

# Home Inspectors Licensing Board

## Licensure Laws and Regulations

A compilation from the Indiana Code and Indiana Administrative Code

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## IC 25-20.2 ARTICLE 20.2. HOME INSPECTIONS

### Chapter 1. Application of Article

25-20.2-1-1 Application of article; exclusions

#### IC 25-20.2-1-1 Application of article; exclusions

Sec. 1. (a) This article applies to an individual who conducts home inspections for compensation.

(b) This article does not apply to the following:

(1) An individual who is acting within the scope of the individual's employment as:

(A) a code enforcement official for the state or a political subdivision of the state; or

(B) a representative of a state or local housing agency or authority acting under the authority of the United States Department of Housing and Urban Development.

(2) An individual who is:

(A) either:

(i) registered as an architect under IC 25-4;

(ii) registered as a professional engineer under IC 25-31; or

(iii) licensed as a plumbing contractor or journeyman plumber under IC 25-28.5; and

(B) acting within the scope of the individual's registration or license.

(3) An individual who is licensed under IC 25-34.1 as a real estate broker and is acting within the scope of the individual's license.

(4) An individual who is licensed or certified under IC 25-34.1 as a real estate appraiser and is acting within the scope of the individual's license or certificate.

(5) An individual who holds a certificate of authority under IC 27-1-27-2 as a public adjuster and is acting within the scope of the individual's certificate.

(6) An individual who holds a permit, certificate, or license to:

(A) use and apply pesticides; or

(B) make diagnostic inspections and reports for wood destroying pests;

under IC 15-16-5 and is acting within the scope of the individual's certificate or license.

(7) An individual who holds a license from a political subdivision as a tradesperson or home builder and is acting within the scope of the individual's license.

*As added by P.L.145-2003, SEC.7. Amended by P.L.2-2008, SEC.63; P.L.127-2012, SEC.4.*

### Chapter 2. Definitions

#### IC 25-20.2-2-1 Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

*As added by P.L.145-2003, SEC.7.*

#### IC 25-20.2-2-2 "Agency"

Sec. 2. "Agency" refers to the Indiana professional licensing agency established by

IC 25-1-5-3.

*As added by P.L.145-2003, SEC.7. Amended by P.L.1-2006, SEC.441.*

#### IC 25-20.2-2-3 "Applicant"

Sec. 3. "Applicant" means an individual who applies for a license as a home inspector.

*As added by P.L.145-2003, SEC.7.*

#### IC 25-20.2-2-4 "Board"

Sec. 4. "Board" refers to the home inspectors licensing board established by IC 25-20.2-3-1.

*As added by P.L.145-2003, SEC.7.*

#### IC 25-20.2-2-5 "Client"

Sec. 5. "Client" means an individual who hires or seeks to hire a licensed home inspector

to obtain a home inspection or home inspection report.

*As added by P.L.145-2003, SEC.7.*

#### IC 25-20.2-2-6 "Home inspection"

Sec. 6. "Home inspection" means a visual analysis for the purpose of providing a professional opinion of the condition of a residential dwelling and the dwelling's carports or garages, any reasonably accessible installed components, and the operation of the dwelling's systems, including any controls normally operated by the owner of the dwelling, for the following components:

(1) Heating systems.

(2) Cooling systems.

(3) Electrical systems.

(4) Plumbing systems.

(5) Structural components.

(6) Foundations.

(7) Roof coverings.

(8) Exterior and interior components.

(9) Attic spaces.

(10) Basement or crawl space, if any.

(11) Any other site aspects that affect the residential dwelling.

The term does not include a code compliance inspection.

*As added by P.L.145-2003, SEC.7. Amended by P.L.163-2014, SEC.1.*

#### IC 25-20.2-2-7 "Home inspection report"

Sec. 7. "Home inspection report" means a legibly written report prepared for compensation and issued after a home inspection. The report must include the following:

(1) A report on any system or component inspected that, in the professional opinion of the inspector, is significantly deficient or near the end of the system or component's service life. A report under this subdivision must include the reason why the system or component is significantly deficient or near the end of the system or component's service life, unless the reason is self-evident.

(2) The inspector's recommendation to remedy or monitor a deficiency reported under subdivision (1).

(3) A list of any systems or components that were designated for inspection in the standards of performance adopted by the board but that were not inspected.

(4) The reason a system or component listed under subdivision (3) was not inspected.

(5) A statement that the report does not address environmental hazards, including:

(A) lead-based paint;

(B) radon;

(C) asbestos;

(D) cockroaches;

(E) rodents;

(F) pesticides;

(G) treated lumber;

- (H) mold;
- (I) mercury;
- (J) carbon monoxide; or
- (K) other similar environmental hazards.

(6) A statement that the report does not address wood destroying insects and organisms.

(7) A statement that the report does not address subterranean systems or system

components (operational or nonoperational), including:

- (A) sewage disposal;
- (B) water supply; or
- (C) fuel storage or delivery.

As added by P.L.145-2003, SEC.7.

**IC 25-20.2-2-8 "Licensed home inspector"**

Sec. 8. "Licensed home inspector" means an individual who is licensed under this article as a home inspector.

As added by P.L.145-2003, SEC.7.

**IC 25-20.2-2-9 "Licensee"**

Sec. 9. "Licensee" means a person who performs home inspections and who is licensed under this article as a home inspector.

As added by P.L.145-2003, SEC.7.

**IC 25-20.2-2-10 "Residential dwelling"**

Sec. 10. "Residential dwelling" means a structure consisting of at least one (1) but not more than five (5) units, each designed for occupancy by a single family, whether the units are occupied or unoccupied.

As added by P.L.145-2003, SEC.7.

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**Chapter 3. Home Inspectors Licensing Board**

**IC 25-20.2-3-1 Establishment of board**

Sec. 1. The home inspectors licensing board is established.

As added by P.L.145-2003, SEC.7.

**IC 25-20.2-3-2 Members**

Sec. 2. (a) The board is composed of five (5) members appointed by the governor as follows:

- (1) Subject to IC 25-1-6.5-3, three (3) members, each of whom:
  - (A) is licensed in Indiana as a home inspector; and
  - (B) has been actively engaged in performing home inspections in Indiana for at least five (5) years immediately before the member's appointment to the board.
- (2) Subject to IC 25-1-6.5-3, one (1) member who satisfies either of the following:
  - (A) The member:
    - (i) is a home builder; and
    - (ii) has been actively engaged in home building in Indiana for at least five (5) years immediately before the member's appointment to the board.
  - (B) The member:
    - (i) is a real estate broker licensed under IC 25-34.1; and
    - (ii) has been actively licensed in Indiana under IC 25-34.1 as a real estate broker for at least five (5) years immediately before the member's appointment to the board.

(3) Subject to IC 25-1-6.5-3, one (1) member who represents the public at large and is not associated with the home inspection, home building, or real estate business other than as a consumer.

(b) The members of the board must be residents of Indiana.

As added by P.L.145-2003, SEC.7. Amended by P.L.127-2012, SEC.5; P.L.177-2015, SEC.41; P.L.249-2019, SEC.88.

**IC 25-20.2-3-3 Terms; removal**

Sec. 3. (a) Each member of the board appointed before July 1, 2019, serves a term of three (3) years and until a successor is appointed and qualified.

(b) Each member of the board appointed after June 30, 2019, serves under IC 25-1-6.5.

(c) The governor may remove a board member under IC 25-1-6.5-4.

As added by P.L.145-2003, SEC.7. Amended by P.L.249-2019, SEC.89.

**IC 25-20.2-3-4 Chairperson; vice chairperson; terms**

Sec. 4. (a) Each year the board shall elect a member as chairperson and a member as vice chairperson.

(b) The chairperson and the vice chairperson shall serve in their respective capacities for one (1) year and until a successor is elected.

(c) The chairperson and the vice chairperson may not serve in those capacities for more than two (2) consecutive years.

As added by P.L.145-2003, SEC.7.

**IC 25-20.2-3-5 Presiding at meetings; presiding officer**

Sec. 5. (a) The chairperson shall preside at all meetings at which the chairperson is present. The vice chairperson shall preside at meetings in the absence of the chairperson and shall perform other duties as the chairperson directs.

(b) If the chairperson and vice chairperson are absent from a meeting of the board when a quorum exists, the members who are present may elect a presiding officer who shall serve as acting chairperson until the conclusion of the meeting or until the arrival of the chairperson or vice chairperson.

As added by P.L.145-2003, SEC.7.

**IC 25-20.2-3-6 Board meetings; quorum; majority vote required**

Sec. 6. (a) The board shall meet at least two (2) times each calendar year upon the call of the chairperson or the written request of a majority of the members of the board.

(b) The chairperson shall establish the date, time, and place for each meeting.

(c) A majority of the current members of the board constitutes a quorum.

(d) The affirmative vote of a majority of the members appointed to the board is necessary for the board to take official action.

As added by P.L.145-2003, SEC.7.

**IC 25-20.2-3-7 Salary per diem; travel expenses**

Sec. 7. Each member of the board is entitled to the minimum salary per diem as provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.145-2003, SEC.7.

**IC 25-20.2-3-8 Board duties and powers**

Sec. 8. The board shall:

- (1) administer and enforce this article;

(2) adopt rules under IC 4-22-2 that are reasonably necessary or appropriate for the administration and enforcement of this article;

(3) prescribe the requirements for and the form of licenses, applications, and other documents that are required by this article;

(4) grant, deny, suspend, and revoke approval of examinations and courses of study;

(5) issue, deny, suspend, and revoke licenses in accordance with this article;

(6) in accordance with IC 25-1-7, investigate complaints concerning licensees or persons the board has reason to believe should be licensees, including complaints concerning failure to comply with this article or rules adopted under this article, and, when appropriate, take action under IC 25-20.2-8;

(7) bring actions in the name of the state in an appropriate circuit court, superior court, or probate court in order to enforce compliance with this article or rules adopted under this article;

(8) establish fees in accordance with IC 25-1-8;

(9) inspect the records of a licensee in accordance with rules adopted by the board;

(10) conduct or designate a member or other representative to conduct public hearings on any matter for which a hearing is required under this article and exercise all powers granted under IC 4-21.5;

(11) adopt a seal containing the words "Indiana Home Inspectors Licensing Board" and, through the board's secretary, certify copies and authenticate all acts of the board;

(12) in accordance with IC 25-1-6:

- (A) use counsel, consultants, and other persons;
- (B) enter into contracts; and
- (C) authorize expenditures;

that are reasonably necessary or appropriate to administer and enforce this article and rules adopted under this article;

(13) establish continuing education requirements for licensed home inspectors in accordance with IC 25-1-4;

(14) maintain the board's office, files, records, and property in the city of Indianapolis; and

(15) exercise all other powers specifically conferred on the board by this article.

*As added by P.L.145-2003, SEC.7. Amended by P.L.84-2016, SEC.106.*

**IC 25-20.2-3-9 Board's duty to adopt rules**

Sec. 9. The board shall adopt rules under IC 4-22-2 establishing:

(1) standards for the competent performance of home inspections;

(2) a code of ethics for licensed home inspectors; and

(3) standards for home inspection reports prepared by licensed home inspectors.

*As added by P.L.145-2003, SEC.7.*

**Chapter 4. Licensing Agency; Board Secretary**

**IC 25-20.2-4-1 Board secretary; secretary duties**

Sec. 1. The agency shall provide the board with a competent person to serve as secretary of the board. The secretary is not a member of the board. The secretary, through the agency, shall:

(1) provide reasonable notice to board members of the date, time, and place of each meeting and provide notice in compliance with IC 5-14-1.5;

(2) keep a complete and accurate record of all:

- (A) meetings;
- (B) votes taken by the board; and
- (C) other proceedings, transactions, communications, official acts, and records of the board;

(3) keep a current file of all licenses and licensees; and

(4) perform any other duties assigned by the board.

*As added by P.L.145-2003, SEC.7.*

**IC 25-20.2-4-2 Licensing agency responsibilities**

Sec. 2. The agency shall provide the board with clerical or other assistants, including investigators, necessary for the proper performance of the board's duties.

*As added by P.L.145-2003, SEC.7.*

**IC 25-20.2-4-3 Money collected**

Sec. 3. The secretary shall receive and account for all money collected under this article and, at the end of each month, report to the auditor of state and deposit the money into the state general fund with the treasurer of state.

*As added by P.L.145-2003, SEC.7.*

**IC 25-20.2-4-4 Expenses paid**

Sec. 4. All expenses incurred in the administration of this article shall be paid from the state general fund.

*As added by P.L.145-2003, SEC.7.*

**Chapter 5. Licensing Requirements**

**IC 25-20.2-5-1 License required**

Sec. 1. Unless exempt under this article, a person may not conduct a home inspection for compensation without first obtaining a license as a home inspector.

*As added by P.L.145-2003, SEC.7.*

**IC 25-20.2-5-2 Licensing requirements**

Sec. 2. (a) An individual who applies for a license as a home inspector must do the following:

- (1) Furnish evidence satisfactory to the board showing that the individual:
  - (A) is at least eighteen (18) years of age;
  - (B) has graduated from high school or earned an Indiana general educational development (GED) diploma; and
  - (C) has not been:
    - (i) convicted of an act that would constitute a ground for disciplinary sanction under IC 25-1-11;
    - (ii) convicted of a crime that has a direct bearing on the individual's ability to perform competently and fully as a licensee;
    - (iii) listed on a national or state registry of sex or violent offenders; or
    - (iv) the subject of a disciplinary or enforcement action by another state or a local jurisdiction in connection with the performance of home inspections or the licensing or certification of home inspectors.
- (2) Verify the information submitted on the application form.
- (3) Complete a board approved training program or course of study involving the performance of home inspections and the preparation of home inspection reports and pass an examination prescribed or approved by the board.
- (4) Submit to the board a certificate of insurance or other evidence of financial responsibility that is acceptable to the board and that:
  - (A) is issued by an insurance company or other legal entity authorized to transact Business in Indiana;
  - (B) provides for general liability coverage of at least one hundred thousand dollars (\$100,000);
  - (C) states that cancellation and nonrenewal of the underlying policy or other evidence of financial responsibility is not effective until the board receives at least ten (10) days prior written notice of the cancellation or nonrenewal; and
  - (D) contains any other terms and conditions established by the board.



