IC 25

TITLE 25. PROFESSIONS AND OCCUPATIONS

IC 25-1

ARTICLE 1. GENERAL PROVISIONS

IC 25-1-0.1

Chapter 0.1. Effect of Certain Acts

IC 25-1-0.1-1

No effect of P.L.257-1987 on rights or liabilities accrued, penalties incurred, crimes committed, or proceedings begun

Sec. 1. A SECTION of P.L.257-1987 does not affect:

(1) rights or liabilities accrued;

(2) penalties incurred;

(3) crimes committed; or

(4) proceedings begun;

before September 1, 1987. Those rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced under prior law as if P.L.257-1987 had not been enacted.

As added by P.L.220-2011, SEC.403.

IC 25-1-1

Chapter 1. Evidence of License Applicant's Payment of Personal Property Taxes Required

IC 25-1-1-1

Issuance of license; evidence of payment of personal property tax

Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana.
(Formerly: Acts 1931, c.124, s.1; Acts 1941, c.61, s.1; Acts 1943, c.124, s.1; Acts 1953, c.208, s.1.) As amended by Acts 1978, P.L.2, SEC.2501.

IC 25-1-1-2

License defined

Sec. 2. The term "license" as used in this chapter shall be construed to mean and include motor vehicle registration licenses, certificates of title showing the ownership of any motor vehicle, except those classed as passenger vehicles.
(Formerly: Acts 1931, c.124, s.2; Acts 1972, P.L.183, SEC.1.)

IC 25-1-1-3

Repealed

(*Repealed by Acts 1978, P.L.2, SEC.2570.)*

IC 25-1-1-4

Repealed

(*Repealed by Acts 1978, P.L.2, SEC.2570.)*

IC 25-1-1.1

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

IC 25-1-1.1-1

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

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

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

IC 25-1-1.1-2 Version a

Suspension, denial, or revocation of license or certificate for specified convictions

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

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

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

(5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid as a Class D felony under IC 35-48-4-11.

(9) Maintaining a common nuisance under IC 35-48-4-13.

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

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).

(12) Attempt under IC 35-41-5-1 to commit an offense listed in

subdivisions (1) through (10).

(13) A sex crime under IC 35-42-4.

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

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

As added by P.L.67-1990, SEC.7. Amended by P.L.1-1991, SEC.162; P.L.17-2001, SEC.5; P.L.151-2006, SEC.10; P.L.138-2011, SEC.6; P.L.182-2011, SEC.6; P.L.155-2011, SEC.6; P.L.6-2012, SEC.168.

IC 25-1-1.1-2 Version b

Suspension, denial, or revocation of a license or certificate for specified convictions

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

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

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

(5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic drug as a Class D felony under IC 35-48-4-11.

(9) Maintaining a common nuisance under IC 35-48-4-13.

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

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).

(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

(13) A sex crime under IC 35-42-4.

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

(15) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are

substantially similar to the elements of an offense described in this section.

As added by P.L.67-1990, SEC.7. Amended by P.L.1-1991, SEC.162; P.L.17-2001, SEC.5; P.L.151-2006, SEC.10; P.L.138-2011, SEC.6; P.L.182-2011, SEC.6; P.L.155-2011, SEC.6; P.L.6-2012, SEC.168; P.L.78-2012, SEC.7.

IC 25-1-1.1-3

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

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

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

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

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

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

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic drug under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

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

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

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

IC 25-1-1.1-4

National criminal history background check for certain licenses and certificates; release of background results; random audit

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

(1) IC 25-2.5 (acupuncturists).
(2) IC 25-10 (chiropractors).
(3) IC 25-13 (dental hygienists).
(4) IC 25-14 (dentists).
(5) IC 25-14.5 (dietitians).
(6) IC 25-17.3 (genetic counselors).
(7) IC 25-19 (health facility and residential care facility administrators).
(8) IC 25-21.8 (massage therapists).
(9) IC 25-22.5 (physicians).
(10) IC 25-23 (nurses).
(11) IC 25-23.5 (occupational therapists).
(12) IC 25-23.6 (social workers, marriage and family therapists, and counselors).
(13) IC 25-24 (optometrists).
(14) IC 25-26 (pharmacists).
(15) IC 25-27 (physical therapists).
(16) IC 25-27.5 (physician assistants).
(17) IC 25-29 (podiatrists).
(18) IC 25-33 (psychologists).
(19) IC 25-34.5 (respiratory care practitioners).
(20) IC 25-35.6 (speech pathologists and audiologists).
(21) IC 25-38.1 (veterinarians).

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

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

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

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

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

IC 25-1-1.1-5

Memorandum of understanding for data exchange; use of personal information

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

(b) As used in this section, "personal information" means

information that identifies an individual, including the following:

(1) Photograph.

(2) Social Security number.

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

(4) Name.

(5) Address.

(6) Telephone number.

(7) Fingerprints.

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

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

(1) A prosecuting attorney.

(2) The Indiana professional licensing agency or a board, committee, or commission administered by the Indiana professional licensing agency.

(3) A court.

(4) A law enforcement agency.

(5) The office of the attorney general.

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

IC 25-1-1.2

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

IC 25-1-1.2-1

"Applicant" defined

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

(1) an unlimited license, certificate, registration, or permit;

(2) a limited or probationary license, certificate, registration, or permit;

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

(4) an intern permit;

issued by a board regulating a profession or an occupation.

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

IC 25-1-1.2-2

"Board" defined

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

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

IC 25-1-1.2-3

"Bureau" defined

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

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

IC 25-1-1.2-4

"Delinquent" defined

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

(1) two thousand dollars ($2,000); or

(2) three (3) months;

past due on payment of court ordered child support.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.18.

IC 25-1-1.2-5

"License" defined

Sec. 5. As used in this chapter, "license" has the meaning set forth in IC 25-1-2-6.

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

IC 25-1-1.2-6

"Practitioner" defined

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

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

issued by a board regulating a profession or an occupation.
As added by P.L.133-1995, SEC.19.

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

Sec. 7. (a) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall:
(1) suspend the license of the practitioner; or
(2) deny the application of the applicant;

who is the subject of the order.

(b) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:
(1) That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.
(2) That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.

(c) The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.
As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.19; P.L.1-1997, SEC.109.

IC 25-1-1.2-8
Notice of delinquency; contents; delinquency finding; probationary status; suspension; reinstatement

Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 31-25-4-32(e), send a notice to the practitioner identified by the bureau that includes the following:
(1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.
(2) Describes the amount of child support that the practitioner is in arrears.
(3) Explains that unless the practitioner contacts the bureau and:
(A) pays the practitioner's child support arrearage in full;
(B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order

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

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

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.

(4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.

(6) Explains the procedures to:

(A) pay the practitioner's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and

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

(7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:

(A) paid the practitioner's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

(1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

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

IC 25-1-1.2-9
Repealed

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

IC 25-1-1.2-10
Repealed

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

IC 25-1-2

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

IC 25-1-2-1

Declaration of intent

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

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

IC 25-1-2-2

Repealed

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

IC 25-1-2-2.1

Two year or longer period for certain licenses

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

(1) Certified public accountants, public accountants, and accounting practitioners.
(2) Architects and landscape architects.
(3) Dry cleaners.
(4) Professional engineers.
(5) Land surveyors.
(6) Real estate brokers.
(7) Real estate agents.
(8) Security dealers' licenses issued by the securities commissioner.
(9) Dental hygienists.
(10) Dentists.
(11) Veterinarians.
(12) Physicians.
(13) Chiropractors.
(14) Physical therapists.
(15) Optometrists.
(16) Pharmacists and assistants, drugstores or pharmacies.

(17) Motels and mobile home community licenses.
(18) Nurses.
(19) Podiatrists.
(20) Occupational therapists and occupational therapy assistants.
(21) Respiratory care practitioners.
(22) Social workers, marriage and family therapists, and mental health counselors.
(23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
(24) Wholesale legend drug distributors.
(25) Physician assistants.
(26) Dietitians.
(27) Athlete agents.
(28) Manufactured home installers.
(29) Home inspectors.
(30) Massage therapists.
(31) Interior designers.
(32) Genetic counselors.

As added by P.L.1-1990, SEC.248. Amended by P.L.186-1990, SEC.1; P.L.183-1991, SEC.1; P.L.182-1991, SEC.2; P.L.25-1992, SEC.26; P.L.227-1993, SEC.2; P.L.124-1994, SEC.1; P.L.234-1995, SEC.1; P.L.175-1997, SEC.2; P.L.147-1997, SEC.5; P.L.84-1998, SEC.1; P.L.54-2001, SEC.3; P.L.162-2002, SEC.1; P.L.145-2003, SEC.1; P.L.87-2005, SEC.31; P.L.200-2007, SEC.2; P.L.3-2008, SEC.175; P.L.177-2009, SEC.10; P.L.84-2010, SEC.6.

IC 25-1-2-3
Authorization to issue and reissue two year licenses

Sec. 3. Effective October 1, 1961, such licensing agencies as are authorized to issue any of the foregoing shall issue and reissue such licenses and collect the fees for the same on the basis of two (2) years and the dates by month and day which govern the issuance or reissuance of licenses for one (1) year shall govern the issuance or reissuance of licenses for two (2) years; provided, that entire fees for a two (2) year period shall be payable before issuance thereof on the day and month designated for payment of fees for one (1) year licenses.

(Formerly: Acts 1961, c.79, s.3.) As amended by Acts 1982, P.L.154, SEC.1.

IC 25-1-2-4
Rebates and proration of fees

Sec. 4. Rebates and proration of fees for fractions of a biennium shall be allowed only with respect to the second year of such license if claim be made therefor before the expiration of the first year for which the license was issued.

(Formerly: Acts 1961, c.79, s.4.)

IC 25-1-2-5

Rules and regulations

Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem necessary in the manner prescribed by law.

(Formerly: Acts 1961, c.79, s.5.) As amended by Acts 1982, P.L.154, SEC.2.

IC 25-1-2-6

Definitions; application of section; notice to licensee of need to renew

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

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

(1) Indiana board of accountancy.
(2) Indiana grain buyers and warehouse licensing agency.
(3) Indiana auctioneer commission.
(4) Board of registration for architects and landscape architects.
(5) State board of cosmetology and barber examiners.
(6) Medical licensing board of Indiana.
(7) Secretary of state.
(8) State board of dentistry.
(9) State board of funeral and cemetery service.
(10) Worker's compensation board of Indiana.
(11) Indiana state board of health facility administrators.
(12) Committee of hearing aid dealer examiners.
(13) Indiana state board of nursing.
(14) Indiana optometry board.
(15) Indiana board of pharmacy.
(16) Indiana plumbing commission.
(17) Board of podiatric medicine.
(18) Private investigator and security guard licensing board.
(19) State board of registration for professional engineers.
(20) State psychology board.
(21) Indiana real estate commission.
(22) Speech-language pathology and audiology board.
(23) Department of natural resources.
(24) Board of chiropractic examiners.
(25) Mining board.
(26) Indiana board of veterinary medical examiners.
(27) State department of health.
(28) Indiana physical therapy committee.
(29) Respiratory care committee.
(30) Occupational therapy committee.

(31) Behavioral health and human services licensing board.
(32) Real estate appraiser licensure and certification board.
(33) State board of registration for land surveyors.
(34) Physician assistant committee.
(35) Indiana dietitians certification board.
(36) Attorney general (only for the regulation of athlete agents).
(37) Manufactured home installer licensing board.
(38) Home inspectors licensing board.
(39) State board of massage therapy.
(40) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

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

(1) Inform the individual of the following:
(A) That the individual's license has expired.
(B) Any requirements that must be met before reinstatement of a license may occur.
(2) Be sent electronically. However, if the entity does not have an electronic mail address on record for the individual, the notice must be sent via United States mail.

As added by Acts 1981, P.L.221, SEC.1. Amended by P.L.137-1985, SEC.5; P.L.246-1985, SEC.13; P.L.169-1985, SEC.22; P.L.149-1987, SEC.17; P.L.5-1988, SEC.132; P.L.28-1988, SEC.73; P.L.242-1989, SEC.4; P.L.234-1989, SEC.1; P.L.238-1989, SEC.4; P.L.186-1990, SEC.2; P.L.183-1991, SEC.2; P.L.23-1991, SEC.7; P.L.48-1991, SEC.12; P.L.2-1992, SEC.765; P.L.227-1993, SEC.3; P.L.33-1993, SEC.9; P.L.124-1994, SEC.2; P.L.175-1997, SEC.3; P.L.125-1997, SEC.17; P.L.147-1997, SEC.6; P.L.253-1997(ss), SEC.22; P.L.24-1999, SEC.2; P.L.82-2000, SEC.2; P.L.54-2001, SEC.4; P.L.162-2002, SEC.2; P.L.145-2003, SEC.2; P.L.185-2007, SEC.1; P.L.200-2007, SEC.3; P.L.3-2008, SEC.176; P.L.122-2009, SEC.1; P.L.160-2009, SEC.4; P.L.1-2010, SEC.100; P.L.84-2010, SEC.7; P.L.113-2010, SEC.100; P.L.42-2011, SEC.49; P.L.197-2011, SEC.73.

IC 25-1-2-7
Application of IC 25-1-2-6

Sec. 7. Section 6 of this chapter applies to the mining board (IC

22-10-1.5-2).
As added by P.L.37-1985, SEC.56.

IC 25-1-2-8
Application of chapter; fees

Sec. 8. This chapter applies to the imposition and collection of fees under the following:

IC 14-24-10
IC 16-19-5-2
IC 25-30-1-17
IC 33-42-2-1.

As added by P.L.5-1988, SEC.133. Amended by P.L.2-1993, SEC.135; P.L.1-1995, SEC.69; P.L.98-2004, SEC.98.

IC 25-1-2-9
Repealed

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

IC 25-1-3

Chapter 3. Civil Immunity of Regulatory Agencies

IC 25-1-3-1

Definitions

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

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

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

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

IC 25-1-3-2

Extent of immunity from civil liability

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

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

IC 25-1-3-3

Immunity from civil liability; statements in course of investigatory hearing or review proceedings

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

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

IC 25-1-3-4

Regulatory boards covered

Sec. 4. The provisions of this chapter extend to every regulatory board of the state except the disciplinary commission of the supreme court of Indiana which is protected under IC 1971, 33-2-3-1.

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

IC 25-1-4

Chapter 4. Continuing Education

IC 25-1-4-0.2

"Approved organization"

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

(1) United States Department of Education.

(2) Council on Post-Secondary Education.

(3) Joint Commission on Accreditation of Hospitals.

(4) Joint Commission on Healthcare Organizations.

(5) Federal, state, and local government agencies.

(6) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.

(7) A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title.

(8) A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (7).

(9) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).

(10) Any other organization or individual approved by the board.

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

IC 25-1-4-0.3

"Board"

Sec. 0.3. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana athletic trainers board (IC 25-5.1-2-1).

(4) Indiana auctioneer commission (IC 25-6.1-2-1).

(5) Board of chiropractic examiners (IC 25-10-1).

(6) State board of cosmetology and barber examiners (IC 25-8-3-1).

(7) State board of dentistry (IC 25-14-1).

(8) Indiana dietitians certification board (IC 25-14.5-2-1).

(9) State board of registration for professional engineers (IC 25-31-1-3).

(10) State board of funeral and cemetery service (IC 25-15-9).

(11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).

(13) Home inspectors licensing board (IC 25-20.2-3-1).
(14) State board of registration for land surveyors (IC 25-21.5-2-1).
(15) Manufactured home installer licensing board (IC 25-23.7).
(16) Medical licensing board of Indiana (IC 25-22.5-2).
(17) Indiana state board of nursing (IC 25-23-1).
(18) Occupational therapy committee (IC 25-23.5).
(19) Indiana optometry board (IC 25-24).
(20) Indiana board of pharmacy (IC 25-26).
(21) Indiana physical therapy committee (IC 25-27-1).
(22) Physician assistant committee (IC 25-27.5).
(23) Indiana plumbing commission (IC 25-28.5-1-3).
(24) Board of podiatric medicine (IC 25-29-2-1).
(25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(26) State psychology board (IC 25-33).
(27) Indiana real estate commission (IC 25-34.1-2).
(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(29) Respiratory care committee (IC 25-34.5).
(30) Behavioral health and human services licensing board (IC 25-23.6).
(31) Speech-language pathology and audiology board (IC 25-35.6-2).
(32) Indiana board of veterinary medical examiners (IC 25-38.1-2).

As added by P.L.269-2001, SEC.2. Amended by P.L.157-2006, SEC.11; P.L.185-2007, SEC.2; P.L.2-2008, SEC.52; P.L.122-2009, SEC.2; P.L.160-2009, SEC.5; P.L.1-2010, SEC.101; P.L.84-2010, SEC.8.

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

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

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

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

The term includes an activity that is approved by the board for a profession or occupation, other than a real estate appraiser, and that augments the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.
As added by P.L.157-2006, SEC.12. Amended by P.L.57-2007, SEC.1; P.L.177-2009, SEC.11.

IC 25-1-4-0.6
"Practitioner"

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

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

issued by the board regulating the profession in question.
As added by P.L.269-2001, SEC.3.

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

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

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

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

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

(1) the person is personally served with the notice; or
(2) a notice for the person is deposited in the United States mail.

(d) If a notice is served through the United States mail, three (3) days must be added to a period that begins upon service of that notice.
As added by P.L.177-2009, SEC.12.

IC 25-1-4-1
Requirement

Sec. 1. No board or agency regulating a profession or occupation

under this title or under IC 16 or IC 22 may require continuing education as a condition of certification, registration, or licensure unless so specifically authorized or mandated by statute.
As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.53.

IC 25-1-4-2
Promotion

Sec. 2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may cooperate with members of the profession or occupation it regulates to promote continuing education within the profession or occupation.
As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.54.

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

Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:

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

(2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

(b) Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.
As added by P.L.269-2001, SEC.4. Amended by P.L.157-2006, SEC.13.

IC 25-1-4-3.2
Distance learning methods

Sec. 3.2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 shall require that at least one-half (1/2) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses, chiropractors, optometrists and dentists.
As added by P.L.227-2001, SEC.1. Amended by P.L.2-2008, SEC.55.

IC 25-1-4-4

Hardship waiver

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

(1) Service in the armed forces of the United States during a substantial part of the renewal period.

(2) An incapacitating illness or injury.

(3) Other circumstances determined by the board or agency.

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

IC 25-1-4-5

Failure to comply; license suspension or refusal to reinstate; penalties; reinstatement requirements

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

(1) Send the practitioner notice of noncompliance by certified mail to the practitioner's last known address.

(2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).

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

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

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

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

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

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

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

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

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board

concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars ($5,000) under subsection (b)(2)(A).

(e) The board shall:

(1) reinstate a practitioner's license; or

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

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

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

IC 25-1-4-6

Failure to comply; denial of license renewal or reinstatement; penalties

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

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

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

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

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

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

(3) The practitioner otherwise complies with this chapter.

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

IC 25-1-4-7

Credit hours

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

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

IC 25-1-4-8

Rules

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

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

IC 25-1-5

Chapter 5. Professional Licensing Agency

IC 25-1-5-1

Centralization of staff, functions, and services; purpose

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

(1) make maximum use of data processing as a means of more efficient operation; and

(2) provide more services and carry out functions of superior quality.

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

IC 25-1-5-2

Definitions

Sec. 2. As used in this chapter:

(1) "Agency" means the Indiana professional licensing agency established by section 3 of this chapter.

(2) "Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.206-2005, SEC.2.

IC 25-1-5-3

Indiana professional licensing agency; functions; duties and responsibilities

Sec. 3. (a) There is established the Indiana professional licensing agency. The agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

(1) Board of chiropractic examiners (IC 25-10-1).

(2) State board of dentistry (IC 25-14-1).

(3) Indiana state board of health facility administrators (IC 25-19-1).

(4) Medical licensing board of Indiana (IC 25-22.5-2).

(5) Indiana state board of nursing (IC 25-23-1).

(6) Indiana optometry board (IC 25-24).

(7) Indiana board of pharmacy (IC 25-26).

(8) Board of podiatric medicine (IC 25-29-2-1).

(9) Speech-language pathology and audiology board (IC 25-35.6-2).

(10) State psychology board (IC 25-33).

(11) Indiana board of veterinary medical examiners (IC 25-38.1-2).

(12) Committee of hearing aid dealer examiners (IC 25-20).

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

(14) Respiratory care committee (IC 25-34.5).

(15) Occupational therapy committee (IC 25-23.5).

(16) Behavioral health and human services licensing board (IC 25-23.6).
(17) Physician assistant committee (IC 25-27.5).
(18) Indiana athletic trainers board (IC 25-5.1-2-1).
(19) Indiana dietitians certification board (IC 25-14.5-2-1).

(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.

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 in section 3 of this chapter;

(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public;

(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 sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the agency, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the agency, the license or certificate is renewed within forty-five (45) days after receipt of the notice.

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

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

(1) the applicant continues to meet the minimum requirements for licensure; and

(2) the applicant is not in violation of:

(A) the statute regulating the applicant's profession; or

(B) rules adopted by the board regulating the applicant's profession.

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

(1) not later than ten (10) days after the agency receives all required forms and evidence; or

(2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the agency with all required forms and evidence.

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

(g) The agency may delay issuing a license renewal for up to ninety (90) days after the renewal date for the purpose of permitting the board to investigate information received by the agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the agency delays issuing a license renewal, the agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (h), before the

end of the ninety (90) day period, the board shall do one (1) of the following:

(1) Deny the license renewal following a personal appearance by the applicant before the board.

(2) Issue the license renewal upon satisfaction of all other conditions for renewal.

(3) Issue the license renewal and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of IC 25-1-9-4 by the applicant.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under IC 25-1-9-9.

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

(i) If the board makes a request under subsection (g)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4. If the office of the attorney general files a petition, the board shall set the matter for a hearing. If, after the hearing, the board finds the practitioner violated IC 25-1-9-4, the board may impose sanctions under IC 25-1-9-9. The board may delay issuing the renewal beyond the ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under IC 25-1-9-10.

(j) The license of the applicant for a license renewal remains valid during the ninety (90) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license shall be automatically renewed at the end of the ninety (90) day period.

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

(l) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a

new application.
As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.25; P.L.149-1987, SEC.19; P.L.22-1999, SEC.1; P.L.44-2000, SEC.1; P.L.75-2002, SEC.1; P.L.206-2005, SEC.4; P.L.177-2009, SEC.14.

IC 25-1-5-5
Executive director

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

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

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the agency and is responsible for hiring of all staff, and for procurement of all services and supplies in accordance with IC 5-22. The executive director 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.

IC 25-1-5-6

Executive director; representatives; staff placement

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

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

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.27; P.L.206-2005, SEC.6.

IC 25-1-5-7

Repealed

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

IC 25-1-5-8

Repealed

(*Repealed by P.L.206-2005, SEC.15.)*

IC 25-1-5-9

Submission of certified document as proof of required diploma

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

As added by P.L.177-1996, SEC.1.

IC 25-1-5-10

Provider profiles

Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the following:

(1) Board of chiropractic examiners (IC 25-10-1).

(2) State board of dentistry (IC 25-14-1).

(3) Indiana state board of health facility administrators (IC 25-19-1).

(4) Medical licensing board of Indiana (IC 25-22.5-2).

(5) Indiana state board of nursing (IC 25-23-1).

(6) Indiana optometry board (IC 25-24).

(7) Indiana board of pharmacy (IC 25-26).

(8) Board of podiatric medicine (IC 25-29-2-1).

(9) Speech-language pathology and audiology board (IC 25-35.6-2).

(10) State psychology board (IC 25-33).

(11) Indiana board of veterinary medical examiners (IC 25-38.1-2).

(12) Indiana physical therapy committee (IC 25-27).

(13) Respiratory care committee (IC 25-34.5).
(14) Occupational therapy committee (IC 25-23.5).
(15) Behavioral health and human services licensing board (IC 25-23.6).
(16) Physician assistant committee (IC 25-27.5).
(17) Indiana athletic trainers board (IC 25-5.1-2-1).
(18) Indiana dietitians certification board (IC 25-14.5-2-1).

(b) The agency shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:
(1) The provider's name.
(2) The provider's license, certification, registration, or permit number.
(3) The provider's license, certification, registration, or permit type.
(4) The date the provider's license, certification, registration, or permit was issued.
(5) The date the provider's license, certification, registration, or permit expires.
(6) The current status of the provider's license, certification, registration, or permit.
(7) The provider's city and state of record.
(8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or committee described in subsection (a).

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

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

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

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

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

Sec. 11. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the agency.

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

(c) Notwithstanding IC 4-1-10-3, the agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

(1) a testing service that provides the examination for licensure to the agency or the boards; or

(2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

As added by P.L.157-2006, SEC.18.

IC 25-1-5.5

Chapter 5.5. Electronic Registry of Professions

IC 25-1-5.5-1

Establishment of electronic registry

Sec. 1. The electronic registry of professions is established. This chapter applies to any profession required to use the registry under this title.

As added by P.L.177-2009, SEC.15.

IC 25-1-5.5-2

Definitions

Sec. 2. As used in the chapter:

(1) "Applicant" refers to a person who applies for a registration in the electronic registry of professions.

(2) "Executive director" refers to the executive director of the licensing agency appointed under IC 25-1-5-5.

(3) "Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

(4) "Registrant" means an individual who is registered in the electronic registry of professions as an interior designer under IC 25-20.7.

(5) "Registry" refers to the electronic registry of professions established by section 1 of this chapter.

As added by P.L.177-2009, SEC.15.

IC 25-1-5.5-3

Registry requirements

Sec. 3. (a) The registry shall be maintained by the licensing agency.

(b) The registry must:

(1) be maintained in an electronic format;

(2) allow an applicant to electronically input information to certify, under penalty of perjury, the successful completion of any education, experience, and examination required for the applicant to become registered;

(3) allow for payment of registration fees through only electronic means;

(4) include each registrant's:

(A) name;

(B) city and state of residence;

(C) qualifications for registration;

(D) registration number;

(E) date the applicant was registered;

(F) place of business; and

(G) registration expiration date; and

(5) be made available to the public on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

As added by P.L.177-2009, SEC.15.

IC 25-1-5.5-4
Limitation of licensing agency's responsibilities and liability

Sec. 4. The licensing agency is not:

(1) responsible for performing or required to perform any due diligence or review of the veracity of the information represented by an applicant under this chapter;

(2) liable to any party in any capacity for any misrepresentation, fraud, or omission or other such conduct committed or caused by an applicant who applies for registration under this chapter; or

(3) liable to any party in any capacity for any misrepresentation, fraud, or omission or other such conduct committed or caused by any individual who is registered under this chapter.

As added by P.L.177-2009, SEC.15.

IC 25-1-5.5-5
Rules

Sec. 5. The licensing agency may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.177-2009, SEC.15.

IC 25-1-5.5-6
Review of registry

Sec. 6. (a) Beginning in July 2014, and each five (5) years thereafter, the agency shall review the use of the registry by each profession on the registry to determine whether there is sufficient use of the registry to justify continuing the registration of each profession under this chapter.

(b) If new professions are required by the general assembly to be registered by the agency, five (5) years after the addition of each profession, the agency shall review the use by the profession of the registry to determine whether there is sufficient use of the registry to justify continuing the registration of the profession under this chapter.

(c) After a review required under subsection (a) or (b), the agency shall prepare a report with recommendations for the general assembly. A report under this subsection shall be submitted to the legislative council by October 1 of the year in which the report is required. A report submitted under this subsection must be in an electronic format under IC 5-14-6.

As added by P.L.177-2009, SEC.15.

IC 25-1-6

Chapter 6. Professional Licensing Agency Functions and Duties

IC 25-1-6-1

Centralization of staff, functions, and services

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

(1) make maximum use of data processing as a means of more efficient operation;

(2) provide more services and carry out functions of superior quality; and

(3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

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

IC 25-1-6-2

Definitions

Sec. 2. As used in this chapter:

"Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

"Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.3; P.L.206-2005, SEC.8.

IC 25-1-6-3

Indiana professional licensing agency; functions, duties, and responsibilities

Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of cosmetology and barber examiners (IC 25-8-3-1).

(5) State board of funeral and cemetery service (IC 25-15-9).

(6) State board of registration for professional engineers (IC 25-31-1-3).

(7) Indiana plumbing commission (IC 25-28.5-1-3).

(8) Indiana real estate commission (IC 25-34.1).

(9) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).

(10) Private investigator and security guard licensing board (IC 25-30-1-5.2).

(11) State board of registration for land surveyors (IC 25-21.5-2-1).
(12) Manufactured home installer licensing board (IC 25-23.7).
(13) Home inspectors licensing board (IC 25-20.2-3-1).
(14) State board of massage therapy (IC 25-21.8-2-1).

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

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

IC 25-1-6-3.5
Board membership not a lucrative office

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

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

IC 25-1-6-4
Additional duties and functions; staff; requirements for renewal; delay of renewal; attorney general; investigation; sanctions; staggering renewal cycles; abandoned application

Sec. 4. (a) The licensing agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:
(1) notice of board meetings and other communication services;
(2) record keeping of board meetings, proceedings, and actions;
(3) record keeping of all persons or individuals licensed, regulated, or certified by a board;
(4) administration of examinations; and
(5) administration of license or certificate issuance or renewal.

(b) In addition, the licensing agency:
(1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
(3) may consolidate, where feasible, office space, record keeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice

of expiration to all holders of a license or certificate. The notice must inform the holder of a license or certificate of the requirements to:

(1) renew the license or certificate; and

(2) pay the renewal fee.

(d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.

(e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:

(1) meets the minimum requirements for licensure or certification; and

(2) is not in violation of:

(A) the law regulating the applicant's profession; or

(B) rules adopted by the board regulating the applicant's profession.

(f) The licensing agency may delay renewing a license or certificate for not more than ninety (90) days after the renewal date to permit the board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

(1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.

(2) Renew the license or certificate upon satisfaction of all other requirements for renewal.

(3) Renew the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.

(g) If an applicant fails to appear before the board under subsection (f), the board may take action as provided in subsection (f)(1), (f)(2), or (f)(3).

(h) If the board makes a request under subsection (f)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds the applicant violated IC 25-1-11-5,

the board may impose sanctions under IC 25-1-11-12. The board may delay renewing a license or certificate beyond ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:

(1) denied; or

(2) summarily suspended under IC 25-1-11-13.

(i) The license or certificate of the applicant for license renewal remains valid during the ninety (90) day period unless the license or certificate is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license or certificate shall be automatically renewed at the end of the ninety (90) day period.

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

(k) An application for a license or certificate is abandoned without an action by the board if the applicant does not complete the requirements for obtaining the license or certificate not more than one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.5; P.L.194-2005, SEC.3.

IC 25-1-6-5

Executive director

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

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

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the licensing agency or the executive director's designee.

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

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's

control. The executive director may likewise cause any employee of the licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.

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

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

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

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

IC 25-1-6-5.5

Appeal of license renewal denial

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

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

IC 25-1-6-6

Executive director; representatives; staff placement

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

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

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

IC 25-1-6-7

Repealed

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

IC 25-1-6-8

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

Sec. 8. (a) The licensing agency and the boards may allow the department of state revenue access to the name of each person who:

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

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

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

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

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

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

IC 25-1-6-9
Repealed

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

IC 25-1-6-10
Provision of Social Security numbers; access to numbers

Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.

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

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

(1) a testing service that provides the examination for licensure to the licensing agency or the boards; or

(2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

As added by P.L.157-2006, SEC.19.

IC 25-1-7

Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations

IC 25-1-7-1

Definitions

Sec. 1. As used in this chapter:

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

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

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

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

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

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

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) Board of chiropractic examiners (IC 25-10-1).

(5) State board of cosmetology and barber examiners (IC 25-8-3-1).

(6) State board of dentistry (IC 25-14-1).

(7) State board of funeral and cemetery service (IC 25-15-9).

(8) State board of registration for professional engineers (IC 25-31-1-3).

(9) Indiana state board of health facility administrators (IC 25-19-1).

(10) Medical licensing board of Indiana (IC 25-22.5-2).

(11) Indiana state board of nursing (IC 25-23-1).

(12) Indiana optometry board (IC 25-24).

(13) Indiana board of pharmacy (IC 25-26).

(14) Indiana plumbing commission (IC 25-28.5-1-3).

(15) Board of podiatric medicine (IC 25-29-2-1).

(16) State psychology board (IC 25-33).

(17) Speech-language pathology and audiology board (IC 25-35.6-2).

(18) Indiana real estate commission (IC 25-34.1-2).

(19) Indiana board of veterinary medical examiners (IC 25-38.1).

(20) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(21) Respiratory care committee (IC 25-34.5).

(22) Private investigator and security guard licensing board (IC

25-30-1-5.2).
(23) Occupational therapy committee (IC 25-23.5).
(24) Behavioral health and human services licensing board (IC 25-23.6).
(25) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(26) State board of registration for land surveyors (IC 25-21.5-2-1).
(27) Physician assistant committee (IC 25-27.5).
(28) Indiana athletic trainers board (IC 25-5.1-2-1).
(29) Indiana dietitians certification board (IC 25-14.5-2-1).
(30) Indiana physical therapy committee (IC 25-27).
(31) Manufactured home installer licensing board (IC 25-23.7).
(32) Home inspectors licensing board (IC 25-20.2-3-1).
(33) State department of health, for out-of-state mobile health care entities.
(34) State board of massage therapy (IC 25-21.8-2-1).
(35) Any other occupational or professional agency created after June 30, 1981.

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

IC 25-1-7-2
Duties of attorney general

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

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

IC 25-1-7-3
Investigation of complaints

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

(b) The medical licensing board of Indiana shall investigate a complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8. The division shall forward a

complaint concerning a physician licensed under IC 25-22.5 and a violation specified in IC 25-22.5-2-8 to the medical licensing board of Indiana for investigation by the board. However, if the complaint includes a violation in addition to a violation specified in IC 25-22.5-2-8, the division shall investigate the complaint in its entirety and notify the medical licensing board of Indiana of the investigation.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.149-2011, SEC.1; P.L.226-2011, SEC.17.

IC 25-1-7-4

Complaints; requisites; standing

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

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

IC 25-1-7-5

Duties and powers of director

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

(1) a complaint filed by:

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

(B) the Indiana professional licensing agency; or

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

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

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

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

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

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

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

subpoena by the director.

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

IC 25-1-7-6

Statement of settlement; period to resolve

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

(1) a complaint filed by:

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

(B) the Indiana professional licensing agency; or

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

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

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

IC 25-1-7-7

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

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

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

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

IC 25-1-7-8

Witnesses

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.
As added by Acts 1981, P.L.222, SEC.4.

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

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5 (repealed)).
As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.1; P.L.1-2007, SEC.166.

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

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

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

(1) under law; or

(2) for the advancement of an investigation.

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

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

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.
As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.7-1987, SEC.110.

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

Sec. 12. (a) If:

(1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

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

(b) If:

(1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and

(2) the office of the attorney general is entitled to reimbursement under subsection (a);

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

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

IC 25-1-7-13

Reports; contents

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

(1) The number of complaints filed.

(2) The number of cases currently under investigation.

(3) The number of cases closed.

(4) The number of cases resolved.

(5) The age of the complaints.

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

IC 25-1-7-14

Cease and desist orders

Sec. 14. (a) Notwithstanding any other law, if the board of a regulated occupation believes that a person who is not licensed, certified, or registered under this title is engaged in or is believed to be engaged in activities for which a license, certification, or registration is required under this title, the board may do the following:

(1) File a complaint with the attorney general, who shall investigate and may file:

(A) with notice; or

(B) without notice, if the attorney general determines that person is engaged in activities that may affect an individual's health or safety;

a motion for a cease and desist order with the appropriate board. For purposes of this subdivision, the board may designate a board member or an employee of the Indiana professional licensing agency to act on behalf or in the name of the board.

(2) Upon review of the attorney general's motion for a cease and desist order, the board may issue an order requiring the affected person to show cause why the person should not be ordered to cease and desist from such activities. The show cause order must set forth a time and place for a hearing at which the affected person may appear and show cause as to why the person should not be subject to licensing, certification, or registration under this title. For purposes of this subdivision, the board may designate a board member to act on behalf or in the name of the board.

(b) If the board, after a hearing, determines that the activities in

which the person is engaged are subject to licensing, certification, or registration under this title, the board may issue a cease and desist order that must describe the person and activities that are the subject of the order.

(c) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(d) A cease and desist order issued under this section is enforceable in the circuit or superior courts. A person who is enjoined under a cease and desist order and who violates the order shall be punished for contempt of court.

(e) A cease and desist order issued under this section does not relieve any person from prosecution under any other law.

As added by P.L.84-2010, SEC.13. Amended by P.L.155-2011, SEC.9.

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 following:

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

(31) Indiana dietitians certification board (IC 25-14.5-2-1).
(32) Indiana physical therapy committee (IC 25-27).
(33) Manufactured home installer licensing board (IC 25-23.7).
(34) Home inspectors licensing board (IC 25-20.2-3-1).
(35) State board of massage therapy (IC 25-21.8-2-1).
(36) Any other occupational or professional agency created after June 30, 1981.

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

IC 25-1-8-1.1
Repealed

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

IC 25-1-8-2
Fees; establishment and collection

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

(1) Examination of applicants for licensure, registration, or certification.
(2) Issuance, renewal, or transfer of a license, registration, or certificate.
(3) Restoration of an expired license, registration, or certificate when such action is authorized by law.
(4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.
(5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

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

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

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

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

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

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

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

IC 25-1-8-3

Quadrennial license or registration cycle; refunds

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

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

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

IC 25-1-8-4

Quadrennial license renewal system

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

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

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

IC 25-1-8-5

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

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

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

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

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

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

IC 25-1-8-6
Reinstatement of delinquent or lapsed licenses

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

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana athletic trainers board (IC 25-5.1-2-1).
(4) Indiana auctioneer commission (IC 25-6.1-2-1).
(5) Board of chiropractic examiners (IC 25-10-1).
(6) State board of cosmetology and barber examiners (IC 25-8-3-1).
(7) State board of dentistry (IC 25-14-1).
(8) Indiana dietitians certification board (IC 25-14.5-2-1).
(9) State board of registration for professional engineers (IC 25-31-1-3).
(10) State board of funeral and cemetery service (IC 25-15-9).
(11) Indiana state board of health facility administrators (IC 25-19-1).
(12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
(13) Home inspectors licensing board (IC 25-20.2-3-1).
(14) State board of registration for land surveyors (IC 25-21.5-2-1).
(15) Manufactured home installer licensing board (IC 25-23.7).
(16) Medical licensing board of Indiana (IC 25-22.5-2).
(17) Indiana state board of nursing (IC 25-23-1).
(18) Occupational therapy committee (IC 25-23.5).
(19) Indiana optometry board (IC 25-24).
(20) Indiana board of pharmacy (IC 25-26).
(21) Indiana physical therapy committee (IC 25-27).
(22) Physician assistant committee (IC 25-27.5).
(23) Indiana plumbing commission (IC 25-28.5-1-3).
(24) Board of podiatric medicine (IC 25-29-2-1).
(25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(26) State psychology board (IC 25-33).
(27) Indiana real estate commission (IC 25-34.1-2).
(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(29) Respiratory care committee (IC 25-34.5).
(30) Behavioral health and human services licensing board (IC 25-23.6).

(31) Speech-language pathology and audiology board (IC 25-35.6-2).

(32) Indiana board of veterinary medical examiners (IC 25-38.1).

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

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee established by the Indiana professional licensing agency.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

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

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee equal to the current initial application fee.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

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

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

As added by P.L.269-2001, SEC.5. Amended by P.L.206-2005, SEC.13; P.L.157-2006, SEC.20; P.L.185-2007, SEC.6; P.L.197-2007, SEC.20; P.L.3-2008, SEC.180; P.L.105-2008, SEC.2; P.L.122-2009, SEC.7; P.L.160-2009, SEC.9; P.L.1-2010, SEC.104; P.L.84-2010, SEC.15.

IC 25-1-8-7
Repealed

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

IC 25-1-8-8
Delaying reinstatement; investigation; attorney general; petition; sanctions; invalid during investigation

Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

(1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.

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

(3) Reinstate the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.

(c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).

(d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general

may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.

(e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless:

(1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period;

(2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or

(3) the reinstatement is denied.

If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.

As added by P.L.197-2007, SEC.21.

IC 25-1-9

Chapter 9. Health Professions Standards of Practice

IC 25-1-9-1

"Board"

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

(1) Board of chiropractic examiners (IC 25-10-1).
(2) State board of dentistry (IC 25-14-1).
(3) Indiana state board of health facility administrators (IC 25-19-1).
(4) Medical licensing board of Indiana (IC 25-22.5-2).
(5) Indiana state board of nursing (IC 25-23-1).
(6) Indiana optometry board (IC 25-24).
(7) Indiana board of pharmacy (IC 25-26).
(8) Board of podiatric medicine (IC 25-29-2-1).
(9) Speech-language pathology and audiology board (IC 25-35.6-2).
(10) State psychology board (IC 25-33).
(11) Indiana board of veterinary medical examiners (IC 25-38.1-2).
(12) Indiana physical therapy committee (IC 25-27-1).
(13) Respiratory care committee (IC 25-34.5).
(14) Occupational therapy committee (IC 25-23.5).
(15) Behavioral health and human services licensing board (IC 25-23.6).
(16) Physician assistant committee (IC 25-27.5).
(17) Indiana athletic trainers board (IC 25-5.1-2-1).
(18) Indiana dietitians certification board (IC 25-14.5-2-1).

As added by P.L.152-1988, SEC.1. Amended by P.L.242-1989, SEC.7; P.L.238-1989, SEC.7; P.L.186-1990, SEC.7; P.L.48-1991, SEC.20; P.L.227-1993, SEC.7; P.L.33-1993, SEC.14; P.L.213-1993, SEC.4; P.L.1-1994, SEC.122; P.L.124-1994, SEC.6; P.L.175-1997, SEC.6; P.L.147-1997, SEC.10; P.L.84-1998, SEC.5; P.L.24-1999, SEC.6; P.L.2-2008, SEC.59; P.L.122-2009, SEC.8; P.L.84-2010, SEC.16.

IC 25-1-9-2

"Practitioner"

Sec. 2. As used in this chapter, "practitioner" means an individual who holds:

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

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

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

IC 25-1-9-3
"License"

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

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

IC 25-1-9-3.5
"Sexual contact"

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

(1) sexual intercourse (as defined in IC 35-31.5-2-302);

(2) deviate sexual conduct (as defined in IC 35-31.5-2-94); or

(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the individual performing the fondling or touching or the individual being fondled or touched.

As added by P.L.200-2001, SEC.1. Amended by P.L.114-2012, SEC.50.

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

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

(1) a practitioner has:

(A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;

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

(C) advertised services in a false or misleading manner; or

(D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices, including fraud under:

(i) Medicaid (42 U.S.C. 1396 et seq.);

(ii) Medicare (42 U.S.C. 1395 et seq.);

(iii) the children's health insurance program under IC 12-17.6; or

(iv) insurance claims;

(2) a practitioner has been convicted of a crime that:

(A) has a direct bearing on the practitioner's ability to continue to practice competently; or

(B) is harmful to the public;

(3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence that:

(i) may include the undertaking of professional activities

that the practitioner is not qualified by training or experience to undertake; and

(ii) does not include activities performed under IC 16-21-2-9;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has diverted:

(A) a legend drug (as defined in IC 16-18-2-199); or

(B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;

(9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to a habitue or addict;

(10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter;

(11) a practitioner has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care;

(12) a practitioner who is a participating provider of a health maintenance organization has knowingly collected or attempted to collect from a subscriber or enrollee of the health maintenance organization any sums that are owed by the health maintenance organization; or

(13) a practitioner has assisted another person in committing an act that would be grounds for disciplinary sanctions under this chapter.

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

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

As added by P.L.152-1988, SEC.1. Amended by P.L.2-1993, SEC.136; P.L.149-1997, SEC.7; P.L.22-1999, SEC.4; P.L.200-2001,

SEC.2; P.L.203-2001, SEC.3; P.L.1-2002, SEC.96; P.L.197-2007, SEC.22.

IC 25-1-9-5
Optometry employment practice

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

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

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

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

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

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

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

Sec. 6.5. (a) In addition to section 4 of this chapter, a practitioner licensed to practice chiropractic is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds a practitioner has:

(1) waived a payment of a deductible or a copayment required to be made to the practitioner by a patient under the patient's insurance or health care plan; and
(2) advertised the waiver of a payment described in subdivision (1).

(b) This section does not apply to the waiver of a deductible or a copayment by a practitioner if:

(1) the practitioner determines chiropractic service is necessary for the immediate health and welfare of a patient;
(2) the practitioner determines the payment of a deductible or a copayment would create a substantial financial hardship for the patient; and
(3) the waiver is based on the evaluation of the individual patient and is not a regular business practice of the practitioner.

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

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

Sec. 6.7. In addition to the actions listed under section 4 of this chapter that subject a practitioner to the exercise of disciplinary

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

(1) performed any therapy that, by the prevailing standards of the mental health professions in the community where the services were provided, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent;

(2) failed to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance in professional activities, including the undertaking of activities that the practitioner is not qualified by training or experience to undertake;

(3) performed services, including any duties required of the individual under IC 31, in reckless disregard of the best interests of a patient, a client, or the public;

(4) without the consent of the child's parent, guardian, or custodian, knowingly participated in the child's removal or precipitated others to remove a child from the child's home unless:

(A) the child's physical health was endangered due to injury as a result of the act or omission of the child's parent, guardian, or custodian;

(B) the child had been or was in danger of being a victim of an offense under IC 35-42-4, IC 35-45-4-1, IC 35-45-4-2, IC 35-46-1-3, IC 35-49-2-2, or IC 35-49-3-2; or

(C) the child was in danger of serious bodily harm as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, shelter, or medical care, and a court order was first obtained;

(5) willfully made or filed a false report or record, failed to file a report or record required by law, willfully impeded or obstructed the filing of a report or record, or induced another individual to:

(A) make or file a false report or record; or

(B) impede or obstruct the filing of a report or record; or

(6) performed a diagnosis (as defined in IC 25-22.5-1-1.1(c));

(7) provided evidence in an administrative or judicial proceeding that had insufficient factual basis for the conclusions rendered by the practitioner;

(8) willfully planted in the mind of the patient suggestions that are not based in facts known to the practitioner; or

(9) performed services outside of the scope of practice of the license issued under IC 25-23.6.

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

IC 25-1-9-6.8

Practitioner guidelines before prescribing stimulant medication for a child for treatment of certain disorders

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

(1) licensed to practice medicine or osteopathic medicine under IC 25-22.5; or

(2) an advanced practice nurse granted prescriptive authority under IC 25-23, and whose practice agreement with a collaborating physician reflects the conditions specified in subsection (b).

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

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

IC 25-1-9-6.9

Failing to provide or providing false information to agency

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

(1) failed to provide information requested by the Indiana professional licensing agency; or

(2) knowingly provided false information to the Indiana professional licensing agency;

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

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

IC 25-1-9-7

Physical or mental examination; power to require

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

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

IC 25-1-9-8

Failure to submit to physical or mental examination; sanctions

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

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

IC 25-1-9-9

Disciplinary sanctions

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

(1) Permanently revoke a practitioner's license.

(2) Suspend a practitioner's license.

(3) Censure a practitioner.

(4) Issue a letter of reprimand.

(5) Place a practitioner on probation status and require the practitioner to:

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

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

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

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

(6) Assess a fine against the practitioner in an amount not to exceed one thousand dollars ($1,000) for each violation listed in section 4 of this chapter, except for a finding of incompetency due to a physical or mental disability. When imposing a fine, the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the fine within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a fine.

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

As added by P.L.152-1988, SEC.1. Amended by P.L.48-1991, SEC.21; P.L.22-1999, SEC.5; P.L.32-2000, SEC.10; P.L.211-2001, SEC.3.

IC 25-1-9-10

Summary license suspension pending final adjudication; notice; opportunity to be heard

Sec. 10. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public health and safety if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and

each renewal may be for ninety (90) days or less.

(b) Before the board may summarily suspend a license that has been issued under IC 25-22.5, IC 25-38.1, or IC 25-14, the consumer protection division of the attorney general's office shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to reach the practitioner is made if the consumer protection division of the attorney general's office attempts to reach the practitioner by telephone or facsimile at the last telephone number of the practitioner on file with the board.

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

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

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

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

IC 25-1-9-10.1

Retention of clinical consultants and experts to advise on suspension

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

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

IC 25-1-9-11

Reinstatement of suspended licenses

Sec. 11. The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

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

IC 25-1-9-12

Reinstatement of revoked license

Sec. 12. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

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

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

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

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

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

Sec. 14. A practitioner may petition the board to accept the surrender of the practitioner's license instead of a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

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

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

Sec. 15. Practitioners who have been subjected to disciplinary sanctions may be required by a board to pay for the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

(1) Court reporters.
(2) Transcripts.
(3) Certification of documents.
(4) Photoduplication.
(5) Witness attendance and mileage fees.
(6) Postage.
(7) Expert witnesses.
(8) Depositions.
(9) Notarizations.
(10) Administrative law judges.

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

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

Sec. 16. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

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

to competently practice in Indiana.

(b) The board may:

(1) refuse to issue a license; or

(2) issue a probationary license;

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

(c) Whenever the board issues a probationary license, the board may impose one (1) or more of the following conditions:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

(2) Limit practice to those areas prescribed by the board.

(3) Continue or renew professional education.

(4) Engage in community restitution or service without compensation for a number of hours specified by the board.

(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

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

As added by P.L.33-1993, SEC.15. Amended by P.L.32-2000, SEC.11; P.L.197-2007, SEC.23.

IC 25-1-9-17

Applicant appearance before board

Sec. 17. The board may require an applicant for licensure to appear before the board before issuing a license.

As added by P.L.33-1993, SEC.16. Amended by P.L.84-2010, SEC.17.

IC 25-1-9-18

Fitness determination of health care provider; filing complaint

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

(1) the practitioner has become unfit to practice under section 4 of this chapter; and

(2) a complaint should be filed under IC 25-1-7-4.

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

(1) for informal negotiation under IC 25-1-7-6;

(2) on the board's agenda for a vote requesting that the attorney general prosecute the matter before the board under IC 25-1-7-7; or

(3) on the board's agenda for a vote on summary suspension of the practitioner's license pending prosecution of the matter before the board under IC 25-1-7-7.

(c) A board may designate a board member or staff member to act

on behalf of the board under this section.
As added by P.L.43-1995, SEC.4. Amended by P.L.1-1998, SEC.131.

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

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

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

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

IC 25-1-9-20
Authority to adopt rules

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

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

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.
As added by P.L.144-2007, SEC.25.

IC 25-1-9-21
Rules; management and disposition of health records

Sec. 21. The board may adopt rules under IC 4-22-2 to establish requirements for the management and disposition of health records (as defined in IC 16-18-2-168) on the discontinuation of practice by:

(1) sale;
(2) transfer;
(3) closure;
(4) disciplinary action;
(5) retirement; or
(6) death;

of the practitioner.
As added by P.L.177-2009, SEC.16.

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 following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2).

(4) State board of cosmetology and barber examiners (IC 25-8-3-1).

(5) State board of registration for land surveyors (IC 25-21.5-2-1).

(6) State board of funeral and cemetery service (IC 25-15-9).

(7) State board of registration for professional engineers (IC 25-31-1-3).

(8) Indiana plumbing commission (IC 25-28.5-1-3).

(9) Indiana real estate commission (IC 25-34.1-2-1).

(10) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(11) Private investigator and security guard licensing board (IC 25-30-1-5.2).

(12) Manufactured home installer licensing board (IC 25-23.7).

(13) Home inspectors licensing board (IC 25-20.2-3-1).

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

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

IC 25-1-11-2

"Practitioner"

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

(1) an unlimited license, certificate, registration, or permit;

(2) a limited or probationary license, certificate, registration, or permit;

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

(4) an intern permit; or

(5) an inactive license;

issued by the board regulating a profession.

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

IC 25-1-11-3

"License"

Sec. 3. As used in this chapter, "license" includes a license,

certificate, registration, or permit.
As added by P.L.214-1993, SEC.1.

IC 25-1-11-4
"Person"

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.
As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.2.

IC 25-1-11-5
Practitioner compliance with professional standards; findings meriting disciplinary sanctions; fraud or material deception

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

(1) a practitioner has:
(A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
(B) engaged in fraud or material deception in the course of professional services or activities;
(C) advertised services or goods in a false or misleading manner; or
(D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices;

(2) a practitioner has been convicted of a crime that:
(A) has a direct bearing on the practitioner's ability to continue to practice competently; or
(B) is harmful to the public;

(3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
(A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;
(B) failure to keep abreast of current professional theory or practice;
(C) physical or mental disability; or
(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with

an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;

(9) a practitioner has allowed a license issued by a board to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; or

(10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

As added by P.L.214-1993, SEC.1. Amended by P.L.84-1998, SEC.6; P.L.113-1999, SEC.1; P.L.197-2007, SEC.24.

IC 25-1-11-6

Architect or landscape architect; grounds for disciplinary sanctions

Sec. 6. A practitioner registered as an architect or a landscape architect is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has:

(1) permitted the practitioner's seal to be affixed to plans, specifications, or drawings that were not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or

(2) used the title "engineer" or advertised to practice engineering and is not registered under IC 25-31-1.

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

IC 25-1-11-7

Auctioneers; grounds for disciplinary sanctions

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

(1) account and to make payment under IC 25-6.1-6-2; or
(2) keep the funds of others separate from the practitioner's own private accounts.

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

IC 25-1-11-8
Barbers; grounds for disciplinary sanctions

Sec. 8. A practitioner registered as a barber is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has continued to practice barbering while the practitioner has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact during the scope of practice of barbering.

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

IC 25-1-11-9
Engineers or land surveyors; grounds for disciplinary sanctions

Sec. 9. A practitioner registered as an engineer or a land surveyor is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner:

(1) has permitted the practitioner's seal to be affixed to plans, specifications, or drawings not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or
(2) has used the title "architect" or advertised to practice architecture and is not registered under IC 25-4-1.

As added by P.L.214-1993, SEC.1. Amended by P.L.42-2011, SEC.54.

IC 25-1-11-9.5
Repealed

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

IC 25-1-11-10
Physical and mental examination of practitioner

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.1; P.L.194-2005, SEC.7.

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

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

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

IC 25-1-11-12
Sanctions for violations

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

(1) Permanently revoke a practitioner's license.

(2) Suspend a practitioner's license.

(3) Censure a practitioner.

(4) Issue a letter of reprimand.

(5) Place a practitioner on probation status and require the practitioner to:

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

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

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

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

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

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

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

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

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

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

IC 25-1-11-13
Summary license suspension of real estate appraisers and other

practitioners; notification by consumer protection division

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

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

(c) Before the board may summarily suspend a license under this section, the consumer protection division of the office of the attorney general shall make a reasonable attempt to notify a practitioner of:

(1) a hearing by the board to suspend the practitioner's license; and

(2) information regarding the allegation against the practitioner.

The consumer protection division of the office of the attorney general shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the office of the attorney general attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.2; P.L.197-2007, SEC.25; P.L.209-2007, SEC.3; P.L.3-2008, SEC.182.

IC 25-1-11-14

Reinstatement of suspended license

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.3.

IC 25-1-11-15

Reinstatement of revoked license

Sec. 15. The board may not reinstate a license that has been

revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.
As added by P.L.214-1993, SEC.1.

IC 25-1-11-16
Consistency of sanctions

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.
As added by P.L.214-1993, SEC.1.

IC 25-1-11-17
Surrender of practitioner license; surrender prohibited if attorney general opposes

Sec. 17. (a) Except as provided in subsection (b), a practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(b) The board may not approve the surrender of a practitioner's license under subsection (a) if the office of the attorney general:

(1) has filed an administrative complaint concerning the practitioner's license; and

(2) opposes the surrender of the practitioner's license.

As added by P.L.214-1993, SEC.1. Amended by P.L.52-2009, SEC.10; P.L.105-2009, SEC.13.

IC 25-1-11-18
Costs; practitioners subject to sanctions

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

(1) Court reporters.
(2) Transcripts.
(3) Certification of documents.
(4) Photo duplication.
(5) Witness attendance and mileage fees.
(6) Postage.
(7) Expert witnesses.
(8) Depositions.
(9) Notarizations.
(10) Administrative law judges.

(11) Real estate review appraisals, if applicable.

As added by P.L.214-1993, SEC.1. Amended by P.L.194-2005, SEC.8; P.L.52-2009, SEC.11; P.L.105-2009, SEC.14.

IC 25-1-11-19

Refusal to issue license; probationary license; requirements

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

(1) the applicant has:

(A) been disciplined by a licensing entity of another state or jurisdiction; or

(B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) The board may:

(1) refuse to issue a license; or

(2) issue a probationary license;

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

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

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

(2) Limit practice to the areas prescribed by the board.

(3) Continue or renew professional education requirements.

(4) Engage in community restitution or service without compensation for the number of hours specified by the board.

(5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

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

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

IC 25-1-11-20

Appearance before board

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

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

IC 25-1-11-21

Authority to adopt rules

Sec. 21. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to

expedite the issuance or renewal of a:

(1) license;

(2) certificate;

(3) registration; or

(4) permit;

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

As added by P.L.144-2007, SEC.26.

IC 25-1-12

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

IC 25-1-12-1

Applicability of chapter

Sec. 1. (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.

IC 25-1-13

Chapter 13. Indiana Scheduled Prescription Electronic Collection and Tracking Program

IC 25-1-13-1

Effective date

Sec. 1. This chapter applies after June 30, 2007.

As added by P.L.65-2006, SEC.1.

IC 25-1-13-2

"Agency"

Sec. 2. As used in this chapter, "agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

As added by P.L.65-2006, SEC.1.

IC 25-1-13-3

"INSPECT"

Sec. 3. As used in this chapter, "INSPECT" refers to the Indiana scheduled prescription electronic collection and tracking program established by section 4 of this chapter.

As added by P.L.65-2006, SEC.1.

IC 25-1-13-4

Establishment of the Indiana scheduled prescription electronic collection and tracking program

Sec. 4. The Indiana scheduled prescription electronic collection and tracking program is established within the agency.

As added by P.L.65-2006, SEC.1.

IC 25-1-13-5

Agency functions, duties, and responsibilities

Sec. 5. The agency shall perform all administrative functions, duties, and responsibilities for the INSPECT program.

As added by P.L.65-2006, SEC.1.

IC 25-1-13-6

INSPECT program duties

Sec. 6. The INSPECT program shall collect and process information received under IC 35-48-7-8.1 and has duties described in IC 35-48-7-10.1 and IC 35-48-7-11.1.

As added by P.L.65-2006, SEC.1.

IC 25-1-14 Version a

Chapter 14. Meetings

Note: This version of chapter effective until 1-1-2013. See also following repeal of this chapter, effective 1-1-2013.

IC 25-1-14-1 Version a

Applicability

Note: This version of section effective until 1-1-2013. See also following repeal of this chapter, effective 1-1-2013.

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

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

IC 25-1-14-2 Version a

Participation by member not physically present at meeting

Note: This version of section effective until 1-1-2013. See also following repeal of this chapter, effective 1-1-2013.

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

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

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

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

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

to simultaneously communicate with each other during the meeting.

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

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

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

to simultaneously communicate with each other during the meeting.

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

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

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

(3) may vote at the meeting.

As added by P.L.179-2007, SEC.14. Amended by P.L.105-2008, SEC.3; P.L.160-2009, SEC.11; P.L.113-2010, SEC.104.

IC 25-1-14-3 Version a

Member considered present

Note: This version of section effective until 1-1-2013. See also following repeal of this chapter, effective 1-1-2013.

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

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

(2) shall be counted for purposes of establishing a quorum; and
(3) may vote at the meeting.

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

IC 25-1-14-4 Version a
Meeting memoranda requirements

Note: This version of section effective until 1-1-2013. See also following repeal of this chapter, effective 1-1-2013.

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

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

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

IC 25-1-14 Version b
Repealed

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

Note: This repeal of chapter effective 1-1-2013. See also preceding sections of this chapter, effective until 1-1-2013.

IC 25-1-15

Chapter 15. Exemptions for Athletic Organization Practitioners Licensed in Other Jurisdictions

IC 25-1-15-1

License

Sec. 1. As used in this chapter, "license" includes a license, certificate, or registration.

As added by P.L.177-2009, SEC.18.

IC 25-1-15-2

Practitioner

Sec. 2. As used in this chapter, "practitioner" refers to any of the following:

(1) Athletic trainer.
(2) Chiropractor.
(3) Dentist.
(4) Dietitian.
(5) Marriage and family therapist.
(6) Massage therapist.
(7) Mental health counselor.
(8) Nurse.
(9) Occupational therapist.
(10) Optometrist.
(11) Physical therapist.
(12) Physician.
(13) Physician assistant.
(14) Podiatrist.
(15) Psychologist.
(16) Respiratory care practitioner.
(17) Social worker.

As added by P.L.177-2009, SEC.18.

IC 25-1-15-3

Exemption

Sec. 3. (a) A practitioner licensed in another state, territory, or jurisdiction of the United States or of any nation or foreign jurisdiction is exempt from the requirements of licensure under this title, if the practitioner:

(1) holds an active license to practice the profession in question in the other jurisdiction;
(2) engages in the active practice of the profession in which the practitioner is licensed in the other jurisdiction; and
(3) is employed or designated as the athletic or sports organization's practitioner by an athletic or sports organization visiting Indiana for a specific sporting event.

(b) A practitioner's practice under this section is limited to the members, coaches, and staff of the athletic or sports organization that employs or designates the practitioner.

(c) A practitioner practicing in Indiana under the authority of this

section:

(1) does not have practice privileges in any licensed hospital or health care facility; and

(2) is not authorized to issue orders or prescriptions or to order testing at a medical facility;

in Indiana.

(d) A practitioner's practice under this section may not exceed thirty (30) consecutive days for a specific event.

As added by P.L.177-2009, SEC.18.

IC 25-1-16

Chapter 16. Evaluation of Regulated Occupations

IC 25-1-16-1

"Agency"

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

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

IC 25-1-16-2

"Board"

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

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

IC 25-1-16-3

"Committee"

Sec. 3. As used in this chapter, "committee" means the regulated occupations evaluation committee established by section 6 of this chapter.

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

IC 25-1-16-4

"License"

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

(1) an unlimited license, certificate, or registration;

(2) a limited or probationary license, certificate, or registration;

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

(4) an intern permit; or

(5) a provisional license;

issued by the board regulating the regulated occupation in question.

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

IC 25-1-16-5

"Regulated occupation"

Sec. 5. As used in this chapter, "regulated occupation" has the meaning set forth in IC 25-1-7-1.

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

IC 25-1-16-6

Regulated occupations evaluation committee established

Sec. 6. The regulated occupations evaluation committee is established.

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

IC 25-1-16-7

Members; terms; votes

Sec. 7. (a) The committee consists of the following individuals:

(1) The dean of the Indiana University School of Public and Environmental Affairs or the dean's designee. The dean or the

dean's designee shall serve as chairperson of the committee.

(2) The director of the agency or the director's designee.

(3) The attorney general or the attorney general's designee, as a nonvoting member.

(4) Two (2) individuals appointed by the governor who are licensed in a regulated occupation.

(5) Two (2) individuals appointed by the governor who are not licensed in a regulated occupation.

(b) The term of a member appointed under subsection (a)(4) or (a)(5) is three (3) years.

(c) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

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

IC 25-1-16-8

Review and evaluation of regulated occupations; report

Sec. 8. (a) The committee shall review and evaluate each regulated occupation. The review and evaluation must include the following:

(1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.

(2) An assessment of the management efficiency of the board.

(3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.

(4) Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation that the committee reviews and evaluates. The report must contain the following:

(1) The number of individuals who are licensed in the regulated occupation.

(2) A summary of the board's functions and actions.

(3) The budget and other fiscal factors of regulating the regulated occupation.

(4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

(5) Any recommendations for legislation, including whether a regulated occupation should be modified, combined with another board, or terminated.

(6) Any recommendations for administrative changes.

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

IC 25-1-16-9

Cooperation with committee; testimony

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

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

IC 25-1-16-10
Review schedule
Sec. 10. The committee shall establish a schedule to review and evaluate each regulated occupation. Each regulated occupation must be reviewed and evaluated at least every seven (7) years.
As added by P.L.84-2010, SEC.19.

IC 25-1-16-11
Staff; expenditures
Sec. 11. (a) The agency shall provide staff and administrative support to the committee.
(b) The committee may hire, with approval of the director of the agency, an individual to assist the committee.
(c) The expenditures of the committee shall be paid from appropriations to the agency.
As added by P.L.84-2010, SEC.19.

IC 25-1-16-12
Member reimbursement
Sec. 12. (a) Each member of the committee who is not a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.
(b) Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.
As added by P.L.84-2010, SEC.19.

IC 25-1-16-13
Annual report
Sec. 13. The committee shall submit a report to the:
(1) governor;
(2) health finance commission; and
(3) legislative services agency;
not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.
As added by P.L.84-2010, SEC.19.

IC 25-1-17

Chapter 17. Licensure of Individuals with Military Training; Licensure of Military Spouses

IC 25-1-17-1

"Board"

Sec. 1. As used in this chapter, "board" has the meaning set forth in IC 25-1-8-1.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-2

"Military service"

Sec. 2. As used in this chapter, "military service" means service performed while an active member of any of the following:

(1) The armed forces of the United States.

(2) A reserve component of the armed forces of the United States.

(3) The National Guard.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-3

"Military spouse"

Sec. 3. As used in this chapter, "military spouse" means the husband or wife of an individual who is a member of the armed forces of the United States.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-4

Issuance of license, certificate, registration, or permit to military service applicant; conditions

Sec. 4. Notwithstanding any other law, a board shall issue a license, certificate, registration, or permit to a military service applicant to allow the applicant to practice the applicant's occupation in Indiana if, upon application to a licensing board, the applicant satisfies the following conditions:

(1) Has:

(A) completed a military program of training;

(B) been awarded a military occupational specialty; and

(C) performed in that occupational specialty;

at a level that is substantially equivalent to or exceeds the academic or experience requirements for a license, certificate, registration, or permit of the board from which the applicant is seeking licensure, certification, registration, or a permit.

(2) Has engaged in the active practice of the occupation for which the person is seeking a license, certificate, registration, or permit from the board for at least two (2) of the five (5) years preceding the date of the application under this section.

(3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that

occupation in Indiana at the time the act was committed.

(4) Pays the fees required by the board from which the applicant is seeking licensure, certification, registration, or a permit.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-5

Issuance of license, certificate, registration, or permit to military spouse applicant; conditions

Sec. 5. Notwithstanding any other law, a board shall issue a license, certificate, registration, or permit to a military spouse to allow the military spouse to practice the military spouse's occupation in Indiana if, upon application to the board, the military spouse satisfies the following conditions:

(1) Holds a current license, certification, registration, or permit from another jurisdiction, and that jurisdiction's requirements for a license, certificate, registration, or permit are substantially equivalent to or exceed the requirements for a license, certificate, registration, or permit of the board from which the applicant is seeking licensure, certification, registration, or a permit.

(2) Can demonstrate competency in the occupation through methods as determined by the board, including having completed continuing education units or having had recent experience for at least two (2) of the five (5) years preceding the date of the application under this section.

(3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that occupation in Indiana at the time the act was committed.

(4) Is in good standing and has not been disciplined by the agency that has jurisdiction to issue the license, certification, registration, or permit.

(5) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification, registration, or a permit.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-6

Relevant experience

Sec. 6. (a) All relevant experience of a:

(1) military service member in the discharge of official duties; or

(2) military spouse, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity;

must be credited in the calculation of years of practice in an occupation as required under section 4 or 5 of this chapter.

(b) In determining if a military service member substantially meets the academic requirements for a license, certificate, registration, or permit issued by a board, the board shall consider the

recommendations in the Guide to the Evaluation of Educational Experiences in the Armed Services published by the American Council on Education, or the council's successor organization.
As added by P.L.57-2012, SEC.2.

IC 25-1-17-7
Effect of nonresidency

Sec. 7. A nonresident who is issued a license, certificate, registration, or permit under this chapter is entitled to the same rights and subject to the same obligations as required of a resident who is issued a license, certificate, registration, or permit by a board.
As added by P.L.57-2012, SEC.2.

IC 25-1-17-8
Temporary practice permit

Sec. 8. (a) Notwithstanding any other law, a board may issue a temporary practice permit or provisional license to a:

(1) military service applicant; or
(2) military spouse who is licensed, certified, registered, or issued a permit in another jurisdiction;

while the military service applicant or military spouse is satisfying certain requirements, as determined by the board, for a license, certificate, registration, or permit under section 4 or 5 of this chapter.

(b) The military service applicant or military spouse may practice under the temporary practice permit or provisional license issued under subsection (a) until:

(1) a license, certification, registration, or permit is granted or denied by the board;
(2) a temporary permit expires; or
(3) a provisional license holder fails to comply with the terms of the provisional license.

As added by P.L.57-2012, SEC.2.

IC 25-1-17-9
Rules

Sec. 9. A board may adopt rules under IC 4-22-2 necessary to implement this chapter.
As added by P.L.57-2012, SEC.2.

IC 25-1-17-10
Applications under established requirements

Sec. 10. This chapter does not prohibit a military service applicant or military spouse from proceeding under other licensure, certification, registration, or permit requirements established by a board.
As added by P.L.57-2012, SEC.2.

IC 25-2

ARTICLE 2. REPEALED

(*Repealed by P.L.30-1993, SEC.8.)*

IC 25-2.1

ARTICLE 2.1. ACCOUNTANTS

IC 25-2.1-1

Chapter 1. Title and Definitions

IC 25-2.1-1-1

Short title

Sec. 1. This article may be cited as "the accountancy act of 2007".

As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.3; P.L.190-2007, SEC.1.

IC 25-2.1-1-2

Applicability of definitions

Sec. 2. The definitions of this chapter apply throughout this article.

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

IC 25-2.1-1-3

"Accounting practitioner"

Sec. 3. "Accounting practitioner" means a person certified under IC 25-2.1-6.

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

IC 25-2.1-1-3.3

"AICPA"

Sec. 3.3. "AICPA" refers to the American Institute of Certified Public Accountants.

As added by P.L.128-2001, SEC.4.

IC 25-2.1-1-3.8

"Attest"

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

(1) An audit or other engagement performed in accordance with the AICPA Statements on Auditing Standards (SAS) or other similar standards adopted by reference under IC 25-2.1-2-15.

(2) A review of a financial statement performed in accordance with the AICPA Statements on Standards for Accounting and Review Services (SSARS) or other similar standards adopted by reference under IC 25-2.1-2-15.

(3) An examination of prospective financial information performed in accordance with the AICPA Statements on Standards for Attestation Engagements (SSAE) or other similar standards adopted by reference under IC 25-2.1-2-15.

(4) An engagement performed in accordance with the standards of the Public Company Accounting Oversight Board.

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

IC 25-2.1-1-4
"Board"

Sec. 4. "Board" means the Indiana board of accountancy established by IC 25-2.1-2-1.

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

IC 25-2.1-1-5
"Certificate"

Sec. 5. "Certificate" means:

(1) a certificate for a certified public accountant issued under IC 25-2.1-3 or IC 25-2.1-4;

(2) a certificate of registration for an accounting practitioner issued under IC 25-2.1-6-1 (before its repeal); or

(3) a certificate for a certified public accountant, public accountant, or accounting practitioner renewed under IC 25-2.1-4.

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

IC 25-2.1-1-6
"Client"

Sec. 6. "Client" means an individual or entity retaining a licensee for the performance of professional services.

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

IC 25-2.1-1-6.3
"Compilation"

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

As added by P.L.128-2001, SEC.7.

IC 25-2.1-1-6.5
"CPA"

Sec. 6.5. "CPA" means a certified public accountant.

As added by P.L.128-2001, SEC.8.

IC 25-2.1-1-7
"Firm"

Sec. 7. "Firm" means a proprietorship, a general business corporation, a professional corporation, a limited liability company, a partnership, or other form of legal entity issued a permit under IC 25-2.1-5 or a registration under IC 25-2.1-6.

As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.9.

IC 25-2.1-1-8

"Licensee"

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

(1) a certificate; or

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

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

IC 25-2.1-1-8.5

"PA"

Sec. 8.5. "PA" means a public accountant.

As added by P.L.128-2001, SEC.11.

IC 25-2.1-1-8.7

"Peer review"

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

(1) an individual who; or

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

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

(b) After June 30, 2012, any reference in any law, rule, or other document to "quality review" as that term was applied under this article before July 1, 2012, shall be treated as a reference to peer review.

As added by P.L.197-2011, SEC.75.

IC 25-2.1-1-9

"Permit"

Sec. 9. "Permit" means a permit to practice accountancy as a firm issued under IC 25-2.1-5 or by another state.

As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.12.

IC 25-2.1-1-10

"Practice of accountancy"

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

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

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

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

(b) The term does not include the performance or offering of the following services if the person performing or offering the services

is not a licensee and no representation is made that the person performing or offering the service is a licensee:

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

(2) The preparation of tax returns.

(3) The performance of bookkeeping.

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

IC 25-2.1-1-10.3
"Professional"

Sec. 10.3. "Professional" means the following:

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

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

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

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

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

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

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

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

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

(1) an individual who; or

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

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

(b) This section expires July 1, 2012.

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

IC 25-2.1-1-13
"Report"

Sec. 13. (a) "Report", when used with reference to financial statements, means an opinion or other form of language that states or implies assurance as to the reliability of any financial statements and that also includes or is accompanied by any statement or implication that the individual or firm issuing it has special knowledge or

competence in accounting or auditing. The statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the individual is an accountant or auditor or from the language of the report.

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

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

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

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

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

IC 25-2.1-1-14
"State"

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

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

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

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

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

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

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

IC 25-2.1-2

Chapter 2. State Board of Accountancy

IC 25-2.1-2-1

Establishment of board

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

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

IC 25-2.1-2-2

Enforcement responsibilities

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

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

IC 25-2.1-2-3

Membership of board; qualifications

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

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

(1) Be a resident of Indiana.

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

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

(1) Be a resident of Indiana.

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

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

IC 25-2.1-2-4

Terms of members; successive terms; expiration

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

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

(c) All terms expire on June 30.

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

IC 25-2.1-2-5

Removal of members; filling vacancies

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

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

(c) A vacancy in the membership of the board shall be filled by

appointment by the governor for the unexpired term.
As added by P.L.30-1993, SEC.7.

IC 25-2.1-2-6
Chairman; officers

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

(b) The board may annually elect a member to fill an office that the board determines is appropriate.
As added by P.L.30-1993, SEC.7.

IC 25-2.1-2-7
Meetings

Sec. 7. The board shall meet at times and places determined by the board.
As added by P.L.30-1993, SEC.7.

IC 25-2.1-2-8
Quorum

Sec. 8. A quorum of the board consists of a majority of the appointed members.
As added by P.L.30-1993, SEC.7.

IC 25-2.1-2-9
Seal

Sec. 9. The board shall adopt and use an official seal.
As added by P.L.30-1993, SEC.7.

IC 25-2.1-2-10
Compensation and reimbursements

Sec. 10. Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.
As added by P.L.30-1993, SEC.7. Amended by P.L.3-2008, SEC.183.

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

Sec. 11. (a) The board shall:

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

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

(b) In a civil or criminal court proceeding arising out of or founded on a provision of this article, copies of a certified and sealed record are admissible as evidence to prove the contents of records.
As added by P.L.30-1993, SEC.7.

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

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

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

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

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

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

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

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

Sec. 14. The board may:

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

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

(3) administer oaths; and

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

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

IC 25-2.1-2-15
Adoption of rules

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

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

(2) The procedure of investigations and hearings.

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

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

(5) The actions and circumstances that constitute professing to

be a licensee in connection with the practice of accountancy.

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

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

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

(9) Substantial equivalency.

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

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

IC 25-2.1-2-16

Rules; professional standards

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

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

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

(b) The board may, by resolution, authorize the executive director of the Indiana professional licensing agency to adopt one (1) or more rules described in subsection (a) on behalf of the board. The authorization may be limited as determined by the board. The board may revise or terminate an authorization by resolution. The executive director of the Indiana professional licensing agency shall adopt rules under IC 4-22-2-37.1 in conformity with the resolution adopted by the board. A rule adopted on behalf of the board by the executive director must:

(1) be signed by the executive director;

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

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

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

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

(1) specified in the rule; or

(2) that another rule becomes effective that amends or repeals

the previously issued rule.

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

IC 25-2.1-3

Chapter 3. Certified Public Accountant

IC 25-2.1-3-1

Qualification for certificate

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

(1) Demonstrates good character through lack of a history of dishonest or felonious acts.

(2) Meets the requirements set forth in this chapter and IC 25-2.1-4.

(3) Pays the fee established by the board.

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

IC 25-2.1-3-2

Examination; qualifications; education requirement

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

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

IC 25-2.1-3-3

Examination; contents

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

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

IC 25-2.1-3-4

Time of holding examinations

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

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

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

IC 25-2.1-3-5

Use of standardized test; contracting for administration of examination

Sec. 5. The board may:

(1) use any part of the Uniform Certified Public Accountant Examination and Advisory Grading Service of the American Institute of Certified Public Accountants; and

(2) contract with third parties to perform administrative services for the examination as the board determines is appropriate.

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

IC 25-2.1-3-6
Repealed

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

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

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

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

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

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

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

IC 25-2.1-3-9
Examination; fee

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

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

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

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

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

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

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

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

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

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

IC 25-2.1-3-12
Good character requirement

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

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

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

(1) a statement containing the findings of the board;

(2) a complete record of the evidence on which the determination was based; and

(3) a notice of the applicant's right of appeal.

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

IC 25-2.1-4
Chapter 4. Certificates

IC 25-2.1-4-1
Renewal of certificate

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

(1) this chapter;

(2) IC 25-2.1-3 (certified public accountants); or

(3) IC 25-2.1-6 (public accountants and accounting practitioners) before July 1, 2007;

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

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

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

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

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

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

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

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

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

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

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

(1) in a form; and

(2) in the case of an application for renewal, between the dates the board specifies.

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

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

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

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

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

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

(1) the applicant has:

(A) passed the examination required for issuance of the applicant's certificate; and

(B) the applicant:

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

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

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

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

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

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

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

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

(d) The board may establish the following:

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

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

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

IC 25-2.1-4-6
Fees

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

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

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

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

(1) list each state in which the applicant has applied for or holds a certificate, license, or permit; and

(2) notify the board in writing, not more than thirty (30) days after its occurrence, of an issuance, denial, revocation, or suspension of a certificate, license, or permit by another state.

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

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

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

(1) the foreign authority that granted the designation makes a similar provision to allow an individual who holds a valid certificate issued by the board to obtain the foreign authority's comparable designation;

(2) the foreign designation:

(A) was issued by a foreign authority that regulates the practice of accountancy and has not expired, been revoked, or suspended;

(B) entitles the holder to issue reports for financial statements; and

(C) was issued upon the basis of educational and examination and experience requirements established by the foreign authority; and

(3) the applicant:

(A) received the designation, based on educational and examination standards substantially equivalent to those in effect in Indiana at the time the foreign designation was granted;

(B) meets:

(i) an experience requirement substantially equivalent to the requirement under IC 25-2.1-3-10, in the jurisdiction that granted the foreign designation;

(ii) has completed four (4) years of experience in Indiana or another state of the type described in IC 25-2.1-3-10; or

(iii) meets equivalent requirements established by the board within the ten (10) years immediately preceding the application; and

(C) passed a uniform qualifying examination in national standards and an examination on the laws, rules, and code of ethical conduct in effect in Indiana acceptable to the board.

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

IC 25-2.1-4-9

Applicant information on foreign accountancy designation to practice or suspension from practice; duty to provide

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

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

IC 25-2.1-4-10

Certification or permit not required for CPA certificate holders from other states; conditions

Sec. 10. (a) An individual:

(1) whose principal place of business is not in Indiana; and

(2) who either:

(A) has a valid certificate as a CPA from any state that the board or its designee has determined to be in substantial equivalence with the CPA licensure requirements of this state; or

(B) has individual CPA qualifications that have been determined by the board or its designee as substantially equivalent to the CPA licensure requirements of Indiana;

shall be presumed to have qualifications substantially equivalent to this state's requirements and shall have all the privileges granted to the holder of a CPA certificate under IC 25-2.1-3 without the need to obtain a certificate under IC 25-2.1-3 or a permit under IC 25-2.1-5.

(b) Notwithstanding any other provision of law, an individual who offers or renders professional services, in person or by mail, telephone, or other electronic means, as authorized under this section:

(1) is not required to provide notice or other submissions to the board; and

(2) is subject to the requirements in subsection (c).

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

(1) to the personal and subject matter jurisdiction and disciplinary authority of the board;

(2) to comply with this article and the board's rules;

(3) that if a certificate as a CPA from the state of the individual's principal place of business is no longer valid, the individual shall cease exercising the privilege granted under this section in Indiana, individually and on behalf of the CPA firm; and

(4) to the appointment of the state board or agency that issued the individual's license as the individual's agent on whom process may be served in any action or proceeding by this board against the individual.

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

IC 25-2.1-5

Chapter 5. Permits for Firms

IC 25-2.1-5-1

Grant of permit or renewal

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

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

IC 25-2.1-5-2

Expiration of renewal

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

(1) Three (3) years after issuance.

(2) At a time established by the board.

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

IC 25-2.1-5-3

Form and time for application; grant or denial; temporary permit

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

(1) in a form; and

(2) in the case of an application for renewal, between the dates the board specifies.

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

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

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

IC 25-2.1-5-4

Application for initial permit; demonstration of firm member qualifications

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

(1) a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, belongs to holders of an active CPA certificate issued under this article or a corresponding certificate that is issued after examination by another state; and

(2) the partners, officers, shareholders, members, or managers whose principal place of business is in Indiana and who practice

accountancy in Indiana hold a valid CPA certificate issued under this article.

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

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

(1) the firm designates a licensee who is responsible for the proper registration of the firm and identifies that individual to the board;

(2) all nonlicensee owners are active individual participants in the CPA or PA firm or affiliated entities; and

(3) the firm complies with the other requirements that the board may impose by rule.

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

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

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

IC 25-2.1-5-5

Application for initial permit; registration of separate offices run by qualified person

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

(1) register each office of the firm within Indiana with the board; and

(2) show that all attest and compilation services rendered in this state are under the charge of an individual holding a valid CPA certificate issued under this article or the corresponding provisions of another state.

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

(1) register each office of the firm within Indiana with the board; and

(2) show that all attest and compilation services rendered in this state are under the charge of an individual holding a valid CPA or PA certificate issued under this article or the corresponding provision of another state.

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

IC 25-2.1-5-6

Fees

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

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

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

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

(1) list each state in which the applicant has applied for or holds a permit to practice accountancy as a firm;

(2) list any past denial, revocation, or suspension of a permit by another state; and

(3) notify the board in writing, not more than thirty (30) days after a change:

(A) in the identities of partners, members, officers, or shareholders who work regularly in Indiana;

(B) in the number or location of offices in Indiana;

(C) in the identity of the individuals in charge of the offices; and

(D) of the issuance, denial, revocation, or suspension of a permit by another state.

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

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

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

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

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

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

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

(3) require, with respect to quality reviews (before July 1, 2012) or peer reviews (after June 30, 2012) under subdivision (2), that the quality review (before July 1, 2012) or peer review (after

June 30, 2012) be subject to review by an oversight body established or sanctioned by the board that shall:

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

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

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

(A) the proceedings, records, and work papers of a review committee are privileged and are not subject to discovery, subpoena, or other means of legal process or introduction into evidence in a civil action, arbitration, administrative proceeding, or Indiana board of accountancy proceeding; and

(B) a member of the review committee or individual who was involved in the quality review (before July 1, 2012) or peer review (after June 30, 2012) process is not permitted or required to testify in a civil action, arbitration, administrative proceeding, or board proceeding to matters:

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

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

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

IC 25-2.1-5-9

Quality review; confidentiality of records

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

(b) Any:

(1) materials prepared in connection with a particular engagement merely because they happen to subsequently be presented or considered as part of the quality review (before July 1, 2012) or peer review (after June 30, 3012) process; or

(2) dispute between review committees and individuals or firms subject to a quality review (before July 1, 2012) or peer review (after June 30, 2012) arising from the performance of the quality review (before July 1, 2012) or peer review (after June 30, 2012);

are not privileged.

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

SEC.79.

IC 25-2.1-6
Chapter 6. Accounting Practitioners

IC 25-2.1-6-1
Repealed
(*Repealed by P.L.190-2007, SEC.16.)*

IC 25-2.1-6-2
Repealed
(*Repealed by P.L.190-2007, SEC.16.)*

IC 25-2.1-6-3
Repealed
(*Repealed by P.L.190-2007, SEC.16.)*

IC 25-2.1-6-4
Repealed
(*Repealed by P.L.190-2007, SEC.16.)*

IC 25-2.1-6-4.5
No new certificates; renewal of certificate held before July 1, 2007
Sec. 4.5. (a) The board may not issue a certificate under this chapter after July 1, 2007.
(b) The board may renew a certificate under this chapter that is held validly before July 1, 2007.
As added by P.L.190-2007, SEC.11.

IC 25-2.1-6-5
Use of title "accounting practitioner"
Sec. 5. An individual who is registered with the board to practice accounting as an accounting practitioner and holds a valid certificate issued under section 1 of this chapter (before its repeal) or renewed under IC 25-2.1-4 may be known as an "accounting practitioner" and may use the abbreviation "AP". However, an individual registered as an accounting practitioner may not prepare or render accounting opinions or certificates for any purpose, including financial statements, schedules, reports, or exhibits for publication, credit purposes, and use in a court.
As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.36; P.L.190-2007, SEC.12.

IC 25-2.1-6-6
Practice of accounting practitioners as firm
Sec. 6. A firm engaged in Indiana in the practice of accountancy as accounting practitioners shall register with the board as a firm of accounting practitioners, and have and maintain all of the following requirements:
(1) A least one (1) partner must be a certified public accountant, a public accountant, or an accounting practitioner who holds an active certificate to practice in Indiana.

(2) Each partner personally engaged within Indiana in the practice of accountancy as a member of the firm must be a certified public accountant, a public accountant, or an accounting practitioner who holds an active certificate to practice in Indiana.

(3) Each partner:

(A) shall be a certified public accountant, a public accountant, or an accounting practitioner in good standing of a state; or

(B) who is a nonresident of the United States and who is not a certified public accountant, a public accountant, or an accounting practitioner in good standing of a state shall hold a license or rating in a foreign country that is equivalent to that of a certified public accountant, a public accountant, or an accounting practitioner in the United States.

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

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

IC 25-2.1-6-7

Verification of application for firm registration; notice of membership changes

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

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

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

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

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

IC 25-2.1-6-8

Issuance or renewal of permit to firm

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

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

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

IC 25-2.1-7

Chapter 7. Appointment of Agent

IC 25-2.1-7-1

Appointment of secretary of state as process agent

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

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

IC 25-2.1-8
Chapter 8. Enforcement

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

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

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

(A) a peer review rating of fail; or

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

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

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

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

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

(5) Failure to complete continuing education requirements satisfactorily.

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

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

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

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

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

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

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

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

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

(2) To satisfactorily complete continuing professional education programs.

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

IC 25-2.1-8-3
Repealed

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

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

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

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

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

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

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

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

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

(f) The attorney general and the Indiana professional licensing agency may enter into a memorandum of understanding to provide the attorney general with funds to conduct investigations and pursue enforcement action against violators of this article.

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

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

IC 25-2.1-9
Chapter 9. Complaints

IC 25-2.1-9-1
Investigation of complaints

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

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

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

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

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

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

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

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

IC 25-2.1-9-3
Disposition of complaint

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

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

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

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

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

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

probationary status).

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

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

IC 25-2.1-9-4

Peer review rating of fail; definitions; peer review after June 30, 2012

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

(b) The following definitions apply throughout this section:

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

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

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

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

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

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

(e) The administering entity and the peer review committee issuing a report shall cooperate with an investigation under IC 25-1-7 of a complaint filed under this section and with any resulting proceeding, including compliance with any request for access to or production of the proceedings, records, and work papers of the review committee by the director, the office of the attorney general, or a party to any proceeding initiated as a result of the filing of a complaint under this section. However, all complaints and information pertaining to a complaint are confidential until the attorney general files notice with the board of the attorney general's

intent to prosecute a licensee under IC 25-1-7-7. Any meeting of the board, the oversight committee, or a designee of the board or oversight committee that is required in an investigation conducted before the attorney general files notice of intent to prosecute shall be conducted as an executive session under IC 5-14-1.5-6.1.
As added by P.L.197-2011, SEC.83.

IC 25-2.1-9-5
Peer review immunity

Sec. 5. An:

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

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

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

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

is immune from civil liability that would otherwise arise from communications, supervision, findings, recommendations, evaluations, reports, opinions, or other actions taken or omissions occurring in good faith in the course and scope of the duties of a quality review administering entity (before July 1, 2012) or peer review administering entity (after June 30, 2012) or a quality review committee (before July 1, 2012) or peer review committee (after June 30, 2012) that arise under this article, including the rules adopted by the board. The immunity granted under this section includes immunity for an act or omission related to any part of a quality review conducted under this article before July 1, 2012, that becomes part of a peer review conducted or peer review report issued after June 30, 2012.
As added by P.L.197-2011, SEC.84.

IC 25-2.1-10
Chapter 10. Hearings

IC 25-2.1-10-1
Conduct of hearing
Sec. 1. Each hearing conducted by the board must be held under IC 4-21.5-3.
As added by P.L.30-1993, SEC.7.

IC 25-2.1-10-2
Repealed
(*Repealed by P.L.179-1997, SEC.8.)*

IC 25-2.1-10-3
Repealed
(*Repealed by P.L.179-1997, SEC.8.)*

IC 25-2.1-10-4
Repealed
(*Repealed by P.L.179-1997, SEC.8.)*

IC 25-2.1-10-5
Repealed
(*Repealed by P.L.179-1997, SEC.8.)*

IC 25-2.1-10-6
Repealed
(*Repealed by P.L.179-1997, SEC.8.)*

IC 25-2.1-10-7
Notice of sanctions; foreign state accountancy boards; other state authorities and professional organizations
Sec. 7. (a) If the board renders a decision imposing discipline against a licensee under IC 25-1-11, the board shall examine its records to determine whether the licensee holds a certificate or a permit to practice accountancy in another state and, if so, the board shall notify the board of accountancy of that state of the board's decision.
(b) The board may also furnish information relating to proceedings resulting in disciplinary action to other public authorities and to private professional organizations having a disciplinary interest in the licensee.
As added by P.L.30-1993, SEC.7. Amended by P.L.173-1996, SEC.4.

IC 25-2.1-11
Chapter 11. Reinstatement

IC 25-2.1-11-1
Repealed
(*Repealed by P.L.179-1997, SEC.8.)*

IC 25-2.1-11-2
Continuing professional education or quality review as conditions precedent
Sec. 2. Before reinstating a suspended certificate or permit under IC 25-1-11-14, the board may require the applicant to show successful completion of specified continuing professional education, and the board may make the reinstatement of a certificate or permit conditional on satisfactory completion of a quality review (before July 1, 2012) or peer review (after June 30, 2012) specified by the board.
As added by P.L.30-1993, SEC.7. Amended by P.L.173-1996, SEC.5; P.L.197-2011, SEC.85.

IC 25-2.1-11-3
Rules of procedure for reinstatement
Sec. 3. The board shall adopt rules under IC 4-22-2 concerning the procedures for reinstatement.
As added by P.L.30-1993, SEC.7.

IC 25-2.1-12
Chapter 12. Violations

IC 25-2.1-12-1
Foreign country practitioners

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

(1) that holds a designation granted in a foreign country entitling the holder to engage in the practice of accountancy or its equivalent in that country;

(2) whose activities in Indiana are limited to the provision of professional services to individuals or firms who are residents, to governments, or to business entities of the country in which the individual holds the entitlement;

(3) that does not issue reports with respect to the financial statements of another individual, firm, or governmental unit in Indiana; and

(4) that does not use in Indiana any title or designation other than the title or designation under which the individual practices in the individual's country, followed by a translation of the title or designation into the English language, if it is in a different language, and by the name of the country.

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

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

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

(b) Notwithstanding subsection (a):

(1) an officer, a partner, or an employee of a firm or an organization may sign a statement or report in reference to the financial affairs of the firm or organization with any wording designating the position, title, or office that the signor holds; and

(2) a public official or employee may, in the performance by an individual of other services, use accounting skills, including the preparation of tax returns, management advisory services, and the preparation of financial statements without the issuance of reports related to those documents.

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

(1) signs the compilation report identifying the individual as a CPA or public accountant; and

(2) meets the competency requirement provided in applicable

standards.

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

IC 25-2.1-12-3

Applicability of IC 25-2.1-12-2 prohibitions

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

(1) a review of financial statements; and

(2) compilation of financial statements.

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

IC 25-2.1-12-3.5

Attest services performance prohibited

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

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

IC 25-2.1-12-4

Individual use of title "CPA"; inactive licensee

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

(1) holds a valid CPA certificate;

(2) meets the substantial equivalency standards of this article; or

(3) is an employee of a firm holding a permit under IC 25-2.1-5 and has not been an employee long enough to meet the experience requirement under IC 25-2.1-3-10 for a certificate.

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

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

IC 25-2.1-12-5

Firm use of title "CPA"

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

(1) the firm holds a valid permit issued under IC 25-2.1-5; and

(2) ownership of the firm meets the requirements of this article

and the rules adopted by the board.
As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.45.

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

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

(b) A licensee who has selected inactive status on the licensee's renewal form may not use the title or designation "public accountant" or "accounting practitioner" or the abbreviation "PA" or the abbreviation "AP" unless the title, designation, or abbreviation is immediately followed by the word "inactive".
As added by P.L.30-1993, SEC.7. Amended by P.L.179-1997, SEC.7; P.L.128-2001, SEC.46.

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

Sec. 7. A firm not holding a valid permit issued under IC 25-2.1-5 may not use the title or designation "public accountant", the abbreviation "PA", or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm is composed of public accountants.
As added by P.L.30-1993, SEC.7.

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

Sec. 8. (a) An individual or a firm not holding a valid certificate or permit issued under this article may not use the title or designation "certified accountant", "chartered accountant", "enrolled accountant", "licensed accountant", "registered accountant", "accredited accountant", or other title or designation likely to be confused with the titles "certified public accountant" or "public accountant", or "accounting practitioner" or use any of the abbreviations "CA", "LA", "RA", "AA", or similar abbreviation likely to be confused with the abbreviations "CPA", "PA", or "AP".

(b) The title "enrolled agent" or "EA" may only be used by individuals who are so designated by the Internal Revenue Service under 31 CFR 10.
As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.47.

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

Sec. 9. (a) An individual or a firm not holding a valid certificate

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

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

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

IC 25-2.1-12-10
Repealed

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

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

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

(1) the legal form of the firm;

(2) the individuals who are partners, members, officers, or shareholders of the firm; or

(3) any other matter.

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

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

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

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

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

IC 25-2.1-13

Chapter 13. Injunctions and Criminal Penalties

IC 25-2.1-13-1

Injunctive relief

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

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

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

IC 25-2.1-13-2

Criminal proceedings brought by attorney general

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

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

IC 25-2.1-13-3

Knowing violations; offense; civil penalties

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

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

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

IC 25-2.1-13-4

Evidence of single acts

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

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

IC 25-2.1-14
Chapter 14. Client Records

IC 25-2.1-14-1
Confidentiality preserved

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

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

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

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

(1) in rendering an opinion on the presentation of financial statements;

(2) in ethical investigations conducted by private professional organizations;

(3) in the course of quality reviews (before July 1, 2012) or peer reviews (after June 30, 2012) or an investigation or proceeding related to a quality review (before July 1, 2012) or peer review (after June 30, 2012); or

(4) in making disclosure where the financial statements or the professional services of an accountant are contested.

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

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

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

(1) "Client provided records" means accounting or other records belonging to the client that are provided to the licensee by or on behalf of the client.

(2) "Client records prepared by the licensee" means accounting or other records (for example, tax returns, general ledgers, subsidiary journals, and supporting schedules such as detailed employee payroll records and depreciation schedules) that the licensee was engaged to prepare for the client.

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

(4) "Working papers" includes, but is not limited to, audit programs, analytical review schedules, and statistical sampling

results, analyses, and schedules prepared by the client at the request of the licensee.

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

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

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

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

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

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

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

IC 25-2.1-14-4

Transfer of records without consent of client; prohibition

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

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

IC 25-2.1-14-5

Quality review use of papers; duration of record keeping required of licensee

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

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

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

IC 25-2.1-15
Chapter 15. Statute of Limitations

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

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

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

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

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

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

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

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

IC 25-2.5

ARTICLE 2.5. ACUPUNCTURISTS

IC 25-2.5-1

Chapter 1. Definitions

IC 25-2.5-1-1

Applicability of definitions

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

As added by P.L.265-1999, SEC.1.

IC 25-2.5-1-2

"Acupuncture"

Sec. 2. "Acupuncture" means a form of health care employing traditional and modern Oriental medical concepts, Oriental medical diagnosis and treatment, and adjunctive therapies and diagnostic techniques for the promotion, maintenance, and restoration of health and the prevention of disease.

As added by P.L.265-1999, SEC.1.

IC 25-2.5-1-2.1

"Acupuncturist"

Sec. 2.1. "Acupuncturist" means an individual to whom a license to practice acupuncture in Indiana has been issued under IC 25-2.5-2.

As added by P.L.59-2001, SEC.1.

IC 25-2.5-1-2.5

"Agency"

Sec. 2.5. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

As added by P.L.1-2006, SEC.418.

IC 25-2.5-1-3

"Board"

Sec. 3. "Board" refers to the medical licensing board.

As added by P.L.265-1999, SEC.1.

IC 25-2.5-1-4

Repealed

(*Repealed by P.L.1-2006, SEC.588.)*

IC 25-2.5-1-5

"Practice of acupuncture"

Sec. 5. "Practice of acupuncture" means the insertion of acupuncture needles, the application of moxibustion to specific areas of the human body based upon Oriental medical diagnosis as a primary mode of therapy, and other means of applying acupuncture under this chapter.

As added by P.L.265-1999, SEC.1.

IC 25-2.5-2

Chapter 2. License and Qualifications

IC 25-2.5-2-1

Requirements for license

Sec. 1. Except as provided in section 3 of this chapter, to qualify for a license under this article, an individual must satisfy the following requirements:

(1) Complete an application for licensure in accordance with the rules adopted by the board.

(2) Pay the fees established by the board.

