

# Board of Registration for Architects and Landscape Architects

## A Compilation of the Indiana Code and Indiana Administrative Code

2014 Edition



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**NOTICE:** This compilation incorporates the most recent revisions of the statutory provisions and administrative rules governing the architecture and landscape architecture profession, as of July 1, 2011. Note that this compilation is not an official version of the Indiana Code. It is distributed as a general guide to architects and landscape architects regulated by the Indiana Professional Licensing Agency. It is not intended to be offered as legal advice, and it may contain typographical errors. Neither the Indiana Professional Licensing Agency nor the State Board of Registration for Architects and Landscape Architects is able to provide 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, please contact your nearest public library or visit the website of the Indiana General Assembly at [www.in.gov/legislative](http://www.in.gov/legislative).

# STATE BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS

July 2011 Edition

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**IC 25-4**

**ARTICLE 4. ARCHITECTS**

**IC 25-4-1**

**Chapter 1. Regulation of Architects Generally. Creation of Board**

**IC 25-4-1-1**

**Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.2570.)*

**IC 25-4-1-2**

**Board of registration**

Sec. 2. (a) There is hereby created and established a board of registration for architects and landscape architects, which shall consist of eight (8) members, who shall be appointed by the governor and who shall serve at the will and pleasure of the governor. All appointments shall be made for terms of three (3) years, ending on December 31. In any case, each member shall serve for the term for which the member shall have been appointed and until the member's successor shall have been appointed and shall have qualified. Any vacancy which may occur in membership of the board for any cause shall be filled by appointment by the governor for the unexpired term. Each member of the board shall be entitled to receive as compensation for the member's services a salary per diem for each and every day the member may be engaged in attending the meetings or transacting the business of the board; in addition thereto each member shall be entitled to receive as reimbursement all traveling and other necessary expenses incurred in the performance of the member's duties as a member of the board in accordance with travel policies and procedures established by the department of administration and the state budget agency.

(b) Each member of the board shall be a citizen of the United States of America and a resident of the state of Indiana. Five (5) of the members must be registered architects under this chapter and shall have had at least ten (10) years of active architectural practice preceding the member's appointment.

(c) Two (2) members of the board must be registered landscape architects under this chapter and must have at least ten (10) years of active landscape architectural practice preceding the member's appointment.

(d) One (1) member of the board, to represent the general public, shall be a resident of this state who has never been associated with the architecture or landscape architecture profession in any way other than as a consumer.

*(Formerly: Acts 1929, c.62, s.2; Acts 1945, c.56, s.1; Acts 1961, c.331, s.1.) As amended by Acts 1976, P.L.119, SEC.1; Acts 1981, P.L.225, SEC.1; Acts 1982, P.L.113, SEC.24; P.L.82-2000, SEC.7.*

**IC 25-4-1-3**

**Organization and government of board**

Sec. 3. The board shall organize by the election of a chairman and vice chairman, each of whom shall serve for a term of one (1) year. The first meeting of the board shall be held within thirty (30) days after the members thereof shall have been appointed, on call of the chairman of the board. Thereafter, the board shall hold at least two (2) regular meetings each year and may hold such special meetings, as the board in its discretion considers necessary or advisable. The time for holding the regular meetings, the method of calling special meetings and the manner of giving notice of all meetings shall be prescribed in the bylaws of the board. Five (5) members of the board shall constitute a quorum for the transaction of any and all business which may come before the board. Approval by a majority of all members of the board shall be required for action to be taken. The board shall adopt official seals representing the different professions that shall be affixed to all certificates of registration granted and issued as provided in this chapter. Subject to the approval of the governor, the board is hereby authorized to make bylaws and prescribe and promulgate rules as considered necessary in the performance of its duty. The board shall adopt rules establishing standards for the competent practice of architecture and landscape architecture, and for the administration of the registered architects and registered landscape architects investigative fund established by section 32 of this chapter. Suitable office quarters shall be provided for the use of the board in the city of Indianapolis.

*(Formerly: Acts 1929, c.62, s.3; Acts 1945, c.56, s.2; Acts 1961, c.331, s.2.) As amended by Acts 1977, P.L.172, SEC.5; Acts 1981, P.L.222, SEC.27; Acts 1982, P.L.113, SEC.25; P.L.82-2000, SEC.8; P.L.194-2005, SEC.11.*

**IC 25-4-1-4**

**Duties of attorney general; injunction; use of investigative fund**

Sec. 4. The board shall be entitled to the services of the attorney general in connection with any of the business of the board. The board shall have the power to administer oaths and take testimony and proofs concerning any matter which may come within its jurisdiction. The attorney general, the prosecuting attorney of any county, the board, or a citizen of a county wherein any person, not herein exempted, shall engage in the practice of architecture or landscape architecture, as herein defined, without first having obtained a certificate of registration, or without first having renewed an expired certificate of registration, so to practice, may, in accordance with the provisions of the laws of this state governing injunctions, maintain an action, in the name of the state of Indiana, to enjoin such person from engaging in the practice of architecture or landscape architecture, as herein defined, until a certificate of registration is secured, or renewed, in accordance with the provisions of this chapter. Any person who has been so enjoined and who violates the injunction shall be punished for contempt of court. The injunction shall not relieve such person so practicing architecture or

landscape architecture without a certificate of registration, or without first having renewed an expired certificate of registration, from a criminal prosecution therefor, as is provided by this chapter, but such remedy by injunction shall be in addition to any remedy provided for herein for the criminal prosecution of such offender. In charging any person in a complaint for an injunction, or in an affidavit, information or indictment, with the violation of the provisions of this chapter, by practicing architecture or landscape architecture without a certificate of registration or without having renewed an expired certificate of registration, it shall be sufficient to charge that the person did upon a certain day and in a certain county engage in the practice of architecture or landscape architecture, without having a certificate of registration or without having renewed an expired certificate of registration, to so practice, without averring any further or more particular facts concerning the same. The attorney general and the Indiana professional licensing agency may use the registered architects and registered landscape architects investigative fund established by section 32 of this chapter to hire investigators and other employees to enforce the provisions of this article and to investigate and prosecute violations of this article.

*(Formerly: Acts 1929, c.62, s.4; Acts 1935, c.252, s.1.) As amended by Acts 1982, P.L.154, SEC.10; P.L.82-2000, SEC.9; P.L.194-2005, SEC.12.*

#### **IC 25-4-1-5**

##### **Repealed**

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

#### **IC 25-4-1-6**

##### **Application for certificate of registration**

Sec. 6. (a) A person desiring to engage in the practice of architecture:

(1) shall apply to the board for a certificate of registration in compliance with this chapter;

(2) shall submit evidence to the board that the person is qualified to engage in the practice of architecture in compliance with the requirements of this chapter, including evidence that the person:

(A) graduated with a professional degree from a school or college of architecture accredited by the National Architectural Accrediting Board, Inc., or its successor;

(B) successfully completed the required examination; and

(C) successfully completed the intern development program required under section 7.5 of this chapter; and

(3) must not have been convicted of:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or

(B) a felony that has direct bearing on the applicant's ability to practice competently.

(b) The application for a certificate of registration shall be:

(1) made on a form prescribed and furnished by the board;

(2) verified; and

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

*(Formerly: Acts 1929, c.62, s.6.) As amended by Acts 1982, P.L.154, SEC.11; P.L.194-2005, SEC.13; P.L.105-2008, SEC.9.*

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

##### **Educational qualifications and requirements for examination**

Sec. 7. Any person who is at least eighteen (18) years of age shall be qualified for an examination for a certificate of registration as a registered architect, if the individual has graduated with a professional degree from a school or college of architecture accredited by the National Architectural Accrediting Board, Inc., or its successor.

*(Formerly: Acts 1929, c.62, s.7; Acts 1961, c.331, s.4; Acts 1969, c.380, s.1; Acts 1973, P.L.252, SEC.2.) As amended by Acts 1981, P.L.222, SEC.28; Acts 1982, P.L.113, SEC.26; P.L.214-1993, SEC.7; P.L.1-1994, SEC.123; P.L.105-2008, SEC.10.*

#### **IC 25-4-1-7.5**

##### **Intern development program**

Sec. 7.5. An applicant for a certificate of registration under this chapter shall furnish evidence that the applicant has successfully completed an intern development program. The intern development program must:

(1) provide practical, supervised experience in the practice of architecture; and

(2) meet all other requirements established by the board in rules adopted under IC 4-22-2.

*As added by P.L.105-2008, SEC.11.*

#### **IC 25-4-1-8**

##### **Out-of-state applicants**

Sec. 8. (a) As used in this section, "out-of-state applicant" means an individual who is an architect registered or licensed under the laws of another state, a foreign country, or a province in a foreign country and who is an applicant for a certificate of registration as a registered architect.

(b) This section applies only to an out-of-state applicant.

(c) The board shall grant a certificate of registration to an out-of-state applicant upon the following conditions:

(1) The out-of-state applicant must be at least eighteen (18) years of age.

(2) The out-of-state applicant's registration in the other jurisdiction is valid and in good standing.

(3) The out-of-state applicant must have passed the examination required in the other state, or the equivalent offered in the other state, at the time the out-of-state applicant was registered in the other state.

(4) The out-of-state applicant has not been convicted of:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or

(B) a felony that has a direct bearing on the applicant's ability to practice competently.

(5) If registered in the other jurisdiction after June 30, 1979, the out-of-state applicant must:

(A) have met the requirements specified by section 6 of this chapter; or

(B) have at least seven (7) years of experience as a registered architect and have:

(i) a bachelor's degree in a design discipline; or

(ii) a combination of training and experience that the board finds to be equivalent to a bachelor's degree in a design discipline.

(6) If registered in the other jurisdiction before July 1, 1979, the out-of-state applicant must have met the education and work experience requirements in effect in Indiana when the out-of-state applicant was registered in the other jurisdiction.

(7) The out-of-state applicant must pay fees established by the board.

(d) If an out-of-state applicant does not meet the examination requirements under subsection (c)(3), the board may require the out-of-state applicant to pass a written examination to achieve equivalence to the examination required in Indiana at the time the out-of-state applicant was registered in the other jurisdiction.

*(Formerly: Acts 1929, c.62, s.8; Acts 1973, P.L.252, SEC.3.) As amended by Acts 1981, P.L.222, SEC.29; Acts 1982, P.L.113, SEC.27; P.L.251-1983, SEC.1; P.L.242-1985, SEC.1; P.L.214-1993, SEC.8; P.L.1-1994, SEC.124; P.L.173-1996, SEC.6; P.L.105-2008, SEC.12.)*

#### **IC 25-4-1-9**

##### **Examinations of applicants**

Sec. 9. The board shall adopt rules under IC 4-22-2 concerning the scope and subject matter for the examination of applicants for certificates of registration as registered architects. The examination must be a written test of the applicant's competency to plan, design, specify, and supervise architectural projects. The examination must include the following subjects:

(1) The planning, specifying, designing, and construction of buildings.

(2) The strength of building materials.

(3) The principles of sanitation and ventilation as applied to buildings.

(4) The ability of the applicant to make practical application of his knowledge in the ordinary professional work of an architect.

The board may require the written examination to be supplemented by oral examinations.

*(Formerly: Acts 1929, c.62, s.9.) As amended by P.L.173-1996, SEC.7.)*

#### **IC 25-4-1-10**

##### **Issuance of certificate of registration**

Sec. 10. Whenever the provisions of this act have been complied with by an applicant, the board shall issue a certificate of registration to the applicant as a registered architect, which certificate shall have the effect of a license to the person to whom it is issued to practice architecture in this state, subject to the provisions of this act.

*(Formerly: Acts 1929, c.62, s.10.)*

#### **IC 25-4-1-11**

##### **Exemption from statutes regulating practice of engineering**

Sec. 11. Any person licensed to practice architecture in this state, or registered as an architect under this chapter, shall be exempt from the provisions of any and all statutes in force in this state regulating the practice of engineering; provided further, that no provision of this chapter shall apply to or affect any individual, firm, limited liability company, or corporation registered as a professional engineer under provisions of IC 25-31-1. An engineer, however, who is registered under the laws of this state, and exempted from the provisions of this chapter, shall not use the designation "architect" in any form or manner unless and until he shall be registered under the provisions of this chapter.

*(Formerly: Acts 1929, c.62, s.11; Acts 1961, c.331, s.5.) As amended by Acts 1982, P.L.154, SEC.12; P.L.8-1993, SEC.373.*

#### **IC 25-4-1-12**

##### **Issuance of certificate; applicable sections**

Sec. 12. The board shall issue certificates of registration only as provided in sections 7, 8, 9 and 10 of this chapter.

*(Formerly: Acts 1929, c.62, s.12.) As amended by Acts 1981, P.L.222, SEC.30.*

#### **IC 25-4-1-13**

##### **Display of certificate; seal**

Sec. 13. Every holder of a certificate of registration as a registered architect shall display such certificate in a conspicuous place in his principal office, place of business or place of employment.

Every registered architect shall have a seal or design authorized by the board, the impression of which shall contain the name of the architect and the words, "registered architect", "state of Indiana". He shall stamp with this seal all working drawings, reports, and specifications prepared by him or under his supervision.

*(Formerly: Acts 1929, c.62, s.13.)*

#### **IC 25-4-1-14**

##### **Renewal of certificate; failure to renew; reinstatement; fees**

Sec. 14. (a) Every registered architect who continues in active practice shall, biennially, on or before the date established by the licensing agency under IC 25-1-6-4, renew the registered architect's certificate of registration and pay the required renewal fee.

(b) An architect registered or licensed in Indiana who has failed to renew the architect's certificate of registration for a period of not more than five (5) years may have the certificate of registration reinstated by meeting the requirements of IC 25-1-8-6(c).

(c) An architect registered in Indiana who has failed to renew the architect's certificate of registration for more than five (5) years may have the certificate of registration reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

(d) If any registered architect desires to retire from the practice of architecture in Indiana, the architect may submit to the board the architect's verified statement of intention to withdraw from practice. The statement shall be entered upon the records of the board. During the period of the architect's retirement, the architect is not liable for any renewal or restoration fees.

(e) If any retired architect desires to return to the practice of architecture in Indiana, the retired architect must meet the following requirements:

(1) If the certificate of registration has been expired for not more than five (5) years, the retired architect must:

(A) file with the board a verified statement indicating the architect's desire to return to the practice of architecture; and

(B) pay a renewal fee equal to the fee set by the board to renew an unexpired registration under this chapter.

(2) If the certificate of registration has been expired for more than five (5) years, the retired architect must:

(A) file with the board a verified statement indicating the architect's desire to return to the practice of architecture;

(B) pay a renewal fee equal to the fee set by the board to renew an unexpired registration under this chapter; and

(C) complete remediation and additional training established by the board based on the length of time the certificate of registration has been expired.

*(Formerly: Acts 1929, c.62, s.14; Acts 1943, c.217, s.1.) As amended by Acts 1981, P.L.222, SEC.31; Acts 1982, P.L.113, SEC.28; P.L.242-1985, SEC.2; P.L.194-2005, SEC.14; P.L.157-2006, SEC.21; P.L.105-2008, SEC.13.*

#### **IC 25-4-1-15**

##### **Repealed**

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

#### **IC 25-4-1-15.1**

*(Repealed by P.L.214-1993, SEC.91.)*

#### **IC 25-4-1-16**

##### **Fees**

Sec. 16. (a) The fee to be paid by an applicant for an examination to determine the applicant's fitness to receive a certificate of registration as a registered architect shall be established by the board under IC 25-1-8-2.

(b) The fee to be paid by an applicant for a certificate of registration as a registered architect shall be established by the board under IC 25-1-8-2.

(c) The fee to be paid for the restoration of an expired certificate of registration as a registered architect shall be established under IC 25-1-8-6. The restoration fee shall be in addition to all unpaid renewal fees.

(d) The fee to be paid upon renewal of a certificate of registration shall be established by the board under IC 25-1-8-2.

(e) The fee to be paid by an applicant for a certificate of registration who is an architect registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, shall be established by the board under IC 25-1-8-2.

(f) In addition to the registration fees established under this section, the board shall establish a fee of not more than twenty dollars (\$20) for registered architects and registered landscape architects to be paid at the time of:

(1) issuance of a certificate of registration; and

(2) renewal of a certificate of registration;

under this article to provide funds for administering and enforcing this article, including investigating and taking action against persons violating this article. All funds collected under this subsection shall be deposited into the registered architects and registered landscape architects investigative fund established by section 32 of this chapter.

*(Formerly: Acts 1929, c.62, s.16; Acts 1943, c.217, s.2.) As amended by P.L.194-2005, SEC.15; P.L.177-2006, SEC.1; P.L.157-2006, SEC.22; P.L.1-2007, SEC.168.*

#### **IC 25-4-1-17**

##### **Acts constituting practice of architecture**

Sec. 17. The practice of architecture is the performance of professional services embracing the safe, healthful, scientific, aesthetic or orderly coordination of the planning, designing, erection, alteration or enlargement of any public or private building or buildings, structure or structures, project or projects, or any part thereof, or the equipment or utilities thereof or the accessories thereto, when such professional services require the application of the art and science of construction based upon the principles of mathematics, aesthetics, or the physical science acquired by education or training, and when such services are performed through the media of consultation, evaluation, investigation, preliminary study, plans, specifications, contract documents, or supervision of construction. Any one (1), or any combination of the foregoing services by a person shall constitute the practice of architecture. A building is any structure consisting of foundation, floors, walls, columns, girders, beams and roof, or a combination of any number of these parts, with or without other parts and appurtenances thereto.

*(Formerly: Acts 1929, c.62, s.17; Acts 1961, c.331, s.6.)*

#### **IC 25-4-1-18**

##### **Employees under direction of architect; exempt buildings**

Sec. 18. Nothing contained in this chapter shall prevent the draftsmen, students, clerks of works, superintendents, and other employees of those lawfully practicing as registered architects, under the provisions of this chapter, from acting under the instruction, control, or supervision of their employers, or to prevent the employment of superintendents of the construction, enlargement, or alteration of buildings, or any parts thereof, or prevent such superintendents from acting under the immediate personal supervision of the registered architect by whom the plans and specifications of any building, enlargement, or alteration were prepared. Nor shall anything contained in this chapter apply to the making of plans or specifications or the supervision of construction, enlargement or alteration of buildings or any parts thereof specifically exempted from the rules of the fire prevention and building safety commission or specifically exempted from the fire prevention and building safety commission requirements for preparation of such plans and specifications by registered architects or registered engineers.