(5) Pay a licensing fee established by the board.  
(b) An individual applying for a license as a home inspector must apply on a form prescribed and provided by the board.  
*As added by P.L.145-2003, SEC.7. Amended by P.L.216-2007, SEC.33; P.L.112-2014, SEC.25.*

#### **IC 25-20.2-5-3 Waiver of licensing requirements**

Sec. 3. (a) The other licensing requirements of this chapter may be waived for an individual moving to Indiana from another jurisdiction, and the individual may be granted Indiana Code 2020 a license as a home inspector if the individual meets the following requirements:

- (1) The other jurisdiction grants the same privileges to licensees of Indiana as Indiana grants to licensees of that other jurisdiction.
  - (2) The individual is licensed in the other jurisdiction.
  - (3) The licensing requirements of the other jurisdiction are substantially similar to the requirements of this article.
  - (4) The individual states that the individual has studied, is familiar with, and will abide by this article and the rules adopted by the board under this article.
- (b) An individual seeking a license as a home inspector under this section must:
- (1) apply on a form prescribed and provided by the board; and
  - (2) pay the applicable licensing fee established by the board.
- As added by P.L.145-2003, SEC.7.*

#### **IC 25-20.2-5-4 Nonresident licensing requirements; file consent**

Sec. 4. (a) A nonresident whom the board determines meets the requirements of this article and who files the written consent described in subsection (b) may be licensed as a home inspector in Indiana.  
(b) A nonresident applicant shall file with the board a written consent stating that, if licensed:

- (1) the applicant agrees to the commencement of any action arising out of the conduct of the applicant's business in Indiana in the county in which the events giving rise to the cause of action occurred;
  - (2) the applicant:
    - (A) agrees to provide to the board the name and address of an agent to receive service of process in Indiana; or
    - (B) consents to the board acting as the applicant's agent for the purpose of receiving service of process, if:
      - (i) an agent's name and address have not been filed with the board; or
      - (ii) the agent's name and address on file with the board are incorrect; and
  - (3) the applicant agrees that service of process in accordance with the Indiana Rules of Trial Procedure is proper service and subjects the applicant to the jurisdiction of Indiana courts.
- As added by P.L.145-2003, SEC.7.*

#### **IC 25-20.2-5-5 Licenses property of board**

Sec. 5. All licenses issued by the board remain the property of the board.  
*As added by P.L.145-2003, SEC.7.*

#### **IC 25-20.2-5-6 Notification requirement**

Sec. 6. A licensee shall notify the board immediately of any change of:  
(1) name;  
(2) name under which the licensee conducts business; or  
(3) business address.  
*As added by P.L.145-2003, SEC.7.*

## **Chapter 6. License Renewal**

### **IC 25-20.2-6-1 Expiration of license**

Sec. 1. Subject to IC 25-1-2-6(e), a license for a home inspector issued under this article expires on a date established by the licensing agency under IC 25-1-6-4 and shall be renewed biennially upon payment of the required renewal fees.  
*As added by P.L.145-2003, SEC.7. Amended by P.L.194-2005, SEC.59; P.L.177-2015, SEC.42.*

### **IC 25-20.2-6-2 License renewal**

Sec. 2. (a) An individual who applies to renew a license as a licensed home inspector must:  
(1) furnish evidence showing successful completion of the continuing education requirements of this chapter; and  
(2) pay the renewal fee established by the board.  
(b) Subject to IC 25-1-2-6(e), if the holder of a license does not renew the license on or before the renewal date specified by the licensing agency, the license expires and becomes invalid without any action by the board.  
(c) A license may be reinstated by the board not later than three (3) years after the expiration of the license if the applicant for reinstatement meets the requirements for reinstatement under IC 25-1-8-6(c).  
(d) If a license has been expired for more than three (3) years, the license may be reinstated by the board if the holder meets the requirements for reinstatement under IC 25-1-8-6(d).  
*As added by P.L.145-2003, SEC.7. Amended by P.L.105-2008, SEC.37; P.L.177-2015, SEC.43.*

### **IC 25-20.2-6-3 Renewal notice; renewal fee**

Sec. 3. (a) Renewal notices must be sent in accordance with IC 25-1-2-6(c).  
(b) The renewal fee must be paid in accordance with IC 25-1-8-2(d).  
*As added by P.L.145-2003, SEC.7.*

### **IC 25-20.2-6-4 Continuing education requirements**

Sec. 4. Before the end of each license period, each licensee must complete the continuing education required by the board. This requirement may not exceed twenty (20) hours per year.  
*As added by P.L.145-2003, SEC.7*

### **IC 25-20.2-6-5 Adoption of rules concerning continuing education**

Sec. 5. (a) The board shall adopt rules concerning the continuing education required for the renewal of a license under this chapter.  
(b) The rules must do the following:  
(1) Establish procedures for approving organizations that provide continuing education.  
(2) Prescribe the content, duration, and organization of continuing education courses that contribute to the general competence of home inspectors.  
*As added by P.L.145-2003, SEC.7. Amended by P.L.194-2005, SEC.60.*

## **Chapter 7. Authority of Other Jurisdictions to License Home Inspectors**

### **IC 25-20.2-7-1 "Political subdivision"**

Sec. 1. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.  
*As added by P.L.145-2003, SEC.7.*

### **IC 25-20.2-7-2 Restriction on agency or political subdivision**

Sec. 2. An agency or political subdivision of the state (other than the board) may not:  
(1) impose a registration or licensing requirement; or

(2) charge a license, an employment, or another fee; on individuals licensed under this article for activities defined in this article.

*As added by P.L.145-2003, SEC.7.*

## **Chapter 8. Disciplinary Proceedings; Enforcement**

### **IC 25-20.2-8-1 Disciplinary actions**

Sec. 1. The board may take disciplinary actions against or impose sanctions on a licensee under IC 25-1-11 for any of the following:

- (1) Disclosing information concerning the results of a home inspection without the approval of a client or the client's legal representative, except under a court order.
- (2) Accepting compensation for the same service from more than one (1) party without the consent of all interested parties.
- (3) Accepting commissions or allowances, directly or indirectly, from other parties dealing with the licensee's client in connection with any repair work recommended in the licensee's home inspection report.
- (4) Accepting compensation, directly or indirectly, from the licensee's client in connection with any repair work recommended in the licensee's home inspection report.
- (5) Failing to disclose to a client information about a business interest of the licensee that may affect the client in connection with any work for which the licensee is responsible.
- (6) Knowingly making a false or misleading representation about:
  - (A) the condition of a residential dwelling for which the licensee has performed or has contracted to perform a home inspection; or
  - (B) the extent of the services the licensee has performed or will perform.
- (7) Committing a felony in the course of the practice of home inspection or committing any act constituting a violation of IC 25-20.2-5-2(a)(1)(C).
- (8) Violating any provisions of this article or rules adopted by the board under this article.
- (9) Making a false or misleading representation:
  - (A) in a license or renewal application form; or
  - (B) in information provided to the board.
- (10) Failing to pay any fees or fines required by this article.
- (11) Failing to continuously maintain the insurance or other evidence of financial responsibility required by this article.
- (12) Communicating to the public false or misleading information about the type of license held by the licensee.
- (13) Engaging in a course of lewd or immoral conduct in connection with the delivery of services to clients.
- (14) Failing to complete the continuing education requirements established by the board.

*As added by P.L.145-2003, SEC.7.*

### **IC 25-20.2-8-2 Disciplinary hearings**

Sec. 2. The procedures set forth in IC 4-21.5 govern the board's conduct of disciplinary hearings.

*As added by P.L.145-2003, SEC.7.*

### **IC 25-20.2-8-3 License suspension**

Sec. 3. The board may summarily suspend a license for up to ninety (90) days before a final adjudication or during an appeal of the board's determination if the board finds that the licensee would represent a clear and immediate danger to the public's health, safety, or property if allowed to perform home inspections. The summary suspension may be renewed upon a hearing before the board for up to ninety (90) days.

*As added by P.L.145-2003, SEC.7.*

### **IC 25-20.2-8-4 Show cause order; cease and desist order**

Sec. 4. (a) If the board determines that an individual not licensed under this article is engaged in or believed to be engaged in activities for which a license is required under this article, the board may issue an order to that individual requiring the individual to show cause why the individual should not be ordered to cease and desist from such activities. The show cause order must set forth a date, time, and place for a hearing at which the affected individual may appear and show cause why the individual should not be subject to licensing under this article.

(b) If the board, after a hearing, determines that the activities in which the individual is engaged are subject to licensing under this article, the board may issue a cease and desist order that identifies the individual and describes activities that are the subjects of the order.

(c) A cease and desist order issued under this section is enforceable in circuit courts, superior courts, and probate courts.

*As added by P.L.145-2003, SEC.7. Amended by P.L.84-2016, SEC.107.*

### **IC 25-20.2-8-5 Criminal violations; amount of fee or compensation added to penalty; separate violations**

Sec. 5. (a) An individual who:

- (1) performs or offers to perform home inspections for compensation without being licensed as a home inspector and without being exempt from licensing under law;
- (2) presents as the individual's own the license of another;
- (3) intentionally gives false or materially misleading information to the board or to a board member in connection with licensing matters;
- (4) impersonates another licensee;
- (5) uses an expired, a suspended, a revoked, or an otherwise restricted license; or
- (6) otherwise violates this article;

commits a Class B infraction.

(b) When entering a judgment for an infraction under this section, the court shall add to any penalty imposed the amount of any fee or other compensation earned by the individual in the commission of the infraction.

(c) Each transaction involving activities defined by this article constitutes a separate violation of this section.

*As added by P.L.145-2003, SEC.7.*

### **IC 25-20.2-8-6 Prove compliance in action to collect fee or other compensation**

Sec. 6. In all actions for the collection of a fee or other compensation for performing home inspections, the party seeking relief must allege and prove that, at the time the cause of action arose, the party seeking relief was not in violation of section 5 of this chapter.

*As added by P.L.145-2003, SEC.7.*

### **IC 25-20.2-8-7 Judicial review**

Sec. 7. An individual who applies for a license or a licensee who is aggrieved by an order or a determination of the board is entitled to a judicial review under IC 4-21.5.

*As added by P.L.145-2003, SEC.7.*

### **IC 25-20.2-8-8 Board legal adviser**

Sec. 8. The attorney general shall act as the legal adviser for the board and provide any legal assistance necessary to carry out this article.

*As added by P.L.145-2003, SEC.7.*

## **Chapter 9. Liability and Immunity From Liability**

### **IC 25-20.2-9-1 Statute of limitations**

Sec. 1. An action for damages, whether brought in contract or tort or on any other basis, based upon professional services that were rendered or

that should have been rendered by a licensed home inspector may not be brought, commenced, or maintained unless the action is filed not more than two (2) years after the date the cause of action accrues.

*As added by P.L.145-2003, SEC.7.*

#### **IC 25-20.2-9-2 Immunity from liability if not party to contract**

Sec. 2. A licensed home inspector is not liable to a person for damages that arise from an act or omission relating to a home inspection if the person is not a party to the contract under which the home inspection is conducted.

*As added by P.L.145-2003, SEC.7.*

#### **IC 25-20.2-9-3 Immunity from liability**

Sec. 3. A person who in good faith recommends or endorses a licensed home inspector without compensation, remuneration, rebate, or other form of consideration is not liable for the actions of the licensed home inspector, including errors, omissions, the failure to perform contracted duties of a home inspection, or the failure to meet the standards of performance, report writing standards, or code of ethics established by the board.

*As added by P.L.145-2003, SEC.7.*

### **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"**

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**

*Formerly: Acts 1931, c.124, s.3; Acts 1941, c.61, s.2. Repealed by Acts 1978, P.L.2, SEC.2570.*

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

*Formerly: Acts 1931, c.124, s.5. Repealed by Acts 1978, P.L.2, SEC.2570.*

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

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

Sec. 1. (a) Except as provided under sections 2 through 5 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(b) An individual licensed or certified under this title shall, not later than ninety (90) days after the entry of an order or judgment, notify the board in writing of any misdemeanor or felony criminal conviction, except traffic related misdemeanors other than operating a motor vehicle under the influence of a drug or alcohol. A certified copy of the order or judgment with a letter of explanation must be submitted to the board along with the written notice.

*(Formerly: Acts 1973, P.L.249, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2502; P.L.67-1990, SEC.6; P.L.155-2011, SEC.5; P.L.177-2015, SEC.4.*

#### **IC 25-1-1-1-2 Suspension, denial, or revocation of license or certificate; conviction for drug related offense**

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

- (1) Possession of cocaine or a narcotic drug under [IC 35-48-4-6](#).
- (2) Possession of methamphetamine under [IC 35-48-4-6.1](#).
- (3) Possession of a controlled substance under [IC 35-48-4-7\(a\)](#).
- (4) Fraudulently obtaining a controlled substance under [IC 35-48-4-7\(c\)](#).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under [IC 35-48-4-8.1\(b\)](#).
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under [IC 35-48-4-8.5\(b\)](#).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under [IC 35-48-4-8.3\(b\)](#) (before its amendment on July 1, 2015).
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under [IC 35-48-4-11](#).
- (9) A felony offense under [IC 35-48-4](#) involving possession of a synthetic drug (as defined in [IC 35-31.5-2-321](#)), possession of a controlled substance analog (as defined in [IC 35-48-1-9.3](#)), or possession of a synthetic drug lookalike substance (as defined in [IC 35-31.5-2-321.5](#) (before its repeal on July 1, 2019)) as:
  - (A) Class D felony for a crime committed before July 1, 2014; or
  - (B) Level 6 felony for a crime committed after June 30, 2014; under [IC 35-48-4-11.5](#) (before its repeal on July 1, 2019).
- (10) Maintaining a common nuisance under [IC 35-48-4-13](#) (repealed) or [IC 35-45-1-5](#), if the common nuisance involves a

controlled substance.

(11) An offense relating to registration, labeling, and prescription forms under [IC 35-48-4-14](#).

(12) Conspiracy under [IC 35-41-5-2](#) to commit an offense listed in this section.

(13) Attempt under [IC 35-41-5-1](#) to commit an offense listed in this section.

(14) A sex crime under [IC 35-42-4](#).

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

(16) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

*As added by P.L. 67-1990, SEC.7. Amended by P.L. 1-1991, SEC.162; P.L. 17-2001, SEC.5; P.L. 151-2006, SEC.10; P.L. 138-2011, SEC.6; P.L. 182-2011, SEC.6; P.L. 155-2011, SEC.6; P.L. 6-2012, SEC.168; P.L. 78-2012, SEC.7; P.L. 196-2013, SEC.9; P.L. 158-2013, SEC.277; P.L. 168-2014, SEC.36; P.L. 59-2016, SEC.6; P.L. 85-2017, SEC.98.*

### **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 a controlled substance resulting in death under [IC 35-42-1-1.5](#).

(2) Dealing in or manufacturing cocaine or a narcotic drug under [IC 35-48-4-1](#).

(3) Dealing in methamphetamine under [IC 35-48-4-1.1](#).

(4) Manufacturing methamphetamine under [IC 35-48-4-1.2](#).

(5) Dealing in a schedule I, II, or III controlled substance under [IC 35-48-4-2](#).

(6) Dealing in a schedule IV controlled substance under [IC 35-48-4-3](#).

(7) Dealing in a schedule V controlled substance under [IC 35-48-4-4](#).

(8) Dealing in a substance represented to be a controlled substance under [IC 35-48-4-4.5](#) (before its repeal on July 1, 2019).

(9) 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](#).

(10) Dealing in a counterfeit substance under [IC 35-48-4-5](#).

(11) Dealing in marijuana, hash oil, hashish, or salvia as a felony under [IC 35-48-4-10](#).

(12) An offense under [IC 35-48-4](#) involving the manufacture or sale of a synthetic drug (as defined in [IC 35-31.5-2-321](#)), a synthetic drug lookalike substance (as defined in [IC 35-31.5-2-321.5](#) (before its repeal on July 1, 2019)) under [IC 35-48-4-10.5](#)

(before its repeal on July 1, 2019), a controlled substance analog (as defined in [IC 35-48-1-9.3](#)), or a substance represented to be a controlled substance (as described in [IC 35-48-4-4.6](#)).

(13) Conspiracy under [IC 35-41-5-2](#) to commit an offense listed in this section.

(14) Attempt under [IC 35-41-5-1](#) to commit an offense listed in this section.

(15) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

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

*As added by P.L. 67-1990, SEC.8. Amended by P.L. 182-1991, SEC.1; P.L. 17-2001, SEC.6; P.L. 1-2002, SEC.94; P.L. 151-2006, SEC.11; P.L. 138-2011, SEC.7; P.L. 182-2011, SEC.7; P.L. 78-2012, SEC.8; P.L. 196-2013, SEC.10; P.L. 238-2015, SEC.6; P.L. 252-2017, SEC.4; P.L. 198-2018, SEC.4.*

### **IC 25-1-1.1-6 Explicit list of disqualifying crimes required; use of conviction; criteria for evaluating applicant's criminal history; petition to determine whether criminal conviction disqualifying**

Sec. 6. (a) This section applies to a license or certificate under this title that is in effect on July 1, 2018, or created on or established after that date.