(3) Not have been convicted of a crime that has a direct bearing on the applicant's ability to practice competently as determined by the board.

(4) Not have had disciplinary action taken against the applicant or the applicant's license by the board or by the licensing agency of another state or jurisdiction by reason of the applicant's inability to safely practice acupuncture with the reasons for discipline still being valid as determined by the board or by a national certification agency.

(5) Show to the satisfaction of the board that the applicant has:

(A) current active status as a diplomate in acupuncture of the National Certification Commission for Acupuncture and Oriental Medicine;

(B) successfully completed a three (3) year postsecondary training program or acupuncture college program that:

(i) is accredited by;

(ii) is a candidate for accreditation by; or

(iii) meets the standards of;

the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine; and

(C) successfully completed a clean needle technique course approved by the National Certification Commission for Acupuncture and Oriental Medicine.

As added by P.L.265-1999, SEC.1.

IC 25-2.5-2-2

Issuance of license

Sec. 2. Except as provided in section 4 of this chapter, the board shall issue a license to an individual who:

(1) meets the conditions of section 1 of this chapter; and

(2) is otherwise qualified for licensure under this article.

As added by P.L.265-1999, SEC.1.

IC 25-2.5-2-3

Applicants licensed in other state or licensed in related fields

Sec. 3. (a) An applicant may, upon the payment of a fee established by the board, be granted a license if the applicant:

(1) submits satisfactory evidence to the board that the applicant has been licensed to practice acupuncture in another state or

authorized in another country to practice acupuncture;

(2) meets the requirements of section 1(1) through 1(4) of this chapter; and

(3) shows to the satisfaction of the board that the applicant has:

(A) successfully completed a clean needle technique course substantially equivalent to a clean needle technique course approved by a national acupuncture association approved by the board;

(B) successfully completed a three (3) year postsecondary training program or acupuncture college program that meets the standards substantially equivalent to the standards for a three (3) year postsecondary training program or acupuncture college program approved by a national acupuncture association approved by the board; and

(C) passed an examination substantially equivalent to the examination required by a national acupuncture association approved by the board.

(b) An applicant may, upon the payment of a fee established by the board, be granted a professional's license to practice acupuncture if the applicant submits satisfactory evidence to the board that the applicant is a:

(1) chiropractor licensed under IC 25-10;

(2) dentist licensed under IC 25-14; or

(3) podiatrist licensed under IC 25-29;

with at least two hundred (200) hours of acupuncture training.

(c) The board shall:

(1) compile, at least once every two (2) years, a list of courses and institutions that provide training approved for the purpose of qualifying an individual for a professional's license under subsection (b); and

(2) adopt rules that set forth procedures for the case by case approval of training under subsection (b).

(d) If an individual's license described in subsection (b)(1), (b)(2), or (b)(3) is subject to any restrictions as the result of disciplinary action taken against the individual by the board that regulates the individual's profession, the same restrictions shall be applied to the individual's professional's license to practice acupuncture.

(e) An individual's professional's license issued under subsection (b) shall be suspended if the individual's license described under subsection (b)(1), (b)(2), or (b)(3) is suspended.

(f) An individual's professional's license issued under subsection (b) shall be revoked if the individual's license described under subsection (b)(1), (b)(2), or (b)(3) is revoked.

(g) The practice of acupuncture by an individual issued a professional's license under subsection (b) is limited to the scope of practice of the individual's license described in subsection (b)(1), (b)(2), or (b)(3).

As added by P.L.265-1999, SEC.1. Amended by P.L.59-2001, SEC.2; P.L.105-2008, SEC.7; P.L.134-2008, SEC.17.

IC 25-2.5-2-4
Refusal to issue license

Sec. 4. The board may refuse to issue a license to an applicant for licensure if:

(1) the board determines during the application process that the applicant committed an act that would have subjected the applicant to disciplinary sanction under section 1(4) of this chapter if the applicant had been licensed in Indiana when the act occurred; or

(2) the applicant has had a license revoked under IC 25-1-1.1.

As added by P.L.265-1999, SEC.1. Amended by P.L.14-2000, SEC.56.

IC 25-2.5-2-5
Expiration and renewal of license

Sec. 5. (a) A license issued by the board expires on the date established by the agency under IC 25-1-5-4 in each even-numbered year.

(b) To renew a license, an acupuncturist must:

(1) pay a renewal fee not later than the expiration date of the license; and

(2) submit proof of current active licensure in acupuncture by the National Certification Commission for Acupuncture and Oriental Medicine.

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

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

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

As added by P.L.265-1999, SEC.1. Amended by P.L.1-2006, SEC.419; P.L.105-2008, SEC.8.

IC 25-2.5-2-6
Denial, suspension, or revocation of license

Sec. 6. The board may deny, suspend, or revoke a license, require remedial education, or issue a letter of reprimand, if an applicant or licensed acupuncturist does any of the following:

(1) Engages in false or fraudulent conduct that demonstrates an unfitness to practice acupuncture, including:

(A) making a misrepresentation in connection with an application for a license or an investigation by the board;

(B) attempting to collect fees for services that were not performed;

(C) false advertising, including guaranteeing that a cure will result from an acupuncture treatment; or

(D) dividing, or agreeing to divide, a fee for acupuncture services with another person for referring the patient.

(2) Fails to exercise proper control over the acupuncturist's practice by:

(A) aiding an unlicensed person in practicing acupuncture;

(B) delegating professional responsibilities to a person the acupuncturist knows or should know is not qualified to perform; or

(C) insufficiently supervising unlicensed personnel working with the acupuncturist in the practice.

(3) Fails to maintain records in a proper manner by:

(A) failing to keep written records describing the course of treatment for each patient;

(B) refusing to provide upon request patient records that have been prepared for or paid for by the patient; or

(C) revealing personally identifiable information about a patient, without the patient's consent, unless otherwise allowed by law.

(4) Fails to exercise proper care of a patient, including:

(A) abandoning or neglecting a patient without making reasonable arrangements for the continuation of care; or

(B) exercising or attempting to exercise undue influence within the relationship between the acupuncturist and the patient by making sexual advances or requests for sexual activity or by making submission to sexual conduct a condition of treatment.

(5) Displays substance abuse or mental impairment to the degree that it interferes with the ability to provide safe and effective treatment.

(6) Is convicted, pleads guilty, or pleads no contest to a crime that demonstrates an unfitness to practice acupuncture.

(7) Fails, in a negligent manner, to practice acupuncture with the level of skill recognized within the profession as acceptable under the circumstances.

(8) Violates willfully any provision of this article or rule of the board.

(9) Has had a license denied, suspended, or revoked in another jurisdiction for a reason that would be grounds for denial, suspension, or revocation of a license under this article.

As added by P.L.265-1999, SEC.1. Amended by P.L.59-2001, SEC.3.

IC 25-2.5-2-7

Auricular acupuncture

Sec. 7. (a) This section may not be construed to prohibit licensed acupuncturists from practicing auricular acupuncture.

(b) An individual who is not an acupuncturist licensed under this article may practice auricular acupuncture for the purpose of treating alcoholism, substance abuse, or chemical dependency if the individual:

(1) provides the board with documentation of successful

completion of a board approved training program in acupuncture for the treatment of alcoholism, substance abuse, or chemical dependency that meets or exceeds the standards of training set by the National Acupuncture Detoxification Association;

(2) provides the board with documentation of successful completion of a clean needle technique course;

(3) provides auricular acupuncture services within the context of a state, federal, or board approved alcohol, substance abuse, or chemical dependency program under the supervision of a licensed acupuncturist; and

(4) maintains the ethical standards under this article and under rules adopted by the board.

As added by P.L.265-1999, SEC.1.

IC 25-2.5-3

Chapter 3. Unlawful Practice

IC 25-2.5-3-1

Applicability of chapter

Sec. 1. This chapter does not apply to the following:

(1) A health care professional acting within the scope of the health care professional's license, certification, or registration.

(2) A student practicing acupuncture under the direct supervision of a licensed acupuncturist as part of a course of study approved by the board.

As added by P.L.265-1999, SEC.1.

IC 25-2.5-3-2

Use of acupuncturist title

Sec. 2. An individual may not use the title "licensed acupuncturist" or "acupuncturist" unless the acupuncturist is licensed under this article.

As added by P.L.265-1999, SEC.1.

IC 25-2.5-3-3

Unlicensed practice of acupuncture; civil immunity for physician who referred patient to a licensed acupuncturist

Sec. 3. (a) Subject to section 1 of this chapter, it is unlawful to practice acupuncture without a license issued under this article.

(b) If a licensed acupuncturist practices acupuncture on a patient after having obtained a written letter of referral or written diagnosis of the patient from a physician licensed under IC 25-22.5, the physician is immune from civil liability relating to the patient's or acupuncturist's use of that diagnosis or referral except for acts or omissions of the physician that amount to gross negligence or willful or wanton misconduct.

As added by P.L.265-1999, SEC.1. Amended by P.L.59-2001, SEC.4; P.L.134-2008, SEC.18.

IC 25-2.5-3-4

Violations

Sec. 4. A person who knowingly or intentionally violates this article commits a Class B misdemeanor.

As added by P.L.265-1999, SEC.1.

IC 25-3

ARTICLE 3. REPEALED

(*Repealed by P.L.1-1993, SEC.197.)*

IC 25-3.5

ARTICLE 3.5. REPEALED

(*Repealed by P.L.1-1993, SEC.197.)*

IC 25-4

ARTICLE 4. ARCHITECTS

IC 25-4-1

Chapter 1. Regulation of Architects Generally – Creation of Board

IC 25-4-1-1

Repealed

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

IC 25-4-1-2

Board of registration

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

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

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

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

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

IC 25-4-1-3

Organization and government of board

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

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

IC 25-4-1-3.3

Treatment of rules adopted before July 1, 2000

Sec. 3.3. The rules adopted by the board of registration for architects before July 1, 2000, are considered, after June 30, 2000, to be rules of the board of registration for architects and landscape architects.

As added by P.L.220-2011, SEC.406.

IC 25-4-1-4

Duties of attorney general; injunction; use of investigative fund

Sec. 4. The board shall be entitled to the services of the attorney general in connection with any of the business of the board. The board shall have the power to administer oaths and take testimony and proofs concerning any matter which may come within its jurisdiction. The attorney general, the prosecuting attorney of any county, the board, or a citizen of a county wherein any person, not herein exempted, shall engage in the practice of architecture or landscape architecture, as herein defined, without first having obtained a certificate of registration, or without first having renewed an expired certificate of registration, so to practice, may, in

accordance with the provisions of the laws of this state governing injunctions, maintain an action, in the name of the state of Indiana, to enjoin such person from engaging in the practice of architecture or landscape architecture, as herein defined, until a certificate of registration is secured, or renewed, in accordance with the provisions of this chapter. Any person who has been so enjoined and who violates the injunction shall be punished for contempt of court. The injunction shall not relieve such person so practicing architecture or landscape architecture without a certificate of registration, or without first having renewed an expired certificate of registration, from a criminal prosecution therefor, as is provided by this chapter, but such remedy by injunction shall be in addition to any remedy provided for herein for the criminal prosecution of such offender. In charging any person in a complaint for an injunction, or in an affidavit, information or indictment, with the violation of the provisions of this chapter, by practicing architecture or landscape architecture without a certificate of registration or without having renewed an expired certificate of registration, it shall be sufficient to charge that the person did upon a certain day and in a certain county engage in the practice of architecture or landscape architecture, without having a certificate of registration or without having renewed an expired certificate of registration, to so practice, without averring any further or more particular facts concerning the same. The attorney general and the Indiana professional licensing agency may use the registered architects and registered landscape architects investigative fund established by section 32 of this chapter to hire investigators and other employees to enforce the provisions of this article and to investigate and prosecute violations of this article.

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

IC 25-4-1-5
Repealed

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

IC 25-4-1-6
Application for certificate of registration

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

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

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

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

(B) successfully completed the required examination; and

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

(3) must not have been convicted of:

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

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

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

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

(2) verified; and

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

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

IC 25-4-1-7

Educational qualifications and requirements for examination

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

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

IC 25-4-1-7.5

Intern development program

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

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

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

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

IC 25-4-1-8

Out-of-state applicants

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

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

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

(1) The out-of-state applicant must be at least eighteen (18) years of age.
(2) The out-of-state applicant's registration in the other jurisdiction is valid and in good standing.
(3) The out-of-state applicant must have passed the examination required in the other state, or the equivalent offered in the other state, at the time the out-of-state applicant was registered in the other state.
(4) The out-of-state applicant has not been convicted of:
(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or
(B) a felony that has a direct bearing on the applicant's ability to practice competently.
(5) If registered in the other jurisdiction after June 30, 1979, the out-of-state applicant must:
(A) have met the requirements specified by section 6 of this chapter; or
(B) have at least seven (7) years of experience as a registered architect and have:
(i) a bachelor's degree in a design discipline; or
(ii) a combination of training and experience that the board finds to be equivalent to a bachelor's degree in a design discipline.
(6) If registered in the other jurisdiction before July 1, 1979, the out-of-state applicant must have met the education and work experience requirements in effect in Indiana when the out-of-state applicant was registered in the other jurisdiction.
(7) The out-of-state applicant must pay fees established by the board.

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

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

IC 25-4-1-9
Examinations of applicants

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

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

(2) The strength of building materials.

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

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

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

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

IC 25-4-1-10

Issuance of certificate of registration

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

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

IC 25-4-1-11

Exemption from statutes regulating practice of engineering

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

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

IC 25-4-1-12

Issuance of certificate; applicable sections

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

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

IC 25-4-1-13

Display of certificate; seal

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

Every registered architect shall have a seal or design authorized by the board, the impression of which shall contain the name of the architect and the words, "registered architect", "state of Indiana". He

shall stamp with this seal all working drawings, reports, and specifications prepared by him or under his supervision.
(Formerly: Acts 1929, c.62, s.13.)

IC 25-4-1-14
Renewal of certificate; failure to renew; reinstatement; fees

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

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

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

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

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

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

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

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

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

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

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

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

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

IC 25-4-1-15
Repealed

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

IC 25-4-1-15.1
Repealed

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

IC 25-4-1-16
Fees

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

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

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

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

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

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

(1) issuance of a certificate of registration; and

(2) renewal of a certificate of registration;

under this article to provide funds for administering and enforcing this article, including investigating and taking action against persons violating this article. All funds collected under this subsection shall be deposited into the registered architects and registered landscape architects investigative fund established by section 32 of this chapter. *(Formerly: Acts 1929, c.62, s.16; Acts 1943, c.217, s.2.) As amended by P.L.194-2005, SEC.15; P.L.177-2006, SEC.1; P.L.157-2006, SEC.22; P.L.1-2007, SEC.168.*

IC 25-4-1-17
Acts constituting practice of architecture

Sec. 17. The practice of architecture is the performance of professional services embracing the safe, healthful, scientific, aesthetic or orderly coordination of the planning, designing, erection, alteration or enlargement of any public or private building or buildings, structure or structures, project or projects, or any part thereof, or the equipment or utilities thereof or the accessories thereto, when such professional services require the application of the art and science of construction based upon the principles of

mathematics, aesthetics, or the physical science acquired by education or training, and when such services are performed through the media of consultation, evaluation, investigation, preliminary study, plans, specifications, contract documents, or supervision of construction. Any one (1), or any combination of the foregoing services by a person shall constitute the practice of architecture. A building is any structure consisting of foundation, floors, walls, columns, girders, beams and roof, or a combination of any number of these parts, with or without other parts and appurtenances thereto.
(Formerly: Acts 1929, c.62, s.17; Acts 1961, c.331, s.6.)

IC 25-4-1-18
Employees under direction of architect; exempt buildings

Sec. 18. Nothing contained in this chapter shall prevent the draftsmen, students, clerks of works, superintendents, and other employees of those lawfully practicing as registered architects, under the provisions of this chapter, from acting under the instruction, control, or supervision of their employers, or to prevent the employment of superintendents of the construction, enlargement, or alteration of buildings, or any parts thereof, or prevent such superintendents from acting under the immediate personal supervision of the registered architect by whom the plans and specifications of any building, enlargement, or alteration were prepared. Nor shall anything contained in this chapter apply to the making of plans or specifications or the supervision of construction, enlargement or alteration of buildings or any parts thereof specifically exempted from the rules of the fire prevention and building safety commission or specifically exempted from the fire prevention and building safety commission requirements for preparation of such plans and specifications by registered architects or registered engineers.
(Formerly: Acts 1929, c.62, s.18; Acts 1935, c.252, s.3; Acts 1961, c.331, s.7; Acts 1969, c.380, s.2.) As amended by Acts 1982, P.L.154, SEC.13; P.L.8-1984, SEC.117.

IC 25-4-1-19
Expenses of administration; payment

Sec. 19. All expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made therefor in the manner provided by law for the making of such appropriations.
(Formerly: Acts 1929, c.62, s.19; Acts 1935, c.252, s.4; Acts 1961, c.331, s.8.) As amended by Acts 1976, P.L.119, SEC.2; Acts 1981, P.L.222, SEC.33.

IC 25-4-1-20
Record of proceedings

Sec. 20. The board shall keep a record of its proceedings, and a register of all applicants for registration, showing the date of application, the name, age and other qualifications and the place of

business and the place of residence of each applicant and whether or not an examination was required and whether the applicant was rejected or a certificate of registration granted and issued and the date of such action.
(Formerly: Acts 1929, c.62, s.20.)

IC 25-4-1-21
Repealed
(*Repealed by P.L.132-1984, SEC.55.)*

IC 25-4-1-22
"Board" defined
Sec. 22. Except where the context clearly indicates a different meaning, the following terms, as used in this chapter, shall be construed to have the meaning hereinafter indicated:
The term "board" shall be construed to mean the board of registration for architects and landscape architects.
(Formerly: Acts 1929, c.62, s.22.) As amended by Acts 1982, P.L.154, SEC.14; P.L.8-1984, SEC.118; P.L.82-2000, SEC.10.

IC 25-4-1-23
Construction of chapter
Sec. 23. As this chapter is designed to safeguard life, health and property, the provisions thereof shall be construed liberally to achieve the purpose desired.
(Formerly: Acts 1929, c.62, s.23.) As amended by Acts 1982, P.L.154, SEC.15.

IC 25-4-1-24
Severability clause
Sec. 24. In the event that any section, clause or provision of this chapter shall be declared unconstitutional, such invalidity shall not affect those provisions of this chapter not declared unconstitutional.
(Formerly: Acts 1929, c.62, s.24.) As amended by Acts 1982, P.L.154, SEC.16.

IC 25-4-1-25
Public inspection of records
Sec. 25. The board shall keep a record open to public inspection at all reasonable times of its proceedings relating to the issuance, refusal, renewal, suspension or revocation of certificates of registration. This record shall also contain the name, place of business and residence, and the date and number of registration of each registered architect and landscape architect in this state.
(Formerly: Acts 1929, c.62, s.25.) As amended by P.L.82-2000, SEC.11.

IC 25-4-1-26
Offenses
Sec. 26. Each of the following acts is a Class C infraction and

each day's violation constitutes a separate offense:

(1) The practice of architecture by any person or the advertising or putting out of any sign or card or other device which might indicate to the public that he is entitled to practice as an architect, without a certificate of registration as a registered architect issued by the board.

(2) The affixing of a registered architect's seal to any plans, specifications or drawings which have not been prepared by him or under his immediate personal supervision.

(3) The violation of section 13 of this chapter.

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

IC 25-4-1-27

Right of corporations and partnerships to engage in practice

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

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

IC 25-4-1-28

Short title

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

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

IC 25-4-1-29

Necessity of plans or specifications prepared by registered architect

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

(b) No official of this state, nor of any city, town, county, township, or school corporation thereof, charged with the enforcement of any law, ordinance, or rule relating to the construction or alteration of buildings or structures, shall use or accept or approve any plans or specifications that have not been

prepared by, or under the supervision of, and certified by a registered architect. This subsection shall not apply if such plans or specifications have been prepared by, or under the supervision of and certified by a professional engineer who is registered under the laws of the state of Indiana. This subsection shall not apply to the construction or alteration of any building or structures specifically exempted from the rules of the fire prevention and building safety commission or specifically exempted from the fire prevention and building safety commission requirements for preparation of such plans and specifications by registered architects or registered engineers. This section shall not be construed as to abridge, or otherwise affect, the powers of the fire prevention and building safety commission, or any other state board or department, to issue rules governing the safety of buildings or structures.
(Formerly: Acts 1929, c.62, s.29; Acts 1961, c.331, s.10; Acts 1969, c.380, s.3.) As amended by P.L.8-1984, SEC.119; P.L.1-2001, SEC.30.

IC 25-4-1-30
Reexamination; extension of time

Sec. 30. The board of registration of architects must grant an extension for a total time of not less than eight (8) years for an applicant to complete any section or division of a reexamination given under section 9 of this chapter if the applicant was unable to meet the original final date established by the board to take reexaminations due to a disability or medical condition that substantially interferes with the applicant's ability to take the examination.
As added by P.L.216-1993, SEC.1.

IC 25-4-1-31
Continuing education and training; requirements

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

(1) Require continuing education and training for architects.

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

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

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

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

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

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

IC 25-4-1-32
Investigative fund; administration by attorney general and

professional licensing agency; appropriation

Sec. 32. (a) The registered architects and registered landscape architects investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the attorney general and the Indiana professional licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of money from a fee imposed upon registered architects and registered landscape architects under section 16(f) of this chapter.

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

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the fund exceeds five hundred thousand dollars ($500,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds five hundred thousand dollars ($500,000) reverts to the state general fund.

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

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

IC 25-4-2

Chapter 2. Landscape Architects Certification

IC 25-4-2-1

Definitions; construction of chapter

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

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

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

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

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

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

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

IC 25-17.6).

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

(1) the practice of landscape architecture by any person who acts under the supervision of a practitioner or by an employee of a person lawfully engaged in the practice of landscape architecture and who, in either event, does not assume responsible charge of design or supervision;

(2) the practice of architecture or land planning and proper land usage by a duly registered professional architect or the doing of landscape architectural work by a registered architect or by an employee under the supervision of a registered architect;

(3) the practice of engineering or land planning and proper land usage by a duly registered professional engineer and the doing of landscape architectural work by a registered professional engineer or by an employee under supervision of a registered professional engineer;

(4) the practice of surveying or land planning and proper land usage by a registered land surveyor and the doing of landscape architectural work by a registered land surveyor or by an employee under supervision of a registered land surveyor;

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

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

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

(8) the practice of any nurseryman or general or landscape contractor, including design, planning, location, planting and arrangements of plantings or other ornamental features; or

(9) the practice of natural resource professionals, including biologists, geologists, or soil scientists.

As added by Acts 1981, P.L.225, SEC.2. Amended by P.L.242-1985, SEC.3; P.L.23-1991, SEC.11; P.L.82-2000, SEC.13.

IC 25-4-2-1.5

Acceptance of landscape architect by state and political subdivisions

Sec. 1.5. (a) The state and all of the state's political subdivisions shall:

(1) accept the stamp of a landscape architect when the landscape architect is submitting plans for approval within the scope of practice of landscape architecture; and

(2) allow the engagement of a landscape architect for work within the scope of practice of landscape architecture.

(b) This section shall not be construed to restrict the practice of architects, professional engineers, or land surveyors in any way.

As added by P.L.82-2000, SEC.14.

IC 25-4-2-2
Display of certificate; seal

Sec. 2. (a) A practitioner shall display the practitioner's certificate of registration in a conspicuous place in the practitioner's principal office, place of business, or employment.

(b) Each practitioner may, upon registration under this chapter, obtain a seal of the design authorized by the board, bearing the name of the practitioner, number of certificate of registration, and the legend "Registered Landscape Architect State of Indiana". The seal may be used only while the practitioner's registration is in effect.

(c) Nothing in this chapter may be construed as authorizing the use or acceptance of the seal of a landscape architect as a substitute for the seal of an architect, engineer, or land surveyor.

As added by Acts 1981, P.L.225, SEC.2. Amended by P.L.242-1985, SEC.4.

IC 25-4-2-3
Qualifications; evidence; examination; issuance of certificate

Sec. 3. (a) To qualify for registration as a landscape architect, an applicant must:

(1) submit evidence that the applicant is an individual who is at least eighteen (18) years of age;

(2) submit evidence that the applicant has:

(A) graduated from an accredited curriculum of landscape architecture presented by a college or school approved by the board; or

(B) attained before January 1, 2003, at least eight (8) years of actual practical experience in landscape architectural work of a grade and character satisfactory to the board;

(3) submit evidence that the applicant has paid the examination fee and the application fee set by the board;

(4) provide an affidavit that indicates that the applicant does not have a conviction for:

(A) an act that would constitute a ground for disciplinary action under IC 25-1-11; or

(B) a felony that has a direct bearing on the applicant's ability to practice competently;

(5) pass the examination required by the board under section 4 of this chapter after meeting the requirements in subdivisions (1) through (4); and

(6) submit evidence that the applicant has at least three (3) years of diversified, actual, and practical experience in landscape architectural work of a grade and character satisfactory to the board.

(b) The board shall issue a certificate of registration under this chapter to an applicant who meets the requirements in this section.

As added by Acts 1981, P.L.225, SEC.2. Amended by Acts 1982, P.L.113, SEC.29; P.L.242-1985, SEC.5; P.L.214-1993, SEC.9;

P.L.82-2000, SEC.15; P.L.194-2005, SEC.17.

IC 25-4-2-4
Examinations

Sec. 4. (a) The board shall adopt rules under IC 4-22-2 covering the subjects and scope of the examinations and covering other functions necessary to comply with this chapter. An applicant for registration as a landscape architect shall establish by written examination the applicant's competency to plan, design, specify, and supervise the installation of landscape architectural projects. The board may require that the written examination be supplemented by oral examinations.

(b) Examinations shall be held at least once a year at a time and place fixed by the board.

As added by Acts 1981, P.L.225, SEC.2. Amended by P.L.132-1984, SEC.12; P.L.242-1985, SEC.6; P.L.214-1993, SEC.10.

IC 25-4-2-5
Repealed

(*Repealed by P.L.234-1983, SEC.10.)*

IC 25-4-2-6
Certification of persons licensed, certified, or registered in another state

Sec. 6. The board may issue a certificate of registration to a landscape architect licensed, certified, or registered in another state if the applicant:

(1) is an individual who is at least eighteen (18) years of age;
(2) pays the fee established by the board; and
(3) submits evidence satisfactory to the board that:
  (A) the out-of-state applicant meets the requirements in section 3 of this chapter or its equivalent, as determined by the board;
  (B) the applicant does not have a conviction for:
    (i) an act that would constitute a ground for disciplinary action under IC 25-1-11; or
    (ii) a felony that has a direct bearing on the applicant's ability to practice competently; and
  (C) the applicant has met the same or equivalent examination requirements in effect in Indiana at the time the applicant was registered in the other jurisdiction.

As added by Acts 1981, P.L.225, SEC.2. Amended by Acts 1982, P.L.113, SEC.30; P.L.242-1985, SEC.7; P.L.214-1993, SEC.11; P.L.82-2000, SEC.16.

IC 25-4-2-7
Repealed

(*Repealed by P.L.82-2000, SEC.19.)*

IC 25-4-2-8

Fees

Sec. 8. (a) The board shall set the fees for issuance of a certificate of registration to a landscape architect and for the biennial renewal of registration. The fee for registration and for renewal of registration must be based upon the administrative costs of registering and regulating landscape architects. This fee must include the costs for:

(1) office facilities, supplies, and equipment;

(2) clerical assistance; and

(3) administering and enforcing this article as set forth in IC 25-4-1-16(f).

(b) Except as provided in IC 25-4-1-32, all fees collected under this chapter shall be paid by the Indiana professional licensing agency to the treasurer of state who shall deposit them in the general fund of the state.

As added by Acts 1981, P.L.225, SEC.2. Amended by P.L.132-1984, SEC.13; P.L.242-1985, SEC.9; P.L.194-2005, SEC.18; P.L.177-2006, SEC.3.

IC 25-4-2-8.5

Landscape architect renewal of certificate of registration

Sec. 8.5. (a) Every registered landscape architect who continues in active practice shall biennially, on or before the date established by the licensing agency under IC 25-1-6-4, renew the registered landscape architect's certificate of registration and pay the required renewal fee.

(b) A landscape architect registered in Indiana who has failed to renew the landscape architect's certificate of registration for a period of not more than five (5) years may have the certificate of registration reinstated by meeting the requirements of IC 25-1-8-6(c).

(c) A landscape architect registered in Indiana who has failed to renew the landscape architect's certificate of registration for a period of more than five (5) years may have the certificate of registration reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

As added by P.L.105-2008, SEC.14.

IC 25-4-2-9

Repealed

(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-4-2-9.1

Discipline; display of revoked, suspended, or expired credentials

Sec. 9.1. The board may discipline a person under IC 25-1-11 if that person displays to the public credentials issued by the board that:

(1) have been revoked by the board under IC 25-1-11; or

(2) have expired.

As added by P.L.240-1985, SEC.4. Amended by P.L.214-1993, SEC.12.

IC 25-4-2-10

Illegal use of title; offense; injunction

Sec. 10. (a) Any person who:

(1) renders or offers to render services to the public, if the words "landscape architecture" or "registered landscape architecture" are used to describe these services;

(2) uses the title "registered landscape architect" or "landscape architect"; or

(3) engages in the practice of landscape architecture described in section 1 of this chapter;

without a current registration issued under this chapter commits a Class B infraction. A person who affixes a registered landscape architect's seal to a plan, specification, or drawing that has not been prepared by a currently registered landscape architect or under the immediate supervision of a currently registered landscape architect commits a Class B infraction.

(b) Each day a violation described in this section continues to occur constitutes a separate offense.

(c) The board may appear in its own name in the courts of the state and apply for injunctions to prevent violations of this chapter.

As added by Acts 1981, P.L.225, SEC.2. Amended by P.L.242-1985, SEC.11; P.L.82-2000, SEC.17; P.L.1-2001, SEC.31.

IC 25-4-2-11

Practice by firm

Sec. 11. (a) For purposes of this section, "firm" means a corporation, partnership, limited liability company, or sole proprietorship.

(b) The practice of or an offer to practice landscape architecture by a firm may occur through an individual if the individual:

(1) is in direct control of the landscape architecture practice;

(2) exercises direct supervision of all personnel who act on behalf of the firm in landscape architecture professional and technical matters; and

(3) holds a current registration under this chapter.

No firm doing business in Indiana may use the term or title "landscape architect", "landscape architecture", or "landscape architectural" or advertise any title or description tending to convey the impression that the firm employs a practitioner unless the firm employs a practitioner. The name of a practitioner employed by the firm must appear whenever the name of the firm is used in the professional practice of landscape architecture. Any plans, sheets of designs, or specifications prepared by the personnel of the firm must carry the signature and seal of the practitioner who is responsible for supervising the landscape architecture work.

As added by Acts 1981, P.L.225, SEC.2. Amended by P.L.242-1985, SEC.12; P.L.82-2000, SEC.18.

IC 25-4-2-12

Standards of competency

Sec. 12. The board shall adopt standards of competency for the

practice of landscape architecture in accordance with IC 4-22-2.
As added by Acts 1981, P.L.225, SEC.2.

IC 25-4-2-13
Continuing education and training; requirements

Sec. 13. (a) The board may adopt rules under IC 4-22-2 to do the following:

(1) Require continuing education and training for landscape architects.

(2) Set minimum requirements for continuing education and training for landscape architects.

(3) Set minimum requirements for continuing education instructors approved by the board.

(b) The rules adopted under this section must require a landscape architect to comply with the following:

(1) The landscape architect shall provide the board with a sworn statement signed by the landscape architect that the landscape architect has fulfilled the continuing education requirements required by the board.

(2) The requirements under IC 25-1-4.

As added by P.L.23-2003, SEC.2. Amended by P.L.157-2006, SEC.24.

IC 25-5

ARTICLE 5. REPEALED

(*Repealed by Acts 1978, P.L.2, SEC.2570.)*

IC 25-5.1

ARTICLE 5.1. ATHLETIC TRAINERS

IC 25-5.1-1

Chapter 1. Definitions

IC 25-5.1-1-0.5

Exemptions from article

Sec. 0.5. This article does not apply to an individual who meets the following conditions:

(1) Is not a resident of Indiana.

(2) Is employed for the primary purpose of providing athletic training services for an athletic or sports organization in another jurisdiction.

(3) Provides athletic training services in Indiana related to the training or participation of a specific event but does not provide athletic training services in Indiana for more than thirty-five (35) consecutive days.

As added by P.L.87-2000, SEC.1.

IC 25-5.1-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.213-1993, SEC.5.

IC 25-5.1-1-1.5

Agency

Sec. 1.5. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

As added by P.L.1-2006, SEC.420.

IC 25-5.1-1-2

Athletic injury

Sec. 2. "Athletic injury" refers to an injury sustained by a physically active individual as a result of the individual's participation in:

(1) an exercise;

(2) a sport;

(3) a game; or

(4) a recreational activity;

requiring physical strength, agility, flexibility, range of motion, speed, or stamina. The term includes any comparable injury that impedes the individual's participation in any of the activities listed in this section.

As added by P.L.213-1993, SEC.5.

IC 25-5.1-1-3

Athletic trainer

Sec. 3. "Athletic trainer" means an individual who is or may be

employed by an educational institution, a professional or an amateur athletic organization, an athletic facility, or a health care facility to practice athletic training.
As added by P.L.213-1993, SEC.5.

IC 25-5.1-1-4
Athletic training

Sec. 4. "Athletic training" means the practice of prevention, recognition, assessment, management, treatment, disposition, and reconditioning of athletic injuries under the direction of a licensed physician, osteopath, podiatrist, or chiropractor. However, in a clinic accessible to the general public, the term means practicing athletic training only upon the referral and order of a licensed physician, osteopath, podiatrist, or chiropractor. The term includes the following:

(1) Practice that may be conducted by an athletic trainer through the use of heat, light, sound, cold, electricity, exercise, rehabilitation, or mechanical devices related to the care and the conditioning of athletes.

(2) The organization and administration of educational programs and athletic facilities.

(3) The education and the counseling of the public on matters related to athletic training.

As added by P.L.213-1993, SEC.5. Amended by P.L.84-1998, SEC.7.

IC 25-5.1-1-5
Board

Sec. 5. "Board" refers to the Indiana athletic trainers board established by IC 25-5.1-2-1.
As added by P.L.213-1993, SEC.5. Amended by P.L.84-1998, SEC.8.

IC 25-5.1-1-6
Repealed

(*Repealed by P.L.1-2006, SEC.588.)*

IC 25-5.1-1-7
NATA

Sec. 7. "NATA" refers to the National Athletic Trainers Association, Inc.
As added by P.L.213-1993, SEC.5.

IC 25-5.1-2

Chapter 2. Indiana Athletic Trainers Certification Board

IC 25-5.1-2-1

Board established

Sec. 1. The Indiana athletic trainers board is established.

As added by P.L.213-1993, SEC.5. Amended by P.L.84-1998, SEC.9.

IC 25-5.1-2-2

Membership

Sec. 2. (a) The board consists of seven (7) members appointed by the governor as follows:

(1) Two (2) members who are medical doctors, osteopaths, podiatrists, or chiropractors, at least one (1) of whom is involved in the practice of sports medicine.

(2) Four (4) members who are athletic trainers engaged in the practice of athletic training in Indiana for at least two (2) years immediately preceding their appointment and consisting of the following:

(A) One (1) member who is at the time of appointment an athletic trainer employed by a college or a university in Indiana.

(B) One (1) member who is at the time of appointment an athletic trainer employed by a secondary school in Indiana.

(C) One (1) member who is at the time of appointment an athletic trainer employed by a professional athletic team or by a health care or an athletic facility in Indiana.

(D) One (1) member who is an athletic trainer at large.

(3) One (1) member representing the public who is a resident of Indiana and who is not associated with athletic training.

(b) In making the appointments described in subsection (a), the governor shall consider achieving equal geographic representation of the appointees.

As added by P.L.213-1993, SEC.5.

IC 25-5.1-2-3

Continuation of practice

Sec. 3. An individual appointed to the board who is an athletic trainer must continue to practice athletic training in Indiana while serving as a member of the board.

As added by P.L.213-1993, SEC.5.

IC 25-5.1-2-4

Terms of office; removal of members

Sec. 4. (a) The term of office for each member of the board is four (4) years. However, a member of the board may be removed by the governor without cause.

(b) A member may not be appointed to the board for more than two (2) consecutive terms.

As added by P.L.213-1993, SEC.5.

IC 25-5.1-2-5
Vacancies

Sec. 5. A vacancy on the board shall be filled for the unexpired term in the same manner as the original appointment.

As added by P.L.213-1993, SEC.5.

IC 25-5.1-2-6
Powers and duties

Sec. 6. The board shall do the following:

(1) Organize by electing a president, vice president, and secretary.

(2) Adopt rules under IC 4-22-2 to do the following:

(A) Provide for the licensure of athletic trainers.

(B) Fix application fees, examination fees, and licensure fees.

(C) Establish standards for the practice of athletic training under this article.

(D) Establish standards for continuing education that conform with the standards of NATA.

(E) Otherwise implement this article.

(3) Prescribe the application forms to be furnished to all persons seeking to be licensed under this article.

(4) Prescribe the form and design of the license to be issued under this article.

(5) Conduct hearings, keep records of proceedings, and do all things necessary to properly administer and enforce this article.

(6) Publish and make available the following upon request and for a fee not to exceed the actual cost of printing and mailing:

(A) Requirements for issuance of an athletic trainer's license under this article.

(B) Rules adopted under this article.

(7) Maintain and make available as required by IC 4-1-6 and IC 5-14-3 a register of each licensed athletic trainer in Indiana, including each licensed athletic trainer's last known address and the expiration date and identification number of the licensed athletic trainer's license.

(8) Contract with the NATA board of certification to prepare, conduct, and score NATA's current professional examination as the qualifying examination for athletic trainers under this article.

As added by P.L.213-1993, SEC.5. Amended by P.L.84-1998, SEC.10.

IC 25-5.1-2-7
Compensation of members

Sec. 7. (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided

in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.213-1993, SEC.5.

IC 25-5.1-3

Chapter 3. Certification; Examination

IC 25-5.1-3-1

License requirements

Sec. 1. (a) To qualify for a license under this article, an individual must satisfy the following requirements:

(1) Satisfactorily complete an application for licensure in accordance with the rules adopted by the board.

(2) Pay the application fees, examination fees, and licensure fees established by the board.

(3) Not have been convicted of a crime that has a direct bearing on the applicant's ability to practice competently as determined by the board.

(4) Not have had disciplinary action taken against the applicant or the applicant's license by the board or by the licensing agency of another state or jurisdiction by reason of the applicant's inability to safely practice athletic training with those reasons for discipline still being valid as determined by the board.

(5) Show to the satisfaction of the board that the applicant has received at least a baccalaureate degree from a postsecondary educational institution that meets the academic standards for athletic trainers established by NATA and described in subsection (b).

(6) Except to the extent that section 6 of this chapter applies, successfully pass the qualifying examination adopted by the board as described in IC 25-5.1-2-6(8).

(b) The minimum academic standards for athletic trainers licensed under this article as required under subsection (a)(5) include the satisfactory completion of an academic program that includes at least the following accredited courses:

(1) Human anatomy.

(2) Human physiology.

(3) Physiology of exercise.

(4) Kinesiology.

(5) Personal health.

(6) Basic athletic training.

(7) Advanced athletic training.

(8) Clinical experience as prescribed by the board.

(9) Therapeutic modalities.

(10) Rehabilitation.

As added by P.L.213-1993, SEC.5. Amended by P.L.84-1998, SEC.11; P.L.87-2000, SEC.2; P.L.173-2001, SEC.1; P.L.2-2007, SEC.318.

IC 25-5.1-3-1.5

Temporary licenses

Sec. 1.5. (a) If a person meets each of the requirements of section 1 of this chapter other than the requirement under section 1(a)(6), the

board may issue a temporary license to the person.

(b) A temporary license issued under this section is valid for not more than ninety (90) days after the date of issuance.

As added by P.L.173-2001, SEC.2.

IC 25-5.1-3-2

Issuance of licenses

Sec. 2. Except as provided in section 3 of this chapter, the board shall issue a license to an individual who:

(1) meets the conditions set out in section 1 of this chapter; and

(2) is otherwise qualified for licensure under this article.

As added by P.L.213-1993, SEC.5. Amended by P.L.84-1998, SEC.12.

IC 25-5.1-3-3

Refusal to issue licenses

Sec. 3. The board may refuse to issue a license to an applicant for licensure under section 1 or 1.5 of this chapter if:

(1) the board determines during the application process that the applicant committed an act that would have subjected the applicant to disciplinary sanction under section 1(a)(4) of this chapter if the applicant had been:

(A) certified before July 1, 1998; or

(B) licensed after June 30, 1998;

in Indiana when the act occurred; or

(2) the applicant has had a:

(A) certificate revoked under IC 25-1-1.1 before July 1, 1998; or

(B) license revoked under IC 25-1-1.1 after June 30, 1998.

As added by P.L.213-1993, SEC.5. Amended by P.L.84-1998, SEC.13; P.L.87-2000, SEC.3; P.L.173-2001, SEC.3.

IC 25-5.1-3-4

Expiration of licenses; renewal

Sec. 4. (a) A license issued by the board expires on a date established by the agency under IC 25-1-5-4 in each even-numbered year.

(b) An individual may renew a license by paying a renewal fee not later than the expiration date of the license.

(c) If an individual fails to timely pay a renewal fee as required by subsection (b), the individual's license becomes invalid without any action being taken by the board.

As added by P.L.213-1993, SEC.5. Amended by P.L.84-1998, SEC.14; P.L.1-2006, SEC.421.

IC 25-5.1-3-5

Renewal of expired licenses

Sec. 5. (a) Except as provided in subsection (b), an individual whose license has expired may have the license reinstated not later than three (3) years after the date of expiration upon meeting the

requirements under IC 25-1-8-6(c).

(b) A license that has been expired for more than three (3) years may be reinstated if the individual holding the license satisfies the requirements for reinstatement under IC 25-1-8-6(d).

As added by P.L.213-1993, SEC.5. Amended by P.L.84-1998, SEC.15; P.L.269-2001, SEC.6; P.L.105-2008, SEC.15.

IC 25-5.1-3-6

Examination exemptions

Sec. 6. If an individual who applies for a license under this article meets any of the following conditions, the individual may be exempted from the examination requirement under section 1(a)(6) of this chapter by action of the board:

(1) The individual is licensed to practice athletic training in another state if the other state's standards for licensure are at least equal to the standards for licensure in Indiana.

(2) The individual is certified by NATA and is otherwise qualified for licensure under this article.

(3) The individual is certified by an organization recognized by the National Commission on Competency Assurance and is otherwise qualified for licensure under this article.

As added by P.L.213-1993, SEC.5. Amended by P.L.84-1998, SEC.16; P.L.87-2000, SEC.4.

IC 25-5.1-3-7

Other occupations, professions, student activities, or performance of first aid not prohibited

Sec. 7. This article does not prohibit the following:

(1) The practice of an occupation or profession for which an individual is licensed, certified, or registered in Indiana by a state agency.

(2) The practice of a health care occupation or profession by an individual who is practicing within the individual's education and experience.

(3) The performance of a first aid procedure incidental to an individual's employment or volunteer duties.

(4) The performance of an emergency first aid procedure by an individual.

(5) A student, an intern, or a trainee from pursuing a course of study in athletic training from an accredited postsecondary educational institution if:

(A) the activities are performed under qualified supervision and constitute a part of the individual's supervised course of study; and

(B) the individual uses a title that contains the word "intern", "student", or "trainee".

(6) The use of the title "student athletic trainer" by a student enrolled in a high school or a postsecondary educational institution while assisting an athletic trainer during athletic activities of the high school or postsecondary educational

institution.

As added by P.L.84-1998, SEC.17. Amended by P.L.87-2000, SEC.5; P.L.2-2007, SEC.319.

IC 25-5.1-3-8

Temporary permits

Sec. 8. (a) The board may issue a temporary permit to a person to practice as an athletic trainer if the person pays a fee and the person:

(1) has a valid license or certificate to practice from another state and the person has applied for a license from the board;

(2) is practicing in a state that does not license or certify athletic trainers but is certified by a national athletic training association approved by the board and the person has applied for a license from the board; or

(3) has met the requirements of section 1 of this chapter, except for the requirement of section 1(a)(6) of this chapter.

(b) A person with a temporary permit issued under subsection (a)(3) may practice as an athletic trainer only under the supervision of an athletic trainer licensed under this article.

(c) A temporary permit expires on the earliest of:

(1) the date the person holding the permit is issued a license under this article;

(2) the date the board disapproves the person's license application; or

(3) ninety (90) days after the date of issuance.

As added by P.L.173-2001, SEC.4.

IC 25-5.1-4

Chapter 4. Unlawful Practice

IC 25-5.1-4-1

Practice or use of title without license prohibited

Sec. 1. An individual may not:

(1) practice as an athletic trainer; or

(2) use:

(A) the title "licensed athletic trainer", "athletic trainer", "licensed trainer", or "athletic training";

(B) the abbreviations "AT", "ATC", "AT,C", "LAT", "ATC/L"; or

(C) other words, abbreviations, or insignia;

to indicate or imply that the individual is an athletic trainer;

unless the individual is licensed under this article.

As added by P.L.213-1993, SEC.5. Amended by P.L.84-1998, SEC.18; P.L.87-2000, SEC.6.

IC 25-5.1-4-2

Violations

Sec. 2. An individual who knowingly violates or causes to be violated section 1 of this chapter commits a Class B misdemeanor.

As added by P.L.213-1993, SEC.5. Amended by P.L.87-2000, SEC.7.

IC 25-5.2

ARTICLE 5.2. ATHLETE AGENTS

IC 25-5.2-1

Chapter 1. Short Title and Definitions

IC 25-5.2-1-1

Short title

Sec. 1. This article may be cited as the Uniform Athlete Agents Act.

As added by P.L.54-2001, SEC.5.

IC 25-5.2-1-2

Definitions applicable to article

Sec. 2. The following definitions apply throughout this article:

(1) "Agency contract" means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports services contract or an endorsement contract.

(2) "Applicant" means an individual who applies for a certificate of registration as an athlete agent under this article.

(3) "Athlete agent" means an individual who enters into an agency contract with a student athlete or, directly or indirectly, recruits or solicits a student athlete to enter into an agency contract. The term includes an individual who represents to the public that the individual is an athlete agent. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.

(4) "Athletic director" means an individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

(5) "Contact" means a communication, direct or indirect, between an athlete agent and a student athlete, to recruit or solicit the student athlete to enter into an agency contract.

(6) "Endorsement contract" means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the student athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance. The term includes the value of any part of the student athlete's right of publicity (as defined in IC 32-36-1-7).

(7) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association for the promotion or regulation of collegiate athletics.

(8) "Person" means an individual, a corporation, a business

trust, an estate, a trust, a partnership, a limited liability company, an association, a joint venture, a government, a governmental subdivision, an agency, or an instrumentality, a public corporation, or any other legal or commercial entity.

(9) "Professional sports services contract" means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete.

(10) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(11) "Registration" means registration as an athlete agent under this article.

(12) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(13) "Student athlete" means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in any intercollegiate sport. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student athlete for purposes of that sport.

As added by P.L.54-2001, SEC.5. Amended by P.L.1-2003, SEC.74.

IC 25-5.2-2

Chapter 2. Athlete Agent Registration

IC 25-5.2-2-1

Service of process

Sec. 1. (a) By acting as an athlete agent in Indiana, a nonresident individual appoints the attorney general as the individual's agent for service of process in any civil action in Indiana related to the individual's acting as an athlete agent in Indiana.

(b) The attorney general may issue subpoenas for any material that is relevant to the administration of this article.

As added by P.L.54-2001, SEC.5.

IC 25-5.2-2-2

Certificate of registration

Sec. 2. (a) Except as otherwise provided in subsection (b), an individual may not act as an athlete agent in Indiana without holding a certificate of registration under section 4 or 6 of this chapter.

(b) Before being issued a certificate of registration, an individual may act as an athlete agent in Indiana for all purposes except signing an agency contract, if:

(1) a student athlete or another person acting on behalf of the student athlete initiates contact with the individual; and

(2) within seven (7) days after an initial act as an athlete agent, the individual submits an application for registration as an athlete agent in Indiana.

(c) An agency contract resulting from conduct in violation of this section is void and the athlete agent shall return any consideration received under the contract.

As added by P.L.54-2001, SEC.5.

IC 25-5.2-2-3

Application for registration; agents licensed in other states

Sec. 3. (a) An applicant for registration shall submit an application for registration to the attorney general in a form prescribed by the attorney general. An application filed under this section is a public record under IC 5-14-3. The application must be in the name of an individual and, except as otherwise provided in subsection (b), signed or otherwise authenticated by the applicant under penalty of perjury and contain the following information:

(1) The name of the applicant and the address of the applicant's principal place of business.

(2) The name of the applicant's business or employer, if applicable.

(3) Any business or occupation engaged in by the applicant for the five (5) years immediately preceding the date of submission of the application.

(4) A description of the applicant's:

(A) formal training as an athlete agent;

(B) practical experience as an athlete agent; and

(C) educational background relating to the applicant's activities as an athlete agent.

(5) The names and addresses of three (3) individuals not related to the applicant who are willing to serve as references.

(6) The name, sport, and last known team for each individual for whom the applicant acted as an athlete agent during the five (5) years immediately preceding the date of submission of the application.

(7) The names and addresses of all persons who are:

(A) with respect to the athlete agent's business if it is not a corporation, the partners, members, officers, managers, associates, or profit sharers of the business; and

(B) with respect to a corporation employing the athlete agent, the officers, directors, and any shareholder of the corporation having an interest of five percent (5%) or greater.

(8) Whether the applicant or any person named in subdivision (7) has been convicted of a crime that, if committed in Indiana, would be a crime involving moral turpitude or a felony, and identify the crime.

(9) Whether there has been any administrative or judicial determination that the applicant or any person named in subdivision (7) has made a false, misleading, deceptive, or fraudulent representation.

(10) A description of any instance in which the conduct of the applicant or any person named in subdivision (7) resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event on a student athlete or educational institution.

(11) A description of any sanction, suspension, or disciplinary action taken against the applicant or any person named in subdivision (7) arising out of occupational or professional conduct.

(12) Whether there has been any denial of an application for, suspension or revocation of, or refusal to renew the registration or licensure of the applicant or any person named in subdivision (7) as an athlete agent in any state.

(b) An individual who has submitted an application for and holds a certificate of registration or licensure as an athlete agent in another state may submit a copy of the application and certificate instead of submitting an application in the form prescribed under subsection (a). The attorney general shall accept the application and the certificate from the other state as an application for registration in Indiana if the application to the other state:

(1) was submitted in the other state within six (6) months immediately preceding the submission of the application in Indiana and the applicant certifies that the information contained in the application is current;

(2) contains information substantially similar to or more comprehensive than that required in an application submitted in

Indiana; and

(3) was signed by the applicant under penalty of perjury.

As added by P.L.54-2001, SEC.5.

IC 25-5.2-2-4

Issuance of certificate of registration; renewal of registration

Sec. 4. (a) Except as otherwise provided in subsection (b), the attorney general shall issue a certificate of registration to an individual who complies with the requirements of section 3(a) of this chapter or whose application has been accepted under section 3(b) of this chapter.

(b) The attorney general may refuse to issue a certificate of registration if the attorney general determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness to act as an athlete agent. In making the determination, the attorney general may consider whether any of the following apply to the applicant:

(1) The applicant has been convicted of a crime that, if committed in Indiana, would be a crime involving moral turpitude or a felony.

(2) The applicant made a materially false, misleading, deceptive, or fraudulent representation in the application or as an athlete agent.

(3) The applicant has engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity.

(4) The applicant has engaged in conduct prohibited by section 12 of this chapter.

(5) The applicant has had a registration or a license as an athlete agent suspended, revoked, or denied or been refused renewal of a registration or a license as an athlete agent in any state.

(6) The applicant has engaged in conduct the consequences of which were that a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event was imposed on a student athlete or educational institution.

(7) The applicant has engaged in conduct that significantly adversely reflects on the applicant's credibility, honesty, or integrity.

(c) In making a determination under subsection (b), the attorney general shall consider the following:

(1) How recently the conduct occurred.

(2) The nature of the conduct and the context in which it occurred.

(3) Any other relevant conduct of the applicant.

(d) An athlete agent may apply to renew a registration by submitting an application for renewal in a form prescribed by the attorney general. An application filed under this subsection is a public record under IC 5-14-3. The application for renewal must be signed by the applicant under penalty of perjury and must contain current information on all matters required by section 3(a) of this

chapter for an original registration.

(e) An individual who has submitted an application for renewal of a registration or a license in another state, instead of submitting an application for renewal in the form prescribed under subsection (d), may file a copy of the application for renewal and a valid certificate of registration or a valid license from the other state. The attorney general shall accept the application for renewal from the other state as an application for renewal in Indiana if the application to the other state:

(1) was submitted in the other state within six (6) months immediately preceding the filing in Indiana and the applicant certifies that the information contained in the application for renewal is current;

(2) contains information substantially similar to or more comprehensive than that required in an application for renewal submitted in Indiana; and

(3) was signed by the applicant under penalty of perjury.

(f) A certificate of registration or a renewal of a registration is valid for two (2) years.

As added by P.L.54-2001, SEC.5.

IC 25-5.2-2-5

Suspension, revocation, or refusal to renew certificate of registration

Sec. 5. (a) The attorney general may suspend, revoke, or refuse to renew a certificate of registration for conduct that would have justified denial of registration under section 4(b) of this chapter.

(b) The attorney general may deny, suspend, revoke, or refuse to renew a certificate of registration only after proper notice and an opportunity for a hearing under IC 4-21.5.

As added by P.L.54-2001, SEC.5.

IC 25-5.2-2-6

Temporary certificate of registration

Sec. 6. The attorney general may issue a temporary certificate of registration while an application for registration or renewal of registration is pending.

As added by P.L.54-2001, SEC.5.

IC 25-5.2-2-7

Fee for renewal of registration

Sec. 7. A fee established by the attorney general in accordance with IC 25-1-8-2 must accompany an application for registration or renewal of registration.

As added by P.L.54-2001, SEC.5.

IC 25-5.2-2-8

Agency contracts

Sec. 8. (a) An agency contract must be in a record, signed or otherwise authenticated by the parties.

(b) An agency contract must contain the following:

(1) The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the athlete agent under the contract and any other consideration the athlete agent has received or will receive from any other source for entering into the contract or for providing the services.

(2) The name of any person not listed in the application for registration or renewal of registration who will be compensated because the student athlete signed the agency contract.

(3) A description of any expenses that the student athlete agrees to reimburse.

(4) A description of the services to be provided to the student athlete.

(5) The duration of the contract.

(6) The date of execution.

(c) An agency contract must contain, in close proximity to the signature of the student athlete, a conspicuous notice in boldface type in capital letters stating:

WARNING TO STUDENT ATHLETE
IF YOU SIGN THIS CONTRACT:

(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;

(2) IF YOU HAVE AN ATHLETIC DIRECTOR, BOTH YOU AND YOUR ATHLETE AGENT MUST GIVE TO YOUR ATHLETIC DIRECTOR THE TEN (10) DAY NOTICE REQUIRED BY IC 25-5.2-2-9 AND IC 35-46-4-4 BEFORE EXECUTING THIS CONTRACT; AND

(3) YOU MAY CANCEL THIS CONTRACT WITHIN FOURTEEN (14) DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

(d) An agency contract that does not conform to this section is voidable by the student athlete. If a student athlete voids an agency contract, the student athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter into the contract.

(e) The athlete agent shall give a record of the signed or otherwise authenticated agency contract to the student athlete at the time of execution.

As added by P.L.54-2001, SEC.5.

IC 25-5.2-2-9

Agency contracts; student athletes

Sec. 9. (a) At least ten (10) days before a student athlete enters into an agency contract, the athlete agent shall give in a record the notice required by IC 35-46-4-4 of the existence of the contract to the athletic director of the educational institution at which the student athlete is enrolled or the athlete agent has reasonable grounds to believe the student athlete intends to enroll.

(b) At least ten (10) days before entering into an agency contract,

the student athlete shall inform the athletic director of the educational institution at which the student athlete is enrolled or intends to enroll that the student athlete intends to enter into an agency contract.
As added by P.L.54-2001, SEC.5.

IC 25-5.2-2-10
Cancellation of agency contract by student athlete

Sec. 10. (a) A student athlete may cancel an agency contract by giving notice of the cancellation to the athlete agent in a record within fourteen (14) days after the contract is signed.

(b) A student athlete may not waive the right to cancel an agency contract.

(c) If a student athlete cancels an agency contract, the student athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter into the contract.
As added by P.L.54-2001, SEC.5.

IC 25-5.2-2-11
Retention of records by athlete agents

Sec. 11. (a) An athlete agent shall retain the following records for a period of five (5) years:

(1) The name and address of each individual represented by the athlete agent.

(2) A copy of any agency contract entered into by the athlete agent.

(3) A record of any direct costs incurred by the athlete agent in the recruitment or solicitation of a student athlete to enter into an agency contract.

(b) Records required by subsection (a) to be retained are open to inspection by the attorney general during normal business hours.
As added by P.L.54-2001, SEC.5.

IC 25-5.2-2-12
Misconduct by athlete agent

Sec. 12. (a) An athlete agent who, with the intent to induce a student athlete to enter into an agency contract:

(1) gives any materially false or misleading information or makes a materially false promise or representation;

(2) furnishes anything of value to a student athlete before the student athlete enters into the agency contract; or

(3) furnishes anything of value to any individual other than the student athlete or another registered athlete agent;

commits a Class D felony.

(b) An athlete agent who intentionally:

(1) initiates contact with a student athlete unless registered under this article;

(2) refuses or fails to retain or permit inspection of the records required to be retained by section 11 of this chapter;

(3) fails to register when required by section 2 of this chapter;
(4) provides materially false or misleading information in an application for registration or renewal of registration;
(5) predates or postdates an agency contract; or
(6) fails to notify a student athlete before the student athlete signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication may make the student athlete ineligible to participate as a student athlete in that sport;

commits a Class D felony.
As added by P.L.54-2001, SEC.5.

IC 25-5.2-2-13
Rights of action

Sec. 13. (a) An educational institution has a right of action against an athlete agent or a former student athlete for damages caused by a violation of this article. In an action under this section, the court may award to the prevailing party costs and reasonable attorney's fees.

(b) Damages of an educational institution under subsection (a) include losses and expenses incurred because, as a result of the conduct of an athlete agent or former student athlete, the educational institution was injured by a violation of this article or was penalized, disqualified, or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference, or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such an organization.

(c) A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student athlete.

(d) Any liability of the athlete agent or the former student athlete under this section is several and not joint.

(e) This article does not restrict rights, remedies, or defenses of any person under law or equity.
As added by P.L.54-2001, SEC.5.

IC 25-5.2-2-14
Violations and penalties

Sec. 14. (a) A person who violates this article is subject to a civil penalty not to exceed twenty-five thousand dollars ($25,000) for each violation, as determined by the court. All civil penalties recovered under this chapter shall be deposited in the state general fund.

(b) In addition to the civil penalty imposed under subsection (a), the attorney general may restrict, suspend, or revoke a certificate of registration of an athlete agent for violation of this article.

(c) The attorney general may institute and conduct an action in the name of the state of Indiana for any of the following:

(1) An injunction in any circuit or superior court of Indiana for

injunctive relief to restrain a person from continuing any activity that violates this article.

(2) The assessment and recovery of the civil penalty provided in subsection (a).

(d) The attorney general may present any evidence of a crime under section 12 of this chapter to any prosecuting attorney for initiation of criminal proceedings against the offender. The attorney general shall cooperate with the prosecuting attorney in the prosecution of the offense.

As added by P.L.54-2001, SEC.5.

IC 25-5.2-2-15

Uniform act

Sec. 15. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it.

As added by P.L.54-2001, SEC.5.

IC 25-5.2-2-16

Electronic records or signatures

Sec. 16. The provisions of this article governing the legal effect, validity, or enforceability of electronic records or signatures, and of contracts formed or performed with the use of such records or signatures conform to the requirements of Section 102 of the Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 114 Stat. 464 (2000), and supersede, modify, and limit the Electronic Signatures in Global and National Commerce Act.

As added by P.L.54-2001, SEC.5.

IC 25-6

ARTICLE 6. REPEALED

(*Repealed by Acts 1977, P.L.270, SEC.2.)*

IC 25-6.1

ARTICLE 6.1. AUCTIONEERS AND AUCTIONS

IC 25-6.1-1

Chapter 1. Short Title and Definitions

IC 25-6.1-1-1

Short title

Sec. 1. Short Title. This article shall be known and may be cited as the "Auctioneer and Auction Licensing Act."

As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-1-2

Scope of article

Sec. 2. This article provides licensing and registration for persons engaged in operating, conducting or otherwise producing auctions. No other agency or political subdivision of the state shall impose on a licensee or seller at auction any registration or license requirement or any license or employment fee or charge on account of such auction activities.

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.1.

IC 25-6.1-1-3

Definitions

Sec. 3. As used in this article:

"Auction" means a sale transaction conducted by means of oral or written exchanges between an auctioneer and the members of the auctioneer's audience, which exchanges consist of a series of invitations for offers for the purchase of goods or real estate made by the auctioneer and offers to purchase made by members of the audience and culminate in the acceptance by the auctioneer of the highest or most favorable offer made by a member of the participating audience.

"Auction company" means any person or persons who, as a part of its business, arranges, manages, sponsors, advertises, or carries out auctions.

"Auction house" means an established place of business including an auction barn, a sale barn, and a sale pavilion and its contiguous surroundings where two (2) or more auctions are held within any twelve (12) month period and where representations are regularly made that goods are sold at auction. Each day during which goods or real estate are being offered for sale at auction shall constitute one (1) auction. A sale barn or livestock auction market that is used exclusively for the auctioning of livestock and is licensed by the Indiana state board of animal health is not an auction house as defined herein.

"Auctioneer" means an individual who is engaged in, or who by advertising or otherwise holds the individual out as being available to engage in, the calling for, the recognition of, and the acceptance

of offers for the purchase of goods or real estate at an auction.

"Commission" means the Indiana auctioneer commission.

"Goods" means any goods, wares, chattels, merchandise, or other personal property, including domestic animals and farm products.

"Licensee" means any person licensed or issued a temporary permit under this article and, in the case of an auction house or auction company, includes the person required to obtain a license for such auction house or auction company.

"Organization" means a corporation, a limited liability company, a partnership, a trust (specifically including a business trust), a firm, an association, or any other form of business enterprise which is owned by two (2) or more individuals.

"Person" means an organization or an individual.

"Real estate" means any right, title, or interest in real property, including fixtures.

"Licensing agency" means the Indiana professional licensing agency established by IC 25-1-5-3.

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.2; Acts 1981, P.L.222, SEC.35; P.L.132-1984, SEC.14; P.L.214-1993, SEC.13; P.L.1-2006, SEC.422.

IC 25-6.1-2

Chapter 2. Creation of Commission

IC 25-6.1-2-1

Creation and membership

Sec. 1. Creation and Membership. (a) The Indiana auctioneer commission is created consisting of six (6) members, not more than four (4) of whom may be members of the same political party.

(b) A member of the commission is appointed by the governor to serve for a term of three (3) years and until his successor is appointed and qualified. A vacancy arising on the commission shall be filled by the governor, and the individual appointed to fill such vacancy shall serve for the unexpired term of the individual whose vacancy is being filled.

(c) Five (5) individuals appointed to membership on the commission must be citizens of Indiana and engaged as auctioneers for a period of not less than five (5) years immediately preceding their appointment. One (1) individual appointed to membership on the commission must be a citizen of Indiana who has not been associated with auctioneering in any way other than as a consumer.

(d) An individual may not act as a member of the commission while holding another elected or appointed office in either the state or federal government.

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1981, P.L.222, SEC.36.

IC 25-6.1-2-2

Meetings

Sec. 2. Meetings. (a) The commission shall meet each January, at a time and place established by the chairman, to conduct an election of officers and such other business as may be appropriate. The commission shall also meet upon the call of the chairman or upon the request of any two (2) members of the commission. The secretary shall provide reasonable notice of the time and place of each meeting to all members.

(b) Three (3) members constitute a quorum for the purpose of transacting business. A majority vote of the commission is necessary to bind the commission.

As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-2-3

Officers

Sec. 3. (a) At the meeting to be held each January, the commission shall elect from its membership a chairman and a vice chairman. Each officer shall serve for a term of one (1) year and until his successor is elected.

(b) The chairman shall preside at all meetings of the commission.

(c) The vice chairman shall act as presiding officer in the absence of the chairman and shall perform such other duties as the chairman may direct.

(d) The commission shall be provided with an executive secretary by the licensing agency. The person provided may not be a member of the commission.

(e) The executive secretary, through the licensing agency, shall:

(1) notify all members of meetings;

(2) keep a record of all meetings of the commission, votes taken by the commission, and other proceedings, transactions, communications, official acts, and records of the commission; and

(3) perform other duties as the chairman directs.

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.3; Acts 1981, P.L.222, SEC.37; P.L.132-1984, SEC.15.

IC 25-6.1-2-4
Per diem and expenses

Sec. 4. Per Diem and Expenses. Each member of the commission shall receive a salary per diem for each day actually engaged in service of the commission, together with reimbursement for necessary travel expense incurred in the performance of his strictly official duties, in accordance with travel policies and procedures established by the department of administration and the state budget agency. The compensation and expense of said commission shall be paid out of the general fund of the state upon appropriation being made therefor in the manner provided by law for the making of such appropriations.

As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-2-5
Powers

Sec. 5. (a) The commission is empowered to do the following:

(1) Administer and enforce the provisions of this article.

(2) Adopt such rules in accordance with IC 4-22-2 and such forms as are necessary or appropriate for the administration and the effective and efficient enforcement of this article.

(3) Issue, suspend, and revoke licenses in accordance with this article.

(4) Subject to IC 25-1-7, investigate complaints concerning licensees or persons the commission has reason to believe should be licensees, specifically including complaints respecting failure to comply with this article or the rules, and to take appropriate action pursuant to IC 25-1-11.

(5) Bring actions, in the name of the state of Indiana, in an appropriate circuit court in order to enforce compliance with this article or the rules by restraining order or injunction.

(6) Hold public hearings on any matters for which a hearing is required under this article and to have all powers granted in IC 4-21.5.

(7) Adopt a seal and, through its secretary, certify copies.

(b) The licensing agency shall provide necessary employees and consultants to enforce this article.

(c) The commission shall adopt rules under IC 4-22-2 establishing the following:

(1) Standards for competent:

(A) practice as an auctioneer; and

(B) operation of an auction company or auction house.

(2) Continuing education requirements for an individual who has reactivated an auctioneer license with less than twelve (12) months remaining in the licensing period.

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.4; Acts 1981, P.L.222, SEC.38; P.L.132-1984, SEC.16; P.L.7-1987, SEC.112; P.L.1-1991, SEC.163; P.L.238-1995, SEC.1.

IC 25-6.1-2-6

Fees; disposition

Sec. 6. Fees, disposal. All fees received by the commission under this article shall be paid to the state treasurer to be placed by him in the general fund of the state. All records of such fees received by the commission shall be available for the inspection of the general public.

As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-3
Chapter 3. Licensing

IC 25-6.1-3-1
Coverage

Sec. 1. Coverage. (a) Except as provided in subsection (b) of this section, no individual may act as an auctioneer and no person may operate an auction house or an auction company without obtaining and having in full force and effect a valid license issued by the commission in accordance with this chapter.

(b) The requirements of this article do not apply to:

(1) An auction of goods or real estate conducted exclusively by individuals who personally own such goods or real estate and who did not acquire such goods or real estate for resale.

(2) An auction conducted by or under the direction of any public authority.

(3) An auction conducted pursuant to any judicial order or to the settlement of a decedent's estate.

(4) A sale conducted by or on behalf of any political party, church, charitable corporation or association if the individual conducting the sale receives no compensation and does not, by advertising or otherwise, hold himself out as being available to engage in the sale of goods or real estate at auction.

As added by Acts 1977, P.L.270, SEC.1. Amended by P.L.8-1993, SEC.374.

IC 25-6.1-3-2
Auctioneer license

Sec. 2. (a) Every individual, before acting as an auctioneer, must obtain a license from the commission.

(b) An applicant for a license must:

(1) be at least eighteen (18) years of age;

(2) have completed at least eighty (80) actual hours of auction instruction from a course provider approved by the commission;

(3) not have a conviction for:

(A) an act which would constitute a ground for disciplinary sanction under IC 25-1-11; or

(B) a felony that has a direct bearing on the applicant's ability to practice competently.

(c) Auction instruction required under subsection (b) must provide the applicant with knowledge of all of the following:

(1) The value of real estate and of various goods commonly sold at an auction.

(2) Bid calling.

(3) Sale preparation, sale advertising, and sale summary.

(4) Mathematics.

(5) The provisions of this article and the commission's rules.

(6) Any other subject matter approved by the commission.

(d) An individual seeking an initial license as an auctioneer under this article shall file with the commission a completed application on

the form prescribed by the commission. When filing an application for an auctioneer license, each individual shall pay a nonrefundable examination fee established by the commission under IC 25-1-8-2.

(e) When applying for a renewal of an auctioneer license, each individual shall do the following:

(1) Apply in a manner required by the commission, including certification by the applicant that the applicant has complied with the requirements of IC 25-6.1-9-8, unless the commission has granted the applicant a waiver under IC 25-6.1-9-9.

(2) Pay the renewal fee established by the commission under IC 25-1-8-2.

(f) Upon the receipt of a completed application for an initial or a renewal license, the commission shall examine the application and may verify the information contained therein.

(g) An applicant who is seeking an initial license must pass an examination approved by the commission that covers subjects and topics of knowledge required to practice as an auctioneer. The commission shall hold examinations as the commission may prescribe.

(h) The commission shall issue an auctioneer's license, in such form as it may prescribe, to each individual who meets all of the requirements for licensing and pays the appropriate fees.

(i) Auctioneer licenses shall be issued for a term of four (4) years. A license expires at midnight on the date established by the licensing agency under IC 25-1-6-4 and every fourth year thereafter, unless renewed before that date. If the license has expired, it may be reinstated not later than four (4) years after the date it expired if the license holder meets the requirements of IC 25-1-8-6(c).

(j) If a license has expired for a period of more than four (4) years, the holder of the license may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

(k) The commission may waive the requirement that a nonresident applicant pass an examination and that the nonresident submit written statements by two (2) individuals, if the nonresident applicant:

(1) is licensed to act as an auctioneer in the state of the applicant's domicile;

(2) submits with the application a duly certified letter of certification issued by the licensing board of the applicant's domiciliary state;

(3) is a resident of a state whose licensing requirements are substantially equal to the requirements of Indiana;

(4) is a resident of a state that grants the same privileges to the licensees of Indiana; and

(5) includes with the application an irrevocable consent that actions may be commenced against the applicant. The consent shall stipulate that service of process or pleadings on the commission shall be taken and held in all courts as valid and binding as if service of process had been made upon the applicant personally within this state. If any process or pleading

mentioned in this subsection is served upon the commission, it shall be by duplicate copies. One (1) of the duplicate copies shall be filed in the office of the commission and one (1) shall be immediately forwarded by the commission by registered or certified mail to the applicant against whom the process or pleadings are directed.

(l) The commission may enter into a reciprocal agreement with another state concerning nonresident applicants.

(m) The commission may, for good cause shown, upon the receipt of an application for a license, issue a temporary permit for such reasonable period of time, not to exceed one (1) year, as the commission deems appropriate. A temporary permit has the same effect as a license and entitles and subjects the permittee to the same rights and obligations as if the individual had obtained a license.

(n) An applicant for a temporary permit must do the following:

(1) File an examination application.

(2) Pass the examination at one (1) of the next two (2) regularly scheduled examinations.

(o) An individual who does not pass the examination required under subsection (n) may not be issued a temporary permit.

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.5; Acts 1981, P.L.222, SEC.39; Acts 1982, P.L.113, SEC.32; P.L.3-1990, SEC.87; P.L.214-1993, SEC.14; P.L.238-1995, SEC.2; P.L.23-2003, SEC.3; P.L.194-2005, SEC.19; P.L.157-2006, SEC.25; P.L.105-2008, SEC.16.

IC 25-6.1-3-3

Auction house license

Sec. 3. (a) This section does not apply to an organization that operates a wholesale dealer automobile auction.

(b) Every person, before operating an auction house, must obtain a license from the commission for that auction house.

(c) Except as provided in subsection (d), before applying for a license from the commission to operate an auction house, the following must obtain a license as an auctioneer as provided in section 2 of this chapter:

(1) An individual who seeks to operate an auction house.

(2) One (1) or more individuals designated by an organization that seeks to operate an auction house.

(d) Subsection (c) does not apply to:

(1) a person that holds a valid license for an auction house as of June 30, 1998; or

(2) a person that holds a valid renewal of a license described in subdivision (1).

(e) Every applicant seeking to operate an auction house shall file with the commission a completed application on a form provided by the commission for a license for each auction house to be operated by that person. Each application shall be accompanied by the license fee prescribed by section 5 of this chapter and a surcharge described in IC 25-6.1-8-2.

(f) Upon the receipt of a completed application for an initial or a renewal license, the commission shall examine the application and may verify the information contained therein.

(g) If the commission determines that the application has been completed and that the statements made therein by the applicant are true, the commission shall issue a license, in such form as it may prescribe, for such auction house.

(h) Auction house licenses shall expire on a date established by the licensing agency under IC 25-1-6-4, and every fourth year thereafter.

(i) If the holder of an auction house license does not renew the license by the date established by the licencing agency, the license expires and becomes invalid without any action taken by the commission.

(j) The holder of an auction house license that has been expired for not more than four (4) years may have the license reinstated by meeting the requirements under IC 25-1-8-6(c).

(k) The holder of an auction house license that has been expired for more than four (4) years may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).
As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.6; P.L.3-1990, SEC.88; P.L.214-1993, SEC.15; P.L.84-1998, SEC.19; P.L.23-2003, SEC.4; P.L.105-2008, SEC.17.

IC 25-6.1-3-4
Auction company license

Sec. 4. (a) Every person other than:

(1) an individual who is a licensed auctioneer; or

(2) an individual who has a licensed auction house;

who is seeking to operate as an auction company must obtain a license from the commission. Notwithstanding the fact that an individual who is a licensed auctioneer or an individual who has a licensed auction house also has an interest in an organization, every organization which seeks to operate an auction company must obtain a license for that auction company.

(b) Every such person shall file with the commission a completed application on the form prescribed by the commission. Each application shall be accompanied by the license fee prescribed by section 5 of this chapter and a surcharge described in IC 25-6.1-8-2.

(c) Upon the receipt of a completed application for an initial or renewal license, the commission shall examine the application and may verify the information contained therein.

(d) Upon a determination by the commission that an application is completed and duly verified, the commission shall issue an auction company license, in such form as it may prescribe, to the applicant.

(e) Auction company licenses shall expire on a date established by the licensing agency under IC 25-1-6-4, and every fourth year thereafter.

(f) If the holder of an auction company license does not renew the license by the date established by the licensing agency, the license

expires and becomes invalid without any action taken by the commission.

(g) The holder of an auction company license that has been expired for not more than four (4) years may have the license reinstated by meeting the requirements under IC 25-1-8-6(c).

(h) The holder of an auction company license that has been expired for more than four (4) years may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

(i) Any individual who wishes to operate an auction company, and who is exempt under subsection (a) from obtaining an auction company license, shall, not more than thirty (30) days before the date on which the individual begins to operate an auction company, notify the commission, in a writing signed by the individual, that the individual is operating as an auction company or as more than one (1) auction company. The individual shall specify in such written notification the trade or business name, and the address of the principal place of business, of each auction company which the individual operates. Whenever an individual to whom this subsection applies shall discontinue the operation of an auction company theretofore operated by the individual, or shall change its address or trade or business name, the individual shall promptly notify the secretary of the commission of such discontinuance or change, in a writing signed by the individual.

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.7; P.L.3-1990, SEC.89; P.L.214-1993, SEC.16; P.L.23-2003, SEC.5; P.L.105-2008, SEC.18.

IC 25-6.1-3-5

License fee; surcharge

Sec. 5. At the time of obtaining a license under this chapter, the licensee shall pay:

(1) the license fee established by the commission under IC 25-1-8-2; and

(2) a surcharge under IC 25-6.1-8 for deposit in the auctioneer recovery fund.

As added by Acts 1977, P.L.270, SEC.1. Amended by P.L.256-1987, SEC.2; P.L.23-2003, SEC.6; P.L.194-2005, SEC.20.

IC 25-6.1-3-6

License requirement; "auction house" defined

Sec. 6. All auctions arranged by or through an auction house or an auction company shall be conducted exclusively by individuals who are licensed as auctioneers under this chapter. For purposes of this subsection only, the term "auction house" includes a sale barn or sale pavilion that is used exclusively for the auctioning of livestock and is licensed by the Indiana state board of animal health.

As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-3-7

Display of license

Sec. 7. Display of License. Every person licensed under this article shall display his license or a certified copy of it issued by the commission in the full and unobstructed view of the public at his principal place of business.

As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-3-8

Duplicates and certified copies of licenses; fees

Sec. 8. (a) The commission may charge the fee established under IC 25-1-8-2 as the cost of providing duplicate licenses to replace lost or destroyed licenses.

(b) The commission may charge a fee established under IC 25-1-8-2 for the cost of verifying a license to another state.

As added by Acts 1977, P.L.270, SEC.1. Amended by P.L.235-1995, SEC.2; P.L.194-2005, SEC.21.

IC 25-6.1-3-9

Cease and desist order

Sec. 9. Cease and Desist Order. (a) When the commission determines that a person not licensed under this article is engaged in or is believed to be engaged in activities for which a license is required under this article, the commission may issue an order to that person requiring him to show cause why he should not be ordered to cease and desist from such activities. The show cause order shall set forth a time and place for a hearing at which the affected person may appear and show cause as to why he should not be subject to licensing under this article.

(b) If the commission, after a hearing, determines that the activities in which the person is engaged are subject to licensing under this article, the commission may issue a cease and desist order which shall describe the person and activities which are the subject of the order.

(c) A cease and desist order issued under this section shall be enforceable in the circuit courts of this state.

As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-3-10

Denial of license; rights and remedies

Sec. 10. Any person who makes proper and complete application to the commission and who is denied a license under this article has all of the rights and remedies prescribed in IC 4-21.5.

As added by Acts 1977, P.L.270, SEC.1. Amended by P.L.7-1987, SEC.113.

IC 25-6.1-4

Chapter 4. Suspension and Revocation of Licenses

IC 25-6.1-4-1
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-6.1-4-1.1
Repealed

(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-6.1-4-2
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-6.1-4-3
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-6.1-4-4
Hearing

Sec. 4. All hearings held under this chapter shall be held in accordance with IC 4-21.5-3.

As added by Acts 1977, P.L.270, SEC.1. Amended by P.L.7-1987, SEC.114.

IC 25-6.1-5
Repealed

(*Repealed by P.L.256-1987, SEC.5.)*

IC 25-6.1-6

Chapter 6. Licensee Obligations

IC 25-6.1-6-1

Performance by auctioneer

Sec. 1. Performance by Auctioneer. In performing the duties of an auctioneer, every auctioneer shall follow all reasonable requests of the owner or consignor of the goods or real estate being sold at the auction, shall perform his duties so that the highest or most favorable offer made by a member of his audience is accepted, and shall otherwise perform his duties in accordance with the highest standards of the auctioneering profession.

As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-6-2

Accounting and paying over

Sec. 2. Accounting and Paying Over. (a) Every licensee, within thirty (30) days after the sale transaction, shall account to, or see to an accounting for, those persons who own or who are acting as consignor of goods or real estate which is the subject of an auction engaged in or conducted by such licensee or upon such licensee's premises.

(b) Every licensee, within thirty (30) days after a sale transaction of goods and within a reasonable time after a real estate sale transaction, shall pay over, or see to the paying over of, all monies and proceeds due to the owner or the consignor of goods or real estate which was the subject of an auction engaged in or conducted by such licensee or upon such licensee's premises.

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.9.

IC 25-6.1-6-3

Records and accounts

Sec. 3. Records and Accounts. Each licensee shall keep and maintain in a place of safety for a period of not less than two (2) years complete and correct records and accounts pertaining to that licensee's licensed activity, including the name and address of the owner or consignor of all goods and real estate involved in such activities, a description of such goods and real estate, the terms and conditions of the acceptance and sale of such goods and real estate, and accounts of all monies received and paid out, whether on the licensee's own behalf or as agent, as a result of such activities.

As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-6-4

Written contracts

Sec. 4. Written Contracts. Except with respect to goods sold through an auction house, no licensee shall sell goods or real estate at auction until the auctioneer or auction company involved has first entered into a written contract with the owner or consignor of such

goods or real estate, which contract sets forth the terms and conditions upon which such auctioneer or auction company accepts the goods or real estate for sale. A copy of every written contract shall be retained for a period of two (2) years from the date of the auction.

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.10.

IC 25-6.1-6-5
Advertising

Sec. 5. Advertising. All advertisements of auctions shall disclose:

(1) the auctioneer's name and the name of the auction house or the auction company involved; and

(2) the name of the owner or consignor of goods or real estate to be sold or the fact that the goods are being sold on general consignment.

As added by Acts 1977, P.L.270, SEC.1. Amended by Acts 1980, P.L.163, SEC.11.

IC 25-6.1-6-6
Trust accounts

Sec. 6. (a) Each licensee:

(1) shall keep in one (1) or more trust accounts (interest or noninterest bearing) all funds belonging to others that come into the possession of the licensee and are held by the licensee for more than twenty-four (24) hours after the funds become available for use by the licensee; and

(2) shall clearly identify any account containing those funds as a trust account.

The trust accounts shall contain all auction proceeds not yet disbursed and all other funds belonging to others.

(b) The licensee shall not use any trust account for the deposit of any personal funds or other business funds and shall keep a detailed record of the funds and any interest accrued in each trust account that identifies the amount of funds held for each beneficiary. Any interest earned shall be held for the beneficiary.

(c) Upon the death or termination of a licensee or the expiration or revocation of the licensee's license, the commission shall take custody of each trust account and may appoint a successor trustee to protect and distribute the proceeds of that account.

As added by P.L.256-1987, SEC.3.

IC 25-6.1-7
Chapter 7. Penalties

IC 25-6.1-7-1
Failure to be licensed

Sec. 1. (a) An individual may not act as an auctioneer without first having obtained and having in full force and effect the license required under this article.

(b) Except as provided in IC 25-6.1-3-3, a person may not operate an auction house without having obtained and having in full force and effect the license for the auction house as required under this article.

(c) A person (except a person who shall have become exempt, by reason of compliance with the provisions of IC 25-6.1-3-4, from the auction company licensing requirements of this article) may not operate an auction company without first having obtained and having in full force and effect the auction company license required under this article.

(d) A person who knowingly or intentionally violates the provisions of this section commits a Class A misdemeanor.

As added by Acts 1977, P.L.270, SEC.1. Amended by P.L.84-1998, SEC.20; P.L.1-1999, SEC.57.

IC 25-6.1-7-2
Other violations

Sec. 2. Other Violations. A person who violates or fails to follow any provision of this article for which a specific penalty is not provided commits a Class A misdemeanor.

As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-7-3
Injunctions

Sec. 3. Injunctions. The commission may maintain an action in the name of the state of Indiana to enjoin any person from engaging, without a license issued under this article (or pursuant to an exemption defined in this article), in any activity for which a license is required under this article.

As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-7-4
Affidavit, information, or indictment; sufficiency of charge

Sec. 4. Affidavits, Informations, Indictments. In charging any person in an affidavit, information, or indictment with a violation of this article by carrying on (without a license obtained under, or pursuant to an exemption defined in, this article) an activity for the carrying-on of which a license issued under, or an exemption defined in, this article is required, it shall be sufficient to charge that the person did, upon a certain day and in a certain county, engage in such an activity and that he or it did not have a license to do so or an exemption (defined in this article) permitting him or it to do so. No

further or more particular facts need be averred concerning the matter.

As added by Acts 1977, P.L.270, SEC.1.

IC 25-6.1-8

Chapter 8. Auctioneer Recovery Fund

IC 25-6.1-8-1

Establishment of fund; administration; investments

Sec. 1. (a) The auctioneer recovery fund is established for the purpose set out in this chapter. The fund shall be administered by the auctioneer commission.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(c) Money in the fund at the end of a fiscal year does not revert to the state general fund, except as provided in section 2.1 of this chapter.

As added by P.L.256-1987, SEC.4. Amended by P.L.143-1990, SEC.1.

IC 25-6.1-8-2

Surcharge; formula; assessment

Sec. 2. (a) If the total amount in the auctioneer recovery fund (including principal and interest) is less than three hundred sixty thousand dollars ($360,000) on June 30 in an odd-numbered year after the payment of all claims and expenses, the auctioneer commission shall assess a surcharge according to the following formula in order to maintain the fund at an approximate level of four hundred thousand dollars ($400,000):

STEP ONE: Determine the amount remaining in the fund on June 30 of the current year after all expenses and claims have been paid.

STEP TWO: Subtract the amount determined under STEP ONE from four hundred thousand dollars ($400,000).

STEP THREE: Determine the number of licensees who had licenses in effect on June 30 of the current year.

STEP FOUR: Divide the number determined under STEP TWO by the number determined under STEP THREE.

(b) The auctioneer commission shall assess the surcharge described in subsection (a) against each licensee who:

(1) receives an initial license;

(2) receives a renewal license; or

(3) receives a temporary permit.

(c) The auctioneer commission shall assess the surcharge described in subsection (a) for the two (2) year period beginning on July 1 of the current year through June 30 of the next odd-numbered year.

(d) The surcharge assessed under this section is in addition to any other fee under this article.

As added by P.L.256-1987, SEC.4. Amended by P.L.143-1990, SEC.2; P.L.214-1993, SEC.17.

IC 25-6.1-8-2.1
Reversion of excess funds

Sec. 2.1. If the total amount in the auctioneer recovery fund (including principal and interest) exceeds five hundred fifty thousand dollars ($550,000) at the end of a state fiscal year after the payment of all claims and expenses, the amount in excess of five hundred fifty thousand dollars ($550,000) reverts to the state general fund.
As added by P.L.143-1990, SEC.3.

IC 25-6.1-8-3
Interest credited; payment of expenses

Sec. 3. Any interest earned on investment of money in the auctioneer recovery fund shall be credited at least annually to the fund. No money may be appropriated from the state general fund for payment of any expenses incurred under this chapter, and none of these expenses may be charged against the state.
As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-4
Claims against fund; applications; amount of loss; limitation on recovery

Sec. 4. (a) If any aggrieved person obtains a final judgment in any court against any licensee to recover damages for failure to meet the obligations of a licensee under this article and the rules adopted under this article (with or without findings by the auctioneer commission) that results in an actual cash loss to the aggrieved person, the person may, upon termination of all proceedings including appeals and proceedings supplemental to judgment for collection purposes, file a verified application in the court in which the judgment was entered for an order directing payment out of the auctioneer recovery fund of the amount of actual and direct loss in the transaction that remains unpaid upon the judgment. The amount of actual and direct loss may include court costs but may not include attorney's fees or punitive damages awarded. The amount that may be paid from the auctioneer recovery fund may not exceed twenty thousand dollars ($20,000) per judgment and an aggregate lifetime limit of fifty thousand dollars ($50,000) with respect to any one (1) licensee.

(b) This section applies only to a final judgment that awards damages for an act by the licensee described in subsection (a) that arises directly out of any transaction:

(1) that occurred when the licensee was licensed;
(2) for which a license was required under IC 25-6.1; and
(3) that occurred after December 31, 1987.

As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-5
Claims against single licensee in excess of dollar limitation; joinder of claims; payment; insufficient funds

Sec. 5. (a) If the payment in full of two (2) or more pending valid

claims that have been filed by aggrieved persons against a single licensee would exceed the fifty thousand dollars ($50,000) limit set forth in section 4 of this chapter, the fifty thousand dollars ($50,000) shall be distributed among the aggrieved persons in the ratio that their respective claims bear to the aggregate of all valid claims or in any other manner that a court of record may determine equitable. This money shall be distributed among the persons entitled to share in it without regard to the order of priority in which their respective judgments have been obtained or their claims have been filed.

(b) Upon petition of the commission, the court may require all claimants and prospective claimants against one (1) licensee to be joined in one (1) action, to the end that the respective rights of all the claimants to the commission may be equitably adjudicated and settled.

(c) On June 30 and December 31 of each year, the auctioneer commission shall identify each claim that the court orders to be paid during the six (6) month period that ended on that day. The commission shall pay the part of each claim that is so identified within fifteen (15) days after the end of the six (6) month period in which the claim is ordered paid. However, if the balance in the fund is insufficient to pay the full payable amount of each claim that is ordered to be paid during a six (6) month period, the commission shall pay a prorated portion of each claim that is ordered to be paid during the period. Any part of the payable amount of a claim left unpaid due to the prorating of payments under this subsection must be paid (subject to the fifty thousand dollar ($50,000) limit described in section 4 of this chapter) before the payment of claims ordered to be paid during the following six (6) month period.

As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-6

Agents for service of process

Sec. 6. Any auctioneer, auction company, or auction house that is licensed or renews a license under this article after December 31, 1987, and upon whom personal service cannot be made with reasonable diligence shall be considered to have appointed the commission as the licensee's agent for service of process for purposes of actions filed under section 4 of this chapter for recovery from the auctioneer recovery fund. Service of process under this section shall be made as nearly as practicable in the manner prescribed by the Indiana Rules of Trial Procedure for service on corporations.

As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-7

Limitation of actions; notice of commencement of action

Sec. 7. An order for payment from the auctioneer recovery fund may not be issued unless the action to recover from the auctioneer recovery fund was commenced within one (1) year after the termination of all proceedings against the licensee for failure to meet

the obligations of a licensee under this article and the rules adopted under this article, including appeals and proceedings supplemental to judgment. When any person commences an action for a judgment that may result in an order for payment from the fund, the person shall notify the commission in writing of the commencement of the action.

As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-8

Commission as defendant; hearings; order of payment of claim

Sec. 8. When any person files an application for an order directing payment from the auctioneer recovery fund, the commission shall be made a party defendant to the proceedings. The court shall conduct a hearing on the application, and it may issue an order directing payment out of the auctioneer recovery fund, as provided in section 9 of this chapter, subject to the limitation of section 4 of this chapter, if the court finds:

(1) that there is no collusion between the judgment creditor and the judgment debtor;

(2) that the judgment creditor is making application not more than one (1) year after the termination of all proceedings in connection with the judgment, including appeals and proceedings supplemental to judgment for collection purposes;

(3) that the judgment creditor has caused to be issued a writ of execution on the judgment and the officer executing the writ has made a return showing that no personal or real property of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found or that the amount realized on the sale under the execution was insufficient to satisfy the judgment;

(4) that the judgment creditor has diligently pursued the creditor's remedies against all the judgment debtors and all other persons liable to the creditor in the transaction for which the creditor seeks recovery from the auctioneer recovery fund;

(5) that the failure to meet the obligations of a licensee under this article and the rules adopted under this article arose directly out of a transaction that occurred when the judgment debtor was licensed and acted in a capacity for which a license is required under this article and that the transaction occurred after December 31, 1987; and

(6) that, in the event of a default judgment or a judgment entered upon stipulation of the parties, the judgment debtor's acts constituted failure to meet the obligations of a licensee under this article and the rules adopted under this article.

As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-9

Payment of claim

Sec. 9. Upon a final order of the court directing that payment be made out of the auctioneer recovery fund, the commission shall,

subject to sections 4 through 5 of this chapter, make the payment out of the auctioneer recovery fund as provided in section 5 of this chapter.
As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-10
Suspension of judgment debtor's license; repayment by licensee; interest

Sec. 10. If the commission is required to make any payment from the auctioneer recovery fund in settlement of a claim or toward the satisfaction of a judgment under this chapter, the commission shall suspend the judgment debtor's license. The licensee is not eligible to be licensed again as either an auctioneer, auction company, or auction house until the licensee has repaid in full the amount paid from the auctioneer recovery fund with interest of twelve percent (12%) per annum.
As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-11
Subrogation

Sec. 11. When, upon order of any court, the commission has caused payment to be made from the auctioneer recovery fund to a judgment creditor, the commission is subrogated to the rights of the judgment creditor with respect to the amount paid.
As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-12
Expenditure of interest

Sec. 12. Subject to the approval of the state budget agency, the auctioneer commission may expend the interest earned by the auctioneer recovery fund for publications that provide:

(1) information concerning the commission's activities and administrative rulings; and

(2) other educational information concerning the practice of auctioneering.

As added by P.L.256-1987, SEC.4.

IC 25-6.1-8-13
Attorney general; assistance to commission; expenses

Sec. 13. (a) The office of the attorney general shall provide the staff assistance necessary to:

(1) enable the auctioneer commission to perform its duties under this chapter; and

(2) enforce this chapter.

(b) Expenses incurred by the office of the attorney general under this section shall be paid from the auctioneer recovery fund.
As added by P.L.256-1987, SEC.4.

IC 25-6.1-9

Chapter 9. Continuing Education

IC 25-6.1-9-1

Continuing education required for license renewal

Sec. 1. (a) Except as provided in sections 7 and 9 of this chapter, an individual who applies for license renewal under IC 25-6.1-3-2 must complete sixteen (16) actual hours of continuing education every four (4) years from course providers that are approved by the commission.

(b) The continuing education requirement is as follows:

(1) At least six (6) actual hours of courses in any of the following core subjects:

(A) Indiana rules and statutes governing auctioneering.

(B) Federal statutes governing auctioneering.

(C) Auctioneering ethics.

(D) Escrow and trust funds.

(E) Contracts.

(F) Any other subject matter approved by the commission.

(2) At least ten (10) actual hours of courses in any of the following elective subjects:

(A) Agency.

(B) Business courses related to auctioneering.

(C) Auction management.

(D) Bid calling.

(E) Public speaking.

(F) Advertising.

(G) Specialty auction topics.

(H) Any other subject matter approved by the commission.

As added by P.L.238-1995, SEC.3. Amended by P.L.23-2003, SEC.7.

IC 25-6.1-9-2

Requirements for sponsor approval

Sec. 2. To obtain approval as a continuing education sponsor, a sponsor must do the following:

(1) Provide the commission information on courses, curriculum, and facilities as determined by the commission.

(2) Provide each participant who successfully completes an approved course a certificate that includes the following:

(A) The name of the participant.

(B) The name, address, and signature of the sponsor.

(C) The number of approved actual course hours.

(D) Any other information required by the commission.

(3) Meet any standard that the commission adopts by rule.

As added by P.L.238-1995, SEC.3.

IC 25-6.1-9-3

Sponsor records

Sec. 3. A continuing education sponsor that has received approval under section 2 of this chapter must maintain records for five (5)

years of the participants who successfully complete and pass each course. If the sponsor ceases operations, the owner shall place the records in the care of a custodian that is approved by the commission.
As added by P.L.238-1995, SEC.3.

IC 25-6.1-9-4
Expiration and renewal of sponsor approval

Sec. 4. (a) The approval for a sponsor expires February 28 each even-numbered year.

(b) A sponsor must submit:

(1) a letter requesting renewal of approval; and

(2) the renewal fee;

at least thirty (30) days before the sponsor's approval expires.
As added by P.L.238-1995, SEC.3.

IC 25-6.1-9-5
Inspection of sponsor's records and facilities

Sec. 5. The commission may inspect an approved sponsor's records and facilities.
As added by P.L.238-1995, SEC.3.

IC 25-6.1-9-6
Advertisements related to courses offered

Sec. 6. (a) A person may advertise that the person's course is approved by the commission and fulfills the requirements of the commission.

(b) A person may not advertise that the sponsor or the sponsor's course is required or recommended by the commission.
As added by P.L.238-1995, SEC.3.

IC 25-6.1-9-7
Exemption

Sec. 7. A licensee who is initially licensed in the fourth year of a renewal period is exempt from the continuing education requirement under this chapter for that renewal period.
As added by P.L.238-1995, SEC.3. Amended by P.L.194-2005, SEC.22.

IC 25-6.1-9-8
Application

Sec. 8. An applicant for renewal must certify on the application that the applicant:

(1) has complied with the continuing education requirement;

(2) is exempt from the continuing education requirement because the individual has been licensed for less than one (1) year; or

(3) has not complied with the continuing education requirement but is seeking a waiver under section 9 of this chapter.

As added by P.L.238-1995, SEC.3.

IC 25-6.1-9-9
Waiver

Sec. 9. The commission may grant an applicant a waiver from all or part of the continuing education requirement for the renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following conditions:

(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 commission.

As added by P.L.238-1995, SEC.3. Amended by P.L.33-1999, SEC.1.

IC 25-6.1-9-10
Inactive license

Sec. 10. (a) The commission may grant an applicant an inactive auctioneer license if the auctioneer submits a written application to the commission requesting that the auctioneer license be classified as inactive.

(b) An auctioneer granted an inactive license under this section may not perform an act that requires an auctioneer license.

(c) If a disciplinary or suspension hearing is pending against an auctioneer, the individual may not be granted an inactive license without the approval of the commission.

(d) An individual granted an inactive license must continue to pay the same fees that a licensee is required to pay.

(e) An inactive licensee is not required to complete the continuing education requirement while the license is inactive.

(f) An individual may reinstate an inactive auctioneer license if the individual:

(1) submits a written application to the commission requesting that the inactive auctioneer license be classified as active; and

(2) fulfills the applicable continuing education requirement for the licensure period during which the license is reinstated.

As added by P.L.238-1995, SEC.3.

IC 25-7

ARTICLE 7. REPEALED

(*Repealed by P.L.84-2010, SEC.102.)*

IC 25-8

ARTICLE 8. BEAUTY CULTURE

IC 25-8-1

Repealed

(*Repealed by P.L.257-1987, SEC.18.)*

IC 25-8-2

Chapter 2. Cosmetology Regulation; Definitions

IC 25-8-2-1

Definitions applicable to article

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.257-1987, SEC.1.

IC 25-8-2-2

"Agency"

Sec. 2. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

As added by P.L.257-1987, SEC.1. Amended by P.L.1-2006, SEC.424.

IC 25-8-2-2.1

"Barber"

Sec. 2.1. "Barber" means a person licensed under IC 25-8-12.1.

As added by P.L.84-2010, SEC.21.

IC 25-8-2-2.2

"Barber instructor"

Sec. 2.2. "Barber instructor" means a person licensed under IC 25-8-6.4 to teach barbering.