*(Formerly: Acts 1929, c.62, s.18; Acts 1935, c.252, s.3; Acts 1961, c.331, s.7; Acts 1969, c.380, s.2.) As amended by Acts 1982, P.L.154, SEC.13; P.L.8-1984, SEC.117.*

#### **IC 25-4-1-19**

##### **Expenses of administration; payment**

Sec. 19. All expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made therefore in the manner provided by law for the making of such appropriations.

*(Formerly: Acts 1929, c.62, s.19; Acts 1935, c.252, s.4; Acts 1961, c.331, s.8.) As amended by Acts 1976, P.L.119, SEC.2; Acts 1981, P.L.222, SEC.33.*

#### **IC 25-4-1-20**

##### **Record of proceedings**

Sec. 20. The board shall keep a record of its proceedings, and a register of all applicants for registration, showing the date of application, the name, age and other qualifications and the place of business and the place of residence of each applicant and whether or not an examination was required and whether the applicant was rejected or a certificate of registration granted and issued and the date of such action.

*(Formerly: Acts 1929, c.62, s.20.)*

#### **IC 25-4-1-21**

##### **Repealed**

*(Repealed by P.L.132-1984, SEC.55.)*

#### **IC 25-4-1-22**

##### **"Board" defined**

Sec. 22. Except where the context clearly indicates a different meaning, the following terms, as used in this chapter, shall be construed to have the meaning hereinafter indicated:

The term "board" shall be construed to mean the board of registration for architects and landscape architects.

*(Formerly: Acts 1929, c.62, s.22.) As amended by Acts 1982, P.L.154, SEC.14; P.L.8-1984, SEC.118; P.L.82-2000, SEC.10.*

#### **IC 25-4-1-23**

##### **Construction of chapter**

Sec. 23. As this chapter is designed to safeguard life, health and property, the provisions thereof shall be construed liberally to achieve the purpose desired.

*(Formerly: Acts 1929, c.62, s.23.) As amended by Acts 1982, P.L.154, SEC.15.*

#### **IC 25-4-1-24**

##### **Severability clause**

Sec. 24. In the event that any section, clause or provision of this chapter shall be declared unconstitutional, such invalidity shall not affect those provisions of this chapter not declared unconstitutional.

*(Formerly: Acts 1929, c.62, s.24.) As amended by Acts 1982, P.L.154, SEC.16.*

#### **IC 25-4-1-25**

##### **Public inspection of records**

Sec. 25. The board shall keep a record open to public inspection at all reasonable times of its proceedings relating to the issuance, refusal, renewal, suspension or revocation of certificates of registration. This record shall also contain the name, place of business and residence, and the date and number of registration of each registered architect and landscape architect in this state.

*(Formerly: Acts 1929, c.62, s.25.) As amended by P.L.82-2000, SEC.11.*

#### **IC 25-4-1-26**

##### **Offenses**

Sec. 26. Each of the following acts is a Class C infraction and each day's violation constitutes a separate offense:

- (1) The practice of architecture by any person or the advertising or putting out of any sign or card or other device which might indicate to the public that he is entitled to practice as an architect, without a certificate of registration as a registered architect issued by the board.
- (2) The affixing of a registered architect's seal to any plans, specifications or drawings which have not been prepared by him or under his immediate personal supervision.
- (3) The violation of section 13 of this chapter.

*(Formerly: Acts 1929, c.62, s.26.) As amended by Acts 1978, P.L.2, SEC.2509.*

#### **IC 25-4-1-27**

##### **Right of corporations and partnerships to engage in practice**

Sec. 27. No firm, partnership or corporation shall engage in the practice of architecture unless the work is under the full authority and responsible charge of a registrant who is also a principal of the firm, or partnership or officer of the corporation. The name of said registrant shall appear whenever the firm name is used in the professional practice of the firm, partnership or corporation.

*(Formerly: Acts 1929, c.62, s.27; Acts 1961, c.331, s.9.)*

#### **IC 25-4-1-28**

##### **Short title**

Sec. 28. This chapter shall be known and cited as "The Indiana Architectural and Landscape Architectural Act".

*(Formerly: Acts 1929, c.62, s.28.) As amended by Acts 1982, P.L.154, SEC.17; P.L.82-2000, SEC.12.*

#### **IC 25-4-1-29**

##### **Necessity of plans or specifications prepared by registered architect**

Sec. 29. (a) Except as hereinafter otherwise provided, the state of Indiana, nor any board, department or agency thereof, nor any county, city, town, township, school corporations, or other political subdivision of this state shall engage in the construction, alteration, or maintenance of any public building or public work involving the practice of architecture for which plans, specifications and estimates have not been prepared, certified, and sealed by, and the construction, alteration, or maintenance executed under the direct supervision of an architect, which architect shall be the holder in good standing of a certificate of registration from the board of registration for architects and landscape architects entitling him to practice architecture in this state.

(b) No official of this state, nor of any city, town, county, township, or school corporation thereof, charged with the enforcement of any law, ordinance, or rule relating to the construction or alteration of buildings or structures, shall use or accept or approve any plans or specifications that have not been prepared by, or under the supervision of, and certified by a registered architect. This subsection shall not apply if such plans or specifications have been prepared by, or under the supervision of and certified by a professional engineer who is registered under the laws of the state of Indiana. This subsection shall not apply to the construction or alteration of any building or structures specifically exempted from the rules of the fire prevention and building safety commission or specifically exempted from the fire prevention and building safety commission requirements for preparation of such plans and specifications by registered architects or registered engineers. This section shall not be construed as to abridge, or otherwise affect, the powers of the fire prevention and building safety commission, or any other state board or department, to issue rules governing the safety of buildings or structures.

*(Formerly: Acts 1929, c.62, s.29; Acts 1961, c.331, s.10; Acts 1969, c.380, s.3.) As amended by P.L.8-1984, SEC.119; P.L.1-2001, SEC.30.*

#### **IC 25-4-1-30**

##### **Reexamination; extension of time**

Sec. 30. The board of registration of architects must grant an extension for a total time of not less than eight (8) years for an applicant to complete any section or division of a reexamination given under section 9 of this chapter if the applicant was unable to meet the original final date established by the board to take reexaminations due to a disability or medical condition that substantially interferes with the applicant's ability to take the examination.

*As added by P.L.216-1993, SEC.1.*

#### **IC 25-4-1-31**

##### **Continuing education and training; requirements**

Sec. 31. (a) The board may adopt rules under IC 4-22-2 to do the following:

- (1) Require continuing education and training for architects.
- (2) Set minimum requirements for continuing education and training for architects.
- (3) Set minimum requirements for continuing education instructors approved by the board.

(b) The rules adopted under this section must require an architect to comply with the following:

(1) The architect shall provide the board with a sworn statement signed by the architect that the architect has fulfilled the continuing education requirements required by the board.

(2) The requirements under IC 25-1-4.

*As added by P.L.23-2003, SEC.1. Amended by P.L.157-2006, SEC.23.*

#### **IC 25-4-1-32**

##### **Investigative fund; administration by attorney general and professional licensing agency; appropriation**

Sec. 32. (a) The registered architects and registered landscape architects 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 attorney general and 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 money from a fee imposed upon registered architects and registered landscape architects under section 16(f) of this chapter.

(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. If the total amount in the fund exceeds five hundred thousand dollars (\$500,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds five hundred thousand dollars (\$500,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated for use by the attorney general and the Indiana professional licensing agency to administer and enforce the provisions of this article and to conduct investigations and take enforcement action against persons violating the provisions of this article.

*As added by P.L.194-2005, SEC.16. Amended by P.L.177-2006, SEC.2.*

#### **IC 25-4-2**

##### **Chapter 2. Landscape Architects Certification**

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

##### **Definitions; construction of chapter**

Sec. 1. (a) As used in this chapter, "board" means the board of registration for architects and landscape architects as established under IC 25-4-1-2.

(b) As used in this chapter, "landscape architecture" means the practice of professional services such as consultation, investigation, reconnaissance, research, planning, design, or responsible supervision to develop land areas for the dominant purpose of preserving, enhancing, or determining:

- (1) proper land uses;
- (2) natural land features;
- (3) ground cover and planting;
- (4) naturalistic and aesthetic values;
- (5) the settings and approaches to structures or other improvements;
- (6) the natural environment of a facility, an individual building, or other structure;
- (7) site specific natural surface and subsoil drainage systems;
- (8) landscape grading, swales, curbs, and walkways; and
- (9) any inherent problems of the land relating to erosion, overuse, blight, or other hazards.

The term includes the location and arrangement of the proposed tangible objects and features that are incidental and necessary to accomplish the purposes of landscape architecture.

(c) As used in this chapter, "practitioner" means an individual registered as a landscape architect under this chapter.

(d) Except as provided in subsection (b), this chapter does not authorize a practitioner to:

- (1) engage in the design of mechanical lift stations, sewage treatment facilities, sanitary and combined sewers, storm water management projects, public, semi-public, and private utilities, or other structures or facilities with separate and self-contained purposes, if the design work is ordinarily included in the practice of architecture or engineering;
- (2) engage in the design of highways or traffic control devices;
- (3) engage in the scientific analysis of hazardous material contamination;
- (4) engage in topographic mapping or the certification of land surveys or final land plats for official approval or recording;
- (5) otherwise engage in the practice of architecture (as defined in IC 25-4-1);
- (6) otherwise engage in the practice of professional engineering (as defined in IC 25-31);
- (7) engage in the practice of land surveying (as defined in IC 25-21.5); or
- (8) engage in the practice of professional geology (as defined in IC 25-17.6).

(e) This chapter, except section 10(a)(1) and 10(a)(2) of this chapter, does not apply to:

- (1) the practice of landscape architecture by any person who acts under the supervision of a practitioner or by an employee of a person lawfully engaged in the practice of landscape architecture and who, in either event, does not assume responsible charge of design or supervision;
- (2) the practice of architecture or land planning and proper land usage by a duly registered professional architect or the doing of landscape architectural work by a registered architect or by an employee under the supervision of a registered architect;
- (3) the practice of engineering or land planning and proper land usage by a duly registered professional engineer and the doing of landscape architectural work by a registered professional engineer or by an employee under supervision of a registered professional engineer;
- (4) the practice of surveying or land planning and proper land usage by a registered land surveyor and the doing of landscape architectural work by a registered land surveyor or by an employee under supervision of a registered land surveyor;

(5) the practice of landscape architecture by employees of the United States government while engaged within this state in the practice of landscape architecture for the United States government;

(6) the practice of planning as is customarily done by regional, park, or urban planners;

(7) the practice of arborists, foresters, gardeners, turf managers, home builders, horticulturists, farmers, and other similar persons;

(8) the practice of any nurseryman or general or landscape contractor, including design, planning, location, planting and arrangements of plantings or other ornamental features; or

(9) the practice of natural resource professionals, including biologists, geologists, or soil scientists.

*As added by Acts 1981, P.L.225, SEC.2. Amended by P.L.242-1985, SEC.3; P.L.23-1991, SEC.11; P.L.82-2000, SEC.13.*

#### **IC 25-4-2-1.5**

##### **Acceptance of landscape architect by state and political subdivisions**

Sec. 1.5. (a) The state and all of the state's political subdivisions shall:

(1) accept the stamp of a landscape architect when the landscape architect is submitting plans for approval within the scope of practice of landscape architecture; and

(2) allow the engagement of a landscape architect for work within the scope of practice of landscape architecture.

(b) This section shall not be construed to restrict the practice of architects, professional engineers, or land surveyors in any way.

*As added by P.L.82-2000, SEC.14.*

#### **IC 25-4-2-2**

##### **Display of certificate; seal**

Sec. 2. (a) A practitioner shall display the practitioner's certificate of registration in a conspicuous place in the practitioner's principal office, place of business, or employment.

(b) Each practitioner may, upon registration under this chapter, obtain a seal of the design authorized by the board, bearing the name of the practitioner, number of certificate of registration, and the legend "Registered Landscape Architect State of Indiana". The seal may be used only while the practitioner's registration is in effect.

(c) Nothing in this chapter may be construed as authorizing the use or acceptance of the seal of a landscape architect as a substitute for the seal of an architect, engineer, or land surveyor.

*As added by Acts 1981, P.L.225, SEC.2. Amended by P.L.242-1985, SEC.4.*

#### **IC 25-4-2-3**

##### **Qualifications; evidence; examination; issuance of certificate**

Sec. 3. (a) To qualify for registration as a landscape architect, an applicant must:

(1) submit evidence that the applicant is an individual who is at least eighteen (18) years of age;

(2) submit evidence that the applicant has:

(A) graduated from an accredited curriculum of landscape architecture presented by a college or school approved by the board; or

(B) attained before January 1, 2003, at least eight (8) years of actual practical experience in landscape architectural work of a grade and character satisfactory to the board;

(3) submit evidence that the applicant has paid the examination fee and the application fee set by the board;

(4) provide an affidavit that indicates that the applicant does not have a conviction for:

(A) an act that would constitute a ground for disciplinary action under IC 25-1-11; or

(B) a felony that has a direct bearing on the applicant's ability to practice competently;

(5) pass the examination required by the board under section 4 of this chapter after meeting the requirements in subdivisions (1) through (4); and

(6) submit evidence that the applicant has at least three (3) years of diversified, actual, and practical experience in landscape architectural work of a grade and character satisfactory to the board.

(b) The board shall issue a certificate of registration under this chapter to an applicant who meets the requirements in this section.

*As added by Acts 1981, P.L.225, SEC.2. Amended by Acts 1982, P.L.113, SEC.29; P.L.242-1985, SEC.5; P.L.214-1993, SEC.9; P.L.82-2000, SEC.15; P.L.194-2005, SEC.17.*

#### **IC 25-4-2-4**

##### **Examinations**

Sec. 4. (a) The board shall adopt rules under IC 4-22-2 covering the subjects and scope of the examinations and covering other functions necessary to comply with this chapter. An applicant for registration as a landscape architect shall establish by written examination the applicant's competency to plan, design, specify, and supervise the installation of landscape architectural projects. The board may require that the written examination be supplemented by oral examinations.

(b) Examinations shall be held at least once a year at a time and place fixed by the board.

*As added by Acts 1981, P.L.225, SEC.2. Amended by P.L.132-1984, SEC.12; P.L.242-1985, SEC.6; P.L.214-1993, SEC.10.*

#### **IC 25-4-2-5**

##### **Repealed**

*(Repealed by P.L.234-1983, SEC.10.)*

#### **IC 25-4-2-6**

##### **Certification of persons licensed, certified, or registered in another state**

Sec. 6. The board may issue a certificate of registration to a landscape architect licensed, certified, or registered in another state if the applicant:

- (1) is an individual who is at least eighteen (18) years of age;
- (2) pays the fee established by the board; and
- (3) submits evidence satisfactory to the board that:
  - (A) the out-of-state applicant meets the requirements in section 3 of this chapter or its equivalent, as determined by the board;
  - (B) the applicant does not have a conviction for:
    - (i) an act that would constitute a ground for disciplinary action under IC 25-1-11; or
    - (ii) a felony that has a direct bearing on the applicant's ability to practice competently; and
  - (C) the applicant has met the same or equivalent examination requirements in effect in Indiana at the time the applicant was registered in the other jurisdiction.

*As added by Acts 1981, P.L.225, SEC.2. Amended by Acts 1982, P.L.113, SEC.30; P.L.242-1985, SEC.7; P.L.214-1993, SEC.11; P.L.82-2000, SEC.16.*

#### **IC 25-4-2-7**

##### **Repealed**

*(Repealed by P.L.82-2000, SEC.19.)*

#### **IC 25-4-2-8**

##### **Fees**

Sec. 8. (a) The board shall set the fees for issuance of a certificate of registration to a landscape architect and for the biennial renewal of registration. The fee for registration and for renewal of registration must be based upon the administrative costs of registering and regulating landscape architects. This fee must include the costs for:

- (1) office facilities, supplies, and equipment;
- (2) clerical assistance; and
- (3) administering and enforcing this article as set forth in IC 25-4-1-16(f).

(b) Except as provided in IC 25-4-1-32, all fees collected under this chapter shall be paid by the Indiana professional licensing agency to the treasurer of state who shall deposit them in the general fund of the state.

*As added by Acts 1981, P.L.225, SEC.2. Amended by P.L.132-1984, SEC.13; P.L.242-1985, SEC.9; P.L.194-2005, SEC.18; P.L.177-2006, SEC.3.*

#### **IC 25-4-2-8.5**

##### **Landscape architect renewal of certificate of registration**

Sec. 8.5. (a) Every registered landscape architect who continues in active practice shall biennially, on or before the date established by the licensing agency under IC 25-1-6-4, renew the registered landscape architect's certificate of registration and pay the required renewal fee.

(b) A landscape architect registered in Indiana who has failed to renew the landscape architect's certificate of registration for a period of not more than five (5) years may have the certificate of registration reinstated by meeting the requirements of IC 25-1-8-6(c).

(c) A landscape architect registered in Indiana who has failed to renew the landscape architect's certificate of registration for a period of more than five (5) years may have the certificate of registration reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

*As added by P.L.105-2008, SEC.14.*

#### **IC 25-4-2-9**

##### **Repealed**

*(Repealed by P.L.214-1993, SEC.91.)*

#### **IC 25-4-2-9.1**

##### **Discipline; display of revoked, suspended, or expired credentials**

Sec. 9.1. The board may discipline a person under IC 25-1-11 if that person displays to the public credentials issued by the board that:

- (1) have been revoked by the board under IC 25-1-11; or
- (2) have expired.

*As added by P.L.240-1985, SEC.4. Amended by P.L.214-1993, SEC.12.*

#### **IC 25-4-2-10**

##### **Illegal use of title; offense; injunction**

Sec. 10. (a) Any person who:

(1) renders or offers to render services to the public, if the words "landscape architecture" or "registered landscape architecture" are used to describe these services;

(2) uses the title "registered landscape architect" or "landscape architect"; or

(3) engages in the practice of landscape architecture described in section 1 of this chapter;

without a current registration issued under this chapter commits a Class B infraction. A person who affixes a registered landscape architect's

seal to a plan, specification, or drawing that has not been prepared by a currently registered landscape architect or under the immediate supervision of a currently registered landscape architect commits a Class B infraction.

