

Jobs Creation Committee

Minutes from the August 20, 2015 Meeting

Call to Order & Establishment of Quorum

The Jobs Creation Committee (JCC) meeting was called to order by Chairman Nick Rhoad on Thursday, August 20, 2015 in Conference Room W064 at 9:04 AM.

Committee Members Present:

Nicholas Rhoad
Ryan Miller – OMB Designee for Joe Habig
Richard Wilson
Timothy Reed
John Wright
David Miller – AG Designee for Allen Pope
Allen Pope

IPLA Staff Members Present:

Nick Goodwin

Review & Adoption of Agenda & June 17th Meeting Minutes

After review by the JCC, Mr. Reed proposed a motion to approve the agenda for this meeting and the minutes from the last meeting. Mr. Miller seconded. Without opposition, the motion carried.

Committee Discussion

Mr. Rhoad explained IC 25-1-16-14, which states:

“The committee shall seek public input when considering any proposals or reports concerning the elimination of a license or change to a regulated occupation.”

This will be the second time that presentations from stakeholders, associations, professionals and the general public are heard regarding the licensure of professional engineers. This is necessary, pursuant to statute IC 25-1-16-14, because preliminary recommendations were adopted by the JCC at the June 17th meeting to eliminate the State Board of Registration for Professional Engineers. Mr. Rhoad wanted it noted in the record that members of the public were in attendance, and their opinions regarding proposed changes would be heard during this meeting.

Report from the American Council of Engineering Companies (ACEC)

Ross Snider, President of USI Consultants Inc., presented to the JCC. He explained that he wanted to focus primarily on business issues and how professional licensure affects the businesses and economy of Indiana. He explained that his professional organization, the ACEC, represents about 5,000 professionals and about 100 companies. Most of the companies involved are small businesses, and the professional positions are highly technical.

Mr. Snider explained that licensed professional engineers consider public safety their highest concern. They design highways, airports, waterways, etc. Mr. Snider brought up concerns about the possible negative consequences of de-licensing professional engineers. He also mentioned his concerns about the lack of accountability and oversight of required continuing education credits. Mr. Snider explained that Indiana says it is “a state that works,” and for a state to be able to work, it requires business certainty through professional licensure. Mr. Snider said that he believes business [for engineering companies/practitioners] cannot exist without state-regulated professional licensure. He expressed concerns that the public not trusting engineers from Indiana and that the lack of state licensure would likely prevent Indiana engineers from seeking reciprocity to practice across state lines. Removal of state regulated licensure would place an undue burden on businesses and clients to do the work themselves to determine if an Indiana engineer meets minimum qualifications and has kept up to date with continuing education. Also, Mr. Snider mentioned that local governments have made it clear that they rely on state licensure as a way to recognize licensed professionals as qualified for work on county level projects. Mr. Snider explained that without licensure, he believes that projects related to bridges, wastewater facilities, etc, would be in jeopardy. He also explained that without state licensure, it would be significantly more difficult for businesses to obtain liability insurance that is required for large building projects involving engineers.

Mr. Snider also expressed concerns about how federal funding for major building projects requires the use of state licensed professional engineers. He believes that removal of state licensure would halt business development in Indiana and drive potential new business away from the state. Mr. Snider also mentioned that the fee structure for obtaining and renewing a license could be examined as a factor in maintaining the state licensure, as he believes that the fees generated from engineering licenses create a reasonable source of revenue for the General Fund.

Report from the Indiana Society of Professional Engineers (ISPE)

Dr. Haraburda from the ISPE presented to the JCC. He began by explaining a professional engineer’s role in public safety, saying that he would feel unsafe entering a building or crossing a bridge that was not designed by a licensed, professional engineer. He believes state licensure benefits an engineer’s career development in many ways, including higher salary, hiring differentiation, and being able to sign and seal plans for public and private clients. Dr. Haraburda believes that Indiana should not change federal licensure requirements because the removal of state licensure would create an environment in which Indiana engineers would be ineligible to work on federal building projects. He also presented some other possible effects of eliminating state licensure. The loss of confidence from the banking and insurance industries, he believes, would cause the “best” engineers to leave Indiana, leading to fewer construction projects in the State. This would ultimately result in a loss of business and jobs in Indiana.