As added by P.L.84-2010, SEC.22.

IC 25-8-2-2.3

"Barber school"

Sec. 2.3. "Barber school" means an establishment licensed under IC 25-8-6.3 that offers training in barbering.

As added by P.L.84-2010, SEC.23.

IC 25-8-2-2.4

"Barber shop"

Sec. 2.4. "Barber shop" means an establishment licensed under IC 25-8-8.1 that offers barbering to the public.

As added by P.L.84-2010, SEC.24.

IC 25-8-2-2.5

Repealed

(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-8-2-2.6

"Beauty culture professional"

Sec. 2.6. "Beauty culture professional" refers to the following:

(1) A cosmetologist licensed under IC 25-8-9.
(2) An electrologist licensed under IC 25-8-10.
(3) A manicurist licensed under IC 25-8-11.
(4) An esthetician licensed under IC 25-8-12.5.

(5) An instructor licensed under IC 25-8-6.
(6) A barber licensed under IC 25-8-12.1.
As added by P.L.78-2008, SEC.2. Amended by P.L.84-2010, SEC.26.

IC 25-8-2-2.7
"Barbering"
Sec. 2.7. (a) "Barbering" means performing one (1) or more of the following practices upon the head, face, or neck of a person:
(1) Cutting, trimming, styling, arranging, dressing, curling, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.
(2) Shaving or trimming beards and mustaches.
(3) Applying oils, creams, antiseptics, clays, powders, lotions, or other preparations, either by hand or by mechanical appliances, in the performance of facial or scalp massage.
(b) "Barbering" does not include performing any of the acts described in subsection (a) when done:
(1) in treating illness or disease;
(2) as a student in a barber school that complies with the notice requirements set forth in IC 25-8-6.3; or
(3) without compensation.
As added by P.L.84-2010, SEC.25.

IC 25-8-2-3
"Board"
Sec. 3. "Board" refers to the state board of cosmetology and barber examiners.
As added by P.L.257-1987, SEC.1. Amended by P.L.84-2010, SEC.27.

IC 25-8-2-3.5
Repealed
(*Repealed by P.L.78-2008, SEC.7; P.L.105-2008, SEC.67.)*

IC 25-8-2-4
"Cosmetologist"
Sec. 4. "Cosmetologist" means a person licensed under IC 25-8-9 to provide cosmetology.
As added by P.L.257-1987, SEC.1.

IC 25-8-2-5
"Cosmetology"
Sec. 5. (a) "Cosmetology" means performing any of the following acts on the head, face, neck, shoulders, torso, arms, hands, legs, or feet of a person:
(1) Cutting, trimming, styling, arranging, dressing, curling, waving, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.
(2) Applying oils, creams, antiseptics, clays, lotions, or other preparations to massage, cleanse, stimulate, manipulate,

exercise, or beautify.
(3) Arching eyebrows.
(4) Using depilatories.
(5) Manicuring and pedicuring.

(b) "Cosmetology" does not include performing any of the acts described in subsection (a):
(1) in treating illness or disease;
(2) as a student in a cosmetology school that complies with the notice requirements set forth in IC 25-8-5-6;
(3) in performing shampooing operations; or
(4) without compensation.

(c) "Cosmetology" does not include performing the act of threading.

As added by P.L.257-1987, SEC.1. Amended by P.L.5-1988, SEC.135; P.L.236-1995, SEC.3; P.L.157-2006, SEC.35; P.L.78-2008, SEC.3.

IC 25-8-2-5.5
Repealed

(*Repealed by P.L.78-2008, SEC.7.)*

IC 25-8-2-6
"Cosmetology salon"

Sec. 6. "Cosmetology salon" means an establishment offering cosmetology to the public.

As added by P.L.257-1987, SEC.1.

IC 25-8-2-7
"Cosmetology school"

Sec. 7. "Cosmetology school" means an establishment licensed under this article that offers training in cosmetology.

As added by P.L.257-1987, SEC.1. Amended by P.L.236-1995, SEC.4.

IC 25-8-2-8
"Electrolysis"

Sec. 8. "Electrolysis" means the removal of unwanted hair by an electrified needle.

As added by P.L.257-1987, SEC.1.

IC 25-8-2-9
"Electrologist"

Sec. 9. "Electrologist" means a person licensed under IC 25-8-10 to provide electrolysis.

As added by P.L.257-1987, SEC.1.

IC 25-8-2-9.2
"Electrology salon"

Sec. 9.2. "Electrology salon" means an establishment offering electrology to the public.

As added by P.L.184-1991, SEC.1.

IC 25-8-2-9.5
"Esthetician"

Sec. 9.5. (a) "Esthetician" means a person who engages solely in one (1) or more of the following practices:

(1) Giving facials, applying makeup, and giving skin care.

(2) Beautifying, massaging, or cleaning the body with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(3) Removing superfluous hair from the body by the use of depilatories, waxing, or tweezers.

(b) The term does not include performing any of the acts described in subsection (a):

(1) in treating an illness or a disease;

(2) as a student in a cosmetology school that complies with the notice requirements under IC 25-8-5-6;

(3) without compensation; or

(4) incident to the retail sale of cosmetics.

(c) The term does not include a person who:

(1) engages in threading; and

(2) does not engage in one (1) or more of the practices described in subsection (a).

As added by P.L.144-1990, SEC.1. Amended by P.L.184-1991, SEC.2; P.L.113-1999, SEC.2; P.L.78-2008, SEC.4.

IC 25-8-2-9.6
"Esthetic salon"

Sec. 9.6. "Esthetic salon" means a place in which a person acts as an esthetician.

As added by P.L.144-1990, SEC.2. Amended by P.L.184-1991, SEC.3.

IC 25-8-2-10
"Instructor"

Sec. 10. "Instructor" means a person:

(1) licensed under IC 25-8-6 to teach in a cosmetology school; or

(2) licensed under IC 25-8-6.4 to teach in a barber school.

As added by P.L.257-1987, SEC.1. Amended by P.L.236-1995, SEC.5; P.L.113-1999, SEC.3; P.L.84-2010, SEC.28.

IC 25-8-2-11
"License"

Sec. 11. "License" means a document issued by the agency and the board to permit a person to engage in an activity regulated under this article.

As added by P.L.257-1987, SEC.1.

IC 25-8-2-12
"Licensed"

Sec. 12. "Licensed" means possessing a valid license issued under this article.
As added by P.L.257-1987, SEC.1.

IC 25-8-2-13
"Manicuring"
Sec. 13. "Manicuring" means cleaning, dressing, polishing, sculpting, tipping, or wrapping the nails of a person.
As added by P.L.257-1987, SEC.1.

IC 25-8-2-14
"Manicurist"
Sec. 14. "Manicurist" means a person licensed under IC 25-8-11 to provide manicuring.
As added by P.L.257-1987, SEC.1.

IC 25-8-2-15
"Manicurist salon"
Sec. 15. "Manicurist salon" means an establishment offering manicuring to the public.
As added by P.L.184-1991, SEC.4.

IC 25-8-2-15.5
"Mobile salon"
Sec. 15.5. "Mobile salon" means either of the following:
(1) A self-contained facility that may be moved, towed, or transported from one (1) location to another and in which cosmetology, electrology, esthetics, or manicuring is practiced.
(2) A business in which cosmetology, electrology, esthetics, or manicuring equipment is transported to and used on a temporary basis at a location other than a selected salon site, including:
(A) other cosmetology, electrology, esthetic, or manicuring salons;
(B) clients' homes; and
(C) nursing homes.
As added by P.L.197-2007, SEC.29.

IC 25-8-2-16
Repealed
(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-8-2-17
Repealed
(*Repealed by P.L.105-2008, SEC.67.)*

IC 25-8-2-18
Repealed
(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-8-2-19

"Threading"

Sec. 19. "Threading" refers to:

(1) a technique that results in the removal of superfluous hair from the body by twisting thread around unwanted hair and pulling it from the skin; and

(2) the incidental trimming of eyebrow hair.

As added by P.L.78-2008, SEC.5.

IC 25-8-3

Chapter 3. State Board of Cosmetology Examiners

IC 25-8-3-1

Establishment

Sec. 1. The state board of cosmetology and barber examiners is established.

As added by P.L.257-1987, SEC.2. Amended by P.L.84-2010, SEC.29.

IC 25-8-3-2

Members; appointment

Sec. 2. The board consists of seven (7) members. The governor shall appoint all the members of the board.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-3

Repealed

(*Repealed by P.L.84-2010, SEC.102.)*

IC 25-8-3-4

Repealed

(*Repealed by P.L.84-2010, SEC.102.)*

IC 25-8-3-5

Board membership qualifications

Sec. 5. (a) Each of the members of the board must reside in Indiana.

(b) The members of the board must meet the following qualifications:

(1) Two (2) of the members must:

(A) possess a current cosmetologist license; and

(B) have practiced cosmetology in Indiana continuously for at least five (5) years immediately before appointment.

(2) Two (2) of the members of the board must:

(A) possess a current barber license; and

(B) have practiced barbering in Indiana continuously for at least five (5) years immediately before appointment.

(3) One (1) of the members must be an owner or operator of a barber or cosmetology school. However, the member may not be a licensed barber or cosmetologist.

(4) One (1) of the members must be licensed as an electrologist, an esthetician, or a manicurist.

(5) One (1) of the members must not have any association with cosmetology or barbering, except as a consumer.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.6; P.L.84-2010, SEC.30.

IC 25-8-3-6

Board member political affiliation

Sec. 6. No more than five (5) members of the board may belong to the same political party.
As added by P.L.257-1987, SEC.2. Amended by P.L.84-2010, SEC.31.

IC 25-8-3-7
Term of office
Sec. 7. Each board member serves a term of three (3) years, beginning on the date of appointment and continuing until:
(1) the member is removed under section 8 of this chapter; or
(2) a successor is appointed.
As added by P.L.257-1987, SEC.2.

IC 25-8-3-8
Removal; grounds
Sec. 8. The governor may remove a board member for incompetency or failure to perform the member's duties under this chapter.
As added by P.L.257-1987, SEC.2.

IC 25-8-3-9
Appointment of successor
Sec. 9. If a member of the board is removed under section 8 of this chapter, the governor shall appoint a successor to serve for the remainder of the unexpired term.
As added by P.L.257-1987, SEC.2.

IC 25-8-3-10
Election of officers
Sec. 10. The board shall, at its first meeting of each year, elect a president, vice president, and secretary from among its membership. Election of an officer under this section requires a majority vote of all the members of the board.
As added by P.L.257-1987, SEC.2.

IC 25-8-3-11
Officers; terms of office
Sec. 11. The officers elected under section 10 of this chapter have terms of one (1) year, beginning upon election and ending upon the election of a successor.
As added by P.L.257-1987, SEC.2.

IC 25-8-3-12
Officers; vacancy
Sec. 12. If an office described in section 10 of this chapter becomes vacant, the board may fill the vacancy at its next meeting following the vacancy.
As added by P.L.257-1987, SEC.2.

IC 25-8-3-13

Quorum

Sec. 13. The board must have a quorum to transact business. Four (4) members of the board constitute a quorum.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-14

Business office

Sec. 14. The agency shall furnish the board with suitable quarters to conduct its business.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-15

Seal

Sec. 15. The board shall adopt a seal to authenticate its orders and records.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-16

Records

Sec. 16. The agency shall maintain a record of:

(1) the proceedings of the board;

(2) each person licensed under this article, stating the:

(A) name of the person; and

(B) address of the person;

(3) licenses issued under this article, stating the:

(A) number assigned to the license by the agency;

(B) date the license was issued; and

(C) actions taken by the board concerning the license, including any renewal, suspension, and revocation; and

(4) applications for a license under this article that were refused.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.7.

IC 25-8-3-17

Per diem and incurred expenses

Sec. 17. Each member of the board is entitled to the minimum salary per diem 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 travel policies and procedures established by the department of administration and approved by the state budget agency.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-18

Disposition of receipts

Sec. 18. All money received under this article shall be paid to the agency.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-19
Receipts; deposit

Sec. 19. The agency shall deposit all money received under this article with the treasurer of state.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.8.

IC 25-8-3-20
Repository of receipts

Sec. 20. The treasurer of state shall deposit the money received under section 19 of this chapter in the state general fund.

As added by P.L.257-1987, SEC.2. Amended by P.L.1-1990, SEC.250.

IC 25-8-3-21
Administration expenses

Sec. 21. The agency shall pay for the expenses for administering this article from the state general fund under appropriations designated for that purpose.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-22
Implementing rules

Sec. 22. The board may adopt rules under IC 4-22-2 to implement this article.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-23
Rules prescribing sanitary requirements, establishing standards, implementing licensing system, and establishing requirements for mobile salons

Sec. 23. (a) The board shall adopt rules under IC 4-22-2 to:

(1) prescribe sanitary requirements for:
- (A) cosmetology salons;
- (B) electrology salons;
- (C) esthetic salons;
- (D) manicuring salons;
- (E) cosmetology schools;
- (F) barber shops; and
- (G) barber schools;

(2) establish standards for the practice of cosmetology and the operation of:
- (A) cosmetology salons;
- (B) electrology salons;
- (C) esthetic salons;
- (D) manicuring salons;
- (E) cosmetology schools;
- (F) barber shops; and
- (G) barber schools;

(3) implement the licensing system under this article and

provide for a staggered renewal system for licenses; and

(4) establish requirements for cosmetology school uniforms for students and instructors.

(b) The board may adopt rules under IC 4-22-2 to establish the following for the practice of cosmetology, barbering, electrology, esthetics, or manicuring in a mobile salon:

(1) Sanitation standards.

(2) Safety requirements.

(3) Permanent address requirements at which the following are located:

(A) Records of appointments.

(B) License numbers of employees.

(C) If applicable, the vehicle identification number of the license holder's self-contained facility.

(4) Enforcement actions to ensure compliance with the requirements under this article and all local laws and ordinances.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.9; P.L.197-2007, SEC.30; P.L.84-2010, SEC.32.

IC 25-8-3-24

Enforcement personnel; compensation

Sec. 24. The agency shall provide inspectors, investigators, and clerks to enforce this article. The agency shall fix their compensation and reimburse them for their necessary expenses incurred in enforcing this article by payments from the state general fund under appropriations designated for that purpose.

As added by P.L.257-1987, SEC.2.

IC 25-8-3-25

Repealed

(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-8-3-26

Sanitary rules given to licensees

Sec. 26. The board shall furnish each person licensed to operate:

(1) a cosmetology salon;

(2) an electrology salon;

(3) an esthetic salon;

(4) a manicuring salon;

(5) a cosmetology school;

(6) a barber shop; or

(7) a barber school;

with a copy of the rules concerning sanitary requirements described in section 23(a)(1) of this chapter.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.10; P.L.84-2010, SEC.33.

IC 25-8-3-27

Posting sanitary requirement rules in salon or school

Sec. 27. A person operating:

(1) a cosmetology salon;
(2) an electrology salon;
(3) an esthetic salon;
(4) a manicuring salon;
(5) a cosmetology school;
(6) a barber shop; or
(7) a barber school;

shall post the rules described in section 26 of this chapter in a conspicuous place in that salon or school.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.11; P.L.84-2010, SEC.34.

IC 25-8-3-28

Inspections

Sec. 28. (a) A member of the board or any inspector or investigator may inspect:

(1) a cosmetology salon;
(2) an electrology salon;
(3) an esthetic salon;
(4) a manicuring salon;
(5) a cosmetology school;
(6) a mobile salon;
(7) a barber shop; or
(8) a barber school;

during its regular business hours.

(b) A member of the board or any inspector or investigator may inspect:

(1) a cosmetology salon;
(2) an electrology salon;
(3) an esthetic salon;
(4) a manicuring salon;
(5) a cosmetology school;
(6) a mobile salon;
(7) a barber shop; or
(8) a barber school;

before an initial license is issued.

As added by P.L.257-1987, SEC.2. Amended by P.L.184-1991, SEC.12; P.L.157-2006, SEC.37; P.L.177-2009, SEC.24; P.L.84-2010, SEC.35.

IC 25-8-3-29

Equal treatment for persons with criminal records

Sec. 29. (a) The board may not adopt a rule establishing different standards for an inmate or former inmate of a penal institution who applies for:

(1) admission to barber school; or
(2) a license as a registered barber.

(b) A person who graduates from a barber school operated by a penal institution may not have the person's license denied or revoked

as a result of the acts for which the person was convicted.
As added by P.L.84-2010, SEC.36.

IC 25-8-4

Chapter 4. Cosmetology Licenses; General Provisions

IC 25-8-4-1

Exempt individuals

Sec. 1. The provisions of this article requiring a person to obtain a license do not apply to a person performing cosmetology as a:

(1) student in a barber school;

(2) commissioned medical or surgical officer of the United States armed forces;

(3) chiropractor (as defined by IC 25-10-1-1(2));

(4) embalmer (as defined by IC 25-15-2-8);

(5) funeral director (as defined by IC 25-15-2-12);

(6) registered nurse (as defined by IC 25-23-1-1.1(a));

(7) licensed practical nurse (as defined by IC 25-23-1-1.2);

(8) physician (as defined by IC 25-22.5-1-1.1(g));

(9) podiatrist (as defined by IC 25-29-1-13);

(10) person conducting an educational activity involving cosmetology at a scheduled meeting of an association that:

(A) recognizes a group of its members as cosmetologists; and

(B) is not open to persons who are not licensed under this chapter; or

(11) student in a cosmetology school.

As added by P.L.257-1987, SEC.3. Amended by P.L.33-1993, SEC.17; P.L.236-1995, SEC.6; P.L.84-2010, SEC.37.

IC 25-8-4-2

License reciprocity

Sec. 2. (a) If the board determines that:

(1) a person possesses a valid license from another jurisdiction to perform acts that require a license under this article; and

(2) the jurisdiction issuing the license imposes substantially equal requirements on applicants for the license as are imposed on applicants for an Indiana license;

the board may issue a license to perform those acts in Indiana to that person upon payment of the fee required under IC 25-8-13.

(b) This subsection applies only to applications for a cosmetologist license under IC 25-8-9. If the jurisdiction issuing the license does not impose substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice is equal to one hundred (100) hours of education to an applicant who has completed a minimum of one thousand (1,000) hours of education.

(c) This subsection applies only to applications for a manicurist license under IC 25-8-11. If the jurisdiction issuing a license does not impose substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the

combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction, as follows:

(1) For an applicant with less than twenty (20) years of actual licensed practice as a manicurist, one (1) year of licensed practice is equal to one hundred (100) hours of education to an applicant who has completed at least three hundred (300) hours of education.

(2) For an applicant with twenty (20) or more years of actual licensed practice as a manicurist, one (1) year of licensed practice is equal to one hundred (100) hours of education to an applicant who has completed at least one hundred (100) hours of education.

(d) This subsection applies only to applications for an electrologist license under IC 25-8-10. If the jurisdiction issuing a license does not impose substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice as an electrologist is equal to one hundred (100) hours of education to an applicant who has completed at least two hundred (200) hours of education.

(e) This subsection applies only to applications for an esthetician license under IC 25-8-12.5. If the jurisdiction issuing a license does not impose substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice as an esthetician is equal to one hundred (100) hours of education to an applicant who has completed at least four hundred (400) hours of education.

(f) This subsection applies only to applications for a beauty culture instructor license under IC 25-8-6. If the jurisdiction issuing a license does not impose substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice as a beauty culture instructor is equal to one hundred (100) hours of education to an applicant who has completed at least seven hundred (700) hours of education.

(g) This subsection applies only to applications for a barber license under IC 25-8-12.1. If the jurisdiction issuing the license does not impose substantially equivalent requirements as required under subsection (a)(2), the board may approve a combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice is equal to one hundred (100) hours of education to an applicant who has completed at least one thousand (1,000) hours

of education.
As added by P.L.257-1987, SEC.3. Amended by P.L.184-1991, SEC.13; P.L.236-1995, SEC.7; P.L.84-1998, SEC.21; P.L.177-2009, SEC.25; P.L.84-2010, SEC.38.

IC 25-8-4-2.9
Provisional license; cosmetologist

Sec. 2.9. (a) This section applies only to applications for a cosmetologist license under this article.

(b) If an applicant comes from a jurisdiction that does not issue a cosmetologist license, the board may issue an initial provisional license to an applicant who meets the following requirements:

(1) The board finds that the applicant has sufficient training or experience as a cosmetologist.

(2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.

(3) The applicant pays a fee established by the board under IC 25-1-8.

(c) An applicant who has been granted an initial provisional license must work under the supervision of a licensed cosmetologist.

(d) A person who holds an initial provisional license may apply for renewal of a cosmetologist license under section 19 of this chapter.

(e) The holder of a provisional license may petition the board for the issuance of a cosmetologist license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without supervision shall be released from the terms of the provisional license and is entitled to hold a license under IC 25-8-4.
As added by P.L.177-2009, SEC.26.

IC 25-8-4-3
Repealed

(*Repealed by P.L.236-1995, SEC.54.)*

IC 25-8-4-4
Transfer of license

Sec. 4. A license issued under this article may not be transferred unless:

(1) the license is a cosmetology salon or barber shop license; and

(2) the person holding the license was required to change the location of the cosmetology salon or barber shop by circumstances that the board determines were beyond the control of that person.

As added by P.L.257-1987, SEC.3. Amended by P.L.84-2010, SEC.39.

IC 25-8-4-5

Application

Sec. 5. A person who wishes to obtain a license issued under this article must complete a license application form prescribed by the board and file the application with the secretary of the board.

As added by P.L.257-1987, SEC.3.

IC 25-8-4-6

Verified statement negating misconduct

Sec. 6. The applicant must file with the application described in section 5 of this chapter a verified statement that the applicant has not engaged in activity which would subject the applicant to disciplinary procedures under IC 25-1-11.

As added by P.L.257-1987, SEC.3. Amended by P.L.214-1993, SEC.28.

IC 25-8-4-7

Examinations; time and place

Sec. 7. (a) Each applicant must pass a final practical demonstration examination of the acts permitted by the license. The applicant's cosmetology school or barber school shall administer the final practical demonstration examination.

(b) The board shall conduct a written examination of the applicants for a cosmetologist license and a barber license at least once each month. The board shall conduct a written examination of the applicants for all other licenses issued under this article at least four (4) times each year. The written examinations described in this section:

(1) shall be conducted at the times and places determined by the board; and

(2) may be administered through computer based testing.

As added by P.L.257-1987, SEC.3. Amended by P.L.157-2006, SEC.38; P.L.84-2010, SEC.40.

IC 25-8-4-8

Subjects tested

Sec. 8. The examinations described in section 7 of this chapter must include:

(1) a practical demonstration of the acts permitted by the license; and

(2) a written test concerning the licensed activity, as it is customarily taught in a cosmetology school or barber school.

As added by P.L.257-1987, SEC.3. Amended by P.L.214-1993, SEC.29; P.L.84-2010, SEC.41.

IC 25-8-4-8.5

Repealed

(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-8-4-9

Issuance of license

Sec. 9. The board shall issue a license to an applicant who:

(1) receives a minimum grade of seventy-five percent (75%) on both the written and practical examinations described in section 8 of this chapter; and

(2) complies with the remaining requirements for a license set forth in this article.

As added by P.L.257-1987, SEC.3. Amended by P.L.214-1993, SEC.30.

IC 25-8-4-10
Change of licensee's address; notice

Sec. 10. A person who holds a license issued under this article shall inform the board of a change of address by submitting a written statement that sets forth the current address of the person to the board no later than thirty (30) days following the change.

As added by P.L.257-1987, SEC.3.

IC 25-8-4-11
School license sign; standards

Sec. 11. A person who holds a cosmetology school license or a barber school license shall display a sign that complies with standards prescribed by the board on the premises of that establishment indicating that the establishment is a cosmetology school or barber school licensed under this article.

As added by P.L.257-1987, SEC.3. Amended by P.L.184-1991, SEC.16; P.L.84-2010, SEC.42.

IC 25-8-4-12
Visibility of sign

Sec. 12. The sign described in section 11 of this chapter must be visible to a customer entering the main entrance of the establishment.

As added by P.L.257-1987, SEC.3.

IC 25-8-4-13
Individual license display

Sec. 13. A person who holds any license issued under this chapter except the licenses described in section 11 of this chapter shall display the license in a conspicuous place in that person's work area in the cosmetology salon, cosmetology school, barber shop, or barber school where the person is employed. The license must be clearly visible to a customer of that person who is present in the licensed person's work area.

As added by P.L.257-1987, SEC.3. Amended by P.L.84-2010, SEC.43.

IC 25-8-4-14
Duplicate license; issuance procedure

Sec. 14. The board may issue a duplicate license to a person licensed under this article if the person:

(1) files a verified statement with the board that the original

license has been lost or destroyed; and

(2) pays the fee required under IC 25-1-8-2.

As added by P.L.257-1987, SEC.3. Amended by P.L.235-1995, SEC.4.

IC 25-8-4-15

Duplicate license registration number

Sec. 15. A duplicate license has the same registration number as the original license issued to that person.

As added by P.L.257-1987, SEC.3.

IC 25-8-4-16

Repealed

(*Repealed by P.L.184-1991, SEC.42.)*

IC 25-8-4-17

Expiration of license

Sec. 17. (a) Except for an instructor license issued under subsection (d), IC 25-8-6-1, or IC 25-8-6.4, a license issued under this article expires on a date specified by the licensing agency under IC 25-1-6-4 and expires four (4) years after the initial expiration date.

(b) A license issued to an instructor under IC 25-8-6-1 or IC 25-8-6.4 expires at the time that the instructor's practitioner license expires. The board shall renew an instructor's license under this subsection concurrently with the instructor's practitioner license.

(c) Except as provided in IC 25-8-9-11, a person who holds a license under this article may apply for renewal.

(d) Initial provisional licenses are valid for a length of time determined by the board, but not to exceed two (2) years.

As added by P.L.257-1987, SEC.3. Amended by P.L.177-2009, SEC.27; P.L.84-2010, SEC.44.

IC 25-8-4-18

Repealed

(*Repealed by P.L.177-2009, SEC.63.)*

IC 25-8-4-19

Renewal before expiration

Sec. 19. The board shall renew a license if the license holder pays the fee established by the board under IC 25-1-8-2 to renew the license before the license is to expire.

As added by P.L.257-1987, SEC.3. Amended by P.L.239-1995, SEC.4; P.L.157-2006, SEC.39; P.L.105-2008, SEC.22.

IC 25-8-4-20

Repealed

(*Repealed by P.L.105-2008, SEC.67.)*

IC 25-8-4-21

Reinstatement procedure following expiration

Sec. 21. (a) Except as provided in IC 25-8-9-11, the board may, upon application, reinstate a license under this article that has been expired for not more than three (3) years if the person holding the license meets the requirements of IC 25-1-8-6(c).

(b) The board may not reinstate a license issued under this article if the person holding the license does not apply for reinstatement not more than three (3) years after the expiration date of the license, unless the person holding the license meets the requirements for reinstatement under IC 25-1-8-6(d).

As added by P.L.257-1987, SEC.3. Amended by P.L.184-1991, SEC.17; P.L.239-1995, SEC.5; P.L.194-2005, SEC.33; P.L.157-2006, SEC.40; P.L.197-2007, SEC.31; P.L.105-2008, SEC.23.

IC 25-8-4-22
Repealed

(*Repealed by P.L.197-2007, SEC.94.)*

IC 25-8-4-23
Repealed

(*Repealed by P.L.197-2007, SEC.94.)*

IC 25-8-4-24
Repealed

(*Repealed by P.L.197-2007, SEC.94.)*

IC 25-8-4-25
Repealed

(*Repealed by P.L.197-2007, SEC.94.)*

IC 25-8-4-26
Repealed

(*Repealed by P.L.197-2007, SEC.94.)*

IC 25-8-4-27
Repealed

(*Repealed by P.L.105-2008, SEC.67.)*

IC 25-8-4-28
Repealed

(*Repealed by P.L.105-2008, SEC.67.)*

IC 25-8-4-29
Prohibited acts of licensee no longer complying with requirement for issuance of license

Sec. 29. A person holding a license under this chapter may not perform an act authorized by that license if the person knows that the person no longer complies with the requirements for the issuance of the license.

As added by P.L.257-1987, SEC.3.

IC 25-8-4-30

Licensed activity separate from residence

Sec. 30. A person may not engage in any activity licensed under this article in a structure that contains a residence unless the residence:

(1) is separated from the place where the licensed activity occurs by a substantial floor to ceiling partition; and

(2) has a separate entry.

As added by P.L.257-1987, SEC.3. Amended by P.L.184-1991, SEC.20.

IC 25-8-5

Chapter 5. Cosmetology School Licenses

IC 25-8-5-1

Issuance of license

Sec. 1. The board may issue a license under this article to operate a cosmetology school.

As added by P.L.257-1987, SEC.4.

IC 25-8-5-2

Application; form

Sec. 2. A person must file a verified application for a cosmetology school license with the board on a form prescribed by the board to obtain that license.

As added by P.L.257-1987, SEC.4.

IC 25-8-5-3

Contents of application

Sec. 3. The application described in section 2 of this chapter must state that:

(1) as a requirement for graduation, the proposed school will require its students to successfully complete at least the one thousand five hundred (1,500) hours of course work required to be eligible to sit for the licensing examination;

(2) no more than ten (10) hours of course work may be taken by a student during one (1) day;

(3) the course work will instruct the students in all theories and practical application of the students' specific course of study;

(4) the school will provide one (1) instructor for each twenty (20) students or any fraction of that number;

(5) the school will be operated under the personal supervision of a licensed cosmetologist instructor;

(6) the person has obtained any building permit, certificate of occupancy, or other planning approval required under IC 22-15-3 and IC 36-7-4 to operate the school;

(7) the school, if located in the same building as a residence, will:

(A) be separated from the residence by a substantial floor to ceiling partition; and

(B) have a separate entry;

(8) as a requirement for graduation, the proposed school must:

(A) administer; and

(B) require the student to pass;

a final practical demonstration examination of the acts permitted by the license; and

(9) the applicant has paid the fee set forth in IC 25-8-13-3.

As added by P.L.257-1987, SEC.4. Amended by P.L.184-1991, SEC.21; P.L.113-1999, SEC.6; P.L.157-2006, SEC.42; P.L.197-2007, SEC.33.

IC 25-8-5-4
Curriculum requirement rules

Sec. 4. The board may adopt rules under IC 4-22-2 requiring that the curriculum offered by a cosmetology school licensed under this chapter provide a minimum number of hours of instruction of each of the subjects described in section 3(3) of this chapter.
As added by P.L.257-1987, SEC.4.

IC 25-8-5-4.2
Final practical demonstration examination

Sec. 4.2. (a) A cosmetology school licensed under this chapter shall require each student for graduation to pass a final examination that tests the student's practical knowledge of the curriculum studied.

(b) The board shall consider an applicant for the beauty culture professional examination as fulfilling the practical examination requirement established by IC 25-8-4-8(1) after successfully completing the final practical demonstration examination.

(c) A passing score of at least seventy-five percent (75%) is required on the final practical demonstration examination.

(d) The cosmetology school licensed under this chapter shall allow each student for graduation at least three (3) attempts to pass the final practical demonstration examination.

(e) The board may monitor the administration of the final practical demonstration examination for any of the following purposes:

(1) As a result of a complaint received.
(2) As part of random observations.
(3) To collect data.

As added by P.L.157-2006, SEC.43. Amended by P.L.78-2008, SEC.6.

IC 25-8-5-4.5
Credit for valid license

Sec. 4.5. (a) If a student in a cosmetology school presents to the school a valid license issued by the board, the school shall accept and provide credit toward the student's current program for the hours completed in a cosmetology school in the theory and demonstration, or actual practice, of any of the following subjects:

(1) Electricity (basic electricity).
(2) Facials.
(3) Hair coloring (color rinses).
(4) Hair removal.
(5) Makeup.
(6) Manicuring.
(7) Pedicuring.
(8) Salesmanship (salesmanship and marketing).
(9) Sanitation (infection control or bacteriology).
(10) Scalp treatment.
(11) Skin (skin care).
(12) Shampooing (shampoo rinsing).

(13) Hair coloring (weekly rinses).

(14) Other areas as determined by the board.

(b) The school shall credit the appropriate subject areas on a student's transcript for the hours transferred under subsection (a).

(c) A student may not transfer any hours of credit above the amount required in each subject area under the student's current program.

(d) The student may receive credit for the number of hours that the student's current program requires in the subject areas covered by the student's license, even if the number of hours required under the current program is greater than the actual number of hours completed when the student's license was earned.

As added by P.L.113-1999, SEC.7.

IC 25-8-5-5

Sign display at school entrances; standards

Sec. 5. (a) A cosmetology school licensed under this chapter shall display a sign complying with standards established by the board at each entrance to the cosmetology school used by the school's customers.

(b) The sign must state that the students of the school are performing cosmetology in that establishment.

As added by P.L.257-1987, SEC.4.

IC 25-8-5-6

Sign displaying prices

Sec. 6. A cosmetology school licensed under this chapter may not display a sign listing the prices charged for services at the cosmetology school unless:

(1) the cosmetology school displays the sign required under section 5 of this chapter; or

(2) the price list sign described in this section is only visible inside the school.

As added by P.L.257-1987, SEC.4.

IC 25-8-6
Chapter 6. Instructor Licenses

IC 25-8-6-1
Authorization
Sec. 1. The board may license a person to be a beauty culture instructor.
As added by P.L.257-1987, SEC.5. Amended by P.L.236-1995, SEC.9; P.L.197-2007, SEC.34.

IC 25-8-6-2
Application; form
Sec. 2. A person must file a verified application for a beauty culture instructor license with the board. The application must be made on a form prescribed by the board.
As added by P.L.257-1987, SEC.5. Amended by P.L.236-1995, SEC.10; P.L.197-2007, SEC.35.

IC 25-8-6-3
Contents of application
Sec. 3. The application described in section 2 of this chapter must state that the applicant:
(1) is at least eighteen (18) years of age;
(2) has graduated from high school or received the equivalent of a high school education;
(3) holds a cosmetologist, an electrologist, a manicurist, or an esthetician license issued under this article;
(4) has completed the education and experience requirements subject to the rules adopted by the board;
(5) has not committed an act for which the applicant could be disciplined under IC 25-8-14;
(6) has received a satisfactory grade (as described in IC 25-8-4-9) on an examination for instructor license applicants prescribed by the board; and
(7) has paid the fee set forth in IC 25-8-13-4 for the issuance of a license under this chapter.
As added by P.L.257-1987, SEC.5. Amended by P.L.5-1988, SEC.136; P.L.184-1991, SEC.22; P.L.197-2007, SEC.36.

IC 25-8-6-4
Repeat examination; rules
Sec. 4. If a person does not receive a satisfactory grade on the examination described in section 3(6) of this chapter, that person may repeat the examination subject to the rules governing the examination adopted by the board.
As added by P.L.257-1987, SEC.5.

IC 25-8-6-5
Unsatisfactory examination grades; consequences
Sec. 5. If a person does not receive a satisfactory grade on the

examination described in section 4 of this chapter, the board may:

(1) refuse to permit the person to take the examination again; or

(2) permit the person to take the examination again subject to the rules governing the examination adopted by the board.

As added by P.L.257-1987, SEC.5.

IC 25-8-6-6

Requirements to provide instruction

Sec. 6. A person who obtains a license as a beauty culture instructor may provide instruction in the following:

(1) Cosmetology, if the person:

(A) holds a cosmetologist license under IC 25-8-9; and

(B) has actively practiced cosmetology for at least six (6) months in a cosmetology salon and subsequently successfully completed at least six (6) months of instruction in theory and practice of instructor training as a student in a cosmetology school.

(2) Electrology, if the person holds an electrologist license under IC 25-8-10.

(3) Manicuring, if the person holds a manicurist license under IC 25-8-11.

(4) Esthetics, if the person holds an esthetician license under IC 25-8-12.5.

As added by P.L.197-2007, SEC.37.

IC 25-8-6.1
Repealed

(*Repealed by P.L.197-2007, SEC.94.)*

IC 25-8-6.2
Repealed

(*Repealed by P.L.197-2007, SEC.94.)*

IC 25-8-6.3
Chapter 6.3. Barber School Licenses

IC 25-8-6.3-1
Issuance of license
Sec. 1. The board may issue a license under this article to operate a barber school.
As added by P.L.84-2010, SEC.45.

IC 25-8-6.3-2
Verified application
Sec. 2. A person must file a verified application with the board on a form prescribed by the board to obtain a barber school license.
As added by P.L.84-2010, SEC.45.

IC 25-8-6.3-3
Contents of application
Sec. 3. The application described in section 2 of this chapter must state that:
(1) the proposed school will require students to successfully complete at least one thousand five hundred (1,500) hours of course work as a requirement for graduation;
(2) not more than ten (10) hours of course work may be taken by a student during one (1) day;
(3) the course work will provide instruction to students in all theories and practical applications of barbering, including:
(A) the scientific fundamentals for barbering, hygiene, and bacteriology;
(B) the histology of hair, skin, muscles, and nerves;
(C) the structure of the head, face, and neck;
(D) elementary chemistry relating to sterilization and antiseptics;
(E) cutting, shaving, arranging, dressing, coloring, bleaching, tinting, and permanent waving of the hair; and
(F) at least ten (10) hours of study on skin and diseases of the skin under a certified dermatologist;
(4) the school will provide one (1) instructor for each group of twenty (20) or fewer students;
(5) the school will be operated under the personal supervision of a licensed barber instructor;
(6) the applicant has obtained:
(A) a building permit;
(B) a certificate of occupancy; or
(C) any other planning approval required under IC 22-15-3 and IC 36-7-4;
required to operate the school;
(7) the school, if located in the same building as a residence, will:
(A) be separated from the residence by a substantial floor to ceiling partition; and

(B) have a separate entrance;

(8) as a requirement for graduation, the proposed school must:

(A) administer; and

(B) require a student to pass;

a final practical demonstration examination of the acts permitted by the license; and

(9) the applicant has paid the fee set forth in IC 25-8-13.

As added by P.L.84-2010, SEC.45.

IC 25-8-6.3-4

License examination; practical knowledge

Sec. 4. (a) A barber school licensed under this chapter shall require each student for graduation to pass a final examination that tests the student's practical knowledge of the curriculum studied.

(b) The board shall consider an applicant for the barbering professional examination as fulfilling the practical examination requirement established in IC 25-8-4-7 after successfully completing the final practical demonstration examination.

(c) A passing score of at least seventy-five percent (75%) is required on the final practical demonstration examination.

(d) A barber school licensed under this chapter shall allow each student for graduation at least three (3) attempts to pass the final practical demonstration examination.

(e) The board may monitor the administration of the final practical demonstration examination for any of the following purposes:

(1) As a result of a complaint received.

(2) As part of random observations.

(3) To collect data.

As added by P.L.84-2010, SEC.45.

IC 25-8-6.3-5

Rules

Sec. 5. The board may adopt rules under IC 4-22-2 requiring that the curriculum offered by a barber school licensed under this chapter provide a minimum number of hours of instruction in each of the subjects described in section 3(3) of this chapter.

As added by P.L.84-2010, SEC.45.

IC 25-8-6.3-6

Display of sign at barber school

Sec. 6. A barber school licensed under this chapter shall display a sign:

(1) that complies with standards established by the board;

(2) at each entrance used by the school's customers; and

(3) that states that students perform barbering in the establishment.

As added by P.L.84-2010, SEC.45.

IC 25-8-6.4

Chapter 6.4. Barber Instructor Licenses

IC 25-8-6.4-1

Issuance of license

Sec. 1. The board may license a person to be an instructor.

As added by P.L.84-2010, SEC.46.

IC 25-8-6.4-2

Verified application

Sec. 2. A person must file a verified application with the board on a form prescribed by the board to obtain an instructor license.

As added by P.L.84-2010, SEC.46.

IC 25-8-6.4-3

Contents of application

Sec. 3. The application described in section 2 of this chapter must state that the applicant:

(1) holds a barber license issued under this article;

(2) has graduated from high school or received a high school equivalency certificate;

(3) has successfully completed at least nine hundred (900) hours of instruction in the theory and practice of instructor training as a student in a barber school;

(4) has received a satisfactory grade of at least seventy-five percent (75%) on an examination for instructor license applicants prescribed by the board; and

(5) has paid the fee set forth in IC 25-8-13 for the issuance of a license under this chapter.

As added by P.L.84-2010, SEC.46.

IC 25-8-6.4-4

Failure to pass examination

Sec. 4. (a) If a person does not receive a satisfactory grade on the examination described in IC 25-8-4-7, the person may repeat the examination subject to the rules governing the examination adopted by the board.

(b) If a person does not receive a satisfactory grade on the examination described in subsection (a), the board may:

(1) refuse to permit the person to take the examination again; or

(2) permit the person to take the examination again subject to the rules governing the examination adopted by the board.

As added by P.L.84-2010, SEC.46.

IC 25-8-7

Chapter 7. Cosmetology Salon Licenses

IC 25-8-7-1

Issuance

Sec. 1. The board may issue a license under this article to operate a cosmetology salon.

As added by P.L.257-1987, SEC.6.

IC 25-8-7-2

Requirements for license

Sec. 2. A person who wishes to obtain a cosmetology salon license must:

(1) do one (1) or more of the following:

(A) Select a site for the salon which, if located in the same building as a residence:

(i) is separated from the residence by a substantial floor to ceiling partition; and

(ii) has a separate entry.

(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);

(2) if applicable, obtain any building permit, certificate of occupancy, or other approval action required under IC 22-15-3 and IC 36-7-4 to operate the cosmetology salon;

(3) install the furnishings, if applicable, and obtain the salon equipment required under rules adopted by the board; and

(4) submit a verified statement on a form prescribed by the board that the cosmetology salon will be under the personal supervision of a person who has at least six (6) months active experience as a cosmetologist under IC 25-8-9 before the application was submitted under this chapter.

As added by P.L.257-1987, SEC.6. Amended by P.L.184-1991, SEC.23; P.L.197-2007, SEC.38.

IC 25-8-7-3

Waiver of licensee supervision requirement; conditions

Sec. 3. The requirement for a cosmetologist license under section 2(4) of this chapter may be waived by the board if:

(1) the applicant submits a verified petition for the waiver on a form prescribed by the board which:

(A) states the reasons for requesting the waiver; and

(B) is signed by two (2) persons who know the applicant and are familiar with the facts set forth in the petition; and

(2) the board determines that the requirement would result in extreme hardship to the applicant if enforced.

As added by P.L.257-1987, SEC.6.

IC 25-8-7-4

Prerequisites to license issuance

Sec. 4. The board may issue a license under this chapter if the

applicant has:

(1) complied with section 2 of this chapter; and

(2) paid the fee for the license set forth in IC 25-8-13-5.

As added by P.L.257-1987, SEC.6.

IC 25-8-7-5

Temporary license

Sec. 5. If:

(1) the board cannot determine whether an applicant has complied with section 2 of this chapter at the time the application is filed; and

(2) the board determines that the board will require more than fifteen (15) days to determine if the applicant has complied with section 2 of this chapter;

then the board shall issue a temporary cosmetology salon license to the applicant.

As added by P.L.257-1987, SEC.6.

IC 25-8-7-6

Duration of temporary license

Sec. 6. The temporary license issued under section 5 of this chapter is valid until the board approves or denies the application for a license under this chapter or until three (3) months following its issuance, whichever occurs first.

As added by P.L.257-1987, SEC.6.

IC 25-8-7-7

Salon license requirement of lessee of licensed salon

Sec. 7. The board may not require a cosmetologist to obtain a license under this chapter if the cosmetologist has leased or subleased a portion of a cosmetology salon from a person licensed under this chapter.

As added by P.L.257-1987, SEC.6.

IC 25-8-7-8

Sign display at salon entrance; standards

Sec. 8. (a) A person holding a license issued under IC 25-8-7, IC 25-8-7.1, IC 25-8-7.2, or IC 25-8-12.6 shall display a sign complying with standards prescribed by the board at the main public entrance to the salon.

(b) The sign must:

(1) be clearly visible to a customer entering the establishment at that entrance; and

(2) state in legible printing that the establishment is a structure licensed as one (1) of the following:

(A) Cosmetology salon.

(B) Electrology salon.

(C) Manicuring salon.

(D) Esthetic salon.

As added by P.L.257-1987, SEC.6. Amended by P.L.184-1991,

SEC.24; P.L.113-1999, SEC.10.

IC 25-8-7.1
Chapter 7.1. Manicurist Salon Licenses

IC 25-8-7.1-1
Issuance of licenses

Sec. 1. The board may issue a license under this article to operate a manicurist salon.

As added by P.L.184-1991, SEC.25.

IC 25-8-7.1-2
Licensing requirements

Sec. 2. A person who desires to obtain a manicurist salon license must:

(1) do one (1) or more of the following:

(A) Select a site for the salon that, if located in the same building as a residence:

(i) is separated from the residence by a substantial floor to ceiling partition; and

(ii) has a separate entry.

(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);

(2) if applicable, obtain:

(A) a building permit;

(B) a certificate of occupancy; or

(C) other approval action required under IC 22-15-3 and IC 36-7-4;

to operate the manicurist salon;

(3) install the furnishings, if applicable, and obtain the salon equipment required under rules adopted by the board; and

(4) submit a verified statement on a form prescribed by the board that the manicurist salon will be under the personal supervision of a person who has at least six (6) months active experience as a:

(A) manicurist under IC 25-8-11; or

(B) cosmetologist under IC 25-8-9;

before the application was submitted under this chapter.

As added by P.L.184-1991, SEC.25. Amended by P.L.197-2007, SEC.39.

IC 25-8-7.1-3
Waiver of licensee supervision requirement

Sec. 3. The requirement for a manicurist license under section 2(4) of this chapter may be waived by the board if:

(1) the applicant submits a verified petition for the waiver on a form prescribed by the board that:

(A) states the reasons for requesting the waiver; and
(B) is signed by two (2) individuals who know the applicant and are familiar with the facts in the petition; and
(2) the board determines that the requirement would result in extreme hardship to the applicant if enforced.

As added by P.L.236-1995, SEC.13.

IC 25-8-7.1-4
Temporary manicurist salon license

Sec. 4. If the board:
(1) cannot determine whether an applicant has complied with section 2 of this chapter at the time the application is filed; and
(2) determines that more than fifteen (15) days are required to determine whether the applicant has complied with section 2 of this chapter;

the board shall issue a temporary manicurist salon license to the applicant.

As added by P.L.173-1996, SEC.10.

IC 25-8-7.2
Chapter 7.2. Electrology Salon Licenses

IC 25-8-7.2-1
Issuance of licenses

Sec. 1. The board may issue a license under this article to operate an electrology salon.

As added by P.L.184-1991, SEC.26.

IC 25-8-7.2-2
Licensing requirements

Sec. 2. A person who desires to obtain an electrology salon license must:

(1) do one (1) or more of the following:

(A) Select a site for the salon that, if located in the same building as a residence:

(i) is separated from the residence by a substantial floor to ceiling partition; and

(ii) has a separate entry.

(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);

(2) if applicable, obtain:

(A) a building permit;

(B) a certificate of occupancy; or

(C) other approval action required under IC 22-15-3 and IC 36-7-4;

to operate the manicurist salon;

(3) install the furnishings, if applicable, and obtain the salon equipment required under rules adopted by the board; and

(4) submit a verified statement on a form prescribed by the board that the electrology salon will be under the personal supervision of a person who has at least six (6) months active experience as an electrologist under IC 25-8-10 before the application was submitted under this chapter.

As added by P.L.184-1991, SEC.26. Amended by P.L.197-2007, SEC.40.

IC 25-8-7.2-3
Waiver of licensee supervision requirement

Sec. 3. The requirement for an electrologist license under section 2(4) of this chapter may be waived by the board if:

(1) the applicant submits a verified petition for the waiver on a form prescribed by the board that:

(A) states the reasons for requesting the waiver; and

(B) is signed by two (2) individuals who know the applicant

and are familiar with the facts in the petition; and

(2) the board determines that the requirement would result in extreme hardship to the applicant if enforced.

As added by P.L.236-1995, SEC.14.

IC 25-8-7.2-4

Temporary electrology salon license

Sec. 4. If the board:

(1) cannot determine whether an applicant has complied with section 2 of this chapter at the time the application is filed; and

(2) determines that more than fifteen (15) days are required to determine whether the applicant has complied with section 2 of this chapter;

the board shall issue a temporary electrology salon license to the applicant.

As added by P.L.173-1996, SEC.11.

IC 25-8-8
Repealed

(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-8-8.1
Chapter 8.1. Barber Shop Licenses

IC 25-8-8.1-1
Issuance of license
Sec. 1. The board may issue a license under this article to operate a barber shop.
As added by P.L.84-2010, SEC.47.

IC 25-8-8.1-2
Requirements of license
Sec. 2. A person who wishes to obtain a barber shop license must:
(1) select a site for the barber shop that, if located in the same building as a residence:
(A) is separated from the residence by a substantial floor to ceiling partition; and
(B) has a separate entrance from the residence;
(2) obtain:
(A) a building permit;
(B) a certificate of occupancy; or
(C) any other approval action required under IC 22-15-3 and IC 36-7-4;
required to operate the barber shop;
(3) install furnishings and obtain shop equipment required under rules adopted by the board; and
(4) submit a verified statement on a form prescribed by the board that the barber shop will be under the personal supervision of a barber licensed under this article.
As added by P.L.84-2010, SEC.47.

IC 25-8-8.1-3
Requirements to issue license
Sec. 3. The board may issue a license under this chapter if the applicant has:
(1) complied with section 2 of this chapter; and
(2) paid the fee for the license set forth in IC 25-8-13.
As added by P.L.84-2010, SEC.47.

IC 25-8-8.1-4
Display of sign
Sec. 4. A person holding a license issued under this chapter shall display a sign complying with standards prescribed by the board. The sign must:
(1) be clearly visible to a customer entering the establishment at the shop's main public entrance; and
(2) state in legible printing that the establishment is licensed as a barber shop.
As added by P.L.84-2010, SEC.47.

IC 25-8-8.1-5

Temporary license

Sec. 5. (a) If:

(1) the board cannot determine whether an applicant has complied with section 2 of this chapter at the time the application is filed; and

(2) the board determines that more than fifteen (15) days are required to determine if the applicant has complied with section 2 of this chapter;

the board shall issue a temporary barber shop license to the applicant.

(b) A temporary license issued under subsection (a) is valid until:

(1) the board approves or denies the application for a license under this chapter; or

(2) three (3) months after the issuance of the temporary license;

whichever occurs first.

As added by P.L.84-2010, SEC.47.

IC 25-8-9

Chapter 9. Cosmetologist Licenses

IC 25-8-9-1

Authorization

Sec. 1. The board may license a person to be a cosmetologist.

As added by P.L.257-1987, SEC.8.

IC 25-8-9-2

Application; form

Sec. 2. A person must file a verified application for a cosmetologist license with the board on a form prescribed by the board to obtain that license.

As added by P.L.257-1987, SEC.8.

IC 25-8-9-3

Contents of application

Sec. 3. The application described in section 2 of this chapter must state that the applicant:

(1) is at least eighteen (18) years of age;

(2) has successfully completed the tenth grade or received the equivalent of tenth grade education;

(3) has graduated from a cosmetologist program in a cosmetology school;

(4) has received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for cosmetologist license applicants prescribed by the board;

(5) has not committed an act for which the applicant could be disciplined under IC 25-8-14; and

(6) has paid the fee set forth in IC 25-8-13-7 for the issuance of a license under this chapter.

As added by P.L.257-1987, SEC.8. Amended by P.L.113-1999, SEC.11.

IC 25-8-9-4

Waiver of tenth grade education requirement; conditions

Sec. 4. The board may waive the requirement for applicants under section 3(2) of this chapter if:

(1) the applicant petitions the board for a waiver; and

(2) the board determines that the requirement would result in extreme hardship to the applicant if enforced.

As added by P.L.257-1987, SEC.8.

IC 25-8-9-5

Repeat examinations

Sec. 5. If a person does not receive a satisfactory grade on the examination described in section 3(4) of this chapter, that person may repeat the examination without completing any additional study in cosmetology.

As added by P.L.257-1987, SEC.8.

IC 25-8-9-6
Unsuccessful repeat examination; consequences

Sec. 6. If a person does not receive a satisfactory grade on the repeat examination described in section 5 of this chapter, the board may:

(1) refuse to permit the person to take the examination again; or
(2) permit the person to take the examination again, subject to the rules governing the examination adopted by the board.

As added by P.L.257-1987, SEC.8.

IC 25-8-9-7
Temporary work permit

Sec. 7. The board may issue a temporary work permit to practice cosmetology, electrology, esthetics, or manicuring.

As added by P.L.257-1987, SEC.8. Amended by P.L.214-1993, SEC.33; P.L.236-1995, SEC.15; P.L.157-2006, SEC.44; P.L.197-2007, SEC.41.

IC 25-8-9-8
Temporary work permit application

Sec. 8. A person must file a verified application for a temporary:

(1) cosmetologist work permit;
(2) electrologist work permit;
(3) esthetician work permit; or
(4) manicurist work permit;

with the board on a form prescribed by the board to obtain that work permit.

As added by P.L.257-1987, SEC.8. Amended by P.L.214-1993, SEC.34; P.L.236-1995, SEC.16; P.L.157-2006, SEC.45; P.L.197-2007, SEC.42.

IC 25-8-9-9
Contents of temporary work permit application

Sec. 9. (a) The temporary cosmetologist work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice cosmetology under the supervision of a cosmetologist; and
(2) has filed an application under:
(A) section 2 of this chapter, but has not taken the examination described by section 3(4) of this chapter; or
(B) IC 25-8-4-2 and is awaiting a board determination.

(b) The temporary electrologist work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice electrology under the supervision of an electrologist; and
(2) has filed an application under:
(A) IC 25-8-10-2, but has not taken the examination described in IC 25-8-10-3(3); or
(B) IC 25-8-4-2 and is awaiting a board determination.

(c) The temporary esthetician work permit application described

in section 8 of this chapter must state that the applicant:

(1) will practice esthetics under the supervision of an esthetician or cosmetologist; and

(2) has filed an application under:

(A) IC 25-8-12.5-3, but has not taken the examination described in IC 25-8-12.5-4(4); or

(B) IC 25-8-4-2 and is awaiting a board determination.

(d) The temporary manicurist work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice manicuring under the supervision of a cosmetologist or manicurist; and

(2) has filed an application under:

(A) IC 25-8-11-3, but has not taken the examination described in IC 25-8-11-4(4); or

(B) IC 25-8-4-2 and is awaiting a board determination.

As added by P.L.257-1987, SEC.8. Amended by P.L.214-1993, SEC.35; P.L.236-1995, SEC.17; P.L.157-2006, SEC.46; P.L.197-2007, SEC.43; P.L.177-2009, SEC.28.

IC 25-8-9-10

Expiration of temporary work permit

Sec. 10. (a) Except when held by an applicant who has filed an application under IC 25-8-4-2, a temporary work permit issued under section 7 of this chapter expires:

(1) three (3) months after the date of issuance; or

(2) thirty (30) days after the license holder takes the applicable examination;

whichever occurs first.

(b) A temporary work permit held by a license applicant who has filed an application under IC 25-8-4-2 expires thirty (30) days after the board's approval of the applicant's application. If the application for licensure is denied, the applicant's temporary work permit expires five (5) days after the board's decision.

As added by P.L.257-1987, SEC.8. Amended by P.L.184-1991, SEC.27; P.L.236-1995, SEC.18.

IC 25-8-9-11

Temporary licenses; renewal or reinstatement

Sec. 11. The board may not renew or reinstate a license issued under section 7 of this chapter.

As added by P.L.257-1987, SEC.8. Amended by P.L.194-2005, SEC.40.

IC 25-8-9-12

Number of temporary licenses

Sec. 12. The board may not grant a person more than one (1) license under section 7 of this chapter.

As added by P.L.257-1987, SEC.8.

IC 25-8-9-13

Practice in cosmetology school; restriction

Sec. 13. A person licensed under this chapter may not engage in cosmetology in a cosmetology school except as part of student instruction.

As added by P.L.257-1987, SEC.8.

IC 25-8-9-14

Practice restrictions

Sec. 14. A person licensed under this chapter may not engage in cosmetology outside a cosmetology salon unless that person:

(1) has the permission of a person who holds a cosmetology salon license and:

(A) employs the person licensed under this chapter; or

(B) leases or subleases a portion of a salon to the person licensed under this chapter; and

(2) complies with any other practice restrictions regarding this section established by the board.

As added by P.L.257-1987, SEC.8. Amended by P.L.236-1995, SEC.19.

IC 25-8-10
Chapter 10. Electrologist Licenses

IC 25-8-10-1
Authorization
Sec. 1. The board may license a person to perform electrolysis.
As added by P.L.257-1987, SEC.9.

IC 25-8-10-2
Application; form
Sec. 2. A person must file a verified application for an electrologist license with the board on a form prescribed by the board to obtain that license.
As added by P.L.257-1987, SEC.9.

IC 25-8-10-3
Contents of application
Sec. 3. The application described in section 2 of this chapter must state that the applicant:

(1) holds a cosmetologist license issued under IC 25-8-9 or an esthetician license issued under IC 25-8-12.5;
(2) has successfully completed three hundred (300) hours of instruction in electrology in a cosmetology school;
(3) has received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for electrologist license prescribed by the board;
(4) has not committed an act for which the applicant could be disciplined under IC 25-8-14; and
(5) has paid the fee set forth in IC 25-8-13-8 for the issuance of a license under this chapter.

As added by P.L.257-1987, SEC.9. Amended by P.L.184-1991, SEC.28; P.L.214-1993, SEC.36; P.L.2-1995, SEC.95.

IC 25-8-10-4
Provisional license; electrologist
Sec. 4. (a) This section applies only to applications for an electrologist license under this article.

(b) If an applicant comes from a jurisdiction that does not issue an electrologist license, the board may issue an initial provisional license to an applicant who meets the following requirements:

(1) The board finds that the applicant has sufficient training or experience as an electrologist.
(2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.
(3) The applicant pays a fee established by the board under IC 25-1-8.

(c) An applicant who has been granted an initial provisional license must work under the supervision of a licensed cosmetologist or a licensed electrologist.

(d) A person who holds an initial provisional license may apply for renewal of an electrologist license under this chapter.

(e) The holder of a provisional license may petition the board for the issuance of an electrologist license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without supervision shall be released from the terms of the provisional license and is entitled to hold a license under this chapter.

As added by P.L.177-2009, SEC.29.

IC 25-8-11

Chapter 11. Manicurist Licenses

IC 25-8-11-1

Authorization

Sec. 1. The board may license a person to perform manicuring.

As added by P.L.257-1987, SEC.10.

IC 25-8-11-2

Performance of manicuring without offering cosmetology

Sec. 2. A person may perform manicuring without offering cosmetology.

As added by P.L.257-1987, SEC.10.

IC 25-8-11-3

Application; form

Sec. 3. A person must file a verified application for a manicurist license with the board on a form prescribed by the board to obtain that license.

As added by P.L.257-1987, SEC.10.

IC 25-8-11-4

Contents of application

Sec. 4. The application described in section 3 of this chapter must state that the applicant:

(1) is at least eighteen (18) years of age;

(2) has successfully completed the eighth grade or received the equivalent of an eighth grade education;

(3) has graduated from a manicurist program in a cosmetology school;

(4) has received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for manicurist license applicants prescribed by the board;

(5) has not committed an act for which the applicant could be disciplined under IC 25-8-14; and

(6) has paid the fee set forth in IC 25-8-13-9 for the issuance of a license under this chapter.

As added by P.L.257-1987, SEC.10. Amended by P.L.184-1991, SEC.29; P.L.113-1999, SEC.12.

IC 25-8-11-5

Unsuccessful examination; consequences

Sec. 5. If a person does not receive a satisfactory grade on the examination described in section 4(4) of this chapter, the person may repeat the examination subject to the rules governing the examination that are adopted by the board.

As added by P.L.257-1987, SEC.10. Amended by P.L.236-1995, SEC.20; P.L.173-1996, SEC.12.

IC 25-8-11-6

Unsuccessful repeat examination; consequences

Sec. 6. If a person does not receive a satisfactory grade on the repeat examination described in section 5 of this chapter, the board may:

(1) refuse to permit that person to take the examination again; or

(2) permit the person to take the examination again, subject to the rules governing the examination adopted by the board.

As added by P.L.257-1987, SEC.10.

IC 25-8-11-7

Use of acrylic liquid monomer formulated with methyl methacrylate

Sec. 7. (a) A person licensed under this article may not use acrylic liquid monomer formulated with methyl methacrylate (MMA).

(b) A person who violates subsection (a) may be disciplined under IC 25-1-11.

As added by P.L.113-1999, SEC.13.

IC 25-8-11-8

Provisional license; manicurist

Sec. 8. (a) This section applies only to applications for a manicurist license under this article.

(b) If an applicant comes from a jurisdiction that does not issue a manicurist license, the board may issue an initial provisional license to an applicant who meets the following requirements:

(1) The board finds that the applicant has sufficient training or experience as a manicurist.

(2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.

(3) The applicant pays a fee established by the board under IC 25-1-8.

(c) An applicant who has been granted an initial provisional license must work under the supervision of a licensed cosmetologist or licensed manicurist.

(d) A person who holds an initial provisional license may apply for renewal of a manicurist license under this chapter.

(e) The holder of a provisional license may petition the board for the issuance of a manicurist license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without supervision shall be released from the terms of the provisional license and is entitled to hold a license under this chapter.

As added by P.L.177-2009, SEC.30.

IC 25-8-12
Repealed

(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-8-12.1
Chapter 12.1. Barber Licenses

IC 25-8-12.1-1
Issuance of license
Sec. 1. The board may license a person to be a barber.
As added by P.L.84-2010, SEC.48.

IC 25-8-12.1-2
Verified application
Sec. 2. A person must file a verified application with the board on a form prescribed by the board to obtain a barber license.
As added by P.L.84-2010, SEC.48.

IC 25-8-12.1-3
Contents of application
Sec. 3. The application described in section 2 of this chapter must state that the applicant:
(1) is either:
(A) at least eighteen (18) years of age; or
(B) at least seventeen (17) years of age and is a graduate of an accredited high school;
(2) has graduated from an approved barber school with not less than one thousand five hundred (1,500) hours of training;
(3) has received a satisfactory grade of at least seventy-five percent (75%) on an examination for barber license applicants prescribed by the board;
(4) has not committed an act that could subject the applicant to discipline under IC 25-1-11; and
(5) has paid the fee set forth in IC 25-8-13 for the issuance of a license under this chapter.
As added by P.L.84-2010, SEC.48.

IC 25-8-12.1-4
Failure to pass examination
Sec. 4. (a) If a person does not receive a satisfactory grade on the examination described in IC 25-8-4-7, that person may repeat the examination subject to the rules governing the examination adopted by the board.
(b) If a person does not receive a satisfactory grade on the examination described in subsection (a), the board may:
(1) refuse to permit the person to take the examination again; or
(2) permit the person to take the examination again subject to the rules governing the examination adopted by the board.
As added by P.L.84-2010, SEC.48.

IC 25-8-12.1-5
Restrictions on barbering in barber school
Sec. 5. A person licensed under this chapter may not engage in barbering in a barber school except as part of student instruction.

As added by P.L.84-2010, SEC.48.

IC 25-8-12.1-6
Restrictions on barbering outside barber school

Sec. 6. A person licensed under this chapter may not engage in barbering outside a barber shop unless the person:

(1) has the permission of a person who holds a barber shop license and:

(A) employs; or

(B) leases or subleases a part of a shop to;

the person licensed under this chapter; and

(2) complies with any other practice restrictions established by the board under this chapter.

As added by P.L.84-2010, SEC.48.

IC 25-8-12.1-7
Temporary work permit

Sec. 7. The board may issue a temporary work permit to practice barbering.

As added by P.L.84-2010, SEC.48.

IC 25-8-12.1-8
Application for temporary work permit

Sec. 8. A person must file a verified application with the board on a form prescribed by the board to obtain a temporary work permit.

As added by P.L.84-2010, SEC.48.

IC 25-8-12.1-9
Contents of temporary work permit application

Sec. 9. The application described in section 8 of this chapter must state that the applicant will practice barbering under the supervision of a barber, and:

(1) has filed an application under section 2 of this chapter, but has not taken the examination described in IC 25-8-4-7; or

(2) has filed an application under IC 25-8-4-2(g) and is awaiting board determination as described in IC 25-8-4-2(g).

As added by P.L.84-2010, SEC.48.

IC 25-8-12.1-10
Expiration of work permit

Sec. 10. (a) Except when held by a barber applicant who has filed an application under IC 25-8-4-2(g), a work permit issued under section 7 of this chapter expires:

(1) three (3) months after the date of issuance; or

(2) thirty (30) days after the permit holder takes the examination described in IC 25-8-4-7;

whichever occurs first.

(b) A work permit held by a barber license applicant who has filed an application under IC 25-8-4-2(g) expires thirty (30) days after board determination as described in IC 25-8-4-2(g).

As added by P.L.84-2010, SEC.48.

IC 25-8-12.1-11
Nonrenewability of work permits

Sec. 11. The board may not:

(1) renew or reinstate a work permit; or

(2) grant a person more than one (1) work permit;

issued under section 7 of this chapter.

As added by P.L.84-2010, SEC.48.

IC 25-8-12.1-12
License after military service

Sec. 12. A person who:

(1) enters active military service of the United States or of this state:

(A) in time of war or an emergency;

(B) for or during a period of training; or

(C) in connection with or under the operation of a system of selective service; and

(2) at the time of entry holds a valid license as a registered barber;

shall be granted a similar certificate of registration or license upon presenting to the board an honorable discharge from military service, dated not more than six (6) months before the time of the presentation. The similar certificate or license shall be granted by the board upon payment of a fee established by the board.

As added by P.L.84-2010, SEC.48.

IC 25-8-12.1-13
Provisional license

Sec. 13. (a) This section applies only to applications for a barber license under this chapter.

(b) If an applicant comes from a jurisdiction that does not issue a barber license, the board may issue an initial provisional license to an applicant who meets the following requirements:

(1) The board finds that the applicant has sufficient training or experience as a barber.

(2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.

(3) The applicant pays a fee established by the board under IC 25-1-8.

(c) An applicant who has been granted an initial provisional license must work under the supervision of a licensed barber.

(d) A person who holds an initial provisional license may apply for renewal of a barber license under this article.

(e) The holder of a provisional license may petition the board for the issuance of a barber license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without supervision shall be

released from terms of the provisional license and is entitled to hold a license under this chapter.
As added by P.L.84-2010, SEC.48.

IC 25-8-12.5
Chapter 12.5. Esthetician Licenses

IC 25-8-12.5-1
Licensure by board
Sec. 1. The board may license a person to be an esthetician.
As added by P.L.144-1990, SEC.3.

IC 25-8-12.5-2
Cosmetology offering not required
Sec. 2. A person may act as an esthetician without offering cosmetology.
As added by P.L.144-1990, SEC.3.

IC 25-8-12.5-3
Verified application; filing; form
Sec. 3. A person must file a verified application for an esthetician license with the board on a form prescribed by the board to obtain the license.
As added by P.L.144-1990, SEC.3.

IC 25-8-12.5-4
Licensee qualifications
Sec. 4. To receive a license issued under this chapter, a person must:
(1) be at least eighteen (18) years of age;
(2) have successfully completed the tenth grade or received the equivalent of a tenth grade education;
(3) have graduated from an esthetics program in a cosmetology school;
(4) have received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for esthetician license applicants prescribed by the board;
(5) not have committed an act for which the person could be disciplined under IC 25-8-14; and
(6) pay the fee set forth in IC 25-8-13-11 for the issuance of a license under this chapter.
As added by P.L.144-1990, SEC.3. Amended by P.L.184-1991, SEC.30; P.L.197-1995, SEC.2; P.L.84-1998, SEC.22; P.L.113-1999, SEC.15; P.L.177-2009, SEC.31.

IC 25-8-12.5-5
Unsuccessful examination; consequences
Sec. 5. If a person does not receive a satisfactory grade on the examination described in section 4(a)(4) of this chapter, the person may repeat the examination subject to the rules governing the examination that are adopted by the board.
As added by P.L.144-1990, SEC.3. Amended by P.L.2-1995, SEC.96; P.L.236-1995, SEC.21; P.L.173-1996, SEC.13.

IC 25-8-12.5-6
Repeat examination; unsatisfactory grade

Sec. 6. If a person does not receive a satisfactory grade on the repeat examination described in section 5 of this chapter, the board may:

(1) refuse to permit the person to take the examination again; or

(2) permit the person to take the examination again, subject to the rules governing the examination adopted by the board.

As added by P.L.144-1990, SEC.3.

IC 25-8-12.5-7
Repealed

(*Repealed by P.L.177-2009, SEC.63.)*

IC 25-8-12.5-8
Provisional license; esthetician

Sec. 8. (a) This section applies only to applications for an esthetician license under this article.

(b) If an applicant comes from a jurisdiction that does not issue an esthetician license, the board may issue an initial provisional license to an applicant who meets the following requirements:

(1) The board finds that the applicant has sufficient training or experience as an esthetician.

(2) The applicant has not committed an act that would constitute a violation of the standards of practice under IC 25-1-11.

(3) The applicant pays a fee established by the board under IC 25-1-8.

(c) An applicant who has been granted an initial provisional license must work under the supervision of a licensed cosmetologist or a licensed esthetician.

(d) A person who holds an initial provisional license may apply for renewal of an esthetician license under this chapter.

(e) The holder of a provisional license may petition the board for the issuance of an esthetician license to practice without supervision. The holder of a provisional license who demonstrates to the board that the holder may satisfactorily practice without supervision shall be released from the terms of the provisional license and is entitled to hold a license under this chapter.

As added by P.L.177-2009, SEC.32.

IC 25-8-12.6

Chapter 12.6. Esthetician Shop License

IC 25-8-12.6-1

Licensure by board

Sec. 1. The board may issue a license to operate an esthetic salon.

As added by P.L.144-1990, SEC.4. Amended by P.L.184-1991, SEC.31.

IC 25-8-12.6-2

Qualifications for license

Sec. 2. To obtain an esthetic salon license, a person must:

(1) select a site for the salon that, if located in the same building as a residence:

(A) is separated from the residence by a substantial partition; and

(B) has a separate entry;

(2) obtain a building permit, certificate of occupancy, or other approval action required under IC 22-12 and IC 36-7-4 to operate the esthetic salon;

(3) install the furnishings and obtain the salon equipment required under rules adopted by the board; and

(4) submit a verified statement on a form prescribed by the board that the esthetic salon will be under the personal supervision of a person who holds an esthetician license under IC 25-8-12.5 and has at least six (6) months of active experience as an esthetician under IC 25-8-12.5 or as a cosmetologist under IC 25-8-9 before the application was submitted under this chapter.

As added by P.L.144-1990, SEC.4. Amended by P.L.184-1991, SEC.32.

IC 25-8-12.6-3

Waiver of shop license requirement

Sec. 3. The requirement for an esthetic salon license under section 2(4) of this chapter may be waived by the board if:

(1) the applicant submits a verified petition for the waiver on a form prescribed by the board that:

(A) states the reasons for requesting the waiver; and

(B) is signed by two (2) persons who know the applicant and are familiar with the facts set forth in the petition; and

(2) the board determines that the requirement would result in extreme hardship to the applicant if enforced.

As added by P.L.144-1990, SEC.4. Amended by P.L.184-1991, SEC.33.

IC 25-8-12.6-4

Issuance of license; applicant compliance and payment of fee

Sec. 4. The board may issue a license under this chapter if the applicant has:

(1) complied with section 2 of this chapter; and
(2) paid the fee for the license set forth in IC 25-8-13-5.

As added by P.L.144-1990, SEC.4. Amended by P.L.184-1991, SEC.34.

IC 25-8-12.6-5
Temporary license

Sec. 5. If:
(1) the board cannot determine whether an applicant has complied with section 2 of this chapter at the time the application is filed; and
(2) the board determines that the board will require more than fifteen (15) days to determine if the applicant has complied with section 2 of this chapter;

the board shall issue a temporary esthetic salon license to the applicant.

As added by P.L.144-1990, SEC.4. Amended by P.L.184-1991, SEC.35.

IC 25-8-12.6-6
Validity term of temporary license

Sec. 6. A temporary license issued under section 5 of this chapter is valid until the earlier of:
(1) the date the board approves or denies the application for a license under this chapter; or
(2) three (3) months from the date the temporary license is issued.

As added by P.L.144-1990, SEC.4.

IC 25-8-12.6-7
Exemption from licensure

Sec. 7. The board may not require an esthetician to obtain a license under this chapter if the esthetician has leased or subleased a portion of a cosmetology salon:
(1) from a cosmetologist licensed under IC 25-8-7; and
(2) that meets the requirements of section 2(3) of this chapter.

As added by P.L.144-1990, SEC.4. Amended by P.L.184-1991, SEC.36.

IC 25-8-12.6-8
Display of sign

Sec. 8. (a) A person holding a license issued under this chapter shall display a sign complying with standards prescribed by the board at the main public entrance to the esthetic salon.

(b) The sign must:
(1) be clearly visible to a customer entering the establishment at the entrance; and
(2) state in legible printing that the establishment is an esthetic salon.

As added by P.L.144-1990, SEC.4. Amended by P.L.184-1991,

SEC.37.

IC 25-8-13
Chapter 13. Fees

IC 25-8-13-1
"Examination" defined

Sec. 1. As used in this chapter, "examination" includes the repetition of an examination by a person who did not receive a satisfactory grade (as defined by IC 25-8-4-9) on a prior examination.
As added by P.L.257-1987, SEC.12.

IC 25-8-13-2
Fee exempt transactions

Sec. 2. The board may not charge a fee for:

(1) transferring a cosmetology salon license under IC 25-8-4-4 or barber shop license under IC 25-8-8.1; or

(2) issuing a temporary license to practice cosmetology under IC 25-8-7-6 or a temporary work permit to practice barbering under IC 25-8-12.1-7.

As added by P.L.257-1987, SEC.12. Amended by P.L.84-2010, SEC.49.

IC 25-8-13-3
School license fee

Sec. 3. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for an application to issue or renew a cosmetology school or barber school license.

(b) The board shall charge a fee established under IC 25-1-8-6 for reinstating a cosmetology school or barber school license.
As added by P.L.257-1987, SEC.12. Amended by P.L.197-1995, SEC.3; P.L.194-2005, SEC.41; P.L.157-2006, SEC.47; P.L.84-2010, SEC.50.

IC 25-8-13-4
Instructor's licensing fee

Sec. 4. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing an instructor license.

(b) The board shall charge a fee established under IC 25-1-8-6 for reinstating an instructor license.
As added by P.L.257-1987, SEC.12. Amended by P.L.214-1993, SEC.37; P.L.236-1995, SEC.22; P.L.197-1995, SEC.4; P.L.194-2005, SEC.42; P.L.157-2006, SEC.48; P.L.84-2010, SEC.51.

IC 25-8-13-5
Salon and barber shop license fee

Sec. 5. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing:

(1) a cosmetology salon license;

(2) an electrology salon license;

(3) an esthetic salon license;

(4) a manicurist salon license; or
(5) a barber shop license.

(b) The board shall charge a fee established under IC 25-1-8-6 for reinstating:

(1) a cosmetology salon license;
(2) an electrology salon license;
(3) an esthetic salon license;
(4) a manicurist salon license; or
(5) a barber shop license.

As added by P.L.257-1987, SEC.12. Amended by P.L.184-1991, SEC.38; P.L.194-2005, SEC.43; P.L.157-2006, SEC.49; P.L.84-2010, SEC.52.

IC 25-8-13-6
Repealed

(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-8-13-7
Cosmetologist license fees

Sec. 7. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for a cosmetologist license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing a cosmetologist license.

(c) The board shall charge a fee established under IC 25-1-8-6 for reinstating a cosmetologist license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing an Indiana cosmetologist license to a person who holds a license from another jurisdiction that meets the requirements set forth in IC 25-8-4-2.

As added by P.L.257-1987, SEC.12. Amended by P.L.236-1995, SEC.23; P.L.197-1995, SEC.6; P.L.194-2005, SEC.45; P.L.157-2006, SEC.50.

IC 25-8-13-8
Electrologist license fees

Sec. 8. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for an electrologist license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing an electrologist license.

(c) The board shall charge a fee established under IC 25-1-8-6 for reinstating an electrologist license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds an electrologist license from another jurisdiction that meets the requirements under IC 25-8-4-2.

As added by P.L.257-1987, SEC.12. Amended by P.L.214-1993, SEC.38; P.L.236-1995, SEC.24; P.L.197-1995, SEC.7; P.L.194-2005, SEC.46; P.L.157-2006, SEC.51.

IC 25-8-13-9
Manicurist license fees

Sec. 9. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for a manicurist license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing a manicurist license.

(c) The board shall charge a fee required under IC 25-1-8-6 for reinstating a manicurist license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds a manicurist license from another jurisdiction that meets the requirements under IC 25-8-4-2.

As added by P.L.257-1987, SEC.12. Amended by P.L.214-1993, SEC.39; P.L.236-1995, SEC.25; P.L.197-1995, SEC.8; P.L.194-2005, SEC.47; P.L.157-2006, SEC.52.

IC 25-8-13-10
Repealed

(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-8-13-11
Esthetician examination and license fees

Sec. 11. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for an esthetician license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing an esthetician license.

(c) The board shall charge a fee established under IC 25-1-8-6 for reinstating an esthetician license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds an esthetician license from another jurisdiction that meets the requirements under IC 25-8-4-2.

As added by P.L.144-1990, SEC.5. Amended by P.L.184-1991, SEC.39; P.L.214-1993, SEC.40; P.L.236-1995, SEC.26; P.L.197-1995, SEC.10; P.L.194-2005, SEC.49; P.L.157-2006, SEC.53.

IC 25-8-13-12
Repealed

(*Repealed by P.L.184-1991, SEC.42.)*

IC 25-8-13-12.1
Barber license fees

Sec. 12.1. (a) The board shall establish fees under IC 25-1-8-2 for providing an examination to an applicant for a barber license.

(b) The board shall establish fees under IC 25-1-8-2 for issuing or renewing a barber license.

(c) The board shall charge a fee established under IC 25-1-8-6 for

reinstating a barber license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds a barber license from another jurisdiction that meets the requirements under IC 25-8-4-2.

As added by P.L.84-2010, SEC.53.

IC 25-8-13-13

Duplicate license fee

Sec. 13. The board shall charge the fee established under IC 25-1-8-2 for issuing a duplicate license.

As added by P.L.184-1991, SEC.40. Amended by P.L.235-1995, SEC.5.

IC 25-8-14
Chapter 14. Enforcement

IC 25-8-14-1
Refusal to issue, renew, or reinstate license

Sec. 1. The board may under IC 4-21.5 refuse to issue, renew, or reinstate a license issued under this article if it determines that the applicant or license holder has not complied with IC 25-1-11.

As added by P.L.257-1987, SEC.13. Amended by P.L.214-1993, SEC.32; P.L.194-2005, SEC.50.

IC 25-8-14-2
Repealed

(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-8-14-3
Repealed

(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-8-14-4
Repealed

(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-8-14-5
Violations; unlicensed acts; offense

Sec. 5. A person who:

(1) violates any provision of this article; or

(2) performs any act authorized by a license issued under this article without possessing a valid license to do so;

commits a Class C infraction.

As added by P.L.257-1987, SEC.13. Amended by P.L.239-1995, SEC.6.

IC 25-8-14-6
Practice or attending school while diseased; offenses

Sec. 6. (a) A person who:

(1) is a cosmetologist, a manicurist, an electrologist, an esthetician, a barber, or an instructor; and

(2) knowingly performs any act authorized by a license issued under this article while the person has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact;

commits a Class C infraction.

(b) A person who knowingly attends a cosmetology school or a barber school as a student while the person has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact commits a Class C infraction.

As added by P.L.257-1987, SEC.13. Amended by P.L.184-1991,

SEC.41; P.L.214-1993, SEC.41; P.L.84-2010, SEC.54.

IC 25-8-15
Repealed

(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-8-15.4

Chapter 15.4. Tanning Facilities

IC 25-8-15.4-1

Application of chapter

Sec. 1. This chapter does not apply to a medical treatment facility that uses ultraviolet radiation in the treatment of disease.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-2

"Committee" defined

Sec. 2. As used in this chapter, "committee" refers to the tanning facility committee that may be established under section 21 of this chapter.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-3

"Tanning device" defined

Sec. 3. As used in this chapter, "tanning device" means equipment that meets the following conditions:

(1) Emits ultraviolet radiation with wavelengths in the air between two hundred (200) and four hundred (400) nanometers.

(2) Is used for tanning human skin.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-4

"Tanning facility" defined

Sec. 4. As used in this chapter, "tanning facility" means a facility that provides persons with access to a tanning device.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-5

Necessity for license

Sec. 5. A person may not operate a tanning facility and charge a fee for the use of tanning devices unless the person has a license to operate the tanning facility issued by the board under this chapter.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-6

License requirements

Sec. 6. To obtain a license to operate a tanning facility, a person:

(1) must submit an application to the board on a form prescribed by the board;

(2) must pay a fee established by the board under IC 25-1-8-2; and

(3) may be subject to an inspection of the facility by the board.

As added by P.L.142-1995, SEC.31. Amended by P.L.194-2005, SEC.51; P.L.177-2009, SEC.33.

IC 25-8-15.4-7

Contents of license application

Sec. 7. The form described under section 6(1) of this chapter must contain the following information:

(1) The name and location of the tanning facility.

(2) The name of the person that owns the tanning facility.

(3) Any other information required by the board.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-8

Separate licenses; transfer of license to new location

Sec. 8. (a) A person must obtain a separate license for each tanning facility the person operates.

(b) If a person:

(1) has obtained a license to operate a tanning facility issued under this chapter; and

(2) changes the location of the tanning facility;

the board may transfer the license to the tanning facility at the new location.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-9

Expiration and renewal of licenses

Sec. 9. (a) A license issued under this chapter expires every fourth year on a date established by the licensing agency under IC 25-1-6-4.

(b) The board shall renew a license issued under this chapter if the person that operates the facility pays the fee for renewal established by the board under IC 25-1-8-2 on or before the date established by the licensing agency.

(c) If the holder of a license does not renew the license on or before the renewal date established by the licensing agency, the license expires and becomes invalid without any action by the board.

As added by P.L.142-1995, SEC.31. Amended by P.L.105-2008, SEC.24.

IC 25-8-15.4-9.5

Reinstatement; requirements

Sec. 9.5. (a) The board may, upon application, reinstate a license under this chapter that has been expired for not more than three (3) years if the person holding the license meets the requirements for reinstatement established under IC 25-1-8-6(c).

(b) If more than three (3) years have elapsed since the date a license under this chapter expired, the individual holding the license may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

As added by P.L.197-2007, SEC.44. Amended by P.L.105-2008, SEC.25.

IC 25-8-15.4-10

Display of license

Sec. 10. A person holding a tanning facility license issued under

this chapter shall display the license in a manner that is clearly visible to a person entering the tanning facility.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-11
Written statement

Sec. 11. Before a person uses a tanning device in a tanning facility, the operator, owner, or employee of the operator or owner of the tanning facility shall require the person to read and sign a written statement approved by the board that contains the following information:

(1) A person who uses a tanning device in this tanning facility must use protective eyewear.

(2) If the provided eye protection is not worn, use of a tanning device in this tanning facility may cause damage to the eyes.

(3) Overexposure to the ultraviolet radiation produced by a tanning device in this tanning facility may cause burns.

(4) Exposure to the ultraviolet radiation produced by the tanning devices in this tanning facility may cause premature aging of the skin and skin cancer.

(5) Abnormal skin sensitivity to ultraviolet radiation or burning may be caused by certain foods, cosmetics, or medication, including the following:

(A) Tranquilizers.

(B) Diuretics.

(C) Antibiotics.

(D) High blood pressure medication.

(E) Birth control medication.

(F) Other photosensitizing agents as determined under rules adopted by the board.

(6) A person who is taking a prescription drug or an over-the-counter drug should consult a physician or pharmacist before using a tanning device.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-12
Display of sign

Sec. 12. An operator of a tanning facility shall display a sign approved by the board in a manner that is clearly visible to a person using the tanning devices in the tanning facility.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-13
Denial of risks

Sec. 13. An owner, operator, or employee of a tanning facility may not profess that using a tanning device is free from risk.
As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-14
Duties of operator

Sec. 14. The operator of a tanning facility shall do the following:

(1) Have an employee present in the tanning facility during business hours who, as determined under rules adopted by the board, is knowledgeable in the correct operation of the tanning devices in the tanning facility and is able to assist persons in the proper use of the tanning devices.

(2) Provide each person using a tanning device with properly sanitized eyewear that protects the eyes from ultraviolet radiation and allows adequate vision.

(3) Provide instructions to each person using a tanning device on how to maintain proper exposure distance as recommended by the manufacturer of the tanning device.

(4) Limit each person using a tanning device to the maximum exposure time:

(A) established under rules of the board; or

(B) if the board has not adopted rules concerning exposure time for the tanning device, recommended by the manufacturer of the tanning device.

(5) Not allow the temperature of a tanning facility to exceed one hundred (100) degrees Fahrenheit at any time.

(6) Provide and maintain:

(A) the tanning facility; and

(B) tanning devices in the tanning facility;

in a manner that meets sanitation and safety rules adopted by the board.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-15

Presence of parent or guardian

Sec. 15. A person who is less than sixteen (16) years of age must be accompanied by a parent or guardian when using a tanning device in a tanning facility.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-16

Signature of parent or guardian on written statement

Sec. 16. A person who is less than eighteen (18) years of age may not use a tanning device in a tanning facility unless the parent or guardian of the person has also signed the written statement under section 11 of this chapter in the presence of the operator of the tanning facility.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-17

Protective eyewear

Sec. 17. A person who uses a tanning device in a tanning facility must use protective eyewear.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-18

Reports to board

Sec. 18. (a) The operator of a tanning facility must report to the board each known:

(1) injury; or

(2) complaint of an injury;

that results from the use of a tanning device in the tanning facility.

(b) The operator must do the following:

(1) Telephone a report under subsection (a) to the board not more than forty-eight (48) hours after the injury or complaint of an injury occurs.

(2) File a written report under subsection (a) with the board on a form provided by the board not later than seven (7) days after the injury or complaint of an injury occurs.

(c) The board shall send a copy of the report filed under subsection (b)(2) to the following:

(1) The injured person or complaining person.

(2) The federal Food and Drug Administration.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-19

Inspections

Sec. 19. An authorized representative of the board may inspect each tanning facility to determine compliance with this chapter and rules adopted under this chapter at any time during normal business hours of a tanning facility.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-20

Denial, suspension, or revocation of license

Sec. 20. The board may deny, suspend, or revoke a license issued under this chapter if the person holding or requesting the license violates this chapter or a rule adopted under this chapter.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-21

Tanning facility committee; members; appointment

Sec. 21. (a) The board may establish the tanning facility committee.

(b) If the board establishes the committee under subsection (a), the committee consists of five (5) members appointed by the president of the board for terms of two (2) years. The committee must include the following:

(1) One (1) member of the board.

(2) One (1) owner of a licensed tanning facility who is licensed as a cosmetologist under IC 25-8-4.

(3) One (1) owner of a licensed tanning facility who does not hold any other license under this article.

(4) One (1) physician or other licensed health care provider who works in the area of dermatology.

(5) One (1) individual who is not associated with a tanning

facility or a profession licensed under this article other than as a consumer.

(c) If the board establishes the committee under this section, the president of the board shall appoint one (1) of the committee members to serve as chairman of the committee.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-22

Committee; removal of member

Sec. 22. A member of the committee may be removed by the board without cause.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-23

Rules

Sec. 23. (a) The committee may propose rules to the board concerning the following:

(1) The operation of tanning devices.

(2) The implementation of this chapter.

(b) The board may adopt rules under IC 4-22-2 that are recommended by the committee.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-24

Schedule of civil penalties; order of compliance; imposition of civil penalty

Sec. 24. (a) In addition to the other remedies provided in this chapter, the board shall adopt a schedule of civil penalties that may be levied to enforce the provisions of the following:

(1) This chapter.

(2) The rules adopted under this chapter by the board.

(b) A penalty included in the schedule of civil penalties adopted under subsection (a) may not exceed one thousand dollars ($1,000) for each violation per day.

(c) The board may issue an order of compliance, impose a civil penalty included in the schedule of civil penalties adopted under subsection (a), or both, against a person who does any of the following:

(1) Fails to comply with this chapter or a rule adopted under this chapter.

(2) Interferes with or obstructs the board or the board's authorized representative in the performance of duties under this chapter.

(d) An order of compliance may be issued under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4. A civil penalty may be imposed only in a proceeding under IC 4-21.5-3-8.

(e) A proceeding commenced to impose a civil penalty may be consolidated with any other proceeding commenced to enforce this chapter or a rule adopted under this chapter.

As added by P.L.142-1995, SEC.31.

IC 25-8-15.4-25
Violations; offenses

Sec. 25. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a Class C misdemeanor.

(b) Each day a violation continues constitutes a separate offense.
As added by P.L.142-1995, SEC.31.

IC 25-8-16
Repealed

(*Repealed by P.L.197-2007, SEC.94.)*

IC 25-9

ARTICLE 9. BOXING AND SPARRING MATCHES

IC 25-9-1

Repealed

(*Repealed by P.L.113-2010, SEC.170.)*

IC 25-10

ARTICLE 10. CHIROPRACTORS

IC 25-10-1

Chapter 1. Regulation of Chiropractors — Creation of Board

IC 25-10-1-1

Definitions

Sec. 1. As used in this article:

(1) "Chiropractic" means the diagnosis and analysis of any interference with normal nerve transmission and expression, the procedure preparatory to and complementary to the correction thereof by an adjustment of the articulations of the vertebral column, its immediate articulation, and includes other incidental means of adjustments of the spinal column and the practice of drugless therapeutics. However, chiropractic does not include any of the following:

(A) Prescription or administration of legend drugs or other controlled substances.

(B) Performing of incisive surgery or internal or external cauterization.

(C) Penetration of the skin with a needle or other instrument for any purpose except for the purpose of blood analysis.

(D) Use of colonic irrigations, plasmatics, ionizing radiation therapy, or radionics.

(E) Conducting invasive diagnostic tests or analysis of body fluids except for urinalysis.

(F) The taking of x-rays of any organ other than the vertebral column and extremities.

(G) The treatment or attempt to treat infectious diseases, endocrine disorders, or atypical or abnormal histology.

(2) "Chiropractor" means any person who is qualified under this chapter to practice the science of chiropractic.

(3) "Board" means the board of chiropractic examiners under section 1.5 of this chapter.

(4) "Agency" refers to the Indiana professional licensing agency under IC 25-1-5.

(Formerly: Acts 1955, c.42, s.1.) As amended by Acts 1981, P.L.222, SEC.74; P.L.169-1985, SEC.33; P.L.1-2006, SEC.427.

IC 25-10-1-1.5

Board of chiropractic examiners; creation; appointment of members; tenure; powers and duties; expenses

Sec. 1.5. (a) There is created a board of chiropractic examiners. The board shall consist of seven (7) members appointed by the governor, not more than four (4) of whom may be affiliated with the same political party. Six (6) of the board members must be licensed under this chapter and must have had at least five (5) years of experience as a chiropractor prior to their appointment. One (1) member is to represent the general public and must be:

(1) a resident of this state; and

(2) in no way associated with the profession of chiropractic other than as a consumer.

(b) All members shall be appointed for a term of three (3) years and serve until their successors are appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. Each appointed member shall serve for the unexpired term of the vacating member.

(c) The members of the board are entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Members are also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. The officers serve for a term of one (1) year. The board shall meet at least once each year and on other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum for the transaction of business. All decisions are required to be made by a majority vote of the quorum.

(e) The agency shall provide a secretary of the board and other personnel necessary for the proper performance of the board's duties and responsibilities under this chapter. The board, through the agency, shall receive and account for all money collected under this chapter and pay the money to the treasurer of state to be deposited by the treasurer in the general fund of the state.

(f) The board may do the following:

(1) Establish reasonable application, examination, and renewal procedures for certification under this chapter.

(2) Use an examination under this chapter that is designed by the board, designed by another person, or designed in part by the board and in part by another person.

(3) Conduct in the manner prescribed by the board examinations of applicants for certification under this chapter. The board may conduct any part of the examinations through a person other than the agency who is approved by the board. The agency may conduct any part of the examinations under IC 25-1-5-4.

(4) Issue, deny, suspend, revoke, and renew certificates.

(5) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals certified or not certified under this chapter, concerning alleged violation of this chapter with hearings to be conducted in accordance with IC 4-21.5.

(6) Initiate the prosecution and enjoinder of a person violating this chapter.

(7) Adopt rules necessary for the proper performance of the board's duties, in accordance with IC 4-22-2.

(8) Maintain a current list of individuals certified under this chapter.

(9) Establish a code of professional conduct.

(10) Adopt rules under IC 4-22-2 to allow chiropractors licensed under this chapter to delegate the manual manipulation, manual adjustment, or manual mobilization of the spinal column or the vertebral column under section 14(c)(4) of this chapter.

(11) Adopt rules under IC 4-22-2 establishing standards for the registration and regulation of chiropractic management consultants (as defined by the board under IC 25-10-2).

(12) Set fees for the annual registration of a chiropractic management consultant under IC 25-10-2.

(g) The board shall adopt rules establishing standards for the competent practice of the science of the chiropractic in accordance with IC 4-22-2.

(h) All expenses incurred in the administration of this chapter shall be paid from the state general fund upon appropriation being made in the manner provided by law for the making of appropriations.

As added by Acts 1981, P.L.222, SEC.103. Amended by P.L.169-1985, SEC.34; P.L.149-1987, SEC.23; P.L.152-1988, SEC.7; P.L.235-1989, SEC.1; P.L.33-1993, SEC.24; P.L.125-1994, SEC.1; P.L.1-2006, SEC.428.

IC 25-10-1-2

Requirements for licensure

Sec. 2. (a) A person who is at least eighteen (18) years of age and who has not been convicted of a crime that has a direct bearing on the person's ability to practice competently is eligible to be licensed to practice chiropractic in Indiana if the person is a graduate of an incorporated chiropractic school or college incorporated for the purpose of teaching the science of chiropractic. The school or college must meet the reasonable requirements of the board and must be accredited by the Accreditation Commission of the Council on Chiropractic Education during the applicant's attendance at the accredited school or college. The board may not discriminate against a chiropractic school or college that meets these requirements.

(b) In addition to the requirements in subsection (a), an applicant for a license to practice chiropractic must have completed at least two (2) years (sixty (60) semester hours) of education in a college or university of learning accredited by an accrediting agency that has been approved by the United States Department of Education before the applicant's training and education in a chiropractic school or college.

(Formerly: Acts 1955, c.42, s.2; Acts 1973, P.L.252, SEC.6.) As amended by Acts 1981, P.L.222, SEC.104; Acts 1982, P.L.113, SEC.45; P.L.169-1985, SEC.35; P.L.149-1987, SEC.24; P.L.152-1988, SEC.6; P.L.235-1989, SEC.2; P.L.186-1990, SEC.8; P.L.33-1993, SEC.18; P.L.234-1995, SEC.16.

IC 25-10-1-3
Examinations

Sec. 3. (a) All examinations of applicants for a license to practice chiropractic shall be held at the times and places as the board shall direct. The application for a license shall be accompanied by an examination fee established by the board.

(b) Any applicant failing in any examination and being refused a license shall be entitled to take a subsequent examination upon the payment of an additional examination fee fixed by the board. An applicant failing in any examination shall be entitled to take a subsequent examination at the next regular examination.

(Formerly: Acts 1955, c.42, s.3.) As amended by Acts 1981, P.L.222, SEC.105; P.L.152-1988, SEC.8.

IC 25-10-1-4
Waiver of educational requirements; examination

Sec. 4. Applicants who are and have been residents of the state of Indiana and who have practiced chiropractic in the state of Indiana for at least one (1) year immediately prior to December 1, 1954, shall be exempted from the educational requirements as provided by this chapter: provided, that application for a license and examination shall be made within sixty (60) days after March 4, 1955. All such applicants shall be given an examination in accordance with the provisions of this chapter, to determine their ability to practice chiropractic. Such applicants shall not be discriminated against by the board for their participation in any legal proceedings brought under the provisions of the former Indiana Medical Practice Act, (Acts 1897, c.169, as amended) where the primary issue was the practicing of chiropractic, as defined in this chapter, without having a license to practice medicine. Such applications shall be accompanied by the affidavits of two (2) freeholders stating therein that the applicant has practiced chiropractic in this state for a period of at least one (1) year prior to December 1, 1954.

(Formerly: Acts 1955, c.42, s.4.) As amended by Acts 1982, P.L.154, SEC.37.

IC 25-10-1-5
License by reciprocity

Sec. 5. Any applicant may, upon the payment of a fee established by the board, be granted a license, without an examination, providing that the applicant submits satisfactory evidence to the board that the applicant has been licensed to practice chiropractic in another state for at least three (3) years under qualifications substantially equivalent to those specified in this chapter for a license to practice chiropractic.

(Formerly: Acts 1955, c.42, s.5.) As amended by Acts 1981, P.L.222, SEC.106; P.L.234-1995, SEC.17.

IC 25-10-1-5.5
Temporary permits for chiropractic school graduates

Sec. 5.5. (a) The board may issue a temporary permit to a graduate of a chiropractic school to manually manipulate, manually adjust, or manually mobilize the spinal column or vertebral column of an individual if the graduate applying for the permit is:

(1) qualified to become a licensed chiropractor by examination; and

(2) employed by and under the direct supervision of a chiropractor licensed under this chapter.

(b) A temporary permit issued under this section expires on the day after the board releases the results of the next examination given by the board.

(c) The board may not issue a temporary permit under this section to an individual who has failed an examination under this chapter.

As added by P.L.235-1989, SEC.3.

IC 25-10-1-5.6

Persons licensed in other jurisdictions; temporary permits

Sec. 5.6. A person who:

(1) is licensed to practice chiropractic by a board or licensing agency of another state or jurisdiction; and

(2) meets the requirements established by the board under section 1.5 of this chapter;

may be issued a temporary permit limited by terms and conditions considered appropriate by the board. A temporary permit issued under this section is valid for a nonrenewable period of not more than thirty (30) days.

As added by P.L.48-1991, SEC.22.

IC 25-10-1-6

Renewal of licenses; fee; display; retirement of chiropractor; inactive license; discipline

Sec. 6. (a) A license issued under this chapter is valid until the next renewal date described under subsection (b).