(b) Each day a violation described in this section continues to occur constitutes a separate offense.

(c) The board may appear in its own name in the courts of the state and apply for injunctions to prevent violations of this chapter.  
*As added by Acts 1981, P.L.225, SEC.2. Amended by P.L.242-1985, SEC.11; P.L.82-2000, SEC.17; P.L.1-2001, SEC.31.*

#### **IC 25-4-2-11**

##### **Practice by firm**

Sec. 11. (a) For purposes of this section, "firm" means a corporation, partnership, limited liability company, or sole proprietorship.

(b) The practice of or an offer to practice landscape architecture by a firm may occur through an individual if the individual:

(1) is in direct control of the landscape architecture practice;

(2) exercises direct supervision of all personnel who act on behalf of the firm in landscape architecture professional and technical matters;  
and

(3) holds a current registration under this chapter.

No firm doing business in Indiana may use the term or title "landscape architect", "landscape architecture", or "landscape architectural" or advertise any title or description tending to convey the impression that the firm employs a practitioner unless the firm employs a practitioner. The name of a practitioner employed by the firm must appear whenever the name of the firm is used in the professional practice of landscape architecture. Any plans, sheets of designs, or specifications prepared by the personnel of the firm must carry the signature and seal of the practitioner who is responsible for supervising the landscape architecture work.

*As added by Acts 1981, P.L.225, SEC.2. Amended by P.L.242-1985, SEC.12; P.L.82-2000, SEC.18.*

#### **IC 25-4-2-12**

##### **Standards of competency**

Sec. 12. The board shall adopt standards of competency for the practice of landscape architecture in accordance with IC 4-22-2.

*As added by Acts 1981, P.L.225, SEC.2.*

#### **IC 25-4-2-13**

##### **Continuing education and training; requirements**

Sec. 13. (a) The board may adopt rules under IC 4-22-2 to do the following:

(1) Require continuing education and training for landscape architects.

(2) Set minimum requirements for continuing education and training for landscape architects.

(3) Set minimum requirements for continuing education instructors approved by the board.

(b) The rules adopted under this section must require a landscape architect to comply with the following:

(1) The landscape architect shall provide the board with a sworn statement signed by the landscape architect that the landscape architect has fulfilled the continuing education requirements required by the board.

(2) The requirements under IC 25-1-4.

*As added by P.L.23-2003, SEC.2. Amended by P.L.157-2006, SEC.24.*

## **TITLE 25. PROFESSIONS AND OCCUPATIONS**

### **IC 25-1**

#### **ARTICLE 1. GENERAL PROVISIONS**

### **IC 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.)

### **IC 25-1-1.1**

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

### **IC 25-1-1.1-1**

#### **Denial, revocation, or suspension of license or certificate of registration; conviction of crime**

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

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

### **IC 25-1-1.1-2**

#### **Suspension or revocation of license or certificate; conviction for drug related offense**

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

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

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

### **IC 25-1-1.1-3**

#### **Suspension or revocation of license or certificate; conviction for additional drug related offenses**

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

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
- (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
- (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).

(13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.  
*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.*

## **IC 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.)*

**IC 25-1-2**

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

**IC 25-1-2-1**

**Declaration of intent**

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

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

**IC 25-1-2-2**

**Repealed**

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

**IC 25-1-2-2.1**

**Two year or longer period for certain licenses**

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

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) 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 therefore before the expiration of the first year for which the license was issued. (Formerly: Acts 1961, c.79, s.4.)

### **IC 25-1-2-5**

#### **Rules and regulations**

Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem necessary in the manner prescribed by law. (Formerly: Acts 1961, c.79, s.5.) As amended by Acts 1982, P.L.154, SEC.2.

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

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

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

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of cosmetology 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.)*

#### **IC 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.)

### **IC 25-1-4**

#### **Chapter 4. Continuing Education**

### **IC 25-1-4-0.2**

#### **"Approved organization" defined**

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

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

As added by P.L.157-2006, SEC.10. Amended by P.L.2-2008, SEC.51.

### **IC 25-1-4-0.3 Version a**

#### **"Board" defined**

*Note: This version of section effective until 7-1-2010. See also following version of this section, effective 7-1-2010.*

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) State board of barber examiners (IC 25-7-5-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) Indiana dietitians certification board (IC 25-14.5-2-1).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Board of environmental health specialists (IC 25-32-1).
- (12) State board of funeral and cemetery service (IC 25-15-9).
- (13) Indiana state board of health facility administrators (IC 25-19-1).
- (14) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) Indiana hypnotist committee (IC 25-20.5-1-7).
- (17) State board of registration for land surveyors (IC 25-21.5-2-1).
- (18) Manufactured home installer licensing board (IC 25-23.7).
- (19) Medical licensing board of Indiana (IC 25-22.5-2).
- (20) Indiana state board of nursing (IC 25-23-1).
- (21) Occupational therapy committee (IC 25-23.5).
- (22) Indiana optometry board (IC 25-24).
- (23) Indiana board of pharmacy (IC 25-26).
- (24) Indiana physical therapy committee (IC 25-27-1).

- (25) Physician assistant committee (IC 25-27.5).
- (26) Indiana plumbing commission (IC 25-28.5-1-3).
- (27) Board of podiatric medicine (IC 25-29-2-1).
- (28) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (29) State psychology board (IC 25-33).
- (30) Indiana real estate commission (IC 25-34.1-2).
- (31) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (32) Respiratory care committee (IC 25-34.5).
- (33) Behavioral health and human services licensing board (IC 25-23.6).
- (34) Speech-language pathology and audiology board (IC 25-35.6-2).
- (35) 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.*

### **IC 25-1-4-0.3 Version b**

#### **"Board" defined**

*Note: This version of section effective 7-1-2010. See also preceding version of this section, effective until 7-1-2010.*

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" defined**

Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction:

(1) that is approved by:

- (A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or
- (B) for a real estate appraiser:

(i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or

(ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and

(2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

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" defined**

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

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

issued by the board regulating the profession in question.

*As added by P.L.269-2001, SEC.3.*

#### **IC 25-1-4-0.7**

##### **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.*

#### **IC 25-1-6**

##### **Chapter 6. Professional Licensing Agency Functions and Duties**

#### **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 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.*

#### **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 and the employees of the licensing agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.
- (e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting

for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.

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

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

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

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

#### **IC 25-1-6-5.5**

##### **Appeal of license renewal denial**

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

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

#### **IC 25-1-6-6**

##### **Executive director; representatives; staff placement**

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

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

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

#### **IC 25-1-6-7**

##### **Repealed**

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

#### **IC 25-1-6-8**

##### **Department of state revenue; access to names of licensees and applicants; persons on tax warrant list**

Sec. 8. (a) The 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 25-1-6-9**

##### **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.*

#### **IC 25-1-7**

##### **Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations**

## IC 25-1-7-1 Version a

### Definitions

*Note: This version of section amended by P.L. 1-2010, SEC.102, effective until 7-1-2010. See also following version of this section amended by P.L.84-2010, SEC.12, effective 7-1-2010, and following version of this section amended by P.L.113-2010, SEC.101, effective 7-1-2010.*

Sec. 1. As used in this chapter:

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

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

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

"Licensee" means a person who is:

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

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

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

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State athletic commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 25-38.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Behavioral health and human services licensing board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) State department of health, for out-of-state mobile health care entities.
- (38) State board of massage therapy (IC 25-21.8-2-1).
- (39) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L.222, SEC.4. Amended by Acts 1982, P.L.113, SEC.12; P.L.137-1985, SEC.7; P.L.246-1985, SEC.15; P.L.169-1985, SEC.29; P.L.149-1987, SEC.21; P.L.257-1987, SEC.15; P.L.242-1989, SEC.6; P.L.234-1989, SEC.3; P.L.238-1989, SEC.6; P.L.1-1990, SEC.249; P.L.186-1990, SEC.5; P.L.183-1991, SEC.3; P.L.23-1991, SEC.9; P.L.48-1991, SEC.16; P.L.1-1992, SEC.130; P.L.30-1993, SEC.5; P.L.227-1993, SEC.5; P.L.213-1993, SEC.2; P.L.8-1993, SEC.371; P.L.33-1993, SEC.11; P.L.1-1994, SEC.120; P.L.124-1994, SEC.4; P.L.234-1995, SEC.3; P.L.175-1997, SEC.5; P.L.147-1997, SEC.8; P.L.84-1998, SEC.3; P.L.24-1999, SEC.4; P.L.82-2000, SEC.4; P.L.162-2002, SEC.4; P.L.145-2003, SEC.4; P.L.185-2007, SEC.4; P.L.193-2007, SEC.4; P.L.200-2007, SEC.5; P.L.3-2008, SEC.178; P.L.134-2008, 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.*

## IC 25-1-7-1 Version b

### Definitions

*Note: This version of section amended by P.L.84-2010, SEC.12, effective 7-1-2010. See also preceding version of this section amended by P.L.1-2010, SEC.102, effective until 7-1-2010, and following version of this section amended by P.L.113-2010, SEC.101, effective 7-1-2010.*

Sec. 1. As used in this chapter:

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

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

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

"Licensee" means a person who is:

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

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

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

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State athletic commission (IC 25-9-1).
- (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) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (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) Board of podiatric medicine (IC 25-29-2-1).
- (17) State psychology board (IC 25-33).
- (18) Speech-language pathology and audiology board (IC 25-35.6-2).
- (19) Indiana real estate commission (IC 25-34.1-2).
- (20) Indiana board of veterinary medical examiners (IC 25-38.1).
- (21) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (22) Respiratory care committee (IC 25-34.5).
- (23) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (24) Occupational therapy committee (IC 25-23.5).
- (25) Behavioral health and human services licensing board (IC 25-23.6).
- (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) Indiana dietitians certification board (IC 25-14.5-2-1).
- (31) Indiana physical therapy committee (IC 25-27).
- (32) Manufactured home installer licensing board (IC 25-23.7).
- (33) Home inspectors licensing board (IC 25-20.2-3-1).
- (34) State department of health, for out-of-state mobile health care entities.
- (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.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.*

## **IC 25-1-7-1 Version c**

### **Definitions**

*Note: This version of section amended by P.L.113-2010, SEC.101, effective 7-1-2010. See also preceding version of this section amended by P.L.1-2010, SEC.102, effective until 7-1-2010, and preceding version of this section amended by P.L.84-2010, SEC.12, effective 7-1-2010.*

Sec. 1. As used in this chapter:

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

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

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

"Licensee" means a person who is:

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

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

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

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (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) Board of podiatric medicine (IC 25-29-2-1).
- (17) Board of environmental health specialists (IC 25-32-1).
- (18) State psychology board (IC 25-33).
- (19) Speech-language pathology and audiology board (IC 25-35.6-2).
- (20) Indiana real estate commission (IC 25-34.1-2).
- (21) Indiana board of veterinary medical examiners (IC 25-38.1).
- (22) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (23) Respiratory care committee (IC 25-34.5).
- (24) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (25) Occupational therapy committee (IC 25-23.5).
- (26) Behavioral health and human services licensing board (IC 25-23.6).
- (27) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (28) State board of registration for land surveyors (IC 25-21.5-2-1).
- (29) Physician assistant committee (IC 25-27.5).
- (30) Indiana athletic trainers board (IC 25-5.1-2-1).
- (31) Indiana dietitians certification board (IC 25-14.5-2-1).
- (32) Indiana hypnotist committee (IC 25-20.5-1-7).
- (33) Indiana physical therapy committee (IC 25-27).
- (34) Manufactured home installer licensing board (IC 25-23.7).
- (35) Home inspectors licensing board (IC 25-20.2-3-1).
- (36) State department of health, for out-of-state mobile health care entities.
- (37) State board of massage therapy (IC 25-21.8-2-1).
- (38) 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.113-2010, SEC.101.*

#### **IC 25-1-7-2**

##### **Duties of attorney general**

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

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

#### **IC 25-1-7-3**

##### **Investigation of complaints**

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

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

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

##### **Complaints; requisites; standing**

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

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

#### **IC 25-1-7-5**

##### **Duties and powers of director**

Sec. 5. (a) Subsection (b)(1) does not apply to:

(1) a complaint filed by:

(A) a member of any of the boards listed in section 1 of this chapter; or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) The director has the following duties and powers:

(1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation, that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.

(2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.

(3) The director shall report any pertinent information regarding the status of the complaint to the complainant.

(4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.

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

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.2; P.L.14-2000, SEC.55; P.L.206-2005, SEC.11.*

#### **IC 25-1-7-6**

##### **Statement of settlement; period to resolve**

Sec. 6. (a) This section does not apply to:

(1) a complaint filed by:

(A) a member of any of the boards listed in section 1 of this chapter; or

(B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director's recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day time period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.3; P.L.206-2005, SEC.12.*

#### **IC 25-1-7-7**

##### **Disciplinary sanctions; report to attorney general; prosecution; hearing officer**

Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.

(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.

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

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

##### **Witnesses**

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.

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

**IC 25-1-7-9****Disqualification of board member**

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5 (repealed)).

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

**IC 25-1-7-10****Confidentiality of complaints and information**

Sec. 10. (a) All complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not disclose or further a disclosure of information concerning the complaint unless the disclosure is required:

- (1) under law; or
- (2) for the advancement of an investigation.

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

**IC 25-1-7-11****Administrative orders and procedures**

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.7-1987, SEC.110.*

**IC 25-1-7-12****Reimbursement of attorney general**

Sec. 12. (a) If:

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

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

(b) If:

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

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

*As added by P.L.255-1987, SEC.1.*

**IC 25-1-7-13****Reports; contents**

Sec. 13. The office of the attorney general shall submit to each board, at the request of the board, a report that includes the following information concerning that regulated occupation:

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

*As added by P.L.177-1997, SEC.1.*

**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.*

## **IC 25-1-8**

### **Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees**

#### **IC 25-1-8-1 Version a**

##### **"Board" defined**

*Note: This version of section amended by P.L.1-2010, SEC.103, effective until 7-1-2010. See also following version of this section amended by P.L.84-2010, SEC.14, effective 7-1-2010, and following version of this section amended by P.L.113-2010, SEC.102, effective 7-1-2010.*

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State athletic commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).
- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2-1).
- (22) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (23) Department of insurance (IC 27-1).
- (24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (26) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (27) Occupational therapy committee (IC 25-23.5-2-1).
- (28) Behavioral health and human services licensing board (IC 25-23.6-2-1).
- (29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (30) State board of registration for land surveyors (IC 25-21.5-2-1).
- (31) Physician assistant committee (IC 25-27.5).
- (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- (33) Board of podiatric medicine (IC 25-29-2-1).
- (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana physical therapy committee (IC 25-27).
- (36) Manufactured home installer licensing board (IC 25-23.7).
- (37) Home inspectors licensing board (IC 25-20.2-3-1).
- (38) State board of massage therapy (IC 25-21.8-2-1).
- (39) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6; P.L.33-1993, SEC.12; P.L.213-1993, SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998, SEC.4; P.L.24-*

1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5; P.L.185-2007, SEC.5; P.L.200-2007, SEC.6; P.L.3-2008, SEC.179; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8; P.L.1-2010, SEC.103.

#### **IC 25-1-8-1 Version b**

##### **"Board" defined**

*Note: This version of section amended by P.L.84-2010, SEC.14, effective 7-1-2010. See also preceding version of this section amended by P.L.1-2010, SEC.103, effective until 7-1-2010, and following version of this section amended by P.L.113-2010, SEC.102, effective 7-1-2010.*

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State athletic commission (IC 25-9-1).
- (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) State board of funeral and cemetery service (IC 25-15).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (12) Mining board (IC 22-10-1.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) State psychology board (IC 25-33).
- (18) Speech-language pathology and audiology board (IC 25-35.6-2).
- (19) Indiana real estate commission (IC 25-34.1-2-1).
- (20) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (21) Department of insurance (IC 27-1).
- (22) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (25) Occupational therapy committee (IC 25-23.5-2-1).
- (26) Behavioral health and human services licensing board (IC 25-23.6-2-1).
- (27) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (28) State board of registration for land surveyors (IC 25-21.5-2-1).
- (29) Physician assistant committee (IC 25-27.5).
- (30) Indiana athletic trainers board (IC 25-5.1-2-1).
- (31) Board of podiatric medicine (IC 25-29-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana physical therapy committee (IC 25-27).
- (34) Manufactured home installer licensing board (IC 25-23.7).
- (35) Home inspectors licensing board (IC 25-20.2-3-1).
- (36) State board of massage therapy (IC 25-21.8-2-1).
- (37) 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.*

#### **IC 25-1-8-1 Version c**

##### **"Board" defined**

*Note: This version of section amended by P.L.113-2010, SEC.102, effective 7-1-2010. See also preceding version of this section amended by P.L.1-2010, SEC.103, effective until 7-1-2010, and preceding version of this section amended by P.L.84-2010, SEC.14, effective 7-1-2010.*

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) Board of chiropractic examiners (IC 25-10-1).

- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) State board of funeral and cemetery service (IC 25-15).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (12) Mining board (IC 22-10-1.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of environmental health specialists (IC 25-32-1).
- (18) State psychology board (IC 25-33).
- (19) Speech-language pathology and audiology board (IC 25-35.6-2).
- (20) Indiana real estate commission (IC 25-34.1-2-1).
- (21) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (22) Department of insurance (IC 27-1).
- (23) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (24) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) Occupational therapy committee (IC 25-23.5-2-1).
- (27) Behavioral health and human services licensing board (IC 25-23.6-2-1).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Board of podiatric medicine (IC 25-29-2-1).
- (33) Indiana dietitians certification board (IC 25-14.5-2-1).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) State board of massage therapy (IC 25-21.8-2-1).
- (38) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6; P.L.33-1993, SEC.12; P.L.213-1993, SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998, SEC.4; P.L.24-1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5; 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.113-2010, SEC.102.*

#### **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 Version a**

##### **Reinstatement of delinquent or lapsed licenses**

*Note: This version of section effective until 7-1-2010. See also following version of this section, effective 7-1-2010.*

Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) Indiana dietitians certification board (IC 25-14.5-2-1).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Board of environmental health specialists (IC 25-32-1).
- (12) State board of funeral and cemetery service (IC 25-15-9).
- (13) Indiana state board of health facility administrators (IC 25-19-1).
- (14) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) Indiana hypnotist committee (IC 25-20.5-1-7).
- (17) State board of registration for land surveyors (IC 25-21.5-2-1).
- (18) Manufactured home installer licensing board (IC 25-23.7).
- (19) Medical licensing board of Indiana (IC 25-22.5-2).
- (20) Indiana state board of nursing (IC 25-23-1).
- (21) Occupational therapy committee (IC 25-23.5).
- (22) Indiana optometry board (IC 25-24).
- (23) Indiana board of pharmacy (IC 25-26).