(b) As used in this section, "crime" has the meaning set forth in [IC 33-23-1-4](#).

(c) As used in this section, "criminal history information" has the meaning set forth in [IC 5-2-4-1](#).

(d) Not later than November 1, 2018, a board, commission, or committee shall revise its licensing or certification requirements to the extent necessary to explicitly list the crimes that may disqualify an individual from receiving a license or certificate under this title. The board, commission, or committee may not:

(1) use nonspecific terms, such as moral turpitude or good character, as a licensing or certification requirement; or

(2) consider an arrest that does not result in a conviction.

(e) A board's, commission's, or committee's use of an individual's conviction of a crime as a conviction of concern is limited to a crime directly related to the duties and responsibilities of the occupation or profession for which the individual is applying for or holds a license or certification.

(f) If an individual has a conviction of concern, the period of disqualification may not exceed five (5) years after the date of the conviction, unless the individual:

(1) was convicted of a crime of violence (as defined by [IC 35-50-1-2\(a\)](#));

(2) was convicted of an offense relating to a criminal sexual act (as defined by [IC 35-31.5-2-216](#)); or

(3) is convicted of a second or subsequent crime during the disqualification period.

(g) An individual having a conviction of concern may at any time petition a board, commission, or committee requiring a license or certificate for a determination as to whether the individual's conviction of concern will disqualify the individual from receiving the license or certification. An individual filing a petition under this subsection shall submit the following:

(1) At no expense to the state, a national criminal background check by the Federal Bureau of Investigation.

(2) Any additional information requested by the board, commission, or committee to assist the board, commission, or committee in its review of the individual's petition.

(h) If an individual has a conviction of concern, the board, commission, or committee shall consider the following in determining whether to deny a license or certification to the individual based on the following factors:

(1) The nature and seriousness of the crime for which the individual was convicted.

(2) The passage of time since the commission of the crime.

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation.

(4) Evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation.

(i) If a board, commission, or committee determines an individual's conviction of concern disqualifies the individual from receiving a license or certification solely or in part because of the individual's criminal history, the board, commission, or committee shall notify the individual in writing of the following:

(1) The grounds and reasons for the denial or disqualification.

(2) The individual has the right to a hearing to challenge the licensing authority's decision.

(3) The earliest date the individual may reapply for a license or certification or the earliest date the individual can petition the board, commission, or committee for a review.

(4) Evidence of rehabilitation may be considered upon reapplication.

(5) Findings for each of the factors specified in subdivisions (1) through (4).

Any written determination that an individual's criminal history contains a conviction of concern that merits the denial of a license must be documented in written findings under subdivision (1) by clear and convincing evidence sufficient for review by a court. In an administrative hearing or a civil action reviewing the denial of a license, a board, commission, or committee has the burden of proof on the question of whether the individual's criminal history, based on the standards provided in subsection (h), should lead to the denial of a license.

(j) The board, commission, or committee shall inform the individual of its determination concerning the individual's petition not later than sixty (60) days after the petition, criminal history information, and any other information requested under subsection (g) is received by the board, commission, or committee.

(k) The board, commission, or committee may charge a fee established under [IC 25-1-8](#) that does not exceed twenty-five dollars (\$25) to pay its costs of reviewing a petition filed under subsection (g).

(l) A board, commission, or committee may adopt rules under [IC 4-22-2](#) to implement this section, including emergency rules under [IC 4-22-2-37.1](#). Notwithstanding [IC 4-22-2-37.1\(g\)](#), an emergency rule adopted by the board, commission, or committee under this section and in the manner provided by [IC 4-22-2-37.1](#) expires on the date on which a rule that supersedes the emergency rule is adopted by the board, commission, or committee under [IC 4-22-2-24](#) through [IC 4-22-2-36](#). As added by P.L.182-2018, SEC.1. Amended by P.L.90-2019, SEC.12.

## INDIANA CODE § 25-1-1.2

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

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

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

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

issued by a board regulating a profession or an occupation.

As added by P.L.133-1995, SEC.19.

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

Sec. 2. As used in this chapter, "board" means an entity that regulates occupations or professions under this title and the department of education as established by [IC 20-19-3-1](#).

As added by P.L.133-1995, SEC.19. Amended by P.L.1-2005, SEC.191; P.L.246-2005, SEC.210.

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

Sec. 3. As used in this chapter, "bureau" means the child support bureau established by [IC 31-25-3-1](#).

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

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

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

- (1) two thousand dollars (\$2,000); or
  - (2) three (3) months; past due on payment of court ordered child support.
- As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.18.

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

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

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



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

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

issued by a board regulating a profession or an occupation.

As added by P.L.133-1995, SEC.19.

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

Sec. 7. (a) Upon receiving an order of a court issued under [IC 31-16-12-8](#) (or [IC 31-1-11.5-13\(k\)](#), [IC 31-6-6.1-16\(k\)](#), or [IC 31-14-12-5](#) 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 31-16-12-8](#) (or [IC 31-1-11.5-13\(k\)](#), [IC 31-6-6.1-16\(k\)](#), or [IC 31-14-12-5](#) 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; P.L.207-2013, SEC.11.

#### **IC 25-1-1.2-8 Notice of probationary status for failure to pay child support; suspension; reinstatement**

Sec. 8. (a) The board shall, upon receiving an order from the bureau under [IC 31-25-4-32\(e\)](#) or [IC 31-25-4-34\(b\)](#), place on probationary status any license issued by the board and held by the person who is the subject of the order. The board shall send the practitioner a notice that does the following:

- (1) States that the person's license has been placed on probationary status.
- (2) States that the person's license will be suspended if the board has not received notice from the bureau under [IC 31-25-4-32\(m\)](#) or [IC 31-25-4-34\(g\)](#) within twenty (20) days after the date of the notice.
- (3) Describes the amount of child support that the person is in arrears.
- (4) Explains the procedures to:

- (A) pay the person's child support arrearage in full; and
- (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](#).

(b) If the board has not received notice from the bureau under [IC 31-25-4-32\(m\)](#) or [IC 31-25-4-34\(g\)](#) within twenty (20) days after the date of the notice in subsection (a), the board shall suspend the practitioner's license.

(c) The board may not reinstate a license or permit placed on probationary status or suspended under this section until the board receives a notice from the bureau under [IC 31-25-4-32\(m\)](#) or [IC 31-25-4-34\(g\)](#) that the practitioner has addressed the delinquency.

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; P.L.150-2018, SEC.10.

#### **IC 25-1-1.2-9 Repealed**

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

#### **IC 25-1-1.2-10 Repealed**

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

## **INDIANA CODE § 25-1-2**

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

#### **IC 25-1-2-1 Declaration of intent**

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

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

#### **IC 25-1-2-2 Repealed**

Formerly: Acts 1961, c.79, s.2; Acts 1963(ss), c.4, s.1. As amended by Acts 1982, P.L.113, SEC.7; P.L.246-1985, SEC.12; P.L.169-1985, SEC.21; P.L.242-1989, SEC.3; P.L.238-1989, SEC.3. 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 permits, licenses, certificates of registration, or evidences of authority granted by a state agency and described in [IC 25-0.5-2](#) 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.

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; P.L.57-2013, SEC.24; P.L.232-2013, SEC.10; P.L.3-2014, SEC.7.

#### **IC 25-1-2-3 Authorization to issue and reissue licenses**

Sec. 3. Subject to section 6(e) of this chapter, licensing agencies shall issue and reissue licenses and collect license fees on the basis of a licensing period. The entire fee for the issuance or renewal of a license shall be payable before the issuance or renewal of the license.

Formerly: Acts 1961, c.79, s.3. As amended by Acts 1982, P.L.154, SEC.1; P.L.177-2015, SEC.5.

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

Formerly: Acts 1961, c.79, s.4. Repealed by P.L.177-2015, SEC.6.

#### **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; license expiration**

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 entities described in [IC 25-0-5-3](#) that regulate occupations or professions under the Indiana Code.

(c) Notwithstanding any other law, the entities referenced in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least ninety (90) 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 referenced 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.

(e) If a license is first issued to an individual less than ninety (90) days before the date at the end of the licensing period on which licenses of the type issued to the individual expire generally, the license issued to the individual:

- (1) does not expire on that date; but
- (2) expires at the conclusion of the next licensing period.

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; P.L.57-2013, SEC.25; P.L.232-2013, SEC.11; P.L.3-2014, SEC.8; P.L.177-2015, SEC.7.

#### **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](#).

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; P.L.128-2017, SEC.10.

#### **IC 25-1-2-9 Repealed**

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

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## **INDIANA CODE § 25-1-3**

### **Chapter 3. Civil Immunity of Regulatory Agencies**

#### **IC 25-1-3-1 Definitions**

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

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

(c) As used in this chapter, the term "secretary" means the executive secretary or other person charged with the administration of the affairs of a regulatory board.

(Formerly: Acts 1975, P.L.268, SEC.1.)

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

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

(Formerly: Acts 1975, P.L.268, SEC.1.)

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

Sec. 3. Any person shall be immune from civil liability for damages for any sworn or written statements, made without malice, and transmitted to the regulatory board, executive secretary, or his staff, or made in the course of investigatory, hearing or review proceedings.

(Formerly: Acts 1975, P.L.268, SEC.1.)

### **IC 25-1-3-4 Regulatory boards covered**

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

## **INDIANA CODE § 25-1-4**

### **IC 25-1-4 Chapter 4. Continuing Education**

#### **IC 25-1-4-0.2 "Approved organization"**

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

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

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

#### **IC 25-1-4-0.3 "Board"**

Sec. 0.3. As used in this chapter, "board" means any of the entities described in IC 25-0.5-4.

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; P.L.57-2013, SEC.26; P.L.3-2014, SEC.9.

#### **IC 25-1-4-0.5 "Continuing education"**

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

- (1) that is approved by:
  - (A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or
  - (B) for a real estate appraiser:
    - (i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or
    - (ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and
- (2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation. The term includes an activity that is approved by the board for a profession or occupation,

other than a real estate appraiser, and that augments the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

As added by P.L.157-2006, SEC.12. Amended by P.L.57-2007, SEC.1; P.L.177-2009, SEC.11.

#### **IC 25-1-4-0.6 "Practitioner"**

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

- (1) an unlimited license, certificate, or registration;
  - (2) a limited or probationary license, certificate, or registration;
  - (3) a temporary license, certificate, registration, or permit;
  - (4) an intern permit; or
  - (5) a provisional license;
- issued by the board regulating the profession in question.

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

#### **IC 25-1-4-0.7 Computation of designated time periods**

Sec. 0.7. (a) In computing any period under this chapter, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:

- (1) a Saturday;
- (2) a Sunday;
- (3) a legal holiday under a state statute; or
- (4) a day that the office in which the act is to be done is closed during regular business hours.

(b) A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period allowed is less than seven (7) days, intermediate Saturdays, Sundays, state holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.

(c) A period under this chapter that begins when a person is served with a paper begins with respect to a particular person on the earlier of the date that:

- (1) the person is personally served with the notice; or
  - (2) a notice for the person is deposited in the United States mail.
- (d) If a notice is served through the United States mail, three (3) days must be added to a period that begins upon service of that notice.

As added by P.L.177-2009, SEC.12.

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

Sec. 1. No board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may require continuing education as a condition of certification, registration, or licensure unless so specifically authorized or mandated by statute.

As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.53.

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

Sec. 2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may cooperate with members of the profession or occupation it regulates to promote continuing education within the profession or occupation.

As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.54.

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

Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification,



or license must require a practitioner to comply with the following renewal requirements:

(1) The practitioner shall provide the board with a sworn statement executed by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board, after which the board will forward the sworn statement to the agency (established by IC 25-1-5-3).

(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 or agency (established by IC 25-1-5-3) with copies of the certificates of completion upon the board's or agency's request for a compliance audit.

(b) This subsection does not apply to an individual licensed under IC 25-34.1. Following every license renewal period, the agency with consultation from the board may randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

(c) This subsection applies only to individuals licensed under IC 25-34.1. Following every license renewal period for a broker's license issued under IC 25-34.1, the agency in consultation with the board may 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; P.L.173-2016, SEC.1; P.L.168-2016, SEC.1.*

#### **IC 25-1-4-3.2 Distance learning methods; active duty requirements**

Sec. 3.2. (a) 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.

(b) An individual who is called to active duty (as defined by IC 25-1-12-2) must be allowed to fulfill all continuing education requirements for professional or occupational licenses administered through the Indiana professional licensing agency by distance learning methods.

*As added by P.L.227-2001, SEC.1. Amended by P.L.2-2008, SEC.55; P.L.168-2016, SEC.2.*

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

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

- (1) Service in the armed forces of the United States during a substantial part of the renewal period.
- (2) An incapacitating illness or injury.
- (3) Other circumstances determined by the board or agency.

*As added by P.L.88-2004, SEC.1. Amended by P.L.2-2008, SEC.56.*

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

Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter or IC 25-1-8-6 at the time that the practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board shall do the following:

- (1) Send the practitioner notice of noncompliance by certified mail to the practitioner's last known address.
- (2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).

(3) For license renewal, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

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

(1) If the practitioner believes that the practitioner has complied with this chapter or IC 25-1-8-6, if applicable, within twenty-one (21) days of service of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.

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

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

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

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

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

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

(e) The board shall:

(1) reinstate a practitioner's license; or

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

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) or IC 25-1-8-6, if applicable.

*As added by P.L.157-2006, SEC.14. Amended by P.L.197-2007, SEC.17; P.L.177-2009, SEC.13.*

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

Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter or IC 25-1-8-6, if applicable, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

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

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

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

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

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

(3) The practitioner otherwise complies with this chapter.

*As added by P.L.157-2006, SEC.15. Amended by P.L.197-2007, SEC.18.*

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

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

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

### IC 25-1-4-8 Rules

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

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

## INDIANA CODE § 25-1-5

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

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

- (1) make maximum use of data processing as a means of more efficient operation; and
- (2) provide more services and carry out functions of superior quality.

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

### IC 25-1-5-2 Definitions

Sec. 2. The following terms are defined for this chapter:

- (1) "Agency" means the Indiana professional licensing agency established by section 3 of this chapter.
- (2) "Board" means any agency, board, advisory committee, or group described in [IC 25-0.5-5](#).

*As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.206-2005, SEC.2; P.L.3-2014, SEC.10.*

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

Sec. 3. (a) There is established the Indiana professional licensing agency. The agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the entities described in [IC 25-0.5-5](#).

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

*As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.8; P.L.137-1985, SEC.6; P.L.169-1985, SEC.24; P.L.149-1987, SEC.18; P.L.242-1989, SEC.5; P.L.238-1989, SEC.5; P.L.186-1990, SEC.3; P.L.48-1991, SEC.13; P.L.227-1993, SEC.4; P.L.213-1993, SEC.1; P.L.33-1993, SEC.10; P.L.124-1994, SEC.3; P.L.175-1997, SEC.4; P.L.147-1997, SEC.7; P.L.84-1998, SEC.2; P.L.24-1999, SEC.3; P.L.206-2005, SEC.3; P.L.2-2008, SEC.57; P.L.122-2009, SEC.3; P.L.84-2010, SEC.9; P.L.232-2013, SEC.12; P.L.3-2014, SEC.11.*

### IC 25-1-5-3.3 Treatment of rules adopted by health professions bureau before July 1, 2005; transfer of property and appropriations to agency; treatment of references to health professions bureau

Sec. 3.3. (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 agency.