(b) All licenses issued by the board shall be subject to renewal biennially on a date established by the licensing agency under IC 25-1-5-4. A renewal license fee established by the board under IC 25-1-8-2 must be paid to the board on or before the date established by the licensing agency, and if not paid on or before that date, the license expires and becomes invalid without any action taken by the board.

(c) An individual whose license has been expired for not more than three (3) years may have the license reinstated upon meeting the requirements for reinstatement under IC 25-1-8-6(c).

(d) If more than three (3) years have elapsed since the date a license under this chapter expired, the individual holding the license may have the license reinstated by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

(e) A license must be displayed in the office or the place of practice of the licensee.

(f) Each applicant for renewal shall furnish evidence of

attendance during each preceding licensing year at not less than one (1) chiropractic educational conference or seminar approved by the board. The conference or seminar may be conducted by an established chiropractic organization or college. This requirement does not apply to the applicant's first licensing year. If an applicant fails to comply with this subsection, the applicant's license expires and becomes invalid at midnight of the renewal date and may be reinstated only upon application and the payment of a fee established by the board and proper showing to the board that there has been a makeup by the applicant of the omitted educational work.

(g) Any chiropractor licensed to practice chiropractic in this state who intends to retire from practice shall notify the board in writing of the chiropractor's intention to retire and shall surrender the license to the board. Upon receipt of this notice and license, the board shall record the fact that the chiropractor is retired and excuse the person from further payment of license renewal fees and attendance at license renewal seminars. If any chiropractor surrenders the license to practice chiropractic in this state, the chiropractor's reinstatement may be considered by the board on the chiropractor's written request. If any disciplinary proceedings under this chapter are pending against a chiropractor, the chiropractor may not surrender the license without the written approval of the board.

(h) Any chiropractor licensed to practice chiropractic in this state who intends to become inactive in the practice of chiropractic shall notify the board in writing that the chiropractor will not maintain an office or practice chiropractic in Indiana. The board shall then classify the chiropractor's license as inactive. The renewal fee of the inactive license is one-half (1/2) of the license renewal fee, and the chiropractor shall not be required to attend license renewal seminars. If a chiropractor holding an inactive license intends to maintain an office or practice chiropractic, the chiropractor shall notify the board of that intent. The board may reinstate that chiropractor's license upon notification and receipt of:

(1) an application;
(2) payment of the current renewal fee;
(3) payment of the current reinstatement fee; and
(4) evidence of attendance of one (1) educational conference approved by the board for each year or portion of a year of inactive license classification.

(i) The board shall discipline a practitioner of the chiropractic in accordance with IC 25-1-9.

(Formerly: Acts 1955, c.42, s.6; Acts 1963, c.366, s.2; Acts 1965, c.44, s.1.) As amended by Acts 1977, P.L.172, SEC.9; Acts 1981, P.L.222, SEC.107; P.L.169-1985, SEC.36; P.L.149-1987, SEC.25; P.L.152-1988, SEC.9; P.L.48-1991, SEC.23; P.L.105-2008, SEC.26.

IC 25-10-1-6.5
Repealed

(*Repealed by P.L.152-1988, SEC.30.)*

IC 25-10-1-7
Service in Armed Forces disrupting chiropractic education

Sec. 7. Any applicant for a license to practice chiropractic who is a graduate of a legally incorporated chiropractic school, institution or college, and who can produce satisfactory evidence to the board that his chiropractic education was interrupted by reason of his induction or enlistment into the active armed forces of the United States and that he received an honorable discharge from such forces, shall be entitled to have his date of graduation determined as if he had completed his course of study in chiropractic without such interruption.

(Formerly: Acts 1955, c.42, s.7.)

IC 25-10-1-8
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-10-1-9
Rights of practitioner holding license under article governing practice of medicine

Sec. 9. Nothing in this chapter shall in any manner repeal, modify, or change any right, privilege, authority or license granted a practitioner of chiropractic holding a license under IC 25-22.5.

(Formerly: Acts 1955, c.42, s.10.) As amended by Acts 1982, P.L.154, SEC.38.

IC 25-10-1-10
Fees; use and disposition

Sec. 10. All fees collected under this chapter shall be deposited in the general fund of this state and shall be paid out only by warrant of the auditor of state, upon the treasurer of state. All money appropriated to the board shall be used for the purpose of administering this chapter and may not be used for any other purposes.

(Formerly: Acts 1955, c.42, s.11.) As amended by Acts 1982, P.L.154, SEC.39; P.L.169-1985, SEC.38.

IC 25-10-1-11
Necessity of license; violations

Sec. 11. (a) No person may practice chiropractic or hold out as a chiropractor without a license to practice chiropractic in Indiana.

(b) A person who violates this chapter commits a Class A misdemeanor.

(Formerly: Acts 1955, c.42, s.12.) As amended by Acts 1978, P.L.2, SEC.2524; P.L.234-1995, SEC.18.

IC 25-10-1-12
Repealed

(*Repealed by Acts 1978, P.L.2, SEC.2570.)*

IC 25-10-1-13
Employees; act, duty, or function

Sec. 13. (a) Subject to subsection (b), an employee of a chiropractor licensed under this article may perform an act, duty, or function that is within the specific scope of practice of the employing chiropractor, if the act, duty, or function is:

(1) performed under the direction and supervision of the employing chiropractor; and

(2) reported to the employing chiropractor.

(b) An employee of a chiropractor who is not licensed as a chiropractor or a physician may not:

(1) make a diagnosis or prescribe a treatment; or

(2) manipulate, adjust, or mobilize the spinal column or vertebral column of an individual.

(c) This section does not grant the employee of a chiropractor independent practitioner status or the authority to perform patient services in an independent practice.

As added by P.L.244-1985, SEC.1.

IC 25-10-1-14
Necessity of license; injunction or order; physical therapists

Sec. 14. (a) This section applies to all persons, including persons listed in IC 25-22.5-1-2.

(b) A person may manually manipulate, manually adjust, or manually mobilize the spinal column or the vertebral column of an individual only if the person is:

(1) a chiropractor who has been issued a license under this chapter;

(2) a physician who has been issued an unlimited license to practice medicine under IC 25-22.5; or

(3) an osteopathic physician who has been issued a license to practice osteopathic medicine under IC 25-22.5.

(c) A person may not delegate the manual manipulation, manual adjustment, or manual mobilization of the spinal column or the vertebral column of an individual to another person, unless the other person is:

(1) licensed as a chiropractor under this chapter;

(2) licensed as a physician with an unlimited license to practice medicine under IC 25-22.5;

(3) licensed as an osteopathic physician with a license to practice osteopathic medicine under IC 25-22.5;

(4) a student in the final year of course work at an accredited chiropractic school participating in a preceptorship program and working under the direct supervision of a chiropractor licensed under this chapter; or

(5) a graduate of a chiropractic school who holds a valid temporary permit issued under section 5.5 of this chapter.

(d) If a violation of subsection (b) or (c) is being committed:

(1) the board in its own name;

(2) the board in the name of the state; or

(3) the prosecuting attorney of the county in which the violation occurs, at the request of the board and in the name of the state;

may apply for an order enjoining the violation from the circuit court of the county in which the violation occurs.

(e) Upon a showing that a person has violated subsection (b) or (c), the court may grant without bond an injunction, a restraining order, or other appropriate order.

(f) This section does not apply to a physical therapist practicing under IC 25-27. However, a physical therapist may not practice chiropractic (as defined in IC 25-10-1-1) or medicine (as defined in IC 25-22.5-1-1.1) unless licensed to do so.

As added by P.L.245-1985, SEC.1. Amended by P.L.235-1989, SEC.4; P.L.33-1993, SEC.19.

IC 25-10-1-15

Admissibility of testimony regarding physician records or reports

Sec. 15. In any legal proceeding, a chiropractor's testimony relating to records or reports of a licensed physician may be admissible as evidence in the legal proceeding if the:

(1) chiropractor is qualified as an expert by the chiropractor's knowledge, skill, experience, training, or education; and

(2) court is satisfied that the information is of the type reasonably relied upon by other chiropractors.

As added by P.L.180-1997, SEC.1.

IC 25-10-2

Chapter 2. Chiropractic Management Consultants

IC 25-10-2-1

"Chiropractic management consultant" defined

Sec. 1. As used in this chapter, "chiropractic management consultant" means any person doing business in Indiana for the purpose of offering consulting services to chiropractors regarding the administration and operation of their practice. The term does not include persons engaged in the medical claims review under IC 27-8-16 or utilization review under IC 27-8-17.

As added by P.L.33-1993, SEC.25.

IC 25-10-2-2

Board powers; rules; registration fees

Sec. 2. The board shall:

(1) establish rules for the registration and regulation of a chiropractic management consultant; and

(2) establish a registration fee to be paid annually by a chiropractic management consultant.

As added by P.L.33-1993, SEC.25.

IC 25-10-2-3

Rules for registration and regulation; inclusions

Sec. 3. Rules adopted under section 2(1) of this chapter shall include the regulation of advice on advertising, promotions, office management, fraudulent or misleading billing practices, and practice building regarding patient volume.

As added by P.L.33-1993, SEC.25.

IC 25-10-2-4

Registration forms

Sec. 4. If rules are established under section 2 of this chapter, a chiropractic management consultant must file an annual registration with the board on a form approved by the board.

As added by P.L.33-1993, SEC.25.

IC 25-10-2-5

Registration fee

Sec. 5. If a registration fee is set under section 2 of this chapter, a chiropractic management consultant must pay an annual registration fee in the amount set by the board under section 2 of this chapter.

As added by P.L.33-1993, SEC.25.

IC 25-11

ARTICLE 11. COLLECTION AGENCIES

IC 25-11-1

Chapter 1. Licensing of Collection Agencies by Secretary of State

IC 25-11-1-1

General definitions

Sec. 1. As used in this chapter, unless the context otherwise requires:

(a) The term "person" means any individual, firm, partnership, limited liability company, or corporation.

(b) The term "collection agency" means and includes all persons engaging directly or indirectly and as a primary or secondary object, business, or pursuit, in soliciting claims for collection, or in the collection of claims owed or due or asserted to be owed or due to another, including child support arrearages under IC 31-25-4. The term "collection agency" also means and includes, but shall not be limited to, any person who sells, furnishes, or maintains a letter or written demand service, including stickers or coupon books, designed for the purpose of making demand on any debtor on behalf of any creditor for the payment of any claim wherein the person furnishing or maintaining such letter or written demand service, including stickers or coupon books, shall sell such services for a stated amount or for a percentage of money collected whether paid to the creditor or to the collection agency, or where such services may be rendered as a part of a membership in such collection agency regardless of whether or not a separate fee or percentage is charged. The term "collection agency" shall also include, but not be limited to, any individual, firm, partnership, limited liability company, or corporation who uses a fictitious name, or any name other than the individual's or entity's name, in the collection of accounts receivable with the intention of conveying to the debtor that a third person has been employed.

(c) The term "claim" means any obligation for the payment of money or its equivalent and any sum or sums owed or due or asserted to be owed or due to another, for which any person may be employed to demand payment and to collect or enforce payment thereof. The term "claim" also includes obligations for the payment of money in the form of conditional sales agreements, notwithstanding that the personal property sold thereunder, for which payment is claimed, may be or is repossessed in lieu of payment.

(Formerly: Acts 1937, c.92, s.1; Acts 1955, c.304, s.1.) As amended by Acts 1982, P.L.154, SEC.40; P.L.8-1993, SEC.375; P.L.178-1996, SEC.1; P.L.234-2005, SEC.80; P.L.145-2006, SEC.159.

IC 25-11-1-2

Collection agency; definition

Sec. 2. The term "collection agency" does not include the

following:

(a) Attorney at law.

(b) Persons regularly employed on a regular wage or salary in the capacity of credit men or in a similar capacity except as an independent contractor.

(c) Banks, including trust departments, fiduciaries, and financial institutions including licensees under IC 24-4.5 and licensees under IC 28-5-1.

(d) Licensed real estate brokers.

(e) Employees of licensees under this chapter.

(f) Any person, firm, partnership, limited liability company, or corporation engaged in any business enterprise in the state whose primary object, business, or pursuit is not the collection of claims, as the term is defined by the provisions of this chapter.

(g) Any electric, gas, water and telephone public utilities, their respective employees, agents, representative agents, representatives, and individual contractors.

(h) Any express company regulated under IC 8-2.1 or IC 8-3.

(Formerly: Acts 1937, c.92, s.2; Acts 1955, c.304, s.2.) As amended by Acts 1977, P.L.272, SEC.1; P.L.23-1988, SEC.113; P.L.99-1989, SEC.31; P.L.3-1989, SEC.145; P.L.8-1993, SEC.376.

IC 25-11-1-3

Application; contents; fee; renewal; surety bond; agent for service of process; multistate automated licensing system and repository

Sec. 3. (a) Any person desiring to conduct a collection agency shall make an application to the secretary of state upon such forms as may be prescribed by the secretary of state. Such application shall include the following:

(1) If the applicant is an individual:

(A) the individual's name;

(B) the individual's residence address;

(C) the address of each location from which the individual carries out the activities of the collection agency; and

(D) a statement that the individual satisfies the qualifications set forth in section 4 of this chapter.

(2) If the applicant is a partnership:

(A) the name of each partner;

(B) the business address of the partnership;

(C) the residence address of at least one (1) of the partners;

(D) the address of each location from which the partnership carries out the activities of the collection agency; and

(E) a statement that each partner in the partnership satisfies the qualifications set forth in section 4 of this chapter.

(3) If the applicant is a limited liability company:

(A) the date and place of organization;

(B) the name of the limited liability company;

(C) the business address of the limited liability company;

(D) the residence address of at least one (1) of the managers

or members of the limited liability company; and

(E) a statement that each of the managers and members in the limited liability company satisfies the qualifications set forth in section 4 of this chapter.

(4) If the applicant is a corporation:

(A) the date and place of incorporation;

(B) the name of the corporation;

(C) the business address of the corporation;

(D) the residence address of at least one (1) of the officers of the corporation; and

(E) a statement that each of the officers of the corporation satisfies the qualifications set forth in section 4 of this chapter.

The application shall be duly sworn to before an officer qualified to administer oaths. The application shall set forth therein any other verified information which will assist the secretary of state in determining the qualifications of the applicant to meet the requirements of a collection agency as hereinunder set forth.

(b) Every original and renewal application of any person desiring to conduct a collection agency shall be accompanied by a fee of one hundred dollars ($100) plus an additional fee of thirty dollars ($30) for each branch office operated by the applicant whether as sole owner, partnership, limited liability company, or corporation.

(c) Any person desiring to secure a renewal of a collection agency license shall make a renewal application to the secretary of state not later than January 1 of the year following the year in which the person's license expires under section 5 of this chapter. The application shall be made on such forms as the secretary of state may prescribe. Such application shall contain therein verified information that will assist the secretary of state in determining whether or not the applicant is in default, or is in violation of any of the provisions of this chapter, and whether or not the applicant has at all times complied with the requirements of this chapter in the operation of the applicant's collection agency.

(d) Each renewal application shall be accompanied by the renewal fee and an additional fee of thirty dollars ($30) for each branch office maintained and operated by the applicant.

(e) Every original and renewal application shall be accompanied by the following:

(1) A corporate surety bond in the sum of five thousand dollars ($5,000) for each office the applicant operates in the state of Indiana. All bonds shall run to the people of the state of Indiana and shall be furnished by a surety company authorized to do business in this state. All bonds shall be conditioned upon the faithful accounting of all money collected upon accounts entrusted to such person and shall be continuous in form and shall remain in full force and effect and run continuously with the license period and any renewal thereof. All bonds shall further be conditioned upon the provision that the applicant shall, within sixty (60) days from the date of the collection of

any claim, render an account of and pay to the client, for whom collection has been made, the proceeds of such collection less the charges for collection agreed upon by and between the applicant and the client. All bonds shall be filed in the office of the secretary of state and shall be approved by the secretary of state before being filed. All bonds filed and approved shall be for the use and benefit of all persons damaged by the wrongful conversion of any money by such person, and any individual so injured or aggrieved may bring an action upon such bond. The surety company may notify the secretary of state and principal of its desire to terminate its liability under any bond furnished. Thirty (30) days after receipt of such notice by the secretary of state, the secretary of state shall thereupon require the principal to file a new bond or discontinue all operations. If a new bond is filed by the principal all liability under any previous bond shall thereupon cease and terminate. If a new bond shall not be filed within the thirty (30) day period above specified the secretary of state shall, after expiration of the period, revoke the principal's license.

(2) Any applicant who is a nonresident of the state of Indiana shall also submit a statement appointing an agent or attorney resident herein, upon whom all legal process against the applicant may be served. The statement shall contain a stipulation that the applicant agrees that service of legal process upon such agent or attorney shall be valid service upon the applicant.

(f) Subject to subsection (g), the secretary of state may designate a multistate automated licensing system and repository, established and operated by a third party, to serve as the sole entity responsible for:

(1) processing applications for:

(A) licenses under this chapter; and

(B) renewals of licenses under this chapter; and

(2) performing other services that the secretary of state determines are necessary for the orderly administration of the secretary of state's licensing system under this chapter.

The secretary of state may take any action necessary to participate in a multistate automated licensing system and repository.

(g) The secretary of state's authority to designate a multistate automated licensing system and repository under subsection (f) is subject to the following:

(1) The secretary of state may not require any person that is not required to be licensed under this chapter, or any employee or agent of a person that is not required to be licensed under this chapter, to:

(A) submit information to; or

(B) participate in;

the multistate automated licensing system and repository.

(2) The secretary of state may require a person required under this chapter to submit information to the multistate automated

licensing system and repository to pay a processing fee considered reasonable by the secretary of state.

(Formerly: Acts 1937, c.92, s.3; Acts 1955, c.304, s.3.) As amended by Acts 1978, P.L.12, SEC.8; P.L.8-1993, SEC.377; P.L.178-1996, SEC.2; P.L.85-2012, SEC.8.

IC 25-11-1-4
Qualifications of applicants

Sec. 4. The following qualifications apply to all individual applicants and any individual who is an officer of any corporation or a member of any partnership, limited liability company, or firm and actively manages the collection of or solicits accounts for collection for any firm, partnership, limited liability company, or corporation which makes an application for a collection agency license:

(1) The applicant must be a citizen of the United States, of good moral character, and not less than eighteen (18) years of age.

(2) The applicant must not have a record as a defaulter in the payment of money collected or received for another.

(3) The applicant must not be a former licensee under this chapter whose license has been suspended or revoked and not subsequently reinstated under this chapter.

An applicant to whom a license is to be issued must meet the bonding requirements of section 3(e) of this chapter.

(Formerly: Acts 1937, c.92, s.4; Acts 1955, c.304, s.4; Acts 1973, P.L.252, SEC.7.) As amended by Acts 1978, P.L.2, SEC.2525; P.L.8-1993, SEC.378; P.L.178-1996, SEC.3.

IC 25-11-1-5
Issuance of license by secretary of state; expiration; reciprocal licensing; provisional license; nonresident collection agencies

Sec. 5. (a) The secretary of state shall investigate the qualifications of the applicant and if the applicant meets the qualifications of this chapter the secretary of state shall approve the application. If the application is approved the license shall be issued forthwith to the applicant. A license expires on the thirty-first day of December of the year in which the license was issued. If the application for a license is denied, the application fees shall be retained by the secretary of state.

(b) The secretary of state shall issue a license to any person who holds and presents with the application a valid and subsisting license to operate a collection agency issued by another state or state agency if:

(1) the requirements for the securing of such license were, at the time of issuance, substantially the same or equal to the requirements imposed by this chapter;

(2) the state concerned extends reciprocity under similar circumstances to licensed collection agencies of this state; and

(3) the application is accompanied by the fees and financial bonding requirements as provided in this chapter.

(c) In the event of the death of an individual licensee, the

dissolution of a licensee partnership by death or operation of law, or the termination of employment of the active manager if the licensee is a firm, partnership, limited liability company, or corporation, upon a showing that the bonding requirements provided for in this chapter are complied with, the secretary of state shall issue, without a fee, a provisional license to the personal representative of the deceased, the personal representative's appointee, the surviving partner, the firm, the limited liability company, or the corporation, as the case may be, which shall be for the following purposes only and shall expire at the following times:

(1) A provisional license issued to a personal representative or a personal representative's appointee expires one (1) year from the date of the issuance and shall not be subject to renewal. The authority of the provisional license so issued shall be limited to such activities as may be necessary to terminate the business of the former licensee.

(2) All other provisional licenses expire three (3) months from the date of issuance unless the provisional licensee, within this period, can meet the requirements for a full license as provided in this chapter.

(d) A nonresident collection agency that has only incidental contact with a debtor is not required to be licensed under this chapter. As used in this subsection, "incidental contact" means contact on behalf of nonresident creditors using interstate communications, including telephone, mail service, or facsimile transmissions.

(Formerly: Acts 1937, c.92, s.5; Acts 1955, c.304, s.5.) As amended by Acts 1982, P.L.154, SEC.41; P.L.8-1993, SEC.379; P.L.240-1995, SEC.1; P.L.178-1996, SEC.4; P.L.85-2012, SEC.9.

IC 25-11-1-6
Records

Sec. 6. The secretary of state shall keep in the secretary of state's office a record of all applications for licenses and all bonds required to be filed, including a statement as to whether a license, renewal license, or provisional license has been issued under each application and bond, and if revoked or suspended, the date of the filing of the order of revocation or suspension. The secretary of state shall maintain a list of all individuals, firms, partnerships, limited liability companies, or corporations who have had their license revoked or suspended, and the secretary of state shall keep a written record of all complaints filed against any licensee. Each license issued shall contain the name and address of the licensee and a serial number. The record shall be open to inspection as public records.

(Formerly: Acts 1937, c.92, s.6; Acts 1955, c.304, s.6.) As amended by P.L.8-1993, SEC.380; P.L.178-1996, SEC.5.

IC 25-11-1-7
Unlawful acts

Sec. 7. (a) It is unlawful for any person to conduct, within this

state, a collection agency without first having applied for and obtained a license under the provisions of this chapter.

(b) It is unlawful for any person conducting a collection agency within this state to fail to render an account of and pay to the client, for whom collection has been made, the proceeds of such collection, less the charges for collection in accordance with the terms of agreement between the applicant and client. This account shall be made within sixty (60) days from the date of the collection of any claim.

(c) It is unlawful for any person conducting a collection agency, within this state, to fail to deposit with a local depository not less than one (1) time each week all money due and owing to clients collected by said person, and keep the same on deposit in such depository in a special account until remitted to the clients. It shall be unlawful for any person to fail to keep a record of the money collected and the remittance thereof.

(Formerly: Acts 1937, c.92, s.7; Acts 1955, c.304, s.7.) As amended by Acts 1982, P.L.154, SEC.42; P.L.178-1996, SEC.6.

IC 25-11-1-8

Rules and regulations

Sec. 8. The secretary of state shall adopt and enforce such rules and regulations, not in conflict with the provisions of this chapter, as are advisable or necessary to carry out the provisions of this chapter. All money collected under the provisions of this chapter shall be deposited by the treasurer of state into the general fund of the state.

(Formerly: Acts 1937, c.92, s.8; Acts 1955, c.304, s.8.) As amended by Acts 1982, P.L.154, SEC.43; P.L.178-1996, SEC.7.

IC 25-11-1-9

Revocation or suspension of license; hearing procedure; violations; investigation; orders and notices; hearing; costs; discovery

Sec. 9. (a) Upon the filing with the secretary of state, by any interested person, of a verified written complaint which charges any licensee hereunder with a specific violation of any of the provisions of this chapter, the secretary of state shall cause an investigation of the complaint to be made. If the investigation shows probable cause for the revocation or suspension of the license, the secretary of state shall send a written notice to such licensee, stating in such notice the alleged grounds for the revocation or suspension and fixing a time and place for the hearing thereof. The hearing shall be held not less than five (5) days nor more than twenty (20) days from the time of the mailing of the notice, unless the parties consent otherwise. The secretary of state may subpoena witnesses, books, and records and may administer oaths. The licensee may appear and defend against such charges in person or by counsel. If upon such hearing the secretary of state finds the charges to be true, the secretary of state shall either revoke or suspend the license of the licensee. Suspension shall be for a time certain and in no event for a longer period than one (1) year. No license shall be issued to any person whose license

has been revoked for a period of two (2) years from the date of revocation. Reapplication for a license, after revocation as provided, shall be made in the same manner as provided in this chapter for an original application for a license.

(b) Whenever it appears to the secretary of state that a person has engaged in or is about to engage in an act or practice constituting a violation of this chapter or a rule or order under this chapter, the secretary of state may investigate and may issue, with or without a prior hearing, orders and notices as the secretary of state determines to be in the public interest, including cease and desist orders, orders to show cause, and notices. After notice and hearing, the secretary of state may enter an order of rescission, restitution, or disgorgement, including interest at the rate of eight percent (8%) per year, directed to a person who has violated this chapter or a rule or order under this chapter. In addition to all other remedies, the secretary of state may bring an action in the name of and on behalf of the state against the person and any other person participating in or about to participate in a violation of this chapter, to enjoin the person from continuing or doing an act furthering a violation of this chapter and may obtain the appointment of a receiver or conservator. Upon a proper showing by the secretary of state, the court shall enter an order of rescission, restitution, or disgorgement of the secretary of state directed to a person who has violated this chapter or a rule or order under this chapter.

(c) Upon the issuance of an order or a notice by the secretary of state under subsection (b), the secretary of state shall promptly notify the respondent of the following:

(1) That the order or notice has been issued.

(2) The reasons the order or notice has been issued.

(3) That upon the receipt of a written request the matter will be set for a hearing to commence not less than five (5) days and not more than twenty (20) days after the secretary of state receives the request, unless the parties consent otherwise.

If the respondent does not request a hearing and the secretary of state does not order a hearing, the order or notice will remain in effect until it is modified or vacated by the secretary of state. If a hearing is requested or ordered, the secretary of state, after giving notice of the hearing, may modify or vacate the order or extend it until final determination.

(d) In a proceeding in a circuit or superior court under this section, the secretary of state is entitled to recover all costs and expenses of investigation to which the securities commissioner would be entitled in an administrative proceeding under IC 23-19-6-4, and the court shall include the costs in its final judgment.

(e) For the purpose of any investigation or proceeding under this chapter, the secretary of state may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records that the

secretary of state considers material to the inquiry.

(f) Upon order of the secretary of state in any hearing, a deposition may be taken of any witness. A deposition under this chapter shall be:

(1) conducted in the manner prescribed by law for depositions in civil actions; and

(2) made returnable to the secretary of state.

(g) If any person fails to obey a subpoena, the circuit or superior court, upon application by the secretary of state, may issue to the person an order requiring the person to appear before the secretary of state to produce documentary evidence, if so ordered, or to give evidence concerning the matter under investigation.

(h) A person is not excused from:

(1) attending any hearing or testifying before the secretary of state; or

(2) producing any document or record;

in obedience to a subpoena of the secretary of state, or in any proceeding instituted by the secretary of state, on the grounds that the testimony or evidence, documentary or otherwise, required of the person may tend to incriminate the person or subject the person to a penalty or forfeiture. However, a person may not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing about which the person is compelled, after validly claiming the person's privilege against self-incrimination, to testify or produce evidence, documentary or otherwise.

(Formerly: Acts 1937, c.92, s.9; Acts 1955, c.304, s.9.) As amended by Acts 1982, P.L.154, SEC.44; P.L.178-1996, SEC.8; P.L.230-2007, SEC.21; P.L.3-2008, SEC.184; P.L.1-2009, SEC.139.

IC 25-11-1-10

Judicial review of revocation, suspension, or refusal to issue license

Sec. 10. Any decision of the secretary of state revoking, suspending, or refusing to issue a license may be appealed to the circuit or superior court of Marion County or to the circuit or superior court of the county in which the licensee operates the alleged offending collection agency, for a trial de novo, and any judgment of the court may be appealed therefrom to the supreme court or the court of appeals, in the same manner as in civil cases, by either of the parties to the action.

(Formerly: Acts 1937, c.92, s.10; Acts 1955, c.304, s.10.) As amended by P.L.3-1989, SEC.146.

IC 25-11-1-11

Persons not to be licensed

Sec. 11. No license to operate a collection agency shall be issued under the provisions of this chapter to any judge, either appointed or elected, of any court of this state, nor shall any license be issued to any full-time elected or appointed law enforcement officer or any full-time deputy appointed by any law enforcement officer. It shall

be unlawful for any judge of any court of this state and any full-time law enforcement officer or full-time deputy of such officer to operate a collection agency or to engage in the business of soliciting or collecting claims. It shall be unlawful for any special or part-time deputy appointed by any law enforcement officer to use the credentials and the authority of his office for the purpose of enforcing the collection of any claim.
(Formerly: Acts 1937, c.92, s.11; Acts 1955, c.304, s.11.) As amended by Acts 1982, P.L.154, SEC.45.

IC 25-11-1-12
Violations

Sec. 12. (a) A person who violates this chapter commits a Class B misdemeanor.

(b) The prosecuting attorney of any judicial circuit upon the complaint of the secretary of state, shall prosecute all violations of this chapter occurring within his jurisdiction.
(Formerly: Acts 1937, c.92, s.12; Acts 1955, c.304, s.12.) As amended by Acts 1978, P.L.2, SEC.2526.

IC 25-11-1-13
Assignment of accounts to collection agent

Sec. 13. (a) A person who is licensed under this chapter may, for the purpose of acting as an agent for collection:

(1) receive another person's accounts, bills, or other evidence of indebtedness;

(2) be the assignee of another person's accounts, bills, or other evidence of indebtedness; and

(3) at the direction of an assignor or assignors:

(A) employ an attorney to represent an assignee in the filing of an action to collect a debt in the county of preferred venue for the action as set forth in Rule 75 of the Indiana Rules of Trial Procedure; and

(B) advance court costs for the filing of an action to collect a debt.

(b) For purposes of filing one (1) action, an assignee may consolidate:

(1) assigned claims against an individual debtor; or

(2) assigned claims against joint debtors.

(c) An action in which claims are consolidated under subsection (b) must be filed in the county of preferred venue as to all alleged debtors for the action as set forth in Rule 75 of the Indiana Rules of Trial Procedure.

(d) If an assignee files an action in a county other than the county of preferred venue as to all alleged debtors, the court upon motion shall order:

(1) the action transferred to the county of preferred venue; and

(2) the assignee to reimburse the person or persons against whom the action is filed for attorney's fees necessitated for correction of the preferred venue.

As added by P.L.154-1988, SEC.1.

IC 25-11-1-14
Delegation by secretary of state

Sec. 14. The secretary of state may delegate any or all of the rights, duties, or obligations of the secretary of state under this chapter to:

(1) the securities commissioner appointed under IC 23-19-6-1(a); or

(2) any other designee under the supervision and control of the secretary of state.

As added by P.L.230-2007, SEC.22. Amended by P.L.1-2009, SEC.140.

IC 25-11-1-15
Violations; civil penalties; enforcement action; deposit in securities division enforcement account

Sec. 15. (a) If the secretary of state determines, after notice and opportunity for a hearing, that a person has violated this chapter, the secretary of state may, in addition to or instead of all other remedies, impose a civil penalty upon the person in an amount not to exceed ten thousand dollars ($10,000) for each violation. An appeal from the decision of the secretary of state imposing a civil penalty under this subsection may be taken by an aggrieved party under section 16 of this chapter.

(b) The secretary of state may bring an action in the circuit or superior court of Marion County to enforce payment of any penalty imposed under subsection (a).

(c) Penalties collected under this section shall be deposited in the securities division enforcement account established under IC 23-19-6-1(f).

As added by P.L.230-2007, SEC.23. Amended by P.L.1-2009, SEC.141.

IC 25-11-1-16
Appeals

Sec. 16. (a) An appeal may be taken from a final order of the secretary of state under this chapter as follows:

(1) By an applicant for a license under this chapter, from a final order of the secretary of state concerning the application.

(2) By a licensee, from a final order of the secretary of state affecting the licensee's license under this chapter.

(3) By any person against whom a civil penalty is imposed under section 15 of this chapter, from the final order of the secretary of state imposing the civil penalty.

(4) By any person who is named as a respondent in an investigation or a proceeding under section 9 of this chapter, from a final order of the secretary of state under section 9 of this chapter. An appeal under this subdivision may be taken in:

(A) the circuit or superior court of Marion County; or

(B) the circuit or superior court of the county in which the appellant resides or maintains a place of business.

(b) A person who seeks to appeal an order of the secretary of state under this section must serve the secretary of state with the following not later than twenty (20) days after the entry of the order:

(1) A written notice of the appeal stating:

(A) the court in which the appeal will be taken; and

(B) the grounds on which a reversal of the secretary of state's final order is sought.

(2) A written demand from the appellant for:

(A) a certified transcript of the record; and

(B) all papers on file in the secretary of state's office;

concerning the order from which the appeal is being taken.

(3) A bond in the penal sum of five hundred dollars ($500) payable to the state with sufficient surety to be approved by the secretary of state, conditioned upon:

(A) the faithful prosecution of the appeal to final judgment; and

(B) the payment of all costs that are adjudged against the appellant.

(c) Not later than ten (10) days after the secretary of state is served with the items described in subsection (b), the secretary of state shall make, certify, and deliver to the appellant the transcript described in subsection (b)(2)(A). Not later than five (5) days after the appellant receives the transcript under this subsection, the appellant shall file the transcript and a copy of the notice of appeal with the clerk of the court. The notice of appeal serves as the appellant's complaint. The secretary of state may appear before the court, file any motion or pleading in the matter, and form the issue. The cause shall be entered on the court's calendar to be heard de novo and shall be given precedence over all matters pending in the court.

(d) The court shall receive and consider any pertinent oral or written evidence concerning the order of the secretary of state from which the appeal is taken. If the order of the secretary of state is reversed, the court shall in its mandate specifically direct the secretary of state as to the secretary of state's further action in the matter. The secretary of state is not barred from revoking or altering the order for any proper cause that accrues or is discovered after the order is entered. If the order is affirmed, the appellant may, after thirty (30) days from the date the order is affirmed, file a new application for a license under this chapter if the application is not otherwise barred or limited. During the pendency of the appeal, the order from which the appeal is taken is not suspended but remains in effect unless otherwise ordered by the court. An appeal may be taken from the judgment of the court on the same terms and conditions as an appeal is taken in civil actions.

(e) IC 4-21.5 does not apply to a proceeding under this chapter.

As added by P.L.230-2007, SEC.24.

IC 25-12

ARTICLE 12. REPEALED

(*Repealed by Acts 1978, P.L.2, SEC.2570.)*

IC 25-13

ARTICLE 13. DENTAL HYGIENISTS

IC 25-13-1

Chapter 1. Regulation of Dental Hygienists by State Board of Dentistry

IC 25-13-1-1

Short title

Sec. 1. This chapter may be known and cited as The Dental Hygienist Act of Indiana.

(Formerly: Acts 1945, c.90, s.1.) As amended by Acts 1982, P.L.154, SEC.46.

IC 25-13-1-2

Definitions

Sec. 2. As used in this article:

(a) "Dental hygienist" means one who is especially educated and trained in the science and art of maintaining the dental health of the individual or community through prophylactic or preventive measures applied to the teeth and adjacent structures.

(b) "License" means the license to practice dental hygiene issued by the state board of dentistry to dental hygienist candidates who satisfactorily pass the board's examinations.

(c) "Board" means the state board of dentistry established by IC 25-14-1.

(d) "Proprietor dentist" means a licensed dentist who is the owner and operator of the dental office in which he practices the profession of dentistry and who employs at least one (1) dentist or dental hygienist to supplement his operation and conduct of his dental office.

(e) "Employer dentist" means a proprietor dentist who employs at least one (1) dental hygienist to supplement his dental service to his clientele.

(f) "Referral" means a recommendation that a patient seek further dental care from a licensed dentist, but not a specific dentist.

(g) "Screening" means to identify and assess the health of the hard or soft tissues of the human oral cavity.

(h) "Public health setting" means a location, including a mobile health care vehicle, where the public is invited for health care, information, and services by a program sponsored or endorsed by a governmental entity or charitable organization.

(i) "Direct supervision" means that a licensed dentist is physically present in the facility when patient care is provided by the dental hygienist.

(j) "Prescriptive supervision" means that a licensed dentist is not required to be physically present in the facility when patient care is provided by the dental hygienist if a licensed dentist has examined the patient and has prescribed the patient care within the previous forty-five (45) days.

(Formerly: Acts 1945, c.90, s.2; Acts 1971, P.L.371, SEC.1.) As amended by Acts 1981, P.L.222, SEC.109; P.L.185-1991, SEC.1; P.L.24-1999, SEC.7; P.L.134-2008, SEC.19.

IC 25-13-1-3
Necessity of license; Class B misdemeanor

Sec. 3. (a) Except as otherwise provided in this chapter, it is unlawful for any person to practice dental hygiene in Indiana without a license from the board authorizing that person to practice dental hygiene in this state.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

(Formerly: Acts 1945, c.90, s.3.) As amended by Acts 1981, P.L.222, SEC.110; P.L.30-2005, SEC.1.

IC 25-13-1-4
License; application; examination; fee

Sec. 4. (a) Any person desiring to practice dental hygiene in Indiana must procure from the board a license to practice dental hygiene. To procure a license, the applicant must submit to the board proof of graduation from an institution for educating dental hygienists that is approved by the board and other credentials required by this chapter, together with an application on forms prescribed and furnished by the board. Each applicant must pay to the board an application fee set by the board under section 5 of this chapter at the time the application is made and must pass an examination administered by an entity approved by the board. The board may establish under section 5 of this chapter additional requirements as a prerequisite to taking an examination for any applicant who has failed the examination two (2) or more times. Application fees are not refundable.

(b) An applicant described under subsection (a) shall, at the request of the board, make an appearance before the board.

(Formerly: Acts 1945, c.90, s.4; Acts 1971, P.L.371, SEC.2.) As amended by Acts 1981, P.L.222, SEC.111; Acts 1982, P.L.113, SEC.46; P.L.169-1985, SEC.39; P.L.152-1988, SEC.10; P.L.48-1991, SEC.24; P.L.103-2011, SEC.1.

IC 25-13-1-5
Powers and duties of board

Sec. 5. (a) The board shall enforce this chapter.

(b) The board may adopt rules consistent with this chapter and with IC 25-14-1 necessary for the proper enforcement of this chapter, the examination of dental hygienists, and for the conduct of the practice of dental hygiene.

(c) The board may utilize a dental hygienist education program's accreditation by the Commission on Dental Accreditation of the American Dental Association as evidence that the program has met all or part of the standards for dental hygienist education programs established by the board.

(Formerly: Acts 1945, c.90, s.5.) As amended by Acts 1981, P.L.222, SEC.112; P.L.354-1989(ss), SEC.1.

IC 25-13-1-6
Qualifications of applicant

Sec. 6. An applicant:

(1) must not have been convicted of a crime that has a direct bearing on the applicant's ability to practice competently;

(2) must be a graduate of a school for dental hygienists that:

(A) is accredited by the Commission on Dental Accreditation of the American Dental Association;

(B) is recognized by the board; and

(C) requires a formal course of training of not less than two (2) years of eight (8) months each;

(3) must pass an examination administered by an entity approved by the board; and

(4) may not take any part of the examination described in subdivision (3) more than three (3) times.

(Formerly: Acts 1945, c.90, s.6; Acts 1963, c.112, s.1.) As amended by Acts 1981, P.L.222, SEC.113; Acts 1982, P.L.113, SEC.47; P.L.169-1985, SEC.40; P.L.149-1987, SEC.27; P.L.185-1991, SEC.2; P.L.48-1991, SEC.25; P.L.24-1999, SEC.8; P.L.103-2011, SEC.2.

IC 25-13-1-6.1
Repealed

(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-13-1-7
Recognition of licenses from other states

Sec. 7. The board may recognize licenses issued by other states as provided in section 17 of this chapter, and may recognize the examination of the national board of dental examiners, if it is consistent with the board's requirements.

(Formerly: Acts 1945, c.90, s.7; Acts 1963, c.112, s.2.) As amended by Acts 1981, P.L.222, SEC.114; P.L.103-2011, SEC.3.

IC 25-13-1-8
Dental hygienist license; examination; fee; expiration; renewal; reinstatement; display

Sec. 8. (a) A license to practice dental hygiene in Indiana may be issued to candidates who pass an examination administered by an entity that has been approved by the board. The license shall be valid for the remainder of the renewal period in effect on the date the license was issued.

(b) Prior to the issuance of the license, the applicant shall pay a fee set by the board under section 5 of this chapter. A license issued by the board expires on a date specified by the Indiana professional licensing agency under IC 25-1-5-4(k) of each even-numbered year.

(c) An applicant for license renewal must satisfy the following

conditions:

(1) Pay the renewal fee set by the board under section 5 of this chapter on or before the renewal date specified by the Indiana professional licensing agency in each even-numbered year.

(2) Subject to IC 25-1-4-3, provide the board with a sworn statement signed by the applicant attesting that the applicant has fulfilled the continuing education requirements under IC 25-13-2.

(3) Be currently certified or successfully complete a course in basic life support through a program approved by the board. The board may waive the basic life support requirement for applicants who show reasonable cause.

(d) If the holder of a license does not renew the license on or before the renewal date specified by the Indiana professional licensing agency, the license expires and becomes invalid without any action by the board.

(e) A license invalidated under subsection (d) may be reinstated by the board in three (3) years or less after such invalidation if the holder of the license meets the requirements under IC 25-1-8-6(c).

(f) If a license remains invalid under subsection (d) for more than three (3) years, the holder of the invalid license may obtain a reinstated license by meeting the requirements for reinstatement under IC 25-1-8-6(d). The board may require the licensee to participate in remediation or pass an examination administered by an entity approved by the board.

(g) The board may require the holder of an invalid license who files an application under this subsection to appear before the board and explain why the holder failed to renew the license.

(h) The board may adopt rules under section 5 of this chapter establishing requirements for the reinstatement of a license that has been invalidated for more than three (3) years.

(i) The license to practice must be displayed at all times in plain view of the patients in the office where the holder is engaged in practice. No person may lawfully practice dental hygiene who does not possess a license and its current renewal.

(j) Biennial renewals of licenses are subject to the provisions of IC 25-1-2.

(Formerly: Acts 1945, c.90, s.8; Acts 1963, c.112, s.3; Acts 1971, P.L.371, SEC.3.) As amended by Acts 1981, P.L.222, SEC.115; Acts 1982, P.L.113, SEC.48; P.L.169-1985, SEC.41; P.L.149-1987, SEC.29; P.L.185-1991, SEC.3; P.L.179-1996, SEC.1; P.L.44-2000, SEC.2; P.L.269-2001, SEC.7; P.L.1-2006, SEC.429; P.L.105-2008, SEC.27; P.L.103-2011, SEC.4.

IC 25-13-1-9
Repealed

(*Repealed by Acts 1971, P.L.371, SEC.4.)*

IC 25-13-1-10
Locations for practice of dental hygiene; supervision requirements

Sec. 10. (a) A licensed dental hygienist may practice dental hygiene in Indiana in the following:

(1) A dental office or clinical setting, except as described in subdivisions (3) through (5), where the dental hygienist is practicing under the direct supervision of a legally practicing dentist.

(2) A dental school or dental hygiene school to teach and demonstrate the practice of dental hygiene if direct supervision by a licensed dentist is provided for training on providing local anesthetics by injection.

(3) The dental clinic of any public, parochial, or private school or other institution supported by public or private funds in which the licensee is employed by the state department of health or any county or city board of health or board of education or school trustee or parochial authority or the governing body of any private school where the dental hygienist is practicing under the direct or prescriptive supervision of a licensed dentist.

(4) The dental clinic of a bona fide hospital, sanitarium, or charitable institution duly established and being operated under the laws of Indiana in which the licensee is employed by the directors or governing board of such hospital, sanitarium, or institution. However, such practice must be under the direct or prescriptive supervision at all times of a licensed dentist who is a staff member of the hospital or sanitarium or a member of the governing board of the institution.

(5) A:

(A) fixed charitable dental care clinic;

(B) public health setting; or

(C) correctional institution;

that has been approved by the board and where the dental hygienist is under the direct or prescriptive supervision of a licensed dentist.

(b) A licensed dental hygienist may provide without supervision the following:

(1) Dental hygiene instruction and in-service training without restriction on location.

(2) Screening and referrals for any person in a public health setting.

(Formerly: Acts 1945, c.90, s.10.) As amended by Acts 1981, P.L.222, SEC.116; P.L.169-1985, SEC.42; P.L.155-1988, SEC.4; P.L.185-1991, SEC.4; P.L.2-1992, SEC.766; P.L.121-2007, SEC.3; P.L.134-2008, SEC.20.

IC 25-13-1-10.5

Dental hygienist students; anesthetics

Sec. 10.5. A student pursuing a course of study in dental hygiene may administer dental anesthetics during an educational course on the practice of dental anesthetics if the course is:

(1) supervised by a dentist licensed under IC 25-14 and trained

in the administration of dental anesthetics; and

(2) conducted at a school described in section 6(2) of this chapter.

As added by P.L.121-2007, SEC.4. Amended by P.L.103-2011, SEC.5.

IC 25-13-1-10.6

Administration of local dental anesthetics by dental hygienists

Sec. 10.6. (a) A licensed dental hygienist may administer local dental anesthetics under the direct supervision of a licensed dentist under IC 25-14 if the dental hygienist has:

(1) completed board approved educational requirements, including cardiopulmonary resuscitation and emergency care training; and

(2) received a board issued dental hygiene anesthetic permit.

(b) Local dental anesthetics do not include nitrous oxide or similar analgesics.

As added by P.L.134-2008, SEC.21. Amended by P.L.103-2011, SEC.6.

IC 25-13-1-11

Practice of dental hygiene; acts performed

Sec. 11. A person is deemed to be practicing dental hygiene within the meaning of this chapter who:

(1) uses the titles "Licensed Dental Hygienist", "Dental Hygienist", or the letters "L.D.H." or "D.H." in connection with his or her name;

(2) holds himself or herself out to the public in any manner that he or she can or will render services as a dental hygienist;

(3) removes calcific deposits or accretions from the surfaces of human teeth or cleans or polishes such teeth;

(4) applies and uses within the patient's mouth such antiseptic sprays, washes, or medicaments for the control or prevention of dental caries as his or her employer dentist may direct;

(5) treats gum disease;

(6) uses impressions and x-ray photographs for treatment purposes; or

(7) administers local dental anesthetics, except for the administration of local dental anesthetics by:

(A) a dentist as provided in IC 25-14-1-23(a)(6); or

(B) a physician licensed under IC 25-22.5.

(Formerly: Acts 1945, c.90, s.11; Acts 1963, c.112, s.4; Acts 1971, P.L.371, SEC.5.) As amended by Acts 1981, P.L.222, SEC.117; P.L.155-1988, SEC.5; P.L.134-2008, SEC.22.

IC 25-13-1-12

Exceptions

Sec. 12. Nothing in this chapter shall be interpreted or implied as operating to prevent:

(1) a dentist who is duly licensed in Indiana;

(2) a bona fide dental student while engaged in dental school extramural educational programs with a licensed dentist who is an affiliate faculty member of the dental school;
(3) a duly licensed practitioner of medicine;
(4) a legal practitioner of dentistry or of dental hygiene in any other state, while making a clinical demonstration before a dental society in Indiana; or
(5) any commissioned dental officer in the regular United States armed services, United States Public Health Service, or United States Department of Veterans Affairs, while engaged in the discharge of official duties in Indiana;

from performing such services for health preservation, restoration, or diagnosis as are customarily within the field of their respective professional practices.

(Formerly: Acts 1945, c.90, s.12; Acts 1963, c.112, s.5.) As amended by Acts 1982, P.L.154, SEC.47; P.L.169-1985, SEC.43; P.L.1-1990, SEC.251.

IC 25-13-1-13
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-13-1-14
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-13-1-15
Review of board's action; procedure

Sec. 15. Any licensee, or applicant for a license, aggrieved by the action of the board shall have the right of review of the board's actions thereon under the procedure provided in IC 4-21.5.

(Formerly: Acts 1945, c.90, s.14 1/2; Acts 1963, c.112, s.7.) As amended by Acts 1982, P.L.154, SEC.48; P.L.7-1987, SEC.118.

IC 25-13-1-16
Repealed

(*Repealed by Acts 1978, P.L.2, SEC.2570.)*

IC 25-13-1-17
License by reciprocity

Sec. 17. (a) The board may issue a license upon payment of the fee set by the board under section 5 of this chapter by an applicant who furnishes satisfactory proof that the applicant:
(1) is a dental hygienist;
(2) is currently licensed in some other state that has licensing requirements substantially equal to those in effect in Indiana on the date of application;
(3) has been in satisfactory practice for at least two (2) years out of the preceding five (5) years;
(4) passes the law examination; and

(5) has completed at least fourteen (14) hours of continuing education in the previous two (2) years.

However, all other requirements of this chapter must be met and the licensing requirements of the law and the board of the state from which such candidate comes may not be less than those prescribed in this chapter.

(b) An applicant who, before September 1, 1987, graduated from a school for dental hygienists that was recognized by the board at the time the degree was conferred and that required a course of training of only one (1) year, and who has completed:

(1) one (1) year of internship in a dental clinic of an accepted hospital;

(2) one (1) year of teaching, after graduation, in a school for dental hygienists; or

(3) five (5) years of actual dental practice as a dental hygienist;

may apply for licensure under this section if all other requirements of this section are met.

(Formerly: Acts 1945, c.90, s.16; Acts 1971, P.L.371, SEC.6.) As amended by Acts 1981, P.L.222, SEC.118; Acts 1982, P.L.113, SEC.49; P.L.169-1985, SEC.44; P.L.149-1987, SEC.30; P.L.33-1993, SEC.20; P.L.75-2002, SEC.2.

IC 25-13-1-17.1
Repealed

(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-13-1-17.2
Inactive license; renewal; remediation requirement

Sec. 17.2. (a) The board may classify a license as inactive if the board receives written notification from the dental hygienist that the dental hygienist will not practice as a dental hygienist in Indiana.

(b) The board may issue a license to the holder of an inactive license under this section if the applicant:

(1) pays the renewal fee set by the board;

(2) pays the reinstatement fee set by the board;

(3) meets the continuing education requirements set by the board; and

(4) meets competency standards set by the board.

(c) The board may require a licensee whose license has been inactive for more than three (3) years to participate in remediation or pass an examination administered by an entity approved by the board.

As added by P.L.75-2002, SEC.3. Amended by P.L.103-2011, SEC.7.

IC 25-13-1-18
Construction of certain terms

Sec. 18. Wherever the word "she," or the word "her" shall appear herein, they shall be construed also to mean "he" or "him" respectively.

(Formerly: Acts 1945, c.90, s.16a.)

IC 25-13-1-19
Liberal construction

Sec. 19. This chapter shall be deemed to be enacted in the interests of public health, safety and welfare, and its provisions shall be liberally construed to serve such interests.

(Formerly: Acts 1971, P.L.371, SEC.7.)

IC 25-13-1-20
Discipline; knowledge of standards of conduct and practice

Sec. 20. (a) An individual who:

(1) is licensed under; and

(2) fails to comply with;

this article or rules adopted under this article is subject to discipline under IC 25-1-9.

(b) An individual who is licensed under this article is responsible for knowing the standards of conduct and practice established by this article and rules adopted under this article.

As added by P.L.103-2011, SEC.8.

IC 25-13-2
Chapter 2. Continuing Education

IC 25-13-2-1
Application of chapter

Sec. 1. This chapter does not apply to the following:

(1) A dental hygienist who has held an initial license for less than two (2) years.

(2) A graduate student or a person in a resident program offered by an approved organization listed under section 2(15) of this chapter.

(3) A person who is determined by the board as being unable to practice dental hygiene due to a disability.

As added by P.L.185-1991, SEC.5.

IC 25-13-2-2
"Approved organization" defined

Sec. 2. As used in this chapter, "approved organization" means the following:

(1) United States Department of Education.

(2) Council on Post-Secondary Education.

(3) National Dental Association.

(4) American Dental Association.

(5) Academy of General Dentistry.

(6) National Dental Hygiene Association.

(7) American Dental Hygiene Association.

(8) Council on Hospital Dental Services.

(9) American Medical Association.

(10) Joint Commission on Accreditation of Hospitals.

(11) Joint Commission on Healthcare Organizations.

(12) Study clubs approved by the board.

(13) Federal, state, and local government agencies.

(14) International organizations approved by the American Dental Association.

(15) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.

(16) A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (14).

(17) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (15).

(18) Any other organization or individual approved by the board.

As added by P.L.185-1991, SEC.5.

IC 25-13-2-3
"Continuing education course" defined

Sec. 3. As used in this chapter, "continuing education course"

means an orderly process of instruction designed to directly enhance the practicing dental hygienist's knowledge and skill in providing relevant dental hygiene services that is approved by an approved organization.
As added by P.L.185-1991, SEC.5.

IC 25-13-2-4
"License period" defined
Sec. 4. As used in this chapter, "license period" means the two (2) year period beginning on March 2, 1992, and every two (2) years thereafter.
As added by P.L.185-1991, SEC.5.

IC 25-13-2-5
"Study club" defined
Sec. 5. As used in this chapter, "study club" means a group of at least five (5) dental hygienists who do the following:
(1) Organize for the purpose of scientific study.
(2) Operate under the direction of elected officers.
(3) Maintain written bylaws.
(4) Conduct regular meetings.
(5) Maintain written attendance records of all meetings.
As added by P.L.185-1991, SEC.5.

IC 25-13-2-6
Dental hygienist continuing education requirements
Sec. 6. (a) A dental hygienist must complete at least fourteen (14) credit hours in continuing education courses each license period.
(b) Credit hours may be applied under this section only toward the credit hour requirement for the license period during which the credit hours are earned.
(c) During a license period, a dental hygienist may not earn more than five (5) credit hours toward the requirements under this section for continuing education courses that relate specifically to the area of practice management.
(d) Not more than two (2) credit hours for certification programs in basic life support required under IC 25-13-1-8(c)(3) may be applied toward the credit hour requirement during each license period.
(e) During a license period, at least half of the required minimum credit hours must be earned through live presentations or live workshops.
As added by P.L.185-1991, SEC.5. Amended by P.L.179-1996, SEC.2; P.L.105-2008, SEC.28; P.L.103-2011, SEC.9.

IC 25-13-2-7
Award of credit hours
Sec. 7. Credit hours under section 6 of this chapter must be awarded as follows:
(1) A course presented by a college under a regular curriculum

is awarded one (1) credit hour for each lecture hour attended.

(2) A course not listed in subdivision (1) is awarded one (1) credit hour for each lecture hour and two (2) credit hours for each participation hour of the course.

(3) A speech, lecture, or other presentation by a dental hygienist is awarded two (2) credit hours if the following conditions are met:

(A) The presentation concerns a subject that would be suitable for a continuing education course.

(B) The subject of the presentation is eligible for credit only one (1) time, regardless of the number of times the subject is presented.

(C) The dental hygienist maintains a record of the time, place, and date of the presentation.

(D) The presentation is sponsored by an approved organization.

(E) Not more than four (4) credit hours are awarded to the dental hygienist under this subdivision during any license period.

(4) Attendance at a state, regional, or national meeting sponsored by an approved organization is awarded one (1) credit hour.

(5) Attendance at a meeting of a study club that uses films, audio cassettes, live presentations, or written materials sponsored by the American Dental Hygienist Association is awarded one (1) credit hour. However, a dental hygienist may not receive credit under this subdivision for more than four (4) credit hours during a license period.

(6) Attendance at a meeting of a study club featuring a guest speaker whose presentation concerns a subject suitable for a continuing education course is awarded one (1) credit hour for each hour attended.

(7) A home study course that is presented by an approved organization and meets the requirements under this subdivision is awarded the same number of credit hours given to courses provided by a college. If the approved organization does not assess credit hours to a course under this subdivision, the course is awarded one (1) credit hour for each hour of study material. Subject matter of the course may be presented by written, audio, or video materials.

As added by P.L.185-1991, SEC.5. Amended by P.L.119-1992, SEC.1.

IC 25-13-2-8
Repealed

(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-13-2-9
Compliance

Sec. 9. The board and the dental hygienist shall comply with the

requirements under IC 25-1-4 concerning continuing education.
As added by P.L.185-1991, SEC.5. Amended by P.L.269-2001, SEC.8; P.L.157-2006, SEC.56.

IC 25-13-2-10
Board supervision of course offerings; rules

Sec. 10. (a) A member of the board may attend or monitor a continuing education course.

(b) An approved organization must provide the board with course information or materials requested by the board.

(c) If the board determines that an approved organization does not meet the requirements of this chapter, the board shall do the following:

(1) Provide written notification to the organization of the noncompliance specifying the items of noncompliance and the conditions of reinstatement.

(2) Deny credit hours awarded by the organization from the time that the organization receives a notice until the date of reinstatement.

(d) The board shall adopt rules under IC 4-22-2 to implement this chapter.
As added by P.L.185-1991, SEC.5. Amended by P.L.103-2011, SEC.10.

IC 25-13-2-11
Repealed

(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-13-2-12
Repealed

(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-13-2-13
Repealed

(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-13-2-14
Locations of course offerings

Sec. 14. Continuing education courses must be made available in all geographical regions of Indiana.
As added by P.L.185-1991, SEC.5.

IC 25-14

ARTICLE 14. DENTISTS

IC 25-14-1

Chapter 1. Regulation of Dentists; Creation of Board

IC 25-14-1-0.5

Repealed

(*Repealed by P.L.258-1987, SEC.3.)*

IC 25-14-1-1

Necessity for license

Sec. 1. (a) Except as permitted under this chapter, it is unlawful for any person to practice dentistry in Indiana who is not licensed under this chapter.

(b) This chapter does not prohibit:

(1) a hospital;

(2) a public health clinic;

(3) a federally qualified health center;

(4) a rural health center;

(5) a charitable health clinic;

(6) a governmental entity;

(7) a contractor or subcontractor of a governmental entity; or

(8) another entity specified by a rule of the board;

from providing dental health services if the dental health services are provided by dentists (licensed under this chapter) or dental hygienists (licensed under IC 25-13).

(Formerly: Acts 1913, c.138, s.1.) As amended by P.L.102-2000, SEC.1.

IC 25-14-1-1.5

Definitions

Sec. 1.5. The following definitions apply throughout this article:

(1) "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

(2) "Board" refers to the state board of dentistry established under this chapter.

(3) "Deep sedation" means a drug induced depression of consciousness during which cardiovascular function is usually maintained and the individual may:

(A) not be easily aroused;

(B) be able to respond purposefully following repeated or painful stimulation;

(C) have an impaired ability to independently maintain ventilatory function;

(D) require assistance in maintaining a patent airway; and

(E) have inadequate spontaneous ventilation.

(4) "Dental assistant" means a qualified dental staff member, other than a licensed dental hygienist, who assists a licensed dentist with patient care while working under the dentist's direct

supervision.

(5) "Direct supervision" means that a licensed dentist is physically present in the facility when patient care is provided by the dental assistant.

(6) "Enteral route of administration" means a technique of administering an agent so that it is absorbed through the gastrointestinal tract or oral mucosa.

(7) "General anesthesia" means a drug induced loss of consciousness during which cardiovascular function may be impaired and the individual:

(A) is not arousable, even by painful stimulation;

(B) often has an impaired ability to independently maintain ventiliatory function;

(C) often requires assistance in maintaining a patent airway; and

(D) may require positive pressure ventilation because of depressed spontaneous ventilation or drug induced depression of neuromuscular function.

(8) "Moderate sedation" means a drug induced depression of consciousness during which cardiovascular function is usually maintained and the individual:

(A) responds purposefully to verbal commands, either alone or with light tactile stimulation;

(B) does not require intervention to maintain a patent airway; and

(C) has adequate spontaneous ventilation.

(9) "Parenteral route of administration" means a technique of administering an agent by intravenous or intramuscular injection so that it bypasses the gastrointestinal tract.

As added by P.L.258-1987, SEC.1. Amended by P.L.24-1999, SEC.9; P.L.1-2006, SEC.430; P.L.134-2008, SEC.23; P.L.103-2011, SEC.11.

IC 25-14-1-2

State board of dentistry; appointments; districts; examination

Sec. 2. (a) The state board of dentistry is established and consists of:

(1) nine (9) practicing dentists licensed under IC 25-14 who must have been in practice in Indiana for not less than the five (5) years;

(2) one (1) practicing dental hygienist who:

(A) has been practicing in Indiana as a dental hygienist:

(i) in 2011 and 2012, for at least three (3) years; and

(ii) after 2012, for at least five (5) years; and

(B) is licensed under IC 25-13-1; and

(3) one (1) member to represent the general public who must be a resident to this state and in no way associated with the profession of dentistry other than as a consumer.

All eleven (11) members of the board shall be appointed by the governor for a term of three (3) years each. Any member of the board

may serve until the member's successor is appointed and qualified under this chapter. A member may serve consecutive terms, but no member may serve more than three (3) terms or a total of nine (9) years.

(b) The appointment of the dentist members shall be made in a manner that, at all times, each dentist member on the board represents and is a resident of one (1) of nine (9) examiner districts set forth in this subsection. Each dentist member shall be chiefly responsible in the performance of his or her duties with regard to the district from which he or she is appointed. The nine (9) dentist members' districts consist of the following counties:

(1) District 1. Tipton, Hamilton, Hendricks, Marion, Hancock, Morgan, Johnson, and Shelby.

(2) District 2. Lake, Porter, LaPorte, and Jasper.

(3) District 3. St. Joseph, Elkhart, Starke, Marshall, Kosciusko, and Fulton.

(4) District 4. LaGrange, Steuben, Jay, Noble, Whitley, Allen, Huntington, Wells, DeKalb, and Adams.

(5) District 5. Knox, Daviess, Gibson, Pike, Dubois, Posey, Vanderburgh, Warrick, Spencer, and Perry.

(6) District 6. Newton, Benton, White, Pulaski, Cass, Miami, Wabash, Grant, Howard, Carroll, Warren, Tippecanoe, and Clinton.

(7) District 7. Vermillion, Parke, Fountain, Montgomery, Boone, Putnam, Vigo, Clay, Sullivan, Owen, Greene, and Martin.

(8) District 8. Madison, Delaware, Blackford, Randolph, Rush, Fayette, Union, Henry, and Wayne.

(9) District 9. Monroe, Brown, Bartholomew, Decatur, Franklin, Lawrence, Jackson, Jennings, Ripley, Dearborn, Orange, Washington, Scott, Jefferson, Switzerland, Ohio, Crawford, Harrison, Floyd, and Clark.

(c) The board may issue licenses to applicants who pass an examination administered by an entity that has been approved by the board.

(Formerly: Acts 1913, c.138, s.2; Acts 1931, c.169, s.1; Acts 1935, c.90, s.1; Acts 1949, c.248, s.1; Acts 1963, c.151, s.1; Acts 1971, P.L.372, SEC.1.) As amended by Acts 1977, P.L.2, SEC.76; Acts 1977, P.L.172, SEC.11; Acts 1981, P.L.222, SEC.120; Acts 1982, P.L.113, SEC.51; P.L.169-1985, SEC.46; P.L.24-1999, SEC.10; P.L.103-2011, SEC.12.

IC 25-14-1-3
Examination; fees

Sec. 3. (a) A person desiring to begin the practice of dentistry in Indiana shall procure from the board a license to practice dentistry in Indiana. To procure the license, the applicant must submit to the board proof of graduation from a dental college recognized by the board. The board may recognize dental schools accredited by the Commission on Dental Accreditation of the American Dental

Association, if the board is satisfied that the recognition is consistent with the board's requirements. Every applicant must pass an examination administered by an entity approved by the board and may not take any portion of the examination more than three (3) times.

(b) A fee paid under this article may not be refunded.

(Formerly: Acts 1913, c.138, s.3; Acts 1931, c.169, s.2; Acts 1949, c.248, s.2; Acts 1963, c.151, s.2; Acts 1971, P.L.372, SEC.2.) As amended by Acts 1977, P.L.172, SEC.12; Acts 1981, P.L.222, SEC.121; P.L.169-1985, SEC.47; P.L.7-1987, SEC.119; P.L.354-1989(ss), SEC.2; P.L.103-2011, SEC.13.

IC 25-14-1-3.1

Anesthesia or sedation; permit to administer; requirements; renewal

Sec. 3.1. (a) A dentist must have a permit to administer:

(1) general anesthesia/deep sedation; or

(2) moderate sedation using a parenteral route of administration;

to a patient.

(b) The board shall establish by rule the educational and training requirements for the issuance and renewal of a permit required by subsection (a).

(c) The board shall establish the requirements for a program of education and training for pediatric anesthesiology.

(d) The requirements for a permit issued under this section must be based on the current American Dental Association's "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students", as adopted by the American Dental Association House of Delegates.

(e) A permit issued under this section must be renewed biennially.

As added by P.L.258-1987, SEC.2. Amended by P.L.33-1993, SEC.21; P.L.103-2011, SEC.14; P.L.6-2012, SEC.171.

IC 25-14-1-3.5

Fees; establishment; disposition

Sec. 3.5. (a) Under IC 25-1-8 the board shall establish, under IC 25-13-1-5 and section 13 of this chapter, fees sufficient to implement IC 25-13 and IC 25-14.

(b) All money received by the board under this chapter shall be paid to the agency, which shall:

(1) give a proper receipt for the same; and

(2) at the end of each month:

(A) report to the auditor of state the total amount received from all sources; and

(B) deposit the entire amount of such receipts with the state treasurer to be deposited by the treasurer in the general fund of the state.

All expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made therefor

in the manner provided by law for making such appropriations.
(Formerly: Acts 1971, P.L.372, SEC.3.) As amended by Acts 1976, P.L.119, SEC.12; Acts 1977, P.L.172, SEC.13; Acts 1981, P.L.222, SEC.122; P.L.169-1985, SEC.48; P.L.1-2006, SEC.431.

IC 25-14-1-3.7
Dental compliance fund; administration of fund; funds; memorandum of understanding for use of funds

Sec. 3.7. (a) The dental compliance fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of:

(1) IC 25-1-9 concerning an individual licensed under IC 25-13 or this article;
(2) IC 25-13; and
(3) this article.

The fund shall be administered by the Indiana professional licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of fines and civil penalties collected through investigations of violations of:

(1) IC 25-1-9 concerning individuals licensed under IC 25-13 or this article;
(2) IC 25-13; and
(3) this article;

conducted by the board or the attorney general.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The attorney general and the Indiana professional licensing agency may enter into a memorandum of understanding to provide the attorney general with funds to conduct investigations and pursue enforcement action against violators of:

(1) IC 25-1-9 if the individual is licensed under IC 25-13 or this article;
(2) IC 25-13; and
(3) this article.

(f) The attorney general and the Indiana professional licensing agency shall present any memorandum of understanding under subsection (e) annually to the board for review.
As added by P.L.103-2011, SEC.15.

IC 25-14-1-4
Repealed

(*Repealed by Acts 1977, P.L.172, SEC.56.)*

IC 25-14-1-5
Limited dental residency permit for students; fee; practice under

permit

Sec. 5. (a) The board may at its discretion issue a limited dental residency permit to a school for use by any student or former student to whom it has not issued a license but who is attending or is a graduate of a dental college recognized by the board and is completing a residency program. However, the school shall furnish the board with satisfactory evidence that the student or former student is enrolled in an accredited dental residency or fellowship program and is using the permit only for school purposes. The school shall maintain the permit at the school.

(b) The fee for the permit shall be set by the board under section 13 of this chapter.

(c) Any person using a school's limited dental residency permit may practice dentistry only in a hospital or other board approved institution designated in the permit and only under the direction of a licensed dentist who is a member of the dental staff of the hospital or other institution. The dental practice shall be limited to bona fide patients of the hospital or other institution.

(d) The permit:

(1) shall be:

(A) valid for only one (1) year from date of issue; and

(B) renewable in the discretion of the board upon the payment of a fee determined by the board under section 13 of this chapter; and

(2) may be recalled at any time by the board.

(Formerly: Acts 1913, c.138, s.4a; Acts 1949, c.248, s.3; Acts 1963, c.151, s.4; Acts 1971, P.L.372, SEC.5.) As amended by Acts 1977, P.L.172, SEC.14; P.L.169-1985, SEC.49; P.L.103-2011, SEC.16.

IC 25-14-1-5.5

Limited dental faculty permit; requirements; use of permit; fee

Sec. 5.5. (a) The board may issue a limited dental faculty permit. An applicant for a permit under this section must meet the following requirements:

(1) Be a graduate of an American Dental Association accredited dental program, as determined by the board.

(2) Be employed by an accredited dental school.

(b) An individual granted a limited dental faculty permit under this section:

(1) may use the permit only to practice at the school where the individual is employed and as a part of the individual's research or teaching responsibilities; and

(2) may not use the permit to obtain:

(A) a license under section 3 of this chapter; or

(B) reciprocity or endorsement under this article.

(c) The board shall set the permit fee under section 13 of this chapter.

As added by P.L.103-2011, SEC.17.

IC 25-14-1-6

Repealed

(*Repealed by Acts 1977, P.L.172, SEC.56.)*

IC 25-14-1-7

Repealed

(*Repealed by Acts 1977, P.L.172, SEC.56.)*

IC 25-14-1-8

Repealed

(*Repealed by Acts 1977, P.L.172, SEC.56.)*

IC 25-14-1-9

Repealed

(*Repealed by P.L.169-1985, SEC.97.)*

IC 25-14-1-10

Renewal of license; renewal card; failure to renew

Sec. 10. (a) Unless renewed, a license issued by the board expires on a date specified by the agency under IC 25-1-5-4(k). An applicant for renewal shall pay the renewal fee set by the board under section 13 of this chapter on or before the renewal date specified by the agency.

(b) The license shall be properly displayed at all times in the office of the person named as the holder of the license, and a person may not be considered to be in legal practice if the person does not possess the license and renewal card.

(c) If a holder of a dental license does not renew the license on or before the renewal date specified by the agency, without any action by the board the license together with any related renewal card is invalidated.

(d) Except as provided in section 27.1 of this chapter, a license invalidated under subsection (c) may be reinstated by the board in three (3) years or less after its invalidation if the holder of the license meets the requirements under IC 25-1-8-6(c).

(e) Except as provided in section 27.1 of this chapter, if a license remains invalid under subsection (c) for more than three (3) years, the holder of the invalid license may obtain a reinstated license by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

(f) The board may require the holder of an invalid license who files an application under this subsection to appear before the board and explain why the holder failed to renew the license.

(g) The board may adopt rules under section 13 of this chapter establishing requirements for the reinstatement of a license that has been invalidated for more than three (3) years. The fee for a duplicate license to practice as a dentist is subject to IC 25-1-8-2.

(h) Biennial renewal of licenses is subject to IC 25-1-2.

(i) Subject to IC 25-1-4-3, an application for renewal of a license under this section must contain a sworn statement signed by the applicant attesting that the applicant has fulfilled the continuing education requirements under IC 25-14-3.

(Formerly: Acts 1913, c.138, s.9; Acts 1931, c.169, s.5; Acts 1935, c.90, s.4; Acts 1949, c.248, s.4; Acts 1951, c.120, s.1; Acts 1963, c.151, s.5; Acts 1971, P.L.372, SEC.7.) As amended by Acts 1977, P.L.172, SEC.15; Acts 1981, P.L.222, SEC.124; P.L.169-1985, SEC.50; P.L.149-1987, SEC.32; P.L.185-1991, SEC.6; P.L.235-1995, SEC.6; P.L.44-2000, SEC.3; P.L.269-2001, SEC.9; P.L.1-2006, SEC.432; P.L.105-2008, SEC.29.

IC 25-14-1-11
Board of examiners; removal of members; filling vacancies

Sec. 11. The governor shall have the power to remove any member of the board for incompetency, gross immorality, for any abuse of his official power or for any other good cause and may fill any vacancy occasioned by removal, death, resignation or otherwise, by appointment. Any person appointed to fill any vacancy of such board, whether caused by death, resignation, removal or otherwise, shall hold for the unexpired term of the member whose place he is appointed to fill and all vacancies shall be filled in the manner prescribed for the regular appointments to said board.
(Formerly: Acts 1913, c.138, s.10; Acts 1963, c.151, s.6.)

IC 25-14-1-12
Meetings of board; records; affiliation

Sec. 12. (a) The board shall hold not less than two (2) regular meetings in each year at such place as may be fixed by the board and as often in addition as may be necessary for the transaction of such business as may properly come under the provisions of this chapter, and it shall have power to make all necessary rules in accordance with this chapter. Additional meetings may be called at any time by the president or any six (6) members of the board to be held at such time and place as may be designated in the call. Six (6) members of the board constitute a quorum. A majority of the quorum may transact business. The board shall elect a president and a secretary. For their services, the members shall receive per diem and travel expenses as otherwise provided by law.

(b) It shall be the duty of the board through the agency to keep a record of all applications for licenses for a period of time designated by the board, subject to the final approval of the oversight committee on public records under IC 5-15-5.1-19. Such records shall contain all the facts set forth in the application, including the action of the board. The agency shall carry out the administrative functions of the board and shall provide necessary personnel to enable the board to properly carry out and enforce this chapter.

(c) The board may affiliate with the American Association of Dental Boards as an active member thereof and may pay the regular annual dues of the association out of any available funds of the board, which are obtained by examination fees or registration renewal fees as provided by law. However, the affiliation with the American Association of Dental Boards shall not impair, restrict, enlarge, or modify any of the rights, powers, duties, or functions of

the board as prescribed by the laws of this state. The board may designate one (1) of its members as a delegate of any meeting of the association, and such delegate member shall receive the regular per diem paid to members of the board for their services on the board and the member's necessary expenses while traveling to and from and attending such meetings.
(Formerly: Acts 1913, c.138, s.11; Acts 1917, c.160, s.1; Acts 1949, c.248, s.5; Acts 1951, c.120, s.2; Acts 1963, c.151, s.7; Acts 1971, P.L.372, SEC.8; Acts 1972, P.L.10, SEC.7.) As amended by Acts 1977, P.L.2, SEC.77; Acts 1977, P.L.172, SEC.16; Acts 1981, P.L.222, SEC.125; P.L.169-1985, SEC.51; P.L.149-1987, SEC.33; P.L.1-2006, SEC.433; P.L.103-2011, SEC.18.

IC 25-14-1-13
Powers and duties of board; complaints; hearings

Sec. 13. (a) The board is charged with the duty of administering and enforcing the laws pertaining to the practice of dentistry and of dental hygiene. The board may adopt and enforce rules for the administration and enforcement of this article in accordance with IC 4-22-2. The board shall adopt a code of professional conduct and shall adopt rules establishing standards for the competent practice of dentistry or dental hygiene. The board may adopt rules concerning assessment of costs in disciplinary proceedings before the board.

(b) Complaints against persons licensed under this article or IC 25-13 are subject to IC 25-1-7. The board may conduct hearings concerning these complaints in accordance with IC 4-21.5.
(Formerly: Acts 1913, c.138, s.12; Acts 1935, c.90, s.5; Acts 1949, c.248, s.6; Acts 1963, c.151, s.8.) As amended by Acts 1981, P.L.222, SEC.126; P.L.169-1985, SEC.52; P.L.149-1987, SEC.34.

IC 25-14-1-14
Injunction

Sec. 14. The attorney general, prosecuting attorney, the state board of dentistry, or any citizen of any county where any person shall engage in the practice of dentistry, as herein defined, without possessing a valid license so to do, may, in accordance with the laws of the state of Indiana governing injunctions, maintain an action in the name of the state of Indiana to enjoin such person from engaging in the practice of dentistry, as herein defined, until a valid license to practice dentistry be secured. And any person who has been so enjoined who shall violate such injunction shall be punished for contempt of court: Provided, That such injunction shall not relieve such person so practicing dentistry without a valid license from a criminal prosecution therefor as is now provided by law, but such remedy by injunction shall be in addition to any remedy now provided for the criminal prosecution of such offender. In charging any person in a complaint for injunction, or in an affidavit, information or indictment, with a violation of this law by practicing dentistry without a valid license, it shall be sufficient to charge that such person did, upon a certain day and in a certain county, engage

in the practice of dentistry, he not having a valid license so to do, without averring any further or more particular facts concerning the same.
(Formerly: Acts 1913, c.138, s.12a; Acts 1931, c.169, s.6.) As amended by P.L.24-1999, SEC.11.

IC 25-14-1-15
Attorney's fees

Sec. 15. If judgment is rendered in favor of the plaintiff in any action brought under the provisions of this chapter, the court rendering the judgment shall also render judgment for reasonable attorney's fees in the action in favor of the plaintiff and against the defendant, and when collected the fees shall be paid to the attorney or the attorneys of the plaintiff and if paid to the attorney general or to any prosecuting attorney shall be additional to any compensation otherwise allowed by law.
(Formerly: Acts 1913, c.138, s.12b; Acts 1931, c.169, s.7.) As amended by Acts 1982, P.L.154, SEC.49; P.L.103-2011, SEC.19.

IC 25-14-1-16
Applicant requirements; issuance of license; fee; rules for endorsement; appearance before board

Sec. 16. (a) An applicant under this article must submit to the board proof satisfactory to the board that the applicant has not been convicted of a crime that has a direct bearing on the applicant's ability to practice competently.

(b) The board may issue a license upon payment of a fee, set by the board under section 13 of this chapter, to an applicant who furnishes proof satisfactory to the board that the applicant is a dentist who:

(1) is licensed in another state or a province of Canada that has licensing requirements substantially equal to those in effect in Indiana on the date of application;
(2) has practiced dentistry for at least two (2) of the three (3) years preceding the date of application;
(3) passes the law examination administered by the board or an entity approved by the board;
(4) has completed the required hours of continuing education in the previous two (2) years; and
(5) meets all other requirements of this chapter.

(c) The board shall have power to adopt rules under section 13 of this chapter for licensure by endorsement.

(d) An applicant shall, at the request of the board, make an appearance before the board.
(Formerly: Acts 1913, c.138, s.13; Acts 1917, c.160, s.2; Acts 1935, c.90, s.6; Acts 1963, c.151, s.9.) As amended by Acts 1977, P.L.172, SEC.17; P.L.169-1985, SEC.53; P.L.149-1987, SEC.35; P.L.48-1991, SEC.26; P.L.33-1993, SEC.22; P.L.24-1999, SEC.12; P.L.46-2005, SEC.1; P.L.103-2011, SEC.20.

IC 25-14-1-16.1
Repealed
(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-14-1-17
Record of persons practicing with and employed by certificate holder
Sec. 17. A person practicing dentistry, upon written demand made by the secretary of the state board of dentistry, shall not fail to furnish in writing, within twenty (20) days after such demand, the name and address of each person practicing or assisting in the practice of dentistry in the office of said person, together with a sworn statement showing by what authority or license such person or persons are practicing dentistry and in what capacity nonlicensed persons are assisting in practice; said list of names and addresses shall include all persons who have been thus employed within the sixty (60) days next preceding such demand; however, such affidavit may not be used as evidence against either said person or persons so reported in any proceeding under this chapter.
(Formerly: Acts 1913, c.138, s.14; Acts 1917, c.160, s.3; Acts 1931, c.169, s.8.) As amended by Acts 1978, P.L.2, SEC.2528; P.L.24-1999, SEC.13.

IC 25-14-1-18
Display of name and license
Sec. 18. A practitioner of dentistry shall not fail to post, and keep conspicuously displayed, his name and license in the dental office wherein he practices, in plain sight of his patients; if there are more dentists than one (1) practicing or employed in any dental office, the manager or proprietor of the office shall not fail to post and display the name and license of each dentist so practicing and so employed therein.
(Formerly: Acts 1913, c.138, s.15; Acts 1917, c.160, s.4.) As amended by Acts 1977, P.L.172, SEC.18; Acts 1978, P.L.2, SEC.2529.

IC 25-14-1-19
Repealed
(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-14-1-19.1
Repealed
(*Repealed by P.L.152-1988, SEC.30.)*

IC 25-14-1-20
Disciplinary proceedings
Sec. 20. Proceedings for disciplinary action against a holder of a license to practice dentistry or dental hygiene in Indiana shall be had in accordance with IC 25-1-7 and IC 4-21.5.
(Formerly: Acts 1913, c.138, s.17; Acts 1931, c.169, s.10; Acts 1935,

c.90, s.8; Acts 1963, c.151, s.11.) As amended by Acts 1977, P.L.172, SEC.20; P.L.169-1985, SEC.55; P.L.7-1987, SEC.120.

IC 25-14-1-21
Representation by attorney general

Sec. 21. It shall be the duty of the attorney general to represent the state board of dentistry in any court in which an action may be filed for the review of an order of the board as provided for in section 20 of this chapter. The attorney general may, at his discretion, call to his assistance in such action, the prosecuting attorney of the county in which such action is filed. Also, the board, with the written consent of the attorney general, shall have the right to employ, out of its own funds, any other attorney or attorneys to assist the attorney general in any such action.

(Formerly: Acts 1913, c.138, s.18; Acts 1935, c.90, s.9; Acts 1963, c.151, s.12.) As amended by Acts 1982, P.L.154, SEC.50; P.L.24-1999, SEC.14.

IC 25-14-1-22
Exceptions

Sec. 22. This chapter does not apply to the following:

(1) Any commissioned officer of the regular United States armed services, United States Public Health Service, or United States Department of Veterans Affairs in the discharge of the officer's official duties.

(2) Any dentist who is legally qualified to practice in the state or territory where the dentist resides, when in actual consultation with a legal practitioner of Indiana.

(3) Any dentist residing on the border of a neighboring state and authorized to practice dentistry under the laws of the state whose practice extends into the border of Indiana; however, such practitioner shall not open an office or appoint a place to meet patients or solicit practice within Indiana.

(4) Any dentist who is licensed in another state while appearing as a clinician for demonstrating certain methods of technical procedures before a meeting, clinic, or convention of Indiana dentists; however, no fee, cash, or money reimbursement, consideration, or remuneration of any kind is paid directly or indirectly or by any subterfuge, to such clinician by or for the person used as a patient in such clinic or demonstration.

(5) Licensed physicians or surgeons who are authorized to take x-ray pictures of the human teeth or jaws, to extract teeth, and to perform surgical operations (as described in IC 25-22.5-1-1.1(a)(1)(C)) upon the teeth or jaws at their usual office or residence or within the vicinity of their ordinary practice, whenever, in their judgment, the same may be necessary. This exception shall not apply to itinerant licensed physicians and surgeons who have to a large extent abandoned their practice as physicians and surgeons and are, in fact and effect, practicing dentistry almost exclusively.

(Formerly: Acts 1913, c.138, s.19; Acts 1931, c.169, s.11; Acts 1935, c.90, s.10.) As amended by Acts 1977, P.L.172, SEC.21; P.L.169-1985, SEC.56; P.L.1-1990, SEC.252; P.L.217-1993, SEC.1.

IC 25-14-1-23

Practice of dentistry; delegation; procedures prohibited to be delegated; dental students; pharmacists filling prescriptions; services dental assistants may perform

Sec. 23. (a) A person is practicing dentistry within the meaning of this chapter if the person does any of the following:

(1) Uses the word "dentist" or "dental surgeon", the letters "D.D.S." or "D.M.D.", or other letters or titles in connection with dentistry.

(2) Directs and controls the treatment of patients within a place where dental services are performed.

(3) Advertises or permits to be advertised by sign, card, circular, handbill, newspaper, radio, or otherwise that the person can or will attempt to perform dental operations of any kind.

(4) Offers to diagnose or professes to diagnose or treats or professes to treat any of the lesions or diseases of the human oral cavity, teeth, gums, or maxillary or mandibular structures.

(5) Extracts human teeth or corrects malpositions of the teeth or jaws.

(6) Except as provided in IC 25-13-1-10.5 and IC 25-13-1-10.6, administers dental anesthetics.

(7) Uses x-ray pictures for dental diagnostic purposes.

(8) Makes impressions or casts of any oral tissues or structures for the purpose of diagnosis or treatment thereof or for the construction, repair, reproduction, or duplication of any prosthetic device to alleviate or cure any oral lesion or replace any lost oral structures, tissue, or teeth.

(9) Advertises to the public by any method, except trade and professional publications, to furnish, supply, construct, reproduce, repair, or adjust any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth.

(10) Is the employer of a dentist who is hired to provide dental services.

(11) Directs or controls the use of dental equipment or dental material while the equipment or material is being used to provide dental services. However, a person may lease or provide advice or assistance concerning dental equipment or dental material if the person does not restrict or interfere with the custody, control, or use of the equipment or material by the dentist. This subdivision does not prevent a dental hygienist who is licensed under IC 25-13 from owning dental equipment or dental materials within the dental hygienist's scope of practice.

(12) Directs, controls, or interferes with a dentist's clinical judgment.

(13) Exercises direction or control over a dentist through a written contract concerning the following areas of dental practice:

(A) The selection of a patient's course of treatment.

(B) Referrals of patients, except for requiring referrals to be within a specified provider network, subject to the exceptions under IC 27-13-36-5.

(C) Content of patient records.

(D) Policies and decisions relating to refunds, if the refund payment would be reportable under federal law to the National Practitioner Data Bank, and warranties.

(E) The clinical content of advertising.

(F) Final decisions relating to the employment of dental office personnel.

However, this subdivision does not prohibit a person from providing advice or assistance concerning the areas of dental practice referred to in this subdivision or an insurer (as defined in IC 27-1-26-1) from carrying out the applicable provisions of IC 27 under which the insurer is licensed.

However, a person does not have to be a dentist to be a manufacturer of dental prostheses.

(b) In addition to subsection (a), a person is practicing dentistry who directly or indirectly by any means or method furnishes, supplies, constructs, reproduces, repairs, or adjusts any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth and delivers the resulting product to any person other than the duly licensed dentist upon whose written work authorization the work was performed. A written work authorization shall include the following:

(1) The name and address of the dental laboratory to which it is directed.

(2) The case identification.

(3) A specification of the materials to be used.

(4) A description of the work to be done and, if necessary, diagrams thereof.

(5) The date of issuance of the authorization.

(6) The signature and address of the licensed dentist or other dental practitioner by whom the work authorization is issued.

A separate work authorization shall be issued for each patient of the issuing licensed dentist or other dental practitioner for whom dental technological work is to be performed.

(c) This section shall not apply to those procedures which a legally licensed and practicing dentist may delegate to a dental assistant as to which procedures the dentist exercises direct supervision and responsibility.

(d) Procedures delegated by a dentist may not include the following:

(1) Those procedures which require professional judgment and skill such as diagnosis, treatment planning, the cutting of hard or soft tissues, or any intraoral impression which would lead to

the fabrication of a final prosthetic appliance.

(2) Except for procedures described in subsections (g) and (h), procedures delegated to a dental assistant may not include procedures allocated under IC 25-13-1 to a licensed dental hygienist.

(e) This chapter shall not prevent dental students from performing dental operations under the supervision of competent instructors within the dental school or a university recognized by the board or in any public clinic under the supervision of the authorized superintendent of such clinic authorized under the authority and general direction of the board of health or school board of any city or town in Indiana.

(f) Licensed pharmacists of this state may fill prescriptions of licensed dentists of this state for any drug necessary in the practice of dentistry.

(g) Notwithstanding IC 25-13-1-11(4), a dental assistant who has completed a board approved curriculum may apply medicaments for the control or prevention of dental caries under the direct supervision of a licensed dentist. The curriculum must include instruction on the following:

(1) Ethics and jurisprudence.

(2) Reasons for fluorides.

(3) Systemic fluoride.

(4) Topical fluoride.

(5) Fluoride application.

(6) Laboratory work on topical fluoride applications and patient competency.

(h) Notwithstanding IC 25-13-1-11(3), a dental assistant who has completed a board approved curriculum may polish the coronal surface of teeth under the direct supervision of a licensed dentist. The curriculum must include instruction on the following:

(1) Ethics and jurisprudence.

(2) Plaque and materia alba.

(3) Intrinsic and extrinsic stain.

(4) Abrasive agents.

(5) Use of a slow speed hand piece, prophy cup, and occlusal polishing brush.

(6) Theory of selective polishing.

(7) Laboratory work concerning slow speed hand piece, hand dexterity, and patient competency.

(Formerly: Acts 1913, c.138, s.20; Acts 1917, c.160, s.6; Acts 1931, c.169, s.12; Acts 1943, c.308, s.2; Acts 1963, c.151, s.13; Acts 1971, P.L.372, SEC.9.) As amended by P.L.169-1985, SEC.57; P.L.155-1988, SEC.1; P.L.102-2000, SEC.2; P.L.121-2007, SEC.5; P.L.134-2008, SEC.24.

IC 25-14-1-24

Evidence of practice of dentistry; exception

Sec. 24. The announcing to the public in any manner of intent to maintain, directly or indirectly, an office or place of business for the

practice of dentistry, or the use of any professional degree, title, or designation, personal or otherwise, or a sign, card, circular, device, picture, or advertisement that might impress the public that the office is used for the practice of dentistry is prima facie evidence of engaging in the practice of dentistry. Nothing in this section may be construed to interfere with sales of dental equipment or materials by established, bona fide dealers or with the renting or leasing of real estate or dental equipment by the actual owner thereof or his agent. *(Formerly: Acts 1913, c.138, s.20a; Acts 1943, c.308, s.3.) As amended by P.L.155-1988, SEC.2.*

IC 25-14-1-25
Specific violations

Sec. 25. (a) It is a Class D felony for a person to do any of the following:

(1) Practice dentistry not being at the time a dentist duly licensed to practice as such in this state under this chapter.

(2) Employ, hire, or procure one who is not duly licensed as a dentist to practice dentistry, but a person practiced upon by an unlicensed dentist does not violate this section.

(b) It is a Class B misdemeanor for a person to do any of the following:

(1) Sell or barter, or offer to sell or barter, or, not being lawfully authorized so to do, issue or confer, or offer to issue or confer, any dental degree, license, or any diploma or document conferring, or purporting to confer, any dental degree or license, or any certificate or transcript made, or purporting to be made, under this chapter.

(2) Purchase, or procure by barter, any diploma, license, certificate, or transcript, with intent that it be used as evidence of the qualifications to practice dentistry of any person other than the one upon, or to whom, it was lawfully conferred or issued, or in fraud of the laws regulating the practice.

(3) Use any diploma, certificate, or transcript which has been purchased, fraudulently issued, counterfeited, or materially altered, either as a license or color of license, to practice dentistry, or in order to procure registration as a dentist.

(4) Practice dentistry under a false name, under a name intended to mislead the public, under the license of another person of the same name, or hold the person out to the public under such a name as a practitioner of dentistry.

(5) Assume the title or degree of "Bachelor of Dental Surgery", append the letters "B.D.S.", "D.D.S.", "M.D.S.", or "D.M.D.", to the person's name, or make use of the same, or prefix to his name the title of "Doctor", or any abbreviation thereof, not having had duly conferred upon the person by diploma from some college, school, or board of examiners legally empowered to confer the same, the right to assume such a title.

(6) Assume any title or append or prefix any words to the person's name, with intent to represent falsely that the person

has received a dental degree or license.

(7) Not having been licensed to practice dentistry under the laws of this state, represent that the person is entitled so to practice (a dental licensee may use the prefix "Doctor" or "Dr." to his name).

(8) Falsely personate another at any examination to ascertain the preliminary professional education of candidates for dental certificates, dental degrees, or dental licenses or knowingly avail the person of the benefit of false personation.

(8) Otherwise violate this chapter.

(c) Each date that a person violates this section constitutes a separate offense.

(Formerly: Acts 1913, c.138, s.21; Acts 1917, c.160, s.7; Acts 1931, c.169, s.13; Acts 1963, c.151, s.14.) As amended by Acts 1977, P.L.172, SEC.22; Acts 1978, P.L.2, SEC.2530; P.L.169-1985, SEC.58; P.L.155-1988, SEC.3; P.L.103-2011, SEC.22.

IC 25-14-1-26
Repealed

(*Repealed by P.L.4-1998, SEC.15.)*

IC 25-14-1-27
Repealed

(*Repealed by Acts 1979, P.L.17, SEC.55.)*

IC 25-14-1-27.1
Inactive licenses; remediation

Sec. 27.1. (a) The board may classify a license as inactive if the board receives written notification from a licensed dentist stating that the dentist will not practice as a dentist in Indiana.

(b) The board may issue a license to the holder of an inactive license under this section, if the applicant:

(1) pays the renewal fee set by the board;

(2) pays the reinstatement fee set by the board;

(3) meets continuing education requirements set by the board; and

(4) meets competency standards set by the board.

(c) The board may require a licensee whose license has been inactive for more than three (3) years to participate in remediation or pass an examination administered by an entity approved by the board.

As added by P.L.235-1995, SEC.7. Amended by P.L.103-2011, SEC.21.

IC 25-14-1-27.5
Instructor's license; requirements; holding of license; prohibition on use; teaching and practicing dentistry; validity; fee; limitation on number; rules

Sec. 27.5. (a) The board may issue an instructor's license to an individual who is not otherwise licensed to practice dentistry in

Indiana if the individual meets the following conditions:

(1) The individual has been licensed or has had the equivalent of a license for five (5) of the preceding nine (9) years to practice dentistry in the United States or in any country, territory, or other recognized jurisdiction.

(2) The individual has been approved under the credentialing process of an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry that is accredited by:

(A) the American Dental Association Commission on Dental Accreditation; or

(B) the Joint Commission on Accreditation of Health Care Organizations.

(3) The individual has successfully documented or demonstrated clinical and academic competency to the board.

(4) The individual is fluent in the English language.

(5) The individual passes the written law examination administered by the board.

(6) The individual meets the continuing education requirements required by IC 25-14-3.

(7) The individual pays the licensing fee set by the board under subsection (f).

(b) A license issued under this section must be held by the Indiana school of dentistry for which the licensee is employed.

(c) A license issued under this section does not meet the requirements of section 16 of this chapter and may not be used to obtain a general dentistry license under this article.

(d) A licensee under this section may teach and practice dentistry only at or on behalf of an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry.

(e) An instructor's license is valid only during the time the licensee is employed or has a valid employment contract for a full-time faculty position at the Indiana school of dentistry or an affiliated medical center. The Indiana school of dentistry or the affiliated medical center shall notify the board in writing upon the termination of the employment contract of an individual who is issued a license under this section and surrender the license not later than thirty (30) days after the licensee's employment ceases.

(f) The board shall set a fee for the issuance and renewal of a license under this section.

(g) Unless renewed, a license issued by the board under this section expires annually on a date specified by the agency under IC 25-1-5-4. An applicant for renewal must pay the renewal fee set by the board on or before the renewal date specified by the agency.

(h) Not more than ten percent (10%) of the Indiana school of dentistry's full-time faculty may be individuals licensed under this section.

(i) The board shall adopt rules under IC 4-22-2 necessary to implement this section.

As added by P.L.210-2003, SEC.1. Amended by P.L.97-2004,

SEC.92; P.L.1-2006, SEC.434; P.L.49-2008, SEC.1; P.L.103-2011, SEC.23.

IC 25-14-1-28
Severability

Sec. 28. If any provision of this chapter as amended be decided by the courts to be unconstitutional or invalid, such unconstitutional or invalid provision shall be considered severable from the remainder of this chapter and shall be exscinded therefrom, and the same shall not affect the validity of this chapter as a whole, or any part thereof, other than the part so decided to be unconstitutional or invalid.
(Formerly: Acts 1913, c.138, s.23a; Acts 1931, c.169, s.14; Acts 1935, c.90, s.11.) As amended by Acts 1982, P.L.154, SEC.52.

IC 25-14-1-29
Liberal construction

Sec. 29. This chapter shall be deemed to be enacted in the interests of public health, safety, and welfare, and its provisions shall be liberally construed to serve such interests.
(Formerly: Acts 1971, P.L.372, SEC.10.)

IC 25-14-1-30
Repealed

(*Repealed by P.L.6-2012, SEC.172; P.L.6-2012, SEC.173.)*

IC 25-14-1-30.2
Certificates deemed licenses

Sec. 30.2. All certificates issued by the dental board for the practice of dentistry before May 1, 1977, shall be deemed to be licenses for the practice of dentistry. All applications for the practice of dentistry and all renewal notices sent for the practice of dentistry in Indiana shall be for licenses and not for certificates. For the purposes of this chapter, all certificates and renewals for certificates for the practice of dentistry shall be the same as licenses and renewals for licenses issued after May 1, 1977.
As added by P.L.6-2012, SEC.174.

IC 25-14-1-30.4
Discipline; knowledge of standards of conduct and practice

Sec. 30.4. (a) An individual who:
(1) is licensed under; and
(2) fails to comply with;
this article or rules adopted under this article is subject to discipline under IC 25-1-9.

(b) An individual who is licensed under this article is responsible for knowing the standards of conduct and practice established by this article and rules adopted under this article.
As added by P.L.6-2012, SEC.175.

IC 25-14-2

Chapter 2. Marking Requirements for Dentures and Partial Dentures

IC 25-14-2-1

Definition

Sec. 1. As used in this chapter, "dentist" means an individual who holds a license to practice dentistry in Indiana issued under IC 25-14-1.

As added by P.L.135-1984, SEC.1.

IC 25-14-2-2

Marking denture

Sec. 2. Except as otherwise provided in section 5 of this chapter, a dentist shall see that each denture he delivers to a patient in Indiana is marked in the manner prescribed in this chapter if the denture has been fabricated by the dentist or under a work order issued by him.

As added by P.L.135-1984, SEC.1.

IC 25-14-2-3

Marking partial denture

Sec. 3. Except as otherwise provided in section 5 of this chapter, a dentist shall see that each partial denture he delivers to a patient in Indiana is marked in the manner prescribed in this chapter if the partial denture has been fabricated, rebased, or duplicated by the dentist or pursuant to a work order issued by him.

As added by P.L.135-1984, SEC.1.

IC 25-14-2-4

Option to mark patient's name or Social Security number

Sec. 4. Each denture and each partial denture covered by section 2 or 3 of this chapter shall be marked, at the patient's option, with either the patient's name or his social security number.

As added by P.L.135-1984, SEC.1.

IC 25-14-2-5

Exception to requirements of chapter

Sec. 5. If a dentist:

(1) determines that it is impossible to mark a denture or a partial denture in the manner described in section 4 of this chapter; and

(2) notifies the patient in writing of that determination before the denture or partial denture is delivered to the patient;

the marking requirements of this chapter do not apply to that denture or partial denture.

As added by P.L.135-1984, SEC.1.

IC 25-14-3

Chapter 3. Continuing Education

IC 25-14-3-1

Application of chapter

Sec. 1. This chapter does not apply to the following:

(1) A dentist who has held an initial license for less than two (2) years.