Mr. Rhoad asked Mr. Haraburda to explain his opinion on the current licensing fees for professional engineers. Mr. Haraburda responded that the renewal fees in Indiana are lower than the national average, but he believes that the comity fee of \$500 is much higher than the

national average. Mr. Haraburda further responded that he doesn't believe that engineering interns need to be licensed through the state, but a certificate might be helpful to show that they are working with a professional engineer to obtain their required experience and take the last two engineering exams. Vincent Drnevich, Professor of Civil Engineering from Purdue University and board member for the State Board of Registration for Professional Engineers, spoke up from the audience about the process of comity (or reciprocity) in another state for professional engineers. He explained that the application must show documentation that they are licensed in Indiana, so removal of state licensure would make it difficult or impossible for Indiana engineers to work outside of the state.

Mr. Rhoad asked if they have seen licensees from other states disciplined in front of the Indiana Board of Professional Engineers. Mr. Drnevich explained that most violations he has seen from out of state have been people who are individually licensed in Indiana, but their firms are not [licensed]. So, the violations are more technical in nature or paperwork-based and not regarding professional incompetence.

Mr. Rhoad also asked how often engineers ask other engineers for an informal peer review. Mr. Haraburda explained that, personally, he almost always gets a peer to look over his work before he signs/seals it, but it is not a requirement for engineers. Mr. Rhoad asked how often his practice is audited by the federal government, and Mr. Haraburda responded that it happens quite often.

David Miller from the Attorney General's office explained to the JCC that the engineering profession is not a consumer-driven complaint industry. Nearly all complaints received by the AG's office regarding engineers are from other professionals. He explained that the public is not usually aware of everything engineers are involved with.

Glenna Shelby, Government Affairs Associate from the SDS Group, spoke to the JCC from the audience and reiterated her organization's fear that ending state licensure in Indiana will drive jobs and projects out of Indiana. She explained that many businesses are very concerned that the public funding for their projects will be in jeopardy. She further explained that the public is the general consumer of engineering work. She believes that all states and U.S. territories license engineers, and reciprocity will be in disarray, negatively affecting graduates of engineering schools in Indiana. She also wanted to correct a statement from last June's committee meeting that local officials inspect building projects. She understands that most projects are inspected by licensed, professional engineers. She also wanted to bring attention to the scoring from the JCC members in the draft annual report discussed during the June 17th meeting, noting the engineering license received a score of 2.75 out of 5. Elimination was recommended for engineers in this case. However, architects received a score of 2.55 out of 5, and no changes were proposed for their licensure.

Mr. Rhoad expressed that he wanted to hear more about continuing education for engineers. Mr. Drnevich, spoke to the JCC again. He said that professionals must continue their education to remain competent, and starting in about 2005, the State Board had a rule change to require

CE for engineers to renew their licenses. He explained Indiana's licensure of professional engineers is different. In the 30 hours of CE required for renewal, an engineer must complete one hour on ethics and one hour about Indiana laws/rules/statutes related to engineering.

Mr. Rhoad wanted to read the list of those who submitted a letter to the JCC in support of continued state licensure for professional engineers: Indiana Association of Cities and Towns, National Society of Professional Engineers, Indiana Energy Association, National Federation of Independent Business, American Society of Civil Engineers, Indiana Structural Engineers Association, Tom Warner of Walker & Associates Insurance, Barbara Sable – Vice President of RLI Design Professionals Group, Dr. Jacques Delleuer – former professional engineer and current civil engineering professor at Purdue University, Rao Govindaraju – civil engineering professor at Purdue University, Dr. Kumares Sinha – professional engineer and civil engineering professor, and Dr. Stuart Walesh – professional engineer from Valparaiso, Indiana.

The JCC took a break at 10:05 AM and reconvened at 10:15 AM.

Because Col. Wilson arrived late (at 10:15 AM), Mr. Rhoad wanted to give him an opportunity to ask questions and participate in the vote regarding the JCC's recommended changes to the professional engineering license. Col. Wilson noted that he had read all of the presentations and their corresponding testimony before arriving to the meeting, and he attended the previous meetings relating to professional engineers. Additionally, he mentioned his concerns about a lack of empirical evidence provided by the presenters regarding potential changes to the regulatory structure for the profession.