- (24) Indiana physical therapy committee (IC 25-27).
- (25) Physician assistant committee (IC 25-27.5).
- (26) Indiana plumbing commission (IC 25-28.5-1-3).
- (27) Board of podiatric medicine (IC 25-29-2-1).
- (28) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (29) State psychology board (IC 25-33).
- (30) Indiana real estate commission (IC 25-34.1-2).
- (31) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (32) Respiratory care committee (IC 25-34.5).
- (33) Behavioral health and human services licensing board (IC 25-23.6).
- (34) Speech-language pathology and audiology board (IC 25-35.6-2).
- (35) Indiana board of veterinary medical examiners (IC 25-38.1).
- (36) 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.*

#### **IC 25-1-8-6 Version b**

##### **Reinstatement of delinquent or lapsed licenses**

*Note: This version of section effective 7-1-2010. See also preceding version of this section, effective until 7-1-2010.*

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.*

## **IC 25-1-11**

### **Chapter 11. Professional Licensing Standards of Practice**

#### **IC 25-1-11-1 Version a**

##### **"Board" defined**

*Note: This version of section amended by P.L.84-2010, SEC.18. See also following version of this section amended by P.L.113-2010, SEC.103.*

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 athletic commission (IC 25-9-1).
- (5) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (6) State board of registration of land surveyors (IC 25-21.5-2-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1-2-1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (12) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (13) Manufactured home installer licensing board (IC 25-23.7).
- (14) Home inspectors licensing board (IC 25-20.2-3-1).
- (15) 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.*

#### **IC 25-1-11-1 Version b**

##### **"Board" defined**

*Note: This version of section amended by P.L.113-2010, SEC.103. See also preceding version of this section amended by P.L.84-2010, SEC.18.*

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State board of cosmetology examiners (IC 25-8-3-1).
- (6) State board of registration of land surveyors (IC 25-21.5-2-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1-2-1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8).

- (12) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (13) Manufactured home installer licensing board (IC 25-23.7).
- (14) Home inspectors licensing board (IC 25-20.2-3-1).
- (15) 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.113-2010, SEC.103.*

#### **IC 25-1-11-2**

##### **"Practitioner" defined**

Sec. 2. As used in this chapter, "practitioner" means a person that holds:

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

issued by the board regulating a profession.

*As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.1.*

#### **IC 25-1-11-3**

##### **"License" defined**

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

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-4**

##### **"Person" defined**

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

*As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.2.*

#### **IC 25-1-11-5**

##### **Practitioner compliance with professional standards; findings meriting disciplinary sanctions; 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;
- (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.*

#### **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; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

(6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(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.*

#### **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.

#### **IC 25-1-12**

##### **Chapter 12. Renewal of Licenses Held by Individuals in Military Service**

#### **IC 25-1-12-1**

##### **Applicability of chapter**

Sec. 1. This chapter applies to an individual who:

- (1) holds a license, certificate, registration, or permit under this title, IC 16, or IC 22; and
- (2) is called to active duty.

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

#### **IC 25-1-12-2**

##### **"Active duty" defined**

Sec. 2. As used in this chapter, "active duty" means full-time service in the:

- (1) armed forces of the United States; or
- (2) national guard;

for a period that exceeds thirty (30) consecutive days in a calendar year.

As added by P.L.88-2004, SEC.2.

#### **IC 25-1-12-3**

##### **"Armed forces of the United States" defined**

Sec. 3. As used in this chapter, "armed forces of the United States" means the active or reserve components of:

- (1) the Army;
- (2) the Navy;
- (3) the Air Force;
- (4) the Coast Guard;
- (5) the Marine Corps; or
- (6) the Merchant Marine.

As added by P.L.88-2004, SEC.2. Amended by P.L.2-2005, SEC.64.

#### **IC 25-1-12-4**

##### **"National guard" defined**

Sec. 4. As used in this chapter, "national guard" means:

- (1) the Indiana army national guard; or
- (2) the Indiana air national guard.

As added by P.L.88-2004, SEC.2.

#### **IC 25-1-12-5**

##### **"Practitioner" defined**

Sec. 5. As used in this chapter, "practitioner" means an individual who holds:

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

issued under this title, IC 16, or IC 22.

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

#### **IC 25-1-12-6**

##### **Extension to renew license or complete continuing education; requirements for extension; additional extensions**

Sec. 6. (a) Notwithstanding any other law, a practitioner who is called to active duty out of state and meets the requirements of subsection (b) is entitled to an extension of time described in subsection (c) to:

(1) renew; and  
(2) complete the continuing education required by;  
the practitioner's license, certificate, registration, or permit.  
(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):  
(1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7.  
(2) The practitioner's license, certificate, registration, or permit must expire while the practitioner is out of state on active duty, and the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.  
(3) The practitioner shall provide proof of out of state active duty by providing a copy of the practitioner's:  
(A) discharge; or  
(B) government movement orders;  
to the agency, board, commission, or committee issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit under this chapter.  
(c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.  
(d) The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.  
*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2005, SEC.65.*

#### **IC 25-1-12-7**

##### **Waiver of late fees**

Sec. 7. Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.  
*As added by P.L.88-2004, SEC.2.*

#### **IC 25-1-12-8**

##### **Construction with federal law**

Sec. 8. This chapter may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

- (1) the armed forces of the United States; or
  - (2) the national guard;
- under federal law.

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

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

##### **Chapter 14. Meetings**

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

##### **Applicability**

Sec. 1. This section applies to a meeting of a board, committee, or commission listed in IC 25-1-5-3 or IC 25-1-6-3.  
*As added by P.L.179-2007, SEC.14.*

#### **IC 25-1-14-2**

##### **Participation by member not physically present at meeting**

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

#### **Member considered present**

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

- (1) is considered to be present at the meeting;
- (2) shall be counted for purposes of establishing a quorum; and
- (3) may vote at the meeting.

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

### **IC 25-1-14-4**

#### **Meeting memoranda requirements**

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

- (1) each member who was physically present at the place where the meeting was conducted;
- (2) each member who participated in the meeting by using a means of communication described in section 2 of this chapter; and
- (3) each member who was absent.

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

### **IC 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.

## **ARTICLE 1.1. REGISTRATION; CODE OF CONDUCT FOR ARCHITECTS**

### **Rule 1. General Provisions**

#### **804 IAC 1.1-1-1 Definitions and abbreviations**

Authority: IC 25-4-1-3; IC 25-4-2

Affected: IC 25-4-1-8

Sec. 1. (a) The following definitions apply throughout this article:

- (1) "Accredited degree program" means a program leading to a professional degree which is accredited by the NAAB or the LAAB or certified equivalent by NCARB or CLARB guidelines.
- (2) "Act" means IC 25-4 creating a board to regulate the practice of architecture and the practice of landscape architecture in Indiana.
- (3) "Applicant" means an individual whose application has been received by the board for registration as an architect or a landscape architect.
- (4) "Approved department, school, or college of architecture or landscape architecture" means a department, school, or college with an architecture or landscape architecture professional degree program recognized by the board at the time of an applicant's graduation.
- (5) "Architect" means a person registered under IC 25-4-1 and this article and thereby entitled to use the title architect and engage in the practice of architecture in Indiana.
- (6) "A.R.E." means the architect registration examination prepared by NCARB.
- (7) "Board" means the board of registration for architects and landscape architects.
- (8) "CLARB" means the Council of Landscape Architectural Registration Boards.
- (9) "Council record-CLARB" means a detailed, authenticated record of an applicant's activities and accomplishments, factual data of education, training, practice, character, examination, and registration.
- (10) "Council record-NCARB" means a detailed, authenticated record of an applicant's education, training, experience, examination, registration, and character. Council record prepared by NCARB.
- (11) "Degree in a design discipline", as used in IC 25-4-1-8, means a preprofessional bachelor degree such as would admit the applicant to an accredited professional master of architecture degree program of four (4) semesters or shorter.
- (12) "EESA" means a program approved by NCARB known as Education Evaluation Services for Architects.
- (13) "IDP" means Intern Development Program.
- (14) "LAAB" means the Landscape Architectural Accreditation Board.
- (15) "LARE" means the landscape architect registration examination prepared by CLARB.
- (16) "Landscape architect" means a person registered under IC 25-4-2 and this article and thereby entitled to use the title landscape architect and engage in the practice of landscape architecture in Indiana.
- (17) "NAAB" means the National Architectural Accrediting Board.
- (18) "NCARB" means the National Council of Architectural Registration Boards.
- (19) "Professional examination" means the former architects registration examination prepared by NCARB.
- (20) "Qualifying test" means the examination formerly prepared by NCARB to qualify applicants without an accredited architectural degree for admission to the professional examination.
- (21) "Registrant" means a registered architect or landscape architect, unless the context clearly indicates otherwise, whose qualifications have been examined by the board and a certificate of registration granted.
- (22) "Valid certificate-architect" means a certificate of registration held by an individual that is current and in good standing. A certificate shall have the effect of a license to practice architecture in Indiana, subject to IC 25-4-1.
- (23) "Valid certificate-landscape architect" means a certificate of registration held by an individual that is current and in good standing. A certificate shall have the effect of a license to practice landscape architecture in Indiana subject to IC 25-4-2.
- (24) "Week" means a thirty-five (35) hour work week. (No more than thirty-five (35) hours shall be counted toward requirements in any given calendar week.)
- (25) "Year" means fifty (50) calendar weeks not including vacation.

(b) When the masculine pronoun is used, it shall include the feminine.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-1-1; filed Mar 25, 1980, 9:15 a.m.: 3 IR 949; filed Jan 8, 1982, 10:10 a.m.: 5 IR 387; filed Apr 26, 1983, 9:31 a.m.: 6 IR 1075; filed Nov 14, 1985, 8:39 a.m.: 9 IR 752; filed Oct 28, 1998, 3:35 p.m.: 22 IR 756; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; filed Jan 24, 2002, 12:05 p.m.: 25 IR 1903; filed Sep 5, 2003, 8:25 a.m.: 27 IR 180; filed Mar 18, 2005, 10:50 a.m.: 28 IR 2377; filed May 22, 2008, 10:39 a.m.: 20080618-IR-804070661FRA; filed Nov 28, 2012, 2:46 p.m.: 20121226-IR-804120275FRA)*

#### **804 IAC 1.1-1-2 Organization; meetings; officers**

Authority: IC 25-4-1-3

Affected: IC 5-14-1.5

Sec. 2. (a) Procedure: Roberts Rules of Order are adopted as the rules for conducting the business of the board to the extent

not in conflict with applicable law.

(b) Meetings: A minimum of two (2) regular meetings will be held in each calendar year and special meetings as the board in its discretion may deem necessary or advisable.

(1) The first meeting of the board, the annual meeting, shall be as soon as practicable after the start of the calendar year.

(2) The other regular meeting as near as practicable to the middle of the calendar year.

(3) Special meetings shall be at the request of the chairman or any three (3) members by presenting a request to the secretary of the board.

(4) Time and place of meetings shall be determined by the chairman.

(5) Notice of all meetings by the secretary setting out the time and place of the meeting and including a proposed agenda of the items for action at the meeting are to be mailed to all board members not less than 10 days prior to the date of such meeting, unless such notice has been waived by the chairman with any such waiver subject to the public notice which must be given as required by IC 5-14-1-5 [Repealed by P.L.19-1983, SECTION 12. See IC 5-14-1.5].

(6) Five (5) members of the board shall constitute a quorum for the transaction of any and all business which may come before the board. Approval by a majority of all members of the board present shall be required for action to be taken.

(c) Election of officers: The board shall elect from its members a chairman and a vice-chairman at the annual meeting. Each officer shall serve for a term of one (1) year, or until a successor has been duly elected. In event a vacancy occurs in any office, such office shall be filled at the next meeting of the board and the person so elected shall hold office until the next annual election of officers. No member shall serve more than two (2) consecutive terms in the same office.

(1) The chairman presides at all meetings, appoints all committees, and performs such other duties as may be directed by the board. The chairman shall be an "ex-officio" member of all committees.

(2) The vice-chairman performs the duties of the chairman during any absence or disability of the chairman and such other duties as may be directed by the board.

(3) The secretary, with the assistance of such clerical help as may be required, shall be responsible for the minutes of all meetings and correspondence of the board. The secretary shall perform the customary duties of the office and such other duties as may be directed by the board.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-1-2; filed Mar 25, 1980, 9:15 am: 3 IR 950; filed Jan 8, 1982, 10:10 am: 5 IR 388; filed Apr 26, 1983, 9:31 am: 6 IR 1077; filed Nov 14, 1985, 8:39 am: 9 IR 754; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

## **Rule 2. Certificate of Registration; Application, Examination, Reciprocity**

### **804 IAC 1.1-2-1 Applications**

Authority: IC 25-4-1-3; IC 25-4-2

Affected: IC 25-4-1; IC 25-4-2-4; IC 25-4-2-6

Sec. 1. (a) In keeping with the purpose of IC 25-4-1, an application for original registration will be accepted by the board from any person desiring to engage in the practice of architecture or use the title "landscape architect" in Indiana.

(b) Reciprocity registration shall be as follows:

(1) For an architect, a person who is currently a licensed architect in good standing in another state or territory of the United States, foreign country, or province and who wishes to be considered for registration in Indiana will be required to apply through NCARB. It shall be the responsibility of the applicant to ensure that NCARB furnishes the record to the board, and no reciprocal application will be considered in the absence of the NCARB record or its equivalent.

(2) For a landscape architect, a person who is currently a licensed or certified landscape architect in good standing in another state or jurisdiction and who wishes to be considered for registration in Indiana will be required to apply through CLARB. It shall be the responsibility of the applicant to ensure that CLARB furnishes the record to the board and to request an application from the Indiana board. No reciprocal application will be considered in the absence of the CLARB record or its equivalent.

(c) All applications shall be made on forms prescribed by the board. The application form shall be completed in accordance with instructions furnished with it. An application form shall be considered incomplete if all information is not furnished. The applicant shall be given notice of omissions or deficiencies, and, if the information required is not provided by the applicant within six (6) months of the notice, the application will be terminated.

(d) Applications for registration of landscape architects other than by reciprocity shall be received ninety (90) calendar days prior to the applicable examination date.

(e) All materials in support of any application that are not in English must be fully translated into English, and the translation must be certified in an appropriate fashion. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-2-1; filed Mar 25, 1980, 9:15 a.m.: 3 IR 950; filed Jan 8, 1982, 10:10 a.m.: 5 IR 388; filed May 24, 1982, 8:45 a.m.: 5 IR 1403; filed Sep 22, 1983, 3:30 p.m.: 6 IR 2411; filed Nov 14, 1985, 8:39 a.m.: 9 IR 754; filed Jan 23, 1997, 3:00 p.m.: 20 IR 1589; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

### **804 IAC 1.1-2-2 Landscape architects; experience requirements**

Authority: IC 25-4-1-3

Affected: IC 25-4-2-1; IC 25-4-2-3

Sec. 2. (a) This section establishes the actual practical experience requirements under IC 25-4-2-3(a)(2)(B) and IC 25-4-2-3(a)(6) for applicants for registration as a landscape architect. Subsection (b) establishes the requirements for IC 25-4-2-3(a)(2)(B)

as an alternative to graduation from an accredited curriculum of landscape architecture presented by a college or school approved by the board. Subsections (c) through (i) establishes *[sic., establish]* the requirements for IC 25-4-2-3(a)(6).

(b) Experience of a grade and character satisfactory to the board, which would be used in lieu of an accredited degree in landscape architecture as follows:

(1) work under the direct supervision of a registered landscape architect which falls within the scope of the services described in the definition of landscape architecture found in IC 25-4-2-1(b); and

(2) has attained before January 1, 2003, at least eight (8) years of satisfactory experience as described in subdivision (1).

(c) Before January 1, 2003, experience of a grade and character satisfactory to the board to be used in combination with an accredited degree in landscape architecture, and satisfactorily passing the LARE in order to establish licensure as a registered landscape architect, consists of all work which falls within the scope of the services described in the definition of landscape architecture found in IC 25-4-2-1. Applicants who accrue experience allowed under this subsection will not lose credit for that experience even if their applications are filed after December 31, 2002.

(d) After December 31, 2002, experience of a grade and character satisfactory to the board to be used in combination with an accredited degree in landscape architecture, and satisfactorily passing the LARE in order to establish licensure as a registered landscape architect, includes the following:

(1) Work in a landscape architecture firm or other locations under the direct supervision of a registered landscape architect.

(2) Teaching landscape architecture in an accredited program.

(3) Work in an architect's office, under a registered landscape architect or architect.

(4) Work in an engineer's office, under a registered landscape architect or professional engineer.

(5) Work in a land surveyor's office, under a registered landscape architect or land surveyor.

(6) Work in a government agency's office, under a registered landscape architect, registered professional engineer, registered architect, registered land surveyor, or planner certified by the American Institute of City Planners.

(e) The work performed under subsection (d)(1) through (d)(6) must:

(1) be within the scope of the services described in the definition of landscape architecture found in IC 25-4-2-1; and

(2) cover work as addressed in the definition of landscape architecture in IC 25-4-2-1(b).

(f) Applicants who were admitted to the landscape architect examination on an application filed before July 1, 2000, shall not be required to obtain the three (3) year experience required by IC 25-4-2-3(a)(6) and by subsections *[sic., subsection]* (c) or (d).

(g) Applicants who were admitted to the landscape architect examination on an application filed after June 30, 2000, shall be required to obtain the three (3) year experience required by IC 25-4-2-3(a)(6) and by subsection (c) or (d).

(h) A maximum of twelve (12) months of actual practical experience as listed in subsection (d) may be acquired prior to receiving an accredited degree in landscape architecture. An applicant for registration as a landscape architect must acquire a minimum of two (2) years of actual practical experience after having graduated with an accredited degree from a school or college of landscape architecture in a setting described in subsection (d). This subsection does not apply to individuals who take the examination without a degree as allowed by subsection (b) and IC 25-4-2-3(a)(2)(B).