(2) A graduate student or a person in a resident program offered by an approved organization listed under section 2(13) of this chapter.

(3) A person who is determined by the board as being unable to practice dentistry due to a disability.

(4) A person who has been granted an inactive license under IC 25-14-1-27.1.

As added by P.L.185-1991, SEC.7. Amended by P.L.235-1995, SEC.8.

IC 25-14-3-2

"Approved organization"

Sec. 2. "Approved organization" means the following:

(1) United States Department of Education.

(2) Council on Post-Secondary Education.

(3) National Dental Association.

(4) American Dental Association.

(5) Academy of General Dentistry.

(6) National Dental Hygiene Association.

(7) American Dental Hygiene Association.

(8) Council on Hospital Dental Services.

(9) American Medical Association.

(10) Joint Commission on Accreditation of Hospitals.

(11) Joint Commission on Healthcare Organizations.

(12) Study clubs approved by the board.

(13) Federal, state, and local government agencies.

(14) International organizations approved by the American Dental Association.

(15) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.

(16) A national, state, district, or local organization that operates as an affiliated entity under the approval of any organization listed in subdivisions (1) through (14).

(17) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (15).

(18) Any other organization or individual approved by the board.

As added by P.L.185-1991, SEC.7.

IC 25-14-3-3

"Board"

Sec. 3. As used in this chapter, "board" refers to the state board of dentistry established under IC 25-14-1-2.

As added by P.L.185-1991, SEC.7. Amended by P.L.24-1999, SEC.15.

IC 25-14-3-4

"Continuing education course"

Sec. 4. As used in this chapter, "continuing education course" means an orderly process of instruction designed to directly enhance the practicing dentist's knowledge and skill in providing relevant dentist services that is approved by an approved organization.

As added by P.L.185-1991, SEC.7.

IC 25-14-3-5

"License"

Sec. 5. As used in this chapter, "license" means a license to practice dentistry under IC 25-14-1-3.

As added by P.L.185-1991, SEC.7.

IC 25-14-3-6

"License period"

Sec. 6. As used in this chapter, "license period" means the two (2) year period beginning on March 2, 1992, and every two (2) years thereafter.

As added by P.L.185-1991, SEC.7.

IC 25-14-3-7

"Study club"

Sec. 7. As used in this chapter, "study club" means a group of at least five (5) dentists who do the following:

(1) Organize for the purpose of scientific study.
(2) Operate under the direction of elected officers.
(3) Maintain written bylaws.
(4) Conduct regular meetings.
(5) Maintain written attendance records of all meetings.

As added by P.L.185-1991, SEC.7.

IC 25-14-3-8

Continuing education credit requirements

Sec. 8. (a) A dentist must complete at least twenty (20) credit hours in continuing education courses each license period. At least half of the required minimum credit hours must be from live presentations or live workshops.

(b) Credit hours may be applied under this section only toward the credit hour requirement for the license period during which the credit hours are earned.

(c) During a license period, a dentist may not earn more than five (5) credit hours toward the requirements under this section for continuing education courses that relate specifically to the area of

practice management.
As added by P.L.185-1991, SEC.7. Amended by P.L.103-2011, SEC.25.

IC 25-14-3-9
Award of credit hours

Sec. 9. Credit hours under section 8 of this chapter must be awarded as follows:

(1) A course presented by a college under a regular curriculum is awarded one (1) credit hour for each lecture hour attended.

(2) A course not listed in subdivision (1) is awarded one (1) credit hour for each lecture hour and two (2) credit hours for each participation hour of the course.

(3) A speech, lecture, or other presentation by a dentist is awarded two (2) credit hours if the following conditions are met:

(A) The presentation concerns a subject that would be suitable for a continuing education course.

(B) The subject of the presentation is eligible for credit only once, regardless of the number of times it is presented.

(C) The dentist maintains a record of the time, place, and date of the presentation.

(D) The presentation is sponsored by an approved organization.

(E) Not more than four (4) credit hours are awarded to the dentist under this subdivision during a license period.

(4) Attendance at a state, regional, or national meeting sponsored by an approved organization is awarded one (1) credit hour.

(5) Attendance at a meeting of a study club that uses films, audio cassettes, live presentations, or written materials sponsored by the American Dental Association is awarded one (1) credit hour. However, a dentist may not receive credit under this subdivision for more than four (4) credit hours during a license period.

(6) Attendance at a meeting of a study club featuring a guest speaker whose presentation concerns a subject suitable for a continuing education course is awarded one (1) credit hour for each hour attended.

(7) A home study course that is presented by an approved organization and meets the requirements under this subdivision is awarded the same number of credit hours given to courses provided by a college. If the approved organization does not assess credit hours to a course under this subdivision, the course is awarded one (1) credit hour for each hour of study material. Subject matter of the course may be presented by written, audio, or video materials.

As added by P.L.185-1991, SEC.7. Amended by P.L.119-1992, SEC.4.

IC 25-14-3-10
Repealed
(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-14-3-11
Compliance
Sec. 11. The board and the dentist shall comply with the requirements under IC 25-1-4 concerning continuing education.
As added by P.L.185-1991, SEC.7. Amended by P.L.269-2001, SEC.10; P.L.157-2006, SEC.57.

IC 25-14-3-12
Board supervision of course offerings; rules
Sec. 12. (a) A member of the board may attend or monitor a continuing education course.
(b) An approved organization shall provide the board with course information or materials requested by the board.
(c) If the board determines that an approved organization does not meet the requirements of this chapter, the board shall do the following:
(1) Provide written notification to the organization of the noncompliance specifying the items of noncompliance and the conditions of reinstatement.
(2) Deny credit hours awarded by the organization from the time that the organization receives a notice until the date of reinstatement.
(3) Make reasonable efforts to notify dentists of the organization's noncompliance status.
(d) The board shall adopt rules under IC 4-22-2 to implement this chapter.
As added by P.L.185-1991, SEC.7.

IC 25-14-3-13
Repealed
(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-14-3-14
Repealed
(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-14-3-15
Repealed
(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-14-3-16
Location of course offerings
Sec. 16. Continuing education courses must be made available in all geographical regions of Indiana.
As added by P.L.185-1991, SEC.7.

IC 25-14-4

Chapter 4. Referral Services

IC 25-14-4-1

Application of chapter

Sec. 1. This chapter does not apply to:

(1) any individual, agency, association, or corporation not organized or incorporated for pecuniary profit or financial gain;

(2) any organization or association that is exempt from taxation under Section 501(c) of the Internal Revenue Code; or

(3) any policy issued under IC 27 or entity licensed or regulated under IC 27, including the following:

(A) A health maintenance organization under IC 27-13.

(B) A claim review agent under IC 27-8-16.

(C) A utilization review agent under IC 27-8-17.

(D) A preferred provider arrangement under IC 27-8-11.

(E) An insurance administrator under IC 27-1-25.

As added by P.L.33-1993, SEC.23. Amended by P.L.26-1994, SEC.8.

IC 25-14-4-2

Disclosure that dentist paid referral fee for participation in service

Sec. 2. A person, firm, partnership, association or corporation, or agent or employee that engages in for profit any business or service that in whole or in part includes the referral or recommendation of persons to a dentist for any form of dental care or treatment must disclose to a prospective patient at the time the prospective patient makes the contact with the service that the licensed dentist has paid a fee for participation in the service.

As added by P.L.33-1993, SEC.23.

IC 25-14-4-3

Out-of-state dental referrals to business not meeting chapter requirements

Sec. 3. A dentist may not enter into a contract or other form of agreement to accept for dental care or treatment a person referred or recommended for the care or treatment by a dental referral service business located in or doing business in another state if the dental referral service business does not meet the requirements of this chapter.

As added by P.L.33-1993, SEC.23.

IC 25-14-4-4

Advertisements by dental referral services; necessary disclaimers

Sec. 4. A for-profit dental referral service that advertises must include in each advertisement an audible or a written disclaimer revealing that:

(1) Each subscribing member of the for-profit dental referral service is a dentist who has paid a fee to participate in the service.

(2) Dentists who are members of the for-profit dental referral

service are not more or less qualified than dentists who are not members of the service.

As added by P.L.33-1993, SEC.23.

IC 25-14-4-5

Advertisements; prohibited acts

Sec. 5. For-profit dental referral service advertisements may not do any of the following:

(1) Misrepresent facts, be deceptive, or create false or misleading impressions regarding the skills or abilities of subscribing dentists.

(2) Contain statements or make recommendations concerning nonspecific or non bona fide claims of providing referrals to the most qualified dentists or dental practices.

(3) Describe:

(A) a review process;

(B) a screening; or

(C) qualifications or information verification;

that misleads the public into thinking a dentist subscriber has obtained a special recognition or joined a selective group of licensed dentists by being a member of the for-profit dental referral service.

As added by P.L.33-1993, SEC.23.

IC 25-14-4-6

Chapter violation; offenses

Sec. 6. A person who violates this chapter commits a Class A misdemeanor.

As added by P.L.33-1993, SEC.23.

IC 25-14-4-7

Injunctive relief

Sec. 7. (a) This section is in addition to the penalty imposed under section 6 of this chapter.

(b) Whenever there is a violation of this chapter, the attorney general may seek an injunction in a circuit or superior court with jurisdiction in the county where the violation occurred to enjoin and restrain the continuance of the violation.

(c) If the court finds that the defendant has violated this chapter, an injunction may be issued by the court enjoining and restraining any further violation without requiring proof that any person has been injured or damaged by the defendant's action.

As added by P.L.33-1993, SEC.23.

IC 25-14-4-8

Notice of intent to bring action against referral service; opportunity to cure violation

Sec. 8. (a) No legal action under this chapter may be commenced by the attorney general against a for-profit dental referral service until the attorney general has given the service thirty (30) days

written notice of the violation.

(b) Notice under subsection (a) must comply with the following:

(1) Be sent by registered or certified mail, return receipt requested.

(2) Include a copy of the code sections of the chapter alleged to have been violated.

(3) Describe the alleged unlawful advertising.

(4) Include a statement that the for-profit dental referral service has the lesser of:

(A) thirty (30) days from the date the notice was received; or

(B) thirty-five (35) days from the date the notice was sent;

to cure the violation.

(c) A for-profit dental service that does not cure a violation within the time period required under subsection (b) is subject to sections 6 and 7 of this chapter.

As added by P.L.33-1993, SEC.23.

IC 25-14-4-9

Rules and guidelines

Sec. 9. Before January 2, 1994, the state board of dentistry established by IC 25-14-1-2 shall adopt rules under IC 4-22-2 that may include the following:

(1) Guidelines regarding the referral of subscribing dentists for specialty services.

(2) Guidelines for ensuring that patient referrals by the for-profit dental referral service must be initiated by a patient.

(3) Guidelines for ensuring that the for-profit dental referral service does not impose a fee on the subscribing dentists dependent upon the number of referrals or the amount of professional fees paid by the patient to the dentist.

(4) Guidelines for ensuring there is a prohibition against for-profit dental referral services limiting dentist subscribers solely on the basis of a dentist's exclusive geographic location.

(5) Guidelines regarding dentists basing fees on services performed with no additional fee charged because the patient is a referral.

(6) Guidelines for preventing for-profit dental referral service advertisements that are false, misleading, or deceptive.

(7) Guidelines considering the content of disclaimers required in section 4 of this chapter for dental referral services that advertise on television or any other medium that combine audio and video. Such guidelines may require both audio and visual disclaimers.

(8) A procedure for a for-profit dental referral service to forward complaints to the proper state authority.

(9) Appropriate safeguards to ensure that all subscribing dentists are fairly selected for referrals on a rotating basis.

(10) Guidelines for ensuring that a for-profit dental referral service must charge each subscribing dentist in the same advertising market the same fee to become a member of the

service.

As added by P.L.33-1993, SEC.23. Amended by P.L.24-1999, SEC.16.

IC 25-14-5

Chapter 5. Dental Underserved Area and Minority Recruitment Program

IC 25-14-5-1

Committee

Sec. 1. As used in this chapter, "committee" means the dental recruitment committee established by section 4 of this chapter.

As added by P.L.177-2009, SEC.34.

IC 25-14-5-2

Fund

Sec. 2. As used in this chapter, "fund" refers to the Indiana dental recruitment fund established by section 5 of this chapter.

As added by P.L.177-2009, SEC.34.

IC 25-14-5-2.5

Minority

Sec. 2.5. As used in this chapter, "minority" means an individual identified as any of the following:

(1) Black or African-American.

(2) Hispanic or Latino.

As added by P.L.177-2009, SEC.34.

IC 25-14-5-3

Underserved area

Sec. 3. As used in this chapter, "underserved area" means a county, city, town, census tract, or township designated by the state department of health under IC 16-46-5-7 or by the committee as underserved by general dentists, pediatric dentists, oral surgeons, or dental hygienists.

As added by P.L.177-2009, SEC.34.

IC 25-14-5-4

Dental recruitment committee

Sec. 4. (a) The dental recruitment committee is established.

(b) The committee consists of four (4) members as follows:

(1) One (1) member of the board, who is selected by the board.

(2) The commissioner of the state department of health, or the commissioner's designee.

(3) The president of the Indiana Dental Association, or the president's designee.

(4) The dean of the Indiana University School of Dentistry, or the dean's designee.

(c) The member selected under subsection (b)(1) shall serve as chairperson of the committee.

As added by P.L.177-2009, SEC.34.

IC 25-14-5-5

Dental recruitment fund

Sec. 5. (a) The Indiana dental recruitment fund is established. The purpose of the fund is to provide grants to dentists and dental hygienists to encourage the full-time delivery of dental care in underserved areas and to increase the number of minority dentists and dental hygienists in Indiana. The board shall administer the fund.

(b) The fund consists of the following:

(1) Payments made under section 6(3) of this chapter.

(2) Gifts to the fund.

(3) Grants from public or private sources.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The fund shall be used to do the following:

(1) Provide grants under this chapter.

(2) Pay the costs incurred by the committee in administering this chapter.

As added by P.L.177-2009, SEC.34.

IC 25-14-5-6
Grant eligibility

Sec. 6. To be eligible for a grant, a dentist or dental hygienist must meet all the following conditions:

(1) Hold a license to practice as a dentist under this article or as a dental hygienist under IC 25-13-1.

(2) Has entered into an agreement with the committee to:

(A) either:

(i) commit to working five (5) years in an underserved area or as a minority dentist or dental hygienist in Indiana for a yearly grant of thirty-five thousand dollars ($35,000); or

(ii) commit to working two (2) years in an underserved area or as a minority dentist or dental hygienist in Indiana for a yearly grant of thirty thousand dollars ($30,000) with the option by the dentist or dental hygienist to serve up to three (3) additional years for a yearly grant of thirty-five thousand dollars ($35,000);

(B) provide an average of at least forty (40) hours of dentistry per week in underserved areas or as a minority dentist or dental hygienist in Indiana;

(C) maintain a patient base that includes at least thirty percent (30%) as Medicaid patients; and

(D) provide a sliding fee scale, as approved by the committee, for low income patients.

(3) Has entered into an agreement with the committee that if the dentist or dental hygienist does not comply with the requirements in subdivision (2) that the dentist or dental hygienist will pay back to the committee seven thousand five hundred dollars ($7,500), plus interest, for each month that the dentist or dental hygienist did not serve or had left to serve

under the terms of the agreement.
As added by P.L.177-2009, SEC.34. Amended by P.L.1-2010, SEC.106.

IC 25-14-5-7
Application form
Sec. 7. A dentist or dental hygienist must apply for a grant on an application form supplied by the committee.
As added by P.L.177-2009, SEC.34.

IC 25-14-5-8
Determination by committee
Sec. 8. The committee shall consider each application and determine the following:
(1) The eligibility of the applicant for the grant program.
(2) The availability of sufficient money in the fund.
As added by P.L.177-2009, SEC.34.

IC 25-14-5-9
Rules
Sec. 9. The committee may recommend rules for the board to adopt under IC 4-22-2 that are necessary to administer this chapter.
As added by P.L.177-2009, SEC.34.

IC 25-14.5

ARTICLE 14.5. DIETITIANS

IC 25-14.5-1

Chapter 1. Definitions

IC 25-14.5-1-1

Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-1-2

"Board"

Sec. 2. "Board" refers to the Indiana dietitians certification board established by IC 25-14.5-2-1.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-1-3

"Agency"

Sec. 3. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

As added by P.L.124-1994, SEC.7. Amended by P.L.1-2006, SEC.435.

IC 25-14.5-1-4

"Certified dietitian"

Sec. 4. "Certified dietitian" refers to a person certified under this article to practice dietetics. Activities of a certified dietitian do not include the medical differential diagnoses of the health status of an individual.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-1-5

"Commission on dietetic registration"

Sec. 5. "Commission on dietetic registration" refers to the Commission on Dietetic Registration that is:

(1) a national certifying agency for voluntary professional credentialing in dietetics; and

(2) a member of the national commission for health certifying agencies.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-1-6

"Degree"

Sec. 6. "Degree" means a degree received from a college or university that:

(1) was located in the United States; and

(2) was regionally accredited;

at the time the degree was conferred.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-1-7
"Dietetics"

Sec. 7. "Dietetics" means the integration and application of principles derived from the science of food and nutrition to provide for all aspects of nutrition therapy for individuals and groups, including nutrition therapy services (as defined in section 12 of this chapter) and medical nutrition therapy (as defined in section 9 of this chapter).

As added by P.L.124-1994, SEC.7.

IC 25-14.5-1-8
"Examination"

Sec. 8. "Examination" means an examination for the certification of dietitians used or approved by the board. The examination may be created by the board, created by a person as determined by and approved by the board, or created in part by the board and in part by a person or entity other than the board.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-1-9
"Medical nutrition therapy"

Sec. 9. "Medical nutrition therapy" means the component of nutrition therapy that concerns:

(1) determining and recommending nutrient needs based on nutritional assessment and medical problems relative to medically prescribed diets, including:
  (A) tube feedings;
  (B) specialized intravenous solutions; and
  (C) specialized oral feedings;
(2) interactions of prescription drugs with food and nutrients; or
(3) developing and managing food services operations that have the chief function of providing nutrition therapy services and providing medically prescribed diets.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-1-10
"Medically prescribed diet"

Sec. 10. "Medically prescribed diet" means a diet that is:

(1) prescribed when specific food or nutrient levels need to be monitored or altered, or both, as a component of a treatment regimen for an individual whose health status is impaired or at risk due to disease, injury, or surgery; and
(2) performed as initiated by or in consultation with a physician licensed to practice medicine in Indiana.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-1-11
"National commission for health certifying agencies"

Sec. 11. "National commission for health certifying agencies" refers to the national organization that:

(1) established national standards for certifying bodies that attest to the competence of individuals who participate in the health care delivery system;

(2) grants recognition to certifying bodies that voluntarily apply and meet the established standards; and

(3) monitors the adherence to those standards by the certifying bodies that the national commission for health certifying agencies has recognized.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-1-12
"Nutrition therapy services"

Sec. 12. (a) "Nutrition therapy services" means the following services that are directed toward humans:

(1) Assessing the nutritional needs of individuals and groups, considering the resources and constraints in the practice setting.

(2) Establishing priorities, goals, and objectives for therapy that meet nutritional needs of individuals and groups and that are consistent with available resources and constraints.

(3) Providing nutrition counseling in health and disease.

(4) Developing, implementing, and managing:

(A) nutrition therapy of; and

(B) food service systems for;

individuals and groups.

(5) Maintaining appropriate standards of quality in food and nutrition therapy services for individuals and groups.

(b) The term does not include the retail sale of food products or vitamins.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-1-13
"Practice experience"

Sec. 13. "Practice experience" means a preprofessional, documented, supervised practice in dietetics services that is acceptable to the board in compliance with requirements for certification. It may be or may include a documented, supervised practice experience that is a component of the educational requirements for certification.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-1-14
"Practice of dietetics"

Sec. 14. "Practice of dietetics" means the integration and application of the principles derived from the sciences of nutrition, biochemistry, food, physiology, management, and behavioral and social sciences to achieve and maintain people's health through the provision of nutrition therapy services.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-2

Chapter 2. Indiana Dietitians Certification Board

IC 25-14.5-2-1

Establishment

Sec. 1. The Indiana dietitians certification board is established.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-2-2

Membership

Sec. 2. The board consists of seven (7) members appointed by the governor as follows:

(1) Four (4) members who are certified under this article and currently provide and have provided services in the practice of dietetics in Indiana for a minimum of three (3) years.

(2) One (1) member who is a physician licensed under IC 25-22.5.

(3) One (1) member who is a registered nurse licensed under IC 25-23.

(4) One (1) member representing the public who is a resident of Indiana and has never been associated with dietetics in any way other than as a consumer.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-2-3

Terms

Sec. 3. (a) Except as provided in subsection (b), the term of office for each member of the board is three (3) years.

(b) A member shall hold office until a successor has been appointed.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-2-4

Vacancies

Sec. 4. A vacancy on the board shall be filled for the unexpired term in the same manner as the original appointment.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-2-5

Adoption of rules

Sec. 5. (a) The board shall adopt rules under IC 4-22-2 establishing standards for:

(1) professional responsibility or a code of ethics for the profession of dietetics;

(2) applicant qualifications of a certified dietitian;

(3) the administration of this article;

(4) the number of hours of continuing education needed for renewal of certification and the procedures for approving continuing education courses and programs; and

(5) establishing fees under IC 25-1-8-2 as described in

subsection (b).

(b) The board shall establish, charge, and collect fees under IC 25-1-8-2 for:

(1) the filing of an application for a certificate under this article;

(2) the original issuance of a certificate under this article;

(3) a renewal of a certificate issued in accordance with this article;

(4) the replacement of a certificate or renewal certificate lost or destroyed; and

(5) any other purposes prescribed by IC 25-1-8-2.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-2-6

Meetings; quorum; secretary

Sec. 6. (a) The board shall hold meetings as follows:

(1) A meeting for the purpose of organization must be held not more than thirty (30) days after the board members are appointed.

(2) The board shall hold at least two (2) regular meetings each calendar year. At the first regular meeting each year, the board shall elect a chairperson and vice chairperson.

(3) Special meetings may be held at the discretion of the chairperson.

(4) Meetings may be held at such time as the board or chairperson shall determine.

(b) A quorum of the board consists of four (4) members.

(c) A secretary of the board shall be elected by the board and shall hold office at the pleasure of the board.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-2-7

Compensation

Sec. 7. (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-3

Chapter 3. Applicant Qualifications

IC 25-14.5-3-1

Educational requirements

Sec. 1. The board may require a person who applies for a certified dietitian certificate to have:

(1) completed a major course of study in human nutrition, nutrition education, food and nutrition, and dietetics or food systems management; and

(2) received a baccalaureate or higher degree from a regionally accredited college or university located in the United States or its territories.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-3-2

Validation of academic degrees

Sec. 2. The board may require a person who:

(1) applies for a certificate as a certified dietitian; and

(2) has obtained the person's education outside of the United States and its territories;

to have the person's academic degree or degrees validated by an organization approved by the board. The validating organization must state that the degree is equivalent to a baccalaureate or master's degree conferred by a regionally accredited college or university located in the United States.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-3-3

Practice experience requirement

Sec. 3. The board may require a person who applies for a certificate as a certified dietitian to have completed a documented, supervised practice experience of not less than nine hundred (900) hours under the supervision of a certified dietitian or a registered dietitian.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-4
Chapter 4. Certification

IC 25-14.5-4-1
Qualifications

Sec. 1. To qualify for a certificate under this article, an individual must do the following:

(1) Satisfy the requirements of IC 25-14.5-3.

(2) Satisfactorily complete an application for certification, furnished by the board, in accordance with the rules adopted by the board. The application must be verified by the applicant and filed at least thirty (30) days before the administration of the examination.

(3) Pay the application, examination, and certification fees established by the board.

(4) Except to the extent that section 4 of this chapter applies, successfully pass the qualifying examination adopted by the board as described in IC 25-14.5-5.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-4-2
Issuance of certificate

Sec. 2. Except as provided in section 3 of this chapter, the board shall issue a certificate to an individual who:

(1) meets the conditions set forth in section 1 of this chapter; and

(2) is otherwise qualified for certification under this article.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-4-3
Refusal to issue certificate

Sec. 3. The board may refuse to issue a certificate to an applicant for certification under section 2 of this chapter if:

(1) the applicant has been disciplined by an administrative agency in another state or jurisdiction, and the board determines that the violation for which the applicant was disciplined has a direct bearing on the applicant's ability to practice competently in Indiana; or

(2) the applicant has been convicted of:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the applicant's ability to practice competently.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-4-4
Reciprocity; failure of examination; application fee

Sec. 4. (a) Except as provided in subsection (b), the board may issue a certificate to an applicant for certification if the applicant presents evidence that the applicant has been issued a certificate in

a state that has requirements for certification that are, by the board's determination, equivalent to the requirements for certification in Indiana. An applicant applying for a certificate under this subsection is not required to take an examination given by the board under IC 25-14.5-5.

(b) The board may refuse to issue a certificate under subsection (a) if the applicant has failed an examination given by the board under IC 25-14.5-5.

(c) The fee an applicant for certification must pay for a certificate issued under subsection (a) shall be set by the board under IC 25-14.5-2-5.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-4-5
Effectiveness

Sec. 5. All certificates shall be effective when issued by the board.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-4-6
Display of certificate

Sec. 6. (a) A certified dietitian must display the certificate in a conspicuous part of the office in which the certified dietitian practices nutrition therapy services.

(b) Whenever practicing the profession of dietetics outside of or away from the office or place of business, the certified dietitian shall make available to each patient the certified dietitian's name, office address, and the number of the certificate.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-5

Chapter 5. Examinations

IC 25-14.5-5-1

Conduct of examinations

Sec. 1. (a) The board may conduct examinations under IC 25-14.5-4-1(4) in a manner prescribed by the board.

(b) The board may conduct any part of the examinations through a person other than the agency that is approved by the board. The agency may conduct any part of the examinations when so designated by the board.

As added by P.L.124-1994, SEC.7. Amended by P.L.1-2006, SEC.436.

IC 25-14.5-5-2

Location and time of examinations

Sec. 2. The board shall determine:

(1) a date and time when;

(2) a location in Indiana where; and

(3) the supervision under which;

applicants for certification shall be examined.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-5-3

Frequency of examinations

Sec. 3. Examinations shall be given at least two (2) times each year.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-5-4

Notice of examinations

Sec. 4. (a) The board shall give notice at least sixty (60) days before the administration of each examination in a manner the board considers appropriate.

(b) The board shall notify each applicant for certification of the time and place of the administration of the first examination for which the applicant is eligible to sit.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-6

Chapter 6. Certificate Renewal

IC 25-14.5-6-1

Expiration of certificate

Sec. 1. (a) A certificate issued by the board expires on a date established by the agency under IC 25-1-5-4 in the next even-numbered year following the year in which the certificate was issued.

(b) An individual may renew a certificate by paying a renewal fee on or before the expiration date of the certificate.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a certificate, the certificate becomes invalid.

As added by P.L.124-1994, SEC.7. Amended by P.L.1-2006, SEC.437.

IC 25-14.5-6-2

Renewal of certificate

Sec. 2. A certified dietitian may renew a certificate by:

(1) paying a renewal fee as set by the board; and

(2) subject to IC 25-1-4-3, providing a sworn statement attesting that the certified dietitian has completed the continuing education required by the board.

As added by P.L.124-1994, SEC.7. Amended by P.L.269-2001, SEC.11.

IC 25-14.5-6-3

Application for renewal

Sec. 3. (a) The board shall mail an application for renewal to a certified dietitian at least sixty (60) days before the date on which the certified dietitian's certificate expires.

(b) The application must be mailed to the certified dietitian's most recent address as it appears on the record of the board.

(c) A certified dietitian filing for renewal of a certificate must:

(1) satisfactorily complete the renewal application;

(2) return the application to the board; and

(3) submit to the board the required renewal fee;

before expiration of the certified dietitian's current certificate.

(d) Upon receipt of the application and fee submitted under subsection (c), the board shall:

(1) verify the accuracy of the application;

(2) determine whether the continuing education requirement has been met; and

(3) verify that all other requirements under this article have been met.

(e) When the board is satisfied that all conditions under subsection (d) have been met, the board shall issue to the applicant a notice of certificate renewal that shall be valid for two (2) years.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-6-4
Reinstatement of certificate

Sec. 4. (a) A certificate may be reinstated by the board not later than three (3) years after its expiration if the applicant for reinstatement meets the requirements under IC 25-1-8-6(c).

(b) A certificate that has been expired for more than three (3) years may be reinstated by the board if the holder of the certificate satisfies the requirements for reinstatement under IC 25-1-8-6(d).

As added by P.L.124-1994, SEC.7. Amended by P.L.269-2001, SEC.12; P.L.105-2008, SEC.30.

IC 25-14.5-6-5
Repealed

(*Repealed by P.L.105-2008, SEC.67.)*

IC 25-14.5-6-6
Inactive certificate

Sec. 6. (a) The board may classify a certificate as inactive if the board receives written notification from a certified dietitian stating that the certified dietitian will not maintain an office or practice dietetics in Indiana.

(b) The renewal fee for an inactive certificate must be one-half (1/2) the certificate renewal fee set by the board under IC 25-14.5-2-5(b)(3).

(c) The holder of an inactive certificate is not required to fulfill continuing education requirements set by the board.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-6-7
Issuance of certificate to holder of inactive certificate

Sec. 7. The board may issue a certificate to the holder of an inactive certificate under section 6 of this chapter if the applicant meets the requirements under IC 25-1-8-6.

As added by P.L.124-1994, SEC.7. Amended by P.L.269-2001, SEC.13.

IC 25-14.5-7

Chapter 7. Unlawful Practices

IC 25-14.5-7-1

Prohibitions

Sec. 1. Except as provided in section 3 of this chapter, an individual who is not certified under this article may not:

(1) profess to be a certified dietitian; or

(2) imply by words or letters such as "CD" that the individual is a certified dietitian.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-7-2

Penalty

Sec. 2. A person who violates a provision of this article commits a Class A misdemeanor.

As added by P.L.124-1994, SEC.7.

IC 25-14.5-7-3

Use of title "registered dietitian" or designation "RD"; disseminating information to public; direct third-party reimbursement

Sec. 3. (a) A dietitian registered by the commission on dietetic registration may use the title "registered dietitian" and the designation "RD" but may not profess to be a certified dietitian when practicing dietetics in Indiana without being certified by the board.

(b) Nothing in this article may be construed to prohibit or limit any person from:

(1) disseminating free information;

(2) conducting a class or seminar; or

(3) giving a speech related to nutrition.

(c) Nothing in this article may be construed to require direct third-party reimbursement to persons certified under this article.

As added by P.L.124-1994, SEC.7.

IC 25-15

ARTICLE 15. EMBALMERS AND FUNERAL DIRECTORS

IC 25-15-1

Repealed

(*Repealed by P.L.246-1985, SEC.33.)*

IC 25-15-2
Chapter 2. Definitions

IC 25-15-2-1
Application of definitions
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.246-1985, SEC.1.

IC 25-15-2-2
"Alternative container"
Sec. 2. "Alternative container" means a rigid or nonrigid receptacle or other enclosure that:
(1) is made of a nonmetallic material; and
(2) does not have ornamentation or an inner lining.
As added by P.L.246-1985, SEC.1.

IC 25-15-2-3
"Board"
Sec. 3. "Board" means the state board of funeral and cemetery service.
As added by P.L.246-1985, SEC.1. Amended by P.L.48-1991, SEC.27.

IC 25-15-2-3.5
"Branch location"
Sec. 3.5. As used in this chapter, "branch location" means a physical structure:
(1) that is owned or leased by a person, not in conjunction with any other person, who owns and operates a licensed funeral home in the same or adjoining county;
(2) where human remains are prepared for a viewing, a funeral, or final disposition after initial preparation in a funeral home;
(3) where memorial visitation or the viewing of human remains is conducted before or as part of a memorial or funeral service; and
(4) where funerals that are not primarily for religious or worship purposes are conducted or held.
As added by P.L.237-1995, SEC.2.

IC 25-15-2-4
"Casket"
Sec. 4. "Casket" means a rigid enclosure that:
(1) is made of wood, metal, or other material;
(2) is ornamented;
(3) has a fixed or nonfixed inner lining; and
(4) is designed to encase human remains.
As added by P.L.246-1985, SEC.1.

IC 25-15-2-5

"Consumer"

Sec. 5. "Consumer" means a person that:

(1) during an individual's lifetime; or

(2) after an individual's death;

discusses, offers to purchase, or purchases funeral goods or funeral services for the individual's human remains.

As added by P.L.246-1985, SEC.1.

IC 25-15-2-6

"Cremate"

Sec. 6. "Cremate" means to incinerate human remains and to mechanically or manually reduce the bone fragments of the remains to unidentifiable bone fragments.

As added by P.L.246-1985, SEC.1. Amended by P.L.231-1995, SEC.3.

IC 25-15-2-7

"Disposition"

Sec. 7. "Disposition" means:

(1) interment of human remains in the earth in an established cemetery;

(2) interment of human remains in a mausoleum or columbarium;

(3) disposal of cremated human remains on the property of a consenting owner, on uninhabited public land, or on a waterway;

(4) burial of human remains at sea;

(5) delivery of human remains within the jurisdiction of the anatomical education program (IC 21-44-2) to a school, college, or physician entitled by law to receive the human remains for the promotion of science and art of medicine or dentistry; or

(6) other final disposal of human remains.

As added by P.L.246-1985, SEC.1. Amended by P.L.238-1987, SEC.2; P.L.2-2007, SEC.320.

IC 25-15-2-8

"Embalmer"

Sec. 8. "Embalmer" means a person who is licensed as an embalmer under this article.

As added by P.L.246-1985, SEC.1.

IC 25-15-2-9

"Embalming"

Sec. 9. "Embalming" means the temporary preservation and disinfection of human remains by the internal or external application of chemicals or by other methods in preparation for disposition.

As added by P.L.246-1985, SEC.1.

IC 25-15-2-10

"Exempted person"

Sec. 10. As used in this chapter, "exempted person" means a person that does not perform any funeral services other than one (1) or more of the following:

(1) Sells, as a seller licensed under IC 30-2-13 or an agent or a representative of a seller:

(A) funeral merchandise described in IC 30-2-13-8 at need; or

(B) funeral merchandise defined in IC 30-2-13-8 under a certificate of authority authorized by IC 30-2-13-33 and not funeral services defined in section 17(1), 17(2), or 17(3) of this chapter unless they are funeral services (as defined in IC 30-2-13-8) and ratified as required by IC 30-2-13-20.

(2) Cremates human remains, but does not conduct a funeral service in conjunction with the cremation.

(3) Cremates human remains or holds human remains less than forty-eight (48) hours for the purpose of cremating the human remains without a funeral service or memorial service in conjunction with the final disposition of the cremated remains.

(4) Performs services for a morgue in a hospital or other facility licensed under IC 16-21 that are directly related to the purposes of the hospital or other facility.

(5) Performs services for a school of mortuary science that are directly related to an educational purpose.

(6) Arranges, supervises, or conducts a religious or memorial service for a deceased individual if:

(A) the human remains of the deceased individual are not present at the service; and

(B) final disposition of the deceased individual's human remains has been or will be completed under the authority of a funeral director having obtained a burial permit issued by the state of Indiana.

(7) Conducts a religious or memorial service with the human remains of the deceased individual present if the funeral is arranged and directly supervised by a funeral director.

(8) If the person is a cemetery, sells or offers advice concerning methods or alternatives available for final disposition of human remains.

As added by P.L.246-1985, SEC.1. Amended by P.L.2-1993, SEC.137; P.L.237-1995, SEC.3; P.L.2-1996, SEC.270.

IC 25-15-2-11
"Funeral"

Sec. 11. "Funeral" means a memorial service or ceremony for a deceased individual where human remains or cremated remains are present or a memorial visitation or viewing of the human remains of a deceased individual.

As added by P.L.246-1985, SEC.1. Amended by P.L.237-1995, SEC.4.

IC 25-15-2-12

"Funeral director"

Sec. 12. "Funeral director" means an individual who has a funeral director license issued under this article.

As added by P.L.246-1985, SEC.1.

IC 25-15-2-13

"Funeral director intern"

Sec. 13. "Funeral director intern" means an individual who has a funeral director intern license issued under this article.

As added by P.L.246-1985, SEC.1.

IC 25-15-2-14

"Funeral goods"

Sec. 14. "Funeral goods" means goods, other than clothing, flowers, gravemarkers, and urns, that are sold or offered for sale directly to a consumer for use in connection with funeral services.

As added by P.L.246-1985, SEC.1.

IC 25-15-2-15

"Funeral home"

Sec. 15. "Funeral home" means a physical structure where:

(1) human remains are prepared for a funeral or final disposition;

(2) human remains are held for disposition;

(3) there is an embalming room in compliance with licensure requirements of this article where at least one (1) of the following takes place:

(A) The embalming of human remains.

(B) The prevention of the spread of infectious or contagious disease from human remains.

(C) The aspiration of internal body fluids and gasses from human remains.

(D) The temporary storage of non-casketed human remains awaiting final disposition.

(E) The dressing, final preparation, and casketing of human remains;

(4) memorial visitation or the viewing of human remains is conducted before or as part of a memorial or funeral service; and

(5) funerals whose primary function is not for a religious or worship purpose are conducted or held.

As added by P.L.246-1985, SEC.1. Amended by P.L.237-1995, SEC.5.

IC 25-15-2-16

"Funeral home licensee"

Sec. 16. "Funeral home licensee" means a person that has a funeral home license issued under this article.

As added by P.L.246-1985, SEC.1.

IC 25-15-2-17
"Funeral services"

Sec. 17. As used in this chapter, "funeral services" means:

(1) accepting, holding, caring for, or preparing human remains for a funeral or final disposition, including embalming (where authorized) and the practice of restorative arts;

(2) at need counseling of survivors of a deceased individual on:

(A) the services, methods, and alternatives for final disposition of human remains; and

(B) the requirements of federal and state law applicable to the sale of funeral services and merchandise;

(3) arranging, supervising, or conducting a funeral service in conjunction with the memorialization or the disposition of human remains, (however, "funeral services" does not include interment services performed in a cemetery by cemetery personnel), including attendance at services held in cemeteries or crematories where third persons are directly responsible for the physical acts associated with interment or final disposition of human remains;

(4) selling or offering to sell funeral merchandise described in IC 30-2-13-8 to a consumer at the time of need or in advance of need;

(5) selling or offering to sell funeral services described in IC 30-2-13-8 at the time of need or in advance of need;

(6) managing a funeral home or branch location licensed under IC 25-15-4-1 or IC 25-15-4-1.1; and

(7) arranging for the final disposition of human remains in compliance with public health and safety laws and in a manner that prevents the spread of infectious disease.

As added by P.L.246-1985, SEC.1. Amended by P.L.207-1993, SEC.3; P.L.237-1995, SEC.6.

IC 25-15-2-18
"Human remains"

Sec. 18. "Human remains" means any part of the body of a deceased individual. The term includes human remains that have been cremated.

As added by P.L.246-1985, SEC.1.

IC 25-15-2-19
"Licensee"

Sec. 19. "Licensee" means a person that has been issued a license under this article.

As added by P.L.246-1985, SEC.1.

IC 25-15-2-20
"Outer burial container"

Sec. 20. "Outer burial container" means any container that is designed for placement in a grave around a casket or alternative container. The term includes a burial vault, grave box, or grave liner.

As added by P.L.246-1985, SEC.1.

IC 25-15-2-21
"Person"

Sec. 21. "Person" includes a partnership, limited liability company, corporation, trust, or other business association.

As added by P.L.246-1985, SEC.1. Amended by P.L.8-1993, SEC.381.

IC 25-15-2-22
"Practice of funeral service"

Sec. 22. As used in this chapter, "practice of funeral service" means:

(1) the application of the principles, methods, and techniques of mortuary science to the delivery of funeral services;

(2) the counseling of individuals concerning methods and alternatives for the final disposition of human remains;

(3) the prevention of the spread of infectious and contagious disease from human remains; and

(4) compliance, in the delivery of funeral merchandise and services, with laws relating to health, public safety, and the environment.

As added by P.L.246-1985, SEC.1. Amended by P.L.237-1995, SEC.7.

IC 25-15-2-23
"Practitioner"

Sec. 23. "Practitioner" means an individual who is a funeral director, an embalmer, or a funeral director intern.

As added by P.L.246-1985, SEC.1.

IC 25-15-2-24
"Protection order"

Sec. 24. "Protection order" means an injunction or other order issued by a tribunal of the issuing state or Indian tribe to prevent an individual from:

(1) engaging in violent or threatening acts against;

(2) engaging in harassment of;

(3) engaging in contact or communication with; or

(4) being in physical proximity to;

another person. The term includes temporary and final orders issued by civil and criminal courts.

As added by P.L.94-2010, SEC.7.

IC 25-15-3
Repealed

(*Repealed by P.L.48-1991, SEC.78.)*

IC 25-15-4

Chapter 4. Minimum Qualifications; Reciprocity

IC 25-15-4-1

Funeral home licenses

Sec. 1. To qualify for a funeral home license, a person who is an applicant must:

(1) operate a funeral home that complies with the rules of the board;

(2) disclose:

(A) the name of the applicant and if the applicant is an individual, the principal address of residence of the applicant;

(B) the location of the funeral home;

(C) if the applicant is not an individual, the names and principal address of residence of the directors or other executive officers of the applicant;

(D) the name of the manager in charge of the funeral home; and

(E) any other information required by the board; and

(3) pay the fee set by the board.

As added by P.L.246-1985, SEC.3.

IC 25-15-4-1.1

Branch location licenses

Sec. 1.1. To qualify for a branch location license, a person who is an applicant must:

(1) possess a funeral home license issued under section 1 of this chapter;

(2) operate a branch location that meets the requirements of the board; and

(3) pay the fee set by the board.

As added by P.L.237-1995, SEC.8.

IC 25-15-4-2

Funeral director intern licenses

Sec. 2. (a) To qualify for a funeral director intern license, an applicant must:

(1) be an individual who is at least eighteen (18) years of age;

(2) submit proof that the applicant has not been convicted of:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; and

(B) a crime that has a direct bearing on the applicant's ability to practice competently;

(3) have a diploma from an accredited high school;

(4) have successfully completed either:

(A) a course of education consisting of:

(i) thirty (30) semester hours or forty-five (45) quarter hours of college level work in a regionally accredited postsecondary educational institution that includes course

work in the subjects of English, the humanities, science, business, and other electives that apply toward a baccalaureate degree from the postsecondary educational institution; and

(ii) four (4) academic quarters, or its equivalent, in an accredited college, school, or department of mortuary science approved by the board; or

(B) a twenty-one (21) month program in an accredited college, school, or department of mortuary science that has been approved by the board; and

(5) pay the fee set by the board for a funeral director intern license.

(b) The board may require an applicant for a funeral director intern license to pass an examination before issuing a license to the applicant.

As added by P.L.246-1985, SEC.3. Amended by P.L.214-1993, SEC.43; P.L.2-2007, SEC.321.

IC 25-15-4-3

Funeral director licenses

Sec. 3. (a) An applicant must qualify under subsection (b) to be licensed as a funeral director. However, subject to IC 25-15-8-10, an individual qualified under subsection (c) or (d) shall be treated as a qualified individual.

(b) To qualify for a funeral director license, an applicant must:

(1) be an individual who is at least eighteen (18) years of age;

(2) submit proof that the applicant has not been convicted of:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or

(B) a crime that has a direct bearing on the applicant's ability to practice competently;

(3) have a diploma from an accredited high school;

(4) have successfully completed either:

(A) a course of education consisting of:

(i) thirty (30) semester hours or forty-five (45) quarter hours of college level work in a regionally accredited postsecondary educational institution that includes course work in the subjects of English, humanities, science, business, and other electives that apply toward a baccalaureate degree from the postsecondary educational institution; and

(ii) four (4) academic quarters or the equivalent in an accredited college, school, or department of mortuary science approved by the board; or

(B) a twenty-one (21) month program in an accredited college, school, or department of mortuary science approved by the board;

(5) pass the examination required by the board for a funeral director license;

(6) under the direct supervision of a funeral director licensee,

have at least one (1) year of continuous experience in the practice of funeral service; and

(7) pay the licensing fee set by the board for a funeral director licensee.

(c) An individual may be licensed as a funeral director if, on June 30, 1985, the individual had a funeral director license and an embalmer license issued by the state board of embalmers and funeral directors.

(d) An individual may be a funeral director if, on June 30, 1985, the individual had a funeral director license issued by the state board of embalmers and funeral directors.

As added by P.L.246-1985, SEC.3. Amended by P.L.214-1993, SEC.44; P.L.2-2007, SEC.322.

IC 25-15-4-4

Embalmer licenses

Sec. 4. An individual may be an embalmer only if, on June 30, 1985, the individual had an embalmer license issued by the state board of embalmers and funeral directors.

As added by P.L.246-1985, SEC.3.

IC 25-15-4-5

Funeral director licenses; exemption from examination for persons licensed in other states

Sec. 5. An applicant for a funeral director license, who is licensed in another state with requirements that are substantially equal to the requirements in section 3(b) of this chapter, as determined by the board, may be exempted by the board from the examination requirement under section 3(b)(5) of this chapter or the one (1) year supervised practice period requirement under section 3(b)(6) of this chapter.

As added by P.L.246-1985, SEC.3.

IC 25-15-4-6

Inactive funeral director license; application; violations

Sec. 6. (a) A funeral director may submit a written application to the board requesting that the funeral director's license be classified as inactive. On receipt of the application, the board shall grant the request by placing the license on inactive status until reinstated to active status.

(b) A person holding an inactive license may not engage in the practice of funeral service.

(c) A person who engages in the practice of funeral service with an inactive license is subject to IC 25-15-8-24.

As added by P.L.207-1993, SEC.4. Amended by P.L.237-1995, SEC.12.

IC 25-15-5
Chapter 5. Examination

IC 25-15-5-1
Time; place

Sec. 1. At least one (1) of each type of examination required under IC 25-15-4 must be held annually. These examinations may be conducted at any place in Indiana set by the board.
As added by P.L.246-1985, SEC.4.

IC 25-15-5-2
Repealed

(*Repealed by P.L.177-2009, SEC.63.)*

IC 25-15-5-3
Failure of examination; taking next examination; additional fees and education requirements

Sec. 3. Any qualified applicant who fails an examination and is refused a license may take the next scheduled examination upon payment of an additional fee set by the board under IC 25-15-9-8. However, if an applicant fails more than one (1) funeral director intern license examination or more than one (1) funeral director license examination, the board may require the applicant to submit proof to the board that the applicant has met the additional education requirements set by the board before the board allows the applicant to take another examination under this article.
As added by P.L.246-1985, SEC.4. Amended by P.L.48-1991, SEC.28.

IC 25-15-6

Chapter 6. Expiration of Licenses; Renewal of Licenses; Continuing Education

IC 25-15-6-1

Time of expiration

Sec. 1. (a) Except as provided in subsection (b), a license issued under this article expires on the date established by the licensing agency under IC 25-1-6-4.

(b) A funeral director intern license expires two (2) years after it is issued by the board.

As added by P.L.246-1985, SEC.5. Amended by P.L.214-1993, SEC.45; P.L.105-2008, SEC.31.

IC 25-15-6-2

Funeral homes; renewal of licenses

Sec. 2. The board shall renew the license of a funeral home licensee that pays the registration fee set by the board.

As added by P.L.246-1985, SEC.5.

IC 25-15-6-3

Funeral directors or embalmers; renewal of licenses

Sec. 3. The board shall renew the license of a funeral director or embalmer who:

(1) pays the fee; and

(2) meets the continuing education requirements;

set by the board.

As added by P.L.246-1985, SEC.5.

IC 25-15-6-4

Funeral directors or embalmers; reinstatement of expired license

Sec. 4. (a) The board shall reinstate the expired license of:

(1) a funeral director;

(2) an embalmer;

(3) a funeral director intern; or

(4) a funeral home;

that applies for reinstatement of the license not later than three (3) years after the date the license expired and meets the requirements for reinstatement under IC 25-1-8-6(c).

(b) If the license of:

(1) a funeral director;

(2) an embalmer;

(3) a funeral director intern; or

(4) a funeral home;

has been expired for more than three (3) years, the board shall reinstate the license if the holder of the license applies for reinstatement of the license and meets the requirements for reinstatement under IC 25-1-8-6(d).

As added by P.L.246-1985, SEC.5. Amended by P.L.194-2005, SEC.54; P.L.157-2006, SEC.58; P.L.105-2008, SEC.32.

IC 25-15-6-5
Funeral directors; continuing education credits

Sec. 5. (a) The board shall require a funeral director to obtain ten (10) hours of continuing education credit in any two (2) year period in order to renew or reinstate a license under this chapter. The board shall require that continuing education credit be earned in board approved courses or programs on one (1) or more of the following subjects:

(1) Embalming and restorative arts.
(2) Prevention of the spread of infectious disease and compliance with mandatory public health requirements.
(3) Federal and state laws and rules regulating the embalming and funeral professions.
(4) Funeral home management.
(5) Religion.
(6) Natural science.
(7) Grief counseling and the psychological effect of death on survivors.

(b) Continuing education hours earned as a prerequisite to the issuance or maintenance of a professional license other than a funeral director license may not be counted in determining compliance with this section.

As added by P.L.246-1985, SEC.5. Amended by P.L.237-1995, SEC.13; P.L.194-2005, SEC.55.

IC 25-15-6-5.1
Revocation, suspension, or expiration of funeral home and branch location license

Sec. 5.1. When a person's funeral home license is revoked, suspended, or expired, the person's branch location license that arises from that funeral home license is revoked, suspended, or expired.

As added by P.L.237-1995, SEC.9.

IC 25-15-6-6
Repealed

(*Repealed by P.L.105-2008, SEC.67.)*

IC 25-15-6-7
Inactive license continuing education exemption; reactivation requirements; practice under inactive license; sanction

Sec. 7. (a) A funeral director who holds an inactive funeral director license under IC 25-15-4-6 is exempt from continuing education requirements of section 5 of this chapter.

(b) An individual may reactivate an inactive funeral director's license by completing all hours of continuing education required of licensed funeral directors for each year that the license has been classified as inactive. If an individual's license has been inactive for four (4) or more years, the board shall require the individual to pass an examination under IC 25-15-4 before reinstating the individual's license to active status.

(c) An individual who resumes the practice of funeral service or the provision of funeral services to the public under an inactive funeral director license (as described in IC 25-15-4-6) violates this article and the board shall revoke the individual's inactive license.
As added by P.L.207-1993, SEC.5. Amended by P.L.237-1995, SEC.14; P.L.194-2005, SEC.57.

IC 25-15-7

Chapter 7. Transfer and Assignment of Licenses; Name Changes; Ownership Changes

IC 25-15-7-1

Transferability of licenses

Sec. 1. A license issued under this article is not transferable from one (1) person to another.

As added by P.L.246-1985, SEC.6.

IC 25-15-7-2

Funeral home licenses; location

Sec. 2. A funeral home license applies only to one (1) location and is not transferable from one (1) location to another.

As added by P.L.246-1985, SEC.6.

IC 25-15-7-3

Funeral homes; changing, transferring, or assigning name

Sec. 3. The board may not prohibit a funeral home licensee from:

(1) changing the licensee's name; or

(2) transferring or assigning the licensee's name to another funeral home licensee.

As added by P.L.246-1985, SEC.6.

IC 25-15-7-4

Shares of funeral home corporations; transfers

Sec. 4. The board may not prohibit a shareholder or a corporation that is a funeral home licensee from transferring or assigning any part of the shareholder's ownership of the corporation to another person.

As added by P.L.246-1985, SEC.6.

IC 25-15-7-5

Assets of funeral homes and branch locations; transfers of interest

Sec. 5. The board may not prohibit a person from transferring or assigning any interest that the person has in the assets of a funeral home or branch location, other than a funeral home or branch location license, to another person.

As added by P.L.246-1985, SEC.6. Amended by P.L.237-1995, SEC.10.

IC 25-15-8

Chapter 8. Grounds for Discipline; Sanctions by Board; Violations

IC 25-15-8-1

Grounds for discipline of licensees

Sec. 1. A licensee that:

(1) promotes or participates in a scheme or plan in the nature of a burial association, burial certificate plan, or burial membership plan;

(2) after an individual has died, personally or through an agent solicits, makes, or offers to make a direct or an indirect payment of a commission for the purpose of securing the individual's human remains;

(3) fails to promptly surrender possession of human remains after receiving a demand from the person legally entitled to custody of the human remains;

(4) transports or disposes of human remains without a permit required by law;

(5) takes possession of human remains without authorization from the person legally entitled to custody of the human remains;

(6) makes a misleading claim concerning the protective qualities of a casket, an alternative container, or an outer burial container; or

(7) shows a casket, an alternative container, or an outer burial container to a consumer if the casket, alternative container, or outer burial container does not have a conspicuously displayed card or brochure that lists the price of the casket, alternative container, or outer burial container and briefly describes the casket, alternative container, or outer burial container;

may be disciplined under IC 25-1-11.

As added by P.L.246-1985, SEC.7. Amended by P.L.207-1993, SEC.6; P.L.214-1993, SEC.46.

IC 25-15-8-1.5

Discipline of licensee for display of revoked or expired credentials

Sec. 1.5. The board may discipline a licensee under IC 25-1-11 if that licensee displays to the public credentials issued by the board that:

(1) have been revoked by the board; or

(2) have expired.

As added by P.L.240-1985, SEC.9. Amended by P.L.207-1993, SEC.7; P.L.214-1993, SEC.47.

IC 25-15-8-2

Funeral home licenses; grounds for discipline

Sec. 2. A funeral home licensee who itself or through an officer, an agent, an employee, or an independent contractor:

(1) operates a funeral home or a branch location in the same

location as another funeral home licensee;
(2) operates a funeral home at any location or branch location without a separate funeral home license or branch location license for that location;
(3) operates a funeral home or a branch location without a manager who:
(A) has a funeral director license; and
(B) has filed an affidavit with the board acknowledging that the individual is the manager of the funeral home or the branch location;
(4) operates a funeral home or branch location without having a funeral director either perform or directly supervise each act of funeral service performed for the funeral home or a branch location;
(5) fails to conspicuously display the certificate of licensure issued to the funeral home licensee and the certificate of licensure or a duplicate original of the certificate of licensure issued to the funeral director managing the funeral home or the branch location in a public area of the funeral home or the branch location;
(6) fails to annually report to the board:
(A) if the licensee is a sole proprietor, the name of the funeral home or the branch location and principal address of residence of the funeral home licensee;
(B) the location of the funeral home or the branch location;
(C) if the licensee is not a sole proprietor, the names and principal addresses of residences of the directors or other executive officers of the funeral home licensee;
(D) the name of the manager in charge of the funeral home or the branch location;
(E) the name and principal address of residence of each practitioner that has engaged in the practice of funeral services for the funeral home or the branch location in the preceding twelve (12) months and the period of time during which the practitioner worked for the funeral home or the branch location; and
(F) any other information required by the board;
(7) knowingly violates any rule of construction, equipping, or operation for funeral homes or branch locations adopted by the board under IC 25-15-9-8;
(8) engages in the practice of funeral service or provides funeral services to the public under an inactive license (as described in IC 25-15-4-6);
(9) permits a person other than a funeral director to engage in the practice of funeral service or the provision of funeral services to the public or otherwise violates any provision of this chapter; or
(10) misrepresents the quality or character of:
(A) any service or merchandise sold by a competitor; or
(B) any professional practice of a competitor;

may be disciplined under IC 25-1-11.
As added by P.L.246-1985, SEC.7. Amended by P.L.48-1991, SEC.29; P.L.207-1993, SEC.8; P.L.214-1993, SEC.48; P.L.1-1994, SEC.125; P.L.237-1995, SEC.15.

IC 25-15-8-3
Repealed
(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-15-8-4
Selling funeral goods or services; grounds for discipline
Sec. 4. A practitioner who, when selling or offering to sell funeral goods or funeral services to a consumer, fails to:
(1) act compassionately;
(2) disclose prices related to arranging a funeral;
(3) answer questions, including telephone inquiries, accurately and to the reasonable satisfaction of the inquiring person;
(4) disclose that embalming human remains is not always required by law but may be desirable if viewing or visitation precedes disposition;
(5) explain which outer burial containers meet cemetery requirements, if any;
(6) explain requirements, including cremation requirements, for caskets and other alternative containers; or
(7) disclose whether the cash advance price of each:
(A) funeral goods or funeral service described by the practitioner as "cash advance", "accommodation", or "cash disbursement", or a similar term; and
(B) goods or service obtained from a third party and paid on behalf of the consumer by the funeral home licensee for which the practitioner is an agent;
is equal to the cost of the item to the funeral home selling it;
may be disciplined under IC 25-1-11.
As added by P.L.246-1985, SEC.7. Amended by P.L.207-1993, SEC.10; P.L.214-1993, SEC.49.

IC 25-15-8-5
Statements of price and terms; grounds for discipline
Sec. 5. (a) This section does not apply to a practitioner acting as an exempted person.
(b) A practitioner who, when selling funeral goods or services to a consumer, fails to give the consumer a written statement signed on behalf of a funeral home licensee by a funeral director that includes:
(1) an itemized description of each funeral goods and funeral service for which the consumer has contracted and either the price of each item or the package price for all of the items;
(2) an itemized description of any supplemental goods and services that the consumer has the option to purchase from the funeral home licensee and the price for each item;
(3) an indication of the contract items on which the funeral

home licensee is advancing credit and the amount of the credit being advanced;

(4) the total cost to the consumer of the contract items; and

(5) a description of the method of payment agreed upon;

may be disciplined under IC 25-1-11.

As added by P.L.246-1985, SEC.7. Amended by P.L.207-1993, SEC.11; P.L.214-1993, SEC.50.

IC 25-15-8-6

Practitioners of funeral services; grounds for discipline

Sec. 6. (a) This section does not apply to a practitioner who is acting as an exempted person or an embalmer.

(b) A practitioner who engages in the practice of funeral service may be disciplined under IC 25-1-11 if the practitioner:

(1) does not act as the agent of one (1) or more funeral home licensees;

(2) fails to register with the board in which funeral homes the practitioner is performing services and for which funeral home licensees the practitioner is an agent; or

(3) fails to notify the board to cancel a registration described in subdivision (2), if the practitioner ceases to perform services in a funeral home or for a funeral home licensee.

As added by P.L.246-1985, SEC.7. Amended by P.L.207-1993, SEC.12; P.L.214-1993, SEC.51.

IC 25-15-8-7

Notice of change in practitioner's name or address

Sec. 7. A practitioner who fails to notify the board of a change in the practitioner's name or principal address of residence within thirty (30) days after the change may be disciplined under IC 25-1-11.

As added by P.L.246-1985, SEC.7. Amended by P.L.207-1993, SEC.13; P.L.214-1993, SEC.52.

IC 25-15-8-8

Funeral director interns

Sec. 8. (a) This section does not apply to a funeral director intern who is acting as an exempted person.

(b) Except as provided in subsection (c), a funeral director intern may engage in the practice of funeral service or provide funeral services to the public if the funeral director intern is acting under the direct supervision of a person holding a funeral director's license. Direct supervision means that:

(1) a licensed funeral director supervising an intern who is performing duties not requiring counseling is physically present in the facility where the intern is performing the duties; or

(2) a funeral director supervising an intern who is counseling is physically present in the same room with the intern and counselee.

(c) A funeral director intern who engages in the practice of funeral service or provides funeral services to the public without the

direct supervision of a funeral director may be disciplined under IC 25-1-11.

As added by P.L.246-1985, SEC.7. Amended by P.L.207-1993, SEC.14; P.L.214-1993, SEC.53; P.L.237-1995, SEC.16.

IC 25-15-8-9

Embalmers

Sec. 9. (a) This section does not apply to an embalmer who is acting as an exempted person.

(b) An embalmer who performs any funeral service other than embalming may be disciplined under IC 25-1-11.

As added by P.L.246-1985, SEC.7. Amended by P.L.207-1993, SEC.15; P.L.214-1993, SEC.54.

IC 25-15-8-10

Funeral directors engaging in embalming

Sec. 10. (a) This section does not apply to a funeral director who is acting as an exempted person.

(b) A funeral director who:

(1) is qualified to engage in the practice of funeral service only under IC 25-15-4-3(d) and not under IC 25-15-4-3(b) or IC 25-15-4-3(c); and

(2) engages in embalming;

may be disciplined under IC 25-1-11.

As added by P.L.246-1985, SEC.7. Amended by P.L.207-1993, SEC.16; P.L.214-1993, SEC.55.

IC 25-15-8-11

Funeral directors; management of funeral home; failure to file affidavits

Sec. 11. A funeral director who:

(1) manages a funeral home without filing an affidavit with the board acknowledging that the funeral director is the manager of the funeral home; or

(2) fails to file an affidavit with the board indicating that the funeral director is no longer the manager of a funeral home when the funeral director ceases to manage the funeral home;

may be disciplined under IC 25-1-11.

As added by P.L.246-1985, SEC.7. Amended by P.L.207-1993, SEC.17; P.L.214-1993, SEC.56.

IC 25-15-8-12

Funeral directors; management of funeral home; violations as grounds for discipline

Sec. 12. A funeral director who has an affidavit on file with the board indicating that the individual is the manager of a funeral home and no affidavit on file with the board indicating that the individual has ceased to be its manager may be disciplined under IC 25-1-11 if:

(1) the funeral home that the funeral director is registered to manage commits a violation under section 1 or 2 of this chapter,

other than section 2(3) of this chapter; or

(2) a practitioner acting as an agent of the funeral home that the funeral director is registered to manage commits a violation under sections 4 through 11 of this chapter.

As added by P.L.246-1985, SEC.7. Amended by P.L.207-1993, SEC.18; P.L.214-1993, SEC.57.

IC 25-15-8-13
Repealed

(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-15-8-14
Repealed

(*Repealed by P.L.207-1993, SEC.35 and P.L.214-1993, SEC.91.)*

IC 25-15-8-15
Repealed

(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-15-8-16
Repealed

(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-15-8-17
Repealed

(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-15-8-18
Repealed

(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-15-8-19
Injunctions; applications for orders

Sec. 19. If a violation of any of sections 21 through 26 of this chapter is being committed:

(1) the board in its own name;

(2) the board in the name of the state;

(3) the attorney general in the name of the state, at the request of the board; or

(4) the prosecuting attorney of the county in which the violation occurs, at the request of the board, and in the name of the state;

may apply for an order enjoining the violation from the circuit court of the county in which the violation occurs.

As added by P.L.246-1985, SEC.7.

IC 25-15-8-20
Injunctions or orders; bonds

Sec. 20. Upon a showing that a person has violated any of sections 21 through 26 of this chapter, the court may grant without bond an injunction, restraining order, or other appropriate order.

As added by P.L.246-1985, SEC.7.

IC 25-15-8-21
Use of certain titles without funeral home license; infraction

Sec. 21. A person that uses the title "funeral home", "undertaking parlor", "mortuary", "memorial chapel", or a variant of these titles without a funeral home license issued under this article commits a Class B infraction.
As added by P.L.246-1985, SEC.7.

IC 25-15-8-22
Use of certain titles without funeral director or funeral director intern license; infraction

Sec. 22. A person that uses the title "funeral director", "mortician", "undertaker", "funeral service licensee", "funeral director intern", "embalmer", "funeral home manager", or a variant of any of these titles without a funeral director license or a funeral director intern license issued under this article commits a Class B infraction.
As added by P.L.246-1985, SEC.7.

IC 25-15-8-23
Use of certain words to describe funeral services by person without license; infraction

Sec. 23. A person that renders or offers to render services to the public, if the words "funeral service", "funeral directing", "undertaking", "funeral", "funeral arrangement", "embalming", or a variant of these words is used to describe the services, without a license issued under this article commits a Class B infraction.
As added by P.L.246-1985, SEC.7.

IC 25-15-8-24
Practice of funeral service or operation of funeral home without license; infraction

Sec. 24. (a) This section does not apply to a person acting as an exempted person.

(b) A person that engages in the practice of funeral service without a license issued under this article commits a Class B infraction.

(c) A person that operates a funeral home without a funeral home license issued under this article commits a Class B infraction.
As added by P.L.246-1985, SEC.7.

IC 25-15-8-25
Issuance of permit under IC 16-37-3-10

Sec. 25. A local health officer may issue a permit under IC 16-37-3-10 only to a funeral director acting as an agent or a funeral home licensee or another individual acting under the direct supervision of a funeral director who is an agent of a funeral home licensee.

As added by P.L.246-1985, SEC.7. Amended by P.L.2-1993, SEC.138.

IC 25-15-8-26
Other licensing requirements void

Sec. 26. Any licensing requirement that is adopted by a state agency, other than the board, or a political subdivision for the purpose of regulating the operation of a funeral home or branch location or the practice of funeral service is void.

As added by P.L.246-1985, SEC.7. Amended by P.L.237-1995, SEC.11.

IC 25-15-9

Chapter 9. State Board of Funeral and Cemetery Service; Education Fund; Cemetery Registration

IC 25-15-9-1

Establishment of board

Sec. 1. The state board of funeral and cemetery service is established.

As added by P.L.48-1991, SEC.31.

IC 25-15-9-2

Members; chairman

Sec. 2. (a) The board consists of eleven (11) members as follows:

(1) Ten (10) members appointed by the governor for terms of four (4) years.

(2) The commissioner of the state department of health or the commissioner's designee.

(b) The board shall elect a chairman from the board's own membership every two (2) years to serve a term of two (2) years. The chairman shall be elected alternately from those board members appointed under sections 3 and 4 of this chapter.

As added by P.L.48-1991, SEC.31. Amended by P.L.2-1992, SEC.767; P.L.236-1995, SEC.45.

IC 25-15-9-3

Funeral directors; members

Sec. 3. Four (4) of the board's appointed members must be licensed funeral directors, in good standing, without any association with a school of mortuary science other than as a preceptor or supervisor of a funeral service intern.

As added by P.L.48-1991, SEC.31.

IC 25-15-9-4

Cemetery owners or managers; members

Sec. 4. Four (4) of the board's appointed members must be active in the cemetery industry in Indiana, either as an owner or a manager of an operating cemetery property.

As added by P.L.48-1991, SEC.31.

IC 25-15-9-5

Consumers; members

Sec. 5. Two (2) of the board's appointed members must be residents of Indiana who are not associated with the practice of funeral service or a cemetery operation other than as consumers.

As added by P.L.48-1991, SEC.31.

IC 25-15-9-6
Party affiliation; members

Sec. 6. Not more than five (5) of the board's appointed members may be affiliated with the same political party.

As added by P.L.48-1991, SEC.31.

IC 25-15-9-7
Number of terms; limitation

Sec. 7. The board's appointed members may serve only two (2) terms on the board, including prior service either as a member of the state board of funeral service or the state board of embalmers and funeral directors. A member of the board may serve until the member's successor is appointed and qualified under this chapter.

As added by P.L.48-1991, SEC.31. Amended by P.L.194-2005, SEC.58.

IC 25-15-9-8
Sale and payment of funeral or burial expenses; duties of board

Sec. 8. The board shall do the following:

(1) Adopt rules under IC 4-22-2 to do the following:

(A) Establish standards for the sale and payment of funeral or burial services or merchandise in advance of need.

(B) Establish the terms of contracts authorized under IC 30-2-13.

(C) Implement IC 30-2-13.

(D) Implement IC 23-14-48.5.

(2) Register and issue certificates to sellers of merchandise or services under IC 30-2-13.

(3) Determine compliance with this article by persons engaged in the sale and payment of funeral or burial services or merchandise in advance of need under IC 30-2-13.

(4) Investigate any complaint alleging a violation of IC 30-2-13.

(5) Set fees under IC 25-1-8.

(6) For a violation of this article or IC 30-2-13 by a person engaged in the sale and payment of funeral or burial services or merchandise in advance of need under IC 30-2-13, if necessary, take any combination of the following actions:

(A) Issue an appropriate order to correct the violation.

(B) Suspend the seller's certificate of authority.

(C) Permanently revoke the seller's certificate of authority.

(D) Censure the seller.

(E) Issue a letter of reprimand to the seller.

(F) Place the seller on probation.

(G) Assess a civil penalty against the seller in an amount not to exceed one thousand dollars ($1,000) for each violation,

except for a finding of incompetency due to a physical or mental disability. When imposing a civil penalty, the board shall consider the seller's ability to pay the amount assessed. If the seller fails to pay the civil penalty within the time specified by the board, the board may suspend the seller's certificate of authority without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the seller's inability to pay a civil penalty.

(H) Refer the matter to the attorney general or prosecuting attorney for enforcement.

(7) In addition to any actions taken under subdivision (6), permanently revoke a seller's certificate of authority, if the seller demonstrates a pattern or practice of violating the following provisions:

(A) The requirement under IC 30-2-13-12 that all property paid or delivered to fund a contract for prepaid services or merchandise be irrevocably deposited to trust or escrow thirty (30) days after the contract is signed.

(B) The prohibition against knowingly inducing a purchaser to breach an existing contract under IC 30-2-13-13(e).

As added by P.L.48-1991, SEC.31. Amended by P.L.207-1993, SEC.21; P.L.241-1995, SEC.1; P.L.65-2007, SEC.4.

IC 25-15-9-9

Funeral homes; standards for operation; duties of department

Sec. 9. The funeral director, consumer, and the state department of health members of the board shall do the following:

(1) Adopt rules under IC 4-22-2 to do the following:

(A) Establish standards for the competent practice of funeral service.

(B) Establish sanitation standards for the construction and equipping of funeral homes.

(C) Establish standards for the operation of funeral homes.

(D) Set fees under IC 25-1-8.

(E) Carry out this article.

(2) Establish a program of inspection to administer this article.

(3) Pass upon the qualifications of each applicant for a license under this article.

(4) Provide all examinations under this article.

(5) License all applicants who meet the requirements of IC 25-15-4.

(6) Investigate a complaint alleging a violation of this article.

(7) For a violation of this article by a person who is licensed under this article, if necessary, take any combination of the

following actions:

(A) Issue an appropriate order to correct the violation.

(B) Suspend the seller's certificate of authority issued under IC 30-2-13.

(C) Permanently revoke the licensee's license.

(D) Censure the licensee.

(E) Issue a letter of reprimand.

(F) Place the licensee on probation.

(G) Assess a civil penalty against the licensee in an amount not to exceed one thousand dollars ($1,000) for each violation, except for a finding of incompetency due to a physical or mental disability. When imposing a civil penalty, the board shall consider a licensee's ability to pay the amount assessed. If the licensee fails to pay the civil penalty within the time specified by the board, the board may suspend the licensee's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the licensee's inability to pay a civil penalty.

(H) Refer the matter to the attorney general or the prosecuting attorney for enforcement.

(8) The board shall suspend the license of a funeral home licensee who employs a person who:

(A) holds an inactive funeral director license (as described in IC 25-15-4-6); and

(B) engages in the practice of funeral services or provides funeral services to the public (as described in IC 25-15-2-17 or IC 25-15-2-22).

As added by P.L.48-1991, SEC.31. Amended by P.L.2-1992, SEC.768; P.L.207-1993, SEC.22.

IC 25-15-9-10

Cemeteries; operation; duties of department

Sec. 10. The cemetery, consumer, and the state department of health members of the board shall do the following:

(1) Determine compliance with IC 23-14 by cemetery owners.

(2) Investigate a complaint alleging a violation of IC 23-14.

(3) For a violation of IC 23-14 by a cemetery owner, if necessary, take any combination of the following actions:

(A) Issue an appropriate order to correct the violation.

(B) Suspend the seller's certificate of authority issued under IC 30-2-13.

(C) Censure the cemetery owner.

(D) Issue a letter of reprimand.

(E) Assess a civil penalty against the cemetery owner in an

amount not to exceed one thousand dollars ($1,000) for each violation, except for a finding of incompetency due to a physical or mental disability. When imposing a civil penalty, the board shall consider a cemetery owner's ability to pay the amount assessed.

(F) Refer the matter to the attorney general or prosecuting attorney for enforcement.

As added by P.L.48-1991, SEC.31. Amended by P.L.2-1992, SEC.769; P.L.207-1993, SEC.23.

IC 25-15-9-11
Official actions of board; voting

Sec. 11. An official action of the board is valid only if the action is adopted by at least six (6) of the board's members. However, cemetery members may not vote on any matter involving section 9 of this chapter, and funeral director members may not vote on any matter involving section 10 of this chapter. When either cemetery or funeral director members are ineligible to vote, an official action of the board is valid if the action is adopted by at least four (4) of the board's members.

As added by P.L.48-1991, SEC.31.

IC 25-15-9-12
Health officers; cooperation with department

Sec. 12. The state department of health and local health officers shall cooperate with the board to enforce the sanitation standards adopted by the board for funeral homes.

As added by P.L.48-1991, SEC.31. Amended by P.L.2-1992, SEC.770.

IC 25-15-9-13
Funeral service education fund

Sec. 13. (a) The funeral service education fund is established for the following purposes:

(1) To supplement the funding for a program of inspection administered by the funeral director, consumer, and state department of health members of the board under section 9 of this chapter.

(2) To fund educational projects of the funeral director, consumer, and state department of health members of the board directed toward funeral directors and embalmers.

(b) The fund shall be administered by the funeral director, consumer, and state department of health members of the board.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same

manner as other public funds may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the amount of money in the fund at the close of a fiscal year exceeds forty thousand dollars ($40,000), the treasurer of state shall transfer the excess from the fund into the state general fund.

As added by P.L.48-1991, SEC.31. Amended by P.L.2-1992, SEC.771.

IC 25-15-9-14

Fees and gifts; collection and distribution

Sec. 14. The Indiana professional licensing agency shall collect all fees required under this article and gifts received by the board and at the end of each month shall do the following:

(1) Report amounts collected to the auditor of state.

(2) Transfer amounts collected to the treasurer of state for deposit as follows:

(A) An amount established by the board and not exceeding five dollars ($5) per license issued under this article in the funeral service education fund.

(B) Gifts dedicated to the funeral service education fund in that fund.

(C) The remainder, after deducting the amounts described in clause (A) or (B), in the state general fund.

As added by P.L.48-1991, SEC.31.

IC 25-15-9-15

Salary; reimbursement of expenses

Sec. 15. (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

As added by P.L.48-1991, SEC.31.

IC 25-15-9-16

Payment of expenses

Sec. 16. All expenses incurred in the administration of this article

shall be paid from the state general fund. However, expenses approved by the funeral director, consumer, and state department of health members of the board for payment from the funeral service education fund shall be paid from that fund.
As added by P.L.48-1991, SEC.31. Amended by P.L.2-1992, SEC.772.

IC 25-15-9-17
Registration of cemeteries

Sec. 17. (a) Each cemetery that:

(1) qualifies for a certificate of authority as a seller under IC 30-2-13; or

(2) is subject to IC 23-14-48;

must register with the board.

(b) The cemetery, consumer, and state department of health members of the board shall impose a registration fee for each geographic location of a cemetery to which this section applies that is equal to the combined total of fees charged under IC 25-15 for one (1) funeral home license and one (1) individual funeral director's license.
As added by P.L.48-1991, SEC.31. Amended by P.L.2-1992, SEC.773; P.L.52-1997, SEC.51.

IC 25-15-9-18
Priority among persons as to authority to determine final disposition of human remains and make other arrangements; persons who may not make determination; disputes

Sec. 18. (a) Except as provided in subsection (b), the following persons, in the order of priority indicated, have the authority to designate the manner, type, and selection of the final disposition of human remains, to make arrangements for funeral services, and to make other ceremonial arrangements after an individual's death:

(1) A person:

(A) granted the authority to serve in a funeral planning declaration executed by the decedent under IC 29-2-19; or

(B) named in a United States Department of Defense form "Record of Emergency Data" (DD Form 93) or a successor form adopted by the United States Department of Defense, if the decedent died while serving in any branch of the United States Armed Forces (as defined in 10 U.S.C. 1481) and completed the form.

(2) An individual specifically granted the authority in a power of attorney or a health care power of attorney executed by the decedent under IC 30-5-5-16.

(3) The individual who was the spouse of the decedent at the

time of the decedent's death, except when:

(A) a petition to dissolve the marriage or for legal separation of the decedent and spouse is pending with a court at the time of the decedent's death, unless a court finds that the decedent and spouse were reconciled before the decedent's death; or

(B) a court determines the decedent and spouse were physically and emotionally separated at the time of death and the separation was for an extended time that clearly demonstrates an absence of due affection, trust, and regard for the decedent.

(4) The decedent's surviving adult child or, if more than one (1) adult child is surviving, the majority of the adult children. However, less than half of the surviving adult children have the rights under this subdivision if the adult children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children.

(5) The decedent's surviving parent or parents. If one (1) of the parents is absent, the parent who is present has the rights under this subdivision if the parent who is present has used reasonable efforts to notify the absent parent.

(6) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, less than half of the surviving siblings have the rights under this subdivision if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.

(7) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent or, if more than one (1) individual of the same degree survives, the majority of those who are of the same degree of kinship. However, less than half of the individuals who are of the same degree of kinship have the rights under this subdivision if they have used reasonable efforts to notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship.

(8) If none of the persons identified in subdivisions (1) through (7) are available, any other person willing to act and arrange for the final disposition of the decedent's remains, including a funeral home that:

(A) has a valid prepaid funeral plan executed under

IC 30-2-13 that makes arrangements for the disposition of the decedent's remains; and

(B) attests in writing that a good faith effort has been made to contact any living individuals described in subdivisions (1) through (7).

(9) In the case of an indigent or other individual whose final disposition is the responsibility of the state or township, the following:

(A) If none of the persons identified in subdivisions (1) through (8) is available:

(i) a public administrator, including a responsible township trustee or the trustee's designee; or

(ii) the coroner.

(B) A state appointed guardian.

(b) If:

(1) the death of the decedent appears to have been the result of:

(A) murder (IC 35-42-1-1);

(B) voluntary manslaughter (IC 35-42-1-3); or

(C) another criminal act, if the death does not result from the operation of a vehicle; and

(2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not authorize or designate the manner, type, or selection of the final disposition of human remains.

(c) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the cemetery owner or crematory authority of the determination under subsection (b)(2).

(d) If the decedent had filed a protection order against a person described in subsection (a) and the protection order is currently in effect, the person described in subsection (a) may not authorize or designate the manner, type, or selection of the final disposition of human remains.

(e) A law enforcement agency shall determine if the protection order is in effect. If the law enforcement agency cannot determine the existence of a protection order that is in effect, the law enforcement agency shall consult the protective order registry established under IC 5-2-9-5.5.

(f) If a person vested with a right under subsection (a) does not exercise that right not later than seventy-two (72) hours after the person receives notification of the death of the decedent, the person forfeits the person's right to determine the final disposition of the

decedent's remains and the right to determine final disposition passes to the next person described in subsection (a).

(g) A funeral home has the right to rely, in good faith, on the representations of a person listed in subsection (a) that any other individuals of the same degree of kinship have been notified of the final disposition instructions.

(h) If there is a dispute concerning the disposition of a decedent's remains, a funeral home is not liable for refusing to accept the remains of the decedent until the funeral home receives:

(1) a court order; or

(2) a written agreement signed by the disputing parties;

that determines the final disposition of the decedent's remains. If a funeral home agrees to shelter the remains of the decedent while the parties are in dispute, the funeral home may collect any applicable fees for storing the remains, including legal fees that are incurred.

(i) Any cause of action filed under this section must be filed in the probate court in the county where the decedent resided, unless the decedent was not a resident of Indiana.

(j) A spouse seeking a judicial determination under subsection (a)(3)(A) that the decedent and spouse were reconciled before the decedent's death may petition the court having jurisdiction over the dissolution or separation proceeding to make this determination by filing the petition under the same cause number as the dissolution or separation proceeding. A spouse who files a petition under this subsection is not required to pay a filing fee.

As added by P.L.237-1995, SEC.17. Amended by P.L.102-2007, SEC.3; P.L.3-2008, SEC.185; P.L.143-2009, SEC.7; P.L.101-2010, SEC.3; P.L.94-2010, SEC.8; P.L.42-2011, SEC.55; P.L.34-2011, SEC.4; P.L.6-2012, SEC.176.

IC 25-15-9-19

Effects of signing final disposition authorization; liability

Sec. 19. (a) An individual who signs an authorization for the cremation, interment, entombment, or inurnment of human remains:

(1) is considered to warrant the truthfulness of:

(A) any fact set forth in the authorization;

(B) the identity of the person for whose remains cremation, interment, entombment, or inurnment is sought; and

(C) the individual's authority to order the cremation, interment, entombment, or inurnment; and

(2) is personally and individually liable to pay damages in compensation for harm that:

(A) is caused by; or

(B) results from;

the signing of the authorization for cremation, interment,

entombment, or inurnment.

(b) A funeral home that relies in good faith on a signed authorization for the cremation, interment, entombment, or inurnment of human remains is not civilly or criminally liable or subject to disciplinary actions for carrying out the disposition of the decedent's remains in accordance with the instructions in the authorization.

As added by P.L.34-2011, SEC.5. Amended by P.L.6-2012, SEC.177.

IC 25-15-10

Chapter 10. Courtesy Cards for Funeral Services

IC 25-15-10-1

"Courtesy cards"

Sec. 1. As used in this chapter, "courtesy card" means a special permit issued by the board to funeral directors licensed in states that border Indiana.

As added by P.L.95-2012, SEC.1.

IC 25-15-10-2

"Funeral ceremonies"

Sec. 2. As used in this section, "funeral ceremonies" refer to services or rites commemorating the deceased, with the dead human body present, conducted at:

(1) churches;
(2) funeral homes;
(3) cemeteries;
(4) crematories; or
(5) elsewhere.

Funeral ceremonies include visitations, funerals, graveside funeral services, and other similar rites or ceremonies.

As added by P.L.95-2012, SEC.1.

IC 25-15-10-3

Issuance of courtesy card

Sec. 3. Beginning January 1, 2013, the board shall issue a courtesy card to an individual who is not licensed under this article as a funeral director but who is licensed or certified as a funeral director in one (1) or more states, if all of the following requirements are met:

(1) The individual is licensed as a funeral director in a state that borders Indiana.
(2) The bordering state issues courtesy cards or similar permits to funeral directors licensed in Indiana.
(3) The individual completes an application for a courtesy card on a form provided by the board. The application for a courtesy card must include certification, including the seal of the state where the individual is licensed.
(4) The individual certifies on the application that the individual has reviewed and understands materials prepared by the board for individuals seeking courtesy cards.
(5) The individual pays the fee established under section 4 of this chapter.

As added by P.L.95-2012, SEC.1.

IC 25-15-10-4

Rules

Sec. 4. The board shall adopt rules under IC 4-22-2 to set the fee for the card. The fee must be sufficient to cover the cost of issuing

the card. When establishing the fee, the board must consider the fees charged by states bordering Indiana that issue courtesy cards. Insofar as possible, the fees established must be consistent with the fees of the bordering states that issue courtesy cards.
As added by P.L.95-2012, SEC.1.

IC 25-15-10-5
Term

Sec. 5. A courtesy card issued under this chapter is valid for a period consistent with other licenses issued by the board, to be established by the board.
As added by P.L.95-2012, SEC.1.

IC 25-15-10-6
Functions

Sec. 6. The holder of a courtesy card issued under this chapter is authorized to undertake the following acts of funeral directing:

(1) Remove and transport unembalmed and embalmed deceased human bodies:

(A) to Indiana from; and

(B) from Indiana to;

the state or states where the courtesy card holder is licensed as a funeral director.

(2) Prepare and complete sections of a death certificate and other disposition permits needed for disposition of deceased human remains, and sign and file death certificates and permits.

(3) Sign and file death certificates and other disposition permits without the assistance of or being under the supervision of a funeral director licensed under this article.

(4) Supervise and conduct funeral ceremonies in Indiana without the assistance of a funeral director licensed under this article.

As added by P.L.95-2012, SEC.1.

IC 25-15-10-7
Revocation or suspension

Sec. 7. A courtesy card holder must comply with all laws and rules of Indiana when engaged in any acts of funeral directing in this state. The board may revoke or suspend a courtesy card or subject the courtesy card holder to discipline in accordance with the laws and rules applicable to funeral directors licensed under this article. Any disciplinary measure taken by the board against a courtesy card holder must be reported by the board to the state board or agency that issued the courtesy card holder's funeral director's license or certification.
As added by P.L.95-2012, SEC.1.

IC 25-15-10-8
Prohibited actions

Sec. 8. The holder of a courtesy card issued under this chapter is

not authorized to undertake the following acts:

(1) Transfer the courtesy card to another individual.

(2) Own or operate a funeral home, crematory, or office that provides or offers to sell or arrange funeral or disposition services in Indiana.

(3) Except as provided in section 6 of this chapter, perform any acts related to the practice of funeral direction in Indiana, including:

(A) arranging for a funeral or disposition service with members of the public;

(B) being employed by or contracted to perform funeral or embalming service in Indiana by a funeral home licensed under this article;

(C) advertising Indiana funeral or disposition services;

(D) executing contracts for funeral or disposition services in Indiana;

(E) preparing or embalming deceased human remains in Indiana; or

(F) exhuming or disinterring human remains in Indiana.

As added by P.L.95-2012, SEC.1.

IC 25-16

ARTICLE 16. EMPLOYMENT SERVICES

IC 25-16-1

Chapter 1. Regulation of Employment Services

IC 25-16-1-1

Necessity of license; issuance; display

Sec. 1. A person, firm, limited liability company, or corporation may not open, operate, or maintain an employment agency in this state without first obtaining a license for that purpose from the department. Each license shall contain a designation of the city or town, together with the name of the street and the number of the building where the licensed person, firm, limited liability company, or corporation conducts or is to conduct the employment agency. The license, together with a copy of this law, shall be posted in a conspicuous place in each and every place or office where the agency does business. No agency shall write, print, publish, paint, or display in any way any sign, card, or advertisement in any way similar to the name "Indiana Free Employment Service". All advertisements and statements, window signs, door signs, and all literature used, displayed or circulated by any such agency shall contain the regularly licensed name of the agency. The location of an agency may not be changed without the written consent of the department of state revenue. A license issued under this chapter is not transferable.
(Formerly: Acts 1927, c.25, s.1.) As amended by Acts 1982, P.L.154, SEC.57; P.L.35-1983, SEC.2; P.L.8-1993, SEC.382.

IC 25-16-1-2

Bond; revocation of license

Sec. 2. (a) The department of state revenue shall require each and every applicant for a license to execute to the state of Indiana a bond in the penal sum of one thousand dollars ($1,000), with a surety company, or with two (2) solvent resident freeholders, conditioned that the obligor will not violate any of the duties, terms, conditions, or provisions of this chapter, and the bond so executed, shall be approved by the department.

(b) The department is hereby authorized to cause an action to be brought on such bond, in the name of the state of Indiana, for any violation of any of the conditions of such bond, and may, after a hearing, revoke such license, whenever, in its judgment, the licensee has violated any of the provisions of this chapter, or has been convicted of the violation of any criminal law of this or any other state, subject to an appeal under IC 4-21.5 by the person, firm, limited liability company, or corporation whose license is so revoked.

(c) It is hereby made the duty of the attorney general to prosecute any action brought by the department of state revenue in such cases.
(Formerly: Acts 1927, c.25, s.2.) As amended by Acts 1982, P.L.154, SEC.58; P.L.35-1983, SEC.3; P.L.7-1987, SEC.121; P.L.8-1993,

SEC.383.

IC 25-16-1-3
License fee

Sec. 3. A fee of one hundred fifty dollars ($150) shall be paid annually for each license granted under the provisions of this chapter.

(Formerly: Acts 1927, c.25, s.3.) As amended by Acts 1981, P.L.223, SEC.2.

IC 25-16-1-4
Duration of license; renewal; notice of refusal to renew

Sec. 4. Every license, unless previously revoked, shall remain in force until one (1) year after its issue, and every employment agency shall, upon payment of the amount of the license fee required, and the filing of a new bond, have issued to it a license for the ensuing year, unless the department of state revenue then gives written notice to the agency:

(1) that it intends to refuse to renew the license for reasons stated in this chapter; and

(2) that the license will remain in effect pending an appeal, if any, under IC 4-21.5.

(Formerly: Acts 1927, c.25, s.4.) As amended by P.L.35-1983, SEC.4; P.L.7-1987, SEC.122.

IC 25-16-1-5
Application for license

Sec. 5. Every applicant for a license shall file with the department of state revenue a written application, stating the name and address of the applicant, the name of the street and the number of the building in which the employment agency is to be maintained, the name of the person who is to have the general management of the office, the name under which the business of the office is to be carried on, and the business or occupation engaged in by the applicant for at least five (5) years immediately preceding the date of the application. Such applicant shall give as reference the names and addresses of at least three (3) persons of reputed business or professional integrity, located in the city or town where such applicant intends to conduct his business. The applicant shall be rejected if the department of state revenue finds that the applicant is not of good moral or business integrity, or when the premises for conducting the business of an employment agent are found upon investigation to be unfit for such use, or if there is any good and sufficient reason within the meaning and purpose of this chapter for rejecting such application. No license will be granted to any person whose license has been revoked within a period of three (3) years next preceding the date of such application. Each application shall be granted or refused within thirty (30) days from date of filing.

(Formerly: Acts 1927, c.25, s.5.) As amended by Acts 1982, P.L.154, SEC.59.

IC 25-16-1-6
Filing fee schedule, forms, and contracts; changes

Sec. 6. (a) Each applicant for a license shall file with his application, a schedule of fees, charges, and commissions which he expects to charge and collect for his service, together with a copy of all forms and contracts to be used in the operation of the agency.

(b) Such schedule of fees, charges, and commissions may thereafter be changed by filing an amended or supplemental schedule showing such fees, charges, and commissions with the department of state revenue at least thirty (30) days before the date provided for same to become effective. Any change in forms and contracts must also be filed with the department of state revenue at least thirty (30) days before the date provided for same to become effective.

(c) Schedule of fees, charges, and commissions to be charged shall be posted in a conspicuous place in the office of such agency. It shall be unlawful for any employment agent to charge, demand, collect, or receive a greater compensation for any service performed by him than is specified in such schedule filed with the department of state revenue.

(Formerly: Acts 1927, c.25, s.6.) As amended by P.L.28-1988, SEC.74.

IC 25-16-1-7
Recovery of fees by job applicant

Sec. 7. No agency shall send out any applicant, or collect any fee from any applicant without first having obtained a bona fide order for such employment. No charge nor advance fee of any kind shall be accepted until a position has been secured for the applicant by the agency or through the efforts of the agency. If any person fails, through no fault of his own, to obtain employment from the employer to whom he has been referred by an employment agent, or if, after having been engaged by an employer, such person is not permitted by said employer to enter upon the employment he was sent to perform, the whole amount paid by such person to the employment agent as a fee shall be refunded to him on demand. If such applicant shall have obtained a position or employment through such licensed agency, and shall voluntarily leave or abandon such position or employment, and without reasonable cause, he shall be entitled to receive no part of the fee paid by the applicant to the agency.

(Formerly: Acts 1927, c.25, s.7.)

IC 25-16-1-8
Receipts for payments made by job applicants; contents

Sec. 8. (a) For all payments made by any applicant for employment to any employment agency, there shall be given a receipt, on the back of which shall be printed in readable form in the English language: "No charge nor advance fee of any kind shall be accepted until a position has been secured for the applicant by the agency or through the efforts of the agency. In case any employer fails to accept an applicant or person obtained by any agency acting

as the agent of such employer, then the licensed agency shall repay and return to said applicant all of any payments made by said applicant to said agency.".

(b) On the front of such receipt there shall be printed the words, "Read the law on the back of the receipt.". All receipts shall also have printed on the back thereof: "This agency is licensed by the department of state revenue, State Capitol, Indianapolis, Indiana.".

(Formerly: Acts 1927, c.25, s.8.) As amended by P.L.28-1988, SEC.75.

IC 25-16-1-9

Employment agency records; maintenance; inspection

Sec. 9. (a) Every licensed agency shall keep a record for two (2) years of:

(1) every person referred or placed for employment, including the date the person was referred or placed in employment, the person's name, address, age, nativity, sex, color, and trade, occupation, or profession;

(2) the amount of the fee received and rate of wages agreed upon; and

(3) the name and address of the person, firm, limited liability company, or corporation with whom any of the applicants have been placed.

(b) The department of revenue may inspect the records of an agency at any time.

(Formerly: Acts 1927, c.25, s.9.) As amended by P.L.35-1983, SEC.5; P.L.8-1993, SEC.384.

IC 25-16-1-10

Disposition of fees received

Sec. 10. All fees received by the department of state revenue under this chapter shall be paid into the state treasury by the department.

(Formerly: Acts 1927, c.25, s.10.) As amended by Acts 1979, P.L.17, SEC.45; P.L.28-1988, SEC.76.

IC 25-16-1-11

Employment agency defined; exceptions

Sec. 11. (a) The term "employment agency", as used in this chapter, means any person, firm, limited liability company, or corporation, who for hire or with a view to profit, shall undertake or offer to secure employment or help through the medium of card, circular, pamphlet, or any medium whatsoever, or through the display of a sign or bulletin, offer to secure employment or help, or give information as to where employment or help may be secured.

(b) Nothing in this chapter shall apply to the business and vocation of babysitting.

(c) Nothing in this chapter shall apply to charitable and benevolent organizations and associations approved by the division of family resources. All charitable and benevolent organizations and

associations approved by the division of family resources shall, before being authorized to conduct such employment agency or department, secure a permit from the department of state revenue by filing an application giving such information as may be required. No charge shall be made for the issuance of such permit, which may be revoked on the same terms as a license is revocable.
(Formerly: Acts 1927, c.25, s.11; Acts 1951, c.292, s.1.) As amended by P.L.28-1988, SEC.77; P.L.2-1992, SEC.774; P.L.8-1993, SEC.385; P.L.145-2006, SEC.160.

IC 25-16-1-12
Referring job applicant to place where strike or lockout exists
Sec. 12. No employment agency shall refer any applicant to any place for a position where a strike or lockout is known to exist without notifying the applicant of such condition.
(Formerly: Acts 1927, c.25, s.12.)

IC 25-16-1-13
Fee splitting with employer
Sec. 13. No person conducting or connected with or acting as agent for an employment agency shall make any arrangements with any employer or his agents or employees to secure the discharge of any employee; nor shall any employment agent or any one in his employ or representing him divide or offer to divide or share, directly or indirectly, any fee, charge or compensation received from any employee with any employer or person in any way connected with the business thereof.
(Formerly: Acts 1927, c.25, s.13.)

IC 25-16-1-14
Sending job applicant to house of ill fame or assignation; securing discharge of employee
Sec. 14. It shall be unlawful for any employment agency to send any person to any place of bad repute, house of ill fame or assignation, or place of amusement kept for immoral purposes, or any other place (known) to be of questionable character or ill repute, or for the purpose of securing a position for any applicants therein. It shall be unlawful for any employment agency to circulate, publish, record or issue any report or information to cause the discharge of any person employed in any legitimate service.
(Formerly: Acts 1927, c.25, s.14.)

IC 25-16-1-15
Refund of fee in event of nonexistence of job opening
Sec. 15. If it shall appear that no employment of the kind applied for existed at the place where any applicant was directed, said licensed agency shall refund to such applicant, within five (5) days after demand, any sum paid by said applicant for transportation and other expense in going to and returning from said place and all fees paid by said applicant to such agency.

(Formerly: Acts 1927, c.25, s.15.)

IC 25-16-1-16
False representations

Sec. 16. No agency shall publish, or cause to be published, or circulate any false or fraudulent or misleading notice, advertisement, or statement; or give any false information or make any false representation or promise concerning work or employment or help, to any one who shall register for help or employment, and no such agency shall make any false entry in any book, record or register kept by it in connection with its business.
(Formerly: Acts 1927, c.25, s.16.)

IC 25-16-1-17
Inspection; power of arrest

Sec. 17. For the purpose of enforcing this chapter and the rules and regulations issued thereunder, the department of state revenue, or any of its duly authorized agents, may enter any employment agency or place of business of any employment agent and inspect the register, books, cards or other records of such employment agent. The department or any of its duly authorized agents, shall have the power and authority of sheriffs, and other peace officers, to make arrests for violations of the provisions of this chapter and to serve any process or notice throughout the state.
(Formerly: Acts 1927, c.25, s.17.) As amended by Acts 1982, P.L.154, SEC.60.

IC 25-16-1-18
Violations; enforcement of chapter

Sec. 18. A person who violates this chapter commits a Class B misdemeanor. The Indiana department of state revenue shall enforce this chapter and institute criminal or civil proceedings whenever informed of any violation of it. Upon instituting proceedings, the name of the department shall be entered upon the docket, and upon conviction a fee of ten dollars ($10.00) shall be allowed in favor of the department, which fee, when collected, shall be accounted for as other money received by the department under this chapter. The department may promulgate rules and regulations as necessary for the supervision of employment agencies.
(Formerly: Acts 1927, c.25, s.18.) As amended by Acts 1978, P.L.2, SEC.2533.

IC 25-16-2

Chapter 2. Employment Services Licensing Transferred to Department of State Revenue

IC 25-16-2-1

Department of state revenue; jurisdiction

Sec. 1. All the rights, powers and duties as provided in IC 25-16-1 are hereby transferred and set over to the Indiana department of state revenue which department from March 7, 1951, shall have complete jurisdiction and administration of all the provisions contained in IC 25-16-1.

(Formerly: Acts 1951, c.292, s.2.) As amended by Acts 1982, P.L.154, SEC.61.

IC 25-17

ARTICLE 17. REPEALED

(*Repealed by P.L.1-1993, SEC.197.)*

IC 25-17.3

ARTICLE 17.3. GENETIC COUNSELORS

IC 25-17.3-1

Chapter 1. Applicability

IC 25-17.3-1-1

Application of chapter

Sec. 1. This article applies after June 30, 2010.

As added by P.L.177-2009, SEC.35.

IC 25-17.3-2
Chapter 2. Definitions

IC 25-17.3-2-1
Application of definitions
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.177-2009, SEC.35.

IC 25-17.3-2-2
Agency
Sec. 2. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.
As added by P.L.177-2009, SEC.35.

IC 25-17.3-2-3
Board
Sec. 3. "Board" refers to the medical licensing board of Indiana created by IC 25-22.5-2-1.
As added by P.L.177-2009, SEC.35.