Mr. Rhoad explained that all additional presentations have been heard, and he requested a motion for the preliminary recommendation from the June 17th meeting to eliminate licensure for engineers. He explained that a "no" vote is to reject the JCC's preliminary recommendations, and a "yes" vote is to maintain the JCC's recommendation from the annual report. Mr. Rhoad voted no. Mr. Miller voted no. Mr. Wright voted no. Col. Wilson voted yes. Mr. Miller voted no. Mr. Rhoad concluded that the JCC will recommend that the State Board of Registration for Professional Engineers be kept in its current form and no licenses be eliminated by a vote of 4 to 1.

Presentation from the Indiana Board of Veterinary Medical Examiners

Cindy Vaught, Board Director, presented to the JCC. She explained the license types, including veterinarian, veterinarian controlled substance registration and registered vet technician, as well as the number of licenses issued. Col. Wilson asked for Ms. Vaught to explain the difference between inactive and expired licenses. Ms. Vaught explained that if a vet wants to take a break without leaving the practice, they can allow their license to go inactive. Overall, it is much easier to get license renewed if it is inactive rather than to get a new one after letting it expire, especially if a practitioner plans to return to practice within a set time frame. She further explained the services that a vet provides and said that a vet controlled substance registration license is required for any vet prescribing, dispensing or administering controlled substances, and that a separate registration is required for each practice address where a vet conducts

business. Ms. Vaught also explained that a registered vet technician works under the supervision of a licensed vet and conducts tasks delegated by vets depending on the technician's education. She explained that a vet must be licensed in order to form a professional corporation in Indiana, but professional corporations are not required for a vet to practice. Ms. Vaught explained the establishment of the Board, Board staffing, and role that the Board has in the vet profession. Ms. Vaught described the licensing fees for this profession, which included a cost of \$150 for an initial vet license with a two-year renewal cost of \$100. A vet tech license has a \$30 initial fee and \$15 renewal fee. A controlled substance registration is \$60 for the initial license with a \$60 two-year renewal fee. A vet professional corporation registration is \$25 for the initial license with a \$20 renewal fee.

Col. Wilson had questions about the vet professional corporation registration and the controlled substance registration. He asked about the purpose of needing separate registrations for each address of practice. It was mentioned that the DEA has requirements and regulations regarding controlled substance registrations. The corporation license is not uncommon for licensed professions, but not all professions require the licensure of the business and the practitioners. The General Assembly is the only entity that can add or remove a license. It was put into statute for both the corporation and the practitioner to be licensed regarding veterinary medicine.

Presentation from the Indiana Attorney General's Office re: Veterinarians

Allen Pope from the Attorney General's office presented to the JCC. His report included all complaints the office received regarding the veterinary profession from 2008-2014. Not all complaints had completed investigations within the same time frame, since some investigations take multiple year to resolve. Mr. Pope explained that after closing an investigative file, a litigation file is opened. A total of 231 investigations were completed, regarding issues including 2 reports of professional incompetence, 144 reports of no violation, 1 death of respondent, 3 referrals to other agencies, 10 insufficient evidence, 27 warnings, 2 settled, and 42 litigation files opened. The most prevalent violations were non-sanctionable actions, unlicensed practice, unprofessional conduct and professional incompetence.

Concerning litigation, most cases were resolved with reprimands, no violations, probations or monetary penalties. Col. Wilson asked for clarification about suspensions. Mr. Pope responded that a suspension means the professional cannot practice for a certain amount of time until the Board reviews them again, and they can be suspended for longer if necessary. Mr. Wright asked about the nature of unlicensed practices. Mr. Pope responded that he did not know the specific details of those cases.

Report from the Indiana Veterinary Medical Association

Pete Bill, DVM, Ph.D. from Purdue University and Lou Belch, lobbyist from the Corydon Group, presented to the JCC. Dr. Bill explained that veterinary medicine impacts far more than the health of small pets, including food safety. Data from his organization show that there are roughly 2,557 licensed vets in Indiana, 1,708 vets licensed to prescribe controlled substances and 1,422 registered vet techs. Vets are involved in protecting public safety in many ways, including administering rabies vaccines to animals. Vet techs are a relatively young profession,