(b) On July 1, 2005, the agency becomes the owner of all 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 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 agency.

*As added by P.L.220-2011, SEC.404.*

### IC 25-1-5-3.5 Board membership not a lucrative office

Sec. 3.5. For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, membership on a board is not a lucrative office.

*As added by P.L.135-2012, SEC.3.*

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

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

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

(b) In addition, the agency:

- (1) shall prepare a consolidated statement of the budget requests of all the boards described in [IC 25-0.5-5](#);
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public;
- (3) may consolidate, where feasible, office space, recordkeeping, and data processing services; and
- (4) shall operate and maintain the electronic registry of professions established under [IC 25-1-5.5](#).

(c) In administering the renewal of licenses or certificates under this chapter, the agency shall send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least ninety (90) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the agency, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the agency, the license or certificate is renewed within forty-five (45) days after receipt of the notice.

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

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

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

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

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

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

(g) The agency may delay issuing a license renewal for up to one hundred twenty (120) days after the renewal date for the purpose of permitting the board to investigate information received by the agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the agency delays issuing a license renewal, the agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (h), before the end of the one hundred twenty (120) day period, the board shall do one (1) of the following:

- (1) Deny the license renewal following a personal appearance by the applicant before the board.
- (2) Issue the license renewal upon satisfaction of all other conditions for renewal.
- (3) Issue the license renewal and file a complaint under [IC 25-1-7](#).
- (4) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under [IC 25-1-9-9](#).

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

(i) The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under [IC 25-1-9-10](#).

(j) The license of the applicant for a license renewal remains valid during the one hundred twenty (120) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the one hundred twenty (120) day period. If the one hundred twenty (120) day period expires without action by the board, the license shall be automatically renewed at the end of the one hundred twenty (120) day period.

(k) The board's renewal of a license does not preclude the board from imposing sanctions on the licensee as a result of a complaint filed by the attorney general after renewal of the license.

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

(m) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.  
*As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.25; P.L.149-1987, SEC.19; P.L.22-1999, SEC.1; P.L.44-2000, SEC.1; P.L.75-2002, SEC.1; P.L.206-2005, SEC.4; P.L.177-2009, SEC.14; P.L.3-2014, SEC.12; P.L.177-2015, SEC.8; P.L.78-2017, SEC.4.*

#### **IC 25-1-5-5 Executive director**

Sec. 5. (a) The agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

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

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board described in [IC 25-0.5-5](#), means the executive director of the agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the agency and is responsible for hiring of all staff, and for procurement of all services and supplies in accordance with [IC 5-22](#). The executive director may appoint not more than three (3) deputy directors, who must be qualified to work for the boards which are served by the agency.

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

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

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

(h) The executive director or the executive director's designee may, upon request of a board or committee, provide advice and technical assistance on issues that may be presented to the boards or committees.  
*As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.9; P.L.169-1985, SEC.26; P.L.149-1987, SEC.20; P.L.48-1991, SEC.14; P.L.49-1997, SEC.63; P.L.206-2005, SEC.5; P.L.6-2012, SEC.169; P.L.3-2014, SEC.13.*

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

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

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.  
*As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.27; P.L.206-2005, SEC.6.*

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

*As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.28. Repealed by P.L.186-1990, SEC.17.*

#### **IC 25-1-5-8 Repealed**

*As added by P.L.26-1985, SEC.19. Amended by P.L.332-1989(ss), SEC.45. Repealed by P.L.206-2005, SEC.15.*

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

Sec. 9. If a board or committee requires an applicant for a certificate or license to submit a certified copy of a diploma showing that the applicant graduated from a school or program as a condition for certification or licensure, the applicant may satisfy this requirement by submitting another certified document that shows that the applicant graduated from or received the required diploma from the applicable school or program.  
*As added by P.L.177-1996, SEC.1.*

#### **IC 25-1-5-10 Provider profiles**

Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the entities described in [IC 25-0.5-6](#).

(b) The agency shall create and maintain a provider profile for each

provider described in subsection (a).

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

- (1) The provider's name.
- (2) The provider's license, certification, registration, or permit number.
- (3) The provider's license, certification, registration, or permit type.
- (4) The date the provider's license, certification, registration, or permit was issued.
- (5) The date the provider's license, certification, registration, or permit expires.
- (6) The current status of the provider's license, certification, registration, or permit.
- (7) The provider's city and state of record.
- (8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by an entity described in [IC 25-0.5-6](#).

(d) The agency shall make provider profiles available to the public.

(e) The computer gateway administered by the office of technology established by [IC 4-13.1-2-1](#) shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally available to the public on the Internet.

(f) The agency may adopt rules under [IC 4-22-2](#) to implement this section.

*As added by P.L.211-2001, SEC.1. Amended by P.L.177-2005, SEC.45; P.L.206-2005, SEC.7; P.L.2-2008, SEC.58; P.L.122-2009, SEC.4; P.L.84-2010, SEC.10; P.L.232-2013, SEC.13; P.L.3-2014, SEC.14.*

#### **IC 25-1-5-11 Personal information; confidentiality; Social Security numbers; access; exceptions to confidentiality**

Sec. 11. (a) As used in this section, "applicant" means an individual who applies for a license, certificate, registration, or permit issued by a board under this title.

(b) As used in this section, "licensee" means an individual who is or has been licensed, certified, or registered by a board under this title.

(c) As used in this section, "personal information" means the following:

- (1) Home telephone number.
- (2) Electronic mail address.

(d) Except as otherwise provided in this section, the personal information of an individual who is:

- (1) a licensee;
- (2) an applicant; or
- (3) a board member;

is confidential for purposes of [IC 5-14-3-4](#) and may not be disclosed to the public by the agency or a board.

(e) An applicant or a licensee shall provide the applicant's or licensee's Social Security number to the agency.

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

(g) Notwithstanding [IC 4-1-10-3](#), the agency and the boards may allow access to the Social Security number of each applicant or licensee to:

- (1) a testing service that provides the examination for licensure, certification, or registration to the agency or the boards; or
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating:
  - (A) licensure, certification, or registration; and
  - (B) disciplinary activities among the individual states.

(h) Notwithstanding subsection (d), the agency or a board may disclose personal information of an individual described in subsection (d) if the person requesting the information provides proof of identity and represents that the use of the personal information will be strictly limited to at least one (1) of the following:

(1) For use by a government agency, including a court or law enforcement agency, in carrying out its functions, or a person acting on behalf of a government agency in carrying out its functions.

(2) For use in connection with a civil, a criminal, an administrative, or an arbitration proceeding in a court or government agency or before a self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or under an order of a court.

(3) For use in research activities, and for use in producing statistical reports, as long as the personal information is not published, re-disclosed, or used to contact the individuals who are the subject of the personal information.

(4) For use by any person, when the person demonstrates, in a form and manner prescribed by the agency, that written consent has been obtained from the individual who is the subject of the information.

(5) For any other use specifically authorized by law that is related to the agency or a board or to public safety.

*As added by P.L.157-2006, SEC.18. Amended by P.L.151-2013, SEC.9.*

## **INDIANA CODE § 25-1-6**

### **Chapter 6. Professional Licensing Agency**

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

##### **Centralization of staff, functions, and services**

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

- (1) make maximum use of data processing as a means of more efficient operation;
- (2) provide more services and carry out functions of superior quality; and
- (3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

*As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.2; P.L.194-2005, SEC.1.*

#### **IC 25-1-6-2**

##### **Definitions**

Sec. 2. The following terms are defined for this chapter:

(1) "Board" means any agency, board, advisory committee, or group described in IC 25-0.5-7.

(2) "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; P.L.3-2014, SEC.15.*

#### **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 entities described in IC 25-0.5-7.

(b) Nothing in this chapter may be construed to give the licensing



agency policy making authority, which remains with each board.  
*As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.10; P.L.132-1984, SEC.4; P.L.246-1985, SEC.14; P.L.257-1987, SEC.14; P.L.234-1989, SEC.2; P.L.186-1990, SEC.4; P.L.23-1991, SEC.8; P.L.48-1991, SEC.15; P.L.1-1992, SEC.129; P.L.30-1993, SEC.4; P.L.234-1995, SEC.2; P.L.82-2000, SEC.3; P.L.227-2001, SEC.3; P.L.162-2002, SEC.3; P.L.145-2003, SEC.3; P.L.194-2005, SEC.2; P.L.206-2005, SEC.9; P.L.185-2007, SEC.3; P.L.200-2007, SEC.4; P.L.3-2008, SEC.177; P.L.160-2009, SEC.6; P.L.84-2010, SEC.11; P.L.42-2011, SEC.50; P.L.57-2013, SEC.27; P.L.3-2014, SEC.16.*

#### **IC 25-1-6-3.5**

##### **Board membership not a lucrative office**

Sec. 3.5. For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, membership on a board is not a lucrative office.

*As added by P.L.135-2012, SEC.4.*

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

##### **Additional duties and functions; staff; requirements for renewal; delay of renewal; investigations; 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 described in [IC 25-0.5-7](#);
- (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 ninety (90) 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 one hundred twenty (120) 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 one hundred twenty (120) 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) 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) 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 one hundred twenty (120) day period unless the license or certificate is denied following a personal appearance by the applicant before the board before the end of the one hundred twenty (120) day period. If the one hundred twenty (120) day period expires without action by the board, the license or certificate shall be automatically renewed at the end of the one hundred twenty (120) day period.

(j) The board's renewal of a license does not preclude the board from imposing sanctions on the licensee as a result of a complaint filed by the attorney general after renewal of the license.

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

(l) 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; P.L.3-2014, SEC.17; P.L.177-2015, SEC.9; P.L.78-2017, SEC.5.*

#### **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 described in IC 25-0.5-7, means the executive director of the licensing agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the licensing agency and is responsible for hiring of all staff and for procurement of all services and supplies in accordance with IC 5-22. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.

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

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

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

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

*As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.11; P.L.132-1984, SEC.6; P.L.49-1997, SEC.64; P.L.194-2005, SEC.4; P.L.6-2012, SEC.170; P.L.3-2014, SEC.18.*

#### **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 described in IC 25-0.5-7 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; P.L.3-2014, SEC.19.*

#### **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 shall allow the department of state revenue, the alcohol and tobacco commission, and the bureau of motor vehicles access to the name of each person who:

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

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

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

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

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

(c) If the alcohol and tobacco commission notifies the licensing agency that a person has an outstanding balance due to the alcohol and tobacco commission, the licensing agency shall not issue or renew the person's license until the person provides to the licensing agency a statement from the alcohol and tobacco commission indicating that the person's outstanding balance has been satisfied.

(d) If the bureau of motor vehicles notifies the licensing agency that a person has an outstanding balance due to the bureau of motor vehicles because a check, draft, or order issued or delivered by the person to the bureau of motor vehicles was returned or dishonored because of insufficient funds, the licensing agency shall not issue or renew the person's license until the person provides to the licensing agency a statement from the bureau of motor vehicles indicating that the person's outstanding balance has been satisfied.

*As added by P.L.26-1985, SEC.20. Amended by P.L.332-1989(ss), SEC.46; P.L.2-2005, SEC.63; P.L.206-2005, SEC.10; P.L.172-2011, SEC.131; P.L.261-2013, SEC.41.*

#### **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**

##### **Definitions**

Sec. 1. The following terms are defined for this chapter:

- (1) "Board" means the appropriate entity described in IC 25-0.5-8.
- (2) "Director" refers to the director of the division of consumer protection.
- (3) "Division" refers to the division of consumer protection, office of the attorney general.
- (4) "Law enforcement agency" has the meaning set forth in IC 35-47-15-2.
- (5) "Licensee" means a person who is:
  - (A) licensed, certified, or registered by an entity described in IC 25-0.5-8; and
  - (B) the subject of a complaint filed with the division.
- (6) "Person" means an individual, a partnership, a limited liability company, or a corporation.
- (7) "Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the entities described in IC 25-0.5-8.

*As added by Acts 1981, P.L.222, SEC.4. Amended by Acts 1982, P.L.113, SEC.12; P.L.137-1985, SEC.7; P.L.246-1985, SEC.15; P.L.169-1985, SEC.29; P.L.149-1987, SEC.21; P.L.257-1987, SEC.15; P.L.242-1989, SEC.6; P.L.234-1989, SEC.3; P.L.238-1989, SEC.6; P.L.1-1990, SEC.249; P.L.186-1990, SEC.5; P.L.183-1991, SEC.3; P.L.23-1991, SEC.9; P.L.48-1991, SEC.16; P.L.1-1992, SEC.130; P.L.30-1993, SEC.5; P.L.227-1993, SEC.5; P.L.213-1993, SEC.2; P.L.8-1993, SEC.371; P.L.33-1993, SEC.11; P.L.1-1994, SEC.120; P.L.124-1994, SEC.4; P.L.234-1995, SEC.3; P.L.175-1997, SEC.5; P.L.147-1997, SEC.8; P.L.84-1998, SEC.3; P.L.24-1999, SEC.4; P.L.82-2000, SEC.4; P.L.162-2002, SEC.4; P.L.145-2003, SEC.4; P.L.185-2007, SEC.4; P.L.193-2007, SEC.4; P.L.200-2007, SEC.5; P.L.3-2008, SEC.178; P.L.134-2008, SEC.16; P.L.1-2009, SEC.138; P.L.122-2009, SEC.5; P.L.160-2009, SEC.7; P.L.1-2010, SEC.102; P.L.84-2010, SEC.12; P.L.113-2010, SEC.101; P.L.42-2011, SEC.51; P.L.57-2013, SEC.28; P.L.232-2013, SEC.14; P.L.3-2014, SEC.20; P.L.227-2015, SEC.2.*

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

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

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

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

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

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

Sec. 3. (a) Except as provided in subsections (b) and (c), the division is responsible for the investigation of complaints concerning licensees.

(b) The medical licensing board of Indiana shall investigate a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8. The division shall forward a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8 to the medical licensing board of Indiana for investigation by the board. However, if the complaint

includes a violation in addition to a violation specified in IC 25-22.5-2-8, the division shall investigate the complaint in its entirety and notify the medical licensing board of Indiana of the investigation.