IC 25-17.3-2-4
Genetic counseling
Sec. 4. "Genetic counseling" means the communication by an individual of any of the following:
(1) Estimating, through the following methods, the likelihood of the occurrence or recurrence of a birth defect or a potentially inherited or genetically influenced condition:
(A) Obtaining and analyzing the health history of an individual and the individual's family.
(B) Reviewing medical records.
(C) Evaluating the risks of exposure to possible mutagens or teratogens.
(D) Recommending genetic testing or other evaluation to detect fetal abnormalities or determine the carrier status of a family member.
(2) Explaining to an individual or a family the following:
(A) The medical, psychological, and social implications of a disorder and the usual course of evaluation, treatment, or management.
(B) The genetic factors that contribute to the disorder and how the genetic factors affect the chance for recurrence of the condition in other family members.
(C) The available options for coping with, preventing, or reducing the chance of occurrence or recurrence of the disorder.
(D) The genetic or other tests available for inherited disorders.
(E) How to interpret complex genetic test results.
As added by P.L.177-2009, SEC.35.

IC 25-17.3-2-5
Genetic counselor

Sec. 5. "Genetic counselor" means an individual who is licensed under this article to provide genetic counseling.
As added by P.L.177-2009, SEC.35.

IC 25-17.3-2-6
Genetic supervision

Sec. 6. "Genetic supervision" refers to the assessment by:
(1) an individual who is licensed under this article; or
(2) a physician licensed under IC 25-22.5;
of an individual who is issued a temporary genetic counselor license. The term includes regular meetings and chart review under a genetic supervision contract entered into by both parties.
As added by P.L.177-2009, SEC.35.

IC 25-17.3-3

Chapter 3. Powers and Duties of the Board

IC 25-17.3-3-1

Enforcement by the board

Sec. 1. The board shall enforce this article.

As added by P.L.177-2009, SEC.35.

IC 25-17.3-3-2

Rules

Sec. 2. The board may adopt rules under IC 4-22-2 that are consistent with this article and with IC 25-22.5 and that are necessary for the proper enforcement of this article and for the conduct of the practice of genetic counseling.

As added by P.L.177-2009, SEC.35.

IC 25-17.3-4

Chapter 4. Requirements for Licensure as a Genetic Counselor

IC 25-17.3-4-1

Qualifications

Sec. 1. To qualify for licensure as a genetic counselor, an applicant must:

(1) submit an application on a form developed by the board;

(2) pay the licensure fee determined by the board;

(3) provide written evidence that the applicant has earned:

(A) a master's degree from a genetic counseling training program accredited by the American Board of Genetic Counseling or its successor; or

(B) a doctoral degree from a medical genetics training program that is accredited by the American Board of Medical Genetics or its successor; and

(4) meet the examination requirement for certification as:

(A) a genetic counselor by the American Board of Genetic Counseling or the American Board of Medical Genetics or the successor of these entities; or

(B) a medical geneticist by the American Board of Medical Genetics or its successor.

As added by P.L.177-2009, SEC.35.

IC 25-17.3-4-2

Temporary licenses

Sec. 2. (a) The board may issue a temporary license to an applicant who:

(1) meets all the requirements for licensure under section 1 of this chapter except the examination for certification requirement set forth in section 1(4) of this chapter; and

(2) has an active candidate status for the certification.

(b) An individual who is issued a temporary license under this section:

(1) must apply for and take the next available examination for certification; and

(2) may practice under the temporary license only if directly supervised by a licensed genetic counselor or a physician licensed under IC 25-22.5 under a genetic supervision contract.

(c) An individual who holds a temporary license issued under this section and fails the examination for certification described in section 1(4) of this chapter for the first time may reapply for a second temporary license. The board may not issue a temporary license to an individual who has failed the examination for certification more than one (1) time.

(d) A temporary license issued under this section expires upon the earliest of the following:

(1) The date on which the individual meets the requirements of this chapter and is issued a license.

(2) The date that is thirty (30) days after the individual fails the examination for certification described in section 1(4) of this chapter.

(3) The date printed on the temporary license.

(e) An individual who is issued a temporary license under this section shall inform the board of the results of the individual's examination for certification described in section 1(4) of this chapter.

As added by P.L.177-2009, SEC.35. Amended by P.L.1-2010, SEC.107.

IC 25-17.3-4-3

Temporary license; other jurisdictions

Sec. 3. The board may issue a license to an individual who:

(1) is licensed, certified, or registered in another state or territory of the United States that has requirements determined by the board to be substantially equivalent to the requirements specified in this article;

(2) is in good standing in the other state or territory;

(3) applies in the manner required by the board; and

(4) pays an application fee specified by the board.

As added by P.L.177-2009, SEC.35.

IC 25-17.3-4-4

Licensure exemptions

Sec. 4. The following individuals are not required to be licensed under this article:

(1) An individual who is licensed as a physician under IC 25-22.5 or a nurse under IC 25-23. However, the individual may not use the title "genetic counselor" or any other title that indicates that the individual is a genetic counselor unless the individual is licensed under this article.

(2) A student or an intern from an accredited school who is participating in a supervised training program.

(3) An individual from another state who is certified by the American Board of Medical Genetics or the American Board of Genetic Counseling and acting in Indiana on a consultant basis.

As added by P.L.177-2009, SEC.35.

IC 25-17.3-4-5

Expiration of license; renewal; fee; expired license

Sec. 5. (a) A license issued by the board expires on the date established by the agency under IC 25-1-5-4 in even-numbered years.

(b) To renew a license, a genetic counselor shall:

(1) pay a renewal fee not later than the expiration date of the license; and

(2) meet all other requirements for renewal under this chapter.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a license, the license becomes invalid without further action by the board.

(d) If an individual holds a license that has been invalid for not

more than three (3) years, the board shall reinstate the license if the individual meets the requirements of IC 25-1-8-6(c).

(e) If more than three (3) years have elapsed since the date a license has expired, the individual who holds the expired license may seek reinstatement of the license by satisfying the requirements for reinstatement under IC 25-1-8-6(d).

As added by P.L.177-2009, SEC.35.

IC 25-17.3-4-6

Renewal; continuing education

Sec. 6. (a) To renew a license under this article, an applicant must complete continuing education. The continuing education must meet the requirements of IC 25-1-4 and consist of:

(1) the completion in each two (2) year license cycle of fifty (50) contact hours that have been approved by the National Society of Genetic Counselors; or

(2) the successful completion in each two (2) year license cycle of a reading assignment and proctored examination in medical genetics provided by the American Board of Medical Genetics.

(b) An applicant seeking renewal of a license shall certify that the applicant:

(1) has complied with the continuing education requirements; or

(2) has not complied with the continuing education requirements but is seeking a waiver from the board under section 7 of this chapter.

As added by P.L.177-2009, SEC.35.

IC 25-17.3-4-7

Continuing education waiver

Sec. 7. The board may grant an applicant seeking renewal of a license a waiver from all or part of the continuing education requirement for the renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following conditions:

(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.

As added by P.L.177-2009, SEC.35.

IC 25-17.3-5

Chapter 5. Unlawful Practices

IC 25-17.3-5-1

Use of certain titles prohibited

Sec. 1. An individual who does not have a valid license or temporary license as a genetic counselor under this article may not use the title "genetic counselor", "licensed genetic counselor", or any word, letter, abbreviation, or insignia that indicates or implies that the individual has been issued a license or has met the qualifications for licensure under this article.

As added by P.L.177-2009, SEC.35.

IC 25-17.3-5-2

Injunctions

Sec. 2. (a) If the board believes that a person has engaged in or is about to engage in an act or practice that constitutes or will constitute a violation of section 1 of this chapter, the board may apply to a circuit or superior court for an order enjoining the act or practice.

(b) If the board determines that a person has engaged in or is about to engage in an act or practice that constitutes or will constitute a violation of section 1 of this chapter, an injunction, a restraining order, or another appropriate order may be granted by the court.

As added by P.L.177-2009, SEC.35.

IC 25-17.3-5-3

Penalty

Sec. 3. A person who violates this chapter commits a Class A misdemeanor. In addition to any other penalty imposed for a violation of this chapter, the board may, in the name of the state of Indiana through the attorney general, petition a circuit or superior court to enjoin the person who is violating this chapter from practicing genetic counseling in violation of this chapter.

As added by P.L.177-2009, SEC.35.

IC 25-17.5

ARTICLE 17.5. REPEALED

(*Repealed by P.L.161-1996, SEC.3.)*

IC 25-17.6

ARTICLE 17.6. PROFESSIONAL GEOLOGISTS

IC 25-17.6-1

Chapter 1. Definitions

IC 25-17.6-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-1-2

"Board"

Sec. 2. "Board" refers to the Indiana board of licensure for professional geologists established in IC 25-17.6-2.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.2.

IC 25-17.6-1-3

Repealed

(*Repealed by P.L.17-1999, SEC.35.)*

IC 25-17.6-1-4

Repealed

(*Repealed by P.L.17-1999, SEC.35.)*

IC 25-17.6-1-5

"Geologist"

Sec. 5. "Geologist" means a person who is qualified by the person's knowledge of the principles of geology acquired by:

(1) professional education; and

(2) practical experience.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-1-6

"Geology"

Sec. 6. "Geology" means a science that has the following characteristics:

(1) Treats the earth as a whole.

(2) Includes the:

(A) investigation;

(B) analysis;

(C) classification; and

(D) location;

of the rocks and other materials that compose the earth's crust, as they relate to geologic processes.

(3) Involves the study of:

(A) minerals, gases, and liquids composing and contained within the earth's crust; and

(B) geologic materials and processes.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-1-6.3
"License"

Sec. 6.3. "License" means a document issued by the board to permit a person to engage in an activity regulated under this article.
As added by P.L.17-1999, SEC.3.

IC 25-17.6-1-6.5
"Licensed professional geologist"

Sec. 6.5. "Licensed professional geologist" means a person who is licensed as a geologist under this article.
As added by P.L.17-1999, SEC.4.

IC 25-17.6-1-7
"Public practice of geology"

Sec. 7. (a) "Public practice of geology" means the performance of service to the public in connection with the geological description, location, or evaluation of:

(1) geological materials, liquids, and gases; and
(2) the natural processes acting upon them.

(b) The term includes geological:

(1) consulting;
(2) investigating;
(3) evaluating;
(4) designing; and
(5) planning.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-1-8
"State geologist"

Sec. 8. "State geologist" means the person in charge of the Indiana geological survey established by IC 21-47-2.
As added by P.L.161-1996, SEC.2. Amended by P.L.2-2007, SEC.323.

IC 25-17.6-1-9
"Survey"

Sec. 9. "Survey" refers to the Indiana geological survey established by IC 21-47-2.
As added by P.L.161-1996, SEC.2. Amended by P.L.2-2007, SEC.324.

IC 25-17.6-2

Chapter 2. Indiana Board of Licensure for Professional Geologists

IC 25-17.6-2-1

Establishment; administration

Sec. 1. (a) The Indiana board of licensure for professional geologists is established.

(b) The board shall administer this article.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.5.

IC 25-17.6-2-2

Qualification

Sec. 2. Each member of the board shall be:

(1) a resident of Indiana; and

(2) appointed by the governor, with the exception of the state geologist.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-2-3

Members

Sec. 3. The board shall consist of the following members:

(1) The state geologist.

(2) Three (3) members who are licensed professional geologists.

(3) One (1) member who represents the public at large.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.6.

IC 25-17.6-2-4

Terms

Sec. 4. (a) Each board member shall serve a term of four (4) years.

(b) A board member may serve until the member's successor is appointed and qualified under this chapter.

(c) A board member may not serve more than two (2) consecutive terms.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-2-5

Removal; vacancy

Sec. 5. (a) The governor may remove a board member for cause.

(b) A vacancy in the membership of the board shall be filled for the unexpired term by the governor.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-2-6

Quorum

Sec. 6. Three (3) members of the board constitute a quorum.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-2-7

Immunity from civil liability

Sec. 7. Board members are immune from civil liability for any action taken in the performance of the board's powers and duties under this article.
As added by P.L.161-1996, SEC.2.

IC 25-17.6-2-8
Chairman; secretary
Sec. 8. The board shall elect from its members a chairman and secretary each year.
As added by P.L.161-1996, SEC.2.

IC 25-17.6-2-9
Appointment
Sec. 9. (a) At least thirty (30) days before making the annual appointment to the board, the governor shall receive a list of not more than three (3) nominations for the appointment from a joint committee of the survey and representatives of professional organizations representing professional geologists in Indiana.
(b) Members appointed to the board shall be selected from the list submitted to the governor by the joint committee under subsection (a).
As added by P.L.161-1996, SEC.2.

IC 25-17.6-2-10
Reimbursement of expenses
Sec. 10. Each board member is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided under IC 4-13-1-4 and the state policies and procedures established by the Indiana department of administration and approved by the budget agency.
As added by P.L.161-1996, SEC.2.

IC 25-17.6-3

Chapter 3. Duties and Powers of the Board

IC 25-17.6-3-1

Meetings; cost of survey

Sec. 1. (a) The board shall meet:

(1) at least one (1) time each calendar year; and

(2) at other times considered necessary by:

(A) the chairman; or

(B) a quorum of the board;

upon being given at least ten (10) days notice.

(b) Each year the board shall:

(1) determine the cost incurred by the survey in administering the program for the licensure of professional geologists under this article; and

(2) if necessary, adjust the amount of the:

(A) licensure fee charged under IC 25-17.6-4-7; and

(B) renewal fee charged under IC 25-17.6-5-2;

to ensure that the program is self-supporting.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.7.

IC 25-17.6-3-2

Qualifications of applicants for certification

Sec. 2. (a) The board shall pass upon the qualifications of applicants for licensure.

(b) The board shall:

(1) require from an applicant for licensure evidence of the applicant's qualifications; and

(2) judge an applicant on evidence of the applicant's professional competency and integrity under rules adopted by the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.8.

IC 25-17.6-3-3

Code of professional conduct

Sec. 3. (a) The board may by rule adopt or amend a code of professional conduct for licensed professional geologists.

(b) If the board adopts or amends a code of professional conduct under subsection (a), the board shall mail a copy of the code and any amendments to the code to all persons listed on the roster described in section 10 of this chapter.

(c) A mailing under this section constitutes service for the purposes of this article.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.9.

IC 25-17.6-3-4

Investigation of misconduct

Sec. 4. The board may investigate:

(1) a suspected violation by a licensed professional geologist of:

(A) the code of conduct adopted under section 3 of this

chapter; or

(B) other rules of the board concerning professional competency and integrity of licensed professional geologists; or

(2) other grounds for action against a licensed professional geologist under IC 25-17.6-8.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.10.

IC 25-17.6-3-5

Complaint to condition, suspend, or revoke registration

Sec. 5. (a) The board may file a proposed complaint to condition, suspend, or revoke the license of a licensed professional geologist.

(b) The recipient of a proposed complaint may either:

(1) agree to the terms of the proposed complaint; or

(2) request, within twenty (20) days of receiving the proposed complaint, an informal review of the proposed complaint before the board.

(c) Failure by a licensed professional geologist to request an informal review constitutes an agreement to the terms of the proposed complaint.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.11.

IC 25-17.6-3-6

Charges of fraud, deceit, gross negligence, or misconduct

Sec. 6. (a) Any person or organization may present charges of fraud, deceit, gross negligence, or misconduct against a licensed professional geologist.

(b) A charge under subsection (a) shall be:

(1) in writing;

(2) sworn to by the person or the officer of the organization making the charges; and

(3) filed with the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.12.

IC 25-17.6-3-7

Review of charges

Sec. 7. (a) The board shall consider:

(1) a request for review under section 5; or

(2) charges under section 6;

of this chapter during a meeting.

(b) The board may compel a licensed professional geologist to respond to any matters about a proposed complaint or charges.

(c) The board may by rule establish procedures for the conduct of its review under this section, including the subpoena of witnesses and documents.

(d) A review under this section shall be conducted in an informal manner. However, the board shall keep a record of the proceeding.

(e) As soon as possible following the meeting, the board shall render a determination and either:

(1) terminate its review; or

(2) issue a determination under IC 4-21.5-3-6 to condition, suspend, or revoke the license of the licensed professional geologist.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.13.

IC 25-17.6-3-8
Compliance with or administrative review of determination

Sec. 8. A licensed professional geologist who receives a determination under section 7 of this chapter shall either:

(1) comply with its terms; or

(2) request administrative review under IC 25-17.6-9.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.14.

IC 25-17.6-3-9
Legal assistance

Sec. 9. (a) The attorney general shall act as legal adviser to the board and provide any legal assistance necessary to carry out this article.

(b) The board may employ private counsel at the expense of the board.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-3-10
Survey; publication of roster

Sec. 10. (a) The survey shall publish each year a roster showing the names and places of business of all licensed professional geologists.

(b) Copies of the roster described in subsection (a) shall be:

(1) made available to each person licensed;

(2) placed on file at the survey; and

(3) furnished to the public upon request.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.15.

IC 25-17.6-3-11
Survey; offices and staff

Sec. 11. The survey shall:

(1) establish and maintain necessary offices in Indiana;

(2) employ staff as necessary, including staff for the board; and

(3) prescribe the duties and compensation of all staff employed under subdivision (2).

As added by P.L.161-1996, SEC.2.

IC 25-17.6-3-12
Rules

Sec. 12. The board may adopt rules under IC 4-22-2 consistent with this article and reasonably required for the conduct of the board's responsibilities and duties.
As added by P.L.161-1996, SEC.2.

IC 25-17.6-4

Chapter 4. Requirements for Certification

IC 25-17.6-4-1

Course work; experience; passing score on examination

Sec. 1. To qualify for licensure, an applicant must meet all of the following requirements:

(1) Successful completion of at least thirty (30) semester hours or forty-five (45) quarter hours of course work in geology, culminating in a baccalaureate or advanced degree in geology, geophysics, geochemistry, geological engineering, or geotechnical engineering from an accredited college or university. At the discretion of the board, courses dealing with applied geological science that are given under the auspices of an academic department other than geology may be considered toward the fulfillment of this requirement.

(2) Experience in professional geological work consisting of one (1) of the following:

(A) Five (5) years of teaching geology as a faculty member at the college or university level.

(B) Five (5) years of geological research by an applicant at the college or university level.

(C) Five (5) years of geological work performed under the supervision of, or in collaboration with, a licensed professional geologist.

(D) Seven (7) years of geological work that is acceptable to the board.

(3) A passing score on an examination required by the board that has been designed to demonstrate that the applicant has the necessary knowledge and skill to exercise the responsibilities of the public practice of geology.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.16.

IC 25-17.6-4-2

Years of experience; credits toward

Sec. 2. In counting years of experience under section 1(2) of this chapter, the board may give one (1) year of credit each for a master's degree or doctoral degree in geology, geophysics, geochemistry, geological engineering, or geotechnical engineering.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-4-3

Credit subject to evaluation and approval by board

Sec. 3. Credit toward the experience and education requirements described in this chapter is subject to evaluation and approval by the board.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-4-4

Documentation of competency and integrity

Sec. 4. The board may require documentation of competency and integrity.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-4-5

Licensure in different state

Sec. 5. Upon application, licensure may be provided to a person who is licensed or certified as a geologist in a state that has standards for licensure or certification at least equal to those for licensure under this chapter, as determined by the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.17.

IC 25-17.6-4-6

Administrative review of determination

Sec. 6. A person seeking licensure as a licensed professional geologist who is aggrieved by a determination of the board under this chapter may request administrative review under IC 25-17.6-9.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.18.

IC 25-17.6-4-7

Application fee; deposit in fund

Sec. 7. (a) An applicant for licensure shall pay a nonrefundable fee established by regulation of the board.

(b) All fees paid to and collected by the board under this section and IC 25-17.6-5 shall be deposited in a fund under the jurisdiction of the board.

(c) The survey shall be:

(1) designated to collect and disburse funds represented by the fees described in subsection (b); and

(2) required to execute a bond, with corporate surety, in an amount to be determined by the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.19.

IC 25-17.6-5

Chapter 5. Renewal of Certificates

IC 25-17.6-5-1

Expiration of license

Sec. 1. A license issued under IC 25-17.6-4 expires three (3) years after it is issued, at a time and date designated by the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.20.

IC 25-17.6-5-2

Notification of expiration and renewal fee

Sec. 2. The board shall notify each person licensed under this article of the:

(1) date of expiration of the person's license; and

(2) amount of the renewal fee established by the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.21.

IC 25-17.6-5-3

Failure to pay renewal fee

Sec. 3. If a person fails to pay the renewal fee within ninety (90) days after the expiration date established by the board under this chapter, the person's:

(1) license shall be suspended; and

(2) name shall be deleted from the roster described in IC 25-17.6-3-10;

until the renewal fee is paid.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.22.

IC 25-17.6-5-4

Revocation of license for failure to pay renewal fee; recertification

Sec. 4. (a) If a person fails to pay the renewal fee for two (2) consecutive years, that person's license shall be revoked and may not be renewed.

(b) If a person whose license has been revoked under subsection (a) desires to be relicensed, the person:

(1) must submit an application to the board; and

(2) shall be considered as a new applicant.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.23.

IC 25-17.6-6

Chapter 6. Use of Seal or Stamp by Geologist

IC 25-17.6-6-1

Issuance of license by board

Sec. 1. (a) The board shall, upon payment of the licensure fee, issue a license to an applicant who in the opinion of the board has satisfactorily met all the requirements for licensure under IC 25-17.6-4.

(b) Each license shall show the full name of the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.24.

IC 25-17.6-6-2

Entitlement to rights and privileges

Sec. 2. The issuance of a license by the board is prima facie evidence that the person named on the license is entitled to all the rights and privileges of a licensed professional geologist while the license remains in force.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.25.

IC 25-17.6-6-3

Seal or stamp

Sec. 3. Each geologist may, upon licensure, obtain and use a seal or stamp of licensure of a design authorized by the board, containing the geologist's name and license number and the legend "Professional Geologist".

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.26.

IC 25-17.6-6-4

Replacement license

Sec. 4. A replacement license may be issued to replace a license that has been lost, destroyed, or mutilated, subject to the rules of the board.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.27.

IC 25-17.6-6-5

No affixation of signature, stamp, or seal after suspension or revocation of license

Sec. 5. A geologist may not affix the geologist's signature, stamp, or seal, or certify any report or other geological document after the geologist's license has been suspended or revoked, unless the license has been renewed or reissued.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.28.

IC 25-17.6-7

Chapter 7. Exemptions From Certification Requirements

IC 25-17.6-7-1

Exemptions from requirements of certification

Sec. 1. The following persons are exempt from the requirements of licensure under this article:

(1) An officer or employee of the United States government, state government, or local government while engaged in providing geological services for the officer's or employee's employers.

(2) A person engaged solely in geological research or the instruction of geology.

(3) A person not engaged in the public practice of geology.

(4) A professional engineer registered under IC 25-31 who applies geology to the practice of engineering.

(5) A soil scientist who is certified as a soil classifier or soil scientist by the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS) and the Indiana Association of Professional Soil Classifiers (IAPSC) and who applies geology in the practice of soil science.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.29.

IC 25-17.6-7-2

Unlawful preparation of geological report or document

Sec. 2. Except for:

(1) a person exempted under section 1 of this chapter; and

(2) a person who, in addition to a licensed professional geologist, is authorized by statute or administrative rule to prepare the report or document;

it is unlawful for a person other than a licensed professional geologist or a subordinate under the direction of a licensed professional geologist to prepare any geological report or document that is required by a statute or an administrative rule to be prepared by a licensed professional geologist.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.30.

IC 25-17.6-7-3

Use of title or description by noncertified persons

Sec. 3. A person may not engage in the public practice of geology or offer to publicly practice geology in Indiana or otherwise assume or advertise in any way a title or description tending to convey the impression that the person is a licensed professional geologist unless the person has been licensed under this article.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.31.

IC 25-17.6-8

Chapter 8. Grounds for Action by the Board and Penalties

IC 25-17.6-8-1

Grounds for suspension, refusal to renew, revocation, reprimand, or probation of licensed professional geologist

Sec. 1. The board may suspend, refuse to renew the license of, revoke the license of, reprimand, or place on probation a licensed professional geologist when the licensed professional geologist is found responsible by the board for any of the following:

(1) Fraud or deceit in obtaining licensure.

(2) Gross negligence, incompetence, or misconduct in the practice of geology.

(3) Conviction by a court of law of a felony or a crime involving moral turpitude.

(4) Violation of a code of ethics adopted by the board.

(5) The commission of an unlawful act set forth in section 2 of this chapter.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.32.

IC 25-17.6-8-2

Related misdemeanors

Sec. 2. A person who does any of the following commits a Class B misdemeanor:

(1) Falsely representing oneself as a licensed professional geologist in violation of IC 25-17.6-7-3.

(2) Presenting or attempting to use as the person's own a license or seal of another.

(3) Giving false or forged evidence to the board or to a member of the board in order to obtain a license.

(4) Falsely impersonating another geologist.

(5) Using or attempting to use an expired or a revoked license to practice geology at any time during a period the board has suspended or revoked the license.

(6) Publicly practicing geology in Indiana or offering to publicly practice geology in Indiana without being licensed under this article in violation of IC 25-17.6-7-3.

As added by P.L.161-1996, SEC.2. Amended by P.L.17-1999, SEC.33.

IC 25-17.6-9

Chapter 9. Administrative Review and Judicial Review

IC 25-17.6-9-1

Administrative review of determination

Sec. 1. If requested, an administrative review of a determination made by the board under IC 25-17.6-3-7, IC 25-17.6-4, or IC 25-17.6-8-1 shall be conducted before an administrative law judge appointed by the natural resources commission or the director of the division of hearings under IC 14-10-2-2.

As added by P.L.161-1996, SEC.2. Amended by P.L.99-2005, SEC.5.

IC 25-17.6-9-2

Parties to proceeding

Sec. 2. The parties to the proceeding include:

(1) the person taking administrative review of the determination by the board; and

(2) the board.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-9-3

Administrative law judge as ultimate authority

Sec. 3. An administrative law judge appointed under this chapter is the ultimate authority for the board under IC 4-21.5-5.

As added by P.L.161-1996, SEC.2.

IC 25-17.6-9-4

Judicial review of final order

Sec. 4. A party who is dissatisfied with a final order rendered by an administrative law judge may take judicial review under IC 4-21.5-5.

As added by P.L.161-1996, SEC.2.

IC 25-18

ARTICLE 18. REGULATION OF DISTRESS SALES

IC 25-18-1

Chapter 1. Licensing of Retail Distress Sales

IC 25-18-1-1

Definitions

Sec. 1. For the purpose of this chapter:

"Going out of business sale" is a sale held out, advertised or otherwise represented to the public in such a manner as to cause the public reasonably to believe that upon disposal of the stock of goods on hand the business will cease and be discontinued, including but not limited to the following sales: Insurance, salvage, closing out, going out of business, liquidation, bankrupt, receiver's, mortgage, insolvent, assignee's, executor's, administrator's, trustee's or creditor's sale of goods, wares or merchandise.

"Removal of business sale" is a sale held out, advertised or otherwise represented to the public in such a manner as to cause the public reasonably to believe that the person, firm, limited liability company, corporation, or association conducting the sale will cease and discontinue business at the place of sale upon disposal of the stock of goods on hand and will then move to and resume business at a new location.

"Fire or other altered goods sale" is a sale held out, advertised or otherwise represented to the public in such a manner as to cause the public reasonably to believe that the sale will offer goods damaged or altered by fire, smoke, water, vandalism or other similar means.

"Selling at retail" is the sale of tangible personal property to ultimate users or consumers.

"Distress sale" shall mean a going out of business sale, a removal of business sale or a fire or other altered goods sale or any combination of the same.

"Goods" shall mean goods, wares, merchandise or other tangible personal property.

(Formerly: Acts 1965, c.271, s.1.) As amended by Acts 1982, P.L.154, SEC.62; P.L.8-1993, SEC.386.

IC 25-18-1-2

Necessity of license; exceptions

Sec. 2. Unless a license for such sale has been issued and has become effective in accordance with this chapter, no person, firm, limited liability company, corporation, or association engaged in the business of selling goods at retail shall directly or indirectly advertise, or cause to be advertised, represent, or cause to be represented, or hold out to the public in any manner that any sale of goods is a going out of business, removal of business, or fire or other altered goods sale, or that it is a sale of goods that have been obtained through, as a result of, or by reason of any of the situations and contingencies named in the definitions of going out of business

sale, removal of business sale and fire or other altered goods sale as set forth in section 1 of this chapter; however, this chapter shall not apply to any sales directly ordered by any court or referee in bankruptcy, or to any person acting under the direction and supervision of state or federal courts in the course of their official duties.

(Formerly: Acts 1965, c.271, s.2.) As amended by Acts 1982, P.L.154, SEC.63; P.L.8-1993, SEC.387.

IC 25-18-1-3

Application for license

Sec. 3. (a) Any person, firm, limited liability company, corporation, or association required to obtain a license as provided in section 2 of this chapter shall make to the clerk of the circuit court for the county in which he proposes to conduct such going out of business sale, or removal of business sale or fire or other altered goods sale an application for such license in writing and under oath, at least ten (10) days prior to the opening date of such sale. Such application shall be submitted on paper sized eight and one-half (8½) inches by eleven (11) inches in accordance with the following general form setting out the following facts and information regarding such proposed sale:

APPLICATION FOR LICENSE FOR
DISTRESS SALE
DATE OF APPLICATION: _____
Applicant's Name: _____
Place of Proposed Sale: _____
Proposed Opening Date of Sale: _____
Date of Establishment of Business
at Present Location: _____
TYPE OF SALE (CHECK):
[] GOING OUT OF BUSINESS SALE
[] REMOVAL OF BUSINESS SALE
[] FIRE OR OTHER ALTERED GOODS SALE

1. Reason for sale:

(A full explanation with regard to the insurance, salvage, removal, closing out, going out of business, liquidation, bankruptcy, receivership, mortgage, insolvency, assignment, executor's, administrator's, trustee's, creditor's, or other necessity which is the occasion for such sale, or

If the sale is to be conducted as a sale of goods damaged or altered by fire, smoke, water, vandalism or otherwise, then a statement as to the time, location, and circumstances of such damage.)

2. Name of owner or owners of goods if other than the applicant:

3. Prior distress sales:

(A statement of the dates and locations of all going out of business sales, removal of business sales and fire or other altered goods sales conducted during the three (3) years preceding the proposed sale by the applicant or by any person, firm, limited liability company, corporation, or association related or affiliated

with the applicant.)

Oath. Such application shall bear the following oath which shall be subscribed and sworn to before a notary public: " _____ (name of affiant), being first duly sworn, upon his oath states that the matters and facts set forth in this application and in the inventory filed with this application are true and correct."

For the purpose of determining related or affiliated persons, firms, corporations, limited liability companies, or associations under this chapter, the following standards shall apply:

(1) A person shall be deemed related to his spouse and to all persons related within the third degree of consanguinity to him or to his spouse.

(2) Persons shall be deemed related to firms, limited liability companies, corporations, and associations; and firms, limited liability companies, corporations, and associations shall be deemed related to persons, if such persons, or persons related to them, possess more than a ten per cent (10%) ownership interest in the firm, limited liability company, corporation, or association.

(3) Firms, limited liability companies, corporations, or associations shall be deemed related if they have in common a person, group of related persons, firm, limited liability company, corporation, or association possessing more than ten per cent (10%) ownership in each.

(4) The ownership interest for purposes of this chapter shall be determined as of the dates of any sales hereby required to be stated.

(b) A full detailed and complete inventory of the goods that are to be sold shall be filed with the application on the following form which shall be typewritten or printed legibly and submitted on paper sized eight and one-half (8 1/2) inches by eleven (11) inches:

INVENTORY FOR DISTRESS SALE

Name of Retailer: _____

Place of Sale _____ Quantity

Description Unit Price Per

Unit Total Amount

(Each type of goods shall be described on a separate line as it was described on the invoice of purchase by the applicant and the goods shall be valued at their sale prices.)

(c) All such invoices of purchase by the applicant shall be retained by the applicant during the sale and for sixty (60) days following the conclusion of the sale, shall be open to public examination and shall be admissible in evidence in any court proceeding under this chapter. It shall be a violation of this chapter to destroy or otherwise dispose of such invoices during the period of retention required by this chapter or to destroy or otherwise dispose of such invoices for purposes of evading the requirements of this chapter. If there was no invoice for any goods to be sold, or if the invoice has previously been destroyed, the applicant shall so state, and shall describe the goods with reasonable specificity according to

the customary description of the type of goods on the invoice of purchase by a retailer.
(Formerly: Acts 1965, c.271, s.3.) As amended by Acts 1982, P.L.154, SEC.64; P.L.8-1993, SEC.388; P.L.4-1994, SEC.9.

IC 25-18-1-4
Effective period for license

Sec. 4. (a) The clerk of the circuit court shall note on the license the effective date thereof, which shall be not less than ten (10) days nor more than fifteen (15) days from the date of the issuance of the license. At the time of the issuance of the license, the applicant shall be entitled to select the effective date within such five (5) day period.

(b) A license issued under this chapter, unless renewed as provided in section 9 of this chapter, shall expire and shall be null and void sixty (60) days after the effective date thereof, as noted on the license, Sundays and holidays excluded. No distress sale for which a license has been granted shall be continued as a distress sale after the expiration of the license.
(Formerly: Acts 1965, c.271, s.4.) As amended by Acts 1982, P.L.154, SEC.65.

IC 25-18-1-5
Copy of inventory form; filing

Sec. 5. A copy of the completed inventory form shall be filed with the clerk of the circuit court and shall be open to public inspection. Such inventory forms shall be kept on file by the clerk for one (1) year and thereafter may be destroyed.
(Formerly: Acts 1965, c.271, s.5.) As amended by P.L.4-1994, SEC.10.

IC 25-18-1-6
Issuance of license; license fee; contents of license

Sec. 6. (a) The clerk of the circuit court, upon receiving an application for a license, shall examine the application to determine if it is in due form. If the clerk shall be satisfied that the application is in due form and that the proposed sale is of the character which the applicant desires to advertise and conduct, the clerk shall issue a license to the applicant authorizing him to advertise and conduct a sale of the particular kind mentioned in the application upon the payment of a fee as provided in IC 33-32-5-2.

(b) Such license may be issued by the clerk in typewritten letter form or in printed form addressed to the applicant, one (1) copy being retained by the clerk, and shall set forth the following information and statements:

DISTRESS SALE LICENSE

In accordance with and subject to IC 25-18-1, (name of applicant) is hereby licensed to conduct a distress sale for the following purpose:

Going out of business sale []
Removal of business sale []

Fire or altered goods sale []

This license shall apply only to the sale of goods reported in the inventory filed with the application for this license, which goods are to be sold by the licensee at (place of sale _____), in _____, Indiana. The effective date of this license shall be _____, _____, and this license shall expire sixty (60) days from said date, Sundays and holidays excluded.

Dated this ____ day of _____, _____.

_____ CLERK.

(Formerly: Acts 1965, c.271, s.6.) As amended by Acts 1982, P.L.154, SEC.66; P.L.171-1984, SEC.8; P.L.98-2004, SEC.99.

IC 25-18-1-7

Record of license

Sec. 7. The clerk of the circuit court shall endorse upon each such application the date of its filing and shall preserve it as a public record of his office and shall make a notation of it in a book to be kept for that purpose, properly indexed, showing the name of the applicant, the date of the application, the descriptive name of the proposed sale, the place where such sale is to be conducted, the date of issuance of the license and the effective date thereof.

(Formerly: Acts 1965, c.271, s.7.)

IC 25-18-1-8

Display of license

Sec. 8. A copy of the application, including the inventory, and license as herein described, shall be posted at a location conspicuous to the public in the place where such goods are to be sold so that the public may be informed of the facts in relation to the goods before purchasing same.

(Formerly: Acts 1965, c.271, s.8.)

IC 25-18-1-9

Renewal

Sec. 9. A license may be renewed for an additional thirty (30) days, Sundays and holidays excluded, if an application for renewal is filed with the clerk prior to the expiration of such license but not sooner than ten (10) days in advance of such expiration date; Provided, however, That a license may be renewed only if more than two hundred thousand dollars ($200,000) worth of goods were stated on the inventory originally filed. Upon proper applications the clerk may issue successive renewal licenses, one such renewal license for each two hundred thousand dollars ($200,000) worth of goods as stated on the inventory originally filed. A license shall be renewable only if in respect to each renewal the clerk finds that facts exist justifying the license renewal, that the licensee has filed an application for renewal, that the licensee has submitted with the application for renewal a revised inventory showing the items listed on the original inventory remaining unsold and not listing any goods not included in the original inventory, and that the licensee has paid an additional fee for

the renewal according to the schedule in section 4 based on the revised inventory filed with the renewal application. The renewal license shall be of the form prescribed in section 6, except that it shall expire thirty (30) days from its effective date, Sundays and holidays excluded, which shall be the expiration date of the prior license. The application for a renewal license shall be under oath and shall be of the same form as the application form prescribed in section 3, except that it shall at the bottom set forth the facts justifying the renewal.
(Formerly: Acts 1965, c.271, s.9.)

IC 25-18-1-10
Addition to stock

Sec. 10. No person, firm, limited liability company, corporation, or association, in contemplation of conducting any sale regulated by this chapter, shall order any goods for the purpose of selling and disposing of the goods at such sale. However, the prohibition of this section shall not apply to the purchase of goods damaged or altered by fire, smoke, water, vandalism or other similar means, or goods purchased from a seller who has discontinued his business. In the event of any unusual purchase or addition to the stock of goods within sixty (60) days prior to the filing of the application for license to conduct such sale, the burden in all civil or criminal litigation shall fall upon the purchaser to show that such purchases and additions to the stock were not made in contemplation of such sale or for the purpose of selling the goods at such sale.
(Formerly: Acts 1965, c.271, s.10.) As amended by Acts 1982, P.L.154, SEC.67; P.L.8-1993, SEC.389.

IC 25-18-1-11
Identification of goods

Sec. 11. The license provided for herein shall be granted, and valid only for the sale of inventoried goods which are the property of the licensee. Commingling of additional or other goods with that shown in the inventory in such a manner as to cause the merchandise inventoried to lose its identity shall void any such license and be a violation of this chapter. If the inventoried goods shall be put on sale with other stock of goods of an established merchant, then the same shall be considered and deemed to be commingled, unless it is clearly and sufficiently segregated, marked or identified, and advertised so that its identity may be readily distinguished from such other stock of goods and its identity readily ascertained.
(Formerly: Acts 1965, c.271, s.11.) As amended by Acts 1982, P.L.154, SEC.68.

IC 25-18-1-12
Misstatement or omission in license

Sec. 12. Any license issued on the basis of an application or containing any material misstatement or omission, or an inventory not in compliance with this chapter shall be void and of no effect.

(Formerly: Acts 1965, c.271, s.12.) As amended by Acts 1982, P.L.154, SEC.69.

IC 25-18-1-13
Violation of certain act; voiding license

Sec. 13. Any violation of IC 35-43 by a seller in connection with a sale governed by this chapter also constitutes a violation of this chapter and automatically voids any license authorizing such a sale.
(Formerly: Acts 1965, c.271, s.13.) As amended by Acts 1978, P.L.2, SEC.2535.

IC 25-18-1-14
Establishment of business to hold distress sale

Sec. 14. No license for a going out of business sale or a removal of business, as provided in this chapter, shall be issued to any person, firm, limited liability company, corporation, or association if such business was established or relocated for the ultimate purpose of holding such sale. For the purpose of this section, it shall be presumed by the clerk that any business which has been maintained at the sale location less than six (6) months was established for such ultimate purpose. The applicant may in his application rebut such presumption by establishing to the satisfaction of the clerk facts showing that such business was not established for the ultimate purpose of holding such distress sale.
(Formerly: Acts 1965, c.271, s.14.) As amended by Acts 1982, P.L.154, SEC.70; P.L.8-1993, SEC.390.

IC 25-18-1-15
Goods previously inventoried for distress sale

Sec. 15. Nothing in this chapter contained shall be construed as authorization for the issuance of a license to a person, firm, limited liability company, corporation, or association if the goods to be sold or any part of them were goods inventoried in an application for a license under this chapter, which license was issued within the preceding year.
(Formerly: Acts 1965, c.271, s.15.) As amended by Acts 1982, P.L.154, SEC.71; P.L.8-1993, SEC.391.

IC 25-18-1-16
Limitations on issuance of license; three-year period

Sec. 16. (a) No license for a going out of business or a removal of business sale shall be issued in respect to a proposed sale to be held by the applicant if the applicant or any person, firm, limited liability company, corporation, or association related to the applicant has conducted a going out of business sale or removal of business sale at the proposed sale location within the last preceding three (3) years.

(b) No license for a going out of business or a removal of business sale shall be issued to any applicant if such applicant or any related person, firm, limited liability company, corporation, or association has conducted a going out of business or removal of business sale

within the last preceding three (3) years unless the business for which such license is sought has been conducted for more than one (1) year by the applicant or a related person, firm, limited liability company, corporation, or association at the location of the proposed sale.

(c) Any license obtained in violation of this section shall be void and of no force and effect.

(Formerly: Acts 1965, c.271, s.16.) As amended by P.L.8-1993, SEC.392.

IC 25-18-1-17

Maintenance of records during sale

Sec. 17. Any licensee under this chapter shall keep suitable sales records and books during the sale, at the location at which such sale is conducted. Such records and books shall be open for inspection by the clerk of the circuit court or the prosecutor for the county in which the sale is conducted or the duly authorized representative of either of them.

(Formerly: Acts 1965, c.271, s.17.) As amended by Acts 1982, P.L.154, SEC.72.

IC 25-18-1-18

Compliance with chapter; duties of clerk of court

Sec. 18. It shall be the duty of the clerk of the circuit court to see that the provisions of this chapter are strictly complied with and to report for prosecution all cases of violation of, or refusal or neglect to comply with, such provisions. It shall be unlawful for any person, firm, limited liability company, corporation, or association to whom a license has been granted under this chapter to refuse to furnish said clerk on demand or to any person designated by him for that purpose, all the facts connected with the sale for which such license was granted or any other information which he may require in the enforcement of this chapter.

(Formerly: Acts 1965, c.271, s.18.) As amended by Acts 1982, P.L.154, SEC.73; P.L.8-1993, SEC.393.

IC 25-18-1-19

Misrepresentation

Sec. 19. A person who, in procuring from the clerk a license to conduct a sale under this act, knowingly misrepresents the true description or character of the sale, or the kind or condition of goods to be sold, or who otherwise knowingly violates this chapter, commits a Class A misdemeanor.

(Formerly: Acts 1965, c.271, s.19.) As amended by Acts 1978, P.L.2, SEC.2536.

IC 25-18-1-20

Repealed

(*Repealed by Acts 1978, P.L.2, SEC.2570.)*

IC 25-18-1-21
Right to injunction or treble damages

Sec. 21. Any person injured by any violation of this chapter may sue for such injury in the courts of any county in which the defendant sells at retail, and obtain either injunctive relief against any sale conducted in violation of this chapter or recover threefold the damages sustained, or both, and such damages shall include a reasonable attorney's fee. The fact of injury to the plaintiff but not the amount thereof shall be conclusively presumed if it is established that a violation has taken place and that the plaintiff and defendant each were engaged in selling at retail within the same county at the time of the claimed violation, and that the violation of this chapter related to a sale conducted by the defendant in such county.

(Formerly: Acts 1965, c.271, s.21.) As amended by Acts 1982, P.L.154, SEC.74.

IC 25-18-1-22
Duties of prosecuting attorney

Sec. 22. It shall be the duty of the prosecuting attorney of any county to prosecute any violation of this chapter. The prosecuting attorney of any county may in the alternative seek injunctive relief against any sale being carried on in violation of this chapter in a civil action in any circuit or superior court of the county in which the defendant is conducting such sale. The prosecuting attorney may request and the court may, in its discretion, after a hearing, issue a preliminary injunction, pending the determination of such civil action, against continued representations to the public by the seller, that the sale is a going out of business sale, removal of business sale, or fire or other altered goods sale.

(Formerly: Acts 1965, c.271, s.22.) As amended by Acts 1982, P.L.154, SEC.75.

IC 25-19

ARTICLE 19. HEALTH FACILITY ADMINISTRATORS

IC 25-19-1

Chapter 1. Regulation of Health Facility Administrators – Creation of Board

IC 25-19-1-1

Definitions

Sec. 1. (a) As used in this chapter, "board" refers to the Indiana state board of health facility administrators.

(b) As used in this chapter, "health facility administrator" means a natural person who administers, manages, supervises, or is in general administrative charge of a licensed health facility whether such individual has an ownership interest in the health facility and whether the person's functions and duties are shared with one (1) or more individuals.

(c) As used in this chapter, "health facility" means any institution or facility defined as such for licensing under IC 16-28 and classified into care categories by rules adopted under IC 16-28.

(Formerly: Acts 1969, c.84, s.1; Acts 1971, P.L.374, SEC.1.) As amended by Acts 1982, P.L.29, SEC.5; P.L.149-1987, SEC.38; P.L.2-1993, SEC.139.

IC 25-19-1-2

State board of health facility administrators

Sec. 2. (a) There is created the Indiana state board of health facility administrators composed of thirteen (13) members as follows:

(1) The state health commissioner or the commissioner's designee.

(2) The director of the division of family resources or the director's designee.

(3) The state long term care ombudsman or the state long term care ombudsman's designee.

(4) The chief administrative officer of the Indiana University medical center at Indianapolis or the chief administrative officer's designee.

(5) One (1) member of the medical profession holding an unlimited license to practice medicine in Indiana.

(6) Four (4) administrators of licensed proprietary health facilities.

(7) Two (2) administrators of licensed nonproprietary health facilities.

(8) Two (2) members representing the public at large, who:

(A) are residents of Indiana; and

(B) have never been associated with health facility services or administration in any way other than as a resident or a

family member of a resident of a health facility.

(b) Those members of the board other than the representatives of state agencies and institutions shall be appointed by the governor after consultation with the associations and societies appropriate to the disciplines and professions representative of the position to be filled. The original and all subsequent physician and hospital administrator appointments shall be for terms of four (4) years. All appointments shall be for four (4) year terms, except that in case of a vacancy prior to term completion, the appointment shall be for the remainder of the unexpired term. Any vacancy, either prior to or at term completion, shall be filled by the governor after consultation with the associations and societies appropriate to the discipline or professions representative of the vacancy. In all cases, the appointees shall serve until their successors are appointed and qualified.

(c) The governor may remove any member of the board other than the representative of a state agency or institution for misconduct, incapacity, incompetence, or neglect of duty after the member has been served with a written statement of charges and has been given an opportunity to be heard. Designated representatives of the state agencies or institutions may be removed by the original appointing authority for any of those causes.

(Formerly: Acts 1969, c.84, s.2.) As amended by Acts 1981, P.L.222, SEC.136; P.L.149-1987, SEC.39; P.L.2-1992, SEC.775; P.L.43-1998, SEC.1; P.L.145-2006, SEC.161; P.L.105-2008, SEC.33.

IC 25-19-1-3

Qualifications for license; examination

Sec. 3. (a) The board may issue licenses to qualified persons as health facility administrators and shall establish qualification criteria for health facility administrators. The board shall adopt rules establishing standards for the competent practice of a health facility administrator. A person who applies to the board to practice as a health facility administrator must:

(1) not have been convicted of a crime that has a direct bearing on the person's ability to practice competently;

(2) have:

(A) satisfactorily completed a course of instruction and training prescribed by the board, which course shall be so designed as to content and so administered as to present sufficient knowledge of the needs properly to be served by health facilities, laws governing the operation of health facilities and the protection of the interests of patients therein, and the elements of good health facilities administration; or

(B) presented evidence satisfactory to the board of sufficient education, training, or experience in the foregoing fields to administer, supervise, and manage a health facility; and

(3) have passed an examination administered by the board and designed to test for competence in the subject matter referred to

in subdivision (2).

(b) The board may issue a provisional license for a single period not to exceed six (6) months for the purpose of enabling a qualified individual to fill a health facility administrator position that has been unexpectedly vacated. Before an individual is issued a provisional license, the individual must fulfill the requirements in subdivision (a)(1) in addition to complying with other standards and rules established by the board.

(Formerly: Acts 1969, c.84, s.3; Acts 1973, P.L.252, SEC.9.) As amended by Acts 1978, P.L.128, SEC.1; Acts 1981, P.L.222, SEC.137; Acts 1982, P.L.113, SEC.53; P.L.149-1987, SEC.40; P.L.152-1988, SEC.11; P.L.33-1993, SEC.26.

IC 25-19-1-3.5

Temporary permit; issuance; conditions

Sec. 3.5. (a) The board may issue a temporary permit to practice as a health facility administrator to a person who:

(1) has applied to the board for a license to practice as a health facility administrator;

(2) has a current license as a health facility administrator in another state;

(3) has met the educational requirements of the board;

(4) has completed a board approved training program or board determined equivalent; and

(5) has successfully completed the national examination with a score equivalent to the score required by this state.

(b) The board may substitute for the requirements in subsection (a)(3) or (a)(4) the experience of a person as a licensed health facility administrator in another state.

(c) A temporary permit issued under this section expires upon:

(1) the issuance of a license to the holder of the temporary permit; or

(2) the receipt by the holder of the temporary permit of notice from the board that the holder of the temporary permit has failed the required examination for licensure.

(d) A person holding a temporary permit to practice as a health facility administrator is subject to the disciplinary provisions of this chapter.

(e) The board may establish, by rules adopted under IC 4-22-2 and IC 25-19-1-4, application procedures and requirements for the issuance of temporary permits under this section.

As added by P.L.149-1987, SEC.41.

IC 25-19-1-4

Rules for licensure; cancellation, suspension, or revocation of license

Sec. 4. The board shall license health facility administrators in accordance with rules issued and from time to time revised by it. A health facility administrator's license shall not be transferable and shall be valid until surrendered for cancellation or suspended or

revoked for violation of this chapter or any other laws or rules relating to the proper administration and management of a health facility. Any denial of issuance or renewal, suspension, or revocation under any section of this chapter shall be appealable upon the timely request of the applicant or licensee and pursuant to IC 4-21.5.
(Formerly: Acts 1969, c.84, s.4.) As amended by Acts 1982, P.L.154, SEC.76; P.L.7-1987, SEC.124.

IC 25-19-1-5
Classification as comprehensive health facilities and residential health facilities; administrator's license; fee

Sec. 5. (a) The state department of health, pursuant to authority provided by IC 16-28, has, by rule duly promulgated, classified health facilities into comprehensive health facilities and residential health facilities. The fee for a health facility administrator's license in either classification shall be set by the board under section 8 of this chapter.

(b) The fee and application shall be submitted to the board, and the board shall transmit all the funds received to the treasurer of state to be deposited by the treasurer in the general fund of the state. All expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made in the manner provided by law for making appropriations.

(c) The administrator of a comprehensive care facility must have a comprehensive care facility administrator license issued by the board in accordance with rules adopted under section 8 of this chapter.

(d) The administrator of a residential care facility must have one (1) of the following licenses issued by the board under rules adopted under section 8 of this chapter:

(1) A comprehensive care facility administrator license.

(2) A residential care facility administrator license.

(Formerly: Acts 1969, c.84, s.5; Acts 1971, P.L.374, SEC.2; Acts 1975, P.L.270, SEC.1.) As amended by Acts 1976, P.L.119, SEC.16; Acts 1982, P.L.29, SEC.6; P.L.169-1985, SEC.59; P.L.2-1993, SEC.140; P.L.54-2007, SEC.1; P.L.156-2011, SEC.39; P.L.197-2011, SEC.89.

IC 25-19-1-5.1
Fee; payment

Sec. 5.1. Notwithstanding section 5 of this chapter, the fee for a health facility administrator's license shall be submitted to the Indiana professional licensing agency for it to transmit to the state treasurer.
As added by Acts 1981, P.L.222, SEC.138. Amended by P.L.169-1985, SEC.60; P.L.1-2006, SEC.438.

IC 25-19-1-6
Organization and government of board; compensation; expenses; employees

Sec. 6. (a) The board shall elect from its membership annually a chairperson and vice chairperson and shall adopt rules to govern its proceedings.

(b) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

(c) The Indiana professional licensing agency shall supply necessary personnel to assist the board in the performance of its duties.

(d) Seven (7) members of the board constitute a quorum for consideration of all matters before the board. A majority vote of the quorum is required for action of the board.

(Formerly: Acts 1969, c.84, s.6.) As amended by Acts 1981, P.L.222, SEC.139; P.L.169-1985, SEC.61; P.L.149-1987, SEC.42; P.L.28-1999, SEC.1; P.L.1-2006, SEC.439; P.L.105-2008, SEC.34.

IC 25-19-1-7

Determination of qualifications for license

Sec. 7. The Board shall have sole and exclusive authority to determine the qualifications, skill and fitness of any person to serve as an administrator of a health facility under the provisions of this chapter, and the holder of a license under the provisions of this chapter, shall be deemed qualified to serve as the administrator of that type of health facility for which he is licensed.

In carrying out its responsibilities under this chapter, The Board may seek the advice of various disciplines, agencies, institutions and individuals having an interest in long-term care.

(Formerly: Acts 1969, c.84, s.7; Acts 1971, P.L.374, SEC.3.)

IC 25-19-1-8

Powers and duties of the board

Sec. 8. The board shall do the following:

(1) Adopt rules establishing:

(A) standards for the competent practice of a health facility administrator; and

(B) separate education, experience, and training requirements for licensure in each of the following classifications described in section 5 of this chapter:

(i) Comprehensive health facility administrator.

(ii) Residential health facility administrator.

(2) Develop and apply appropriate techniques, including examination and investigations, for determining whether an individual meets the standards.

(3) Issue licenses to individuals determined, after application of the appropriate criteria, to meet the standards, and for cause, after due notice and hearing, impose sanctions under IC 25-1-9,

including placing the licensee on probation and revoking or suspending licenses previously issued by the board in any case where the individual holding the license is determined substantially to have failed to conform to the requirements of the standards.

(4) Establish and carry out the procedures designed to ensure that individuals licensed as health facility administrators will, during any period that they serve as such, comply with the requirements of the standards.

(5) Subject to IC 25-1-7, receive, investigate, and take appropriate action under IC 25-1-9 with respect to, and including probation, suspension, or the revocation of a license if necessary after due notice and hearing and for cause, any charge or complaint filed with the board to the effect that any individual licensed as a health facility administrator has failed to comply with the requirements of the standards.

(6) Conduct a continuing study and investigation of health facilities and administrators of health facilities in the state to improve the standards imposed for the licensing of the administrators and of procedures and methods for the enforcement of the standards with respect to licensed health facility administrators.

(7) Conduct, or cause to be conducted, one (1) or more courses of instruction and training sufficient to meet the requirements of this chapter, and shall make provisions for the courses and their accessibility to residents of this state unless it finds and approves a sufficient number of courses conducted by others within this state. The board may approve courses conducted in or outside this state sufficient to meet the education and training requirements of this chapter.

(8) Take other actions, not inconsistent with law, including establishing and approving requirements for continuing professional education for licensure renewal, making provisions for accepting and disbursing funds for educational purposes, as may be necessary to enable the state to meet the requirements set forth in Section 1908 of the Social Security Act (42 U.S.C. 1396g), the federal regulations adopted under that law, and other pertinent federal authority, and designing any other action to improve the professional competence of licensees.

(Formerly: Acts 1969, c.84, s.8; Acts 1975, P.L.270, SEC.2.) As amended by Acts 1977, P.L.172, SEC.25; Acts 1981, P.L.222, SEC.140; P.L.149-1987, SEC.43; P.L.152-1988, SEC.12; P.L.54-2007, SEC.2.

IC 25-19-1-9

Renewal of license; failure to renew

Sec. 9. (a) Every holder of a health facility administrator's license shall renew the license on the date established by the licensing agency under IC 25-1-5-4. The renewals shall be granted as a matter of course, unless the board finds, after due notice and hearing, that

the applicant has acted or failed to act in a manner or under circumstances that would constitute grounds for nonrenewal, suspension, or revocation of a license.

(b) A health facility administrator's license expires at midnight on the renewal date specified by the Indiana professional licensing agency. Failure to renew a license on or before the renewal date automatically renders the license invalid.

(c) A person who fails to renew a license before it expires and becomes invalid at midnight of the renewal date shall be reinstated by the board if the person applies for reinstatement not later than three (3) years after the expiration of the license and meets the requirements under IC 25-1-8-6(c).

(d) The board may reinstate a person who applies to reinstate a license under this section more than three (3) years after the date the license expires and becomes invalid if the person applies to the board for reinstatement and meets the requirements for reinstatement established by the board under IC 25-1-8-6(d).

(e) The board may require an applicant under subsection (d) to appear before the board to explain the applicant's failure to renew.

(Formerly: Acts 1969, c.84, s.9; Acts 1975, P.L.270, SEC.3.) As amended by P.L.149-1987, SEC.44; P.L.48-1991, SEC.32; P.L.269-2001, SEC.14; P.L.1-2006, SEC.440; P.L.105-2008, SEC.35.

IC 25-19-1-10

License by reciprocity; requirements

Sec. 10. (a) The board may issue a health facility administrator's license to any person who holds a current comparable license from another jurisdiction, if the board finds that the applicant has:

(1) met the educational requirements of the board;

(2) completed a board approved training program or board determined equivalent;

(3) successfully completed the national examination with a score equivalent to the score required by this state; and

(4) successfully completed the state examination conducted by the board.

(b) The board may substitute for the requirements in subsection (a)(1) or (a)(2) the experience of a person as a licensed health facility administrator in another state.

(Formerly: Acts 1969, c.84, s.10.) As amended by P.L.149-1987, SEC.45; P.L.33-1993, SEC.27.

IC 25-19-1-11

Necessity of license; violations

Sec. 11. No health facility may operate unless it is under the supervision of an administrator who holds a currently valid health facility administrator's license, provisional license, or temporary permit issued under this chapter. No person may practice or offer to practice health facility administration or use any title, sign, card, or device to indicate that the person is a health facility administrator,

unless the person has been duly licensed as a health facility administrator or provisional health facility administrator. A person who violates this section commits a Class C infraction, and each day of continuing violation after entry of judgment constitutes a separate infraction.
(Formerly: Acts 1969, c.84, s.11.) As amended by Acts 1978, P.L.2, SEC.2537; P.L.149-1987, SEC.46.

IC 25-19-1-12
Approval and promulgation of rules and regulations

Sec. 12. All rules and regulations authorized by this chapter, to become effective, shall be first approved by the board and then promulgated in the manner provided by law for the promulgation of rules and regulations of administrative bodies and when so promulgated shall be the only rules and regulations governing the licensing of health facility administrators as defined in this chapter, in the state.
(Formerly: Acts 1969, c.84, s.12.) As amended by Acts 1982, P.L.154, SEC.77.

IC 25-19-1-13
Repealed

(*Repealed by P.L.152-1988, SEC.30.)*

IC 25-19-1-14
Injunction from continuing violation of chapter; punishment

Sec. 14. The attorney general, the board, or the prosecuting attorney or a citizen of any county in which a person is in violation of this chapter may bring an action in the name of the state to enjoin the person from continuing in violation of this chapter. A person who is enjoined and who violates the injunction shall be punished for contempt of court. An injunction issued under this section does not relieve any person from criminal prosecution.
As added by P.L.149-1987, SEC.48.

IC 25-20

ARTICLE 20. HEARING AID DEALERS

IC 25-20-1

Chapter 1. Regulation of Hearing Aid Dealers; Creation of Advisory Committee; Certificates

IC 25-20-1-1

Definitions

Sec. 1. Except as the context requires otherwise:

"Board" shall mean the medical licensing board.

"Committee" means the committee of hearing aid dealer examiners.

"Hearing aid" shall mean any instrument or device worn on the human body, designed for or represented as aiding, improving or correcting defective human hearing, and any parts, attachments or accessories of such an instrument or device.

"Fit hearing aids" shall mean the hearing aid dealer's or salesman's evaluation or measurement of the powers or range of human hearing for the subsequent selection or adaption or sale of hearing aids.

"Dispense hearing aids" shall mean the sale, lease or rental of a hearing aid to anyone other than a hearing aid dealer.

"Hearing aid dealer" shall mean any person who fits or dispenses hearing aids and who receives a commission or salary derived from the sale of such devices or maintenance of such devices except any person who serves said dealer only in an administrative or clerical manner and who does not evaluate, fit or dispense hearing aids shall be excluded.

"Audiologist" means an individual holding a license to practice audiology issued under IC 25-35.6.

"Registration" shall refer to the legal privilege given a person who holds a hearing aid dealer certificate of registration; and "Temporary Registration" shall refer to the legal privilege given a person who holds a temporary hearing aid dealer certificate of registration.

(Formerly: Acts 1967, c.257, s.1.) As amended by Acts 1981, P.L.222, SEC.142.

IC 25-20-1-1.5

Committee of hearing aid dealer examiners

Sec. 1.5. (a) There is established the committee of hearing aid dealer examiners which consists of five (5) members all appointed by the governor to a term of three (3) years. Three (3) members must be hearing aid dealers licensed under this chapter, who are residents of this state and who have been practicing as hearing aid dealers for at least one (1) year prior to their appointment. One (1) member must be an otolaryngologist in this state, who is a resident of this state and who has been engaged in the practice of otolaryngology for at least one (1) year prior to appointment to the committee. One (1) member must be a resident of this state who is in no way associated with the business of hearing aid dealers, audiology, or speech-language

pathology other than as a consumer. Whenever a vacancy occurs on the committee, the governor shall appoint a successor to serve the remainder of the term of the vacated member.

(b) Three (3) members present constitute a quorum.

(c) The members serve without compensation, except that each member is entitled to the salary per diem as provided by IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

As added by Acts 1981, P.L.222, SEC.143. Amended by Acts 1982, P.L.113, SEC.54; P.L.149-1987, SEC.49.

IC 25-20-1-2

Necessity of certificate of registration

Sec. 2. (a) This section does not apply to:

(1) a person who is an audiologist licensed under IC 25-35.6; or

(2) the sale of hearing aid batteries or cords.

(b) It is unlawful for a person to fit or dispense hearing aids in Indiana unless the person holds:

(1) a valid hearing aid dealer certificate of registration;

(2) a temporary hearing aid dealer certificate of registration; or

(3) a student hearing aid dealer certificate of registration;

issued by the board.

(Formerly: Acts 1967, c.257, s.2.) As amended by P.L.236-1989, SEC.1.

IC 25-20-1-3

Qualifications for certificate; examination

Sec. 3. The board shall issue a hearing aid dealer certificate of registration to any person who makes application on forms provided by the board if the board has determined to its satisfaction that the applicant:

(1) is eighteen (18) years of age or older;

(2) if the applicant applies after June 29, 1992:

(A) is a high school graduate; or

(B) has a:

(i) high school equivalency certificate; or

(ii) state of Indiana general educational development (GED) diploma issued under IC 20-20-6 (before its repeal) or IC 22-4.1-18;

(3) has not been convicted of:

(A) an act which would constitute a ground for disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the applicant's ability to practice competently;

(4) has passed the examination prepared by the committee and given by the board to determine that the applicant has the qualifications to properly fit hearing aids; and

(5) held a student hearing aid dealer certificate of registration

issued under section 5 of this chapter at the time the applicant applied for a hearing aid dealer certificate of registration.

(Formerly: Acts 1967, c.257, s.3; Acts 1973, P.L.252, SEC.10.) As amended by Acts 1978, P.L.2, SEC.2538; Acts 1981, P.L.222, SEC.144; Acts 1982, P.L.113, SEC.55; P.L.152-1988, SEC.13; P.L.186-1991, SEC.1; P.L.48-1991, SEC.33; P.L.149-1995, SEC.16; P.L.1-2005, SEC.192; P.L.7-2011, SEC.24.

IC 25-20-1-4
Repealed

(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-20-1-5
Student hearing aid dealer certificates of registration

Sec. 5. The board shall issue student hearing aid dealer certificates of registration subject to the conditions and criteria for the granting of hearing aid dealer certificates of registration except for the examination requirement. In addition to the above requirements, a student registration certificate shall be issued only to a student applicant who is employed or directly supervised in the fitting of hearing aids by a registrant holding a valid registration.

The student hearing aid dealer certificate of registration shall set forth the name of said dealer and said hearing aid dealer shall execute an acknowledgment on the face of said certificate that he is responsible for all acts of the student registrant in connection with the fitting and dispensing of hearing aids.

Said student shall fit or dispense hearing aids only pursuant to the direction of and under the supervision of said hearing aid dealer.

The student hearing aid dealer certificate of registration shall expire one (1) year from the date of its issuance except that at the discretion of the board the certificate may be reissued for one (1) additional year only.

No hearing aid dealer licensed hereunder shall employ, commission, engage or otherwise assume the responsibility for more than three (3) student dealers at any one (1) time, unless approved in writing by the board.

A student hearing aid dealer certificate of registration may be cancelled upon the written request of the responsible hearing aid dealer, acknowledged in writing by the board.

(Formerly: Acts 1967, c.257, s.5.) As amended by Acts 1981, P.L.222, SEC.145.

IC 25-20-1-6
Fees

Sec. 6. When a person applies for a hearing aid dealer certificate of registration or a temporary hearing aid dealer certificate of registration, the person shall be charged a nonrefundable fee established by the board.

(Formerly: Acts 1967, c.257, s.6.) As amended by Acts 1981, P.L.33, SEC.30; P.L.48-1991, SEC.34.

IC 25-20-1-7
Repealed
(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-20-1-8
Repealed
(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-20-1-9
Repealed
(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-20-1-10
Repealed
(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-20-1-11
Standards; examinations; rules
Sec. 11. (a) Standards for licensing shall be determined by the board. The board may require that an applicant pass an examination in order to demonstrate that the applicant is qualified to fit and dispense hearing aids. An examination required under this section may not be conducted in such a manner that college training is required in order to pass the examination.

(b) Nothing in this section shall imply that the applicant shall possess the degree of medical competence normally expected by physicians.

(c) The committee shall propose rules to the board concerning the competent practice of hearing aid dealing.

(d) The board shall adopt rules, based on the committee's proposed rules, under IC 4-22-2 establishing standards for competent practice as a hearing aid dealer.
(Formerly: Acts 1967, c.257, s.11.) As amended by Acts 1981, P.L.222, SEC.146; P.L.177-2009, SEC.36.

IC 25-20-1-12
Issuance of certificates of registration; expiration; renewal; reinstatement
Sec. 12. (a) The committee shall issue hearing aid dealer certificates of registration that expire biennially on the date established by the licensing agency under IC 25-1-5-4. To renew a hearing aid dealer certificate of registration, the holder of the certificate must pay a renewal fee set by the committee on or before the date established by the licensing agency.

(b) If the holder of a certificate does not renew the holder's hearing aid dealer certificate of registration on or before the date established by the licensing agency, the certificate expires without any action taken by the board.

(c) A holder of a hearing aid dealer certificate of registration that expires under this section may have the certificate reinstated by the

committee if, not later than three (3) years after the license expires, the holder meets the requirements under IC 25-1-8-6(c).

(d) A person who applies for reinstatement of a certificate of registration under this section more than three (3) years after the date the registration expires and becomes invalid may apply for reinstatement by meeting the requirements for reinstatement under IC 25-1-8-6(d).

(Formerly: Acts 1967, c.257, s.12.) As amended by Acts 1982, P.L.154, SEC.78; P.L.48-1991, SEC.35; P.L.269-2001, SEC.15; P.L.105-2008, SEC.36.

IC 25-20-1-13
Display of certificate

Sec. 13. Every registrant, temporary registrant and student registrant shall conspicuously display his certificate of registration as issued under this chapter in his principal place of business, if any.

(Formerly: Acts 1967, c.257, s.13.) As amended by Acts 1982, P.L.154, SEC.79.

IC 25-20-1-14
Change in place of business; notice; record

Sec. 14. (a) If the registrant or temporary registrant changes a place of business of the registrant or temporary registrant, the registrant or temporary registrant shall notify the board, in writing, of the change of address within ten (10) days of the change. Failure to notify the board in writing shall be grounds for suspension or revocation of the registration.

(b) The board shall keep a record of all registrants and temporary registrants containing each registrant's and temporary registrant's last known addresses.

(Formerly: Acts 1967, c.257, s.14.) As amended by P.L.48-1991, SEC.36.

IC 25-20-1-15
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-20-1-16
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-20-1-17
Repealed

(*Repealed by P.L.48-1991, SEC.78.)*

IC 25-20-1-17.1
Complaints; sanctions

Sec. 17.1. (a) A complaint against a person registered or temporarily registered under this chapter is subject to IC 25-1-7.

(b) The board may impose sanctions under IC 25-1-9 against a

person registered or temporarily registered under this chapter.

(c) An action taken by the board under this section must be approved by a majority of the quorum.

As added by P.L.48-1991, SEC.37.

IC 25-20-1-18
Repealed

(*Repealed by P.L.48-1991, SEC.78.)*

IC 25-20-1-19
Repealed

(*Repealed by P.L.48-1991, SEC.78.)*

IC 25-20-1-20
Repealed

(*Repealed by P.L.48-1991, SEC.78.)*

IC 25-20-1-21
Violations

Sec. 21. A person who violates this chapter commits a Class B misdemeanor.

(Formerly: Acts 1967, c.257, s.21.) As amended by Acts 1978, P.L.2, SEC.2539.

IC 25-20-1-22
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-20-1-22.1
Repealed

(*Repealed by P.L.152-1988, SEC.30.)*

IC 25-20-1-23
Rules and regulations

Sec. 23. The board may adopt and promulgate in the manner prescribed by law, rules and regulations, and adopt application forms and other forms and written materials as necessary in order for it to carry out the provisions and legislative intent of this chapter.

(Formerly: Acts 1967, c.257, s.23.) As amended by Acts 1981, P.L.222, SEC.150.

IC 25-20-1-24
Repealed

(*Repealed by Acts 1972, P.L.13, SEC.51.)*

IC 25-20-1-25
Continuing education requirement

Sec. 25. (a) This section applies only to a registrant who has held a certificate issued under this chapter for at least eighteen (18) months.

(b) To renew a hearing aid dealer certificate of registration issued under this chapter, a registrant must complete at least twenty (20) hours of credit in continuing education courses.

(c) To satisfy the requirements of subsection (b), a registrant may use only credit hours earned in continuing education courses completed by the registrant:

(1) after the last date the registrant renewed a certificate under this chapter; or

(2) if the registrant is renewing a certificate for the first time, after the date the registrant was issued the certificate under this chapter.

(d) A registrant may receive credit only for completing continuing education courses that have been approved by the committee, the American Speech-Language-Hearing Association, or the National Institute for Hearing Instrument Studies.

(e) When a registrant renews a certificate issued under this chapter, the registrant must comply with IC 25-1-4-3.

As added by P.L.186-1991, SEC.2. Amended by P.L.269-2001, SEC.16.

IC 25-20.2

ARTICLE 20.2. HOME INSPECTIONS

IC 25-20.2-1

Chapter 1. Application of Article

IC 25-20.2-1-1 Version a

Application of article; exclusions

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

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, broker-salesperson, or salesperson 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.

IC 25-20.2-1-1 Version b
Application of article; exclusions

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

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.

IC 25-20.2-2
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) 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.

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.

IC 25-20.2-3
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 Version a
Members
Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.
Sec. 2. (a) The board is composed of seven (7) members appointed by the governor as follows:
(1) Four (4) 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) One (1) member who:
(A) is a home builder; and
(B) has been actively engaged in home building in Indiana for at least five (5) years immediately before the member's appointment to the board.
(3) One (1) member who:
(A) is a licensed real estate salesperson under IC 25-34.1-3-3.1 or a licensed real estate broker under IC 25-34.1-3-4.1; and
(B) has been actively engaged in selling, trading, exchanging, optioning, leasing, renting, managing, listing, or appraising residential real estate in Indiana for at least five (5) years immediately before the member's appointment to the board.
(4) 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.

IC 25-20.2-3-2 Version b
Members
Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.
Sec. 2. (a) The board is composed of seven (7) members appointed by the governor as follows:
(1) Four (4) 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) One (1) member who:
(A) is a home builder; and
(B) has been actively engaged in home building in Indiana for at least five (5) years immediately before the member's appointment to the board.
(3) One (1) member who:
(A) is a licensed real estate broker under IC 25-34.1-3-4.1; and
(B) has been actively engaged in selling, trading, exchanging, optioning, leasing, renting, managing, listing, or appraising residential real estate in Indiana for at least five (5) years immediately before the member's appointment to the board.
(4) 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.

IC 25-20.2-3-3
Terms of members; removal of members; vacancies

Sec. 3. (a) Each member of the board serves a term of three (3) years and until a successor is appointed and qualified.

(b) The governor may remove a board member at any time for incompetency, neglect of duty, or unprofessional conduct.

(c) If a vacancy occurs in the membership of the board, the governor shall appoint an individual to serve for the remainder of the unexpired term.

(d) A member may not serve on the board for more than six (6) consecutive years.

As added by P.L.145-2003, SEC.7.

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 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.

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.

IC 25-20.2-4

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.

IC 25-20.2-5
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) lists the state as an additional insured;

(D) 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

(E) 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.

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 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.

IC 25-20.2-6
Chapter 6. License Renewal

IC 25-20.2-6-1
Expiration of license

Sec. 1. 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.

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) 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 (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.

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.

IC 25-20.2-7

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.

IC 25-20.2-8

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.
As added by P.L.145-2003, SEC.7.

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.

IC 25-20.2-9

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.

IC 25-20.5

ARTICLE 20.5. HYPNOTISTS

IC 25-20.5-1

Repealed

(*Repealed by P.L.84-2010, SEC.102.)*

IC 25-20.7

ARTICLE 20.7. INTERIOR DESIGNERS

IC 25-20.7-1

Chapter 1. Definitions

IC 25-20.7-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-1-2

Agency

Sec. 2. "Agency" means the Indiana professional licensing agency established by IC 25-1-5-3.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-1-3

Applicant

Sec. 3. "Applicant" means an interior designer who applies for a registration under this article.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-1-4

ARE

Sec. 4. "ARE" refers to the Architectural Registration Exam.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-1-5

Interior design

Sec. 5. (a) "Interior design" means client consultation and preparation and administration of design documents that include:

(1) design studies;
(2) drawings;
(3) schedules;
(4) specifications; and
(5) contracts;

relating to nonstructural and nonseismic interior elements of a building or structure.

(b) The term includes design documents for space plans, reflected ceiling plans, egress, ergonomics, and the design or specification of fixtures, furnishings, equipment, cabinetry, lighting, materials, finishes, and interior design that does not materially affect the building system.

(c) The term does not include construction documents for construction (as defined in 675 IAC 12-6-2(c)) that are prepared only by architects and engineers and filed for state design release.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-1-6
Interior designer

Sec. 6. "Interior designer" means a person who practices interior design.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-1-7
NCIDQ

Sec. 7. "NCIDQ" refers to the National Council for Interior Design Qualification.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-1-8
Nonstructural or nonseismic

Sec. 8. "Nonstructural or nonseismic" means interior elements or components that:

(1) are not load bearing or do not assist in the seismic design of a building;

(2) do not require design computations for the structure of a building; and

(3) do not include the structural frame system supporting a building.

The term includes ceiling and partition systems that employ normal and typical bracing conventions and are not part of the structural integrity of the building.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-1-9
Reflected ceiling plan

Sec. 9. "Reflected ceiling plan" means a ceiling design that illustrates a ceiling as if the ceiling were projected downward and may include lighting elements.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-1-10
Registered interior designer

Sec. 10. "Registered interior designer" means a person registered under this article.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-1-11
Space planning

Sec. 11. "Space planning" means the analysis of design or spatial and occupancy requirements, including space layouts and final planning.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-2

Chapter 2. Registration Requirements

IC 25-20.7-2-1

Application of article

Sec. 1. This article applies to a person who practices interior design after December 31, 2009.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-2-2

Exemption from article

Sec. 2. This article does not apply to an owner or employee of a manufacturing, wholesale, or retail establishment who provides consultation regarding interior decoration or furnishing:

(1) on the premises of the establishment;

(2) for purposes of an actual or prospective retail sale; or

(3) in the design, construction, ordering, or sale of:

(A) recreational vehicles;

(B) manufactured homes certified through the United States Department of Housing and Urban Development; or

(C) industrialized building systems certified through the department of homeland security.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-2-3

Exemption from article

Sec. 3. This article does not apply to a person who:

(1) does not profess to be a registered interior designer; and

(2) is:

(A) an architect registered under IC 25-4; or

(B) a professional engineer registered under IC 25-31.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-2-4

Maintaining electronic registry

Sec. 4. Under IC 25-1-5.5, the agency shall maintain an electronic registry of all interior designers who:

(1) electronically apply for and meet the registration requirements under this article;

(2) swear or affirm under penalty of perjury that the interior designer's representations and information provided to the agency are true; and

(3) pay the fees under IC 25-20.7-3.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-2-5

Electronic registry

Sec. 5. Except as provided in section 8 of this chapter, the agency shall electronically register only an applicant who does the following:

(1) Electronically applies for the registration on a form prescribed by the agency.
(2) Meets the requirements of this article.
(3) Except as provided in section 6 or 8 of this chapter, passes:
(A) the examination administered by the NCIDQ; or
(B) the ARE.
(4) Pays the registration fee under IC 25-20.7-3.
As added by P.L.177-2009, SEC.37.

IC 25-20.7-2-6
Examination waiver
Sec. 6. The examination requirement under section 5(3) of this chapter is waived if the applicant holds a current certificate issued by the NCIDQ or documentation of the successful completion of the ARE.
As added by P.L.177-2009, SEC.37.

IC 25-20.7-2-7
Qualifications for registration
Sec. 7. To qualify for registration under this article, an applicant must not have a conviction for:
(1) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or
(2) a felony that has a direct bearing on the applicant's ability to practice competently.
As added by P.L.177-2009, SEC.37.

IC 25-20.7-2-8
Registration of applicants
Sec. 8. The agency shall register an applicant who:
(1) applies for registration under this article before December 31, 2011;
(2) meets all the registration requirements under this article other than the requirement under section 5(3) of this chapter; and
(3) meets one (1) or more of the following:
(A) Has:
(i) received at least two (2) years of interior design education; and
(ii) practiced in the field of interior design for at least ten (10) years.
(B) Has practiced interior design for at least fifteen (15) years.
As added by P.L.177-2009, SEC.37.

IC 25-20.7-2-9
Registration renewal
Sec. 9. The agency shall renew a registration of a registered interior designer only if the registered interior designer meets the following conditions:

(1) The applicant successfully completes the continuing education requirements under this chapter.
(2) The applicant pays the renewal fee under IC 25-20.7-3.
(3) Except for an applicant who is registered under section 8 of this chapter, the applicant:
(A) has documentation of successful completion of the examination administered by the ARE; or
(B) holds a current certificate issued by the NCIDQ.
As added by P.L.177-2009, SEC.37.

IC 25-20.7-2-10
Continuing education
Sec. 10. A registered interior designer must complete at least twelve (12) hours of continuing education in interior design or a discipline related to the practice of interior design for the renewal of a certificate of registration under this chapter.
As added by P.L.177-2009, SEC.37.

IC 25-20.7-2-11
Renewal requirements
Sec. 11. A registered interior designer who continues to actively practice interior design shall:
(1) renew the registration not more than ninety (90) days before the expiration of the registration; and
(2) pay the renewal fee under IC 25-20.7-3.
As added by P.L.177-2009, SEC.37.

IC 25-20.7-2-12
Application of certain rules
Sec. 12. This article is not intended to relieve a registered interior designer from complying with any rule adopted under IC 22-13-2-13.
As added by P.L.177-2009, SEC.37.

IC 25-20.7-3

Chapter 3. Fees

IC 25-20.7-3-1

Fees

Sec. 1. (a) The agency shall collect the following fees under this article:

(1) An initial registration fee of one hundred dollars ($100).

(2) A biennial renewal fee of one hundred dollars ($100).

(3) A restoration fee of one hundred dollars ($100).

(b) The fees collected by the agency under this article shall be deposited by the agency in the same manner as other fees collected by the agency are deposited.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-4

Chapter 4. Expiration of Registration

IC 25-20.7-4-1

Renewal of lapsed registration

Sec. 1. A registered interior designer who fails to renew the interior designer's certificate of registration for a period of not more than five (5) years after the date the registration expires may renew the registration at any time within the five (5) year period after the registration expires by:

(1) electronically applying to the agency for renewal of the registration;

(2) completing twelve (12) hours of continuing education in interior design or a discipline related to the practice of interior design within the two (2) years immediately preceding the interior designer's application for renewal of registration under this section; and

(3) paying the biennial renewal fee and the restoration fee under IC 25-20.7-3-1.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-4-2

Lapsed registrations for more than five years

Sec. 2. After the five (5) year period referred to in section 1 of this chapter, the following apply:

(1) The agency may not restore the expired registration of an interior designer.

(2) To again be registered under this chapter, an interior designer must:

(A) make the same application to the agency as an applicant who has not been previously registered; and

(B) meet all the requirements set forth in this article for an initial registration.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-5

Chapter 5. Unlawful Practice

IC 25-20.7-5-1

Prohibited activities; penalty

Sec. 1. (a) A person may not use the title "registered interior designer" or any title designation sign, card, or device indicating that the person is a registered interior designer unless the person is registered with the agency under this article.

(b) A person may not:

(1) present as the person's own registration under this article the registration of another person;

(2) make any false statement or representation or make a material omission of fact of any kind in obtaining a registration;

(3) impersonate any other registered interior designer; or

(4) use an expired, suspended, or revoked registration.

(c) A person who recklessly, knowingly, or intentionally violates this section commits a Class B misdemeanor.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-5-2

Person allowed to practice interior design

Sec. 2. This article does not prevent a person from practicing interior design if the person does not use a title or designation under this chapter.

As added by P.L.177-2009, SEC.37.

IC 25-20.7-5-3

Civil judgments; removal from registry

Sec. 3. (a) If a civil judgment is entered against an interior designer by a court with jurisdiction in a civil judicial proceeding for negligence, recklessness, willful misconduct, or other breach of a standard of care in the practice of interior design, the interior designer must, within a reasonable time, remove the designer's name from the electronic registry maintained by the agency under IC 25-1-5.5.

(b) An interior designer against whom a civil judgment described in subsection (a) has been entered may not be registered under this article.

As added by P.L.177-2009, SEC.37.

IC 25-21

ARTICLE 21. REPEALED

(*Repealed by P.L.355-1989(ss), SEC.16.)*

IC 25-21.5

ARTICLE 21.5. LAND SURVEYORS

IC 25-21.5-1

Chapter 1. Definitions

IC 25-21.5-1-1

Application of chapter

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-1-2

Approved land surveying curriculum

Sec. 2. "Approved land surveying curriculum" means a land surveying curriculum of at least four (4) years that includes the fundamentals of land surveying and that has been approved by the board.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-1-3

Board

Sec. 3. "Board" refers to the state board of registration for land surveyors.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-1-4

Land surveyor

Sec. 4. "Land surveyor" means a person who:

(1) has special knowledge of mathematics and surveying principles and methods that are acquired by education and practical experience; and

(2) is a registered land surveyor.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-1-5

Land-surveyor-in-training

Sec. 5. "Land-surveyor-in-training" means a person who has:

(1) graduated from an approved surveying curriculum of at least four (4) years or who has acquired, through surveying education and experience in surveying work, knowledge and skill approximating that obtained by graduation in an approved surveying curriculum of at least four (4) years;

(2) successfully passed an examination as prescribed in IC 25-21.5-6; and

(3) an appropriate certificate of enrollment as a land-surveyor-in-training.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-1-6

Licensing agency

Sec. 6. "Licensing agency" refers to the Indiana professional licensing agency established under IC 25-1-5-3.

As added by P.L.23-1991, SEC.12. Amended by P.L.1-2006, SEC.443.

IC 25-21.5-1-7

Practice of land surveying

Sec. 7. (a) "Practice of land surveying" means any of the following:

(1) The measurement of directions and distances needed to establish or reestablish the corners and boundaries required to locate lots, parcels, tracts, or divisions of land.

(2) The determination of elevations and preparation of topographic drawings for tracts of land.

(3) The preparation of subdivision plats.

(4) The preparation of legal descriptions of tracts of land to be used in the preparation of deeds of conveyance or other instruments, except when prepared by an attorney who is licensed to practice law in Indiana.

(5) The determination of the amount of acreage contained in a tract of land, except when determined by an attorney who is licensed to practice law in Indiana.

(b) The term includes the following:

(1) For and within subdivisions being laid out or having been laid out by the land surveyor, the preparation and furnishing of plats, plans, and profiles for roads, storm drainage, sanitary sewer extensions, and the location of residences or dwellings where the work involves the use and application of standards prescribed by local, state, or federal authorities.

(2) The necessary staking and layout work to construct roads, storm drainage, sanitary sewer extensions or location of residences or dwellings, if the plans and profiles were prepared by or under the direction of a land surveyor.

(3) Preliminary surveys for preparation of plans for engineering and building construction projects and the staking out of the projects from plans prepared by a registered professional engineer or by a registered architect.

(4) All work incidental to cleaning out, reconstruction, or maintaining existing open and tile drains.

As added by P.L.23-1991, SEC.12. Amended by P.L.218-1993, SEC.1.

IC 25-21.5-1-8

Practice or offer to practice land surveying

Sec. 8. "Practice or offer to practice land surveying" means the act of a person who does any of the following:

(1) By verbal claim, sign, advertisement, letterhead, card, telephone listing, or in any other way represents the person as a land surveyor.

(2) Performs or offers to perform any acts or work involving the practice of land surveying.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-1-9

Secretary

Sec. 9. "Secretary" has the meaning under IC 25-1-6-5(c).

As added by P.L.23-1991, SEC.12.

IC 25-21.5-2

Chapter 2. State Board of Registration for Land Surveyors

IC 25-21.5-2-1

Establishment

Sec. 1. The state board of registration for land surveyors is established.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-2-2

Membership

Sec. 2. (a) The board consists of seven (7) members appointed by the governor.

(b) One (1) member must be appointed to represent the general public who is:

(1) a resident of Indiana; and

(2) not associated with land surveying other than as a consumer.

(c) Six (6) members must be registered land surveyors who engage in the practice of land surveying and who each meet the following conditions:

(1) Is a citizen of the United States.

(2) Has been a resident of Indiana for at least five (5) years immediately before the member's appointment.

(3) Is registered in Indiana as a land surveyor.

(4) Has been engaged in the lawful practice of land surveying for at least eight (8) years.

(5) Has been in charge of land surveying work or land surveying teaching for at least five (5) years.

(d) Of the registered land surveyors appointed under subsection (c), three (3) must be engaged in the practice of land surveying on a full-time basis, and at least two (2) must be engaged in the practice of land surveying on a part-time basis.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.4; P.L.227-2001, SEC.5.

IC 25-21.5-2-3

Term of service

Sec. 3. A member of the board serves a term of four (4) years and until the member's successor is appointed and qualified.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-2-4

Certificate of appointment

Sec. 4. The governor shall provide each member of the board a certificate of appointment.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-2-5

Oath or affirmation; filing

Sec. 5. A member of the board must, before beginning the term of

office, file with the secretary a written oath or affirmation for the faithful discharge of the member's official duties.
As added by P.L.23-1991, SEC.12.

IC 25-21.5-2-6
Removal of members; vacancies

Sec. 6. (a) The governor may remove a member of the board at any time for incompetency, neglect of duty, or for unprofessional conduct.

(b) A vacancy in the membership of the board shall be filled by appointment by the governor for the unexpired term.
As added by P.L.23-1991, SEC.12.

IC 25-21.5-2-7
Per diem; traveling expenses

Sec. 7. (a) Each member of the board who is not a state employee or a county surveyor is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b), including out-of-state meetings that are approved by the board. The member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee or a county surveyor is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.
As added by P.L.23-1991, SEC.12.

IC 25-21.5-2-8
Chairman and vice chairman; acting chairman

Sec. 8. (a) Each year the board shall elect a member as chairman and a member as vice chairman.

(b) If the chairman and vice chairman 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 chairman until the conclusion of the meeting or until the arrival of the chairman or vice chairman.
As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.5.

IC 25-21.5-2-9
Authorization to attend conferences or meetings

Sec. 9. The board may authorize a member of the board or the secretary to attend a land surveying conference or meeting that is primarily concerned with the registration of land surveyors.
As added by P.L.23-1991, SEC.12.

IC 25-21.5-2-10
Seal

Sec. 10. The board shall adopt and use an official seal.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-2-11
Meetings

Sec. 11. The board shall hold at least two (2) regular meetings each year in Indianapolis. The board may hold special meetings that the board considers necessary.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-2-12
Quorum

Sec. 12. A quorum of the board consists of four (4) members. Except as provided in this article, at least four (4) votes are necessary for the board to take official action.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-2-13
Office quarters

Sec. 13. The state shall provide the board suitable office quarters in Indianapolis. The office may be shared with the state board of registration for professional engineers.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-2-14
Enforcement and administration of article; adoption of rules

Sec. 14. (a) The board shall enforce and administer this article.

(b) The board shall adopt rules under IC 4-22-2 that are reasonably necessary to implement this article, including for the administration of the registered land surveyor and registered land surveyor in training investigative fund established under IC 25-21.5-11-4, and establish standards for the competent practice of land surveying.

As added by P.L.23-1991, SEC.12. Amended by P.L.194-2005, SEC.61.

IC 25-21.5-3

Chapter 3. Licensing Agency; Board Secretary

IC 25-21.5-3-1

Secretary; appointment; duties

Sec. 1. The licensing agency shall provide the board with a competent person to serve as secretary of the board. The secretary may not be a member of the board. The secretary, through the licensing agency, shall keep a complete and accurate record of all proceedings of the board and perform any other duties assigned by the board.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-3-2

Clerks, assistants, and investigators

Sec. 2. The licensing agency shall provide the board clerical or other assistants, including investigators, that are necessary for the proper performance of the board's duties.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-3-3

Joint personnel with professional engineers registration board

Sec. 3. The licensing agency may assign joint personnel to work for both the board and the state board of registration for professional engineers.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-3-4

Receipt and deposit of money; expenses; fee

Sec. 4. (a) Except as provided in IC 25-21.5-11-4 and subsection (b), the secretary shall receive and account for all money collected under this article and deposit the money in the state general fund with the treasurer of state. All expenses incurred in the administration of this article shall be paid from the state general fund.

(b) In addition to a registration fee determined under IC 25-21.5-7-5, the board shall establish a fee of not more than twenty dollars ($20) for a registered land surveyor and a registered land surveyor in training to be paid at the time of:

(1) issuance of a certificate of registration; and

(2) renewal of a certificate of registration;

under this article to provide funds for administering and enforcing this article, including investigating and taking action against persons violating this article. All funds collected under this subsection shall be deposited in the registered land surveyor and registered land surveyor in training investigative fund established by IC 25-21.5-11-4.

As added by P.L.23-1991, SEC.12. Amended by P.L.194-2005, SEC.62; P.L.177-2006, SEC.4.

IC 25-21.5-4

Chapter 4. Registration; Exceptions

IC 25-21.5-4-1

Persons required to register

Sec. 1. For the purpose of safeguarding life, health, and property, a person must be registered or exempted as a land surveyor to do the following:

(1) Practice or offer to practice land surveying in Indiana.

(2) Advertise or use a title or description tending to convey the impression that the person is a land surveyor.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-4-2

Exemptions

Sec. 2. The following persons are exempt from this article:

(1) An employee or a subordinate of a person who holds a certificate of registration under this article if the practice of the employee or subordinate does not include responsible charge of design or supervision.

(2) An officer or employee of the United States government while engaged in Indiana in the practice of land surveying for the United States government.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-4-3

Surveying on privately owned or leased property; registration

Sec. 3. This article does not require registration for the purpose of practicing land surveying by a person, firm, or corporation on property owned or leased by the person, firm, or corporation unless the practice involves the following:

(1) Public health or safety.

(2) The health or safety of the employees of the person, firm, or corporation.

(3) The performance of land surveying that relates solely to the design or fabrication of manufactured products.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-5
Chapter 5. Application for Registration

IC 25-21.5-5-1
Records

Sec. 1. The board shall keep a record of the board's proceedings and a record of each application for registration.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-5-2
Qualifications for registration

Sec. 2. To qualify for registration as a land surveyor, an applicant must meet the following conditions under either subdivision (1) or (2):

(1) All of the following:

(A) Graduation in an approved land surveying curriculum.

(B) A specific record of at least four (4) years of experience in land surveying work that is acquired subsequent to graduation and that indicates that the applicant is qualified to be placed in responsible charge of land surveying work requiring the exercise of judgment in the application of surveying sciences to the sound solution of land surveying problems.

(C) The successful passing of an examination under IC 25-21.5-6.

(2) All of the following:

(A) A specific record of at least eight (8) years of land surveying education and experience in land surveying work that indicates that the applicant has acquired knowledge and skill and practical experience in land surveying work approximating that required for registration as a professional land surveyor under subdivision (1).

(B) The successful passing of an examination under IC 25-21.5-6.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-5-3
Land-surveyor-in-training; conditions for certification

Sec. 3. (a) An applicant for certification as a land-surveyor-in-training must meet the following conditions under either subdivision (1) or (2):

(1) All of the following:

(A) Graduation in an approved land surveying curriculum of at least four (4) years.

(B) The successful passing of a land-surveyor-in-training examination under IC 25-21.5-6.

(2) All of the following:

(A) A specific record of at least four (4) years of surveying education and experience in surveying work indicating that the applicant has acquired knowledge and skill

approximating that acquired through graduation in an approved surveying curriculum of at least four (4) years.

(B) The successful passing of a land-surveyor-in-training examination under IC 25-21.5-6.

(b) The board may waive the examination in granting a certificate of registration as a land surveyor to an applicant who has held an identical certificate of registration under Indiana law.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-5-4

Convictions; eligibility for registration or certification

Sec. 4. A person is not eligible for registration as a land surveyor or certification as a land-surveyor-in-training who has been convicted of any of the following:

(1) An act that would constitute grounds for disciplinary sanction under IC 25-1-11.

(2) A felony that has a direct bearing on the person's ability to practice competently.

As added by P.L.23-1991, SEC.12. Amended by P.L.214-1993, SEC.58.

IC 25-21.5-5-5

Qualification of applicants; credit for education

Sec. 5. (a) In considering the qualifications of applicants, responsible charge of surveying teaching shall be construed as responsible charge of surveying work.

(b) An applicant who holds a degree of master of science of land surveying or the equivalent degree from a curriculum in land surveying approved by the board may be given a maximum credit of one (1) year of experience in addition to the credit of four (4) years of education.

(c) An applicant who holds a degree of doctor of philosophy or the equivalent degree from a curriculum in land surveying approved by the board may be given a maximum of credit of two (2) years of experience in addition to a credit of four (4) years of education.

(d) Graduation in a course other than land surveying from a college or university acceptable to the board may be considered as equivalent to two (2) years land surveying experience and education.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-5-6

Persons not in land surveying work; eligibility for registration

Sec. 6. A person having the necessary qualifications prescribed in this chapter who is entitled to registration is eligible for registration although the person may not be engaged in land surveying work at the time of application.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-5-7

Forms for application

Sec. 7. Each person applying for registration as a land surveyor or for certification as a land-surveyor-in-training must apply on a form prescribed and provided by the board.
As added by P.L.23-1991, SEC.12.

IC 25-21.5-5-8
Contents; application for registration

Sec. 8. Each application for registration as a land surveyor must contain the following:

(1) Statements showing either the registration number issued by another state or the education and qualifications of the applicant.

(2) A detailed summary of the technical work performed by the applicant, including a confirmation by the registered land surveyor who supervised the work. If the summary of the technical work cannot be confirmed because of conditions beyond the control of the applicant, including death, incompetence, or nonregistration by the supervising land surveyor, the board may allow the confirmation requirement to be fulfilled through other evidence.

(3) The names of five (5) persons to be used as references, at least three (3) of whom must be registered land surveyors who have a personal knowledge of the experience of the applicant.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.6.

IC 25-21.5-5-9
Contents; application for certification

Sec. 9. Each application for certification as a land-surveyor-in-training must contain the following:

(1) Statements showing the education of the applicant.

(2) The names of three (3) persons to be used as references. However, references are not required for an applicant who is enrolled as a senior in an approved land surveying curriculum in Indiana and has applied to take the basic disciplines part of the examination described in IC 25-21.5-6-1 when the examination is scheduled to be given at the applicant's institution before the end of the applicant's senior year.

(3) An applicant who has not graduated from an approved land surveying curriculum must submit a detailed summary of the technical work performed by the applicant, including a confirmation by the registered land surveyor who supervised the work. If the technical work summary cannot be confirmed because of conditions beyond the control of the applicant, including death, incompetence, or nonregistration by the supervising land surveyor, the board may allow the confirmation requirement to be fulfilled through other evidence.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.7.

IC 25-21.5-5-9.5

Contents of references for land surveyor applicant or land-surveyor-in-training applicant

Sec. 9.5. A reference for a land surveyor applicant or a land-surveyor-in-training applicant must:

(1) contain the applicant's board assigned number; and

(2) be dated within one (1) year of the application.

As added by P.L.178-1997, SEC.8.

IC 25-21.5-5-10

Certification of correct statements; penalty for false statements

Sec. 10. (a) An applicant must certify the correctness of the statements in the application.

(b) A person who knowingly makes a false statement in an application commits a Class A misdemeanor.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-6
Chapter 6. Examinations

IC 25-21.5-6-1
Scope of examination; professional land surveyors

Sec. 1. The examination required of all applicants for registration as a professional land surveyor must be a written or computer based examination divided into the following two (2) parts:

(1) The basic disciplines part of the examination must be designed to test the applicant's knowledge of the basic disciplines of land surveying. The standard of proficiency required must approximate that attained by graduation in an approved four (4) year land surveying curriculum.

(2) The principles and practice part of the examination must be designed primarily to test the principles and practice of land surveying. The principles and practice part of the examination must be divided into two (2) sections.

(A) The first section must test the applicant's understanding, judgment, and ability to correctly apply the following:

(i) Federal laws and regulations.

(ii) Practices pertaining to the establishment, description, and reestablishment of land boundaries.

(iii) The platting of subdivisions.

(iv) The ethical, economic, and legal principles relating to the practice of land surveying.

(v) The principles of mathematics relating to the practice of land surveying.

(B) The second section must test the applicant's understanding, judgment, and ability to correctly apply the following:

(i) Items under subdivision (2)(A)(i) through (2)(A)(v).

(ii) Indiana laws and rules.

(iii) Work that the land surveyor is permitted to perform under this article.

(iv) The ability to write and interpret legal descriptions and solve narrative problems regarding the analysis and execution of land surveys and land survey problems.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.9; P.L.9-2012, SEC.1.

IC 25-21.5-6-2
Partial exemption

Sec. 2. An applicant for registration as a land surveyor who holds a land-surveyor-in-training certificate that was issued in Indiana or in any other state or territory of the United States having equivalent standards may be exempted from the basic disciplines part of the examination.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.10.

