within the last eighteen (18) months of the three (3) year period preceding the firm's application for renewal of its permit.

(e) Before commencement of an attest or compilation engagement, a firm that was not required to obtain a quality review under subsection (d)(2) shall:

- (1) notify the board; and
- (2) complete a quality review within eighteen (18) months of the notification.

(f) A firm that was not required to obtain a quality review under subsection (d)(3) shall:

- (1) at the time of renewal, notify the board of the date the first attest or compilation engagement was commenced; and (2) complete a quality review within eighteen (18) months of that date.

(g) In order to renew an expired firm permit, a firm shall complete a quality review in compliance with this rule. An exemption under subsection (d)(2) or (d)(3) shall be calculated as if the firm permit had been renewed before its expiration.

(h) Each firm is responsible for the cost of the quality reviews under this rule.

*(Indiana Board of Accountancy; 872 IAC 1-6-9; filed Oct 13, 2004, 11:30 a.m.: 28 IR 967; filed Dec 5, 2008, 10:29 a.m.: 20081231-IR-872070306FRA; readopted filed Nov 12, 2010, 10:07 a.m.: 20101208-IR-872100410RFA)*

### **872 IAC 1-6-10 Reports; confidentiality**

**Authority: IC 25-2.1**

**Affected: IC 25-2.1-5-8; IC 25-2.1-5-9**

Sec. 10. (a) An approved quality review program administering entity shall determine and report the following to the oversight committee with respect to each firm that is reviewed:

- (1) Any recommendations concerning the possible improvement of the quality of the firm location's professional services.
- (2) Whether the firm is not in general conformity with applicable professional standards.
- (3) If the firm is not in general conformity, any significant departures from applicable professional standards.

(b) A firm that is the subject of a quality review may submit to the administering entity a response to the determinations and recommendations contained in the quality review report.

(c) Quality review reports and related comments shall be retained by the administering entity:

- (1) for a period of at least three (3) years from the date of submission; or
- (2) until acceptance by the administering entity of the firm location's next quality review report; whichever is later.

(d) All proceedings, records, and work papers related to a quality review performed under this rule are:

- (1) privileged as provided in IC 25-2.1-5-8; and
- (2) not subject to discovery, subpoena, or other means of legal process or introduction into evidence unto a civil action, arbitration, administrative proceeding, or board proceeding.

(e) Subject to IC 25-2.1-5-9, a member of the oversight committee, the administering entity, or an individual who was involved with or who performed a quality review may not testify in a civil action, arbitration, administrative proceeding, or board proceeding to matters:

- (1) produced, presented, disclosed, or discussed during, or in connection with, the quality review process; or
- (2) that involve findings, recommendations, evaluations, opinions, or other actions of the approved quality review program, the administering entity, or individual reviewers.

*(Indiana Board of Accountancy; 872 IAC 1-6-10; filed Oct 13, 2004, 11:30 a.m.: 28 IR 967; filed Dec 5, 2008, 10:29 a.m.: 20081231-IR-872070306FRA; readopted filed Nov 12, 2010, 10:07 a.m.: 20101208-IR-872100410RFA)*

### **872 IAC 1-6-11 AICPA standards for peer/quality review program**

**Authority: IC 25-2.1**

**Affected: IC 25-2.1**

Sec. 11. (a) That certain document being titled Standards for Performing and Reporting on Peer Reviews (copyright 2008, effective January 1, 2009), as published by the American Institute of Certified Public Accountants (AICPA), 1211 Avenue of the Americas, New York, New York 10036-8775, is hereby incorporated by reference as if fully set out in this rule except for the revision stated in this section. This document applies to quality reviews performed after December 31, 2008.

(b) That certain document being titled Standards for Performing and Reporting on Peer Reviews (copyright 2004, effective January 1, 2005), as published by the American Institute of Certified Public Accountants (AICPA), 1211 Avenue of the Americas, New York, New York 10036-8775, is hereby incorporated by reference as if fully set out in this rule except for the revision stated in this section. This document applies to quality reviews performed before January 1, 2009.

(c) Notwithstanding the use of the word "should" in the Standards for Performing and Reporting on Peer Reviews, a reviewer must:

- (1) comply with the standards; or
- (2) justify any departure therefrom.

(d) The Standards for Performing and Reporting on Peer Reviews is incorporated by reference in this rule to establish substantive standards for quality reviews. Any requirement for membership in the AICPA or other organization or the involvement of any AICPA entity or state CPA society in the quality review process shall not apply. The quality review program under this rule is administered by the board and the administering entity established under section 8 of this rule. However, this subsection shall not be construed to limit the involvement of either the AICPA or the state CPA society in any quality review activity involving their members as long as the resulting quality review complies with this rule.

(e) If any provision of the Standards for Performing and Reporting on Peer Reviews conflict in any way with IC 25-2.1 or this title, it shall not apply.

*(Indiana Board of Accountancy; 872 IAC 1-6-11; filed Oct 13, 2004, 11:30 a.m.: 28 IR 968; filed Dec 5, 2008, 10:29 a.m.: 20081231-IR-872070306FRA; readopted filed Nov 12, 2010, 10:07 a.m.: 20101208-IR-872100410RFA)*

### **872 IAC 1-6-12 NSA standards for peer/quality review program (Repealed)**

Sec. 12. *(Repealed by Indiana Board of Accountancy; filed Dec 5, 2008, 10:29 a.m.: 20081231-IR-872070306FRA)*

### **872 IAC 1-6-13 Informal dispute resolution**

**Authority: IC 25-2.1**

**Affected: IC 4-21.5-3-13**

Sec. 13. (a) This section addresses informal dispute resolution that may be taken by the board as the result of a dispute between the administering entity or a reviewer and the firm being reviewed.

(b) This section does not increase or diminish hearings that may be required by IC 4-21.5-3 or other applicable statute and is not providing for hearings under IC 4-21.5-3. A dispute that has been addressed in an informal dispute resolution may still be a topic of a hearing under IC 4-21.5-3. In the event of such a hearing, the participation of the board and its members in an informal dispute resolution shall be considered a preliminary determination under IC 4-21.5-3-13(c).

(c) When a dispute occurs regarding the peer review report or corrective actions, or both, required as the result of a quality review, the administering entity shall notify the board in writing within thirty (30) days of the notification from the firm subject to the peer review report corrective action, or both. The notification to the board from the administering entity, a copy of which shall be sent to the firm, shall include the name of the firm and the peer review report and the

correction action, as appropriate, and a discussion memorandum addressing the dispute. The board shall:

- (1) set the matter for an informal hearing;
- (2) notify the parties to the dispute;
- (3) provide the parties with an opportunity to present evidence at hearing; and
- (4) make a determination on the dispute.

(d) The board's determination in an informal dispute resolution shall govern how the administering entity and reviewer proceed regarding the issues involved but in no way limit the firm from arguing to the contrary in any proceeding under IC 4-21.5-3 and the determination shall not be considered to be final in any way for a proceeding under IC 4-21.5-3.

(e) The board may delegate an informal dispute resolution under this section to one (1) of its members.

*(Indiana Board of Accountancy; 872 IAC 1-6-13; filed Dec 5, 2008, 10:29 a.m.: 20081231-IR-872070306FRA; readopted filed Nov 12, 2010, 10:07 a.m.: 20101208-IR-872100410RFA)*

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