but they are able to do everything a vet can do except surgery, diagnosing patients and administering controlled substances. Dr. Bill explained that vet techs give vets freedom to practice more widely, as the vets do not have to spend as much time on tasks that can easily be accomplished by a trained vet tech. Dr. Bill mentioned that Indiana is one of the only states with a strong, cooperative working relationship with the Indiana Veterinary Technician Association, Purdue University, BOAH, USDA and Elanco. Mr. Bill described the benefits of licensure, including assurance of the appropriate level of humane care for companion animals, potential threats to human safety through animal food supply, requirements for interstate shipment of Indiana animals and animal products for human food and assurance of understanding the link between animal diseases and human diseases. Dr. Bill explained the economic impact of the profession through various vet-related professions. He believes state-regulated professional licensure supports economic growth. He explained that every state requires vets to be licensed. Mr. Belch described some recommended changes to the current licensure, including potential legislative change to the license structure for a sole proprietorship vet practice. Mr. Belch also mentioned the need for an ability to enforce the practice act with regard to investigating those practicing without a license in order to better protect Indiana citizens. He elaborated that the IVMA looks forward to working with the Board to develop a framework for how this might be accomplished.

Dr. Bill brought up concerns about the current rule requiring that no one with an affiliation with Purdue can serve on the Board of Veterinary Medicine. Dr. Bill explained that the goal of the rule at the time was to maintain separation and avoid any possible favoritism from the Board. Mr. Belch noted that some populations of Vets also serve as adjunct professors. Mr. Belch recommended that the Board appointment rules be updated to allow 5 Vet members and a consumer. He believes that the current Board appointment rules shrink the pool of eligible Board members. He believes that removing barriers to service on the Board makes sense, and he trusts that the profession will suggest geographically diverse members to serve on the Board. Mr. Belch also mentioned that it takes a great deal of time to get a new appointment to the Vet Board, since the pool of eligible applicants is rather small, and he said that his organization would like to see a faster timeline to getting a new member appointed.

Mr. Pope mentioned that Mr. Belch made a reference to large animal versus small animal vets, and Mr. Pope asked for more elaboration regarding the division between the two and how that might create conflict on a Board. Dr. Bill described that the scope of practice varies widely between large animals, small animals, equine practice, etc., so it is difficult for one vet practicing in one specific area to know a lot about the other practice areas. Mr. Belch recommends these changes to ensure adequate expertise on the Board by having representatives only from certain areas of practice. Dr. Bill explained that since vet medicine is not buffered by the insurance industry, it is more of a "pay as you go" model for consumers. He also explained that the cost associated with medical care differs based on the service an animal provides (companion, dairy cow, etc.).

Col. Wilson had questions about vet techs and their responsibilities to administer medication to animals. Dr. Bill explained that as long as the vet indicates that the medication needs to be

dispensed, a vet tech can dispense it. Col. Wilson asked about requirements for continuing education for vet techs. Dr. Bill said that they are held accountable for obtaining continuing education. Col. Wilson asked if the continuing education for Vet Techs is tied to their practice, such as general medicine for companion animals. Dr. Bill responded that their continuing education is very general, since the vets generally do anything complicated. Col. Wilson asked how the State Board of Animal Health plays a significant role in the industry and whether there are any private organizations that would be competent enough to regulate their own practices. Mr. Belch responded that he believes that the IVMA thinks it makes sense to see if other organizations can do it well first. He elaborated that the IVMA would not be opposed to regulating the profession in Indiana, but they have questions about where the responsibilities of the IVMA would begin and end. He mentioned that they still believe that disciplinary and investigative responsibilities belong to the State. Mr. Belch thinks that it might make more sense for the State Board of Animal Health (BOAH) to oversee the licensing for vets instead of the IPLA. Col. Wilson responded that he believes that there would be more transparency if the IVMA oversaw the regulation of the license. He explained that if this committee wants the government to have less interference in the vet medicine industry and IVMA could oversee it, the IVMA would provide better consumer service and more transparent licensing fees.

Col. Wilson asked whether it would be possible for vet techs to have a certification program for assistant technicians instead of a state-regulated license. Dr. Bill explained that the role of vet assistant already exists. Mr. Pope asked for clarification regarding the National Vet Accreditation Program. Bret Marsh, Commissioner for the State BOAH, confirmed that it is a federal government operation. Col. Wilson asked about the purpose of that accreditation. Mr. Marsh explained that instead of the federal government handling it, it was decided that accredited vets should oversee and regulate the movement of animals across state lines or across national boundaries. Mr. Rhoad asked Mr. Marsh how he feels about moving the licensing Board to the State BOAH. Mr. Marsh believes that since it has been with BOAH in the past, with the proper resources, it could be effective.