(i) One (1) year of the minimum three (3) years of practical experience must be obtained in settings described in subsections *[sic., subsection]* (d)(1) or (d)(3) through (d)(6). (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-2-2; filed Mar 25, 1980, 9:15 a.m.: 3 IR 950; filed Jan 8, 1982, 10:10 a.m.: 5 IR 389; filed May 24, 1982, 8:45 a.m.: 5 IR 1404; filed Sep 22, 1983, 3:30 p.m.: 6 IR 2411; filed Nov 14, 1985, 8:39 a.m.: 9 IR 755; filed Sep 16, 1987, 9:15 a.m.: 11 IR 789; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1051; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; filed Jan 24, 2002, 12:05 p.m.: 25 IR 1904; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-2-2.1 Architects; training and experience requirements (Repealed)**

Sec. 2.1. (*Repealed by Board of Registration for Architects and Landscape Architects; filed Jan 23, 1997, 3:00 p.m.: 20 IR 1592*)

#### **804 IAC 1.1-2-3 Examinations (Repealed)**

Sec. 3. (*Repealed by Board of Registration for Architects and Landscape Architects; filed Aug 3, 1989, 9:30 a.m.: 12 IR 2283*)

#### **804 IAC 1.1-2-4 Reciprocal registration (Repealed)**

Sec. 4. (*Repealed by Board of Registration for Architects and Landscape Architects; filed Jan 23, 1997, 3:00 p.m.: 20 IR 1592*)

#### **804 IAC 1.1-2-4.1 Temporary certificate of registration; landscape architects (Expired)**

Sec. 4.1. (*Expired under IC 4-22-2.5, effective January 1, 2002.*)

#### **804 IAC 1.1-2-4.2 Waiver of examination—grandfather clause (Repealed)**

Sec. 4.2. (*Repealed by Board of Registration for Architects and Landscape Architects; filed Apr 26, 1983, 9:31 am: 6 IR 1083*)

#### **804 IAC 1.1-2-4.3 Waiver of examination—grandfather clause (Repealed)**

Sec. 4.3. (*Repealed by Board of Registration for Architects and Landscape Architects; filed Nov 14, 1985, 8:39 am: 9 IR 765*)

#### **804 IAC 1.1-2-5 Issuance of certificate of registration**

Authority: IC 25-4-1-3; IC 25-4-2

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

Sec. 5. (a) Upon successful completion of the requirements for registration and the board's approval of the application, the board shall:

- (1) order a certificate of registration to be issued to the applicant; and
- (2) designate the date of the certificate.

Upon receipt of the registration fee, the board will assign a certificate number to the registrant. Thereafter, the board will issue a registration card and provide a certificate of registration.

- (b) If the board does not approve the application, the applicant shall be notified in writing of the grounds for its action.

Notification shall be mailed to the last address furnished by the applicant.

- (c) Failure of any applicant to pay the issuance fee will cause the application to be terminated one (1) year after the board's action granting registration provided the board shall have sent a second notice to the applicant.

- (d) Each registrant shall keep the board advised of his or her current address. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-2-5; filed Mar 25, 1980, 9:15 a.m.: 3 IR 952; filed Jan 8, 1982, 10:10 a.m.: 5 IR 393; filed Apr 26, 1983, 9:31 a.m.: 6 IR 1077; filed Nov 14, 1985, 8:39 a.m.: 9 IR 759; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA; filed Nov 22, 2010, 9:56 a.m.: 20101222-IR-804090908FRA*)

#### **804 IAC 1.1-2-6 Renewal of registration**

Authority: IC 25-4-1-3; IC 25-4-2

Affected: IC 25-1-2-6; IC 25-4-1-14; IC 25-4-1-22

Sec. 6. (a) Certificates of registration shall be renewable every two years with the renewal fee payable in advance.

- (b) A renewal notice will be sent to each registrant at least sixty (60) days prior to December 1st of each odd numbered year and it will designate the amount of renewal fee and the date payment is due.

A renewal notice shall be sent to each holder of an expired registration delinquent no more than two (2) renewal periods. The notice will designate the total amount of the renewal and the delinquent fees and the date payments are due in order to restore the certificate of registration to good standing for the succeeding biennial period.

All renewal notices and other communications will be sent to the last address given by the registrant to the board and failure to receive a notice, so addressed, shall not relieve the registrant from his obligation to pay the renewal fee at the proper time subject to IC 25-1-2-6.

- (c) When the renewal fee is not paid on time, the certificate of registration expires and the holder of the expired certificate of registration cannot lawfully practice or offer to practice as an architect or practice under the title "landscape architect" and his name will be deleted from future rosters until the renewal fee and required restoration fee shall have been paid.

- (d) A failure to renew in the time allowed in IC 25-4-1-14 (five (5) years) shall cause termination of the registration so that it cannot be renewed thereafter. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-2-6; filed Apr 26, 1983, 9:31 am: 6 IR 1080; filed Nov 14, 1985, 8:39 am: 9 IR 760; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-2-7 Architect's seal**

Authority: IC 25-4-1-3; IC 25-4-2

Affected: IC 25-4-1-22

Sec. 7. (a) The architect seal shall be not less than one and five-eighths (1 5/8) inches or more than one and seven-eighths (1 7/8) inches in outside diameter, using the following design:

- (b) The seal may be embossed, electronically applied, rubber stamped, or otherwise permanently affixed to the document. The seal shall conform with the design as shown in subsection (a). The seal may have a milled edge, as shown, or two (2) concentric circles with outer and inner circles corresponding with the respective edgings of the milling.

- (c) The name and registration number of the registrant inscribed on the seal shall correspond to the name and registration number inscribed on the certificate of registration. However, "AR" may be excluded in the certificate number.

- (d) The landscape architect seal shall not be less than one and five-eighths (1 5/8) inches or more than one and seven-eighths (1 7/8) inches in outside diameter, using the following design:

- (e) The seal may be embossed, electronically applied, rubber stamped, or otherwise permanently affixed to the document. The seal shall conform with the design as shown in subsection (d). The seal may have a milled edge, as shown, or two (2) concentric circles with the outer and inner circles corresponding with the respective edgings of the milling.

- (f) The name and registration number of the registrant inscribed on the seal shall correspond to the name and certificate number inscribed on the certificate. However, "LA" may be excluded in the certificate number.

- (g) The seal shall be affixed to documents and instruments only during the time the registration is current and in good standing, and then only on such documents and instruments which have been created by the registrant, regularly employed subordinates, or subordinates under the direct supervision of the registrant. The registrant shall be responsible for seeing that the seal, however affixed, shall be legible on the document.

- (h) Whenever the seal is affixed, it shall include the person's original signature directly adjacent thereto (not across the seal) or the signature may be at another location on the sheet provided it is inscribed, "This document is certified by \_\_\_\_\_".

- (i) The architect or landscape architect in responsible charge of architectural work or landscape architectural work, as applicable, for which specifications, plans, and drawings are required to be submitted for review by the appropriate governmental body shall apply the seal and signature as described in this section on the title or cover page of the specifications and each sheet of

the drawings.

(j) A person who is not in responsible charge of the entire work, but assumes responsibility for portions of the work shown on any drawing sheet, may apply the seal and signature and denote the part of the work inserted as follows:

COVERING \_\_\_\_\_ DESIGN.

(k) The seal and signature on any drawings, documents, or instruments signifies acceptance of full responsibility for the professional work represented thereon, except where another shall have assumed a limited responsibility for portions of the work in accordance with subsections (g) through (j).

(l) Predesigned, preengineered, or prefabricated equipment, products, components, or systems which have become established as acceptable for the proposed use may be included when such items:

- (1) meet standards established by nonprofit trade organizations and applicable code requirements;
- (2) meet the requirements for the proposed use as indicated by tests performed by a competent, unbiased testing agency; or
- (3) are certified by the manufacturer for the designated use.

When such items affect electrical, mechanical, or structural integrity of the project, the manufacturer shall give proof of appropriate design by qualified professionals. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-2-7; filed Apr 26, 1983, 9:31 a.m.: 6 IR 1080; filed Nov 14, 1985, 8:39 a.m.: 9 IR 760; filed Mar 1, 1995, 3:15 p.m.: 18 IR 1833; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

### **804 IAC 1.1-2-8 Firm, partnership, or corporate practice**

Authority: IC 25-4-1-3; IC 25-4-2

Affected: IC 25-4-1-22

Sec. 8. A firm, partnership or corporation offering architectural service shall have a registrant who is a principal of the firm or partnership or officer of the corporation and all work shall be performed under the responsible direction and supervision of said registrant.

The name of such principal or officer who is registered shall appear whenever the name of the firm, partnership or corporation is used in professional practice to indicate to clients or prospective clients that registrant is in responsible charge and is validly registered as determined by the board. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-2-8; filed Apr 26, 1983, 9:31 am: 6 IR 1081; filed Nov 14, 1985, 8:39 am: 9 IR 762; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

## **Rule 3. Fees**

### **804 IAC 1.1-3-1 Fees charged by board (Repealed)**

Sec. 1. *(Repealed by Board of Registration for Architects and Landscape Architects; filed Nov 28, 2012, 2:46 p.m.: 20121226-IR-804120275FRA)*

### **804 IAC 1.1-3-1.1 Fees charged by board**

Authority: IC 25-1-8-2; IC 25-4

Affected: IC 25-1-8-6; IC 25-4-1-16; IC 25-4-2-8

Sec. 1. (a) The board shall charge and collect the following fees:

Application and Issuance

By Examination	\$150
Reciprocity with CLARB or NCARB	\$200
Reciprocity without CLARB or NCARB	\$500
Renewal per biennium (prior to November 30 of odd-numbered years)	\$100

(b) Fees for the reinstatement of an expired registration to practice as an architect or landscape architect shall be paid in accordance with IC 25-1-8-6.

(c) In addition to the application/issuance fee and renewal fees, each applicant and registrant shall pay a fee of twenty dollars (\$20) for deposit in the registered architects and registered landscape architects investigative fund.

(d) All fees are nonrefundable and nontransferable.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-3-1.1; filed Nov 28, 2012, 2:46 p.m.: 20121226-IR-804120275FRA)*

### **804 IAC 1.1-3-2 Cost of examination**

Authority: IC 25-1-8-2; IC 25-4-1-3; IC 25-4-2

Affected: IC 25-4-1-16; IC 25-4-2-8

Sec. 2. An applicant shall pay the cost of the examination directly to the examination provider. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-3-2; filed Jan 23, 1997, 3:00 p.m.: 20 IR 1589; readopted filed Jul 15, 2003, 5:15 p.m.: 26 IR 3960; readopted filed Dec 1, 2009, 9:12 a.m.: 20091223-IR-804090775RFA)*

## **Rule 4. Code of Professional Conduct**

### **804 IAC 1.1-4-1 Standards of competent practice**

Authority: IC 25-4-1-3; IC 25-4-2

Affected: IC 25-4-1-17

Sec. 1. An architect or landscape architect shall serve and promote the public interest in the effort to improve human environment, acting in a manner to bring honor and dignity to the profession of architecture and landscape architecture with proper regard for the health and safety of the public in the performance of his duties. A practitioner in the conduct of his practice of architecture or landscape architecture shall abide and comply with the following standards of competent practice. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-4-1; filed Mar 25, 1980, 9:15 am: 3 IR 954; filed Jan 8, 1982, 10:10 am: 5 IR 396; filed Apr 26, 1983, 9:31 am: 6 IR 1082; filed Sep 22, 1983, 3:30 pm: 6 IR 2415; filed Nov 14, 1985, 8:39 am: 9 IR 763; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-4-2 Competence; impairment**

Authority: IC 25-4-1-3; IC 25-4-2

Affected: IC 25-4-1-17

Sec. 2. (a) In practicing architecture or landscape architecture, a registrant shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by registrants of good standing, practicing in the same locality.

(b) In designing a project, a registrant shall take into account all applicable state and municipal building laws and regulations. While a registrant may rely on the advice of other professionals (e.g. attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a registrant shall not knowingly design a project in violation of such laws and regulations.

(c) A registrant shall undertake to perform professional services only when he, together with those whom the architect or landscape architect may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.

(d) No person shall be permitted to practice architecture or landscape architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-4-2; filed Mar 25, 1980, 9:15 am: 3 IR 954; filed Jan 8, 1982, 10:10 am: 5 IR 396; filed Nov 14, 1985, 8:39 am: 9 IR 763; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-4-3 Conflict of interest; financial disclosures**

Authority: IC 25-4-1-3; IC 25-4-2

Affected: IC 25-4-1-3

Sec. 3. (a) A registrant shall not accept compensation for his services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

(b) If a registrant has any business association, or financial interest, direct or indirect which is substantial enough to influence his judgment in connection with his or her performance of professional services, the registrant shall fully disclose in writing to his client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the registrant shall either terminate such association or interest or offer to relinquish the commission or employment.

(c) A registrant shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(d) When acting as the interpreter of contract documents and the judge of contract performance, a registrant shall render decisions impartially, favoring neither party to the contract. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-4-3; filed Mar 25, 1980, 9:15 am: 3 IR 954; filed Jan 8, 1982, 10:10 am: 5 IR 396; filed Nov 14, 1985, 8:39 am: 9 IR 763; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-4-4 Disclosure of compensation and qualifications; reporting violations; false statements**

Authority: IC 25-4-1-3; IC 25-4-2

Affected: IC 25-4-1-3; IC 25-4-1-17

Sec. 4. (a) A registrant, making public statements on architectural or landscape architectural questions, shall disclose when he is being compensated for making such statement.

(b) A registrant shall accurately represent to a prospective or existing client or employer his qualifications and the scope of his responsibility in connection with work for which he or she is claiming credit.

(c) If in the course of his work on a project, a registrant becomes aware of a decision taken by his employer or client, against the registrant's advice, which violates applicable state or municipal building codes, laws and regulations and which will, in the registrant's judgment, adversely affect the safety to the public of the finished project, the registrant shall,

(1) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building codes, laws and regulations

(2) refuse to consent to the decision, and in circumstances where the registrant reasonably believes that other such decisions will be taken notwithstanding his objection, terminate his services with reference to the project.

(d) A registrant shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested

in connection with his application for registration or renewal.

(e) A registrant shall not assist the application for registration of a person known to be unqualified in respect to education, training, experience, or character.

(f) A registrant possessing knowledge of a violation of 804 IAC 1.1 by another registrant, materially affecting the health, safety and welfare of the public, shall report such knowledge to the board. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-4-4; filed Mar 25, 1980, 9:15 am: 3 IR 955; filed Jan 8, 1982, 10:10 am: 5 IR 397; filed Nov 14, 1985, 8:39 am: 9 IR 764; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-4-5 Compliance with laws and regulations; gifts to government officials**

Authority: IC 25-4-1-3; IC 25-4-2

Affected: IC 25-4-1-3; IC 25-4-2

Sec. 5. (a) A registrant shall not, in the conduct of professional practice, knowingly violate any state or federal criminal law.

(b) A registrant shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with intent of influencing the official's judgment in connection with a prospective or existing project in which he is interested.

(c) A registrant shall comply with the registration laws and regulations governing his professional practice in any United States jurisdiction. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-4-5; filed Mar 25, 1980, 9:15 am: 3 IR 955; filed Jan 8, 1982, 10:10 am: 5 IR 397; filed Apr 26, 1983, 9:31 am: 6 IR 1082; filed Nov 14, 1985, 8:39 am: 9 IR 764; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-4-6 Supervisory control; use of signature and seal; gifts; fraud**

Authority: IC 25-4-1-3; IC 25-4-2

Affected: IC 25-4

Sec. 6. (a) Each office maintained for the preparation of drawings, specifications, reports, or other professional work, which according to IC 25-4 must be performed by a registrant, shall have a registrant regularly employed in that office having direct knowledge and supervisory control of such work.

(b) A registrant shall not sign or seal drawings, specifications, reports or other professional work for which he does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the registrant's consultant, registered under this or another professional registration law of this state, the registrant may sign or seal that portion of the professional work if the registrant has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy but not otherwise.

(c) A registrant shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality) with the intent of influencing the judgment of an existing or prospective client in connection with the project in which the registrant is interested.

(d) A registrant shall not engage in conduct involving fraud or wanton disregard of the rights of others.

(e) The act of affixing the seal and signature to any drawings, documents or instruments in any manner other than specifically set out in Rule 804 IAC 1.1-2-7, whether such act is performed by the person or by some person to whom the registrant shall have released custody of his seal, shall constitute aiding and abetting a person not duly authorized to practice architecture or landscape architecture. Such unprofessional and unethical conduct is commonly called "plan stamping". *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-4-6; filed Mar 25, 1980, 9:15 am: 3 IR 955; filed Jan 8, 1982, 10:10 am: 5 IR 397; filed Apr 26, 1983, 9:31 am: 6 IR 1082; filed Nov 14, 1985, 8:39 am: 9 IR 764; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **Rule 5. Disciplinary Proceedings (Repealed)**

*(Repealed by Board of Registration for Architects and Landscape Architects; filed Nov 14, 1985, 8:39 am: 9 IR 765)*

#### **Rule 6. Examinations**

##### **804 IAC 1.1-6-1 Scope**

Authority: IC 25-4-1-3; IC 25-4-1-9; IC 25-4-2-4

Affected: IC 25-4-1-9; IC 25-4-2-4

Sec. 1. Unless otherwise indicated, this rule applies to both the architect and the landscape architect examinations. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-6-1; filed Aug 3, 1989, 9:30 a.m.: 12 IR 2281; filed Jan 23, 1997, 3:00 p.m.: 20 IR 1589; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

##### **804 IAC 1.1-6-2 Examinations administered**

Authority: IC 25-4-1-3; IC 25-4-1-9; IC 25-4-2-4

Affected: IC 25-4-1-9; IC 25-4-2-4

Sec. 2. (a) The examination for registration as an architect shall be the Architect Registration Examination prepared by the National Council of Architectural Registration Boards.