(c) The state board of cosmetology and barber examiners shall investigate complaints under IC 25-8-14-5, IC 25-8-4-13, IC 25-8-4-29, IC 25-8-9-10, IC 25-8-9-14, and IC 25-8-15.4-5. The division shall forward a complaint concerning the practice of beauty culture under IC 25-8 to the state board of cosmetology and barber examiners for investigation by the state board of cosmetology and barber examiners. However, if the complaint includes a violation in addition to a violation specified in IC 25-8-14-5, IC 25-8-4-13, IC 25-8-4-29, IC 25-8-9-10, IC 25-8-9-14, and IC 25-8-15.4-5, the division shall investigate the complaint in its entirety and notify the state board of cosmetology and barber examiners of the investigation.  
*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.149-2011, SEC.1; P.L.226-2011, SEC.17; P.L.170-2013, SEC.1.*

#### **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 entities described in IC 25-0.5-8.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.3-2014, SEC.21.*

#### **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 entities described in IC 25-0.5-8; or

(B) the Indiana professional licensing agency; or

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

(b) Except as provided in section 3(b) or 3(c) of this chapter, the director has the following duties and powers:

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

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

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

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

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

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.2; P.L.14-2000, SEC.55; P.L.206-2005, SEC.11; P.L.149-2011, SEC.2; P.L.226-2011, SEC.18; P.L.3-2014, SEC.22., SEC.22; P.L.227-2015, SEC. 3.*

#### **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 entities described in IC 25-0.5-8;  
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 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; P.L.3-2014, SEC.23.*

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

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

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

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

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

##### **Witnesses**

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

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

#### **IC 25-1-7-9**

##### **Disqualification of board member**

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

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

#### **IC 25-1-7-10**

#### **Confidentiality of complaints and information**

Sec. 10. (a) Except as provided in section 3(b) of this chapter, all complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general or the Indiana professional licensing agency, 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) required under law;

(2) required for the advancement of an investigation; or

(3) made to a law enforcement agency that has jurisdiction or is reasonably believed to have jurisdiction over a person or matter involved in the complaint.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.2; P.L.1-2007, SEC.167; P.L.149-2011, SEC.3; P.L.226-2011, SEC.19; P.L.227-2015, SEC.4; Amended by P.L. 168-2016, SEC.3.*

#### **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 the 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.

(f) In addition to the powers specified in subsections (a) through (e), the state board of funeral and cemetery service may:

(1) file complaints under subsection (a)(1);

(2) issue show cause orders under subsection (a)(2); and

(3) hold hearings and issue cease and desist orders under subsection (b);

in relation to persons who are engaged in or believed to be engaged in activities for which a certificate of authority is required under IC 30-2-13.

(g) Cease and desist orders may be issued by the state board of funeral and cemetery service under subsection (f) for failure to possess a certificate of authority even if the person has a valid:

(1) funeral home license;

(2) funeral director license;

(3) embalmer license; or

(4) cemetery registration.

(h) A cease and desist order issued under this section by a board defined in IC 25-1-11-1 may also include an order for the person to pay consumer restitution to a person who suffered damages as a result of the activities that were the basis for the cease and desist order.

(i) A cease and desist order issued under this section may also include an order for repayment of the costs of the proceedings. The person's ability to pay must be considered when costs are 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.

*As added by P.L. 84-2010, SEC.13. Amended by P.L. 155-2011, SEC.9; P.L. 134-2013, SEC.2.*

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

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

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

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

Sec. 1. As used in this chapter, "board" means any of the entities described in IC 25-0.5-9.

*As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6; P.L.33-1993, SEC.12; P.L.213-1993, SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998, SEC.4; P.L.24-1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5; P.L.185-2007, SEC.5; P.L.200-2007, SEC.6; P.L.3-2008, SEC.179; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8; P.L.1-2010, SEC.103; P.L.84-2010, SEC.14; P.L.113-2010, SEC.102; P.L.42-2011, SEC.52; P.L.57-2013, SEC.29; P.L.3-2014, SEC.24.*

#### **IC 25-1-8-1.1**

##### **Repealed**

*(Repealed by P.L. 19-1986, SEC.43.)*

#### **IC 25-1-8-2**

##### **Fees; establishment and collection**

Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

(1) Examination of applicants for licensure, registration, or certification.

(2) Issuance, renewal, or transfer of a license, registration, or certificate.

(3) Restoration of an expired license, registration, or certificate when such action is authorized by law.

(4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.

(5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than ten dollars (\$10) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board

may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than twenty-five dollars (\$25) for the issuance of a duplicate license, registration, or certificate.

*As added by Acts 1981, P.L.223, SEC.1. Amended by Acts 1982, P.L.113, SEC.13; P.L.169-1985, SEC.31; P.L.48-1991, SEC.18; P.L.33-1993, SEC.13; P.L.235-1995, SEC.1; P.L.197-2007, SEC.19.*

#### **IC 25-1-8-3**

##### **Quadrennial license or registration cycle; refunds**

Sec. 3. (a) A board, operating on a quadrennial license, registration, or certificate renewal cycle, shall refund one-half (1/2) of the amount of the license, registration, or certificate fee if the holder of the license, registration, or certificate surrenders it at least two (2) years before it expires.

(b) This section does not apply to the holder of a license, registration, or certificate revoked or suspended by the board.

*As added by Acts 1982, P.L.113, SEC.14.*

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

##### **Quadrennial license renewal system**

Sec. 4. (a) Notwithstanding any law establishing a biennial license renewal system, a board operating on such a system may by rule establish a quadrennial license renewal system.

(b) If a board establishes a quadrennial license renewal system, it may provide for a reduction in the fees for the four (4) year license.

*As added by P.L.234-1983, SEC.3.*

#### **IC 25-1-8-5**

##### **Employment of professionals for testing; examination on statutes, rules, and regulations; standards of review**

Sec. 5. (a) Notwithstanding any statutory provisions regarding the administration of examinations, a board or committee may employ organizations or additional professionals to assist in the preparation, administration, and scoring of licensing examinations.

(b) A board or committee may require applicants for licensure, certification, or registration by examination, endorsement, or reciprocity to pass a test on the state or federal statutes, state rules, and federal regulations that the board or committee determines by rule to be relevant to the practice of a regulated profession.

(c) A board or committee may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for licensure, certification, or registration. The standards of review may include:

- (1) setting fees for review;
- (2) requiring that an examination remain confidential; and
- (3) prohibiting the release of the examination or copies of the examination.

*As added by P.L.169-1985, SEC.32. Amended by P.L.152-1988, SEC.5; P.L.48-1991, SEC.19.*

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

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

Sec. 6. (a) As used in this section, "board" means any of the entities described in IC 25-0.5-10.

(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; P.L.3-2014, SEC.25.*

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

##### **Repealed**

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

#### **IC 25-1-8-8 Delaying reinstatement; investigation; petition; sanctions; invalid during investigations**

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 one hundred twenty (120) 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 one hundred twenty (120) 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) 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) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the one hundred twenty (120) 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 one hundred twenty (120) 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 one hundred twenty (120) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the one hundred twenty (120) day period.

(e) The board's reinstatement of a license does not preclude the board from imposing sanctions on the licensee as a result of a complaint filed by the attorney general after reinstatement of the license.

*As added by P.L.197-2007, SEC.21. Amended by P.L.177-2015, SEC.10; P.L.78-2017, SEC.6.*

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

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

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

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

Sec. 1. As used in this chapter, "board" means any of the entities described in IC 25-0.5-12.

*As added by P.L.214-1993, SEC.1. Amended by P.L.2-1995, SEC.93; P.L.234-1995, SEC.5; P.L.82-2000, SEC.6; P.L.162-2002, SEC.6; P.L.145-2003, SEC.6; P.L.185-2007, SEC.7; P.L.200-2007, SEC.7; P.L.3-2008, SEC.181; P.L.160-2009, SEC.10; P.L.84-2010, SEC.18; P.L.113-2010, SEC.103; P.L.42-2011, SEC.53; P.L.3-2014, SEC.27.*

#### **IC 25-1-11-2 "Practitioner" defined**

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

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;

(3) a temporary license, certificate, registration, or permit;

(4) an intern permit; or

(5) an inactive license;

issued by the board regulating a profession.

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

#### **IC 25-1-11-3 "License" defined**

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

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

#### **IC 25-1-11-4 "Person" defined**

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

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

#### **IC 25-1-11-5 Practitioner compliance with professional standards; findings; meriting disciplinary sanctions**

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

(1) a practitioner has:

(A) engaged in or knowingly cooperated in fraud or material

deception in order to obtain a license to practice, including cheating on a licensing examination;

(B) engaged in fraud or material deception in the course of professional services or activities;

(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. Amended by P.L. 194-2005, SEC. 7.*

#### **IC 25-1-11-11 Refusal of physical or mental examination; summary suspension**

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

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

#### **IC 25-1-11-12 Sanctions for violations**

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the board upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the board;

(C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation;

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

(E) satisfactorily complete a quality review (before July 1, 2012) or peer review (after June 30, 2012) specified by the board as a condition for termination of probationary status if the practitioner is a licensee (as defined in IC 25-2.1-1-8).

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

(7) Order a practitioner to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

*As added by P.L.214-1993, SEC.1. Amended by P.L.32-2000, SEC.12; P.L.177-2009, SEC.17; P.L.197-2011, SEC.74.*

**IC 25-1-11-13 Summary license suspension of real estate appraisers and other practitioners; notification by consumer protection division**

Sec. 13. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed after a hearing before the board. Each renewal of a summary suspension may be for not more than ninety (90) days.

(c) The board may summarily suspend the license of an individual licensed under [IC 25-34.1](#) for ninety (90) days before a final adjudication or during the appeals process if the board finds that the individual has engaged in material and intentional misrepresentations or omissions in at least three (3) transactions. 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.

(d) 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; P.L.231-2013, SEC.9.*

**IC 25-1-11-14 Reinstatement of suspended license**

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.  
*As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.3.*

**IC 25-1-11-15 Reinstatement of revoked license**

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

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

**IC 25-1-11-16 Consistency of sanctions**

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

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

**IC 25-1-11-17 Surrender of practitioner license**

Sec. 17. (a) 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.105-2009, SEC.13; P.L.52-2009, SEC.10.*

**IC 25-1-11-18 Costs; practitioners subjected to sanctions**

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.
- (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.105-2009, SEC.14; P.L.52-2009, SEC.11.*

**IC 25-1-11-19 Refusal of licensure or granting of probationary license**

Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has:
  - (A) been disciplined by a licensing entity of another state or jurisdiction; or
  - (B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) The board may:

- (1) refuse to issue a license; or
- (2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to the areas prescribed by the board.
- (3) Continue or renew professional education requirements.
- (4) Engage in community restitution or service without compensation for the number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

*As added by P.L.194-2005, SEC.9. Amended by P.L.197-2007, SEC.26.*

#### **IC 25-1-11-20 Applicant appearance before board**

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.

*As added by P.L. 194-2005, SEC. 10.*

#### **IC 25-1-11-21 Repealed**

*As added by P.L.144-2007, SEC.26. Repealed by P.L.94-2016, SEC.2.*

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## **INDIANA CODE § 25-1-12**

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

#### **IC 25-1-12-1 Applicability of chapter**

Sec. 1. (a) This chapter applies to an individual who:

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

(b) This chapter applies to all individuals who:

- (1) hold a license, certificate, registration, or permit under this title, [IC 15](#), [IC 16](#), or [IC 22](#); and
- (2) have been called to full-time service in the:
  - (A) armed forces of the United States; or
  - (B) National Guard;

after September 11, 2001.

*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.61; P.L.220-2011, SEC.405.*

#### **IC 25-1-12-2 "Active duty" defined**

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

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

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

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

#### **IC 25-1-12-3 "Armed forces of the United States" defined**

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

- (1) the army;
- (2) the navy;
- (3) the air force;
- (4) the coast guard;
- (5) the marine corps; or

(6) the merchant marine.

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

#### **IC 25-1-12-4 "National guard" defined**

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

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

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

#### **IC 25-1-12-5 "Practitioner" defined**

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

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

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

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

#### **IC 25-1-12-6 Extension to renew license or complete continuing education; requirements for extension; additional extensions**

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

- (1) renew; and
- (2) complete the continuing education required by;

the practitioner's license, certificate, registration, or permit.

(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):

- (1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7.
- (2) The practitioner's license, certificate, registration, or permit must expire while the practitioner is out-of-state on active duty and the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.
- (3) The practitioner shall provide proof of out-of-state active duty by providing a copy of the practitioner's:
  - (A) discharge; or
  - (B) government movement orders;

to the agency, board, commission, or committee issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit under this chapter.

(c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.

(d) The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.

*As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 65.*

#### **IC 25-1-12-7 Waiver of late fees**

Sec. 7. Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.

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



**IC 25-1-12-8 Construction with federal law**

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

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

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

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**INDIANA CODE § 25-1-14**

**IC 25-1-14 Chapter 14. Repealed**

*Repealed by P.L.134-2012, SEC.28.*

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**INDIANA CODE § 25-1-16**

**Chapter 16. Evaluation of regulated occupations**

**IC 25-1-16-1 "Agency"**

Sec. 1. As used in this chapter, "agency" refers to the Indiana professional licensing agency.

*As added by P.L.84-2010, SEC.19.*

**IC 25-1-16-2 "Board"**

Sec. 2. As used in this chapter, "board" means an entity that regulates a specific regulated occupation.

*As added by P.L.84-2010, SEC.19.*

**IC 25-1-16-3 Repealed**

*As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.4.*

*Repealed by P.L.49-2017, SEC.1.*

**IC 25-1-16-4 "License"**

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

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

issued by the board regulating the regulated occupation in question.

"Licensed" has a corresponding meaning.

*As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.5.*

**IC 25-1-16-4.5 "Office"**

Sec. 4.5. As used in this chapter, "office" refers to the office of management and budget.

*As added by P.L.112-2014, SEC.6.*

**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 Repealed**

*As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.7. Repealed by P.L.49-2017, SEC.2.*

**IC 25-1-16-7 Repealed**

*As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.8; P.L.168-2016, SEC.4. Repealed by P.L.49-2017, SEC.3.*

**IC 25-1-16-8 Review and evaluation of regulated occupations and boards; report**

Sec. 8. (a) The agency shall review and evaluate each regulated occupation and board. 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) An assessment of the necessity, burden, and alternatives to the licenses issued by the board.
- (5) An assessment of the fees that the board charges for licenses.
- (6) Any other criteria identified by the agency.

(b) The agency shall prepare a report concerning each regulated occupation and board that the agency 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, including the actual cost of administering license applications, renewals, and issuing licenses.
- (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) the regulation of a regulated occupation should be modified;
  - (B) the board should be combined with another board;
  - (C) the board or the regulation of the regulated occupation should be terminated;
  - (D) a license should be eliminated; or
  - (E) multiple licenses should be consolidated into a single license.
- (6) Any recommendations for administrative changes.
- (7) Information that supports the agency's recommendations.

(c) This section does not apply to fees that support dedicated funds. After the agency has reviewed and evaluated a regulated occupation and board, the agency shall provide the board that is the subject of the agency's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under [IC 25-1-8-2](#). However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.  
*As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.9; P.L.149-2016, SEC.76; P.L.49-2017, SEC.4.*

#### **IC 25-1-16-9 Cooperation with agency; testimony**

Sec. 9. (a) A board shall cooperate with the agency, as the agency determines is necessary in the agency's review and evaluation of the board.

(b) The agency shall allow testimony concerning each regulated occupation that is being reviewed and evaluated.  
*As added by P.L.84-2010, SEC.19. Amended by P.L.49-2017, SEC.5.*

#### **IC 25-1-16-10 Review schedule**

Sec. 10. The agency shall establish a schedule to review and evaluate each regulated occupation. Each regulated occupation must be reviewed and evaluated at least every five (5) years.

*As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.10; P.L.49-2017, SEC.6.*

#### **IC 25-1-16-11 Repealed**

*As added by P.L.84-2010, SEC.19. Amended by P.L.112-2014, SEC.11. Repealed by P.L.49-2017, SEC.7.*

#### **IC 25-1-16-12 Repealed**

*As added by P.L.84-2010, SEC.19. Repealed by P.L.49-2017, SEC.8.*

#### **IC 25-1-16-13 Annual report**

Sec. 13. The agency shall submit a report to the:  
(1) governor; and  
(2) 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. Amended by P.L.53-2014, SEC.140; P.L.112-2014, SEC.12; P.L.49-2017, SEC.9.*

#### **IC 25-1-16-14 Public input**

Sec. 14. The agency shall seek public input when considering any proposals or reports concerning the elimination of a license or change to a regulated occupation.  
*As added by P.L.112-2014, SEC.13. Amended by P.L.49-2017, SEC.10.*

#### **IC 25-1-16-15 Review of new license proposals**

Sec. 15. The agency shall review and evaluate a proposal to license a new occupation upon the request of any of the following:  
(1) A member of the general assembly.  
(2) A legislative staff member on behalf of a member of the general assembly.  
(3) A member of the legislative services agency on behalf of a member of the general assembly.  
*As added by P.L.112-2014, SEC.14. Amended by P.L.49-2017, SEC.11.*

#### **IC 25-1-16-16 Development of policies and parameters to reduce or eliminate duplicative licensing, regulation, and certification by state and multiple units**

Sec. 16. (a) As used in this section, "unit" has the meaning set forth in [IC 36-1-2-23](#).