IC 25-21.5-6-3
Subject matter of examination; land-surveyor-in-training

Sec. 3. The examination for certification as a land-surveyor-in-training must be a written or computer based examination. The examination must be identical in subject matter to, but may be more comprehensive than, the first part of the examination for registration as a professional land surveyor.

As added by P.L.23-1991, SEC.12. Amended by P.L.9-2012, SEC.2.

IC 25-21.5-6-4
Time and place of examinations

Sec. 4. Examinations must be held at least two (2) times each year at times, places, and under conditions determined by the board. Examinations for certification as a land-surveyor-in-training may be held separately from the examinations for registration as a land surveyor.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.11.

IC 25-21.5-6-5
Applicants from other states or territories

Sec. 5. An applicant for registration as a land surveyor who is presently registered in another state or territory may be assigned a written examination if the board considers the written examination necessary to meet the requirements of this chapter.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-6-6
Fee for examination

Sec. 6. The board shall determine the fee to be paid for each examination.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.12.

IC 25-21.5-7

Chapter 7. Certificate of Registration

IC 25-21.5-7-1

Issuance; certificate of registration for land surveying

Sec. 1. (a) The board shall issue a certificate of registration, upon the payment of the fee prescribed in this chapter, to an applicant who, in the opinion of the board, has satisfactorily met all requirements of this article.

(b) A certificate of registration for land surveying must:

(1) authorize the practice of land surveying;

(2) show the full name of the land surveyor;

(3) bear a serial number and date; and

(4) be signed by each member and by the secretary under seal of the board.

(c) The issuance of a certificate by the board under this section is evidence that the named person is entitled to all the rights and privileges of a registered land surveyor from the date on the certificate until the certificate expires or is revoked.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.13.

IC 25-21.5-7-2

Issuance; certificate of enrollment as land-surveyor-in-training

Sec. 2. (a) The board shall issue a certificate of enrollment as a land-surveyor-in-training upon the payment of the certificate fee prescribed in this chapter to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this article.

(b) A certificate of enrollment as a land-surveyor-in-training must state that the applicant has successfully passed the examination in fundamental surveying subjects required by the board and has been enrolled as a land-surveyor-in-training. A certificate of enrollment must:

(1) show the full name of the land-surveyor-in-training;

(2) bear a serial number and date; and

(3) be signed by the chairman and the secretary, under the seal of the board.

(c) The issuance of a certificate by the board is evidence that the person named on the certificate is entitled to all the rights and privileges of a land-surveyor-in-training until the certificate expires or is revoked.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.14.

IC 25-21.5-7-3

Partnerships, firms, and corporations; eligibility for certification

Sec. 3. A registration certificate for a land surveyor may be issued only to a natural person. A partnership, firm, or corporation doing business in Indiana may not be engaged in the practice of land surveying unless the practice is carried on under the responsible

direction and supervision of a registered land surveyor who is a full-time employee and a principal of the firm or partnership or an officer of the corporation. The name of the registrant must appear when the firm name is used in the professional practice of the firm, partnership, or corporation. Any land surveys, plans, sheets of designs, specifications, or other documents requiring certification that are prepared by the personnel of any partnership, firm, or corporation must carry the signature and seal of the registered land surveyor who was responsible for and in charge of the land surveying work.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.15.

IC 25-21.5-7-4

Conditions; certificate of registration

Sec. 4. The board may issue a certificate of registration as a land surveyor to any person who meets the following conditions:

(1) Properly applies for a certificate of registration.

(2) Pays the required fee.

(3) Holds a valid certificate of registration as a land surveyor issued by the proper authority of any state of the United States if the requirements for registration of land surveyors under which the certificate of registration was issued do not conflict with the provisions of this chapter and were of a standard not lower than that specified in the applicable registration statute in effect in Indiana at the time the certificate was issued.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-7-5

Registration and certification fees

Sec. 5. The board shall determine the amount of registration fees for a land surveyor and certification fees for a land surveyor in training.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.16; P.L.113-1999, SEC.17; P.L.194-2005, SEC.63.

IC 25-21.5-7-6

Application fees; registration as land surveyor

Sec. 6. If the board refuses to issue a certificate of registration to a person who has made a proper application for registration as a land surveyor, the initial fee prescribed by the board and deposited with the board by the applicant shall be retained by the board as an application fee.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.17.

IC 25-21.5-7-7

Application fees; certification as land-surveyor-in-training

Sec. 7. If the board refuses to issue a certificate to a person who has made proper application for certification as a

land-surveyor-in-training, the fee prescribed by the board and deposited by the applicant with the board shall be retained as an application fee.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-8

Chapter 8. Renewal of Certificates

IC 25-21.5-8-1

Expiration of certificates

Sec. 1. (a) A certificate of registration expires biennially on the date established by the licensing agency under IC 25-1-6-4.

(b) An individual may renew a certificate of registration by paying a renewal fee on or before the expiration date established by the licensing agency.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a certificate of registration, the certificate of registration becomes invalid without any action of the board.

(d) A certificate of registration may be reinstated by the board not later than three (3) years after its expiration if the applicant for reinstatement meets the requirements for reinstatement under IC 25-1-8-6(c).

(e) If a certificate of registration has been expired for more than three (3) years, the certificate of registration 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.23-1991, SEC.12. Amended by P.L.105-2008, SEC.39.

IC 25-21.5-8-2

Biennial period for renewals

Sec. 2. The biennial period for renewals extends from August 1 of an even-numbered year to July 31 of the next even-numbered year.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-8-3

Repealed

(*Repealed by P.L.194-2005, SEC.87.)*

IC 25-21.5-8-4

Renewal notices; procedure for paying fees

Sec. 4. (a) Renewal notices must be sent in accordance with IC 25-1-2-6(c).

(b) The renewal fees must be paid in accordance with IC 25-1-8-2(d).

As added by P.L.23-1991, SEC.12.

IC 25-21.5-8-5

Repealed

(*Repealed by P.L.105-2008, SEC.67.)*

IC 25-21.5-8-6

Fees

Sec. 6. Except as provided in IC 25-21.5-3-4(b), the board shall establish fees under IC 25-1-8.

As added by P.L.23-1991, SEC.12. Amended by P.L.194-2005, SEC.64; P.L.177-2006, SEC.5.

IC 25-21.5-8-7
Continuing education

Sec. 7. (a) The board may adopt rules requiring a land surveyor to obtain continuing education for renewal of a certificate under this chapter.

(b) If the board adopts rules under this section, the rules must establish procedures for approving an organization that provides continuing education.

(c) If the board adopts rules under this section, the board may adopt rules to do the following:

(1) Allow private organizations to implement the continuing education requirement.

(2) Establish an inactive certificate of registration. If the board adopts rules establishing an inactive certificate, the board must adopt rules that:

(A) do not require the holder of an inactive certificate to obtain continuing education;

(B) prohibit the holder of an inactive certificate from practicing land surveying;

(C) establish requirements for reactivation of an inactive certificate; and

(D) do not require the holder of an inactive certificate to pay the registration and renewal fees required under IC 25-21.5-7-5.

As added by P.L.218-1993, SEC.2. Amended by P.L.178-1997, SEC.18; P.L.194-2005, SEC.65; P.L.197-2007, SEC.58.

IC 25-21.5-9

Chapter 9. Authority of Land Surveyor

IC 25-21.5-9-1

Seals; authorized use

Sec. 1. (a) The granting of registration extends to the land surveyor the authority to use a seal of a design authorized by the rules of the board. The act of affixing the seal attests to the land surveyor's acceptance of full professional responsibility for the sealed documents. A person may not stamp or seal a document with a seal while the certificate of the named land surveyor is expired or revoked.

(b) Collection of field data, note reduction, computation, office analysis, and preparation of certificates and reports for a land survey, plan, specification, plat, drawing, or report sealed by a land surveyor must be performed by a land surveyor or an employee acting under the personal supervision and direction of the land surveyor.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.19.

IC 25-21.5-9-2

Plats; approval or acceptance

Sec. 2. A plat showing streets, lots, blocks, or any subdivision of land in Indiana may not be:

(1) approved by a county planning or zoning authority; or

(2) accepted for transfer or recording by a county auditor or recorder;

that has not been prepared or certified and sealed by the responsible land surveyor.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.20.

IC 25-21.5-9-3

Maps; underground workings of mines

Sec. 3. All maps required to show the underground workings of any mine in Indiana must be prepared, certified, and sealed by a professional engineer or land surveyor.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-9-4

Limitations on practice

Sec. 4. The practice of land surveying does not permit a land surveyor to design and construct sewage disposal stations, lift stations, or bridges or to prepare engineering plans for the construction of engineering projects other than those prescribed in IC 25-21.5-1-7.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.21.

IC 25-21.5-9-5

Professional engineers; limitations on practice

Sec. 5. The practice of land surveying does not prohibit a professional engineer from doing work that does not involve the location, description, establishment, or reestablishment of property corners or property lines.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.22.

IC 25-21.5-9-6

Employees

Sec. 6. (a) A land surveyor:

(1) is personally responsible for designing and directing the training, procedures, and daily activities of an employee participating in any part of the land survey; and

(2) shall maintain records that are reasonably necessary to establish that the responsibility of the land surveyor for the employee that is required by this section has been fulfilled.

(b) Before a land surveyor completes, seals, or signs a survey, plan, specification, plat, drawing, or report, all procedures followed and the decisions made by the employee who participated in the survey, plan, specification, plat, drawing, or report must be reviewed and approved by the land surveyor.

As added by P.L.178-1997, SEC.23.

IC 25-21.5-9-7

Land surveyor entry on land, water, or property

Sec. 7. (a) As used in this section, "public utility" means a corporation, company, partnership, limited liability company, political subdivision (as defined in IC 36-1-2-13), individual, association of individuals, or their lessees, trustees, or receivers appointed by a court that own, operate, manage, or control any plant or equipment within Indiana for the:

(1) conveyance of telephone messages;

(2) production, transmission, delivery, or furnishing of heat, light, water, or power; or

(3) collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

(b) Subject to section 8 of this chapter and except as provided in subsection (c), a land surveyor and any personnel under the supervision of a land surveyor may enter upon, over, or under any land, water, or property within Indiana for the limited purpose of the practice of land surveying. The land surveyor and any personnel under the supervision of the land surveyor may not interfere with any construction, operation, or maintenance activity being conducted upon the land, water, or property by the owner or occupant.

(c) Notwithstanding subsection (b), a land surveyor and any personnel under the supervision of a land surveyor may not enter:

(1) property owned or controlled by:

(A) the Indiana department of homeland security; or

(B) a public utility; or

(2) a building, dwelling, or structure on the land or property.

As added by P.L.83-2011, SEC.1.

IC 25-21.5-9-8

Identification before entry; liability for damage

Sec. 8. (a) To the extent practicable, before entering upon, over, or under any land, water, or property under section 7 of this chapter, a land surveyor and any personnel under the supervision of a land surveyor shall present written identification to the occupant of the land, water, or property.

(b) A land surveyor and any personnel under the supervision of a land surveyor is liable for any damage that may occur to the land, water, or property as a result of entry upon, over, or under the land, water, or property under section 7 of this chapter.

As added by P.L.83-2011, SEC.2.

IC 25-21.5-10
Repealed

(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-21.5-11
Chapter 11. Injunctions

IC 25-21.5-11-1
Actions for unauthorized practice

Sec. 1. The attorney general, the prosecuting attorney of a county, the board, or a citizen of a county where a person who is not exempted or a registered land surveyor engages in the practice of land surveying may file an action in the name of the state of Indiana to prohibit the person from engaging in the practice of land surveying until a certificate of registration is secured or renewed under this article.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.24.

IC 25-21.5-11-2
Violation of orders

Sec. 2. A person who violates an order under section 1 of this chapter shall be punished for contempt of court. An order does not relieve a person engaged in the practice of land surveying who is not a land surveyor from the requirement of registering under this article or exempt the person from criminal prosecution.

As added by P.L.23-1991, SEC.12. Amended by P.L.178-1997, SEC.25.

IC 25-21.5-11-3
Complaints; violations

Sec. 3. A complaint for a violation of a provision of this chapter is sufficient if the complaint alleges that a person on a specific day:

(1) engaged in the practice of land surveying in Indiana;
(2) did not have a valid certificate of registration; and
(3) was not exempt from registration.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-11-4
Investigative fund; administration by attorney general and licensing agency; appropriation

Sec. 4. (a) The registered land surveyor and registered land surveyor in training investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the attorney general and the licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of money from a fee imposed upon registered land surveyors and registered land surveyors in training under IC 25-21.5-3-4(b).

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the fund exceeds five hundred thousand dollars ($500,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds five hundred thousand dollars ($500,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated for use by the attorney general and the licensing agency to administer and enforce the provisions of this article and to conduct investigations and take enforcement action against persons violating the provision of this article.

As added by P.L.194-2005, SEC.66. Amended by P.L.177-2006, SEC.6.

IC 25-21.5-12

Chapter 12. Revocation and Suspension

IC 25-21.5-12-1

Procedures; disciplinary proceedings

Sec. 1. The procedures under IC 4-21.5 govern the board's procedures for conducting disciplinary hearings and issuing subpoenas for witnesses and other evidence.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-13
Chapter 13. Actions and Violations

IC 25-21.5-13-1
Filing charges

Sec. 1. A person may file charges of fraud, deceit, gross negligence, incompetency, or unprofessional conduct against a registrant by presenting specific written charges verified by an affidavit that makes definite and specific charges of the facts against the holder of a certificate of registration under IC 25-1-7.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-13-2
Penalties

Sec. 2. A person who:

(1) engages in, or offers to engage in, the practice of land surveying without being registered or exempted under Indiana law;

(2) presents as the person's own the certificate of registration or the seal of another;

(3) gives false or forged evidence of any kind to the board or to a board member in obtaining a certificate of registration;

(4) impersonates any other registrant;

(5) uses an expired, a suspended, or a revoked certificate of registration; or

(6) otherwise violates this article;

commits a Class B misdemeanor.

As added by P.L.23-1991, SEC.12.

IC 25-21.5-13-3
Legal advisor; use of investigative fund

Sec. 3. (a) The attorney general shall act as the legal advisor for the board and provide any legal assistance necessary to carry out this article.

(b) The attorney general and the licensing agency may use the registered land surveyor and registered land surveyor in training investigative fund established by IC 25-21.5-11-4 to hire investigators and other employees to enforce the provisions of this article and to investigate and prosecute violations of this article.

As added by P.L.23-1991, SEC.12. Amended by P.L.194-2005, SEC.67.

IC 25-21.5-13-4
Judicial review

Sec. 4. An applicant or a registrant who is aggrieved by an order or determination of the board is entitled to a judicial review under IC 4-21.5-5.

As added by P.L.23-1991, SEC.12.

IC 25-21.8

ARTICLE 21.8. MASSAGE THERAPISTS

IC 25-21.8-1

Chapter 1. Definitions

IC 25-21.8-1-1

Applicability

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-1-2

"Board"

Sec. 2. "Board" means the state board of massage therapy established by IC 25-21.8-2-1.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-1-3

"Licensing agency"

Sec. 3. "Licensing agency" means the Indiana professional licensing agency established under IC 25-1-5-3.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-1-4

"Massage therapy"

Sec. 4. "Massage therapy":

(1) means the application of massage techniques on the human body;

(2) includes:

(A) the use of touch, pressure, percussion, kneading, movement, positioning, nonspecific stretching, stretching within the normal anatomical range of movement, and holding, with or without the use of massage devices that mimic or enhance manual measures; and

(B) the external application of heat, cold, water, ice, stones, lubricants, abrasives, and topical preparations that are not classified as prescription drugs; and

(3) does not include:

(A) spinal manipulation; and

(B) diagnosis or prescribing drugs for which a license is required.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-1-5

"Massage therapist"

Sec. 5. "Massage therapist" means an individual who practices massage therapy.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-2
Chapter 2. State Board of Massage Therapy

IC 25-21.8-2-1
Board established

Sec. 1. The state board of massage therapy is established.
As added by P.L.200-2007, SEC.8.

IC 25-21.8-2-2
Members; qualifications

Sec. 2. (a) The board consists of five (5) members appointed by the governor as follows:

(1) Three (3) massage therapists, each of whom:

(A) is certified under this article; and

(B) has been actively practicing massage therapy for at least three (3) of the five (5) years immediately preceding the individual's appointment.

(2) Two (2) members of the general public. A board member appointed under this subdivision must not:

(A) be certified under this article;

(B) be the spouse of an individual who is certified or intends to be certified under this article; or

(C) have a direct or an indirect financial interest in the profession regulated under this article.

(b) A massage therapist member of the board is not required to be a member of a professional massage therapy association. However:

(1) not more than one (1) massage therapist member appointed to the board may belong to the same professional massage therapy association; and

(2) one (1) massage therapist member must not be a member of a professional massage therapy association.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-2-3
Terms

Sec. 3. Each member of the board shall serve a term of three (3) years and until the member's successor is appointed and qualified.
As added by P.L.200-2007, SEC.8.

IC 25-21.8-2-4
Vacancy; term limits; removal

Sec. 4. (a) A vacancy in the membership of the board shall be filled by an individual appointed by the governor for the unexpired term.

(b) A member may not serve more than two (2) consecutive terms in addition to any unexpired term to which the individual was appointed. A member may serve until a successor has been appointed and qualified under this chapter.

(c) A member of the board may be removed for cause by the governor.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-2-5
Officers

Sec. 5. (a) Each year the board shall elect from its members the following officers:

(1) A chairperson.

(2) A vice chairperson.

(b) A member serving as chairperson or vice chairperson shall serve until the member's successor as chairperson or vice chairperson is elected.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-2-6
Meetings

Sec. 6. The board shall meet at least one (1) time each calendar year upon the call of the chairperson or the written request of a majority of the members of the board and with the advice and consent of the executive director of the professional licensing agency.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-2-7
Quorum

Sec. 7. (a) Three (3) members of the board constitute a quorum.

(b) An affirmative vote of three (3) members of the board is necessary for the board to take official action.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-2-8
Compensation

Sec. 8. A member of the board is not entitled to a per diem allowance or any other compensation for the performance of the member's duties.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-2-9
Rules

Sec. 9. The board shall adopt rules under IC 4-22-2 regarding standards for the competent practice of massage therapy.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-3

Chapter 3. Powers and Duties of the Board

IC 25-21.8-3-1

Duties of the board

Sec. 1. (a) The board shall do the following:

(1) Administer and enforce this article.

(2) Adopt rules under IC 4-22-2 for the administration and enforcement of this article.

(3) Judge the qualifications of applicants for certification under this article.

(4) Issue, deny, or renew certifications under this article.

(5) Subject to IC 4-21.5, IC 25-1-7, and IC 25-1-11, discipline individuals who are certified under this article for violations of this article.

(6) Establish reasonable fees for examination, certification applications, renewal of certifications, and other services.

(7) Maintain a record of all proceedings.

(8) Maintain records of certified massage therapists.

(9) Adopt at least two (2) examinations that an applicant may use for certification under this article.

(b) The board may do the following:

(1) Conduct administrative hearings.

(2) Administer oaths in matters relating to the discharge of the official duties of the board.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-3-2

Duties of the licensing agency

Sec. 2. The licensing agency shall do the following:

(1) Carry out the administrative functions of the board.

(2) Provide necessary personnel to carry out the duties of this article.

(3) Receive and account for all fees required under this article.

(4) Deposit fees collected with the treasurer of state for deposit in the state general fund.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-4

Chapter 4. Issuance of Certification

IC 25-21.8-4-1

Application

Sec. 1. An application for a massage therapist certification must be:

(1) made to the board in the form and manner provided by the board; and

(2) accompanied by an application fee in the amount set by the board.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-4-2

Qualifications

Sec. 2. An individual who applies for certification as a massage therapist 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 a high school diploma or the equivalent of a high school diploma;

(C) has successfully completed a massage therapy school or program that:

(i) requires at least five hundred (500) hours of supervised classroom and hands on instruction on massage therapy;

(ii) is in good standing with a state, regional, or national agency of government charged with regulating massage therapy schools or programs; and

(iii) is accredited by the state workforce innovation council under IC 22-4.1-21 or accredited by another state where the standards for massage therapy education are substantially the same as the standards in Indiana, or is a program at an institution of higher learning that is approved by the board; and

(D) has taken and passed a certification examination approved by the board.

(2) Provide a history of any criminal convictions the individual has, including any convictions related to the practice of the profession. The board shall deny an application for certification if the applicant:

(A) has been convicted of:

(i) prostitution;

(ii) rape; or

(iii) sexual misconduct; or

(B) is a registered sex offender.

(3) Provide proof that the applicant has professional liability insurance in force that lists the state as an additional insured.

(4) Verify the information submitted on the application form.

(5) Pay fees established by the board.

As added by P.L.200-2007, SEC.8. Amended by P.L.3-2008, SEC.186; P.L.177-2009, SEC.38; P.L.107-2012, SEC.62.

IC 25-21.8-4-3
Prohibitions

Sec. 3. An individual who is not certified under this article may not:

(1) profess to be a certified massage therapist; or

(2) use:

(A) the title "Certified Massage Therapist" or "Massage Therapist"; or

(B) the abbreviation "CMT" or "MT" to imply the person is a certified massage therapist.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-4-4
Proof of certification

Sec. 4. A massage therapist who is certified under this article shall provide proof of certification when practicing massage therapy.

As added by P.L.177-2009, SEC.39.

IC 25-21.8-5

Chapter 5. Certification by Endorsement

IC 25-21.8-5-1

Certification by endorsement

Sec. 1. (a) The board may grant certification by endorsement to an individual who:

(1) is licensed, certified, or registered in another state having credentialing standards that are at least as strict as the credentialing standards specified under this article;

(2) is in good standing with the standards of the other state or country;

(3) pays an application fee established by the board; and

(4) provides a history of the individual's criminal convictions, if any, including any criminal convictions relating to the practice of the profession.

(b) The board shall deny an application for certification if the applicant:

(1) has been convicted of:

(A) prostitution;

(B) rape; or

(C) sexual misconduct; or

(2) is a registered sex offender.

(c) An applicant for a certification by endorsement shall cause each state that previously credentialed the applicant to provide the board with the applicant's current status in the state.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-6
Chapter 6. Certification Renewal

IC 25-21.8-6-1
Four year certification; renewal

Sec. 1. A certification issued by the board is valid for four (4) years. A certification expires at midnight on the date established by the licensing agency under IC 25-1-6-4 and every four (4) years thereafter, unless renewed before that date.
As added by P.L.200-2007, SEC.8.

IC 25-21.8-6-2
Renewal application

Sec. 2. An individual who applies to renew certification as a massage therapist must:

(1) apply for renewal in the manner required by the board; and
(2) pay a renewal fee established by the board.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-6-3
Late renewal reinstatement fee

Sec. 3. If a renewal application is not submitted within the time under section 1 of this chapter, the board shall charge the applicant a reinstatement fee in an amount established under IC 25-1-8-6.
As added by P.L.200-2007, SEC.8.

IC 25-21.8-7

Chapter 7. Discipline and Violations

IC 25-21.8-7-1

Violations; penalty

Sec. 1. (a) This section does not apply to the violation of a rule adopted by the board.

(b) A person who knowingly violates or causes a violation of this article commits a Class C misdemeanor.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-7-2

Disciplinary procedures

Sec. 2. The board shall follow the disciplinary procedures established under IC 25-1-7 and IC 25-1-11.

As added by P.L.200-2007, SEC.8.

IC 25-21.8-7-3

Reporting criminal convictions

Sec. 3. If an individual certified under this article is convicted of a crime, the individual is responsible for notifying the board not later than thirty (30) days after the conviction.

As added by P.L.200-2007, SEC.8.

IC 25-22

ARTICLE 22. REPEALED

(*Repealed by Acts 1975, P.L.271, SEC.2.)*

IC 25-22.5

ARTICLE 22.5. PHYSICIANS

IC 25-22.5-1

Chapter 1. Definitions and Exclusions

IC 25-22.5-1-1

Repealed

(*Repealed by Acts 1978, P.L.8, SEC.14.)*

IC 25-22.5-1-1.1

Definitions

Sec. 1.1. As used in this article:

(a) "Practice of medicine or osteopathic medicine" means any one (1) or a combination of the following:

(1) Holding oneself out to the public as being engaged in:

(A) the diagnosis, treatment, correction, or prevention of any disease, ailment, defect, injury, infirmity, deformity, pain, or other condition of human beings;

(B) the suggestion, recommendation, or prescription or administration of any form of treatment, without limitation;

(C) the performing of any kind of surgical operation upon a human being, including tattooing, except for tattooing (as defined in IC 35-42-2-7), in which human tissue is cut, burned, or vaporized by the use of any mechanical means, laser, or ionizing radiation, or the penetration of the skin or body orifice by any means, for the intended palliation, relief, or cure; or

(D) the prevention of any physical, mental, or functional ailment or defect of any person.

(2) The maintenance of an office or a place of business for the reception, examination, or treatment of persons suffering from disease, ailment, defect, injury, infirmity, deformity, pain, or other conditions of body or mind.

(3) Attaching the designation "doctor of medicine", "M.D.", "doctor of osteopathy", "D.O.", "osteopathic medical physician", "physician", "surgeon", or "physician and surgeon", either alone or in connection with other words, or any other words or abbreviations to a name, indicating or inducing others to believe that the person is engaged in the practice of medicine or osteopathic medicine (as defined in this section).

(4) Providing diagnostic or treatment services to a person in Indiana when the diagnostic or treatment services:

(A) are transmitted through electronic communications; and

(B) are on a regular, routine, and nonepisodic basis or under an oral or written agreement to regularly provide medical services.

In addition to the exceptions described in section 2 of this chapter, a nonresident physician who is located outside Indiana does not practice medicine or osteopathy in Indiana by

providing a second opinion to a licensee or diagnostic or treatment services to a patient in Indiana following medical care originally provided to the patient while outside Indiana.

(b) "Board" refers to the medical licensing board of Indiana.

(c) "Diagnose or diagnosis" means to examine a patient, parts of a patient's body, substances taken or removed from a patient's body, or materials produced by a patient's body to determine the source or nature of a disease or other physical or mental condition, or to hold oneself out or represent that a person is a physician and is so examining a patient. It is not necessary that the examination be made in the presence of the patient; it may be made on information supplied either directly or indirectly by the patient.

(d) "Drug or medicine" means any medicine, compound, or chemical or biological preparation intended for internal or external use of humans, and all substances intended to be used for the diagnosis, cure, mitigation, or prevention of diseases or abnormalities of humans, which are recognized in the latest editions published of the United States Pharmacopoeia or National Formulary, or otherwise established as a drug or medicine.

(e) "Licensee" means any individual holding a valid unlimited license issued by the board under this article.

(f) "Prescribe or prescription" means to direct, order, or designate the use of or manner of using a drug, medicine, or treatment, by spoken or written words or other means.

(g) "Physician" means any person who holds the degree of doctor of medicine or doctor of osteopathy or its equivalent and who holds a valid unlimited license to practice medicine or osteopathic medicine in Indiana.

(h) "Medical school" means a nationally accredited college of medicine or of osteopathic medicine approved by the board.

(i) "Physician assistant" means an individual who:

(1) is supervised by a physician;

(2) graduated from a physician assistant program accredited by an accrediting agency (as defined in IC 25-27.5-2-4.5);

(3) passed the examination administered by the National Commission on Certification of Physician Assistants (NCCPA) and maintains certification; and

(4) has been licensed by the physician assistant committee under IC 25-27.5.

(j) "Agency" refers to the Indiana professional licensing agency under IC 25-1-5.

As added by Acts 1978, P.L.8, SEC.13. Amended by Acts 1981, P.L.222, SEC.151; P.L.247-1985, SEC.1; P.L.169-1985, SEC.62; P.L.217-1993, SEC.2; P.L.180-1996, SEC.1; P.L.181-1997, SEC.1; P.L.1-2006, SEC.444; P.L.90-2007, SEC.3.

IC 25-22.5-1-1.2
Additional definitions

Sec. 1.2. As used in this article:

"Nursing school" includes a hospital nursing school, a nursing

program, and a nursing department of a postsecondary educational institution. This shall include two (2), three (3), and four (4) year programs of nursing education.

"Shortage area" is an area in which there is a less than adequate supply of physicians or nurses relative to the need for nursing or physician services.

As added by Acts 1981, P.L.227, SEC.1. Amended by P.L.247-1985, SEC.2; P.L.2-2007, SEC.327.

IC 25-22.5-1-2

Exclusions

Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

(1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.

(2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.

(3) A paramedic (as defined in IC 16-18-2-266), an advanced emergency medical technician (as defined in IC 16-18-2-6.5), an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7), or basic life support (as defined in IC 16-18-2-33.5):

(A) during a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-31.5-2-329); and

(B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

(4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.

(5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.

(6) A person administering a domestic or family remedy to a member of the person's family.

(7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or

physical operations, or assume the title of or profess to be a physician.
(8) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
(9) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.
(10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.
(11) A dentist practicing the dentist's profession under IC 25-14.
(12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.
(13) A nurse practicing the nurse's profession under IC 25-23. However, a certified registered nurse anesthetist (as defined in IC 25-23-1-1.4) may administer anesthesia if the certified registered nurse anesthetist acts under the direction of and in the immediate presence of a physician.
(14) An optometrist practicing the optometrist's profession under IC 25-24.
(15) A pharmacist practicing the pharmacist's profession under IC 25-26.
(16) A physical therapist practicing the physical therapist's profession under IC 25-27.
(17) A podiatrist practicing the podiatrist's profession under IC 25-29.
(18) A psychologist practicing the psychologist's profession under IC 25-33.
(19) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.
(20) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.
(21) A hospital licensed under IC 16-21 or IC 12-25.

(22) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:

(A) a physician;

(B) a psychiatric hospital;

(C) a hospital;

(D) a health maintenance organization or limited service health maintenance organization;

(E) a health facility;

(F) a dentist;

(G) a registered or licensed practical nurse;

(H) a midwife;

(I) an optometrist;

(J) a podiatrist;

(K) a chiropractor;

(L) a physical therapist; or

(M) a psychologist.

(23) A physician assistant practicing the physician assistant profession under IC 25-27.5.

(24) A physician providing medical treatment under section 2.1 of this chapter.

(25) An attendant who provides attendant care services (as defined in IC 16-18-2-28.5).

(26) A personal services attendant providing authorized attendant care services under IC 12-10-17.1.

(27) A respiratory care practitioner practicing the practitioner's profession under IC 25-34.5.

(b) A person described in subsection (a)(9) through (a)(18) is not excluded from the application of this article if:

(1) the person performs an act that an Indiana statute does not authorize the person to perform; and

(2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection

commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1977, P.L.273, SEC.2; P.L.244-1985, SEC.2; P.L.149-1987, SEC.50; P.L.156-1988, SEC.1; P.L.237-1989, SEC.1; P.L.1-1990, SEC.253; P.L.2-1992, SEC.776; P.L.2-1993, SEC.141; P.L.227-1993, SEC.10; P.L.227-1995, SEC.1; P.L.1-1998, SEC.132; P.L.44-1998, SEC.1; P.L.156-2001, SEC.6; P.L.255-2001, SEC.17; P.L.2-2003, SEC.65; P.L.205-2003, SEC.37; P.L.97-2004, SEC.93; P.L.212-2005, SEC.20; P.L.141-2006, SEC.106; P.L.90-2007, SEC.4; P.L.177-2009, SEC.40; P.L.114-2012, SEC.51; P.L.77-2012, SEC.52.

IC 25-22.5-1-2.1

Experimental or nonconventional treatment; protocols for treatment

Sec. 2.1. (a) An individual who consents under IC 34-18-12 may receive any experimental or nonconventional medical treatment if:

(1) a licensed physician has personally examined the individual and agrees to treat the individual;

(2) there is no reasonable basis to conclude that the medical treatment, when administered as directed, poses an unreasonable and significant risk of danger to the individual receiving the medical treatment; and

(3) the physician has provided the individual with a written statement and an oral explanation of the medical treatment that the individual has acknowledged by the individual's signature or the signature of the individual's legal representative and that discloses the following:

(A) That the medical treatment is experimental or nonconventional.

(B) That the drug or medical device has not been approved by the United States Food and Drug Administration for any indication.

(C) The material risks generally recognized by a reasonably prudent physician of the medical treatment's side effects.

(b) If the medical treatment is to be provided on an inpatient or outpatient basis at a hospital licensed under IC 16-21, then that type of treatment must have been approved by the governing board of the hospital or by a commitee of the hospital authorized by the governing board to approve the types of experimental or nonconventional medical treatments that may be provided at the hospital on an inpatient or outpatient basis.

(c) The medical licensing board shall develop protocols for medical treatments that are provided in a setting other than the inpatient or outpatient hospital setting specified in subsection (b). A physician who fails to comply with a protocol developed under this subsection shall be subject to discipline by the medical licensing board.

(d) This section does not require any person or organization to provide an individual with access to a medical treatment not otherwise commercially available to that individual.

(e) This section does not require:

(1) an insurer;

(2) a fraternal benefit society;

(3) a nonprofit corporation;

(4) a health maintenance organization (as defined in IC 27-13-1-19);

(5) a preferred provider arrangement under IC 27-8-11; or

(6) a limited service health maintenance organization (as defined in IC 27-13-34-4);

to provide coverage or make payment beyond the terms and conditions of the contract for medical treatment authorized under this section.

As added by P.L.44-1998, SEC.2. Amended by P.L.49-1999, SEC.1.

IC 25-22.5-2

Chapter 2. Creation of Medical Licensing Board

IC 25-22.5-2-1

Creation and membership

Sec. 1. The medical licensing board of Indiana is created. It shall consist of seven (7) members, not more than four (4) of whom shall be members of the same political party. The members shall be appointed by the governor, and all vacancies occurring on the board shall be filled by the governor. The membership of the board shall consist of the following:

(1) Five (5) reputable physicians who:

(A) are graduates of a medical school;

(B) hold the degree of doctor of medicine or its equivalent; and

(C) hold valid unlimited licenses to practice medicine in Indiana;

shall serve for terms of four (4) years each.

(2) One (1) reputable osteopathic physician who:

(A) is a graduate of an accredited osteopathic medical school;

(B) holds the degree of doctor of osteopathy or its equivalent; and

(C) holds a valid unlimited license to practice osteopathic medicine in Indiana;

shall serve for a term of four (4) years.

(3) One (1) member to serve a term of four (4) years who:

(A) will represent the general public;

(B) is a resident of this state; and

(C) is in no way associated with the medical profession other than as a consumer.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1981, P.L.222, SEC.152; P.L.247-1985, SEC.3.

IC 25-22.5-2-2

Meetings and election of officers; quorum

Sec. 2. The board shall have regular meetings called upon the request of the president or a majority of the board for the transaction of business as may properly come before it under this article. At the first meeting of the board in each calendar year, the board shall organize by the election of a president and any other officers considered necessary by the board. Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by P.L.247-1985, SEC.4; P.L.152-1988, SEC.14.

IC 25-22.5-2-3

Per diem and expenses

Sec. 3. Per Diem and Expenses. For their services, the members

shall receive the per diem as is generally paid to similar boards and agencies of the state, and the traveling expenses necessarily incurred in their attendance upon the business of the board.
(Formerly: Acts 1975, P.L.271, SEC.1.)

IC 25-22.5-2-4
Record keeping

Sec. 4. The agency shall keep a record of all licenses, permits, and applications for licensure or permit. This record must contain all the facts set forth in the application, including the action of the board thereon.
(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1981, P.L.222, SEC.153; P.L.247-1985, SEC.5; P.L.1-2006, SEC.445.

IC 25-22.5-2-5
Registration and penalty fees; funds; disposition; expenses of board

Sec. 5. Except for a penalty under section 8 of this chapter, the funds obtained from registration and penalty fees shall, upon receipt thereof, be accounted for and paid over by the agency to the treasurer of state and be placed in the general fund of the state. The expenses of the board shall be paid from the general fund upon appropriation being made therefor in the manner required by law for the making of such appropriations. The amount to be expended by the board shall not exceed the amount collected by the board from all sources.
(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by P.L.247-1985, SEC.6; P.L.1-2006, SEC.446; P.L.149-2011, SEC.4; P.L.226-2011, SEC.20.

IC 25-22.5-2-6
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-22.5-2-7
Powers and duties

Sec. 7. (a) The board shall do the following:

(1) Adopt rules and forms necessary to implement this article that concern, but are not limited to, the following areas:

(A) Qualification by education, residence, citizenship, training, and character for admission to an examination for licensure or by endorsement for licensure.

(B) The examination for licensure.

(C) The license or permit.

(D) Fees for examination, permit, licensure, and registration.

(E) Reinstatement of licenses and permits.

(F) Payment of costs in disciplinary proceedings conducted by the board.

(2) Administer oaths in matters relating to the discharge of its official duties.

(3) Enforce this article and assign to the personnel of the agency

duties as may be necessary in the discharge of the board's duty.

(4) Maintain, through the agency, full and complete records of all applicants for licensure or permit and of all licenses and permits issued.

(5) Make available, upon request, the complete schedule of minimum requirements for licensure or permit.

(6) Issue, at the board's discretion, a temporary permit to an applicant for the interim from the date of application until the next regular meeting of the board.

(7) Issue an unlimited license, a limited license, or a temporary medical permit, depending upon the qualifications of the applicant, to any applicant who successfully fulfills all of the requirements of this article.

(8) Adopt rules establishing standards for the competent practice of medicine, osteopathic medicine, or any other form of practice regulated by a limited license or permit issued under this article.

(9) Adopt rules regarding the appropriate prescribing of Schedule III or Schedule IV controlled substances for the purpose of weight reduction or to control obesity.

(10) Adopt rules establishing standards for office based procedures that require moderate sedation, deep sedation, or general anesthesia.

(b) The board may adopt rules that establish:

(1) certification requirements for child death pathologists;

(2) an annual training program for child death pathologists under IC 16-35-7-3(b)(2); and

(3) a process to certify a qualified child death pathologist.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1981, P.L.222, SEC.154; P.L.247-1985, SEC.7; P.L.177-1997, SEC.2; P.L.18-2005, SEC.1; P.L.1-2006, SEC.447; P.L.225-2007, SEC.3.

IC 25-22.5-2-8

Implementation of program to investigate violations; penalties; appeal; report certain actions to National Practitioner Data Bank; physician compliance fund

Sec. 8. (a) The board shall implement a program to investigate and assess a civil penalty of not more than one thousand dollars ($1,000) against a physician licensed under this article for the following violations:

(1) Licensure renewal fraud.

(2) Improper termination of a physician and patient relationship.

(3) Practicing with an expired medical license.

(4) Providing office based anesthesia without the proper accreditation.

(5) Failure to perform duties required for issuing birth or death certificates.

(6) Failure to disclose, or negligent omission of, documentation requested for licensure renewal.

(b) An individual who is investigated by the board and found by

the board to have committed a violation specified in subsection (a) may appeal the determination made by the board in accordance with IC 4-21.5.

(c) In accordance with the federal Health Care Quality Improvement Act (42 U.S.C. 11132), the board shall report a disciplinary board action that is subject to reporting to the National Practitioner Data Bank. However, the board may not report board action against a physician for only an administrative penalty described in subsection (a). The board's action concerning disciplinary action or an administrative penalty described in subsection (a) shall be conducted at a hearing that is open to the public.

(d) The physician compliance fund is established to provide funds for administering and enforcing the investigation of violations specified in subsection (a). The fund shall be administered by the Indiana professional licensing agency.

(e) The expenses of administering the physician compliance fund shall be paid from the money in the fund. The fund consists of penalties collected through investigations and assessments by the board concerning violations specified in subsection (a). Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.149-2011, SEC.5. Amended by P.L.154-2012, SEC.3.

IC 25-22.5-3

Chapter 3. Licensure Requirements

IC 25-22.5-3-1

Minimum requirements

Sec. 1. (a) The minimum requirements for all applicants for an unlimited license to practice medicine or osteopathic medicine in Indiana must include but are not limited to the requirements prescribed by this section.

(b) The applicant must not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently.

(c) The applicant shall possess the degree of doctor of medicine or doctor of osteopathy or its equivalent from a medical school which was approved by the board as of the time the degree was conferred.

(d) The applicant shall have successfully passed the examination for licensure or shall have satisfied the requirements for licensure by endorsement as prescribed by the board.

(e) The applicant shall be physically and mentally capable of, and professionally competent to, safely engage in the practice of medicine or osteopathic medicine as determined by the board and shall submit:

(1) to an examination; or

(2) additional evidence to the board;

if considered necessary by the board to determine such capability. In making that determination, the board may consider any malpractice settlements or judgments against the applicant.

(f) The applicant shall not have had disciplinary action taken against the applicant or the applicant's license by the board or by the licensing agency of any other state or jurisdiction by reasons of the applicant's inability to safely practice medicine or osteopathic medicine and those reasons are still valid in the opinion of the board.

(g) The applicant shall have submitted a complete transcript of his educational records, grades, and diploma from his medical school with an English translation thereof.

(h) The applicant shall, at the board's discretion, make a personal appearance before it.

(i) The applicant shall have completed one (1) year of postgraduate training in a hospital or institution located in the United States, its possessions, or Canada that meets standards set by the board under IC 25-22.5-2-7.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1981, P.L.222, SEC.155; Acts 1982, P.L.113, SEC.56; P.L.247-1985, SEC.8; P.L.149-1987, SEC.51.

IC 25-22.5-3-2

Foreign medical graduates

Sec. 2. (a) In addition to meeting all the requirements of section 1 of this chapter except subsection (i), an applicant for licensure who:

(1) has been graduated from a medical school outside the

United States, its possessions, or Canada; and

(2) submits evidence satisfactory to the board that prior to passing the examination the applicant has successfully completed a minimum of at least two (2) years of postgraduate training in a hospital or an institution located in the United States or Canada which meets the standards approved by the nationally recognized medical or osteopathic accrediting bodies in the United States, for the purpose of graduate training which is approved by the board;

is entitled to receive an unlimited license to practice medicine or osteopathic medicine.

(b) Notwithstanding subsection (a), the board may waive the second year of postgraduate training in the United States or Canada required of a graduate of a foreign medical school.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by P.L.247-1985, SEC.9; P.L.156-1986, SEC.1; P.L.242-1995, SEC.1.

IC 25-22.5-4
Chapter 4. Examinations

IC 25-22.5-4-1
Guidelines

Sec. 1. (a) The board shall:

(1) adopt rules concerning examinations;

(2) prepare and give, or approve the preparation and giving of, an examination which covers those general subjects and topics, a knowledge of which is commonly and generally required, in the opinion of the board, to practice medicine or osteopathic medicine in Indiana; and

(3) permit a student of an accredited school of medicine to take the examination for licensure if:

(A) the student submits an application to the board to take the examination before the application deadline set by the board; and

(B) the dean of the school certifies that the student is expected to graduate before the results of the examination are published by the board.

(b) Examinations must be:

(1) given in a way that persons grading the papers will have no knowledge of the identity of an individual being examined; and

(2) conducted at least semiannually, if there are applicants.

(c) An applicant must achieve a passing score on the examination to qualify for licensure.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1982, P.L.113, SEC.57; P.L.247-1985, SEC.10; P.L.149-1987, SEC.52.

IC 25-22.5-4-2
Procedure

Sec. 2. If any applicant fails to satisfactorily pass the examination for licensure, the applicant is entitled to take not more than two (2) subsequent examinations at other examination periods within nineteen (19) months from the date of the first examination upon the payment of an additional examination fee each time. The board may establish additional requirements under IC 25-22.5-2-7 for those applicants who, after having failed the examination three (3) or more times, wish to take another examination.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by P.L.247-1985, SEC.11.

IC 25-22.5-5

Chapter 5. Licenses and Permits

IC 25-22.5-5-1

Licenses with examination

Sec. 1. Licenses with Examination. Any applicant who successfully passes the examination provided in chapter 4, and who meets all of the requirements of chapter 3, is entitled to be registered as a physician and to receive an unlimited license to practice medicine or osteopathic medicine.

(Formerly: Acts 1975, P.L.271, SEC.1.)

IC 25-22.5-5-2

Licenses without examination

Sec. 2. (a) The board in its discretion may register as a physician and may issue by endorsement an unlimited license to practice medicine or osteopathic medicine to any applicant who has:

(1) complied with the minimum requirements of IC 25-22.5-3; and

(2) passed an examination:

(A) for licensure in another state or territory of the United States, or Canada; or

(B) given by a recognized certifying agency approved by the board;

if that examination was, in the opinion of the board, equivalent in every respect to Indiana's examination at the time it was taken.

(b) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure under this section if:

(1) the applicant has been disciplined by an administrative agency in another state or jurisdiction; and

(2) the board determines that the violation for which the applicant was disciplined has a direct bearing on the applicant's ability to practice competently as a physician in Indiana.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by P.L.149-1987, SEC.53; P.L.33-1993, SEC.28.

IC 25-22.5-5-2.5

Unlimited and probationary licenses; refusal to license; removal of limitation

Sec. 2.5. (a) The board may:

(1) refuse to issue a license;

(2) issue an unlimited license; or

(3) issue a probationary license to an applicant for licensure by examination or endorsement;

if the applicant has had a license revoked under this chapter and is applying for a new license after the expiration of the period prescribed by IC 25-1-9-12.

(b) Before making a determination under subsection (a), the board may require the applicant to engage in full-scale assessments, formal

training programs, supervised practice arrangements, formal testing, or other proof of competence as provided under section 2.7 of this chapter.

(c) When issuing a probationary license under this section, the board may require the individual holding the license to perform any of the following acts as a condition for the issuance of a probationary license:

(1) Submit a regular report to the board concerning matters that are the basis of probation.

(2) Limit the practice of the individual to the areas prescribed by the board.

(3) Continue or renew the individual's professional education.

(4) Perform or refrain from performing acts, as the board considers appropriate to the public interest or the rehabilitation of the individual.

(5) Engage in community restitution or service without compensation for a number of hours specified by the board.

(6) Any combination of these conditions.

(d) If the board determines following a hearing that the deficiency requiring disciplinary action concerning the individual has been remedied, the board shall remove any limitation placed on the individual's license under subsection (c).

As added by P.L.152-1988, SEC.15. Amended by P.L.33-1993, SEC.29; P.L.32-2000, SEC.13; P.L.105-2008, SEC.40.

IC 25-22.5-5-2.7

Provisional license

Sec. 2.7. (a) The board may issue a provisional license to an applicant who:

(1) has not practiced medicine or has not maintained continued competency for at least two (2) years immediately preceding the filing of an application for an initial license;

(2) has applied for reinstatement of a license under IC 25-1-8-6 that has been lapsed for at least three (3) years; or

(3) has submitted a request, petition, motion, or application to reactivate an inactive license previously issued by the board.

(b) For an applicant to qualify for a provisional license under subsection (a), the board must find the following:

(1) The applicant's practice is deficient in one (1) or more areas.

(2) The nature of the applicant's deficiency is such that it does not constitute a violation of the practice act, other than a de minimis violation, as determined by the board.

(3) The nature of the applicant's identified practice deficiency is such that it may be monitored until resolved to the satisfaction of the board.

(4) The applicant's practice deficiency did not result in death, serious harm, or other serious outcome for a patient or patients.

(5) The applicant's practice deficiency did not represent an intentional or willful commission or omission of an act that constitutes a violation of IC 25-1-9-4, IC 25-22.5, or the rules

of the board.

(6) The applicant's practice deficiency did not involve sexual misconduct.

(c) As a condition for an applicant to hold a provisional license, the board may require full-scale assessments, engagement in formal training programs, supervised practice arrangements, formal testing, or other proof of competence.

(d) An applicant under this section shall develop an individualized practice reentry program subject to the approval of the board.

(e) The duration of a provisional license shall be determined by the board and reviewed at least annually by the board.

(f) When an applicant has demonstrated to the board that the applicant has satisfactorily met the terms of the individualized practice reentry program, the applicant shall be released from terms of the provisional license and is entitled to hold an unlimited license under IC 25-22.5-3-1.

(g) A provisional license is a nonrestricted license, and the issuance of a provisional license issued under this section may not be construed as a disciplinary action taken by the board.

(h) The board may take disciplinary action against an applicant who holds a provisional license if, after a hearing, the board finds any of the following:

(1) Failure to comply with any term of the provisional license.

(2) Receipt of evidence from an appointed supervisor or workplace monitor that the holder of the provisional license has failed to make satisfactory progress or successfully complete the requirements of the provisional license.

(3) Receipt of evidence from an appointed supervisor or workplace monitor that the holder of the provisional license has failed to incorporate learned knowledge and skills into the holder's practice or has continued to demonstrate the same practice deficiency that led to the issuance of the provisional license.

(4) A violation of IC 25-1-9.

(i) The holder of a provisional license may petition the board for modification, withdrawal, or retirement of the provisional license.

As added by P.L.105-2008, SEC.41.

IC 25-22.5-5-3

Waiver of requirements

Sec. 3. The board, in certain exceptional instances, may waive for limited licenses, temporary medical permits, or final licensure any of the provisions of this article, including fee requirements, if a complete evaluation by the board of the applicant's previous training, education, and practice determines them to equal or exceed the requirements of this article.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by P.L.247-1985, SEC.12.

IC 25-22.5-5-4

Temporary medical permits

Sec. 4. (a) The board may authorize the agency to issue temporary medical permits for the practice of medicine or osteopathic medicine. When a temporary medical permit is issued, it is subject to any termination date specified by the board. A temporary medical permit may be issued to any person who:

(1) has completed the academic requirements for the degree of doctor of medicine or doctor of osteopathy from a medical school approved by the board; and

(2) desires to obtain postgraduate medical education or training in a medical education institution or hospital located in Indiana which has standards for postgraduate medical education and training satisfactory to the board;

is required to obtain a temporary medical permit unless the graduate possesses an unlimited license to practice medicine or osteopathic medicine in Indiana. Application for the permit must be made to the board subject to this article. A temporary medical permit issued to a person under this subsection for purposes of postgraduate training is valid for a period of one (1) year and may be renewed for additional one (1) year periods at the discretion of the board.

(b) A medical educational institution located in Indiana which has standards satisfactory to the board may, in the board's discretion, secure from it a permit for a person in the active practice of medicine outside the state of Indiana or the United States, but who is not licensed in Indiana, to teach medicine in the institution for an annually renewable period not to exceed one (1) year by filing with the board an application by the institution and the person certifying:

(1) the person's professional qualifications;

(2) the term of the teaching appointment;

(3) the medical subjects to be taught; and

(4) other information and assurances as the board may require.

If the application is approved, the person is entitled to receive a "temporary medical teaching permit" which authorizes the person to teach medicine in the applicant institution for a stated period not to exceed one (1) year. This permit must be kept in the possession of the institution and surrendered by it to the board for cancellation within thirty (30) days after the person has ceased teaching in the institution. The permit authorizes the person to practice in the institution only and, in the course of teaching, to practice those medical or osteopathic medical acts as are usually and customarily performed by a physician teaching in a medical educational institution, but does not authorize the person to practice medicine or osteopathic medicine otherwise.

(c) Any medical educational institution in this state which authorizes or permits a physician to violate this article or which itself violates this section may, in the discretion of the board, be disqualified from further receiving the benefits of this section.

(d) The board may authorize the issuance of a temporary medical permit to a person who will be taking in Indiana for the first time the examination or portion of the examination required by the board. A

temporary medical permit holder under this subsection shall work under the supervision of a licensed physician, who is in good standing with the board, until the results of the examination taken by the permit holder are published by the board. If the holder of a temporary medical permit under this subsection fails the examination, the board may reissue a temporary medical permit to the holder upon conditions, and for a period of time, that the board considers appropriate.

(e) A person who holds a valid license to practice medicine or osteopathic medicine in the United States, its possessions, or Canada, and who is seeking licensure by endorsement, may be issued a temporary medical permit by the agency upon the authorization of the board. A temporary medical permit issued under this subsection is valid for ninety (90) days or for a period considered appropriate by the board.

(f) A person who is licensed to practice medicine or osteopathic medicine by any board or licensing agency of another state or jurisdiction, and who meets the requirements established by the board under IC 25-22.5-2-7, may be issued a temporary medical permit limited by terms and conditions considered appropriate by the board. A temporary medical permit issued under this subsection is valid for a nonrenewable period of no more than thirty (30) days.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by P.L.247-1985, SEC.13; P.L.1-2006, SEC.448.

IC 25-22.5-5-4.5
Repealed

(*Repealed by P.L.177-2009, SEC.63.)*

IC 25-22.5-5-4.6
Temporary fellowship permits

Sec. 4.6. (a) The board may authorize the agency to issue temporary fellowship permits for the practice of medicine. A temporary fellowship permit is subject to any termination date specified by the board.

(b) The board may issue a temporary fellowship permit to a graduate of a school located outside the United States, its possessions, or Canada if the graduate:

(1) applies in the form and manner required by the board;

(2) pays a fee set by the board;

(3) has completed the academic requirements for the degree of doctor of medicine from a medical school approved by the board;

(4) has been issued a valid permit by another state for participation in a postgraduate medical education or training program located in a state that has standards for postgraduate medical education and training satisfactory to the board;

(5) has been accepted into a postgraduate medical fellowship training program that:

(A) is affiliated with a medical school located in a state that

issued a permit under subdivision (4);

(B) has a training site located in Indiana; and

(C) has standards for postgraduate medical education and training satisfactory to the board;

(6) provides the board with documentation of the areas of medical practice for which the training is sought;

(7) provides the board with at least two (2) letters of reference documenting the individual's character; and

(8) demonstrates to the board that the individual is a physician of good character who is in good standing outside the United States, its possessions, or Canada where the person normally would practice.

(c) Applications for a temporary fellowship permit for graduates of foreign medical schools must be made to the board subject to this section.

(d) A permit issued under this section expires one (1) year after the date it is issued and, at the discretion of the board, may be renewed for additional one (1) year periods upon the payment of a renewal fee set by the board by rule.

(e) An individual who applies for a temporary fellowship permit under this section is not required to take any step of the United States Medical Licensure Examination.

(f) A temporary fellowship permit must be kept in the possession of the fellowship training institution and surrendered by the institution to the board within thirty (30) days after the person ceases training in Indiana.

(g) A temporary fellowship permit authorizes a person to practice in the training institution only and, in the course of training, to practice only those medical acts approved by the board but does not authorize the person to practice medicine otherwise.

(h) The board may deny an application for a temporary fellowship permit if the training program that has accepted the applicant has:

(1) violated; or

(2) authorized or permitted a physician to violate;

this section.

(i) A person issued a temporary fellowship permit under this section must file an affidavit that:

(1) is signed by a physician licensed in Indiana;

(2) includes the license number of the signing physician;

(3) attests that the physician will monitor the work of the physician holding the temporary fellowship permit; and

(4) is notarized.

The affidavit must be filed with the agency before the person holding the temporary fellowship permit may provide medical services.

As added by P.L.177-2009, SEC.41.

IC 25-22.5-5-4.7

Legalization of actions taken under section 4.5 of this chapter after June 30, 2008, and before May 13, 2009

Sec. 4.7. Any action taken under section 4.5 of this chapter

(before its repeal) after June 30, 2008, but before May 13, 2009, is legalized and validated.
As added by P.L.220-2011, SEC.407.

IC 25-22.5-5-5
Repealed
(*Repealed by P.L.185-1993, SEC.15.)*

IC 25-22.5-5-6
Eye enucleators; corneal excision technicians; registration; training programs

Sec. 6. (a) The board shall register as an eye enucleator an individual who qualifies for registration under rules adopted by the board under IC 25-22.5-2-7. An applicant for registration as an eye enucleator must submit evidence that the applicant has successfully completed a training program in the enucleation of eyes approved by the board. To be approved, a training program must:

(1) be taught by one (1) or more surgeons or physicians;
(2) include instruction and practice in:
(A) anatomy and physiology of the eye;
(B) the maintenance of a sterile field during the removal of an eye; and
(C) the use of appropriate instruments and sterile procedures for removing the eye; and
(3) comply with rules adopted by the board under IC 25-22.5-2-7.

Registration of an eye enucleator under this section does not qualify the eye enucleator to remove corneas or corneal tissue.

(b) The board shall register as a corneal excision technician a person who qualifies for registration under rules adopted by the board under IC 25-22.5-2-7. An applicant for registration as a corneal excision technician must submit evidence that the applicant has successfully completed a training program in corneal excision approved by the board. To be approved, a training program must:

(1) be taught by one (1) or more surgeons or physicians;
(2) include instruction and practice in:
(A) the anatomy and physiology of the eye;
(B) maintenance of a sterile field during the removal of a cornea, an eye, or part of an eye; and
(C) the use of appropriate instruments and sterile procedures for removing a cornea, an eye, or part of an eye; and
(3) comply with rules adopted by the board under IC 25-22.5-2-7.

A corneal excision technician registered under this section may remove an eye, part of an eye, a cornea, and corneal tissue.

(c) The board may revoke a registration issued under this section upon a showing of good cause for revocation.

(d) The board shall adopt rules under IC 25-22.5-2-7 to implement this section.
As added by P.L.36-1993, SEC.3.

IC 25-22.5-6

Chapter 6. Discipline; Retirement of Licenses

IC 25-22.5-6-1

Retirement and surrender; inactive status

Sec. 1. (a) Any physician licensed to practice medicine or osteopathic medicine in this state who intends to retire from practice shall notify the board in writing of the physician's intention to retire. Upon receipt of this notice, the board shall record the fact that the physician is retired and excuse the person from further payment of registration fees. If any physician retires the physician's license to practice medicine or osteopathic medicine in this state, reinstatement of the license may be considered by the board upon written request. The board may impose any conditions it considers appropriate to the retirement or to the reinstatement of a retired license. If any disciplinary proceedings under this chapter are pending against a physician, the physician may not surrender or retire the physician's license to practice without the written approval of the board.

(b) Any physician licensed to practice medicine or osteopathic medicine in this state who intends to become inactive in the practice of medicine shall notify the board in writing that:

(1) the physician will not maintain an office or practice; and

(2) if the physician does render a service that constitutes the practice of medicine, the physician will not charge a fee for that service.

The board shall then classify the physician's license as inactive. The renewal fee of the inactive license is one-half (1/2) of the registration fee.

(c) If a physician holding an inactive license intends to maintain an office or practice or charge a fee for the physician's medical services, the physician shall notify the board of the intent to reactivate a license to practice medicine or osteopathy. As a condition of reactivation, the board may require the physician to appear before the board. This personal appearance shall be to establish the physician's work history if the physician's license has been inactive for more than four (4) years and the physician cannot verify active practice history in another jurisdiction during the period in which the physician's Indiana license has been under inactive status. Upon:

(1) notification;

(2) receipt of the regular registration fee for a physician's license, less the amount paid for the current inactive license; and

(3) either:

(A) verification of active licensure in another jurisdiction; or

(B) completion of other reasonable requirements imposed by the board, after the physician's work history has been established;

the board shall reinstate that physician's license.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1979,

P.L.246, SEC.1; P.L.247-1985, SEC.15; P.L.157-2006, SEC.60.

IC 25-22.5-6-2
Repealed
(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-22.5-6-2.1
Repealed
(*Repealed by P.L.152-1988, SEC.30.)*

IC 25-22.5-6-3
Immunity from civil liability
Sec. 3. The executive director and staff of the agency, counsel, investigators, hearing officers, and the board members are immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties.
(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1977, P.L.172, SEC.28; Acts 1981, P.L.222, SEC.157; P.L.247-1985, SEC.17; P.L.1-2006, SEC.450.

IC 25-22.5-6-4
Injunctions
Sec. 4. Injunctions. In cases where the continued practice of medicine by an accused is considered harmful to the public or himself, the board may sue to enjoin the accused from practicing medicine or osteopathic medicine until the hearing, provided in section 3 of this chapter, is completed and a decision rendered.
(Formerly: Acts 1975, P.L.271, SEC.1.)

IC 25-22.5-7

Chapter 7. Registration Fees

IC 25-22.5-7-1

Expiration of licenses; renewal fee; reinstatement of invalid licenses; rules

Sec. 1. (a) A license issued under this article expires biennially on the date established by the licensing agency under IC 25-1-5-4. On or before the date established by the licensing agency, an applicant for renewal shall pay the biennial renewal fee set by the board under IC 25-1-8-2.

(b) If the holder of a license does not renew the license on or before the date established by the licensing agency, the license expires and becomes invalid without any action taken by the board.

(c) A license that becomes invalid under subsection (b) may be reinstated by the board not later than three (3) years after the invalidation if the holder of the invalid license meets the requirements for reinstatement under IC 25-1-8-6(c).

(d) If a license that becomes invalid under this section is not reinstated by the board not later than three (3) years after its invalidation, the holder of the invalid license must meet the requirements for reinstatement established by the board under IC 25-1-8-6(d).

(e) A licensee whose license is reinstated under subsection (d) may be issued a provisional license under IC 25-22.5-5-2.7.

(f) The board may adopt rules under IC 25-22.5-2-7 establishing requirements for the reinstatement of a lapsed license.

(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1979, P.L.246, SEC.3; P.L.247-1985, SEC.18; P.L.149-1987, SEC.55; P.L.105-2008, SEC.42.

IC 25-22.5-8
Chapter 8. Penalties

IC 25-22.5-8-1
Unlawful practice

Sec. 1. Unlawful Practice. It is unlawful for any person to practice medicine or osteopathic medicine in this state without holding a license or permit to do so, as provided in this article.
(Formerly: Acts 1975, P.L.271, SEC.1.)

IC 25-22.5-8-2
Offenses

Sec. 2. (a) A person who violates this article by unlawfully practicing medicine or osteopathic medicine commits a Class C felony.

(b) A person who practices midwifery without the license required under this article commits a Class D felony.

(c) A person who acts as a physician assistant without the license required under IC 25-27.5 commits a Class D felony.
(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2541; P.L.247-1985, SEC.19; P.L.90-2007, SEC.5.

IC 25-22.5-8-3
Violations; temporary medical permits

Sec. 3. A person who violates this article relating to temporary medical permits, if the violation does not involve the unlawful practice of medicine or osteopathic medicine, commits a Class C misdemeanor.
(Formerly: Acts 1975, P.L.271, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2542; P.L.247-1985, SEC.20.

IC 25-22.5-8-4
Injunctions

Sec. 4. Injunctions. The attorney general, prosecuting attorney, the board or any citizen of any county where any person engages in the practice of medicine or osteopathic medicine without a license or a permit to do so, may, according to the laws of Indiana governing injunctions, maintain an action in the name of the state of Indiana to enjoin the person from engaging in the practice of medicine or osteopathic medicine. In charging any person in an affidavit, information or indictment, with a violation of this law by practicing medicine or osteopathic medicine without a license or permit, it is sufficient to charge that he did, upon a certain day and in a certain county, engage in the unlawful practice of medicine or osteopathic medicine and that he did not have any license or permit to do so. No further or more particular fact need be averred concerning the matter.
(Formerly: Acts 1975, P.L.271, SEC.1.)

IC 25-22.5-8-5
Revocation of physician license for participation in cloning

Sec. 5. (a) As used in this section, "cloning" has the meaning set forth in IC 16-18-2-56.5.

(b) Notwithstanding IC 25-1-9, the board shall revoke the license of a physician if, after appropriate notice and an opportunity for a hearing, the attorney general proves by a preponderance of the evidence that the physician knowingly participated in cloning or attempted cloning.

As added by P.L.126-2005, SEC.8.

IC 25-22.5-9
Repealed

(*Repealed by P.L.199-1987, SEC.2.)*

IC 25-22.5-10

Chapter 10. Osteopathic Residency Training and Certification

IC 25-22.5-10-1

Residency training and board certification required by health provider or insurer

Sec. 1. If:

(1) a hospital;

(2) a health maintenance organization issued a certificate of authority under IC 27-13;

(3) a preferred provider organization licensed under IC 27-8-11;

(4) a health insurance company; or

(5) any other similarly licensed entity;

requires a physician to be residency trained, board certified, or eligible for certification in a medical specialty, it shall include residency training or certification approved by a national association founded in 1897 that accredits residency training programs and certifying boards for osteopathic physicians as criteria that satisfy the requirement.

As added by P.L.182-1997, SEC.1.

IC 25-22.5-11

Chapter 11. Physician Referral to Certain Health Care Entities

IC 25-22.5-11-1

"Financial interest"

Sec. 1. (a) As used in this chapter, "financial interest" means an ownership or investment interest through equity, debt, or other means. The term includes an ownership or investment interest in an entity that holds:

(1) directly; or

(2) through a subsidiary;

an ownership or investment interest in a health care entity.

(b) The term does not include the following:

(1) Ownership of investment securities (including shares or bonds, debentures, notes, or other debt instruments) that may be purchased on terms generally available to the public and that are:

(A) securities:

(i) listed on the New York Stock Exchange, the American Stock Exchange, any regional exchange in which quotations are published on a daily basis, or foreign securities listed on a recognized foreign, national, or regional exchange in which quotations are published on a daily basis; or

(ii) traded under the National Association of Securities Dealers, Inc. Automated Quotations System; and

(B) in a corporation that had, at the end of the corporation's most recent fiscal year, or on average during the previous three (3) fiscal years, stockholder equity exceeding seventy-five million dollars ($75,000,000).

(2) Ownership of shares in a regulated investment company as defined in section 851(a) of the Internal Revenue Code of 1986, if such company had, at the end of the company's most recent fiscal year, or on average during the previous three (3) fiscal years, total assets exceeding seventy-five million dollars ($75,000,000).

As added by P.L.217-2005, SEC.26.

IC 25-22.5-11-2

"Health care entity"

Sec. 2. As used in this chapter, "health care entity" means an organization or a business that provides diagnostic, medical, or surgical services, dental treatment, or rehabilitative care.

As added by P.L.217-2005, SEC.26.

IC 25-22.5-11-3

Physician requirements before referring patient to health care entity; exception

Sec. 3. (a) Except as provided in subsection (b), a physician must

do the following before referring an individual to a health care entity in which the physician has a financial interest:

(1) Disclose in writing to the individual that the physician has a financial interest in the health care entity.

(2) Inform the individual in writing that the individual may choose to be referred to another health care entity.

The individual shall acknowledge receipt of the notice required under this section by signing the notice. The physician shall keep a copy of the signed notice.

(b) Subsection (a) does not apply if a delay in treatment caused by compliance with the requirements of subsection (a) would reasonably be expected by the referring physician to result in serious:

(1) jeopardy to the individual's health;

(2) impairment to the individual's bodily functions; or

(3) dysfunction of a bodily organ or part of the individual.

As added by P.L.217-2005, SEC.26.

IC 25-22.5-11-4

Compliance as condition for physician licensure

Sec. 4. Compliance with this chapter is a condition of licensure under this article.

As added by P.L.217-2005, SEC.26.

IC 25-22.5-11-5

Intent not to conflict with federal law

Sec. 5. This chapter is not intended to conflict with 42 U.S.C. 1395nn or 42 U.S.C. 1396b(s).

As added by P.L.217-2005, SEC.26.

IC 25-22.5-12

Chapter 12. Residency Pilot Program for Qualified International Medical School Graduates

IC 25-22.5-12-1

"Graduate" defined

Sec. 1. As used in this chapter, "graduate" means a qualified international medical school graduate.

As added by P.L.157-2006, SEC.61.

IC 25-22.5-12-2

"Resident" defined

Sec. 2. As used in this chapter, "resident" means a graduate who has been accepted in the residency pilot program under this chapter.

As added by P.L.157-2006, SEC.61.

IC 25-22.5-12-3

Residency pilot program established

Sec. 3. The board shall work with primary care residency programs, limited to family medicine, pediatrics, and internal medicine residency programs, to develop a pilot program for a period of seven (7) academic years to better identify, evaluate, and prepare qualified graduates for future practice in Indiana.

As added by P.L.157-2006, SEC.61.

IC 25-22.5-12-4

Eligible graduates

Sec. 4. The board shall allow family medicine, pediatrics, and internal medicine residency programs in Indiana that elect to participate in the residency pilot program to accept graduates from medical schools that:

(1) are not on the board's list of approved medical schools; and

(2) are not on the list of schools disapproved for postgraduate medical education training.

As added by P.L.157-2006, SEC.61.

IC 25-22.5-12-5

Application process

Sec. 5. The board shall develop an application process for each approved residency program's participation in the residency pilot program.

As added by P.L.157-2006, SEC.61.

IC 25-22.5-12-6

Disapproved medical schools; list

Sec. 6. The list of disapproved medical schools must be updated by August 1 of each year to the best ability of the board to exclude any medical schools that are not known to be qualified educational institutions.

As added by P.L.157-2006, SEC.61.

IC 25-22.5-12-7
Request for temporary permit

Sec. 7. The program director of a residency program that wants to participate in the residency pilot program shall submit a letter to the board requesting that the accepted residency candidate receive a temporary permit for residency training. A representative of the residency program must appear with the candidate for a hearing of the board.

As added by P.L.157-2006, SEC.61. Amended by P.L.1-2007, SEC.169.

IC 25-22.5-12-8
Temporary permit duration

Sec. 8. A temporary permit to participate in residency training may be:

(1) issued to a graduate for one (1) year; and

(2) renewed for two (2) additional one (1) year periods;

until completion of the residency program. The board may require the graduate to appear before the board.

As added by P.L.157-2006, SEC.61.

IC 25-22.5-12-9
Eligible candidates

Sec. 9. A candidate for the residency program must be certified by the Education Commission for Foreign Medical Graduates (ECFMG) to participate in the residency pilot program.

As added by P.L.157-2006, SEC.61.

IC 25-22.5-12-10
Pilot program director's report

Sec. 10. The director of a participating residency pilot program shall submit a written progress report to the board within three (3) months after the beginning of training of a resident to verify that the resident is providing the quality of medical care to patients expected at the level of medical experience and training of the resident.

As added by P.L.157-2006, SEC.61.

IC 25-22.5-12-11
Dismissal of resident; notification of board

Sec. 11. The residency program director shall promptly inform the board in writing if a pilot program resident is:

(1) dismissed for failure to meet the professional expectations of the residency program; or

(2) incapable of competent medical practice.

As added by P.L.157-2006, SEC.61.

IC 25-22.5-12-12
Annual progress report

Sec. 12. The residency program director shall submit a report concerning the progress of each resident to the board at the

completion of the first and second years of the resident's training recommending renewal of the temporary medical permit for one (1) additional year if the resident's performance is satisfactory.
As added by P.L.157-2006, SEC.61.

IC 25-22.5-12-13
Completion of pilot program; additional practice requirements; failure to complete program

Sec. 13. (a) Upon the resident's completion of the three (3) year training program, the residency program director may be required to appear before the board to:

(1) verify the competency of the resident; and
(2) recommend that the candidate be issued a license to enable the candidate to practice medicine in Indiana.

If the resident was granted a temporary permit under the residency pilot program, a graduate participating in the program may not be issued a permanent license until the graduate completes the three (3) years of pilot program residency training and completes two (2) years of practice in Indiana to complete the pilot program requirements. The type of license the graduating resident obtains for the two (2) years of practice after residency shall be determined by the board. The board may defer the practice requirement if the resident requests a delay to participate in an Accreditation Council on Graduate Medical Education (ACGME) accredited fellowship program that enhances the practice of primary care. The candidate must appear before the board for permanent license approval.

(b) Failure to complete the residency pilot program for reasons including:

(1) negligence;
(2) incompetency; or
(3) issues of professionalism;

is an adverse event reportable to medical licensing boards in other states. Issues not related to performance are not reportable events.
As added by P.L.157-2006, SEC.61.

IC 25-22.5-12-14
Successful candidates

Sec. 14. International medical school graduates who have successfully completed the residency pilot program and have met all requirements of this chapter:

(1) shall be given equal standing for licensure with other international medical school graduates who have graduated from approved medical schools; and
(2) must meet all other licensure requirements under IC 25-22.5-3-1.

As added by P.L.157-2006, SEC.61.

IC 25-22.5-12-15
Data collection by board

Sec. 15. The board shall collect information and data during the

residency pilot program concerning the:

(1) successes of;

(2) failures of;

(3) difficulties encountered in; and

(4) number of residents involved in, entering, and graduating from;

the program.

The information must include data based on the six (6) required ACGME competencies used to evaluate all residents.

As added by P.L.157-2006, SEC.61.

IC 25-22.5-12-16

Limit on number of candidates

Sec. 16. There may not be more than two (2) graduates allowed under this pilot program for each approved primary care residency program.

As added by P.L.157-2006, SEC.61.

IC 25-22.5-12-17

Chapter expiration

Sec. 17. This chapter expires December 31, 2013.

As added by P.L.157-2006, SEC.61.

IC 25-23

ARTICLE 23. NURSES

IC 25-23-1

Chapter 1. Licensing of Nurses; Creation of Board; Education Programs

IC 25-23-1-0.1

Application of certain amendments to chapter

Sec. 0.1. The amendments made to this chapter by P.L.185-1993 shall not be construed to limit the authority of a registered nurse to perform services that a registered nurse was authorized to perform under this article before April 30, 1993.

As added by P.L.220-2011, SEC.408.

IC 25-23-1-1

Definitions

Sec. 1. As used in this chapter:

(a) "Board" means the Indiana state board of nursing.

(b) "Advanced practice nurse" means:

(1) a nurse practitioner;

(2) a nurse midwife; or

(3) a clinical nurse specialist;

who is a registered nurse qualified to practice nursing in a specialty role based upon the additional knowledge and skill gained through a formal organized program of study and clinical experience, or the equivalent as determined by the board, which does not limit but extends or expands the function of the nurse which may be initiated by the client or provider in settings that shall include hospital outpatient clinics and health maintenance organizations.

(c) "Human response" means those signs, symptoms, behaviors, and processes that denote the individual's interaction with the environment.

(Formerly: Acts 1949, c.159, s.1; Acts 1971, P.L.376, SEC.1; Acts 1974, P.L.119, SEC.1.) As amended by Acts 1981, P.L.228, SEC.1; P.L.169-1985, SEC.63; P.L.185-1993, SEC.2.

IC 25-23-1-1.1

Additional definitions

Sec. 1.1. (a) As used in this chapter, "registered nurse" means a person who holds a valid license issued:

(1) under this chapter; or

(2) by a party state (as defined in IC 25-23.3-2-11); and

who bears primary responsibility and accountability for nursing practices based on specialized knowledge, judgment, and skill derived from the principles of biological, physical, and behavioral sciences.

(b) As used in this chapter, "registered nursing" means performance of services which include but are not limited to:

(1) assessing health conditions;

(2) deriving a nursing diagnosis;
(3) executing a nursing regimen through the selection, performance, and management of nursing actions based on nursing diagnoses;
(4) advocating the provision of health care services through collaboration with or referral to other health professionals;
(5) executing regimens delegated by a physician with an unlimited license to practice medicine or osteopathic medicine, a licensed dentist, a licensed chiropractor, a licensed optometrist, or a licensed podiatrist;
(6) teaching, administering, supervising, delegating, and evaluating nursing practice;
(7) delegating tasks which assist in implementing the nursing, medical, or dental regimen; or
(8) performing acts which are approved by the board or by the board in collaboration with the medical licensing board of Indiana.

(c) As used in this chapter, "assessing health conditions" means the collection of data through means such as interviews, observation, and inspection for the purpose of:
(1) deriving a nursing diagnosis;
(2) identifying the need for additional data collection by nursing personnel; and
(3) identifying the need for additional data collection by other health professionals.

(d) As used in this chapter, "nursing regimen" means preventive, restorative, maintenance, and promotion activities which include meeting or assisting with self-care needs, counseling, and teaching.

(e) As used in this chapter, "nursing diagnosis" means the identification of needs which are amenable to nursing regimen.

As added by Acts 1981, P.L.222, SEC.158. Amended by P.L.169-1985, SEC.64; P.L.181-2002, SEC.3; P.L.1-2007, SEC.170; P.L.134-2008, SEC.26.

IC 25-23-1-1.2
"Licensed practical nurse" defined

Sec. 1.2. As used in this chapter, "licensed practical nurse" means a person who holds a valid license issued under this chapter or by a party state (as defined in IC 25-23.3-2-11) and who functions at the direction of:
(1) a registered nurse;
(2) a physician with an unlimited license to practice medicine or osteopathic medicine;
(3) a licensed dentist;
(4) a licensed chiropractor;
(5) a licensed optometrist; or
(6) a licensed podiatrist;

in the performance of activities commonly performed by practical nurses and requiring special knowledge or skill.

As added by P.L.169-1985, SEC.65. Amended by P.L.181-2002,

SEC.4; P.L.1-2007, SEC.171; P.L.134-2008, SEC.27.

IC 25-23-1-1.3
"Practical nursing" defined

Sec. 1.3. As used in this chapter, "practical nursing" means the performance of services commonly performed by practical nurses, including:

(1) contributing to the assessment of the health status of individuals or groups;
(2) participating in the development and modification of the strategy of care;
(3) implementing the appropriate aspects of the strategy of care;
(4) maintaining safe and effective nursing care; and
(5) participating in the evaluation of responses to the strategy of care.

As added by P.L.169-1985, SEC.66.

IC 25-23-1-1.4
"Certified registered nurse anesthetist" defined

Sec. 1.4. As used in this chapter, "certified registered nurse anesthetist" means a registered nurse who:

(1) is a graduate of a nurse anesthesia educational program accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs or its predecessor;
(2) is properly certified by successfully completing the certification examination administered by the Council on Certification of Nurse Anesthetists or its predecessor; and
(3) is properly certified and in compliance with criteria for biennial recertification, as defined by the Council on Recertification of Nurse Anesthetists.

As added by P.L.185-1993, SEC.3. Amended by P.L.177-2009, SEC.42.

IC 25-23-1-2
Indiana state board of nursing; establishment; members; term of office; vacancies

Sec. 2. (a) There is established the Indiana state board of nursing consisting of nine (9) members appointed by the governor, each to serve a term of four (4) years subject to death, resignation, or removal by the governor.

(b) Six (6) of the board members must be registered nurses who are committed to advancing and safeguarding the nursing profession as a whole. Two (2) of the board's members must be licensed practical nurses. One (1) member of the board, to represent the general public, must be a resident of this state and not be associated with nursing in any way other than as a consumer.

(c) Each appointed board member may serve until the member's successor has been appointed and qualified. Any vacancy occurring in the membership of the board for any cause shall be filled by appointment by the governor for the unexpired term. Members of the

board may be appointed for more than one (1) term. However, no person who has served as a member of the board for more than six (6) consecutive years may be reappointed. Reappointments of persons who have served six (6) consecutive years as a member of the board may be made after three (3) years have elapsed.
(Formerly: Acts 1949, c.159, s.2; Acts 1971, P.L.376, SEC.2.) As amended by Acts 1981, P.L.222, SEC.159; P.L.169-1985, SEC.67; P.L.185-1993, SEC.4; P.L.158-2003, SEC.4.

IC 25-23-1-3
Filling vacancies; removal of board members

Sec. 3. On or before December 1 of each year and at any time there is a vacancy, the Indiana State Nurses' Association shall recommend to the Governor a list of qualified registered nurses for appointment to the Board in the number of not less than twice the number of registered nurse vacancies to be filled.

On or before December 1 of each year and at any time there is a vacancy, the Indiana Federation of Licensed Practical Nurses' shall recommend to the Governor a list of qualified licensed practical nurses and nurse educators of Practical Nurse Programs for appointment to the Board in the number of not less than twice the number of vacancies to be filled. The Governor may remove any member from the Board for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.
(Formerly: Acts 1949, c.159, s.3; Acts 1971, P.L.376, SEC.3.)

IC 25-23-1-4
Qualifications of members of board; oath

Sec. 4. (a) Each registered nurse member of the board required by section 2 of this chapter must:

(1) be a citizen of the United States;
(2) be a resident of Indiana;
(3) have:
(A) graduated from an accredited educational program for the preparation of practitioners of professional nursing;
(B) been licensed as a registered nurse in Indiana;
(C) had at least five (5) years successful experience since graduation in administering, teaching, or practicing in an educational program to prepare practitioners of nursing or in administering or practicing in nursing service; and
(D) been actively engaged in the activities described in clause (C) for at least three (3) years immediately preceding appointment or reappointment; and
(4) be actively engaged in the activities described in subdivision (3)(C) throughout the member's term of office.

(b) Each licensed practical nurse member of the board required by section 2 of this chapter must:

(1) be a citizen of the United States;
(2) be a resident of Indiana;
(3) have:

(A) graduated from an accredited educational program for the preparation of practitioners of practical nursing;
(B) been licensed as a licensed practical nurse in Indiana;
(C) had at least five (5) years successful experience as a practitioner of practical nursing since graduation; and
(D) been actively engaged in practical nursing for at least three (3) years immediately preceding appointment to the board; and

(4) be actively engaged in practice throughout the member's term of office.

(c) Before entering upon the discharge of official duties, each member of the board shall file the constitutional oath of office in the office of the secretary of state.

(Formerly: Acts 1949, c.159, s.4; Acts 1971, P.L.376, SEC.4.) As amended by P.L.169-1985, SEC.68.

IC 25-23-1-5
Meetings; officers; quorum

Sec. 5. (a) The board shall meet annually. At its first meeting of the calendar year, it shall elect from the membership a president, a vice president, and a secretary. It shall hold such other meetings during the year as may be necessary for the transaction of its business.

(b) Five (5) members of the board constitute a quorum. An affirmative vote of a majority of the members appointed to the board is required for action of the board.

(Formerly: Acts 1949, c.159, s.5; Acts 1971, P.L.376, SEC.5.) As amended by Acts 1981, P.L.222, SEC.160; P.L.169-1985, SEC.69; P.L.149-1987, SEC.56; P.L.158-2003, SEC.5.

IC 25-23-1-6
Repealed

(*Repealed by P.L.169-1985, SEC.97.)*

IC 25-23-1-7
Powers and duties of board

Sec. 7. (a) The board shall do the following:

(1) Adopt under IC 4-22-2 rules necessary to enable it to carry into effect this chapter.

(2) Prescribe standards and approve curricula for nursing education programs preparing persons for licensure under this chapter.

(3) Provide for surveys of such programs at such times as it considers necessary.

(4) Accredit such programs as meet the requirements of this chapter and of the board.

(5) Deny or withdraw accreditation from nursing education programs for failure to meet prescribed curricula or other standards.

(6) Examine, license, and renew the license of qualified

applicants.

(7) Issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings.

(8) Cause the prosecution of all persons violating this chapter and have power to incur necessary expenses for these prosecutions.

(9) Adopt rules under IC 4-22-2 that do the following:

(A) Prescribe standards for the competent practice of registered, practical, and advanced practice nursing.

(B) Establish with the approval of the medical licensing board created by IC 25-22.5-2-1 requirements that advanced practice nurses must meet to be granted authority to prescribe legend drugs and to retain that authority.

(C) Establish, with the approval of the medical licensing board created by IC 25-22.5-2-1, requirements for the renewal of a practice agreement under section 19.4 of this chapter, which shall expire on October 31 in each odd-numbered year.

(10) Keep a record of all its proceedings.

(11) Collect and distribute annually demographic information on the number and type of registered nurses and licensed practical nurses employed in Indiana.

(12) Adopt rules and administer the interstate nurse licensure compact under IC 25-23.3.

(b) The board may do the following:

(1) Create ad hoc subcommittees representing the various nursing specialties and interests of the profession of nursing. Persons appointed to a subcommittee serve for terms as determined by the board.

(2) Utilize the appropriate subcommittees so as to assist the board with its responsibilities. The assistance provided by the subcommittees may include the following:

(A) Recommendation of rules necessary to carry out the duties of the board.

(B) Recommendations concerning educational programs and requirements.

(C) Recommendations regarding examinations and licensure of applicants.

(3) Appoint nurses to serve on each of the ad hoc subcommittees.

(4) Withdraw from the interstate nurse licensure compact under IC 25-23.2 (repealed).

(5) If requested by the nonprofit corporation formed under IC 12-31-1-3, provide assistance to the public umbilical cord blood bank and umbilical cord blood donation initiative.

(c) Nurses appointed under subsection (b) must:

(1) be committed to advancing and safeguarding the nursing profession as a whole; and

(2) represent nurses who practice in the field directly affected by a subcommittee's actions.

(Formerly: Acts 1949, c.159, s.7; Acts 1971, P.L.376, SEC.6.) As amended by Acts 1977, P.L.172, SEC.29; Acts 1979, P.L.17, SEC.46; Acts 1981, P.L.222, SEC.161; P.L.169-1985, SEC.70; P.L.149-1987, SEC.57; P.L.185-1993, SEC.5; P.L.127-1994, SEC.1; P.L.181-2002, SEC.5; P.L.158-2003, SEC.6; P.L.1-2007, SEC.172; P.L.134-2008, SEC.28.

IC 25-23-1-7.1
Rules and regulations

Sec. 7.1. The board may adopt rules and regulations applicable to nurse practitioners.
As added by Acts 1981, P.L.228, SEC.2.

IC 25-23-1-8
Repealed

(*Repealed by P.L.169-1985, SEC.97.)*

IC 25-23-1-9
Repealed

(*Repealed by P.L.169-1985, SEC.97.)*

IC 25-23-1-10
Compensation of board members

Sec. 10. (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

(b) Each member of the board who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.
(Formerly: Acts 1949, c.159, s.10; Acts 1971, P.L.376, SEC.9.) As amended by P.L.149-1987, SEC.58.

IC 25-23-1-10.5
Temporary permits

Sec. 10.5. (a) The board may issue a temporary permit to practice as a nurse to a nurse licensed to practice in another state or territory of the United States, who has applied to the board for licensure by endorsement and submitted proof of current licensure to the board. The permit is valid for ninety (90) days after issuance or upon denial of licensure by the board. The permit may be renewed by the board, for a period not to exceed ninety (90) days, if, in the determination of the board, it is not possible to complete the application process in that time period.

(b) Persons holding a temporary permit to practice as a nurse are subject to the disciplinary provisions of this chapter and IC 25-1-9.

(c) The board may establish by rule under IC 4-22-2 application procedures and requirements for the issuance of temporary permits under this section.

As added by P.L.169-1985, SEC.71. Amended by P.L.149-1987, SEC.59; P.L.152-1988, SEC.16; P.L.48-1991, SEC.38; P.L.243-1995, SEC.1.

IC 25-23-1-11

Requirements for registered nurse applicants; endorsement license; fees; use of title

Sec. 11. (a) Any person who applies to the board for a license to practice as a registered nurse must:

(1) not have:

(A) been convicted of a crime that has a direct bearing on the person's ability to practice competently; or

(B) committed an act that would constitute a ground for a disciplinary sanction under IC 25-1-9;

(2) have completed:

(A) the prescribed curriculum and met the graduation requirements of a state accredited program of registered nursing that only accepts students who have a high school diploma or its equivalent as determined by the board; or

(B) the prescribed curriculum and graduation requirements of a nursing education program in a foreign country that is substantially equivalent to a board approved program as determined by the board. The board may by rule adopted under IC 4-22-2 require an applicant under this subsection to successfully complete an examination approved by the board to measure the applicant's qualifications and background in the practice of nursing and proficiency in the English language; and

(3) be physically and mentally capable of and professionally competent to safely engage in the practice of nursing as determined by the board.

The board may not require a person to have a baccalaureate degree in nursing as a prerequisite for licensure.

(b) The applicant must pass an examination in such subjects as the board may determine.

(c) The board may issue by endorsement a license to practice as a registered nurse to an applicant who has been licensed as a registered nurse, by examination, under the laws of another state if the applicant presents proof satisfactory to the board that, at the time that the applicant applies for an Indiana license by endorsement, the applicant holds a current license in another state and possesses credentials and qualifications that are substantially equivalent to requirements in Indiana for licensure by examination. The board may specify by rule what constitutes substantial equivalence under this subsection.

(d) The board may issue by endorsement a license to practice as a registered nurse to an applicant who:

(1) has completed the English version of the:

(A) Canadian Nurse Association Testing Service Examination (CNAT); or

(B) Canadian Registered Nurse Examination (CRNE);

(2) achieved the passing score required on the examination at the time the examination was taken;

(3) is currently licensed in a Canadian province or in another state; and

(4) meets the other requirements under this section.

(e) Each applicant for examination and registration to practice as a registered nurse shall pay a fee set by the board, a part of which must be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. Payment of the fee or fees shall be made by the applicant prior to the date of examination. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

(1) Twenty-five percent (25%) of the license application fee per license applied for under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.

(f) Any person who holds a license to practice as a registered nurse in:

(1) Indiana; or

(2) a party state (as defined in IC 25-23.3-2-11);

may use the title "Registered Nurse" and the abbreviation "R.N.". No other person shall practice or advertise as or assume the title of registered nurse or use the abbreviation of "R.N." or any other words, letters, signs, or figures to indicate that the person using same is a registered nurse.

(Formerly: Acts 1949, c.159, s.11; Acts 1971, P.L.376, SEC.10; Acts 1974, P.L.119, SEC.3; Acts 1975, P.L.272, SEC.1.) As amended by Acts 1981, P.L.222, SEC.163; Acts 1982, P.L.113, SEC.58; P.L.169-1985, SEC.72; P.L.149-1987, SEC.60; P.L.152-1988, SEC.17; P.L.48-1991, SEC.39; P.L.33-1993, SEC.30; P.L.181-1996, SEC.1; P.L.236-1999, SEC.1; P.L.181-2002, SEC.6; P.L.1-2007, SEC.173; P.L.134-2008, SEC.29.

IC 25-23-1-12

Requirements for practical nurse applicants; endorsement license; fees; use of title

Sec. 12. (a) A person who applies to the board for a license to practice as a licensed practical nurse must:

(1) not have been convicted of:

(A) an act which would constitute a ground for disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the person's ability to practice competently;

(2) have completed:

(A) the prescribed curriculum and met the graduation requirements of a state accredited program of practical nursing that only accepts students who have a high school diploma or its equivalent, as determined by the board; or

(B) the prescribed curriculum and graduation requirements of a nursing education program in a foreign country that is substantially equivalent to a board approved program as determined by the board. The board may by rule adopted under IC 4-22-2 require an applicant under this subsection to successfully complete an examination approved by the board to measure the applicant's qualifications and background in the practice of nursing and proficiency in the English language; and

(3) be physically and mentally capable of, and professionally competent to, safely engage in the practice of practical nursing as determined by the board.

(b) The applicant must pass an examination in such subjects as the board may determine.

(c) The board may issue by endorsement a license to practice as a licensed practical nurse to an applicant who has been licensed as a licensed practical nurse, by examination, under the laws of another state if the applicant presents proof satisfactory to the board that, at the time of application for an Indiana license by endorsement, the applicant possesses credentials and qualifications that are substantially equivalent to requirements in Indiana for licensure by examination. The board may specify by rule what shall constitute substantial equivalence under this subsection.

(d) Each applicant for examination and registration to practice as a practical nurse shall pay a fee set by the board, a part of which must be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. Payment of the fees shall be made by the applicant before the date of examination. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

(1) Twenty-five percent (25%) of the license application fee per license applied for under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.

(e) Any person who holds a license to practice as a licensed practical nurse in:

(1) Indiana; or

(2) a party state (as defined in IC 25-23.3-2-11);

may use the title "Licensed Practical Nurse" and the abbreviation "L.P.N.". No other person shall practice or advertise as or assume the title of licensed practical nurse or use the abbreviation of "L.P.N." or any other words, letters, signs, or figures to indicate that the person using them is a licensed practical nurse.

(Formerly: Acts 1949, c.159, s.12; Acts 1951, c.34, s.1; Acts 1971,

P.L.376, SEC.11.) As amended by Acts 1981, P.L.222, SEC.164; Acts 1982, P.L.113, SEC.59; P.L.169-1985, SEC.73; P.L.149-1987, SEC.61; P.L.152-1988, SEC.18; P.L.33-1993, SEC.31; P.L.181-2002, SEC.7; P.L.1-2007, SEC.174; P.L.134-2008, SEC.30.

IC 25-23-1-13
Repealed

(*Repealed by P.L.169-1985, SEC.97.)*

IC 25-23-1-13.1
Midwives

Sec. 13.1. (a) An applicant who desires to practice midwifery shall present to the board the applicant's license as a registered nurse and a diploma earned by the applicant from a school of midwifery approved or licensed by the board or licensing agency for midwives that is located in any state.

(b) The applicant shall submit to an examination in midwifery prescribed or administered by the board. If the application and qualifications are approved by the board, the applicant is entitled to receive a limited license that allows the applicant to practice midwifery.

(c) The board shall adopt rules under IC 25-23-1-7:

(1) defining the scope of practice for midwifery; and

(2) for implementing this section.

As added by P.L.185-1993, SEC.6.

IC 25-23-1-14
Repealed

(*Repealed by P.L.169-1985, SEC.97.)*

IC 25-23-1-15
Repealed

(*Repealed by P.L.169-1985, SEC.97.)*

IC 25-23-1-16
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-23-1-16.1
Expiration of license; renewal; fee

Sec. 16.1. (a) A license to practice as a registered nurse expires on October 31 in each odd-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(b) A license to practice as a licensed practical nurse expires on October 31 in each even-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(c) The procedures and fee for renewal shall be set by the board.

(d) At the time of license renewal, each registered nurse and each

licensed practical nurse shall pay a renewal fee, a portion of which shall be for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

(1) Twenty-five percent (25%) of the license renewal fee per license renewed under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.

As added by Acts 1981, P.L.222, SEC.168. Amended by P.L.169-1985, SEC.74; P.L.149-1987, SEC.62; P.L.127-1994, SEC.2; P.L.181-2002, SEC.8; P.L.1-2006, SEC.451; P.L.134-2008, SEC.31.

IC 25-23-1-17
Receipts; use and disposition

Sec. 17. All moneys received shall be deposited with the treasurer of state at the end of each month and be placed by him in the general fund of the state. The expenses of said board shall be paid from the general fund upon appropriation being made therefrom in the manner provided for the making of such appropriations.

(Formerly: Acts 1949, c.159, s.17.) As amended by Acts 1981, P.L.222, SEC.169.

IC 25-23-1-18
Failure to renew license; reinstatement; fee

Sec. 18. (a) Any person who fails to renew a license before it expires shall be reinstated by the board upon meeting the requirements under IC 25-1-8-6.

(b) A person who fails to apply to reinstate a license under this section within three (3) years after the date it expires may be issued a license by the board if the person meets the requirements under IC 25-1-8-6.

(Formerly: Acts 1949, c.159, s.18; Acts 1951, c.34, s.4; Acts 1971, P.L.376, SEC.15; Acts 1975, P.L.272, SEC.4.) As amended by Acts 1981, P.L.222, SEC.170; P.L.169-1985, SEC.75; P.L.48-1991, SEC.40; P.L.33-1993, SEC.32; P.L.269-2001, SEC.17.

IC 25-23-1-19
Repealed

(*Repealed by P.L.149-1987, SEC.120.)*

IC 25-23-1-19.4
Advanced practice nurses; collaboration with licensed practitioner

Sec. 19.4. (a) As used in this section, "practitioner" has the meaning set forth in IC 16-42-19-5. However, the term does not include the following:

(1) A veterinarian.

(2) An advanced practice nurse.

(3) A physician assistant.

(b) An advanced practice nurse shall operate in collaboration with a licensed practitioner as evidenced by a practice agreement, or by privileges granted by the governing board of a hospital licensed under IC 16-21 with the advice of the medical staff of the hospital that sets forth the manner in which an advanced practice nurse and a licensed practitioner will cooperate, coordinate, and consult with each other in the provision of health care to their patients.

As added by P.L.185-1993, SEC.7. Amended by P.L.105-2008, SEC.43.

IC 25-23-1-19.5

Advanced practice nurses; authority to prescribe legend drugs

Sec. 19.5. (a) The board shall establish a program under which advanced practice nurses who meet the requirements established by the board are authorized to prescribe legend drugs, including controlled substances (as defined in IC 35-48-1).

(b) The authority granted by the board under this section:

(1) expires on October 31 of the odd-numbered year following the year the authority was granted or renewed; and

(2) is subject to renewal indefinitely for successive periods of two (2) years.

(c) The rules adopted under section 7 of this chapter concerning the authority of advanced practice nurses to prescribe legend drugs must do the following:

(1) Require an advanced practice nurse or a prospective advanced practice nurse who seeks the authority to submit an application to the board.

(2) Require, as a prerequisite to the initial granting of the authority, the successful completion by the applicant of a graduate level course in pharmacology providing at least two (2) semester hours of academic credit.

(3) Require, as a condition of the renewal of the authority, the completion by the advanced practice nurse of the continuing education requirements set out in section 19.7 of this chapter.

As added by P.L.185-1993, SEC.8. Amended by P.L.83-2000, SEC.1.

IC 25-23-1-19.6

Advanced practice nurses; prescriptions; identification numbers

Sec. 19.6. (a) When the board grants authority to an advanced practice nurse to prescribe legend drugs under this chapter, the board shall assign an identification number to the advanced practice nurse.

(b) An advanced practice nurse who is granted authority by the board to prescribe legend drugs must do the following:

(1) Enter on each prescription form that the advanced practice nurse uses to prescribe a legend drug:

(A) the signature of the advanced practice nurse;

(B) initials indicating the credentials awarded to the advanced practice nurse under this chapter; and

(C) the identification number assigned to the advanced

practice nurse under subsection (a).

(2) Comply with all applicable state and federal laws concerning prescriptions for legend drugs.

(c) An advanced practice nurse may be granted authority to prescribe legend drugs under this chapter only within the scope of practice of the advanced practice nurse and the scope of the licensed collaborating health practitioner.

As added by P.L.185-1993, SEC.9.

IC 25-23-1-19.7

Renewal of prescriptive authority

Sec. 19.7. (a) This subsection applies to an applicant for renewal who has never received a renewal of prescriptive authority under section 19.5 of this chapter and whose prescriptive authority has never lapsed. If the applicant was initially granted prescriptive authority:

(1) less than twelve (12) months before the expiration date of the prescriptive authority, no continuing education is required; or

(2) at least twelve (12) months before the expiration date of the prescriptive authority, the applicant shall, subject to IC 25-1-4-3, attest to the board that the applicant has successfully completed at least fifteen (15) contact hours of continuing education. The hours must:

(A) be completed after the prescriptive authority was granted and before the expiration of the prescriptive authority;

(B) include at least four (4) contact hours of pharmacology; and

(C) be approved by a nationally approved sponsor of continuing education for nurses, approved by the board, and listed by the Indiana professional licensing agency as approved hours.

(b) This subsection applies to an applicant for renewal of prescriptive authority under section 19.5 of this chapter who is not described in subsection (a). The applicant shall, subject to IC 25-1-4-3, attest to the board that the applicant has successfully completed at least thirty (30) contact hours of continuing education. The hours must:

(1) be completed within the two (2) years immediately preceding the renewal;

(2) include at least eight (8) contact hours of pharmacology; and

(3) be approved by a nationally approved sponsor of continuing education for nurses, be approved by the board, and be listed by the Indiana professional licensing agency as approved hours.