(b) The examination for registration as a landscape architect shall be the Landscape Architect Registration Examination (formerly known as the Uniform National Examination) prepared by the Council of Landscape Architectural Registration Boards.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-6-2; filed Aug 3, 1989, 9:30 a.m.: 12 IR 2281; filed Jan 24, 1992, 11:30 a.m.: 15 IR 1011; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

**804 IAC 1.1-6-3 Admission to examinations**

Authority: IC 25-4-1-3; IC 25-4-1-9; IC 25-4-2-4

Affected: IC 25-1-11; IC 25-4-1-9

Sec. 3. (a) The board will admit an applicant for registration as a landscape architect to an examination only if the applicant otherwise qualifies for the registration for which application has been made, including the meeting of the applicable education and experience requirements.

(b) The board will admit an applicant for registration as an architect to an examination only if the applicant submits evidence to the board that the person has:

(1) graduated with a professional degree from a school or college of architecture accredited by the National Architectural Accrediting Board, Inc., or its successor; and

(2) not been convicted of:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or

(B) a felony that has direct bearing on the applicant's ability to practice competently.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-6-3; filed Aug 3, 1989, 9:30 a.m.: 12 IR 2281; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA; filed Nov 22, 2010, 9:56 a.m.: 20101222-IR-804090908FRA)*

**804 IAC 1.1-6-4 Architect examination; content**

Authority: IC 25-4-1-3; IC 25-4-1-9

Affected: IC 25-4-1-9

Sec. 4. (a) The architect examination shall consist of the following divisions:

(1) Pre-design.

(2) Site planning.

(3) Building planning.

(4) Building technology.

(5) General structures.

(6) Lateral forces.

(7) Mechanical and electrical.

(8) Materials and methods.

(9) Construction documents and services.

(b) An applicant who failed the written part of what was formerly known as Division B prior to January 1, 1997, shall have to pass the entire division designated as site planning. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-6-4; filed Aug 3, 1989, 9:30 a.m.: 12 IR 2281; filed Jan 23, 1997, 3:00 p.m.: 20 IR 1590; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

**804 IAC 1.1-6-5 Landscape architect examination; content**

Authority: IC 25-4-1-3; IC 25-4-2-4

Affected: IC 25-4-2-4

Sec. 5. (a) The landscape architect examination shall consist of the following tests as of January 1, 1999:

(1) Section A. Legal and administrative aspects of practice.

(2) Section B. Analytical aspects of practice.

(3) Section C. Planning and site design.

(4) Section D. Structural considerations and materials and methods of construction.

(5) Section E. Grading, drainage, and storm water management.

(b) An applicant who failed what was formerly known as Test 2 or 7 prior to January 1, 1997, shall have to pass the analytical aspects of the practice test.

(c) An applicant who failed either what was known as the conceptualization and communication test or what was known as the design synthesis test prior to January 1, 1999, shall have to pass the planning and site design test. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-6-5; filed Aug 3, 1989, 9:30 a.m.: 12 IR 2281; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1053; filed Jan 24, 1992, 11:30 a.m.: 15 IR 1011; filed Jan 23, 1997, 3:00 p.m.: 20 IR 1590; filed Jan 22, 2001, 9:24 a.m.: 24 IR 1651; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

**804 IAC 1.1-6-6 Examinations; portions required to be taken on first taking (Repealed)**

Sec. 6. *(Repealed by Board of Registration for Architects and Landscape Architects; filed Jan 23, 1997, 3:00 p.m.: 20 IR 1592)*

**804 IAC 1.1-6-6.1 Transfer of credit**

Authority: IC 25-4-1-3; IC 25-4-1-9

Affected: IC 25-4-1-8; IC 25-4-2-6

Sec. 6.1. (a) An applicant for registration as an architect or landscape architect who has taken the examination required by section 2 of this rule in another state, a foreign country, or a province of a foreign country shall be given credit for any division or test passed in the other jurisdiction, provided that the score made on any such division or test of the examination in the other jurisdiction would be passing in Indiana, and therefore will not be required to retake any such division or test in Indiana.

(b) This section does not apply to out-of-state (or reciprocity) applicants under IC 25-4-1-8 or IC 25-4-2-6. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-6-6.1; filed Jul 28, 1994, 4:00 p.m.: 17 IR 2864; filed Jan 23, 1997, 3:00 p.m.: 20 IR 1590; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-6-7 Reexaminations**

Authority: IC 25-4-1-3; IC 25-4-1-9; IC 25-4-2-4

Affected: IC 25-4-1-9; IC 25-4-2-4

Sec. 7. (a) An applicant who does not pass a division or test of an examination in the first attempt shall be entitled to retake that division or test as many times as the applicant requests reexamination and pays the applicable fees. However, no division of the architect examination may be taken sooner than six (6) months after the previous attempt.

(b) Under the reexaminations allowed by subsection (a), an applicant shall not be required to retake any division or test of the examination previously passed.

(c) In the reexaminations allowed by subsection (a), the applicant may choose, in a particular examination sitting, to not take all of the divisions or tests the applicant has yet to pass; however, all divisions or tests of the examination must be passed before the individual may be registered.

(d) An applicant who lost credit for passing one (1) or more divisions or tests under:

(1) 804 IAC 1.1-2-3(a) as it read before being repealed effective September 2, 1989; or

(2) this subsection as it read from September 2, 1989, through October 31, 1993;

and therefore took or would have had to have taken divisions or tests previously passed shall be entitled to credit on any examination taken after October 31, 1993, for those divisions or tests previously passed. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-6-7; filed Aug 3, 1989, 9:30 a.m.: 12 IR 2282; filed Jan 24, 1992, 11:30 a.m.: 15 IR 1012; filed Sep 10, 1993, 5:00 p.m.: 17 IR 198, eff Nov 1, 1993; errata filed Dec 10, 1993, 5:00 p.m.: 17 IR 783; filed Jan 23, 1997, 3:00 p.m.: 20 IR 1591; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-6-7.1 Reexaminations; tests required to be taken**

Authority: IC 25-4-1-3; IC 25-4-1-9; IC 25-4-2-4

Affected: IC 25-4-1-9; IC 25-4-2-4

Sec. 7.1. (a) Section 7 of this rule applies to the landscape architect examination even though its parts were changed effective with the June 1992 examination. For the purposes of section 7(b) of this rule, subsection (b) identifies the tests an individual must take beginning with the June 1992 examination based on sections of the examination the individual had not passed prior to June 1992.

(b) The retake requirements are as follows:

Sections not passed prior to June 1992	Tests required to be taken beginning with June 1992 examination
1	1
2	2
3	2, 3, and 4
4	5 and 7
5	6

(*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-6-7.1; filed Jan 24, 1992, 11:30 a.m.: 15 IR 1012; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-6-8 Architect examination; written portions**

Authority: IC 25-4-1-3; IC 25-4-1-9

Affected: IC 25-4-1-9

Sec. 8. (a) This section and section 9 of this rule apply only to the architect examination.

(b) This section applies to the following:

(1) Pre-design.

(2) General structures.

(3) Lateral forces.

(4) Mechanical and electrical.

(5) Materials and methods.

(6) Construction documents and services.

(c) The portions of the examination covered by this section are based upon the knowledge and application of the principles of design and physical science to the professional practice of architecture. They are devoted primarily to the applicant finding solutions to problems designed to test the applicant's ability to apply knowledge, skills, and judgment to problems and situations that demonstrate minimal competence in the practice of architecture.

(d) The applicant must achieve a passing score on each division of the examination. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-6-8; filed Aug 3, 1989, 9:30 a.m.: 12 IR 2282; filed Jan 23, 1997, 3:00 p.m.: 20 IR 1591; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-6-9 Architect examination; graphic portions**

Authority: IC 25-4-1-3; IC 25-4-1-9

Affected: IC 25-4-1-9

Sec. 9. (a) This section applies to the following:

(1) Site planning.

(2) Building planning.

(3) Building technology.

(b) The site planning division requires applicants to apply programmatic and environmental requirements and demonstrate an ability to create coherent concepts for the placements of buildings and/or other improvements on a site.

(c) The building planning division requires applicants to apply programmatic and environmental requirements and demonstrate an ability to create coherent concepts for:

(1) the arrangement of buildings on their site;

(2) the arrangement of rooms and other spaces within a building; and

(3) the arrangement of walls, furniture, and fixtures within rooms and other spaces.

(d) The building technology division requires applicants to:

(1) apply programmatic and environmental requirements; and

(2) demonstrate an ability to create coherent concepts for the arrangement of building components within a building or buildings.

(e) The applicant must achieve a passing score on each division of the examination. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-6-9; filed Aug 3, 1989, 9:30 a.m.: 12 IR 2282; filed Jan 23, 1997, 3:00 p.m.: 20 IR 1591; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-6-10 Landscape architect examination; description of tests (Repealed)**

Sec. 10. *(Repealed by Board of Registration for Architects and Landscape Architects; filed Oct 28, 1998, 3:35 p.m.: 22 IR 758)*

#### **804 IAC 1.1-6-11 Landscape architect examination evaluation; passing score**

Authority: IC 25-4-1-3; IC 25-4-2-4

Affected: IC 25-4-2-4

Sec. 11. (a) All graphic portions of the landscape architect examination are blind graded by a minimum of one (1) trained landscape architectural professional following detailed instructions using national evaluator guides, and training for all evaluators.

(b) To pass the examination, applicants must achieve a passing score on each section. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-6-11; filed Aug 3, 1989, 9:30 a.m.: 12 IR 2283; filed Jan 24, 1992, 11:30 a.m.: 15 IR 1013; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

### **Rule 7. Training and Experience Requirements for Architect Registration**

#### **804 IAC 1.1-7-1 Scope of rule**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-6; IC 25-4-1-7.5

Sec. 1. This rule implements IC 25-4-1-6 and IC 25-4-1-7.5 by establishing the training and experience requirements for registration as an architect. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-1; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1053; filed Oct 28, 1998, 3:35 p.m.: 22 IR 757; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA; filed Nov 22, 2010, 9:56 a.m.: 20101222-IR-804090908FRA)*

#### **804 IAC 1.1-7-2 "Intern" defined**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7.5

Sec. 2. As used in this rule, "intern" means an individual obtaining the training and experience required by IC 25-4-1-7.5 and this rule. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-2; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1053; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA; filed Nov 22, 2010, 9:56 a.m.: 20101222-IR-804090908FRA)*

#### **804 IAC 1.1-7-3 "Office of a registered architect" defined**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 3. For the purposes of this rule, an organization will be considered to be "an office of a registered architect" if all of the following are met:

(1) The architectural practice of the organization in which the applicant works is in the charge of a person practicing as a principal and the applicant works under the direct supervision of a registered architect.  
(2) The architectural practice of the organization encompasses the comprehensive process of the practice of architecture, including each of the categories composing such practice as set forth in section 9(b) of this rule.  
*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-3; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1053; filed Nov 29, 1995, 8:00 a.m.: 19 IR 666; filed Jun 28, 1996, 9:45 a.m.: 19 IR 3086; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-4 "Organization engaged in construction" defined**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 4. For the purposes of this rule, an organization (or an affiliate) is engaged in construction if it customarily engages in either of the following activities:

- (1) Undertakes to provide labor and/or material for all or any significant portion of a construction project, whether on lump sum, cost plus, or other basis of compensation.
- (2) Agrees to guarantee to an owner the maximum construction cost for all or any significant portion of a construction project.  
*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-4; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1054; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-5 "Principal" defined**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 5. For the purposes of this rule, an individual practices as a "principal" by being:

- (1) a registered architect; and
- (2) the individual in charge of the organization's architectural practice, either alone or with other registered architects.  
*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-5; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1054; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-6 "Registered architect" defined**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 6. As used in this rule, a "registered architect" means an individual who is registered to practice architecture in the jurisdiction in which the individual practices. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-6; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1054; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-7 Completion of training and experience**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-6; IC 25-4-1-7.5

Sec. 7. Regardless of the acquisition of value units under this rule, the required training and experience may not be completed in a period of less than three (3) years. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-7; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1054; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA; filed Nov 22, 2010, 9:56 a.m.: 20101222-IR-804090908FRA)*

#### **804 IAC 1.1-7-8 Training and experience descriptions**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 8. Training and experience must be obtained in one (1) or more of the following descriptions:

- (1) Experience in architecture as an employee in the office of a registered architect.
- (2) Experience in architecture as an employee of an organization (other than offices of registered architects) when the experience is under the direct supervision of a registered architect.
- (3) Experience directly related to architecture when under the direct supervision of a registered engineer (practicing as a structural, civil, mechanical, or electrical engineer in the field of building construction) or a registered landscape architect.
- (4) Experience, other than subdivisions (1) through (3) experience, in activities involving the design or construction of the built environment (such as analysis of existing buildings, planning, programming, design of interior space, review of technical submissions, engaging in building construction activities and the like) when the applicant is under the direct supervision of a person experienced in the activity.
- (5) A post-professional degree in architecture, or teaching or research in a school or college of architecture recognized by the board.
- (6) Experience in architecture outside the United States or Canada, under the direct supervision of a person practicing architecture who is registered neither in a United States jurisdiction nor in a Canadian jurisdiction.  
*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-8; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1054; filed*

Nov 29, 1995, 8:00 a.m.: 19 IR 666; filed Jun 28, 1996, 9:45 a.m.: 19 IR 3086; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)

#### **804 IAC 1.1-7-9 Experience and training categories and areas; required value units**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 9. (a) An applicant must acquire a total of seven hundred (700) value units to satisfy the experience and training requirements. One (1) value unit equals eight (8) hours of acceptable activity.

(b) The following chart lists the experience and training categories and areas and the value unit requirements for each:

##### **CATEGORY A**

Design and Construction Documents

Minimum VUs

Required

Programming 10

Site and environmental analysis 10

Schematic design 15

Building cost analysis 10

Code research 15

Engineering systems coordination 15

Design development 40

Construction documents 135

Specifications and materials research 15

Documents checking and coordination 10

Minimum total value units required 350\*

##### **CATEGORY B**

Construction Administration

Bidding and contract negotiation 10

Construction phase—office 15

Construction phase—observation 15

Minimum total value units required 70\*

##### **CATEGORY C**

Management

Project management 15

Office management 10

Minimum total value units required 35\*

\* The differences between the minimum total value units required in each of categories A, B, and C and the sum of the minimums required for each training area within the category must be acquired by earning value units from training areas within the same category.

##### **CATEGORY D**

Related activities

Professional and community service 10

Other related activities 0

Minimum total value units required 10

(c) The required minimums in categories A, B, C, and D, as listed in subsection (b), total four hundred sixty-five (465) value units, allowing for two hundred thirty-five (235) additional value units to be acquired in any of the listed categories. All of the two hundred thirty-five (235) additional value units may be acquired in one (1) category or distributed among the categories. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-9; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1054; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1013; filed Jul 28, 1994, 4:00 p.m.: 17 IR 2864; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-7-10 Scope of sections 11 through 20 of this rule; specific requirements for obtaining value units**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 10. Sections 11 through 20 of this rule establish specific requirements concerning the obtaining of value units. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-10; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1055; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-7-11 Value units; full-time and part-time work**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 11. Experience under section 8(1), 8(2), 8(3), 8(4), and 8(6) of this rule may be acquired only if the applicant works at least thirty-five (35) hours per week for a minimum period of ten (10) consecutive weeks. An applicant may earn one-half (½) of the credits specified under section 8(1) through 8(4) of this rule for work of at least twenty (20) hours per week in periods of six (6) or more consecutive months. Value units may be acquired in category D in section 9(b) of this rule only if the activity is substantial and continuous. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-11; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1055; errata filed Apr 5, 1990, 11:01 a.m.: 13 IR 1416; filed Nov 29, 1995, 8:00 a.m.: 19 IR 666; filed Jun 28, 1996, 9:45 a.m.: 19 IR 3086; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-7-12 Value units; education required before earning**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 12. No value units may be acquired prior to satisfactory completion of:

(1) three (3) years in a bachelor's degree program from a school or college of architecture recognized by the board;

(2) the third year of a four (4) year preprofessional degree program in architecture accepted for direct entry to a master's degree program; or

(3) one (1) year in a master's degree program.

Thirty-two (32) semester credit hours or forty-eight (48) quarter credit hours shall equal one (1) year in an academic program. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-12; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1055; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-7-13 Value units; education credits do not qualify**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 13. No experience used to meet education requirements may be used to earn training credits. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-13; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1055; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-7-14 Value units; post-professional degrees qualify**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 14. (a) A post-professional degree in architecture qualifies for two hundred thirty-five (235) value units under category D in section 9(b) of this rule.

(b) To earn credit for a post-professional degree, the applicant's credit hours must be in subjects directly related to architecture.

Twenty (20) semester credit hours or thirty (30) quarter credit hours of teaching or equivalent time in research will qualify for two hundred thirty-five (235) value units. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-14; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1055; filed Nov 29, 1995, 8:00 a.m.: 19 IR 667; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-7-15 Value units; supplementary education**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 15. An applicant may earn value units by completing approved supplementary education programs. Supplementary education cannot be used to satisfy the minimum value unit requirements in categories A, B, C, and D of section 9(b) of this rule.

No value units may be earned for supplementary education prior to graduation with a professional degree from a school or college of architecture recognized by the board, or while enrolled in a post-professional degree program in architecture. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-15; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1056; errata filed Apr 5, 1990, 11:01 a.m.: 13 IR 1416; filed Nov 29, 1995, 8:00 a.m.: 19 IR 667; filed Jun 28, 1996, 9:45 a.m.: 19 IR 3086; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-7-16 Post-professional degrees; supplementary education; maximum value units**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 16. The value units which may be earned under sections 14 and 15 of this rule may not exceed in the aggregate two hundred thirty-five (235) value units. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-16; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1056; filed Nov 29, 1995, 8:00 a.m.: 19 IR 667; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-7-17 Experience; limitation of acquisitions**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 17. (a) To satisfy category A of section 9(b) of this rule, value units (including value units earned from supplementary

education in those categories) must be acquired when employed in the settings described in section 8(1), 8(2), or 8(6) of this rule. The maximum credit for training acquired under section 8(6) of this rule shall be two hundred thirty-five (235) value units.

(b) Value units earned under section 8(3) of this rule may be used to satisfy categories B, C, and D of section 9(b) of this rule. The maximum credit for training acquired under section 8(3) of this rule shall be two hundred thirty-five (235) value units.

(c) Value units earned under section 8(4) of this rule may be used to satisfy categories C and D of section 9(b) of this rule. The maximum credit for training acquired under section 8(4) of this rule shall be one hundred seventeen (117) value units.