(b) The agency shall develop proposed policies and parameters for licensing, registration, and certification of occupations and professions by units to reduce or eliminate redundant and duplicative licensing, regulation, and certification of an occupation or profession by both the state and multiple units. When developing the proposed policies and parameters, the agency shall consult with:

- (1) the small business ombudsman (designated under [IC 5-28-17-6](#));
- (2) the office; and
- (3) representatives of units.

(c) Not later than November 1, 2018, the agency shall submit to the legislative council in an electronic format under [IC 5-14-6](#) a report that includes:

- (1) the proposed policies and parameters developed under subsection (b); and
- (2) any recommended legislation.

(d) This section expires January 1, 2019.  
*As added by P.L.182-2018, SEC.3.*

### **INDIANA CODE § 25-1-17**

#### **Chapter 17.**

#### **Licensure of Individuals with Military Training; Licensure of Military Spouses**

##### **IC 25-1-17-1 "Board"**

Sec. 1. As used in this chapter, "board" has the meaning set forth in [IC 25-1-8-1](#).  
*As added by P.L.57-2012, SEC.2.*

##### **IC 25-1-17-2 "Military service"**

Sec. 2. As used in this chapter, "military service" means service performed while an active member of any of the following:

- (1) The armed forces of the United States.
- (2) A reserve component of the armed forces of the United States.
- (3) The National Guard.

*As added by P.L.57-2012, SEC.2.*

##### **IC 25-1-17-3 "Military spouse"**

Sec. 3. As used in this chapter, "military spouse" means the husband or wife of an individual who is a member of the armed forces of the United States.

*As added by P.L.57-2012, SEC.2.*

##### **IC 25-1-17-4 Issuance of license, certificate, registration, or permit to military service applicant; conditions**

Sec. 4. Notwithstanding any other law, a board shall issue a license, certificate, registration, or permit to a military service applicant to allow the applicant to practice the applicant's occupation in Indiana if, upon



application to a licensing board, the applicant satisfies the following conditions:

(1) Has:

- (A) completed a military program of training;
- (B) been awarded a military occupational specialty; and
- (C) performed in that occupational specialty;

at a level that is substantially equivalent to or exceeds the academic or experience requirements for a license, certificate, registration, or permit of the board from which the applicant is seeking licensure, certification, registration, or a permit.

(2) Has engaged in the active practice of the occupation for which the person is seeking a license, certificate, registration, or permit from the board for at least two (2) of the five (5) years preceding the date of the application under this section.

(3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that occupation in Indiana at the time the act was committed.

(4) Pays the fees required by the board from which the applicant is seeking licensure, certification, registration, or a permit.

*As added by P.L.57-2012, SEC.2.*

#### **IC 25-1-17-5 Issuance of license, certificate, registration, or permit to military spouse applicant; conditions**

Sec. 5. Notwithstanding any other law, a board shall issue a license, certificate, registration, or permit to a military spouse to allow the military spouse to practice the military spouse's occupation in Indiana if, upon application to the board, the military spouse satisfies the following conditions:

(1) Holds a current license, certification, registration, or permit from another jurisdiction, and that jurisdiction's requirements for a license, certificate, registration, or permit are substantially equivalent to or exceed the requirements for a license, certificate, registration, or permit of the board from which the applicant is seeking licensure, certification, registration, or a permit.

(2) Can demonstrate competency in the occupation through methods as determined by the board, including having completed continuing education units or having had recent experience for at least two (2) of the five (5) years preceding the date of the application under this section.

(3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that occupation in Indiana at the time the act was committed.

(4) Is in good standing and has not been disciplined by the agency that has jurisdiction to issue the license, certification, registration, or permit.

(5) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification, registration, or a permit.

*As added by P.L.57-2012, SEC.2.*

#### **IC 25-1-17-6 Relevant experience**

Sec. 6. (a) All relevant experience of a:

- (1) military service member in the discharge of official duties; or
- (2) military spouse, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity;

must be credited in the calculation of years of practice in an occupation as required under section 4 or 5 of this chapter.

(b) In determining if a military service member substantially meets the academic requirements for a license, certificate, registration, or permit issued by a board, the board shall consider the recommendations in the Guide to the Evaluation of Educational Experiences in the Armed Services published by the American Council on Education, or the council's successor organization.

*As added by P.L.57-2012, SEC.2.*

#### **IC 25-1-17-7 Effect of nonresidency**

Sec. 7. A nonresident who is issued a license, certificate, registration, or permit under this chapter is entitled to the same rights and subject to the same obligations as required of a resident who is issued a license, certificate, registration, or permit by a board.

*As added by P.L.57-2012, SEC.2.*

#### **IC 25-1-17-8 Provisional License**

Sec. 8. (a) Notwithstanding any other law, an applicant for a license is entitled to a provisional license in the regulated occupation applied for and at the same practice level as determined by the board, without an examination, if all of the following conditions are met:

(1) The person submits a signed affidavit affirming, under the penalties for perjury, the following:

(A) The person is the spouse of an active duty member of the armed forces assigned to Indiana.

(B) The person is in good standing in all states in which the person holds a license for the regulated occupation applied for.

(C) The person has not had a license revoked and has not voluntarily surrendered a license in another state or country while under investigation for unprofessional conduct.

(D) The person has not had discipline imposed by the regulating entity for the regulated occupation in another state or country.

(E) The person does not have an investigation pending before the regulating entity in another state or country that relates to unprofessional conduct.

(2) The person submits verification that the person is currently licensed in at least one (1) other state in the regulated occupation applied for.

(3) The person submits to a national criminal history background check (as defined in [IC 25-1-1.1-4](#)) and does not have a disqualifying criminal history as determined by the board.

(4) The person has submitted an application for a license with the board and has paid any application fee.

(b) An applicant who has met the requirements in subsection (a) shall be issued a provisional license not more than thirty (30) days after the requirements are met.

(c) A provisional license expires three hundred sixty-five (365) days after it is issued.

(d) In addition to any other penalties for perjury, a person who violates this section commits a Class A infraction.

(e) If the board discovers that any of the information submitted under this section is false, the board may immediately revoke the person's provisional license.

(f) This section does not apply to a license that is established by or recognized through an interstate compact, a reciprocity agreement, or a comity agreement that is established by a board or a law.

(g) This section does not prohibit an individual from proceeding under other licensure, certification, registration, or permit requirements established by a board or a law.

As added by P.L.57-2012, SEC.2. Amended by P.L.89-2020, SEC.1.

#### **IC 25-1-17-9 Rules**

Sec. 9. A board may adopt rules under [IC 4-22-2](#) necessary to implement this chapter.

As added by P.L.57-2012, SEC.2.

#### **IC 25-1-17-10 Applications under established requirements**

Sec. 10. This chapter does not prohibit a military service applicant or military spouse from proceeding under other licensure, certification, registration, or permit requirements established by a board.

As added by P.L.57-2012, SEC.2.

#### **IC 25-1-17-11 Rules for expedited issuance or renewal of license, certificate, registration, or permit to military spouse**

Sec. 11. The board shall expedite the issuance or renewal of a:

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

of a military spouse whose husband or wife is assigned to a duty station in Indiana.

As added by P.L.94-2016, SEC.3. Amended by P.L.78-2017, SEC.7.

### **TITLE 878 HOME INSPECTORS LICENSING BOARD ARTICLE 1. GENERAL PROVISIONS**

#### **Rule 1. Definitions**

##### **878 IAC 1-1-1 Applicability**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 1. The definitions in this rule apply throughout this article. (*Home Inspectors Licensing Board; 878 IAC 1-1-1; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2718; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

##### **878 IAC 1-1-2 "Alarm systems" defined**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 2. "Alarm systems" means warning devices, installed or freestanding, including, but not limited to, the following:

- (1) Carbon monoxide detectors.
- (2) Flue gas and other spillage detectors.
- (3) Security equipment.
- (4) Ejector pumps.
- (5) Smoke alarms.

(*Home Inspectors Licensing Board; 878 IAC 1-1-2; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

##### **878 IAC 1-1-3 "Architectural service" defined**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 3. "Architectural service" means any practice involving the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structures or the design for construction, including, but not specifically limited to, the following:

- (1) Schematic design.
- (2) Design development.
- (3) Preparation of construction contract documents.
- (4) Administration of the construction contract.

(*Home Inspectors Licensing Board; 878 IAC 1-1-3; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

##### **878 IAC 1-1-4 "Compensation" defined**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 4. "Compensation" means direct or indirect payment, including the expectation of payment whether or not actually received. (*Home Inspectors Licensing Board; 878 IAC 1-1-4; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

##### **878 IAC 1-1-5 "Component" defined**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 5. "Component" means a readily accessible and observable aspect of a system. (*Home Inspectors Licensing Board; 878 IAC 1-1-5; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

##### **878 IAC 1-1-6 "Decorative" defined**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 6. "Decorative" means an item that is not required for the operation of the essential systems and components of a home. (*Home Inspectors Licensing Board; 878 IAC 1-1-6; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

**878 IAC 1-1-7 "Dismantle" defined**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 7. "Dismantle" means to take apart or remove any component, device, or piece of equipment that would not be taken apart or removed by a homeowner in the course of normal and routine homeowner maintenance. (*Home Inspectors Licensing Board; 878 IAC 1-1-7; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

**878 IAC 1-1-8 "Engineering service" defined**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 8. "Engineering service" means any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical, and engineering sciences to such professional service or creative work as:

- (1) consultation;
- (2) investigation;
- (3) evaluation;
- (4) planning;
- (5) design; and
- (6) supervision;

of construction for the purpose of assuring compliance with the specifications and design, in conjunction with structures, buildings, machines, equipment, works, and processes. (*Home Inspectors Licensing Board; 878 IAC 1-1-8; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

**878 IAC 1-1-9 "Further evaluation" defined**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 9. "Further evaluation" means examination and analysis by a qualified professional, tradesman, or service technician beyond that provided by the home inspection. (*Home Inspectors Licensing Board; 878 IAC 1-1-9; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

**878 IAC 1-1-10 "Installed" defined**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 10. "Installed" means attached such that removal requires tools. (*Home Inspectors Licensing Board; 878 IAC 1-1-10; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

**878 IAC 1-1-11 "Normal operating controls" defined**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 11. "Normal operating controls" means devices, such as thermostats, switches, or valves, intended to be operated by the homeowner. (*Home Inspectors Licensing Board; 878 IAC 1-1-11; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

**878 IAC 1-1-12 "Readily accessible" defined**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 12. "Readily accessible" means available for visual inspection without requiring:

- (1) moving of personal property;
  - (2) dismantling;
  - (3) destructive measures; or
  - (4) any action that will likely involve risk to persons or property.
- (*Home Inspectors Licensing Board; 878 IAC 1-1-12; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

**878 IAC 1-1-13 "Readily openable access panel" defined**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 13. "Readily openable access panel" means a panel provided for homeowner inspection and maintenance that:

- (1) is within normal reach;
- (2) can be removed by one (1) person; and
- (3) is not sealed in place.

(*Home Inspectors Licensing Board; 878 IAC 1-1-13; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

**878 IAC 1-1-14 "Recreational facilities" defined**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 14. "Recreational facilities" means the following:

- (1) Spas.
- (2) Saunas.
- (3) Steam baths.
- (4) Swimming pools.
- (5) Exercise, entertainment, athletic, playground, or other similar equipment and associated accessories.

(*Home Inspectors Licensing Board; 878 IAC 1-1-14; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

**878 IAC 1-1-15 "Report" defined**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2-2-7

Sec. 15. "Report" means to communicate, in writing, on all areas required by IC 25-20.2-2-7. (*Home Inspectors Licensing Board; 878 IAC 1-1-15; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

**878 IAC 1-1-16 "Representative number" defined**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 16. "Representative number" means one (1) component:  
(1) per room for multiple similar interior components, such as windows and electric outlets; or  
(2) on each side of the building for multiple similar exterior components.  
(Home Inspectors Licensing Board; 878 IAC 1-1-16; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)

**878 IAC 1-1-17 "Roof drainage system" defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 17. "Roof drainage system" means components used to carry water off a roof and away from a building. (Home Inspectors Licensing Board; 878 IAC 1-1-17; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)

**878 IAC 1-1-18 "Shut down" defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 18. "Shut down" means a state in which a system or component cannot be operated by normal operating controls. (Home Inspectors Licensing Board; 878 IAC 1-1-18; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)

**878 IAC 1-1-19 "Significantly deficient" defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 19. "Significantly deficient" means unsafe or not functioning. (Home Inspectors Licensing Board; 878 IAC 1-1-19; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)

**878 IAC 1-1-20 "Solid fuel burning appliances" defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 20. "Solid fuel burning appliances" means a hearth and fire chamber or similar prepared place in which a fire may be built and that is built in conjunction with a chimney or a listed assembly of a fire chamber, its chimney, and related factory-made parts designed for unit assembly without requiring field construction. (Home Inspectors Licensing Board; 878 IAC 1-1-20; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)

**878 IAC 1-1-21 "Structural component" defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 21. "Structural component" means a component that supports nonvariable forces or weights and variable forces or weights. (Home Inspectors Licensing Board; 878 IAC 1-1-21; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)

**878 IAC 1-1-22 "System" defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 22. "System" means a combination of interacting or interdependent components assembled to carry out one (1) or more functions. (Home Inspectors Licensing Board; 878 IAC 1-1-22; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)

**878 IAC 1-1-23 "Technically exhaustive" defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 23. "Technically exhaustive" means an investigation that involves dismantling, the extensive use of advanced techniques, measurements, instruments, testing, calculations, or other means. (Home Inspectors Licensing Board; 878 IAC 1-1-23; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)

**878 IAC 1-1-24 "Underfloor crawlspace" defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 24. "Underfloor crawlspace" means the area within the confines of the foundation and between the ground and the underside of the floor. (Home Inspectors Licensing Board; 878 IAC 1-1-24; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2721; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)

**878 IAC 1-1-25 "Unsafe" defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 25. "Unsafe" means a condition in a readily accessible, installed system or component that is judged to be a significant risk of personal injury during normal, day-to-day use. The risk may be due to:

- (1) damage;
  - (2) deterioration;
  - (3) improper installation; or
  - (4) a change in accepted residential construction standards.
- (Home Inspectors Licensing Board; 878 IAC 1-1-25; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2721; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)

**Rule 2. Minimum Standards of Competent Practice and Code of Ethics**

**878 IAC 1-2-1 Minimum standards of competent performance of home inspections**

Authority: IC 25-20.2-3-8; IC 25-20.2-3-9  
Affected: IC 25-20.2-2-7

Sec. 1. (a) The competent performance of home inspections requires remaining current with generally accepted developments within the area of specialization and the development and exercise of judgment as to when to apply specific procedures in a reasonable, effective, efficient, and economical manner.