Col. Wilson asked Mr. Bill whether, if IVMA had licensing regulation, it would be confusing for them to have to go to Board of Pharmacy for controlled substance registration, etc. Mr. Marsh does recognize that some consumers are confused about whether BOAH regulates vet licenses.

Mr. Rhoad asked the JCC for a recommendation or vote about the licensing of this profession. Col. Wilson suggested staying with the model used last year and waiting until the last meeting of the year to make a final determination. Mr. Rhoad and the JCC members agreed.

BREAK FOR LUNCH

The JCC took a break for lunch at 11:30 AM, and reconvened at 1:06 PM.

Report from the Indiana Chapter of the American Society of Landscape Architects

Jonathan Geels, PLA, ASLA, President of INASLA, presented to the JCC and provided additional materials as well.

Mr. Geels proposed a few reasons why state-regulated licensure is important for landscape architects. He explained that licensure promotes competition in the workforce and removes barriers to entry into the workplace. He further explained that without licensure, landscape architects might be harmed by the loss of legal protections provided by licensure, causing higher insurance rates and a higher degree of personal liability for a private practice individual. He also mentioned that a mechanic's lien would not be accessible to unlicensed landscape architects, which would increase liability for architects working on a project with landscape architects. He proposed that if landscape architects were unable to practice in Indiana due to a lack of liability insurance, landscape architects from other states would come to Indiana and take jobs away from Indiana-based professionals. He also argued that reciprocity with other states would be in jeopardy without Indiana state licensure for landscape architects. He further mentioned that federal funding might be reduced for certain projects, since federal funding requires regulated licensing for landscape architects. Mr. Geels believes that there is a difference between licensed and unlicensed landscape architects.

Mr. Geels said that state oversight is essential to the effectiveness of the landscape architect license and profession, and state oversight is critical to protect the public. All 50 states have state-regulated licenses for landscape architects. He mentioned that INASLA cannot apply for the self-certification registry due to lack of revenue and staffing resources. In addition, he believes that INASLA's regulation could create a conflict of interest at some point. Mr. Geels believes that self-certification is not a good substitute for state licensure. He further explained that landscape architect licenses only account for one tenth of one percent of all licenses issued by the IPLA, so its regulation should not be a burden for the state. He believes that the high education standards required by licensure are necessary to provide high quality services to public and private projects to ensure public safety.

Testimony from Ball State University, Department of Landscape Architecture

Joe Blalock, Associate Professor at Ball State University (BSU), presented testimony to the JCC. He discussed how changes in the licensure of landscape architects would affect BSU's academic programs. He explained that BSU offers two accredited degree programs for landscape architects, both Bachelor's and Master's degree programs. He further explained that formal training is the first step in licensure, then graduates apprentice under a licensed professional for three years before passing the landscape architect registration exam. The landscape architect licensure requires 24 hours of continuing education every two years, and BSU is a provider of those continuing education. BSU believes that eliminating licensure will result in many problems. First, Mr. Blalock explained that attracting young, high-quality students is a high priority for BSU and important in maintaining the program's longevity. He believes that students may start attending colleges in other states and become licensed in landscape architecture there instead of attending in-state colleges such as BSU. He also explained that attracting quality faculty would be difficult, and it would be hard for BSU to maintain its program accreditation if enrollment numbers dropped significantly.

Testimony from Licensed Landscape Architects

Meg Storrow, PLA, ASLA, and President and Co-Founder of Storrow Kinsella Associates, presented testimony to the JCC. She explained that her landscape architecture firm in Connecticut would work on projects ranging from urban parks to wetlands care, etc. When she moved to Columbus, Indiana, there were not a lot of jobs available back then for landscape architects, since it was not a licensed profession in Indiana at the time. Once Indiana started licensing landscape architects, her business became qualified to work on big projects at places like Purdue. She asked the committee to reconsider their recommendation to remove licensure for landscape architects.

Kevin Osburn, PLA, ASLA, and Principal of Rundell Ernstberger Associates presented to the JCC. He explained that he works for a Landscape Architecture and Urban Design Firm with over 20 employees. His firm has licensure in multiple states, and the firm would not be able to practice in other states if Indiana removes its licensure for landscape architects. He believes that the licensure of landscape architects has placed Indiana in the forefront of the urban design and transportation planning industries, and he urges the JCC to reconsider their recommendation.