(d) Value units earned for teaching and research under section 8(5) of this rule may be used to satisfy category D of section 9(b) of this rule. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-17; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1056; filed Nov 29, 1995, 8:00 a.m.: 19 IR 667; errata filed Jan 31, 1996, 3:30 p.m.: 19 IR 1373; filed Jun 28, 1996, 9:45 a.m.: 19 IR 3087; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-7-18 Experience as an employee in architect's office; minimum requirements after graduation**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 18. A minimum of two hundred thirty-five (235) value units must be acquired in the setting described in section 8(1) of this rule after having graduated with a professional degree from a school or college of architecture recognized by the board. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-18; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1056; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-7-19 Foreign training and experience**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 19. The maximum credit for training as an employee of an individual practicing architecture who is not an architect registered in a United States jurisdiction shall be two hundred thirty-five (235) value units. No credit will be granted for foreign training other than as an employee of an individual practicing architecture. However, an individual with five (5) years of foreign training under section 8(2) of this rule shall be deemed to have satisfied the training requirements. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-19; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1056; errata, 13 IR 1862; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-7-20 Board evaluation of training; substantiation**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 20. In evaluating training, the board may require substantiation of the quality and character of the training notwithstanding the fact that the applicant has complied with the technical training requirements set forth in this rule. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-20; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1056; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-7-21 Scope of sections 22 through 36 of this rule; detail of qualifying categories and areas**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 21. Sections 22 through 36 of this rule detail the specific categories and areas of experience and training provided for in section 9(b) of this rule. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-21; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1056; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA*)

#### **804 IAC 1.1-7-22 Programming; client contact**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 22. (a) Programming is the process of setting forth in writing the owner's requirements for a given project. Steps in this process include:

- (1) establishing goals;
- (2) considering a budget;
- (3) collecting, organizing, and analyzing data;
- (4) isolating and developing concepts; and
- (5) determining needs in general.

The American Institute for Architects (AIA) Owner Architect Agreements presume that the owner will furnish the program and that any involvement of the architect in writing the program will be an additional service not covered in the basic agreement. However, many owners are employing the architect to assist them in this effort. The project will also be affected by the mortgage lender, public officials involved in health, welfare, and safety, future tenants, and, increasingly, the people who will work in the built environment. Their input at the programming stage is essential in order to maintain an orderly design process.

(b) Possible intern activities include the following:

- (1) Participating in office conferences with clients regarding programming, periodic reviews, and formal presentations, and assisting in preparing minutes or reports for future reference.
  - (2) Assisting with presentations at zoning and variance hearings, and at meetings with financial and government agencies.
  - (3) Taking part in visits to existing projects similar to the client's and participating in interviews with the owners and consultants of these projects.
  - (4) Assisting in preparing the summary and evaluation of data and requirements obtained from all sources. The summary is the basis for the final written program.
  - (5) Researching current literature pertaining to architectural programming.
- (Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-22; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1057; filed Nov 29, 1995, 8:00 a.m.: 19 IR 667; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-23 Site and environmental analysis**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 23. (a) Site analysis includes land planning, urban design, and environmental evaluation. Land planning and urban design are concerned with relationships to surrounding areas and involve consideration of the physical, economic, and social impact of proposed land use on the environment, ecology, traffic, and population patterns. Governmental agencies frequently require documentation on the results construction will have on its surroundings (i.e., environmental impact studies). Decisions relating to site analysis must involve the selection, organization, and evaluation of pertinent data that will lead to a resolution of the owner's program while conforming to legal requirements.

(b) Possible intern activities include the following:

- (1) Assisting in analyzing several sites to assess the feasibility of their use for a proposed project.
- (2) Helping to analyze the feasibility of using a specific site for the project.
- (3) Assisting in the analysis of the impact of specific land use and location for a project.
- (4) Assisting in the formulation of the most appropriate land use strategy to achieve a desired environmental impact.
- (5) Researching site restrictions such as zoning, easements, utilities, etc.
- (6) Participating in public hearings about land use issues and preparing reports for future reference.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-23; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1057; filed Nov 29, 1995, 8:00 a.m.: 19 IR 668; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-24 Schematic design**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 24. (a) From the owner-approved program, the architect develops alternative solutions to satisfy technical and aesthetic requirements. Preferred schemes are presented until owner and architect can agree on one (1) scheme.

(b) Possible intern activities include the following:

- (1) Participating in the development and preparation of preliminary design concepts to determine the spatial relationships that best satisfy the owner's program.
- (2) Participating in the development and coordination of program requirements with consultants.
- (3) Assisting in the preparation of presentation drawings and models.
- (4) Assisting in the analysis and selection of engineering systems.
- (5) Participating in design review and approval meetings with clients, user groups, etc.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-24; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1057; filed Nov 29, 1995, 8:00 a.m.: 19 IR 668; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-24.1 Engineering systems coordination**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 24.1. (a) The architect is usually responsible for the selection, design, and coordination of all building systems, including the engineering systems. The emphasis of this training requirement is to develop an understanding of the integration of the engineering systems normally designed by consultants and provided by product suppliers under the direct supervision and control of the architect. These traditionally have included structural, mechanical, and electrical subsystems as well as newer technical innovations and special requirements, such as telecommunications and computer applications. Architects must know how engineering systems work, including system benefits and limitations, availability, cost, and the space requirements necessary to provide the basis for system design, selection, and integration. This knowledge also provides the vital communication links necessary for appropriate interaction with engineering consultants and product suppliers.

(b) Possible intern activities include the following:

- (1) Becoming familiar with construction methods and performance of different engineering systems.
- (2) Understanding safety requirements and selection process for engineering systems.

- (3) Assisting in research, analysis, and selection process of engineering systems during the schematic design and design development phases.
  - (4) Helping coordinate engineering systems documents provided by consultants into the construction documents produced by the architect.
  - (5) Reviewing consultants' drawings for conceptual understanding of systems, space requirements, and possible conflicts or interference of structure, ductwork, plumbing lines, or electrical fixtures.
  - (6) Assisting in checking shop drawings, evaluation of samples, and maintenance of records.
  - (7) Visiting the job site and observing installation and integration of engineering systems, construction details, and space requirements.
  - (8) Attending systems start up, operation, and maintenance meetings required for acceptance and utilization by the owner.
  - (9) Obtaining and studying manufacturers' literature for engineering systems and components.
  - (10) Becoming aware of relevant codes and regulatory standards applicable to various engineering systems.
  - (11) Checking maintenance manuals and warranties submitted by contractors for conformance with contract documents.
- (Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-24.1; filed Jul 28, 1994, 4:00 p.m.: 17 IR 2865; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-25 Building cost analysis**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 25. (a) An important responsibility of the architect is to evaluate the probable project construction cost. Accurate estimates are crucial to the client. They influence decisions involving basic design, selection of building products and systems, and construction scheduling. Long term maintenance, as well as tax impact of material and system selection (value engineering), are additional factors which bear on development of the project. For their own preliminary analysis, most architects use computations based on area and/or volume. Such methods require a limited amount of experience to adjust the unit cost to special conditions of the project. Estimates of cost provided later in the design process are frequently made on the basis of labor and material requirements (quantity surveys), a method which requires a more specialized knowledge of construction costs.

(b) Possible intern activities include the following:

- (1) Calculating the area and volume of a project in accordance with AIA Document D101 "Architectural Area and Volume of Buildings".
- (2) Making a simplified quantity takeoff of selected materials and preparing comparative cost analyses.
- (3) Assisting in the preparation of cost estimates of each stage of a project.
- (4) Reviewing various references and text utilized in cost estimating.
- (5) Assisting in the preparation of cost analyses for current projects, using a variety of indices (cost/square foot, cost/cubic foot, unit use, etc.).
- (6) Conducting a survey of current cost per square foot of various types of projects, using local Dodge Reports, Builder's Exchange reports, etc.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-25; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1058; filed Nov 29, 1995, 8:00 a.m.: 19 IR 668; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-26 Code research**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 26. (a) Building inspectors as well as officials in zoning, environmental, and other agencies relating to the health, welfare, and safety of the public, oversee the enforcement of federal, state, and local regulations related to building construction. The codes promulgated by these various agencies have a direct bearing on the total design process, and thorough knowledge of all requirements is essential to the satisfactory completion of any project.

(b) Possible intern activities include the following:

- (1) Assisting in searching and documenting codes, regulations, ordinances, etc., for one (1) or more specific projects.
- (2) Studying procedures necessary to obtain relief or variances from particular requirements as they relate to a project.
- (3) Calculating certain variables (i.e., numbers and size of exits, stair dimensions, public toilet rooms, ramps) in satisfaction of code requirements.
- (4) Determining a project's allowable land coverage as well as maximum areas in compliance with zoning and any other related ordinances.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-26; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1058; filed Nov 29, 1995, 8:00 a.m.: 19 IR 669; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-27 Design development**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 27. (a) Based on the owner-approved schematic design, the architect fixes and details, for the owner's further approval,

the size and character of the entire project, including selection of materials and engineering systems.

(b) Possible intern activities include the following:

- (1) Participating in the preparation of detailed development drawings from schematic design documents.
- (2) Assisting in developing of various schedules and outline specifications for materials, finishes, fixed equipment, fixtures, construction time, and construction cost.
- (3) Helping to coordinate engineering systems proposed for the project.
- (4) Participating in design review and approval meetings with clients, user groups, etc.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-27; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1058; filed Nov 29, 1995, 8:00 a.m.: 19 IR 669; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-28 Construction documents**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 28. (a) The working drawings phase of construction documents preparation constitutes the major activity in an architect's office. These drawings describe in graphic form all of the essentials of the work to be done:

- (1) location;
- (2) size;
- (3) arrangement; and
- (4) details;

of the project. As the successful and timely execution of these documents can be equated closely with an office's financial success, architects constantly search for more efficient ways to produce construction documents. No matter what the method of preparation, it is extremely important that the documents be accurate, consistent, complete, and understandable. This requires thorough quality control including constant review and cross-checking of all documents. In addition, effective coordination of the drawings of consultants is essential to avoid conflicts between the various trades during construction.

(b) Possible intern activities include the following:

- (1) Working in the preparation of detail drawings, developing technical skills in drafting accuracy, completeness, and clarity.
- (2) Assisting in the correlation and coordination of all documents produced by the architect and the consultants.
- (3) Developing a knowledge of professional responsibilities and liabilities arising out of the issuance of construction documents.
- (4) Participating in the mechanics of reproducing and assembling the finished construction documents.
- (5) Assisting the job captain (or equivalent) in routine administrative/control tasks.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-28; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1058; filed Nov 29, 1995, 8:00 a.m.: 19 IR 669; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-29 Specifications and material research**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 29. (a) Well-grounded knowledge of specification writing principles and procedures is essential to the preparation of sound, enforceable specifications. Unless these skills are properly developed, expert knowledge of materials, contracts, and construction procedures cannot be communicated successfully to the ultimate users. A cardinal principle of specification writing requires the architect to understand, very clearly, the relationship between drawings and specifications, and to be able to communicate in a logical, orderly sequence, the requirements of the construction process. Many factors must be considered in the selection and evaluation of materials or products to be used in a project:

- (1) appropriateness;
- (2) durability;
- (3) aesthetic quality;
- (4) first cost; and
- (5) maintenance, etc.

To avoid future problems, it is extremely important that the architect recognizes the ultimate function of each item to be specified. The architect must carefully assess new or untried materials as well as new or unusual applications of familiar items regardless of manufacturer representations, to be certain no hidden deficiencies exist that might create problems for the owner and expose the architect to liability.

(b) Possible intern activities include the following:

- (1) Reviewing construction specifications organization, purpose, and format, and assisting in writing specifications. Reviewing and analyzing bidding forms, insurance aspects, bonding requirements, liens, supplementary and special conditions.
- (2) Researching and evaluating data for products to be specified, including information regarding product availability, cost, code acceptability, and manufacturers' reliability. Attending sales presentations in connection with this research.
- (3) Researching industry standards and guidelines for specific classes of products (e.g., curtain walls, aluminum windows) as they affect various manufacturers' items being considered for acceptability on a project. Researching construction techniques and systems and understanding workmanship standards such as poured-in-place concrete, masonry construction, etc.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-29; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1059; filed Nov 29, 1995, 8:00 a.m.: 19 IR 670; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-30 Documents checking and coordination**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 30. (a) Close coordination between drawings and specifications is required when preparing construction documents. The work of each consultant must be reviewed regularly and checked against the architectural drawings as well as the drawings of other consultants to eliminate conflicts. Before final release for construction purposes, the drawings and specifications must be checked and cross-checked for accuracy and compatibility.

(b) Possible intern activities include the following:

- (1) Assisting in cross-checking products and materials called for in the specifications for consistency with corresponding terminology and descriptions on the working drawings.
- (2) Checking drawings prepared by other draftspersons for accuracy of dimensions, notes, abbreviations, and indications.
- (3) Assisting in developing a schedule of lead time required for proper coordination with other disciplines.
- (4) Checking consultants' drawings with architectural drawings and other consultants' drawings for possible conflicts and interferences of plumbing lines, ductwork, electrical fixtures, etc.
- (5) Assisting in the final project review for compliance with applicable codes, regulations, etc.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-30; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1059; filed Nov 29, 1995, 8:00 a.m.: 19 IR 670; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-31 Bidding and contract negotiation**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 31. (a) The architect assists in establishing and administering the following:

- (1) Bidding procedures.
- (2) Issuing addenda.
- (3) Evaluating proposed substitutions.
- (4) Reviewing the qualifications of bidders.
- (5) Analyzing bids or negotiated proposals.
- (6) Making recommendations for the selection of the contractor(s).

(b) The construction contract and related documents are the formal instruments which bind the major parties in the construction phase together. They detail the desired product and the services to be provided in its construction, as well as the consideration to be paid for the product and the services.

(c) Possible intern activities include the following:

- (1) Carefully reviewing the bidding/award stages of previous projects. Developing an understanding of problems encountered and how they were resolved.
- (2) Preparing sample bids using quantity takeoffs from the building cost analysis.
- (3) Assisting in the prequalification of bidders.
- (4) Assisting in the receipt, analysis, and evaluation of bids, including any alternates.
- (5) Learning what information and submittals are required prior to issuance of notice to proceed.
- (6) Assisting in evaluating equal product considerations in preparing addenda.
- (7) Meeting with contractors and material suppliers to better understand problems they encounter with bid packages and construction contract documents. Understanding the role of the lending institution during the bidding process.
- (8) Assisting in the preparation and negotiation of construction contracts and becoming familiar with the Conditions of the Contract for construction in order to identify the architect's, contractor's, owner's, bonding company's, and insurer's roles in the administration of the construction phase.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-31; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1060; filed Nov 29, 1995, 8:00 a.m.: 19 IR 671; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-32 Construction phase; office**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 32. (a) During the construction phase there are many related tasks which do not directly involve field observations:

- (1) processing contractors' Applications for Payment;
- (2) change orders;
- (3) shop drawings and samples; and
- (4) adjudicating disputes; etc.

The architect's handling of these matters will usually have a direct bearing on the smooth functioning of the work in the field. For

example, prompt processing of the contractor's Application for Payment, including review of any substantiating data that may be required by the contract documents, helps the contractor maintain an even flow of funds.

(b) Items such as shop drawings, samples, and test reports submitted for the architect's review must be acted upon promptly to expedite the construction process. Changes in the work which may affect the time of construction or modify the cost are accomplished by change orders. Interpretations necessary for the proper execution of work must be promptly given in writing even when no change order is required.

(c) Possible intern activities include the following:

- (1) Assisting in processing Applications for Payment and preparing Certificates for Payment.
- (2) Assisting in checking shop drawings, evaluating samples submitted, and maintaining records.
- (3) Assisting in evaluating requests for changes, interpretation of documents, and preparation of Change Orders.
- (4) Participating in the resolution of disputes and interpretation of conflicts relating to the contract documents.
- (5) Participating in the assembly of evidence and preparation of testimony to be used before an arbitration panel or in court.
- (6) Researching the legal responsibilities of owners, contractors, and architects by attending seminars and using other supplementary education resources.
- (7) Participating in the preparation of record documents at project completion.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-32; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1060; filed Nov 29, 1995, 8:00 a.m.: 19 IR 671; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-33 Construction phase; observation**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 33. (a) In administering the Construction Contract, the architect's function is to determine if the contractor's work generally conforms to the requirements of the contract documents. To evaluate the quality of materials and workmanship, the architect must be thoroughly familiar with all of the provisions of the Construction Contract. Periodic reports on the stage of completion of scheduled activities are collected and compared to the overall Project Schedule at job site meetings. These meetings facilitate communication between the contract parties and produce a detailed progress record. The architect must determine through observation the Date of Substantial Completion and receive all data, warranties, and releases required by the contract documents prior to final inspection and final payment. In addition to these construction-related functions, the architect interprets contract documents when disagreements occur, judging the dispute impartially, even when the owner is involved. Dissatisfaction with the architect's decision can lead to arbitration or the courts.

(b) Possible intern activities include the following:

- (1) Visiting the job site and participating in observation of the work in place and materials stored, and preparing field reports of such routine inspections.
- (2) Reviewing and analyzing construction time schedules. Understanding the various network methods (e.g., critical path method) potentially available to the contractor.
- (3) By review of the contract documents and through professional development programs, developing an awareness of the contractual obligations related to observation of construction.
- (4) Attending periodic job site construction meetings and assisting in recording and documenting all actions taken and agreed to at such meetings.
- (5) Participating in the substantial completion inspection and assisting in the punch list verification.
- (6) Participating in the final acceptance inspection with the owner and other involved parties.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-33; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1061; filed Nov 29, 1995, 8:00 a.m.: 19 IR 671; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-33.1 Project management**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 33.1. (a) The economic and professional health of a firm depends on an orderly, trackable method of project execution. A clearly defined project work plan, the key to the efficient management of project tasks, requires participation and input from team members, consultants, client representatives, and other key decision makers (financial experts, developers, lawyers, and contractors). The project manager defines consensus goals and coordinates tasks and scheduling. Team building depends on clear goals and good communication, with particular attention to decisions that influence the work of multiple team members. A project file initiated and maintained by the project manager is the comprehensive record of the project's life and a useful resource for future endeavors. The work plan must be congruent with all project-related contractual agreements (which are normally maintained in the project file). Scheduled quality control reviews are identified in the work plan; the project manager may request interim reviews in advance of established submittal dates. It is the project manager's responsibility to measure actual schedule/budget progress against the work plan yardstick, assess all discrepancies, and take the corrective action necessary to maintain project control. The project manager also:

- (1) maintains design quality during bidding, contract negotiation, and construction phases through administration of the project file;

(2) oversees the firm's construction representative; and  
(3) monitors scheduled on-site quality reviews.  
Finally, the project manager closes out project records and agreements and sets up future post-occupancy evaluation procedures.