(b) The competent performance of home inspections includes acting within generally accepted ethical principles and guidelines of the profession and maintaining an awareness of personal and professional limitations.

(c) Purpose and scope are as follows:

- (1) Licensees shall:
  - (A) inspect:

- (i) readily accessible systems and components of homes listed in these minimum standards of competent performance; and
  - (ii) installed systems and components of homes listed in these minimum standards of competent performance; and
- (B) report in writing, as required by IC 25-20.2-2-7:
- (i) on those systems and components inspected that, in the professional opinion of the inspector, are significantly deficient or are near the end of their service lives;
  - (ii) a reason why, if not self-evident, the system or component is significantly deficient or near the end of its service life;
  - (iii) the licensee's recommendations to correct or monitor the reported deficiency; and
  - (iv) on any systems and components designated for inspection in these minimum standards of competent performance that were present at the time of the home inspection but were not inspected and a reason they were not inspected; and
- (C) identify on the written report:
- (i) licensee's name;
  - (ii) licensee's Indiana license number;
  - (iii) address of inspected residential dwelling;
  - (iv) name of client for whom the inspection is being prepared; and
  - (v) date of inspection.
- (2) These minimum standards of competent performance are not intended to limit licensees from:
- (A) including other inspection services, systems, or components in addition to those required by these minimum standards of competent performance;
  - (B) specifying repairs, provided the licensee is appropriately qualified and willing to do so; or
  - (C) excluding systems and components from the inspection if requested by the client.
- (d) Structural systems requirements are as follows:
- (1) Licensees shall:
- (A) inspect:
    - (i) the structural components including foundation and framing; and
    - (ii) by probing a representative number of structural components where deterioration is suspected or where clear indications of possible deterioration exist, but probing is not required when probing would damage any finished surface or where no deterioration is visible; and
  - (B) describe:
    - (i) the foundation and report the methods used to inspect the underfloor crawlspace;
    - (ii) the floor structure;
    - (iii) the wall structure;
    - (iv) the ceiling structure; and
    - (v) the roof structure and report the methods used to inspect the attic.
- (2) Licensees are not required to:
- (A) provide any engineering service or architectural service; or
  - (B) offer an opinion as to the adequacy of any structural system or component.
- (e) Exteriors requirements are as follows:
- (1) Licensees shall:
- (A) inspect:
    - (i) the exterior wall covering, flashing, and trim;
    - (ii) all exterior doors;
    - (iii) attached decks, balconies, stoops, steps, porches, and their associated railings;
    - (iv) the eaves, soffits, and fascias where accessible from the ground level;
  - (v) the vegetation, grading, surface drainage, and retaining walls on the property when any of these are likely to adversely affect the building; and
  - (vi) walkways, patios, and driveways leading to dwelling entrances; and
- (B) describe the exterior wall covering.
- (2) Licensees are not required to inspect:
- (A) screening, shutters, awnings, and similar seasonal accessories;
  - (B) fences;
  - (C) geological, geotechnical, or hydrological conditions;
  - (D) recreational facilities;
  - (E) outbuildings;
  - (F) seawalls, breakwalls, and docks; or
  - (G) erosion control and earth stabilization measures.
- (f) Roof systems requirements are as follows:
- (1) Licensees shall:
- (A) inspect:
    - (i) the roof covering;
    - (ii) the roof drainage systems;
    - (iii) the flashings; and
    - (iv) the skylights, chimneys, and roof penetrations; and
  - (B) describe the roof covering and report the methods used to inspect the roof.
- (2) Licensees are not required to inspect:
- (A) antennae;
  - (B) interiors of flues or chimneys that are not readily accessible; or
  - (C) other installed accessories.
- (g) Plumbing systems requirements are as follows:
- (1) Licensees shall:
- (A) inspect:
    - (i) the interior water supply and distribution systems including all fixtures and faucets;
    - (ii) the drain, waste, and vent systems including all fixtures;
    - (iii) the water heating equipment;
    - (iv) the vent systems, flues, and chimneys;
    - (v) the fuel storage and fuel distribution systems; and
    - (vi) the drainage sumps, sump pumps, and related piping; and
  - (B) describe:
    - (i) the water supply, drain, waste, and vent piping materials;
    - (ii) the water heating equipment including the energy source; and
    - (iii) the location of main water and main fuel shut-off valves.
- (2) Licensees are not required to:
- (A) inspect:
    - (i) the clothes washing machine connections;
    - (ii) the interiors of flues or chimneys that are not readily accessible;
    - (iii) wells, well pumps, or water storage related equipment;
    - (iv) water conditioning systems;
    - (v) solar water heating systems;
    - (vi) fire and lawn sprinkler systems; or
    - (vii) private waste disposal systems;
  - (B) determine:
    - (i) whether water supply and waste disposal systems are public or private; or
    - (ii) the quantity or quality of the water supply; or
  - (C) operate safety valves or shut-off valves.
- (h) Electrical systems requirements are as follows:
- (1) Licensees shall:
- (A) inspect:
    - (i) the service drop;
    - (ii) the service entrance conductors, cables, and raceways;
    - (iii) the service equipment and main disconnects;
    - (iv) the service grounding;

- (v) the interior components of service panels and subpanels;
- (vi) the conductors;
- (vii) the overcurrent protection devices;
- (viii) a representative number of installed lighting fixtures, switches, and receptacles; and
- (ix) the ground fault circuit interrupters;
- (B) describe:
  - (i) the amperage and voltage rating of the service;
  - (ii) the location of main disconnect or disconnects and subpanels; and
  - (iii) the wiring methods; and
- (C) report on the:
  - (i) presence of solid conductor aluminum branch circuit wiring; and
  - (ii) absence of smoke detectors.
- (2) Licensees are not required to:
  - (A) inspect:
    - (i) the remote control devices unless the device is the only control device;
    - (ii) the alarm systems and components;
    - (iii) the low voltage wiring, systems, and components; or
    - (iv) the ancillary wiring, systems, and components not a part of the primary electrical power distribution system; or
  - (B) measure amperage, voltage, or impedance.
    - (i) Heating systems requirements are as follows:
      - (1) Licensees shall:
        - (A) inspect:
          - (i) the installed heating equipment; and
          - (ii) the vent systems, flues, and chimneys; and
        - (B) describe:
          - (i) the energy source; and
          - (ii) the heating method by its distinguishing characteristics.
      - (2) Licensees are not required to:
        - (A) inspect:
          - (i) the interiors of flues or chimneys that are not readily accessible;
          - (ii) the heat exchanger;
          - (iii) the humidifier or dehumidifier;
          - (iv) the electronic air filter; or
          - (v) the solar space heating system; or
        - (B) determine heat supply adequacy or distribution balance.
          - (i) Air conditioning systems requirements are as follows:
            - (1) Licensees shall:
              - (A) inspect the installed central and through-wall cooling equipment; and
              - (B) describe:
                - (i) the energy source; and
                - (ii) the cooling method by its distinguishing characteristics.
            - (2) Licensees are not required to:
              - (A) inspect electronic air filters; or
              - (B) determine cooling supply adequacy or distribution balance.
- (k) Interiors requirements are as follows:
  - (1) Licensees shall inspect:
    - (A) the walls, ceilings, and floors;
    - (B) the steps, stairways, and railings;
    - (C) the countertops and a representative number of installed cabinets;
    - (D) a representative number of doors and windows; and
    - (E) garage doors and garage door operations.
  - (2) Licensees are not required to inspect:
    - (A) the paint, wallpaper, and other finish treatments;
    - (B) the carpeting;
    - (C) the window treatments;
    - (D) the central vacuum systems;

- (E) the household appliances; or
- (F) recreational facilities.
- (I) Insulation and ventilation requirements are as follows:
  - (1) Licensees shall:
    - (A) inspect:
      - (i) the insulation and vapor retarders in unfinished spaces;
      - (ii) the ventilation of attics and foundation areas; and
      - (iii) the mechanical ventilation systems; and
    - (B) describe:
      - (i) the insulation and vapor retarders in unfinished spaces; and
      - (ii) the absence of insulation in unfinished spaces at conditioned surfaces.
  - (2) Licensees are not required to:
    - (A) disturb insulation or vapor retarders; or
    - (B) determine indoor air quality.
- (m) Fireplaces and solid fuel burning appliances requirements are as follows:
  - (1) Licensees shall:
    - (A) inspect:
      - (i) the system components; and
      - (ii) the vent systems, flues, and chimneys; and
    - (B) describe:
      - (i) the fireplaces and solid fuel burning appliances; and
      - (ii) the chimneys.
  - (2) Licensees are not required to:
    - (A) inspect:
      - (i) the interiors of flues or chimneys;
      - (ii) the firescreens and doors;
      - (iii) the seals and gaskets;
      - (iv) the automatic fuel fee devices;
      - (v) the mantels and fireplace surrounds;
      - (vi) the combustion make-up air devices; or
      - (vii) the heat distribution assists whether gravity controlled or fan assisted;
    - (B) ignite or extinguish fires;
    - (C) determine draft characteristics; or
    - (D) move fireplace inserts or stoves or firebox content.
- (n) General limitations are as follows:
  - (1) Inspections performed in accordance with these minimum standards of competent performance:
    - (A) are not technically exhaustive; and
    - (B) will not identify concealed conditions or latent defects.
  - (2) These minimum standards of competent performance are applicable to buildings with five (5) or fewer dwelling units and their garages or carports.
- (o) General exclusions are as follows:
  - (1) Licensees are not required to perform any action or make any determination unless specifically stated in these minimum standards of competent performance, except as may be required by lawful authority.
  - (2) Licensees are not required to determine any of the following:
    - (A) The conditions of systems and components that are not readily accessible.
    - (B) The remaining life of any system or component.
    - (C) The strength, adequacy, effectiveness, or efficiency of any system or component.
    - (D) The causes of any condition or deficiency.
    - (E) The methods, materials, or costs of corrections.
    - (F) Future conditions including, but not limited to, failure of systems and components.
    - (G) The suitability of the property for any specialized use.
    - (H) Compliance with regulatory requirements, such as codes, regulations, laws, or ordinances.
    - (I) The market value of the property or its marketability.

- (J) The advisability of the purchase of the property.
- (K) The presence of potentially hazardous plants or animals including, but not limited to, wood-destroying organisms or diseases harmful to humans.
- (L) The presence of any environmental hazards including, but not limited to, toxins, carcinogens, noise, and contaminants in soil, water, and air.
- (M) The effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances.
- (N) The acoustical properties of any system or component.
- (3) Licensees are not required to:
  - (A) offer or perform:
    - (i) any act or service contrary to law;
    - (ii) engineering services; or
    - (iii) work in any trade or any professional service other than home inspection; or
  - (B) offer warranties or guarantees of any kind.
- (4) Licensees are not required to operate:
  - (A) any system or component that:
    - (i) is shut down or otherwise inoperable; or
    - (ii) does not respond to normal operating controls; or
  - (B) shut-off valves.
- (5) Licensees are not required to enter:
  - (A) any area that will, in the opinion of the licensee, likely be dangerous to the licensee or other persons or damage the property or its systems and components; or
  - (B) the underfloor crawlspaces or attics that are not readily accessible.
- (6) Licensees are not required to inspect:
  - (A) underground items including, but not limited to, underground storage tanks or other underground indications of their presence, whether abandoned or active;
  - (B) systems or components that are not installed;
  - (C) decorative items;
  - (D) systems or components located in areas that are not entered in accordance with these minimum standards of competent performance;
  - (E) detached structures other than garages and carports; or
  - (F) common elements or common areas in multiunit housing, such as condominium properties or cooperative housing.
- (7) Licensees are not required to:
  - (A) perform any procedure or operation that will, in the opinion of the licensee, likely be dangerous to the licensee or other persons or damage the property or its systems or components;
  - (B) move:
    - (i) suspended ceiling tiles;
    - (ii) personal property;
    - (iii) furniture;
    - (iv) equipment;
    - (v) plants;
    - (vi) soil;
    - (vii) snow;
    - (viii) ice; or
    - (ix) debris; or
  - (C) dismantle any system or component, except as explicitly required by these minimum standards of competent performance.

*(Home Inspectors Licensing Board; 878 IAC 1-2-1; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2721; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)*

**878 IAC 1-2-2 Code of ethics for home inspectors**

Authority: IC 25-20.2-3-8; IC 25-20.2-3-9  
Affected: IC 25-20.2

Sec. 2. (a) Integrity, honesty, and objectivity are fundamental principles embodied in this code of ethics, which sets forth obligations of ethical conduct for the home inspection profession. The home inspectors licensing board has adopted this code of ethics to provide high ethical standards to safeguard the public and the profession.

- (b) Licensees shall:
  - (1) comply with this code of ethics;
  - (2) avoid association with any enterprise whose practices violate this code of ethics;
  - (3) strive to uphold, maintain, and improve the integrity, reputation, and practice of the home inspection profession; and
  - (4) avoid conflicts of interest or activities that compromise, or appear to compromise, professional independence, objectivity, or inspection integrity.
- (c) Licensees shall not:
  - (1) inspect properties:
    - (A) for compensation in which they have, or expect to have, a financial interest; or
    - (B) under contingent arrangements whereby any compensation or future referrals are dependent on reported findings or on the sale of property;
  - (2) directly or indirectly compensate realty agents, or other parties having a financial interest in closing or settlement of real estate transactions, for the referral of inspections of or inclusion on a list of recommended inspectors, preferred providers, or similar arrangements;
  - (3) receive compensation for an inspection from more than one (1) party unless agreed to by the client or clients;
  - (4) accept compensation, directly or indirectly, for recommending contractors, services, or products to inspection clients or other parties having an interest in inspected properties; or
  - (5) repair, replace, or upgrade, for compensation, systems or components covered by the minimum standards of competent performance found in section 1 of this rule for one (1) year after the inspection.
- (d) Licensees shall:
  - (1) act in good faith toward each client and other interested parties;
  - (2) perform services and express opinions based on genuine conviction and only within their areas of education, training, or experience; and
  - (3) be objective in their reporting and not knowingly understate or overstate the significance of reported conditions.
- (e) Licensees shall not disclose inspection results or client information without client approval. Licensees, at their discretion, may disclose observed immediate safety hazards to occupants exposed to such hazards when feasible.
- (f) Licensees shall avoid activities that may harm the public, discredit themselves, or reduce public confidence in their profession.
- (g) Advertising, marketing, and promotion of licensees services or qualifications shall not be fraudulent, false, deceptive, or misleading.
- (h) Licensees shall report substantive and willful violations of:
  - (1) this code of ethics; and
  - (2) the minimum standards of competent performance found in section 1 of this rule.