Sean Rotar, Assistant Professor of Landscape Architecture at Purdue University, presented to the JCC. He believes that there will be detrimental effects to the long-term prospects of the landscape architect profession in Indiana if licensure is removed. He explained that he thinks it will be difficult to recruit talented faculty to Purdue since Indiana would give the impression that it does not seem to value the landscape architect profession. He also believes it will be difficult to attract students to Purdue's landscape architecture programs without talented faculty. Purdue's landscape architecture program is nationally ranked, and it would be in jeopardy without licensure for the profession. Less students would choose to attend Purdue if they were interested in pursuing a career in landscape architecture, so they would leave for out of state schools—furthering the “brain drain” problem that Indiana experiences in many professions. Also, landscape architecture students at Purdue are required to complete an internship for 40 weeks with a licensed landscape architect, and that program requirement mirrors the state requirement for experience. Mr. Rotar explained that 70 percent of students return to Purdue from their landscape architect internship with a job offer, and those will all be out of state if licensure is removed in Indiana.

Barth Hendrickson, PLA, ASLA, and Principal & Vice President of Browning Day Mullins Dierdorf presented to the JCC. He explained that his firm holds legacy projects for Indianapolis, and that his firm would not be able to do business in Indiana without a professional landscape architect license.

Mr. Rhoad restated to the JCC what was included about the landscape architect profession in the JCC's annual report. He explained that the JCC found that the current licensing Board for landscape architects was adequate. Mr. Rhoad asked members of the professional organizations in attendance if they believe that the licensing fees for landscape architects are

fair and adequate. Mr. Geels responded that they have no reason to think otherwise at this moment. Ms. Storrow spoke up and explained the CLARB national certification, and how that organization holds on to all professionals' records and will send their information to other states if they want to be licensed in another state. She mentioned that the organization CLARB also provides exams for licensing.

Mr. Pope asked about the breadth of the definition of landscape architecture, not just in the State code, but what is specifically considered landscape architecture. He had concerns about the vagueness of the definition, and he did not want the landscape architecture definition accidentally regulate and punish people who own small, private business doing basic landscaping or lawn mowing. Ms. Storrow responded that the engineering definition is fairly broad as well. She explained that engineering has distinguished itself by offering specialties. She agreed that verbiage in the legislation is vague. Barth Hendrickson spoke up from the audience and clarified concerns about lawn-mowing. He explained that there is language in the landscape architecture definition that differentiates public projects versus small, private projects.

Mr. Rhoad asked for a motion to continue the licensure of landscape architecture. Mr. Reed seconded. Mr. Pope spoke up and said that although he cannot vote, he would like to see the language updated or specified. Mr. Miller voted yes. Mr. Wright voted yes. Col. Wilson voted no. Mr. Rhoad voted yes. Mr. Reed voted yes. The motion to continue the licensure of landscape architects passed 4 to 1.

Presentation from the Indiana State Board of Health Facility Administrators

Keri Reed, Assistant Board Director, presented to the JCC. Ms. Reed explained the different license types and their functions, including Health Facility Administrators (HFA), which is required for anyone in charge of operating a licensed health facility operating in Indiana, Residential Care Administrators (RCA), which is anyone in general administrative charge of a licensed residential facility operating in Indiana, Continuing Education Sponsors, which provide approved continuing education programs, Preceptors, who train HFA and RCA candidates, Temporary and Provisional. Col. Wilson asked for clarification of an expired versus inactive license. Ms. Reed explained that inactive means that they are not practicing in Indiana at the moment, but they are not ready to give up their Indiana license yet. She explained that sometimes practitioners take time off work for their family or maybe they decide to work in another state for a while. She further explained that an "inactive" license has a less negative connotation than "expired." Col. Wilson asked for the specific definition of a "health facility", and an audience member spoke up and explained that it is mostly nursing homes or assisted living facilities. Ms. Reed continued to explain the establishment and composition of the Board, which is made up of 13 members. She explained the role of the Board, which is identical to most other IPLA Boards. She mentioned that the Board can issue cease and desist orders to unlicensed practices. Ms. Reed also explained the costs of the licenses: HFA and RCA licenses include a \$100 initial fee, \$39.70 for a background check, \$350 or \$300 for the exam, with a renewal cost of \$100 every two years. CES has a \$100 application fee and a \$100 renewal fee every year. Preceptor licenses are \$50 per year, and the license is valid for 5 years.