(b) Possible intern activities include the following:

- (1) Review the firm's project management manual or all important forms, checklists, and other practice aids if a manual doesn't exist.
- (2) Understand the procedure for assignment of project management responsibilities and the project manager's role in the acquisition process.
- (3) Participate in the development of a project work plan, including identifying goals, client requirements, responsibilities, a first-cut schedule, and the project record.
- (4) Review a work plan against all project-related contractual agreements.
- (5) Become familiar with team management, including role assignments, team communication methods, and frequency and maintaining the project file.
- (6) Review design documentation standards and understand expected levels of documentation at each phase of the project.
- (7) Attend quality reviews at project development milestones identified in the work plan.
- (8) Assist in preparing project status assessments, including schedule and scope variances and actions required to maintain project budget control.
- (9) Review the project management file for close-out activities, including contractual fulfillments, final fee for services, invoicing, and modifications, for example, change orders.
- (10) Attend post-occupancy evaluation trips to completed project sites.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-33.1; filed Jun 28, 1996, 9:45 a.m.: 19 IR 3087; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-34 Office management**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 34. (a) Although architecture is a creative profession, current techniques of practice require that the architect's office operate in almost the same manner as a commercial enterprise. Steady income must be generated and expenses carefully budgeted and monitored so that economic stability, essential to a successful practice, can be maintained. Accurate records must be kept for tax purposes and for use in future work. Established office requirements and regulations are essential to maintaining a smooth operation; office practice manuals are a typical tool for dissemination of this information. Profitable use of manpower requires budgeting of time and the development of schedules which are adhered to rigidly. The architect's relationship to the owner is established by contractual agreement. A contract establishes the duties and obligations of the parties. In order for a contract to be enforceable, there must be mutual agreement between competent parties, an acceptable monetary consideration, and it must be for a lawful purpose and accomplishable within an established time frame.

(b) Possible intern activities include the following:

- (1) Reviewing the process of internal accounting and cost control systems for operation of the firm.
- (2) Participating in allocation of time to all elements involved in a total project from preliminary design through construction.
- (3) Reviewing professional service contracts for their structure, content, determination of responsibility, and enforcement procedures.
- (4) Reviewing the compensation structure as related to types of service rendered by the firm.
- (5) Reviewing current contractual relationships with consultants.
- (6) Researching legal obligations, limitations, and liabilities of professional service contracts.
- (7) Reviewing the firm's professional liability insurance policy and developing an awareness of potential practices and procedures which are not covered by the policy.
- (8) Assisting in the development of programs to publicize the firm's professional services and its expertise.
- (9) Participating in the firm's program for securing commissions for professional services through assisting in market research, prospect list preparation, and information gathering activities.
- (10) Assisting in developing firm brochures and advertising as elements of promotion.
- (11) Accompanying marketing staff on cold calls to prospects.
- (12) Participating in presentations to prospective clients and formal selection interviews.
- (13) Participating in the firm's internal budgeting (profit planning) process.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-34; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1061; filed Nov 29, 1995, 8:00 a.m.: 19 IR 672; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-35 Professional and community services**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 35. (a) To strengthen the profession's image, the architect must participate in public service programs. The architect must also maintain a supportive role with others involved in the construction industry. The various professional societies and other public service opportunities offer viable means of serving the profession and the community. Meaningful involvement requires participation

beyond attendance at regular meetings.

(b) Possible intern activities include the following:

- (1) Participating in the work of professional societies through committee activity.
- (2) Providing service to the public by contribution of expertise toward environment, planning, zoning, housing, and codes.
- (3) Participating in civic programs and organizations.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-35; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1062; filed Nov 29, 1995, 8:00 a.m.: 19 IR 672; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

#### **804 IAC 1.1-7-36 Related special activities**

Authority: IC 25-4-1-3

Affected: IC 25-4-1-7

Sec. 36. (a) The intern development program is not intended to be narrow or restrictive, but to bring into proper perspective the broad aspects of architectural practice. In addition, new areas of concern and involvement which do not fall within more traditional practice are opening to architects. This category of related activities will allow the intern, while developing basic practice skills, to develop expertise in allied areas.

(b) Possible related activities include the following:

- (1) Energy conservation.
- (2) Computer applications.
- (3) Planning.
- (4) Interior design.
- (5) Landscape architecture.
- (6) Construction management.
- (7) Environmental and structural engineering.
- (8) Applied and theoretical research.
- (9) Teaching.
- (10) Historical restoration.
- (11) Professional delineation.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-7-36; filed Jan 22, 1990, 5:00 p.m.: 13 IR 1062; filed Nov 29, 1995, 8:00 a.m.: 19 IR 673; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; readopted filed Oct 4, 2007, 3:37 p.m.: 20071031-IR-804070042RFA)*

### **Rule 8. Continuing Education**

#### **804 IAC 1.1-8-1 Continuing education**

Authority: IC 25-4-1-31; IC 25-4-2-13

Affected: IC 25-4-1; IC 25-4-2

Sec. 1. This rule establishes the continuing education requirements for registered architects and landscape architects. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-1; filed Mar 18, 2005, 10:50 a.m.: 28 IR 2378)*

#### **804 IAC 1.1-8-2 Definitions**

Authority: IC 25-4-1-31; IC 25-4-2-13

Affected: IC 25-4-1; IC 25-4-2

Sec. 2. (a) The definitions in this section apply throughout this rule.

(b) "Contact hour" means one (1) sixty (60) minute clock hour of an educational activity with no less than fifty (50) minutes of instructional content within the hour.

(c) "Continuing education unit" or "CEU" means the number of continuing education credits, measured in contact hours. The provider of the material or activity may determine the number of CEUs or credits. For the entities listed in section 7(b) of this rule, the board will accept the hours established by each organization. Where the number of CEUs are established by others, the board may require additional evidence supporting the CEUs claimed.

(d) "Health, safety, and welfare" means the planning and designing of buildings and structures and the spaces within and surrounding the buildings and structures that:

- (1) minimize the risk of injury to persons or property and comply with applicable building and safety codes;
- (2) are durable, environmentally friendly, cost effective, and conserve resources;
- (3) are aesthetically appealing;
- (4) function properly in all relevant respects; and
- (5) enhance the public's overall sense of well-being, harmony, and community and integrate effectively with the surrounding environment.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-2; filed Mar 18, 2005, 10:50 a.m.: 28 IR 2378)*

#### **804 IAC 1.1-8-3 Continuing education requirements**

Authority: IC 25-4-1-31; IC 25-4-2-13

Affected: IC 25-4

Sec. 3. (a) Registered architects and landscape architects must complete during each two (2) year licensure period twenty-four (24) hours of continuing education in order to qualify for renewal of an active license.

(b) Continuing education is first required for the December 1, 2007, renewal.

(c) No credit will be given for courses completed before June 1, 2005. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-3; filed Mar 18, 2005, 10:50 a.m.: 28 IR 2379*)

#### **804 IAC 1.1-8-4 First-time registrants exempted**

Authority: IC 25-4-1-31; IC 25-4-2-13

Affected: IC 25-4-1; IC 25-4-2

Sec. 4. First-time registrants are not required to comply with these continuing education requirements at the first renewal.

(*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-4; filed Mar 18, 2005, 10:50 a.m.: 28 IR 2379*)

#### **804 IAC 1.1-8-5 Waiver of continuing education requirements**

Authority: IC 25-4-1-31; IC 25-4-2-13

Affected: IC 25-1-12; IC 25-4-1; IC 25-4-2

Sec. 5. (a) An applicant for license renewal who was unable to fulfill the continuing education requirements in section 3 of this rule may be granted a waiver of the continuing education requirement by the board.

(b) An applicant requesting a waiver of the continuing education requirements in section 3 of this rule must certify under penalty of perjury that the applicant was unable to fulfill the continuing education due to hardship resulting from any of the following:

(1) Service in the armed forces of the United States under IC 25-1-12.

(2) An incapacitating illness or injury.

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

(c) An individual who applies for a waiver of the continuing education requirements must request the waiver in writing.

(d) The board may seek verification of the applicant's request for a waiver of continuing education requirements under this rule. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-5; filed Mar 18, 2005, 10:50 a.m.: 28 IR 2379*)

#### **804 IAC 1.1-8-6 Continuing education from another jurisdiction**

Authority: IC 25-4-1-31; IC 25-4-2-13

Affected: IC 25-4-1; IC 25-4-2

Sec. 6. The board may accept for credit toward the Indiana architect and landscape architect continuing education requirement, courses that are accepted for credit toward the continuing education requirements for architects and landscape architects in another state. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-6; filed Mar 18, 2005, 10:50 a.m.: 28 IR 2379*)

#### **804 IAC 1.1-8-7 Mandatory and elective topics**

Authority: IC 25-4-1-31; IC 25-4-2-13

Affected: IC 25-4-1; IC 25-4-2

Sec. 7. (a) Credit may be granted for education offerings that cover architecture and landscape architecture and related technical and professional topics and contribute directly to the improvement of the professional knowledge and competence to practice architecture and landscape architecture.

(b) Continuing education activities or courses may be provided by any of the following organizations:

(1) Accredited colleges, universities, or other postsecondary educational institutions.

(2) American Institute of Architects.

(3) American Society of Landscape Architects.

(4) American Planning Association.

(5) Board of Registration for Architects and Landscape Architects.

(6) Council of Landscape Architectural Registration Boards.

(7) Construction Specifications Institute.

(8) National Council of Architectural Registration Boards.

(9) Other related technical or professional societies, organizations, or institutions.

The board shall not preapprove continuing education activities or courses.

(c) At least sixteen (16) hours of the required continuing education requirements for architects and landscape architects must pertain to technical and professional topics related to the protection of the public health, safety, and welfare. These topics include, but are not limited to, the following:

(1) Codes, statutes, and administrative regulations governing the practice of architecture or landscape architecture.

(2) Environmental and ecological resources.

(3) Professional ethics.

(4) Indiana licensing statutes and rules.

(5) Legal aspects of contracts, documents, insurance, bonds, and project administration.

(6) Construction documents and services.

(7) Materials and methods.

(8) Mechanical, plumbing, electrical, and life safety.

- (9) Structural technology.
- (10) Energy efficiency.
- (11) Project administration.
- (12) Accessibility issues.
- (13) Security and safety issues.
- (14) New technical and professional skills.

(d) The following types of activities may qualify to fulfill the requirements for a minimum of sixteen (16) contact hours to be acquired in structured educational activities (all twenty-four (24) hours may be acquired in such activities):

- (1) Contact hours in attendance at short courses or seminars dealing with architectural or landscape architectural subjects and sponsored by college or universities.
- (2) Contact hours in attendance at presentations on architectural or landscape architectural subjects that are held in conjunction with meetings, conferences, or conventions of architect or landscape architect professional organizations recognized by the board to the extent that contact hours are credited only to that portion of the meeting, conference, or convention that comprises the educational program.
- (3) Contact hours in attendance at short courses or seminars relating to professional practice or new technology and offered by colleges, universities, professional organizations, or system suppliers.
- (4) Teaching or instructing an architectural or landscape architectural course, seminar, lecture, presentation, or workshop shall constitute three (3) contact hours for each hour spent in the actual presentation. Teaching credit shall be valid for the initial presentation only. A maximum of nine (9) hours may be accumulated over a two (2) year licensure period.
- (5) Contact hours spent in architectural or landscape architectural research that is published or is formally presented to the profession or public. A maximum of nine (9) total contact hours may be accumulated over the two (2) year licensure period.
- (6) Successfully completing structured architectural or landscape architectural self-study courses, presented by correspondence, Internet, television, video, or audio, ending with an examination or other verification process. The contact hours acquired for this activity shall be established by the program sponsor.
- (7) College or university credit courses dealing with architectural or landscape architectural subjects. Each academic semester hour shall equal fifteen (15) contact hours. Each academic quarterly hour shall equal ten (10) contact hours.
- (8) Contact hours spent in educational tours of architecturally or landscape architecturally significant projects, where the tour is sponsored by a college, university, professional organization, or system supplier. A maximum of eight (8) total contact hours may be accumulated over the two (2) year licensure period.
- (9) Contact hours spent in professional services to the public that draw upon the licensee's professional architectural or landscape architectural expertise on boards and commissions, such as, serving on any of the following:
  - (A) Planning commissions.
  - (B) Building code advisory boards.
  - (C) Urban renewal boards.
  - (D) Code study committees.
  - (E) Regulatory boards.
  - (F) Professional accreditation teams.

A maximum of eight (8) total contact hours may be accumulated over the two (2) year licensure period.

(e) The following types of activities in individually planned educational activities that are self-directed may qualify for the maximum of eight (8) contact hours over the two (2) year licensure period:

- (1) Contact hours for serving as an architectural mentor or supervisor for the Intern Development Program (IDP) required to satisfy that diversified professional training requirements under 804 IAC 1.1-7. Such service to an intern or interns shall be consistent with the responsibilities set forth in the NCARB IDP Guidelines for an intern's mentor and supervisor, which is hereby incorporated by reference.
- (2) Contact hours spent in planned activities, related to the practice of architecture or landscape architecture, which include the following:
  - (A) Business and practice efficiency.
  - (B) Business development.
  - (C) Personal improvement.
  - (D) New skills.

(3) Actively participating in a technical or professional society or organization shall be the equivalent to two (2) contact hours. An individual shall serve as an officer or actively participate in a committee of the organization to receive credit for this activity. Contact hours shall be limited to two (2) per organization and shall not be acquired until the completion of each year of service.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-7; filed Mar 18, 2005, 10:50 a.m.: 28 IR 2379)*

#### **804 IAC 1.1-8-8 Retention of certificates of completion**

Authority: IC 25-4-1-31; IC 25-4-2-13

Affected: IC 25-4-1; IC 25-4-2

Sec. 8. Registered architects and landscape architects must retain certificates of completion for continuing education courses for three (3) years after the end of the licensing period for which the continuing education applied. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-8; filed Mar 18, 2005, 10:50 a.m.: 28 IR 2380)*

**804 IAC 1.1-8-9 No carry over to next license period**

Authority: IC 25-4-1-31; IC 25-4-2-13

Affected: IC 25-4-1; IC 25-4-2

Sec. 9. Hours for continuing education units earned in one (1) license period may not be used in a subsequent license period. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-9; filed Mar 18, 2005, 10:50 a.m.: 28 IR 2380)*

**804 IAC 1.1-8-10 Inactive status**

Authority: IC 25-4-1-31; IC 25-4-2-13

Affected: IC 25-4-1; IC 25-4-2

Sec. 10. Registered architects or landscape architects may apply to the board to renew their licenses in an inactive status. No continuing education is required to renew inactive. An inactive registered architect or landscape architect may not practice architecture or landscape architecture while in an inactive status. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-10; filed Mar 18, 2005, 10:50 a.m.: 28 IR 2381)*

**804 IAC 1.1-8-11 Reactivation of inactive, expired, or retired license**

Authority: IC 25-4-1-31; IC 25-4-2-13

Affected: IC 25-4-1; IC 25-4-2

Sec. 11. (a) In order to reactivate an inactive, expired, or retired license, the registered architect or landscape architect must have obtained all twenty-four (24) hours of continuing education units, which would have been required had the license been active.

(b) In order to reactivate an inactive, expired, or retired license during a two (2) year licensure period, the registered architect or landscape architect must:

(1) apply to the board for reactivation on the application form supplied by the board; and

(2) submit evidence of completion of twenty-four (24) CEU hours within the two (2) year period immediately before the date the reactivation application is filed.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-11; filed Mar 18, 2005, 10:50 a.m.: 28 IR 2381)*

**804 IAC 1.1-8-12 Continuing education required after reactivation**

Authority: IC 25-4-1-31; IC 25-4-2-13

Affected: IC 25-4-1; IC 25-4-2

Sec. 12. This section applies to all registered architects or landscape architects who reactivate an inactive, expired, or retired license by establishing the number of hours of continuing education required for the time period between reactivation and the following renewal date in order to qualify to renew active. Registered architects or landscape architects must complete the mandatory continuing education required in section 7 of this rule unless the requirement in the table in this section is zero (0). Additional hours of continuing education required in this table may be met by taking courses that meet the requirements of section 7 of this rule.

Date of Activation Hours Required to Renew Active

January 1 – March 31 of first 12 months of license period 24

April 1 – June 30 of first 12 months of license period 21

July 1 – September 30 of first 12 months of license period 18

October 1 – December 31 of first and second months of license period 15

January 1 – March 31 of second 12 months of license period 12

April 1 – June 30 of second 12 months of license period 9

July 1 – September 30 of second 12 months of license period 6

October 1 – December 31 of second 12 months of license period 0

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-12; filed Mar 18, 2005, 10:50 a.m.: 28 IR 2381)*

**804 IAC 1.1-8-13 Audits of continuing education compliance**

Authority: IC 25-4-1-31; IC 25-4-2-13

Affected: IC 25-1-11; IC 25-4-1-31; IC 25-4-2-13

Sec. 13. (a) The board shall conduct audits of registered architects under IC 25-4-1-31 and landscape architects under IC 25-4-2-13 for continuing education compliance. The board may audit continuing education providers. For purposes of this section, the board may designate a board member or staff member to act on behalf of or in the name of the board.

(b) If, as a result of an audit or other review, the board determines that hours of continuing education units a registered architect or landscape architect has claimed do not meet the continuing education requirements of this article, the board shall notify the registered architect or landscape architect of that determination.

(c) A registered architect or landscape architect, who has been notified under subsection (b), may, within thirty (30) days, submit information to the board giving all the substantive reasons in support of the registered architect's or landscape architect's position that an adequate number of hours of continuing education have been completed.

(d) A registered architect or landscape architect that submits false information shall be subject to sanctions provided for under IC 25-1-11.

(e) Registered architects or landscape architects that are found not to be in compliance shall be subject to discipline under IC 25-1-11. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-13; filed Mar 18, 2005, 10:50 a.m.: 28 IR*

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

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

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

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

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