*(Home Inspectors Licensing Board; 878 IAC 1-2-2; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2724; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)*

### Rule 3. Fees and License Requirements

#### 878 IAC 1-3-1 Fees

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

- Sec. 1. (a) Candidates for examination shall pay the examination fee directly to the examination service.
- (b) The application/issuance fee for a license to practice as a home inspector shall be fifty dollars (\$50).
- (c) The fee for renewal of a license to practice as a home inspector shall be fifty dollars (\$50) biennially.
- (d) The penalty fee for late renewal of a license to practice as a home inspector shall be fifty dollars (\$50).
- (e) The fee for activating a retired license shall be ten dollars (\$10).
- (f) The application fee for approval as a sponsor of continuing education shall be fifty dollars (\$50).
- (g) The renewal fee for approval to sponsor continuing education shall be fifty dollars (\$50) biennially.
- (h) The application fee for approval as a preclicensing course provider shall be fifty dollars (\$50).
- (i) The renewal fee for approval to provide preclicensing courses shall be fifty dollars (\$50) biennially.
- (j) The fee for verification of licensure to another state or jurisdiction shall be ten dollars (\$10).
- (k) The fee for a duplicate wall certificate shall be ten dollars (\$10).
- (l) All fees are nonrefundable and nontransferable. (*Home Inspectors Licensing Board; 878 IAC 1-3-1; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2725; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; filed Jan 20, 2016, 3:37 p.m.: 20160217-IR-878150056FRA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

#### 878 IAC 1-3-2 Preclicensing course requirements

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

- Sec. 2. (a) Applicants for licensure must complete no fewer than sixty (60) hours with a minimum of forty (40) hours of classroom training and a minimum of twelve (12) hours of practical experience provided by a board approved preclicensing course provider.
- (b) As used in subsection (a), "practical experience" means experience obtained through either on-site inspection work or experience obtained in a lab setting that includes hands-on or visual defect recognition of building systems or components.
- (c) The required course must include training in the following areas:
- (1) Heating systems.
  - (2) Cooling systems.
  - (3) Electrical systems.
  - (4) Plumbing systems.
  - (5) Structural components.
  - (6) Foundations.
  - (7) Roof coverings.
  - (8) Exterior and interior.
  - (9) Indiana licensure law and report writing.
- (*Home Inspectors Licensing Board; 878 IAC 1-3-2; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2725; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

#### 878 IAC 1-3-3 Examination requirement

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

- Sec. 3. Applicants for licensure shall be required to pass the National Home Inspector Examination as provided by the

Examination Board of Professional Home Inspectors. (*Home Inspectors Licensing Board; 878 IAC 1-3-3; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2725; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

#### 878 IAC 1-3-4 License renewal

Authority: IC 25-20.2-3-8

Affected: IC 25-1-2; IC 25-1-12; IC 25-20.2

- Sec. 4. (a) The renewal process is governed by IC 25-1-2 as the same may be amended from time to time.
- (b) Extensions of time to renew due to military service are governed by IC 25-1-12 as the same may be amended or recodified.
- (c) It is the responsibility of the licensee to notify the Indiana professional licensing agency of an address change.
- (d) If a license has been expired for less than two (2) years, the licensee may renew the license by meeting the following requirements:
- (1) File a renewal application provided by the board.
  - (2) Pay the current renewal fee established in section 1 of this rule.
  - (3) Pay the penalty fee for late renewal established in section 1 of this rule.
  - (4) Submit a detailed letter of explanation to the board as to why the license has lapsed.
  - (5) Submit proof of having met the continuing education requirements for one (1) renewal cycle within the previous twenty four(24) months.
  - (6) Make a personal appearance before the board, as the board in its discretion may require.
  - (7) Pass the national examination established in section 3 of this rule, as the board in its discretion may require.
- (e) If a license has been expired for more than two (2) years, the licensee may renew the license by meeting the following requirements:
- (1) File a renewal application provided by the board.
  - (2) Pay the current renewal fee established in section 1 of this rule.
  - (3) Pay the penalty fee for late renewal established in section 1 of this rule.
  - (4) Submit a detailed letter of explanation to the board as to why the license has lapsed.
  - (5) Submit proof of having met the continuing education requirements for one (1) renewal cycle within the previous twenty four (24) months.
  - (6) If the licensee was granted initial licensure under the provisions of P.L.145-2003, SECTION 15, the licensee must complete a board approved preclicensing course that meets the requirements of section 2 of this rule.
  - (7) Pass the required national examination established in section 3 of this rule.
  - (8) Make a personal appearance before the board, as the board in its discretion may require.

(*Home Inspectors Licensing Board; 878 IAC 1-3-4; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2726; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA*)

#### 878 IAC 1-3-5 Licensure retirement

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

- Sec. 5. (a) An individual who is licensed as a home inspector and who would like to retire the license shall notify the board, in writing, when the individual retires from practice.
- (b) An individual who has placed his or her license in retirement may not practice as a home inspector until the license has been reinstated by the board.



(c) In order to reinstate a retired license, an individual shall do the following:

- (1) Complete a retirement reinstatement application, which must be approved by the board.
- (2) Pay a reinstatement fee established under section 1 of this rule.
- (3) Submit proof of continuing education requirements, as outlined by the board, depending on the number of years the license has been in retirement as follows:
  - (A) Zero (0) to three (3) years, sixteen (16) hours of continuing education shall be required and must be completed within twelve (12) months before the petition for reinstatement.
  - (B) Three (3) to six (6) years, thirty-two (32) hours of continuing education shall be required and must be completed within twenty-four (24) months before the petition for reinstatement.
  - (C) Six (6) years or more shall require board determination of the continuing education needed and the licensee must pass the examination required under section 3 of this rule.
  - (D) Retirement years shall be calculated from the receipt of request to retire the license until reinstatement of the license.

*(Home Inspectors Licensing Board; 878 IAC 1-3-5; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2726; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)*

#### **878 IAC 1-3-6 Display of license**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 6. An individual who is licensed as a home inspector shall:  
(1) display the license or a clear copy of the license at each location where the home inspector conducts business; and  
(2) present, upon the request of any client, a pocket card license that indicates the license is active and in good standing.

*(Home Inspectors Licensing Board; 878 IAC 1-3-6; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2726; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)*

### **Rule 4. Prelicensing Course Providers**

#### **878 IAC 1-4-1 Approval by board**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 1. No prelicensing course provider shall conduct, solicit, or accept student enrollment for a home inspector course as prescribed in this rule without approval of the provider by the board.

*(Home Inspectors Licensing Board; 878 IAC 1-4-1; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2727; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)*

#### **878 IAC 1-4-2 Application for prelicensing course approval; requirements and content**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 2. (a) Any course provider seeking approval of a home inspector's prelicensing course shall:

- (1) make written application for approval; and
- (2) submit such documents, statements, and forms as required by this rule.

(b) Applicants for approval of a home inspector's prelicensing course shall provide the board with the following:

- (1) The name and address of the school's owner.

(2) A list of all instructors who will be teaching the course and include evidence to indicate that these instructors have demonstrated competence in the area of home inspection education for which the instructor will be providing instruction.

(3) A statement of objectives, which the course should achieve for its participants.

(4) A statement explaining how the provider intends to provide for the following:

(A) Adequate administration of the course, including a responsible person to coordinate and administer the course.

(B) Maintenance of proper records.

(5) A statement indicating how the course will be planned and designed to meet the requirements of 878 IAC 1-3-2.

(c) Applicants for approval of a home inspector's prelicensing course shall require a comprehensive examination, which its students must pass with a minimum score of seventy-five percent (75%) in order to successfully complete the course. Applicants shall submit the most current version of this examination at the time of filing the application for approval.

(d) Applicants for approval of a home inspector's prelicensing course shall provide the board with the following:

(1) Documentation verifying adequate funding for the educational course undertaken.

(2) An evaluation form devised and used to measure the course's effectiveness.

(3) A statement indicating the manner in which the provider will provide its course participants a meaningful record of course completion.

*(Home Inspectors Licensing Board; 878 IAC 1-4-2; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2727; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)*

#### **878 IAC 1-4-3 Course records**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 3. Each approved provider offering approved courses must maintain records of students who successfully complete and pass the course of study for a minimum of five (5) years. The records must include attendance records, examination score records, and duplicate copies of completion certificates or the ability to reproduce duplicate completion certificates. *(Home Inspectors Licensing Board; 878 IAC 1-4-3; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2727; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)*

#### **878 IAC 1-4-4 Prelicensing course provider renewals**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 4. (a) The approval of courses expires on October 1 of each odd-numbered year.

(b) To renew the approval of the prelicensing course, the provider shall:

(1) pay the renewal fee established in 878 IAC 1-3-1;

(2) file a renewal application provided by the board; and

(3) submit a biennial report, which shall contain:

- (A) a list of instructors who teach any section of the course and a curriculum vitae for the instructor if the instructor was not listed on the provider's initial application for approval; and
- (B) a roster of all students who attended the approved providers course during the previous renewal cycle and a report on whether each student passed or failed the course.

(Home Inspectors Licensing Board; 878 IAC 1-4-4; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2727; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)

### **878 IAC 1-4-5 Prelicensing course provider audits**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 5. The board may perform random audits of approved prelicensing course providers to ensure compliance with this rule. (Home Inspectors Licensing Board; 878 IAC 1-4-5; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2727; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)

## **Rule 5. Continuing Education**

### **878 IAC 1-5-1 Continuing education requirements**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 1. (a) A licensee who renews a license as a home inspector shall complete not less than thirty-two (32) continuing education hours in each renewal period.

(b) Continuing education hours shall be obtained within the biennial renewal period in which the licensee is applying and shall not be carried over from one (1) biennial renewal period to another.

(c) A holder of a license issued under IC 25-20.2 must retain a record of the continuing education required by subsection

(b) for two (2) years following the end of the biennial renewal period for which it was obtained.

(d) Continuing education completed to satisfy the continuing education requirements of another state with which a reciprocal agreement exists, in which the licensee also holds a license as a home inspector, may be applied towards the continuing education requirement of this rule for renewal of a license issued under IC 25-20.2.

(e) A holder of a license issued under IC 25-20.2 who has been licensed for less than two (2) full years before the first renewal date for that license shall meet the following continuing education requirements for the licensee's first renewal period:

(1) A licensee who has been licensed for at least twelve (12) months, but less than twenty-four (24) months, shall complete sixteen (16) hours of continuing education for renewal of that initial license.

(2) A licensee who has been licensed for less than twelve (12) months shall be exempt from the continuing education hours required for renewal of that initial license.

(Home Inspectors Licensing Board; 878 IAC 1-5-1; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2727; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)

### **878 IAC 1-5-2 Continuing education**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 2. (a) As used in IC 25-20.2, "continuing education" means education provided by board-approved providers that is obtained by a licensee in order to maintain, improve, or expand the licensee's skills and knowledge.

(b) Continuing education shall be comprised of two (2) categories, Category I and Category II. The licensee shall obtain a minimum of seventy-five percent (75%) of the required amount of continuing education hours for renewal from Category I and may obtain a maximum of twenty-five percent (25%) of the required amount of continuing education hours for renewal from

Category II.

(c) Category I is defined as continuing education that is formal programming, which includes instruction in one (1) of the following areas:

- (1) Heating systems.
- (2) Cooling systems.
- (3) Electrical systems.
- (4) Plumbing systems.
- (5) Structural components.
- (6) Foundations.
- (7) Roof coverings.
- (8) Exterior and interior components.

(d) Category II is defined as continuing education that is formal programming, which includes instruction in:

- (1) any other site aspects that affect a residential dwelling; or
- (2) business operations, contract writing, ethics courses, report writing, legal liability instruction, or any other formal programming that is specifically directed toward the home inspection industry.

(Home Inspectors Licensing Board; 878 IAC 1-5-2; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2728; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)

### **878 IAC 1-5-3 Approval of continuing education providers**

Authority: IC 25-20.2-3-8; IC 25-20.2-6-5

Affected: IC 25-20.2

Sec. 3. (a) The following criteria shall be used for the approval of providers of continuing education courses for licensed home inspectors:

- (1) The continuing education provider shall have a statement of objectives, which the provider's courses should achieve for its participants relating to and enhancing the licensee's practice.
- (2) The provider of continuing education courses shall provide the following:
  - (A) Adequate administration, including a responsible person to coordinate and administer the courses.
  - (B) Maintenance of proper records.
- (3) Providers of continuing education courses shall provide adequate funding for the educational courses undertaken.
- (4) The curriculum of continuing education courses shall be thoughtfully planned and designed to explore in considerable depth one (1) subject or a closely related group of subjects related to the licensee's practice.
- (5) The continuing education provider shall have qualified faculty members with demonstrated competence in the subject areas.
- (6) The continuing education provider's courses shall be held in adequate facilities that allow for an effective learning environment.
- (7) Continuing education providers may employ a variety of educational methods and teaching aids that enhance the learning opportunities.
- (8) Appropriate methods of evaluation shall be devised and used to measure the continuing education provider's effectiveness.
- (9) The provider of continuing education courses shall provide to the participants a meaningful record of attendance stating the continuing education hours involved and whether the course involved subject matter under Category I or under Category II, as defined in section 2 of this rule.

(b) Organizations applying for board approval to be a registered provider of continuing education courses must submit an application to the board for approval at least ninety (90) days before the presentation of any course. The board shall act upon the

application within ninety (90) days of receipt. The approval, if granted, is effective until October 1 of every odd-numbered year.

(c) An approval to provide continuing education hours for licensed home inspectors will expire on September 30 of the odd numbered years.

(d) Providers of courses are responsible for monitoring attendance in such a manner that verification of attendance throughout the entire course can be reliably assured.

(e) The provider shall maintain attendance records for a minimum of four (4) years from the date of the course. These records must include the following:

- (1) The date of the course.
- (2) The course title.
- (3) The presenter's name.
- (4) The names of all participants.
- (5) The number of continuing education hours granted each participant.
- (6) A record of whether the hours granted are Category I or Category II, as defined in section 2 of this rule.

*(Home Inspectors Licensing Board; 878 IAC 1-5-3; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2728; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)*

#### **878 IAC 1-5-4 Request for a waiver of the continuing education requirement**

Authority: IC 25-20.2-3-8

Affected: IC 25-1-12; IC 25-20.2

Sec. 4. (a) A holder of a license issued under IC 25-20.2, seeking renewal of that license without having completed the continuing education hours required for renewal under this rule, must submit:

- (1) a statement explaining the reasons for noncompliance;
- (2) a request for a waiver of the continuing education hours required for renewal; and
- (3) the renewal application and all required fees; at least forty-five (45) days before the license expiration date.

(b) The licensee must submit evidence that an extreme hardship exists, to the satisfaction of the board, to be granted a waiver.

(c) If the request is granted, the waiver will be effective for the length of the current renewal period only.

(d) If the request is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal.

(e) Waivers may be granted if an extreme hardship exists. The board will determine whether an extreme hardship exists that would have prevented the licensee from obtaining his or her continuing education hours if, during the licensee's current renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one

- (1) or more of the major life activities of an individual. The existence of the disability must be verified by a licensed physician or psychologist with special expertise in the area of the disability. Verification of the disability must include the following:
  - (1) The nature and extent of the disability.
  - (2) An explanation of how the disability would hinder the licensee from completing the continuing education requirement.
  - (3) The name, title, address, telephone number, professional license number, and original signature of the licensed physician or psychologist verifying the disability.

(f) Waivers of the continuing education requirement, or extensions of time in which to complete the continuing education requirement, due to

military service are governed by IC 25-1-12 as the same may be amended or recodified. (*Home Inspectors*

*Licensing Board; 878 IAC 1-5-4; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2729; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)*

#### **878 IAC 1-5-5 Continuing education audits**

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 5. (a) The board may require additional evidence demonstrating the licensee's compliance with the continuing education requirements of this rule. This additional evidence shall be required in the context of a random audit. It is the responsibility of the licensee to verify that the continuing education hours obtained to meet the continuing education required for the renewal of his or her license have been approved by the board. It is the responsibility of the licensee to retain or otherwise produce evidence of compliance.

(b) The board may perform random audits of approved continuing education providers to ensure compliance with this rule.

*(Home Inspectors Licensing Board; 878 IAC 1-5-5; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2729; readopted filed Nov 22, 2011, 12:20 p.m.: 20111221-IR-878110371RFA; readopted filed Dec 1, 2017, 1:54 p.m.: 20171227-IR-878170406RFA)*