Presentation from the Indiana Attorney General's Office re: Health Facility Administrators

Allen Pope from the Attorney General's office presented to the JCC. His report contained complaints received about the professional licenses between 2008-2014. The alleged violations included mandatory referral of survey (ISDH handles those surveys contracted by the federal government), professional incompetence, and unprofessional conduct, among others. Col. Wilson asked about the necessity of the JCC reviewing this profession at all, if it is already mostly regulated by federal government. Mr. Rhoad responded that the statute required that the JCC review all professions under IPLA.

Collaborative Presentation from Health Care Associations

Jim Leich, President of Leading Age Indiana, presented to the JCC. Leading Age Indiana, HOPE, and IHCA represent nursing homes and licensed residential care facilities (RCF), and INALA represents licensed RCFs. Mr. Leich explained that there are 541 licensed nursing homes and 139 licensed RCFs in Indiana. These facilities serve vulnerable populations of residents, many of whom have cognitive impairments and cannot represent their interests and concerns. He explained that the public and families of residents need to be assured that the facilities serving these vulnerable residents are qualified professionally and well regulated. Col. Wilson asked if there are facilities that are unlicensed. Mr. Leich responded that there are, but they do not provide nursing care directly. Instead, unlicensed facilities contract the nursing care out to other companies. Mr. Leich believes that licensure of this profession is important due to the scope of responsibility of HFAs over the quality of care and life of vulnerable nursing home or residential care facility residents. He explained that there are currently no certification programs for administrators that could substitute licensure. He also mentioned that CMS requires nursing home administrators to be licensed. Mr. Leich further elaborated that hospitals are increasingly discharging patients who still require intensive care. He mentioned that ten years ago, some of their current residents in their facilities would have still likely been in the ICU instead of being transferred to their facility. Col. Wilson brought up concerns about "population" health care. Mr. Leich explained that the population health care provides incentives for hospitals and rehab facilities to get people recovered and back home as quickly as possible, since Medicare is paying "per procedure" and not "per day" of care.

Mr. Leich explained possible recommendations for legislative/administrative changes, including the suggestion that the juris prudence exam be offered electronically as opposed to a pencil and paper test administered once per month. Mr. Rhoad asked whether, if the IPLA were able to update to an electronic exam, the industry would accept higher licensing fees to accommodate the associated costs. Mr. Leich agreed that it would not be a financial burden since most HFAs are making \$100,000 as a starting salary. Mr. Leich also mentioned that he believes that existing collected fees could be used to improve the efficiency of the Board. He believes that the current Board structure could be reorganized. He explained that he wants to see more HFAs on the Board, as currently only 6 out of the 13 members are HFAs. He would like to replace the hospital administrator Board appointment with a Residential Care Administrator appointment, and he suggests that the physician seat should be allowed to be filled by a nurse practitioner or physician's assistant. He also believes that the Board should allow an Ombudsman to fill one of

the two consumer seats on the Board, and the ISDH seat on the Board should be non-voting since ISDH submits disciplinary cases to the board. Overall, his professional organization believes that the current licensing fees are fair.

Liz Carroll spoke up from the audience and mentioned that she believes it is important to continue to differentiate between HFA and RCA. Col. Wilson asked Ms. Carroll if RCAs can be certified instead of licensed, since there is no federal oversight of the profession. She believes that it does not matter what it is called, but since the facilities need to be licensed, she assumes that the ISDH would want a qualified professional in charge. She added that the Medicaid waiver program also requires a licensed individual to administer the program in these facilities.

Col. Wilson asked if their organization would be willing, if given the resources and authority, to oversee their professional licenses. Mr. Leich responded that he would want to consult their Board first.

Mr. Rhoad mentioned that he is not inclined to make any changes to this professional license, other than ensuring that the licensing fees are appropriate. Mr. Rhoad proposed a motion to making no changes to the profession. Mr. Reed seconded. With five yes votes and no opposition, the motion to make no changes to the professional license in this profession carried.

Committee Discussion

No concluding discussion was requested by the members of the JCC.

Adjournment

Chairman Rhoad proposed a motion to adjourn at 3:34 PM, and Mr. Reed seconded. Without opposition, the motion carried and the meeting was adjourned.

NEXT SCHEDULED MEETING

September 17, 2015

at 9:00 AM

Indiana Government Center- South
402 W. Washington Street, Room W064
Indianapolis, IN 46204