As added by P.L.83-2000, SEC.2. Amended by P.L.269-2001, SEC.18; P.L.1-2006, SEC.452.

IC 25-23-1-19.8

Audit; procedure; provide information to board; order to show cause; hearing; divulging records to professional licensing agency;

immunity from liability

Sec. 19.8. (a) Before December 31 of an even-numbered year, the Indiana professional licensing agency or the agency's designee shall randomly audit at least one percent (1%) but not more than ten percent (10%) of the practice agreements of advanced practice nurses with authority to prescribe legend drugs under section 19.5 of this chapter to determine whether the practice agreement meets the requirements of this chapter or rules adopted by the board.

(b) The Indiana professional licensing agency shall establish an audit procedure, which may include the following:

(1) Requiring the advanced practice nurse to provide the agency with a copy of verification of attendance at or completion of a continuing education course or program the advanced practice nurse attended during the previous two (2) years.

(2) Requiring the advanced practice nurse and the licensed practitioner who have entered into a practice agreement to submit information on a form prescribed by the agency that must include a sworn statement signed by the advanced practice nurse and the licensed practitioner that the parties are operating within the terms of the practice agreement and the requirements under this chapter or rules adopted by the board.

(3) Reviewing patient health records and other patient information at the practice location or by requiring the submission of accurate copies to determine if the parties are operating within the terms of the practice agreement and the requirements under this chapter or rules adopted by the board.

(4) After a reasonable determination that the advanced practice nurse and the licensed practitioner who have entered into a practice agreement are not operating within the terms of the practice agreement, requiring the parties to appear before the agency or the agency's designee to provide evidence of compliance with the practice agreement.

(c) Not more than sixty (60) days after the completion of the audit required in subsection (a), the Indiana professional licensing agency shall provide the board with the following:

(1) A summary of the information obtained in the audit.

(2) A statement regarding whether an advanced practice nurse and a licensed practitioner who have entered into a practice agreement that is audited under subsection (a) are operating within the terms of the practice agreement.

The agency shall also provide a copy of the information described in this subsection to the board that regulates the licensed practitioner.

(d) The Indiana professional licensing agency may cause to be served upon the advanced practice nurse an order to show cause to the board as to why the board should not impose disciplinary sanctions under IC 25-1-9-9 on the advanced practice nurse for the advanced practice nurse's failure to comply with:

(1) an audit conducted under this section; or

(2) the requirements of a practice agreement under this chapter.

(e) Except for a violation concerning continuing education

requirements under IC 25-1-4, the board shall hold a hearing in accordance with IC 4-21.5 and state the date, time, and location of the hearing in the order served under subsection (d).

(f) The board that regulates the licensed practitioner may cause to be served upon the licensed practitioner an order to show cause to the board as to why the board should not impose disciplinary sanctions under IC 25-1-9-9 on the licensed practitioner for the licensed practitioner's failure to comply with:

(1) an audit conducted under this section; or

(2) the requirements of a practice agreement under this chapter.

(g) The board that regulates the licensed practitioner shall hold a hearing in accordance with IC 4-21.5 and state the date, time, and location of the hearing in the order served under subsection (f).

(h) An order to show cause issued under this section must comply with the notice requirements of IC 4-21.5.

(i) The licensed practitioner may divulge health records and other patient information to the Indiana professional licensing agency or the agency's designee. The licensed practitioner is immune from civil liability for any action based upon release of the patient information under this section.

As added by P.L.158-2003, SEC.7. Amended by P.L.1-2006, SEC.453; P.L.157-2006, SEC.62.

IC 25-23-1-20

Application for nursing education program; employment of registered nurses

Sec. 20. (a) Any institution which desires to conduct a nursing education program shall apply to the board and submit evidence that:

(1) it is prepared to give a minimum curriculum of organized instruction and clinical experience in nursing in conformity to the provisions of this chapter and the rules of the board. Such instruction and experience may be secured in one (1) or more institutions or agencies approved by the board; and

(2) it is prepared to meet other standards established by this chapter and by the board.

(b) An institution that conducts a nursing education program may employ a person who:

(1) is a registered nurse with a bachelor's degree in nursing; and

(2) has at least three (3) years of experience in nursing in the previous six (6) years;

to instruct nursing students on a part-time basis for the purpose of clinical instruction.

(Formerly: Acts 1949, c.159, s.20; Acts 1951, c.34, s.6.) As amended by Acts 1982, P.L.154, SEC.81; P.L.149-1987, SEC.63; P.L.177-2009, SEC.43.

IC 25-23-1-21

Survey of board; approval; surveys of accredited schools

Sec. 21. (a) A survey of the institution or institutions of which the nursing education program is a part and of institutions affiliating

with the nursing education program shall be made by the a designated representative of the board. The surveyor shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements for an accredited school of nursing are met, it shall approve the school as an accredited school of nursing.

(b) From time to time as considered necessary by the board, it shall be the duty of the board, through a designated representative of the board, to survey all nursing education programs in the state. Written reports of such surveys shall be submitted to the board. If the board determines that any accredited nursing education program is not maintaining the standards required by the statutes and by the board, notice in writing specifying the defect or defects shall be immediately given to the nursing education program. A nursing education program which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of accredited nursing education programs.

(c) The board may elect to utilize a nursing education program's accreditation by a national accrediting body approved by the board and the Council on Postsecondary Accreditation (COPA) as evidence that the program has met all or part of the required state standards and prescribed curricula for continuing accreditation of nursing education programs.

(Formerly: Acts 1949, c.159, s.21.) As amended by Acts 1981, P.L.222, SEC.172; P.L.149-1987, SEC.64.

IC 25-23-1-22
Repealed

(*Repealed by P.L.149-1987, SEC.120.)*

IC 25-23-1-23
Repealed

(*Repealed by P.L.149-1987, SEC.120.)*

IC 25-23-1-24
Repealed

(*Repealed by P.L.169-1985, SEC.97.)*

IC 25-23-1-25
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-23-1-25.1
Repealed

(*Repealed by P.L.152-1988, SEC.30.)*

IC 25-23-1-26
Duty of attorney general

Sec. 26. It shall be the duty of the attorney-general to represent the board in any court in which an action may be filed for the review of an order of the board. The attorney-general may, at his discretion,

call to his assistance in such action, the prosecuting attorney of the county in which such action is filed.
(Formerly: Acts 1949, c.159, s.26.)

IC 25-23-1-27
Violations; penalty

Sec. 27. A person who:

(1) sells or fraudulently obtains or furnishes any nursing diploma, license or record;
(2) practices nursing under cover of any diploma or license or record illegally or fraudulently obtained or assigned or issued unlawfully or under fraudulent representation;
(3) practices nursing as a registered nurse or licensed practical nurse unless licensed to do so under this chapter or IC 25-23.3;
(4) uses in connection with the person's name any designation tending to imply that the person is a registered nurse or a licensed practical nurse unless licensed to practice under this chapter or IC 25-23.3;
(5) practices nursing during the time the person's license issued under this chapter or IC 25-23.3 is suspended or revoked;
(6) conducts a school of nursing or a program for the training of practical nurses unless the school or program has been accredited by the board; or
(7) otherwise violates this chapter;

commits a Class B misdemeanor.
(Formerly: Acts 1949, c.159, s.27; Acts 1974, P.L.119, SEC.4.) As amended by Acts 1978, P.L.2, SEC.2543; Acts 1981, P.L.222, SEC.175; P.L.181-2002, SEC.9; P.L.1-2007, SEC.175; P.L.134-2008, SEC.32.

IC 25-23-1-27.1
Limitations on application of chapter; "licensed health professional" defined

Sec. 27.1. (a) As used in this section, "licensed health professional" means:

(1) a registered nurse;
(2) a licensed practical nurse;
(3) a physician with an unlimited license to practice medicine or osteopathic medicine;
(4) a licensed dentist;
(5) a licensed chiropractor;
(6) a licensed optometrist;
(7) a licensed pharmacist;
(8) a licensed physical therapist;
(9) a licensed psychologist;
(10) a licensed podiatrist; or
(11) a licensed speech-language pathologist or audiologist.

(b) This chapter does not prohibit:

(1) furnishing nursing assistance in an emergency;
(2) the practice of nursing by any student enrolled in a board

approved nursing education program where such practice is incidental to the student's program of study;

(3) the practice of any nurse who is employed by the government of the United States or any of its bureaus, divisions, or agencies while in the discharge of the nurse's official duties;

(4) the gratuitous care of sick, injured, or infirm individuals by friends or the family of that individual;

(5) the care of the sick, injured, or infirm in the home for compensation if the person assists only:

(A) with personal care;

(B) in the administration of a domestic or family remedy; or

(C) in the administration of a remedy that is ordered by a licensed health professional and that is within the scope of practice of the licensed health professional under Indiana law;

(6) performance of tasks by persons who provide health care services which are delegated or ordered by licensed health professionals, if the delegated or ordered tasks do not exceed the scope of practice of the licensed health professionals under Indiana law;

(7) a physician with an unlimited license to practice medicine or osteopathic medicine in Indiana, a licensed dentist, chiropractor, dental hygienist, optometrist, pharmacist, physical therapist, podiatrist, psychologist, speech-language pathologist, or audiologist from practicing the person's profession;

(8) a school corporation or school employee from acting under IC 34-30-14;

(9) a personal services attendant from providing authorized attendant care services under IC 12-10-17.1; or

(10) an attendant who provides attendant care services (as defined in IC 16-18-2-28.5).

As added by Acts 1981, P.L.222, SEC.176. Amended by P.L.169-1985, SEC.78; P.L.149-1987, SEC.66; P.L.156-1988, SEC.2; P.L.255-2001, SEC.18; P.L.212-2005, SEC.21; P.L.141-2006, SEC.107.

IC 25-23-1-27.2
Injunction from continuing violation of chapter; punishment

Sec. 27.2. The attorney general, the board, the prosecuting attorney, or any citizen of any county in which a person violates this article may maintain an action in the name of the state to enjoin the person from continuing in violation of this article. A person who is enjoined and who violates an injunction shall be punished for contempt of court. An injunction issued under this section does not relieve a person from criminal prosecution but is in addition to any remedy provided under criminal law.

As added by P.L.149-1987, SEC.67.

IC 25-23-1-27.5
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-23-1-28
Repealed
(*Repealed by P.L.134-2008, SEC.52.)*

IC 25-23-1-29
Practitioners of Church of Christ Scientist
Sec. 29. (a) This chapter does not apply to a nurse practicing in accordance with the practice and principles of the body known as the Church of Christ Scientist.

(b) A sanitarium, nursing home, or rest home provided that it is listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc. does not have to comply with any rule adopted by the board, except a rule that concerns the following:

(1) The sanitary and safe conditions of the premises.
(2) The cleanliness of operation.
(3) The physical equipment.

(c) The chapter does not apply to a person if:

(1) the person is licensed as a nurse in another jurisdiction;
(2) the person is employed by an individual, an agency, or a legal business entity located in that jurisdiction;
(3) the person's employment responsibilities include transporting a patient between jurisdictions;
(4) no trip made by the person into Indiana for the purpose of transporting a patient lasts more than seventy-two (72) hours; and
(5) the person does not make more than six (6) trips into Indiana for the purpose of transporting a patient during any twelve (12) month period.

As added by P.L.187-1991, SEC.1. Amended by P.L.1-1992, SEC.132; P.L.185-1993, SEC.10; P.L.111-1996, SEC.3.

IC 25-23-1-30
Administration of anesthesia by certified registered nurse anesthetist
Sec. 30. (a) A certified registered nurse anesthetist may administer anesthesia if the certified registered nurse anesthetist acts under the direction of and in the immediate presence of a physician.

(b) Nothing in this chapter shall be construed as requiring a certified registered nurse anesthetist to obtain prescriptive authority to administer anesthesia under subsection (a).

As added by P.L.185-1993, SEC.11. Amended by P.L.177-2009, SEC.44.

IC 25-23-1-31
Rehabilitation of impaired registered nurse or licensed practical nurse; use of information after noncompliance
Sec. 31. (a) As used in this section, "impaired registered nurse or

licensed practical nurse" means a registered nurse or licensed practical nurse who has been affected by the use or abuse of alcohol or other drugs.

(b) The board shall assist in the rehabilitation of an impaired registered nurse or licensed practical nurse.

(c) The board may do the following:

(1) Enter into agreements, provide grants, and make other arrangements with statewide nonprofit professional associations, foundations, or other entities specifically devoted to the rehabilitation of impaired health care professionals to identify and assist impaired registered nurses and licensed practical nurses.

(2) Accept and designate grants, public and private financial assistance, and licensure fees to fund programs under subdivision (1) to assist impaired registered nurses and licensed practical nurses.

(d) Except as provided in subsection (f), all:

(1) information furnished to a nonprofit professional association, foundation, or other entity specifically devoted to the rehabilitation of impaired health care professionals, including interviews, reports, statements, and memoranda; and

(2) findings, conclusions, or recommendations that result from a proceeding of the professional association, foundation, or other entity specifically devoted to the rehabilitation of impaired health care professionals;

are privileged and confidential.

(e) The records of a proceeding under subsection (d) may be used only in the exercise of proper functions of the board, and may not become public records or subject to a subpoena or discovery proceeding.

(f) Information received by the board from the board designated rehabilitation program for noncompliance by the registered nurse or licensed practical nurse may be used by the board in any disciplinary or criminal proceedings instituted against the impaired registered nurse or licensed practical nurse.

(g) The board designated rehabilitation program shall:

(1) immediately report to the board the name and results of any contact or investigation concerning an impaired registered nurse or licensed practical nurse who the program believes constitutes a certain, immediate, and impending danger to either the public or the impaired registered nurse or licensed practical nurse; and

(2) in a timely fashion report to the board an impaired registered nurse or licensed practical nurse:

(A) who refuses to cooperate with the program;

(B) who refuses to submit to treatment; or

(C) whose impairment is not substantially or significantly alleviated through treatment, as determined by accepted medical standards.

As added by P.L.185-1993, SEC.12. Amended by P.L.243-1995, SEC.2; P.L.181-2002, SEC.10.

IC 25-23-1-33
Professing to be nurse practitioner or clinical nurse specialist; use of title

Sec. 33. (a) An individual may not:

(1) profess to be a nurse practitioner; or

(2) use the title "nurse practitioner";

unless the individual is a nurse practitioner.

(b) An individual may not:

(1) profess to be a clinical nurse specialist; or

(2) use the title "clinical nurse specialist";

unless the individual is a clinical nurse specialist.

As added by P.L.185-1993, SEC.13.

IC 25-23-1-34
Impaired nurses account

Sec. 34. (a) The impaired nurses account is established within the state general fund for the purpose of providing money for providing rehabilitation of impaired registered nurses or licensed practical nurses under this article. The account shall be administered by the Indiana professional licensing agency.

(b) Expenses of administering the account shall be paid from money in the account. The account consists of the following:

(1) Funds collected for the rehabilitation of impaired registered nurses and impaired licensed practical nurses under sections 11(e), 12(d), and 16.1(d) of this chapter.

(2) Funds collected under section 31(c)(2) of this chapter.

(3) Fines collected from registered nurses or licensed practical nurses under IC 25-1-9-9(a)(6).

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(d) Money in the account is appropriated to the board for the purpose stated in subsection (a).

As added by P.L.127-1994, SEC.3. Amended by P.L.181-2002, SEC.11; P.L.1-2006, SEC.454; P.L.1-2007, SEC.176; P.L.134-2008, SEC.33.

IC 25-23.1

ARTICLE 23.1. REPEALED

(*Repealed by P.L.142-1995, SEC.32.)*

IC 25-23.2

ARTICLE 23.2. REPEALED

(*Repealed by P.L.1-2007, SEC.248.)*

IC 25-23.3

ARTICLE 23.3. INTERSTATE NURSE LICENSURE COMPACT

IC 25-23.3-1

Chapter 1. Purpose

IC 25-23.3-1-1

Purpose of compact

Sec. 1. It is the purpose of this compact to allow qualified nurses who are licensed in a compact state to practice nursing in another compact state and to reduce redundant licensing requirements of nurses who practice in multiple states.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-2
Chapter 2. Definitions

IC 25-23.3-2-1
Applicability of definitions
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.134-2008, SEC.34.

IC 25-23.3-2-2
"Adverse action"
Sec. 2. "Adverse action" means a home or remote state action.
As added by P.L.134-2008, SEC.34.

IC 25-23.3-2-3
"Alternative program"
Sec. 3. "Alternative program" means a voluntary, nondisciplinary monitoring program approved by a nurse licensing board.
As added by P.L.134-2008, SEC.34.

IC 25-23.3-2-4
"Board"
Sec. 4. "Board" has the meaning set forth in IC 25-23-1-1.
As added by P.L.134-2008, SEC.34.

IC 25-23.3-2-5
"Coordinated licensure information system"
Sec. 5. "Coordinated licensure information system" means an integrated process:
(1) for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws; and
(2) administered by a nonprofit organization composed of and controlled by state nurse licensing boards.
As added by P.L.134-2008, SEC.34.

IC 25-23.3-2-6
"Home state"
Sec. 6. "Home state" means the party state that is a nurse's primary state of residence.
As added by P.L.134-2008, SEC.34.

IC 25-23.3-2-7
"Home state action"
Sec. 7. "Home state action" means any administrative, civil, equitable, or criminal action permitted by the home state's laws that are imposed on a nurse by the home state's licensing board, including an action against an individual's license, such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-2-8
"Licensing board"

Sec. 8. "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.
As added by P.L.134-2008, SEC.34.

IC 25-23.3-2-9
"Multistate licensure privilege"

Sec. 9. "Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational nurse in that party state. All party states have the authority, in accordance with state due process law, to take actions against a nurse's privilege, such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice.
As added by P.L.134-2008, SEC.34.

IC 25-23.3-2-10
"Nurse"

Sec. 10. "Nurse" means a registered nurse or licensed practical/vocational nurse as defined by the state practice laws of each party state.
As added by P.L.134-2008, SEC.34.

IC 25-23.3-2-11
"Party state"

Sec. 11. "Party state" means any state that has adopted this compact.
As added by P.L.134-2008, SEC.34.

IC 25-23.3-2-12
"Remote state"

Sec. 12. "Remote state" means a party state, other than the home state:

(1) where a patient is located at the time nursing care is provided; or

(2) in the case of the practice of nursing not involving a patient, in a party state where the recipient of nursing practice is located.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-2-13
"Remote state action"

Sec. 13. "Remote state action" means:

(1) any administrative, civil, equitable, or criminal action permitted by a remote state's laws that are imposed on a nurse by the remote state's licensing board or other authority, including actions against an individual's multistate licensure

privilege to practice in the remote state; and

(2) cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards of remote states.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-2-14
"State"

Sec. 14. "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-2-15
"State practice laws"

Sec. 15. "State practice laws" means the individual party state's laws and rules that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. The term does not include the initial qualifications for licensure or requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-3

Chapter 3. General Provisions and Jurisdiction

IC 25-23.3-3-1

Recognition of registered nurse license by party state

Sec. 1. A license to practice registered nursing issued by a home state to a resident in that state shall be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in the party state. A license to practice licensed practical/vocational nursing issued by a home state to a resident in that state shall be recognized by each party state as authorizing a multistate licensure privilege to practice as a licensed practical/vocational nurse in the party state. To obtain or retain a license, an applicant must meet the home state's qualifications for licensure and license renewal and all other applicable state laws.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-3-2

Limitation or revocation of multistate licensure privilege of a nurse by a party state; notification of action

Sec. 2. A party state may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in the state and may take any other actions under applicable state laws necessary to protect the health and safety of the state's citizens. If a party state takes such an action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-3-3

Compliance with party state practice laws; jurisdiction of nurse licensing board, courts, and laws of party state

Sec. 3. A nurse practicing in a party state must comply with the state practice laws of the state in which a patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but includes all nursing practice as defined by the state practice laws of a party state. The practice of nursing subjects a nurse to the jurisdiction of the nurse licensing board, the courts, and the laws in that party state.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-3-4

Compact does not affect additional requirements for advanced practice registered nursing

Sec. 4. This compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license

to practice registered nursing if a license is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.
As added by P.L.134-2008, SEC.34.

IC 25-23.3-3-5
Ability to apply for nurse licensure in party state; agreement by other party states

Sec. 5. Individuals not residing in a party state continue to be able to apply for nurse licensure as provided under the laws of each party state. However, the license granted to these individuals is not recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.
As added by P.L.134-2008, SEC.34.

IC 25-23.3-4

Chapter 4. Applications for Licensure in a Party State

IC 25-23.3-4-1

Ascertainment by licensing board through coordinated licensure information state of whether the applicant is the holder of a license issued by a party state and whether license has any restrictions or adverse action

Sec. 1. Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other party state, whether there are any restrictions on the multistate licensure privilege, and whether any other adverse action by any state has been taken against the license.
As added by P.L.134-2008, SEC.34.

IC 25-23.3-4-2

Holding licensure in one party state at a time

Sec. 2. A nurse in a party state may hold licensure in only one (1) party state at a time, issued by the home state.
As added by P.L.134-2008, SEC.34.

IC 25-23.3-4-3

Changing primary state of residence and application for license in new home state; evidence of change of residence

Sec. 3. A nurse who intends to change primary state of residence may apply for licensure in the new home state before the change. However, a new license may not be issued by a party state until a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.
As added by P.L.134-2008, SEC.34.

IC 25-23.3-4-4

Effect of obtaining a license in new home state when both states are party states; effect on license when moving from a nonparty state to a party state

Sec. 4. (a) If a nurse:

(1) changes primary state of residence by moving between two
(2) party states; and
(2) obtains a license from the new home state;

the license from the former home state is no longer valid.

(b) If a nurse:

(1) changes primary state of residence by moving from a nonparty state to a party state; and
(2) obtains a license from the new home state;

the individual state license issued by the nonparty state is not affected and remains in force if provided by the laws of the nonparty state.

(c) If a nurse changes primary state of residence by moving from a party state to a nonparty state, the license issued by the prior home

state converts to an individual state license, valid only in the former home state, without multistate licensure privilege to practice in other party states.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-5

Chapter 5. Adverse Actions

IC 25-23.3-5-1

Report of complaints or disciplinary action by remote state to administrator of coordinated licensure information system; notification to home state

Sec. 1. The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system any disciplinary actions taken by the licensing entity or complaints filed by the attorney general, including the factual and legal basis for such actions, if known. The licensing board of a remote state shall promptly report any disciplinary actions taken by the licensing entity or complaints filed by the remote state's attorney general. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-5-2

Authority of licensing board of party state to complete pending investigations and take action; notification

Sec. 2. The licensing board of a party state has authority to complete any pending investigation for a nurse who changes primary state of residence during the course of the investigation. The licensing board also has authority to take appropriate action and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-5-3

Adverse action by remote state on multistate licensure privileges

Sec. 3. A remote state may take adverse action affecting the multistate licensure privilege to practice within the remote state. However, only the home state has authority to impose adverse action against the license issued by the home state.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-5-4

Priority and effect to reported conduct in home state imposing adverse action

Sec. 4. For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, it shall apply its own state laws to determine appropriate action.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-5-5

Adverse action by home state based on factual findings of remote state

Sec. 5. The home state may take adverse action based on the factual findings of a remote state, so long as each state follows its own procedures for imposing such adverse action.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-5-6

Decision by party state to participate in alternative programs

Sec. 6. This compact does not override a party state's decision that participation in an alternative program may be used instead of licensure action and that such participation shall remain nonpublic if required by the party state's laws. Party states must require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from the other party state.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-6

Chapter 6. Additional Authority Invested in Party State Nurse Licensing Boards

IC 25-23.3-6-1

Authorized actions by party state nurse licensing board

Sec. 1. Notwithstanding any other powers, a party state nurse licensing board may do the following:

(1) If otherwise permitted by state law, recover from a nurse the costs of investigations and disposition of cases resulting from any adverse action taken against the nurse.

(2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance and testimony of witnesses and the production of evidence from another party state shall be enforced in the latter state by a court with jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and evidence are located.

(3) Issue cease and desist orders to limit or revoke a nurse's authority to practice in the state.

(4) Adopt uniform rules as provided for in IC 25-23.3-8-3.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-7

Chapter 7. Coordinated Licensure Information System

IC 25-23.3-7-1

Participation in the creation of a coordinated data base

Sec. 1. All party states shall participate in a cooperative effort to create a coordinated data base of all licensed registered nurses and licensed practical/vocational nurses. This system must include information on the licensure and disciplinary history of each nurse, as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-7-2

Reporting of actions by party state licensing board to coordinated licensure information system

Sec. 2. All party states' licensing boards shall promptly report actions against multistate licensure privileges, disciplinary actions taken by the licensing entity or complaints filed by the remote state's attorney general, denials of applications, and the reasons for such denials to the coordinated licensure information system.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-7-3

Designation by party state licensing board of information that may not be shared

Sec. 3. All party states' licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-7-4

Prohibition on sharing personally identifiable information

Sec. 4. Any personally identifiable information obtained by a party state's licensing board from the coordinated licensure information system may not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-7-5

Expunging information

Sec. 5. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-7-6

Formulation of necessary procedures for information under compact

Sec. 6. The compact administrators, acting jointly and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-8

Chapter 8. Compact Administration and Interchange of Information

IC 25-23.3-8-1

Executive director of Indiana professional licensing agency as administrator of compact

Sec. 1. The head of the nurse licensing board of each party state, or that person's designee, shall be the administrator of this compact for that person's state. For purposes of this article, the executive director of the Indiana professional licensing agency or the executive director's designee shall be the administrator of this compact.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-8-2

Furnishing information to other party state compact administrators

Sec. 2. The compact administrator of each party state shall furnish to the compact administrator of each other party state any information and documents, including, but not limited to, a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information, to facilitate the administration of this compact.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-8-3

Authority to develop uniform rules to implement compact

Sec. 3. Compact administrators may develop uniform rules to facilitate and coordinate implementation of this compact. These uniform rules shall be adopted by a board under IC 25-23.3-6-1.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-9
Chapter 9. Immunity

IC 25-23.3-9-1
Immunity

Sec. 1. Neither a party state nor an officer, employee, or agent of a party state's nurse licensing board who acts in accordance with this compact is liable on account of any act or omission in good faith while engaged in the performance of duties under this compact. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-10

Chapter 10. Entry Into Force, Withdrawal, and Amendment

IC 25-23.3-10-1

Effectiveness of compact; ability to withdraw

Sec. 1. This compact becomes effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this compact.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-10-2

Withdrawal not affecting other compact party states of actions occurring before withdrawal

Sec. 2. No withdrawal affects the validity or applicability by the licensing boards of states remaining party to the compact of any report of adverse action occurring before the withdrawal.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-10-3

Compact does not affect other agreements entered into between party states and nonparty states

Sec. 3. This compact shall not be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with this compact.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-10-4

Amendment of compact; effectiveness

Sec. 4. This compact may be amended by the party states. No amendment to this compact becomes effective and binding upon the party states unless and until it is enacted into the laws of all party states.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-11

Chapter 11. Construction and Severability

IC 25-23.3-11-1

Liberal construction of compact; severability; unconstitutional determination

Sec. 1. This compact shall be liberally construed to effectuate its purposes. The provisions of this compact are severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or if the applicability of this compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability of this compact to any government, agency, person, or circumstance are not affected thereby. If this compact is held contrary to the constitution of any party state, this compact remains in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to a severable matter.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-11-2

Settlement of disputes under compact

Sec. 2. If party states find a need for settling disputes arising under this compact:

(1) the party states may submit the issues in dispute to an arbitration panel comprised of an individual appointed by the compact administrator in the home state, an individual appointed by the compact administrator in each remote state involved, and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute; and

(2) the decision of a majority of the arbitrators is final and binding.

As added by P.L.134-2008, SEC.34.

IC 25-23.3-11-3

Effective date

Sec. 3. (a) Notwithstanding any other law, this article does not take effect until July 1, 2009.

(b) This article expires July 1, 2012.

As added by P.L.134-2008, SEC.34.

IC 25-23.5

ARTICLE 23.5. OCCUPATIONAL THERAPISTS

IC 25-23.5-0.5

Chapter 0.5. Applicability

IC 25-23.5-0.5-1

Exempting practice of other occupations and professions

Sec. 1. This article does not apply to the practice of an occupation or a profession for which an individual is licensed, certified, or registered in Indiana by a state agency if the individual is practicing within the scope of the individual's license, certificate, or registration.

As added by P.L.197-2007, SEC.59.

IC 25-23.5-0.5-2

Licensing exemption

Sec. 2. The provisions of this article that require a license to engage in the practice of occupational therapy do not apply to the following:

(1) The practice of occupational therapy by an individual who is practicing occupational therapy as part of a supervised course of study in an educational program approved by the board.

(2) The practice of occupational therapy by an occupational therapy assistant who is:

(A) licensed under this article; and

(B) acting under the supervision of an occupational therapist.

As added by P.L.197-2007, SEC.59. Amended by P.L.197-2011, SEC.90.

IC 25-23.5-0.5-3

Occupational therapy assistant; requirements

Sec. 3. An occupational therapy assistant shall:

(1) be licensed under this article; and

(2) practice under the supervision of an occupational therapist who is licensed under this article.

As added by P.L.197-2007, SEC.59. Amended by P.L.197-2011, SEC.91.

IC 25-23.5-1
Chapter 1. Definitions

IC 25-23.5-1-1
Application of definitions
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.238-1989, SEC.1.

IC 25-23.5-1-2
"Board"
Sec. 2. "Board" refers to the medical licensing board of Indiana.
As added by P.L.238-1989, SEC.1.

IC 25-23.5-1-3
"Committee"
Sec. 3. "Committee" refers to the occupational therapy committee established under IC 25-23.5-2-1.
As added by P.L.238-1989, SEC.1.

IC 25-23.5-1-3.5
"Examination"
Sec. 3.5. "Examination" refers to a nationally recognized test for occupational therapists that has been approved by the board under IC 25-23.5-5-4.5.
As added by P.L.197-2007, SEC.60.

IC 25-23.5-1-4
"Occupational therapist"
Sec. 4. "Occupational therapist" means a person who practices occupational therapy.
As added by P.L.238-1989, SEC.1.

IC 25-23.5-1-5
"Practice of occupational therapy"
Sec. 5. "Practice of occupational therapy" means the functional assessment of learning and performance skills and the analysis, selection, and adaptation of exercises or equipment for a person whose abilities to perform the requirements of daily living are threatened or impaired by physical injury or disease, mental illness, a developmental deficit, the aging process, or a learning disability. The term consists primarily of the following functions:

(1) Planning and directing exercises and programs to improve sensory-integration and motor functioning at a level of performance neurologically appropriate for a person's stage of development.

(2) Analyzing, selecting, and adapting functional exercises to achieve and maintain a person's optimal functioning in daily living tasks and to prevent further disability.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007,

SEC.61.

IC 25-23.5-1-5.5
Repealed
(*Repealed by P.L.197-2011, SEC.153.)*

IC 25-23.5-1-6
"Occupational therapy assistant"
Sec. 6. "Occupational therapy assistant" means a person who provides occupational therapy services under the supervision of an occupational therapist.
As added by P.L.238-1989, SEC.1.

IC 25-23.5-1-7
"Person"
Sec. 7. "Person" means an individual.
As added by P.L.238-1989, SEC.1.

IC 25-23.5-2

Chapter 2. Occupational Therapy Committee

IC 25-23.5-2-1

Establishment of committee

Sec. 1. The occupational therapy committee is established.

As added by P.L.238-1989, SEC.1.

IC 25-23.5-2-2

Membership of committee; qualifications

Sec. 2. The committee consists of five (5) members appointed by the governor for terms of three (3) years. The committee must include the following:

(1) At least two (2) occupational therapists who:

(A) are residents of Indiana;

(B) have at least three (3) years experience as occupational therapists; and

(C) are licensed under this article.

(2) At least one (1) physician licensed under IC 25-22.5 who is familiar with the practice of occupational therapy.

(3) At least one (1) person who:

(A) is a resident of Indiana; and

(B) is not associated with occupational therapy in any way other than as a consumer.

As added by P.L.238-1989, SEC.1. Amended by P.L.48-1991, SEC.41; P.L.197-2007, SEC.62.

IC 25-23.5-2-3

Occupational therapist member; requirement of ongoing practice

Sec. 3. An occupational therapist appointed to the committee must continue to practice occupational therapy while serving as a member of the committee.

As added by P.L.238-1989, SEC.1.

IC 25-23.5-2-4

Removal of members

Sec. 4. A member of the committee may be removed by the board without cause.

As added by P.L.238-1989, SEC.1.

IC 25-23.5-2-5

Duties of committee

Sec. 5. The committee shall:

(1) consider the qualifications of persons who apply for licenses under this article;

(2) provide for examinations required under this article;

(3) license qualified persons;

(4) propose rules to the board concerning the:

(A) competent practice of occupational therapy;

(B) continuing competency requirement for the renewal of

a license for an occupational therapist and occupational therapy assistant; and

(C) administration of this article; and

(5) recommend to the board the amounts of fees required under this article.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.63; P.L.197-2011, SEC.92.

IC 25-23.5-2-6

Adoption of standards; fees

Sec. 6. (a) After considering the committee's proposed rules, the board shall adopt rules under IC 4-22-2 establishing standards for:

(1) the competent practice of occupational therapy;

(2) the renewal of licenses issued under this article; and

(3) standards for the administration of this article.

(b) After considering the committee's recommendations for fees, the board shall establish fees under IC 25-1-8-2.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.64; P.L.197-2011, SEC.93.

IC 25-23.5-2-7

Preparation, conduct, and scoring of examinations; use of testing company services

Sec. 7. The committee may utilize the services of a testing company to prepare, conduct, and score examinations.

As added by P.L.238-1989, SEC.1.

IC 25-23.5-2-8

Per diem, travel, and other expenses

Sec. 8. Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the committee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

As added by P.L.238-1989, SEC.1. Amended by P.L.3-2008, SEC.187.

IC 25-23.5-3

Chapter 3. Unlawful Practices; Penalty

IC 25-23.5-3-1

Unlawful practices

Sec. 1. A person may not:

(1) practice as an occupational therapist;

(2) practice as an occupational therapy assistant;

(3) use the title "occupational therapist";

(4) use the title "occupational therapy assistant"; or

(5) engage in the practice of occupational therapy;

unless the person is licensed under this article.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.65; P.L.197-2011, SEC.94.

IC 25-23.5-3-1.5

Referral requirements; exceptions

Sec. 1.5. (a) Except as provided in subsection (b), an occupational therapist may not provide occupational therapy services to a person until the person has been referred to the occupational therapist by one (1) of the following:

(1) A physician licensed under IC 25-22.5.

(2) A podiatrist licensed under IC 25-29.

(3) An advanced practice nurse licensed under IC 25-23.

(4) A psychologist licensed under IC 25-33.

(5) A chiropractor licensed under IC 25-10.

(6) An optometrist licensed under IC 25-24.

(b) An occupational therapist may provide the following services without a referral from a physician licensed under IC 25-22.5, a podiatrist licensed under IC 25-29, an advanced practice nurse licensed under IC 25-23, a psychologist licensed under IC 25-33, a chiropractor licensed under IC 25-10, or an optometrist licensed under IC 25-24:

(1) Ergonomic or home assessment.

(2) Injury or illness prevention education and wellness services.

(3) Occupational therapy activities provided in an educational setting.

(4) Occupational therapy activities that the board determines, after reviewing the recommendations of the committee, are appropriate to be conducted in a community based environment.

As added by P.L.197-2007, SEC.66. Amended by P.L.134-2008, SEC.35.

IC 25-23.5-3-2

Violations; misdemeanor

Sec. 2. A person who knowingly or intentionally violates this chapter commits a Class B misdemeanor.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.67.

IC 25-23.5-5

Chapter 5. Certification; Examinations

IC 25-23.5-5-1

Application; contents

Sec. 1. A person who applies for a license as an occupational therapist or an occupational therapy assistant must present satisfactory evidence to the committee that the person:

(1) does not have a conviction for a crime that has a direct bearing on the person's ability to practice competently;

(2) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the person was not able to practice as an occupational therapist or occupational therapy assistant without endangering the public;

(3) has graduated from a school or program of occupational therapy or a program for occupational therapy assistants approved by the board; and

(4) has passed an occupational therapist or occupational therapy assistant licensing examination approved by the board under section 4.5 of this chapter.

As added by P.L.238-1989, SEC.1. Amended by P.L.33-1993, SEC.33; P.L.197-2007, SEC.68; P.L.197-2011, SEC.95.

IC 25-23.5-5-2

Application; supervised fieldwork experience

Sec. 2. (a) The board may require a person who applies for a license as an occupational therapist to have successfully completed supervised fieldwork experience arranged and approved by the school or program from which the person graduated.

(b) The board may require a person who applies for a license as an occupational therapy assistant to have successfully completed supervised fieldwork experience arranged and approved by the program from which the person graduated.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.69; P.L.197-2011, SEC.96.

IC 25-23.5-5-3

Application fee

Sec. 3. A person applying for a license under this article must pay a fee.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.70; P.L.197-2011, SEC.97.

IC 25-23.5-5-4

Examination; minimum requirements

Sec. 4. A person who satisfies the requirements of sections 1 through 3 of this chapter may take the examination approved by the board under section 4.5 of this chapter.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007,

SEC.71.

IC 25-23.5-5-4.5
Board's duties; approve examination; establish passing score

Sec. 4.5. (a) The board shall do the following:

(1) Approve a nationally recognized examination for each type of license issued under this article.

(2) Establish the passing score necessary to obtain a license under this article.

(b) The board may use any part of an examination administered by:

(1) the National Board for Certification in Occupational Therapy, or its successor; or

(2) another nationally recognized body that provides examination services for occupational therapists, as determined by the committee;

as the examination required to obtain a license under this article.

As added by P.L.197-2007, SEC.72. Amended by P.L.197-2011, SEC.98.

IC 25-23.5-5-5
Examinations; times and places; subject areas

Sec. 5. (a) The committee shall provide for examinations to be given at least two (2) times a year at times and places established by the board.

(b) The committee shall provide for examinations that test a person's knowledge of the basic and clinical sciences as they relate to the practice of occupational therapy, occupational therapy theory and procedures, and other subjects the committee considers useful to test a person's fitness to practice as an occupational therapist or occupational therapy assistant.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.73.

IC 25-23.5-5-6
Issuing license

Sec. 6. The committee shall issue a license to a person who meets the requirements for a license under this article.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.74; P.L.197-2011, SEC.99.

IC 25-23.5-5-7
Refusal to issue a license; probationary license

Sec. 7. (a) The committee may refuse to issue a license or may issue a probationary license to a person if:

(1) the person has been disciplined by an administrative agency in another jurisdiction; and

(2) the committee determines that the violation for which the person was disciplined has a direct bearing on the person's ability to practice occupational therapy as an occupational

therapist.

(b) The committee may refuse to issue a license or may issue a probationary license to a person if:

(1) the person has been disciplined by an administrative agency in another jurisdiction; and

(2) the committee determines that the violation for which the person was disciplined has a direct bearing on the person's ability to practice as an occupational therapy assistant.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.75; P.L.197-2011, SEC.100.

IC 25-23.5-5-8

Probationary license; conditions; removal of limitations

Sec. 8. (a) If the committee issues a probationary license under section 7 of this chapter, the committee may require the person who holds the probationary license to perform one (1) or more of the following conditions:

(1) Report regularly to the committee upon a matter that is the basis for the probation.

(2) Limit practice to areas prescribed by the committee.

(3) Continue or renew professional education.

(4) Engage in community restitution or service without compensation for a number of hours specified by the committee.

(b) The committee shall remove a limitation placed on a probationary license if after a hearing the committee finds that the deficiency that caused the limitation has been remedied.

As added by P.L.238-1989, SEC.1. Amended by P.L.32-2000, SEC.14; P.L.197-2007, SEC.76; P.L.197-2011, SEC.101.

IC 25-23.5-5-9

Expiration of license; renewal

Sec. 9. (a) A license issued by the committee expires on a date established by the Indiana professional licensing agency under IC 25-1-5-4 in the next even-numbered year following the year in which the license was issued.

(b) A person may renew a license by paying a renewal fee on or before the expiration date of the license.

(c) If a person fails to pay a renewal fee on or before the expiration date of a license, the license becomes invalid.

As added by P.L.238-1989, SEC.1. Amended by P.L.1-2006, SEC.457; P.L.197-2007, SEC.77; P.L.197-2011, SEC.102.

IC 25-23.5-5-10

Reinstatement of invalid license; renewal

Sec. 10. (a) The committee shall reinstate an invalid license up to three (3) years after the expiration date of the license if the person holding the invalid license meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a license expired, the person holding the license may renew the license

by satisfying the requirements for renewal established by the board and meeting the requirements under IC 25-1-8-6.
As added by P.L.238-1989, SEC.1. Amended by P.L.269-2001, SEC.19; P.L.197-2007, SEC.78; P.L.197-2011, SEC.103.

IC 25-23.5-5-11
Temporary permit; requirements; expiration; renewal

Sec. 11. (a) The committee may issue a temporary permit to a person to engage in the practice of occupational therapy as an occupational therapist or occupational therapy assistant if the person pays a fee and the person:

(1) has a valid license or certificate to practice from another state and the person has applied for a license or certificate from the committee;

(2) is practicing occupational therapy in a state that does not license or certify occupational therapists or occupational therapy assistants but is certified by a national occupational therapy association approved by the board and the person has applied for a license from the committee; or

(3) meets all the following requirements:

(A) Has graduated from an accredited program.

(B) Has completed the fieldwork experience requirement for a license under this article.

(C) Is eligible to take the entry level examination.

(b) A person with a temporary permit issued under subsection (a)(3) may engage in the practice of occupational therapy as an occupational therapist or an occupational therapy assistant only under the supervision of an occupational therapist licensed under this article.

(c) A temporary permit expires the earlier of:

(1) the date the person holding the permit is issued a permanent license under this article;

(2) the date the committee disapproves the person's license application; or

(3) one hundred eighty (180) days after the date the permit is issued.

(d) The committee may renew a temporary permit if the person holding the permit was scheduled to take the next examination and the person:

(1) did not take the examination; and

(2) shows good cause for not taking the examination.

(e) A permit renewed under subsection (d) expires on the date the person holding the permit receives the results from the next examination given after the permit was issued.
As added by P.L.238-1989, SEC.1. Amended by P.L.48-1991, SEC.42; P.L.197-2007, SEC.79; P.L.197-2011, SEC.104.

IC 25-23.5-5-12
Notice of retirement from practice

Sec. 12. (a) A person who is licensed under this article shall notify

the committee in writing when the person retires from practice.

(b) Upon receipt of the notice, the committee shall:

(1) record the fact the person is retired; and

(2) release the person from further payment of renewal fees.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.80; P.L.197-2011, SEC.105.

IC 25-23.5-5-13

Surrender of license; reinstatement

Sec. 13. (a) If a person surrenders a license to the committee, the committee may reinstate the license upon written request by the person.

(b) If the committee reinstates a license, the committee may impose conditions on the license appropriate to the reinstatement.

(c) A person may not surrender a license without written approval by the committee if a disciplinary proceeding under this article is pending against the person.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.81; P.L.197-2011, SEC.106.

IC 25-23.5-5-14

Exemption from examination requirement

Sec. 14. A person who applies for a license under this article may be exempted by the committee from the examination requirement under section 6 of this chapter if the person:

(1) is licensed or certified to practice occupational therapy as an occupational therapist or occupational therapy assistant in another state; or

(2) is practicing occupational therapy in a state that does not license or certify occupational therapists or occupational therapy assistants and is certified by a national occupational therapy association approved by the board;

and is otherwise qualified under sections 1 through 3 of this chapter and pays an additional fee.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.82; P.L.197-2011, SEC.107.

IC 25-23.5-5-15

Graduate of educational program in foreign country; license requirements

Sec. 15. The committee may issue a license to a person who has graduated as an occupational therapist or issue a license to a person who has graduated as an occupational therapy assistant from an educational program in a foreign country if the person:

(1) graduated from an educational program approved by the board;

(2) does not have a conviction for:

(A) an act that would constitute a ground for a disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the person's ability

to practice competently;

(3) has not been the subject of a disciplinary action initiated by a licensing agency of another state or jurisdiction on the ground that the person was not able to practice occupational therapy as an occupational therapist or occupational therapy assistant without endangering the public;

(4) passes the examination required under this chapter; and

(5) pays a fee.

As added by P.L.238-1989, SEC.1. Amended by P.L.197-2007, SEC.83; P.L.197-2011, SEC.108.

IC 25-23.6

ARTICLE 23.6. MARRIAGE AND FAMILY THERAPISTS

IC 25-23.6-1

Chapter 1. Definitions

IC 25-23.6-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.186-1990, SEC.9.

IC 25-23.6-1-1.2

"Addiction counseling experience"

Sec. 1.2. "Addiction counseling experience" refers to a time during which an applicant provides addiction counseling services directly to clients diagnosed with a substance use disorder, including treatment of clients, and at least fifty percent (50%) of the time consists of providing addiction counseling services directly to clients diagnosed with a substance use disorder.

As added by P.L.122-2009, SEC.10.

IC 25-23.6-1-1.5

"Appraisal"

Sec. 1.5. "Appraisal" means the use or administration of career and occupational instruments, adaptive behavioral and symptoms screening checklists, and inventories of interests and preferences that are administered for the purpose of counseling persons to cope with or adapt to changing life situations that are due to problems in living. The term includes the use of marital, relational, communicational, parent and child, and family systems assessment instruments.

As added by P.L.147-1997, SEC.12. Amended by P.L.197-2007, SEC.84.

IC 25-23.6-1-2

"Board"

Sec. 2. "Board" refers to the behavioral health and human services licensing board.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.13; P.L.122-2009, SEC.11.

IC 25-23.6-1-2.5

Repealed

(*Repealed by P.L.1-2006, SEC.588.)*

IC 25-23.6-1-2.6

"Clinical addiction counseling experience"

Sec. 2.6. "Clinical addiction counseling experience" refers to a time during which an applicant provides clinical services, including

evaluation and treatment of clients, and at least fifty percent (50%) of the time consists of providing addiction counseling services directly to clients diagnosed with a substance use disorder.
As added by P.L.122-2009, SEC.12.

IC 25-23.6-1-3
"Clinical social worker"
Sec. 3. "Clinical social worker" means an individual who is licensed under IC 25-23.6-5.
As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.15; P.L.122-2009, SEC.13.

IC 25-23.6-1-3.3
"Clinical social work experience"
Sec. 3.3. "Clinical social work experience" means a period of time during which an applicant provides clinical services, including evaluation and treatment of clients, in which at least fifty percent (50%) of the time consists of providing counseling services directly to clients.
As added by P.L.147-1997, SEC.16.

IC 25-23.6-1-3.6
"Counseling"
Sec. 3.6. "Counseling" means techniques used to help individuals learn how to solve problems and make decisions related to personal growth, vocational, family, social, and other interpersonal concerns.
As added by P.L.147-1997, SEC.17.

IC 25-23.6-1-3.8
"Counselor"
Sec. 3.8. Except as provided in IC 25-23.6-7-5, "counselor" refers to a social worker, a clinical social worker, a marriage and family therapist, a mental health counselor, an addiction counselor, or a clinical addiction counselor who is licensed under this article.
As added by P.L.147-1997, SEC.18. Amended by P.L.122-2009, SEC.14.

IC 25-23.6-1-3.9
"Governmental employee"
Sec. 3.9. "Governmental employee" means an individual employed by the office of the secretary of family and social services, the division of family resources, the division of mental health and addiction, the division of disability and rehabilitative services, the division of aging, the department of correction, or the state department of health in one (1) of the following classifications:
(1) 2AA3 Behavioral clinician 3.
(2) 2AA4 Behavioral clinician 4.
(3) 2AA5 Clinical associate 5.
(4) 2FL1 Mental health administrator 1.
(5) 2FL2 Mental health administrator 2.

(6) 2FL3 Mental health administrator 3.
(7) 2AN3 Substance abuse counselor 3.
(8) 2AN4 Substance abuse counselor 4.
(9) 2AN5 Substance abuse counselor 5.
(10) 2AH2 Social services specialist 2.
(11) 2AH3 Social services specialist 3.
(12) 2AH4 Social services specialist 4.
(13) 2AI1 Psychiatric services director 1.
(14) 2AE2 Psychiatric social services specialist 2.
(15) 2AE3 Psychiatric social services specialist 3.

As added by P.L.244-1999, SEC.1. Amended by P.L.215-2001, SEC.99; P.L.141-2006, SEC.108; P.L.145-2006, SEC.162; P.L.1-2007, SEC.177.

IC 25-23.6-1-4
"Eligible postsecondary educational institution"

Sec. 4. "Eligible postsecondary educational institution" means a postsecondary educational institution that:
(1) awards a bachelor's or higher degree;
(2) is located in:
(A) the United States; or
(B) Canada or another country, if permitted under IC 25-23.6-8-2.1, IC 25-23.6-8.5-2, or another provision of this article; and
(3) is accredited by a regional accrediting body.

As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.34; P.L.2-2007, SEC.328.

IC 25-23.6-1-4.3
"Licensed addiction counselor"

Sec. 4.3. "Licensed addiction counselor" means an individual who is licensed as an addiction counselor under IC 25-23.6-10.5.

As added by P.L.122-2009, SEC.15.

IC 25-23.6-1-4.5
"Licensed clinical addiction counselor"

Sec. 4.5. "Licensed clinical addiction counselor" means an individual who is licensed as a clinical addiction counselor under IC 25-23.6-10.5.

As added by P.L.122-2009, SEC.16.

IC 25-23.6-1-4.8
"Licensed social worker"

Sec. 4.8. "Licensed social worker" means an individual who is licensed under IC 25-23.6-5.

As added by P.L.147-1997, SEC.19. Amended by P.L.122-2009, SEC.17.

IC 25-23.6-1-5
"Marriage and family therapist"

Sec. 5. "Marriage and family therapist" means an individual who is licensed under IC 25-23.6-8.
As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.20; P.L.122-2009, SEC.18.

IC 25-23.6-1-5.5
"Mental health counselor"
Sec. 5.5. "Mental health counselor" means an individual who is licensed under IC 25-23.6-8.5.
As added by P.L.147-1997, SEC.21. Amended by P.L.122-2009, SEC.19.

IC 25-23.6-1-5.7
"Practice of addiction counseling"
Sec. 5.7. (a) "Practice of addiction counseling" means the providing of professional services that are delivered by a licensed addiction counselor, that are designed to change substance use or addictive behavior, and that involve specialized knowledge and skill related to addictions and addictive behaviors, including understanding addiction, knowledge of the treatment process, application to practice, and professional readiness. The term includes:
(1) gathering information through structured interview screens using routine protocols;
(2) reviewing assessment findings to assist in the development of a plan individualized for treatment services and to coordinate services;
(3) referring for assessment, diagnosis, evaluation, and mental health therapy;
(4) providing client and family education related to addictions;
(5) providing information on social networks and community systems for referrals and discharge planning;
(6) participating in multidisciplinary treatment team meetings or consulting with clinical addiction professionals;
(7) counseling, through individual and group counseling, as well as group and family education, to treat addiction and substance abuse in a variety of settings, including:
(A) mental and physical health facilities; and
(B) child and family service agencies; and
(8) maintaining the highest level of professionalism and ethical responsibility.
(b) The term does not include the use of psychotherapy or diagnosis (as defined in IC 25-22.5-1-1.1(c) or as defined as the practice of psychology under IC 25-33-1-2(a)).
(c) For an individual who obtains a license as an addiction counselor by:
(1) holding a valid:
(A) level II or higher certification or the equivalent certification from a credentialing agency approved by the division of mental health and addiction; or

(B) certification as an addiction counselor or addiction therapist from a credentialing agency that is approved by the board;

(2) having at least ten (10) years of experience in addiction counseling;

(3) furnishing satisfactory evidence to the board that the individual does not have:

(A) a conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13); or

(B) a conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently; and

(4) filing an initial application with the board before July 1, 2010;

the term includes the provision of addiction counseling services in private practice in consultation with other licensed professionals as required by the client's individualized treatment plan.

As added by P.L.122-2009, SEC.20.

IC 25-23.6-1-5.9

"Practice of clinical addiction counseling"

Sec. 5.9. (a) "Practice of clinical addiction counseling" means the providing of professional services that are delivered by a licensed clinical addiction counselor, that are designed to change substance use or addictive behavior, and that involve specialized knowledge and skill related to addictions and addictive behaviors, including understanding addiction, knowledge of the treatment process, application to practice, and professional readiness. The term includes:

(1) gathering information through structured interview screens using routine protocols and standardized clinical instruments;

(2) using appraisal instruments as an aid in individualized treatment planning that the licensed clinical addiction counselor is qualified to employ because of:

(A) education;

(B) training; and

(C) experience;

(3) providing psychosocial evaluations using accepted classifications, including classifications from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, as amended and supplemented, to the extent of the licensed clinical addiction counselor's education, training, experience, and scope of practice as established by this article;

(4) reviewing assessment findings to:

(A) develop a plan for individualized addiction treatment;

(B) coordinate services; and

(C) provide subsequent assessment updates;

(5) using counseling and psychotherapeutic techniques through individual, group, and family counseling to treat addiction and

other substance related problems and conditions in a variety of settings, including:

(A) mental and physical health facilities;

(B) child and family service agencies; and

(C) private practice;

(6) providing client and family education related to addictions;

(7) providing information on social networks and community systems for referrals and discharge planning;

(8) participating in multidisciplinary treatment team meetings or consulting with clinical addiction professionals; and

(9) maintaining the highest level of professionalism and ethical responsibility.

(b) The term does not include diagnosis (as defined in IC 25-22.5-1-1.1(c)).

As added by P.L.122-2009, SEC.21.

IC 25-23.6-1-6

"Practice of clinical social work"

Sec. 6. (a) "Practice of clinical social work" means professional services that are designed to help individuals, marriages, couples, families, groups, and communities to enhance or restore their capacity for functioning by:

(1) assisting in the obtaining or improving of tangible social and health services;

(2) providing psychosocial evaluations using accepted classifications, including classifications from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) as amended and supplemented, but only to the extent of the counselor's education, training, experience, and scope of practice as established by this article;

(3) using appraisal instruments as an aid in treatment planning that the clinical social worker is qualified to employ by virtue of the counselor's education, training, and experience; and

(4) counseling and psychotherapeutic techniques, casework social work advocacy, and treatment in a variety of settings that include mental and physical health facilities, child and family service agencies, or private practice.

(b) The term does not include diagnosis (as defined in IC 25-22.5-1-1.1(c)).

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.22.

IC 25-23.6-1-7

"Practice of marriage and family therapy"

Sec. 7. "Practice of marriage and family therapy" means a specialty that:

(1) uses an applied understanding of the dynamics of marital, relational, and family systems, and individual psychodynamics;

(2) uses counseling and psychotherapeutic techniques;

(3) evaluates and treats mental and emotional conditions,

resolves intrapersonal and interpersonal conflict, and changes perceptions, attitudes, and behavior, all within the context of family, marital, and relational systems, including the use of accepted evaluation classifications, including classifications from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) as amended and supplemented, but only to the extent of the counselor's education, training, experience, and scope of practice as established by this article;

(4) uses individual, group, couple, sexual, family, and divorce therapy; and

(5) uses appraisal instruments that evaluate individual, marital, relational, communicational, parent and child, and family functioning that the marriage and family therapist is qualified to employ by virtue of the counselor's education, training, and experience.

The term does not include diagnosis (as defined in IC 25-22.5-1-1.1(c)).

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.23.

IC 25-23.6-1-7.5

"Practice of mental health counseling"

Sec. 7.5. "Practice of mental health counseling" means a specialty that:

(1) uses counseling and psychotherapeutic techniques based on principles, methods, and procedures of counseling that assist people in identifying and resolving personal, social, vocational, intrapersonal, and interpersonal concerns;

(2) uses counseling to evaluate and treat emotional and mental problems and conditions in a variety of settings, including mental and physical health facilities, child and family service agencies, or private practice, and including the use of accepted evaluation classifications, including classifications from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) as amended and supplemented, but only to the extent of the counselor's education, training, experience, and scope of practice as established by this article;

(3) administers and interprets appraisal instruments that the mental health counselor is qualified to employ by virtue of the counselor’s education, training, and experience;

(4) uses information and community resources for personal, social, or vocational development;

(5) uses individual and group techniques for facilitating problem solving, decision making, and behavioral change;

(6) uses functional assessment and vocational planning guidance for persons requesting assistance in adjustment to a disability or disabling condition;

(7) uses referrals for individuals who request counseling

services; and

(8) uses and interprets counseling research.

The term does not include diagnosis (as defined in IC 25-22.5-1-1.1(c)).

As added by P.L.147-1997, SEC.24.

IC 25-23.6-1-8

"Practice of social work"

Sec. 8. (a) "Practice of social work" means professional services that are designed to effect change in human behavior, emotional responses, and social conditions of individuals, couples, families, groups, and communities and that involve specialized knowledge and skill related to human development, including an understanding of unconscious motivation, the potential for human growth, the availability of social resources, and knowledge of social systems. The term includes planning, administration, and research for community social services delivery systems.

(b) The term does not include the use of psychotherapy or diagnosis (as defined in IC 25-22.5-1-1.1(c)).

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.25.

IC 25-23.6-1-9

"Psychotherapy"

Sec. 9. "Psychotherapy" means the assessing and treating of mental and emotional disorders by any of the various means of communication between the social worker practitioner and the client.

As added by P.L.186-1990, SEC.9.

IC 25-23.6-1-10

"Social worker"

Sec. 10. "Social worker" means an individual who graduates from a program accredited by the Council on Social Work Education.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.26.

IC 25-23.6-1-11

"Social work experience"

Sec. 11. "Social work experience" means a period of time during which an applicant provides social worker services, including assessment and evaluation of clients, in which at least fifty percent (50%) of the time consists of providing services directly to clients.

As added by P.L.147-1997, SEC.27.

IC 25-23.6-2

Chapter 2. Social Work Certification and Marriage and Family Therapists Credentialing Board

IC 25-23.6-2-1

Establishment of board

Sec. 1. The behavioral health and human services licensing board is established.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.28; P.L.122-2009, SEC.22.

IC 25-23.6-2-2

Membership of board; qualifications; political affiliation

Sec. 2. (a) The board consists of eleven (11) members appointed by the governor for terms of three (3) years. The board must include the following:

(1) Two (2) marriage and family therapists who:

(A) have at least a master's degree in marriage and family therapy or a related field from an eligible postsecondary educational institution;

(B) are licensed under this chapter; and

(C) have five (5) years of experience in marriage and family therapy.

(2) One (1) social worker who:

(A) has at least a master's degree in social work from an eligible postsecondary educational institution accredited by the Council on Social Work Education;

(B) is licensed under this article; and

(C) has at least five (5) years of experience as a social worker.

(3) One (1) social services director of a hospital with a social work degree who has at least three (3) years of experience in a hospital setting.

(4) Two (2) mental health counselors who:

(A) have at least a master's degree in mental health counseling;

(B) are licensed under this article; and

(C) have at least five (5) years experience as a mental health counselor.

(5) Two (2) consumers who have never been credentialed under this article.

(6) One (1) physician licensed under IC 25-22.5 who has training in psychiatric medicine.

(7) Two (2) licensed clinical addiction counselors who:

(A) are licensed under IC 25-23.6-10.5; and

(B) have at least five (5) years experience in clinical addiction counseling.

(b) Not more than six (6) members of the board may be from the same political party.

As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993,

SEC.35; P.L.255-1996, SEC.17; P.L.147-1997, SEC.29; P.L.2-1998, SEC.67; P.L.2-2007, SEC.329; P.L.122-2009, SEC.23.

IC 25-23.6-2-3
Per diem, travel, and other expenses

Sec. 3. Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

As added by P.L.186-1990, SEC.9. Amended by P.L.3-2008, SEC.188.

IC 25-23.6-2-4
Removal of governor appointed member

Sec. 4. A member of the board who is appointed by the governor may not be removed from the board except by action of the governor.

As added by P.L.186-1990, SEC.9.

IC 25-23.6-2-5
Chairman; term

Sec. 5. The board shall elect a chairman from among the members of the board for a one (1) year term. An individual may not be elected as chairman for more than two (2) consecutive one (1) year terms.

As added by P.L.186-1990, SEC.9.

IC 25-23.6-2-6
Meetings

Sec. 6. The board shall meet at least one (1) time each year.

As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.36.

IC 25-23.6-2-7
Duties of board

Sec. 7. The board shall consider matters that are of interest to all board sections.

As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.37.

IC 25-23.6-2-8
Adoption of standards; fees; duties of board

Sec. 8. (a) The board shall adopt rules under IC 4-22-2 establishing standards for the following:

(1) The competent practice of marriage and family therapy, social work, clinical social work, mental health counseling, addiction counseling, and clinical addiction counseling.

(2) The renewal of licenses issued under this article.

(3) Standards for the administration of this article.
(4) Continuing education requirements for an individual seeking renewal of licensure as a social worker, clinical social worker, or marriage and family therapist.
(5) The retention of patient records and reports by a counselor.
(6) The approval of continuing education providers, programs, courses, fees, and proof of course completion.

(b) The board shall establish fees under IC 25-1-8-2.

(c) The board shall do the following:
(1) Consider the qualifications of individuals who apply for a license under this article.
(2) Provide for examinations required under this article.
(3) Subject to IC 25-1-8-6, renew licenses under this article.
(4) Conduct proceedings under IC 25-1-9.

As added by P.L.186-1990, SEC.9. Amended by P.L.255-1996, SEC.18; P.L.147-1997, SEC.30; P.L.269-2001, SEC.20; P.L.122-2009, SEC.24.

IC 25-23.6-2-9
Social worker section established

Sec. 9. (a) The social worker section of the board is established. The section consists of the following:
(1) Two (2) social worker members of the board.
(2) Two (2) consumer members of the board.
(3) One (1) physician member of the board.

(b) Three (3) members of the social worker section, two (2) of whom must be social workers, constitute a quorum.

As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.38; P.L.255-1996, SEC.19; P.L.147-1997, SEC.31.

IC 25-23.6-2-9.5
Addiction counselor section of board established

Sec. 9.5. (a) The addiction counselor section of the board is established. The section consists of the following:
(1) Two (2) licensed clinical addiction counselor members of the board.
(2) Two (2) consumer members of the board.
(3) One (1) physician member of the board.

(b) Three (3) members of the addiction counselor section, two (2) of whom must be addiction counselors, constitute a quorum.

As added by P.L.122-2009, SEC.25.

IC 25-23.6-2-10
Marriage and family therapist section established

Sec. 10. (a) The marriage and family therapist section of the board is established. The section consists of the following:
(1) Two (2) marriage and family therapist members of the board.
(2) Two (2) consumer members of the board.
(3) One (1) physician member of the board.

(b) Three (3) members of the marriage and family therapist section, two (2) of whom must be marriage and family therapists, constitute a quorum.
As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.39; P.L.147-1997, SEC.32.

IC 25-23.6-2-10.5
Mental health counselor section established

Sec. 10.5. (a) The mental health counselor section of the board is established. The section consists of the following:

(1) Two (2) mental health counselor members of the board.
(2) Two (2) consumer members of the board.
(3) One (1) physician member of the board.

(b) Three (3) members of the mental health counselor section, two (2) of whom must be mental health counselors, constitute a quorum.
As added by P.L.147-1997, SEC.33.

IC 25-23.6-2-11
Duties of sections of the board

Sec. 11. The social worker, marriage and family therapist, mental health counselor, and addiction counselor sections of the board shall do the following:

(1) Approve continuing education courses authorized under this article.
(2) Propose rules to the board concerning the practice of the profession regulated by each section.
(3) Other duties as directed by the board.

As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.40; P.L.255-1996, SEC.20; P.L.147-1997, SEC.34; P.L.122-2009, SEC.26.

IC 25-23.6-2-12
Examinations; testing company services

Sec. 12. The board may utilize the services of a testing company to prepare, conduct, and score examinations.
As added by P.L.186-1990, SEC.9.

IC 25-23.6-3

Chapter 3. Certified Marriage and Family Therapists; Unlawful Practices; Penalty

IC 25-23.6-3-1

Unlawful practices

Sec. 1. (a) An individual may not:

(1) profess to be a licensed marriage and family therapist;

(2) use the title:

(A) "licensed marriage and family therapist";

(B) "marriage and family therapist"; or

(C) "family therapist";

(3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed marriage and family therapist; or

(4) practice marriage and family therapy for compensation;

unless the individual is licensed under IC 25-22.5, IC 25-23.6-8-1, or IC 25-33.

(b) An individual may not:

(1) profess to be a licensed marriage and family therapist associate;

(2) use the title:

(A) "licensed marriage and family therapist associate";

(B) "marriage and family therapist associate"; or

(C) "family therapist associate";

(3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed marriage and family therapist associate; or

(4) practice marriage and family therapy for compensation;

unless the individual is licensed under IC 25-22.5, IC 25-23.6-8-1.5, or IC 25-33.

(c) Subsections (a)(4) and (b)(4) do not apply to a person who is described in section 2(a) of this chapter.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.35; P.L.134-2008, SEC.36.

IC 25-23.6-3-2

Exemptions

Sec. 2. (a) This article may not be construed to limit the marriage and family therapy services performed by a person who does not use a title specified in this article and who is one (1) of the following:

(1) A licensed or certified health care professional acting within the scope of the person's license or certificate.

(2) A student, an intern, or a trainee pursuing a course of study in medicine or psychology or a course of study to gain licensure under this article in an accredited eligible postsecondary educational institution or training institution if:

(A) the activities are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and

(B) the student uses a title that contains the term "intern" or "trainee".

(3) Not a resident of Indiana if the person performed services in Indiana for not more than five (5) days in any one (1) month and not more than fifteen (15) days in any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.

(5) An employee of or a volunteer for a nonprofit corporation or an organization performing charitable, religious, or educational functions, providing pastoral counseling or other assistance.

(6) A person who provides school counseling or a person who is certified by a state or national organization that is recognized by the Indiana division of mental health and addiction and who provides counseling in the areas of alcohol or drug abuse addictions.

(b) Nothing in this section prohibits a person referred to in subsection (a) from qualifying for licensure under this article.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.36; P.L.215-2001, SEC.100; P.L.2-2007, SEC.330; P.L.134-2008, SEC.37.

IC 25-23.6-3-3
Violations; penalty

Sec. 3. An individual who violates this chapter after July 1, 1999, commits a Class A misdemeanor.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.37.

IC 25-23.6-3-4
Display of license; contents of promotional material

Sec. 4. (a) An individual who is licensed as a marriage and family therapist under IC 25-23.6-8-1 shall:

(1) display the license or a clear copy of the license at each location where the marriage and family therapist regularly practices; and

(2) include the words "licensed marriage and family therapist" or the letters "LMFT" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual.

(b) An individual who is licensed as a marriage and family therapist associate under IC 25-23.6-8-1.5 shall:

(1) display the license or a clear copy of the license at each location where the marriage and family therapist associate regularly practices; and

(2) include the words "licensed marriage and family therapist associate" or the letters "LMFTA" on all promotional materials, including business cards, brochures, stationery, advertisements,

and signs that name the individual.

As added by P.L.147-1997, SEC.38. Amended by P.L.134-2008, SEC.38.

IC 25-23.6-4

Chapter 4. Social Worker; Unlawful Practices; Penalty

IC 25-23.6-4-1

Unlawful practices

Sec. 1. An individual may not:

(1) profess to be a social worker, licensed social worker, or licensed clinical social worker;

(2) use the title:

(A) "social worker";

(B) "licensed social worker";

(C) "licensed clinical social worker";

(D) "clinical social worker";

(E) "psychiatric social worker"; or

(F) "psychosocial worker";

(3) use any other title containing the words "social worker", "licensed social worker", or "licensed clinical social worker";

(4) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a social worker, licensed social worker, or licensed clinical social worker; or

(5) practice as a social worker, licensed social worker, or clinical social worker for compensation;

unless the individual is licensed under this article.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.39; P.L.84-2010, SEC.55.

IC 25-23.6-4-2

Exemptions

Sec. 2. (a) This article may not be construed to limit the social work or clinical social work services performed by a person who does not use a title specified in this article and who is one (1) of the following:

(1) A licensed or certified health care professional acting within the scope of the person's license or certificate.

(2) A student, an intern, or a trainee pursuing a course of study in medicine, psychology, or a course of study to gain licensure under this article in an accredited eligible postsecondary educational institution or training institution accredited by the Council on Social Work Education, or a graduate accumulating experience required for licensure if:

(A) the services are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and

(B) the student or graduate uses a title that contains the term "intern", "student", or "trainee".

(3) Not a resident of Indiana if the person performed social work in Indiana for not more than five (5) days in any one (1) month or more than fifteen (15) days in any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.
(5) An employee or a volunteer for an organization performing charitable, religious, or educational functions, providing pastoral counseling, or other assistance.
(6) A person who provides school counseling.
(7) A governmental employee who remains in the same job classification or job family of that job classification.

(b) Nothing in this section prohibits a person referred to in subsection (a) from qualifying for licensure under this article.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.40; P.L.244-1999, SEC.2; P.L.215-2001, SEC.101; P.L.2-2007, SEC.331; P.L.122-2009, SEC.27.

IC 25-23.6-4-3
Social service designee

Sec. 3. A person who is not licensed under this article may use the title "social service designee" if the person:
(1) provides or assures provision of social services in:
(A) a health facility licensed under IC 16-28;
(B) a hospital licensed under IC 16-21 or IC 12-25;
(C) a substance abuse facility certified by the division of mental health and addiction;
(D) a home health agency licensed under IC 16-27-1; or
(E) a community health center; and
(2) does not profess to be:
(A) a licensed social worker; or
(B) licensed under this article.

As added by P.L.186-1990, SEC.9. Amended by P.L.2-1992, SEC.777; P.L.2-1993, SEC.143; P.L.219-1993, SEC.1; P.L.147-1997, SEC.41; P.L.215-2001, SEC.102.

IC 25-23.6-4-3.1
Use of case manager or discharge planner title by nonlicensed individuals

Sec. 3.1. An individual who is not licensed under this article may use the titles "case manager", "discharge planner", or a related title if the individual:
(1) provides services in a hospital licensed under IC 16-21 or IC 12-25 or a community mental health center; and
(2) does not profess to be licensed under this article.

As added by P.L.147-1997, SEC.42.

IC 25-23.6-4-4
Violations; penalty

Sec. 4. An individual who violates this chapter after July 1, 1999, commits a Class A misdemeanor.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.43.

IC 25-23.6-4-5
Display of license; contents of promotional materials

Sec. 5. An individual who is licensed as a social worker or clinical social worker shall:

(1) display the license or a clear copy of the license at each location where the social worker or clinical social worker regularly practices; and

(2) include the words "licensed social worker" or "licensed clinical social worker" or the letters "LSW" or "LCSW" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual.

As added by P.L.147-1997, SEC.44.

IC 25-23.6-4-6
Permitted testimony

Sec. 6. A social worker licensed under this article may provide factual testimony but may not provide expert testimony.

As added by P.L.147-1997, SEC.45.

IC 25-23.6-4.5

Chapter 4.5. Mental Health Counselors; Unlawful Practices

IC 25-23.6-4.5-1

Unlawful practices

Sec. 1. (a) An individual may not:

(1) profess to be a licensed mental health counselor;

(2) use the title:

(A) "licensed mental health counselor";

(B) "mental health counselor"; or

(C) "mental health therapist";

(3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed mental health counselor; or

(4) practice mental health counseling for compensation;

unless the individual is licensed under this article, IC 25-22.5, or IC 25-33.

(b) An individual may not:

(1) profess to be a licensed mental health counselor associate;

(2) use the title:

(A) "licensed mental health counselor associate";

(B) "mental health counselor associate"; or

(C) "mental health therapist associate";

(3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed mental health counselor associate; or

(4) practice mental health counseling for compensation;

unless the individual is licensed under this article, IC 25-22.5, or IC 25-33.

As added by P.L.147-1997, SEC.46. Amended by P.L.84-2010, SEC.56.

IC 25-23.6-4.5-2

Exemptions

Sec. 2. (a) This article may not be construed to limit the mental health counseling services performed by a person who does not use a title specified in this article and who is one (1) of the following:

(1) A licensed or certified health care professional acting within the scope of the person's license or certificate.

(2) A student, an intern, or a trainee pursuing a course of study in medicine, psychology, or a course of study to gain licensure under this article in an accredited eligible postsecondary educational institution or training institution, or is a graduate accumulating experience required for licensure if:

(A) the services are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and

(B) the student or graduate uses a title that contains the term "intern" or "trainee".

(3) Not a resident of Indiana if the person performed the

services in Indiana for not more than five (5) days in any one (1) month or fifteen (15) days within any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.

(5) An employee or a volunteer for an organization performing charitable, religious, or educational functions, providing pastoral counseling, or providing other assistance.

(6) A person who provides school counseling or a person who is certified by a state or national organization that is recognized by the Indiana division of mental health and addiction and who provides counseling in the areas of alcohol or drug abuse addictions.

(7) A governmental employee who remains in the same job classification or job family of that job classification.

(b) Nothing in this section prohibits a person referred to in subsection (a) from qualifying for licensure under this article.

As added by P.L.147-1997, SEC.46. Amended by P.L.244-1999, SEC.3; P.L.215-2001, SEC.103; P.L.2-2007, SEC.332.

IC 25-23.6-4.5-3

Display of license; contents of promotional materials

Sec. 3. (a) An individual who is licensed as a mental health counselor shall:

(1) display the license or a clear copy of the license at each location where the mental health counselor regularly practices; and

(2) include the words "licensed mental health counselor" or the letters "LMHC" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual.

(b) An individual who is licensed as a mental health counselor associate shall:

(1) display the license or a clear copy of the license at each location where the mental health counselor associate regularly practices; and

(2) include the words "licensed mental health counselor associate" or the letters "LMHCA" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual.

As added by P.L.147-1997, SEC.46. Amended by P.L.84-2010, SEC.57.

IC 25-23.6-4.5-4

Violations; penalty

Sec. 4. An individual who violates this chapter after July 1, 1999, commits a Class A misdemeanor.

As added by P.L.147-1997, SEC.46.

IC 25-23.6-5

Chapter 5. Social Workers; Certification; Examinations

IC 25-23.6-5-1

Social worker license requirements

Sec. 1. An individual who applies for a license as a social worker must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual:

(A) has received at least a bachelor's degree in social work from:

(i) an eligible postsecondary educational institution that is accredited or approved for candidacy by the Council on Social Work Education or approved by the board; or

(ii) a foreign school that has a program of study that is approved by the Foreign Equivalency Determination Service of the Council on Social Work Education; and

has completed two (2) years of experience in the practice of social work under the supervision of a licensed social worker, a licensed clinical social worker, or an equivalent supervisor, as determined by the board, after receiving the bachelor’s degree; or

(B) has a master's degree in social work from:

(i) an eligible postsecondary educational institution approved by the board; or

(ii) a foreign school that has a program of study that is approved by the Foreign Equivalency Determination Service of the Council on Social Work Education.

(2) Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a social worker without endangering the public.

(4) Pass an examination provided by the board.

(5) Pay the fee established by the board.

As added by P.L.186-1990, SEC.9. Amended by P.L.1-1994, SEC.126; P.L.255-1996, SEC.21; P.L.147-1997, SEC.47; P.L.2-2007, SEC.333.

IC 25-23.6-5-2

Clinical social worker license requirements

Sec. 2. An individual who applies for a license as a clinical social worker must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has received:

(A) a doctoral degree in social work from an eligible postsecondary educational institution that at the time of

graduation was accredited by an accrediting agency recognized by the United States Department of Education; or

(B) at least a master's degree in social work from:

(i) an eligible postsecondary educational institution accredited or approved for candidacy by the Council on Social Work Education; or

(ii) a foreign school that has a program of study accredited by the Canadian Association of Schools of Social Work or a program equivalent to a program approved by the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education.

The graduate program under this subdivision must have emphasized direct clinical or client health services as provided under section 3.1 of this chapter.

(2) Meet the clinical social work experience requirements under section 3.5 of this chapter.

(3) Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

(4) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a social worker or clinical social worker without endangering the public.

(5) Pass an examination provided by the board.

(6) Pay a fee established by the board.

As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.41; P.L.255-1996, SEC.22; P.L.147-1997, SEC.48; P.L.2-2007, SEC.334.

IC 25-23.6-5-3
Repealed

(*Repealed by P.L.147-1997, SEC.75.)*

IC 25-23.6-5-3.1
Graduate program providing clinical experience

Sec. 3.1. (a) Except as provided in subsection (b), a graduate program is considered to have emphasized direct clinical patient or clinic health care services if the graduate program meets the following requirements:

(1) Required coursework in clinical social work and related areas such as psychiatric social work, medical social work, social case work, case management, psychotherapy, group therapy, and any other coursework accepted by the board.

(2) Required a supervised field placement that was part of the applicant’s advanced concentration in direct practice, during which the applicant provided clinical services directly to clients.

(3) Required completion of twenty-four (24) semester hours or thirty-seven (37) quarter hours of clinically oriented services courses in the theory and research of human behavior and social environment and practice methods. However, if the graduate degree was obtained before October 1, 1990, and the applicant submitted an application under section 3 of this chapter (before its repeal) before July 1, 1999, twenty-one (21) semester hours or thirty-one (31) quarter hours in clinically oriented services are required. Not more than six (6) semester hours or nine (9) quarter hours of the clinically oriented services courses may be from independent study coursework.

If the applicant's transcript does not clearly identify the content of the coursework, the applicant shall submit a syllabus, a course catalog description, or other documentation that describes the coursework.

(b) An applicant who graduated from a graduate program that did not emphasize direct patient or client services may complete the clinical curriculum requirement by returning to a graduate program allowed under section 2(1)(B) of this chapter to complete the education requirements.

(c) Coursework that was taken at a baccalaureate level does not meet the requirements under this section unless an official of the graduate program certifies that the specific course, which a student enrolled in the same graduate program was ordinarily required to complete at the graduate level, was waived or exempted based on completion of a similar course at the baccalaureate level.

As added by P.L.147-1997, SEC.49.

IC 25-23.6-5-3.5

Clinical social work experience; requirements

Sec. 3.5. (a) The applicant for a license as a clinical social worker must have at least two (2) years of clinical social work experience after receiving a graduate degree in social work and under the supervision of a qualified supervisor as determined by the board.

(b) If an individual is obtaining the clinical social work experience described in subsection (a) in Indiana, the individual must be licensed as a social worker under section 1 of this chapter.

(c) A doctoral internship may be applied toward the supervised clinical social work experience requirement.

(d) Except as provided in subsection (e), the clinical social work experience requirement may be met by work performed at or away from the premises of the qualified supervisor.

(e) The clinical social work requirement may not be performed away from the qualified supervisor's premises if:

(1) the work is the independent private practice of clinical social work; and

(2) the work is not performed at a place with the supervision of a qualified supervisor available.

As added by P.L.147-1997, SEC.50. Amended by P.L.177-2009, SEC.45.

IC 25-23.6-5-4
Examination; minimum requirements

Sec. 4. An individual who satisfies the requirements of section 1 or 2 of this chapter and section 3 of this chapter may take the examination provided by the board.

As added by P.L.186-1990, SEC.9.

IC 25-23.6-5-5
Examinations; time and place

Sec. 5. The board shall provide for examinations to be given at least once annually at times and places established by the board.

As added by P.L.186-1990, SEC.9.

IC 25-23.6-5-6
Issuance of license

Sec. 6. The board shall issue a license to an individual who:

(1) achieves a passing score, as determined by the board, on the examination provided under this chapter; and

(2) is otherwise qualified under this article.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.51.

IC 25-23.6-5-7
Repealed

(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-23.6-5-8
Repealed

(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-23.6-5-9
Duration of license; renewal

Sec. 9. (a) A license issued by the board is valid for the remainder of the renewal period in effect on the date the license was issued.

(b) An individual may renew a license by:

(1) paying a renewal fee on or before the expiration date of the license; and

(2) completing not less than twenty (20) hours of continuing education per licensure year.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a license, the license becomes invalid.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.52.

IC 25-23.6-5-10
Reinstatement of invalid license

Sec. 10. (a) The board may reinstate an invalid license up to three (3) years after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a

license expired, the individual holding the license may renew the license by satisfying the requirements for renewal established by the board and meeting the requirements under IC 25-1-8-6.
As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.53; P.L.269-2001, SEC.21.

IC 25-23.6-5-11
Temporary permit; requirements; expiration; renewal

Sec. 11. (a) The board may issue a temporary permit to an individual to profess to be a social worker or clinical social worker if the individual pays a fee and the individual:

(1) has a valid license or certificate to practice from another state and the individual has passed an examination substantially equivalent to the level for which licensure is being requested;

(2) is practicing in a state that does not license or certify social workers or clinical social workers, but is certified by a national association approved by the board and the individual has applied for a license from the board; or

(3) has been approved by the board to take the examination and has graduated from a school or program approved by the board and the individual has completed any experience requirement.

(b) A temporary permit expires the earlier of:

(1) the date the individual holding the permit is issued a license under this article;

(2) the date the board disapproves the individual's license application; or

(3) one hundred eighty (180) days after the initial permit is issued.

(c) The board may renew a temporary permit if the individual holding the permit was scheduled to take the next examination and the individual:

(1) did not take the examination; and

(2) shows good cause for not taking the examination.

(d) A permit renewed under subsection (c) expires on the date the individual holding the permit receives the results from the next examination given after the permit was issued, and may not be extended if the applicant has failed the examination.
As added by P.L.186-1990, SEC.9. Amended by P.L.255-1996, SEC.23; P.L.147-1997, SEC.54.

IC 25-23.6-5-12
Notification of retirement from practice

Sec. 12. (a) An individual who is licensed under this article shall notify the board in writing when the individual retires from practice.

(b) Upon receipt of the notice, the board shall:

(1) record the fact the individual is retired; and

(2) release the individual from further payment of renewal fees and continuing education requirements.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.55.

IC 25-23.6-5-13
Repealed
(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-23.6-5-14
Exemption from examination requirement
Sec. 14. An individual who applies for a license under this article may be exempted by the board from the examination requirement under this chapter if the individual:

(1) is licensed or certified to practice as a social worker or clinical social worker in another state and has passed an examination substantially equivalent to the level for which the individual is requesting licensure;
(2) has engaged in the practice of social work or the practice of clinical social work for not less than three (3) of the previous five (5) years;
(3) has passed a licensing examination substantially equivalent to the licensing examination under this article;
(4) has passed an examination pertaining to the social work and clinical social work laws and rules of this state; and
(5) has not committed any act or is not under investigation for any act that constitutes a violation of this article;

and is otherwise qualified under section 1 or 2 of this chapter and section 3 of this chapter and pays an additional fee.
As added by P.L.186-1990, SEC.9. Amended by P.L.255-1996, SEC.24; P.L.147-1997, SEC.56.

IC 25-23.6-5-15
Repealed
(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-23.6-5-16
Certain individuals shall be licensed as clinical social worker; conditions
Sec. 16. If an individual is enrolled in a master's or doctoral level program accredited by the Council on Social Work Education not later than July 1, 1997:

(1) the individual may complete the requirements for certification as a clinical social worker under this article as those requirements existed on June 30, 1997; and
(2) the board shall license the individual as a clinical social worker.

As added by P.L.220-2011, SEC.409.

IC 25-23.6-6

Chapter 6. Social Workers; Privileged Communications

IC 25-23.6-6-1

Matters related in official capacity; exceptions to privilege

Sec. 1. Matters communicated to a counselor in the counselor's official capacity by a client are privileged information and may not be disclosed by the counselor to any person, except under the following circumstances:

(1) In a criminal proceeding involving a homicide if the disclosure relates directly to the fact or immediate circumstances of the homicide.

(2) If the communication reveals the contemplation or commission of a crime or a serious harmful act.

(3) If:

(A) the client is an unemancipated minor or an adult adjudicated to be incompetent; and

(B) the information communicated to the counselor indicates the client was the victim of abuse or a crime.

(4) In a proceeding to determine mental competency, or a proceeding in which a defense of mental incompetency is raised.

(5) In a civil or criminal malpractice action against the counselor.

(6) If the counselor has the express consent of:

(A) the client; or

(B) in the case of a client's death or disability, the express consent of the client's legal representative.

(7) To a physician if the physician is licensed under IC 25-22.5 and has established a physician-patient relationship with the client.

(8) Circumstances under which privileged communication is abrogated under Indiana law.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.57.

IC 25-23.6-7

Chapter 7. Mandatory Disclosure by Social Workers and Clinical Social Workers

IC 25-23.6-7-1

Application of chapter

Sec. 1. (a) This chapter applies to an individual licensed under this article.

(b) This chapter does not apply to:

(1) physicians licensed under IC 25-22.5;

(2) nurses licensed under IC 25-23;

(3) psychologists licensed under IC 25-33; or

(4) attorneys licensed to practice law in Indiana;

when providing counseling services within the scope of practice for which they are licensed.

As added by P.L.186-1990, SEC.9. Amended by P.L.140-1993, SEC.5; P.L.147-1997, SEC.58.

IC 25-23.6-7-2

School counselors; application of chapter

Sec. 2. This chapter does not apply to school counselors who provide counseling services at the following:

(1) An elementary or secondary school accredited by the state board of education.

(2) A state educational institution.

As added by P.L.186-1990, SEC.9. Amended by P.L.2-2007, SEC.335.

IC 25-23.6-7-3

Pastoral counseling; application of chapter

Sec. 3. This chapter does not apply to a minister, a volunteer, or an employee of a nonprofit organization performing charitable, religious, or educational assistance or giving pastoral counseling.

As added by P.L.186-1990, SEC.9.

IC 25-23.6-7-4

"Counseling services" defined

Sec. 4. As used in this chapter, "counseling services" means evaluating, treating, or giving advice to, on a fee-for-services, prepaid, or other compensatory basis:

(1) an individual with a mental, an emotional, or a substance abuse problem; or

(2) an individual who seeks instruction in behavior modification, advice concerning interpersonal relationships, or advice concerning problems of daily living, including smoking habits, weight loss, and nutrition.

As added by P.L.186-1990, SEC.9.

IC 25-23.6-7-5

"Counselor" defined

Sec. 5. As used in this chapter, "counselor" means an individual licensed under this article who provides counseling services on a fee-for-services, prepaid, or other compensatory basis.
As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.59.

IC 25-23.6-7-6
Disclosure of counselor's educational background

Sec. 6. Before providing counseling services, a counselor shall disclose to the person to whom counseling services are provided the counselor's educational background in the field of counseling, including the following:

(1) Whether the counselor has a degree in counseling or a related field.

(2) The type of degree issued and the eligible postsecondary educational institution that issued the degree.

As added by P.L.186-1990, SEC.9. Amended by P.L.2-2007, SEC.336.

IC 25-23.6-7-7
Violations; penalty

Sec. 7. A person who violates section 6 of this chapter or who provides false information or documents under this chapter commits a Class A misdemeanor.
As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.60.

IC 25-23.6-8

Chapter 8. Certification; Examinations

IC 25-23.6-8-1

Application for marriage and family therapist license; requirements

Sec. 1. An individual who applies for a license as a marriage and family therapist must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a master's or doctor's degree in marriage and family therapy, or in a related area as determined by the board from an eligible postsecondary educational institution that meets the requirements under section 2.1(a)(1) of this chapter or from a foreign school that has a program of study that meets the requirements under section 2.1(a)(2) or (2.1)(a)(3) of this chapter; and

(B) completed the educational requirements under section 2.5 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual has met the clinical experience requirements under section 2.7 of this chapter.

(3) Furnish satisfactory evidence to the board that the individual:

(A) except as provided in section 1.7 of this chapter, holds a marriage and family therapist associate license, in good standing, issued under section 5 of this chapter; or

(B) is licensed or certified to practice as a marriage and family therapist in another state and is otherwise qualified under this chapter.

(4) Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

(5) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a marriage and family therapist without endangering the public.

(6) Pay the fee established by the board.

As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.42; P.L.147-1997, SEC.61; P.L.2-2007, SEC.337; P.L.134-2008, SEC.39; P.L.177-2009, SEC.46.

IC 25-23.6-8-1.5

Application for marriage and family therapist associate license; requirements

Sec. 1.5. An individual who applies for a license as a marriage and family therapist associate must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a master's or doctor's degree in marriage and family therapy, or in a related area as determined by the board from an institution of higher education that meets the requirements under section 2.1(a)(1) of this chapter or from a foreign school that has a program of study that meets the requirements under section 2.1(a)(2) or 2.1(a)(3) of this chapter; and

(B) completed the educational requirements under section 2.5 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a marriage and family therapist associate without endangering the public.

(4) Pay the fee established by the board.

(5) Pass an examination provided by the board.

As added by P.L.134-2008, SEC.40.

IC 25-23.6-8-1.7

Doctoral program; associate license; clinical experience

Sec. 1.7. An individual who receives a master's degree and enters a doctoral program may do either of the following:

(1) Apply for a marriage and family therapist associate license under section 1.5 of this chapter by meeting the requirements of this chapter.

(2) Elect not to apply for a marriage and family therapist associate license under section 1.5 of this chapter, accrue the clinical experience required under section 2.7(b) of this chapter, and apply for a marriage and family therapist license at the conclusion of the doctoral program.

As added by P.L.177-2009, SEC.47.

IC 25-23.6-8-2

Repealed

(*Repealed by P.L.147-1997, SEC.75.)*

IC 25-23.6-8-2.1

Requirements for institution attended by applicant

Sec. 2.1. (a) An applicant for a license as a marriage and family therapist under section 1 of this chapter or an applicant for a license as a marriage and family therapist associate under section 1.5 of this chapter must have received a master's or doctor's degree in marriage and family therapy, or in a related area as determined by the board, from an eligible postsecondary educational institution that meets the following requirements:

(1) If the institution was located in the United States or a

territory of the United States, at the time of the applicant's graduation the institution was accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

(2) If the institution was located in Canada, at the time of the applicant's graduation the institution was a member in good standing with the Association of Universities and Colleges of Canada.

(3) If the institution was located in a foreign country other than Canada, at the time of the applicant's graduation the institution:

(A) was recognized by the government of the country where the school was located as a program to train in the practice of marriage and family therapy or psychotherapy; and

(B) maintained a standard of training substantially equivalent to the standards of institutions accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

(b) An applicant for a license as a marriage and family therapist under section 1 of this chapter or an applicant for a license as a marriage and family therapist associate under section 1.5 of this chapter who has a master's or doctoral degree from a program that did not emphasize marriage and family therapy may complete the course work requirement from an institution that is:

(1) accredited by the Commission on Accreditation for Marriage and Family Therapy Education; and

(2) recognized by the United States Department of Education.

As added by P.L.147-1997, SEC.62. Amended by P.L.2-2007, SEC.338; P.L.134-2008, SEC.41.

IC 25-23.6-8-2.5

Educational requirements

Sec. 2.5. (a) An applicant for a license as a marriage and family therapist under section 1 of this chapter or an applicant for a license as a marriage and family therapist associate under section 1.5 of this chapter must complete the following educational requirements:

(1) Except as provided in subsection (b), complete twenty-seven (27) semester hours or forty-one (41) quarter hours of graduate course work that must include graduate level course credits with material in at least the following content areas:

(A) Theoretical foundations of marriage and family therapy.

(B) Major models of marriage and family therapy.

(C) Individual development.

(D) Family development and family relationships.

(E) Clinical problems.

(F) Collaboration with other disciplines.

(G) Sexuality.

(H) Gender and sexual orientation.

(I) Issues of ethnicity, race, socioeconomic status, and culture.

(J) Therapy techniques.

(K) Behavioral research that focuses on the interpretation and application of research data as it applies to clinical practice.

The content areas may be combined into any one (1) graduate level course, if the applicant can prove that the course work was devoted to each content area.

(2) Not less than one (1) graduate level course of two (2) semester hours or three (3) quarter hours in the following areas:

(A) Legal, ethical, and professional standards issues in the practice of marriage and family therapy or an equivalent course approved by the board.

(B) Appraisal and assessment for individual or interpersonal disorder or dysfunction.

(3) At least one (1) supervised clinical practicum, internship, or field experience in a marriage and family counseling setting that meets the following requirements:

(A) The applicant provided five hundred (500) face to face client contact hours of marriage and family therapy services under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or a qualified supervisor approved by the board.

(B) The applicant received one hundred (100) hours of supervision from a licensed marriage and family therapist who has at least five (5) years experience as a qualified supervisor.

The requirements under clauses (A) and (B) may be met by a supervised practice experience that took place away from an institution of higher education but that is certified by an official of the eligible postsecondary educational institution as being equivalent to a graduate level practicum or internship program at an institution accredited by an accrediting agency approved by the United States Department of Education Commission on Recognition of Postsecondary Education, the Association of Universities and Colleges of Canada, or the Commission on Accreditation for Marriage and Family Therapy Education.

(b) The following graduate work may not be used to satisfy the content area requirements under subsection (a):

(1) Thesis or dissertation work.

(2) Practicums, internships, or fieldwork.

As added by P.L.147-1997, SEC.63. Amended by P.L.2-2007, SEC.339; P.L.134-2008, SEC.42.

IC 25-23.6-8-2.7

Examination; clinical experience requirement

Sec. 2.7. (a) As used in this section, "first available examination" means the first examination after the date of:

(1) graduation; or

(2) moving into Indiana;

that has an application deadline that is at least thirty (30) days after the date of graduation or the date of moving into Indiana, unless the

individual chooses to meet a deadline that is less than thirty (30) days after either of those events.

(b) An applicant for a license as a marriage and family therapist under section 1 of this chapter must have at least two (2) years of postdegree clinical experience, during which at least fifty percent (50%) of the applicant's clients were receiving marriage and family therapy services. The applicant's clinical experience must include one thousand (1,000) hours of postdegree clinical experience and two hundred (200) hours of postdegree clinical supervision, of which one hundred (100) hours must be individual supervision, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or an equivalent supervisor, as determined by the board.

(c) If an individual applies for, takes, and passes the first available examination, the individual may not count more than five hundred (500) hours of the postdegree clinical experience that is:

(1) required under subsection (b); and

(2) accumulated before taking the examination toward licensure as a marriage and family therapist.

(d) If an individual does not pass the first available examination, the individual may:

(1) retain the hours accumulated before taking the examination;

(2) continue working; and

(3) not accumulate any additional hours toward licensure as a marriage and family therapist until passing the examination.

(e) If an individual does not take the first available examination, the individual may not begin accumulating any postdegree clinical experience hours toward licensure as a marriage and family therapist until the individual passes the examination.

(f) When obtaining the clinical experience required under subsection (b), the applicant must provide direct individual, group, and family therapy and counseling to the following categories of cases:

(1) Unmarried couples.

(2) Married couples.

(3) Separating or divorcing couples.

(4) Family groups, including children.

(g) A doctoral internship may be applied toward the supervised work experience requirement.

(h) Except as provided in subsection (i), the experience requirement may be met by work performed at or away from the premises of the supervising marriage and family therapist.

(i) The work requirement may not be performed away from the supervising marriage and family therapist's premises if:

(1) the work is the independent private practice of marriage and family therapy; and

(2) the work is not performed at a place that has the supervision of a licensed marriage and family therapist or an equivalent supervisor, as determined by the board.

As added by P.L.147-1997, SEC.64. Amended by P.L.197-2007,

SEC.85; P.L.134-2008, SEC.43; P.L.177-2009, SEC.48; P.L.28-2012, SEC.24.

IC 25-23.6-8-3
Examination; minimum requirements

Sec. 3. An individual who satisfies the requirements of section 1.5(1) through 1.5(4) of this chapter may take the examination provided by the board.

As added by P.L.186-1990, SEC.9. Amended by P.L.134-2008, SEC.44.

IC 25-23.6-8-4
Examinations; times and places

Sec. 4. The board shall provide for examinations to be given at least once annually at times and places established by the board.

As added by P.L.186-1990, SEC.9.

IC 25-23.6-8-5
Issuance of license

Sec. 5. The board shall issue a marriage and family therapist license or marriage and family therapist associate license, as appropriate, to an individual who:

(1) achieves a passing score, as determined by the board, on the examination provided under this chapter; and

(2) is otherwise qualified under this article.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.65; P.L.134-2008, SEC.45.

IC 25-23.6-8-6
Repealed

(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-23.6-8-7
Repealed

(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-23.6-8-8
Duration of marriage and family therapist license; renewal

Sec. 8. (a) A marriage and family therapist license issued by the board is valid for the remainder of the renewal period in effect on the date the license was issued.

(b) An individual may renew a marriage and family therapist license by:

(1) paying a renewal fee on or before the expiration date of the license; and

(2) completing not less than fifteen (15) hours of continuing education each licensure year.

(c) If an individual fails to pay a renewal on or before the expiration date of a license, the license becomes invalid.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997,

SEC.66; P.L.134-2008, SEC.46.

IC 25-23.6-8-8.5
Duration of marriage and family therapist associate license; renewal

Sec. 8.5. (a) A marriage and family therapist associate license issued by the board is valid for the remainder of the renewal period in effect on the date the license was issued.

(b) An individual may renew a marriage and family therapist associate license two (2) times by:

(1) paying a renewal fee on or before the expiration date of the license; and

(2) completing at least fifteen (15) hours of continuing education each licensure year.

(c) The board may renew a marriage and family therapist associate license for additional periods based on circumstances determined by the board.

(d) If an individual fails to pay a renewal fee on or before the expiration date of a license, the license becomes invalid.

As added by P.L.134-2008, SEC.47.

IC 25-23.6-8-9
Reinstatement of invalid license

Sec. 9. (a) The board may reinstate an invalid marriage and family therapist license issued under section 5 of this chapter up to three (3) years after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a marriage and family therapist license expired, the individual holding the license may renew the license by satisfying the requirements for renewal established by the board and meeting the requirements under IC 25-1-8-6.

(c) The board may reinstate an invalid marriage and family therapist associate license issued under section 5 of this chapter up to one (1) year after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6. An associate license that has been expired for more than one (1) year may not be reinstated under IC 25-1-8-6.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.67; P.L.2-1998, SEC.68; P.L.269-2001, SEC.22; P.L.134-2008, SEC.48.

IC 25-23.6-8-10
Temporary permit; requirements; expiration; renewal

Sec. 10. (a) The board may issue a temporary permit to an individual to profess to be a marriage and family therapist if the individual pays a fee and the individual:

(1) has a valid license or certificate to practice from another state and the individual has applied for a license from the board;

(2) is practicing in a state that does not license or certify

marriage and family therapists, but is certified by a national association approved by the board and the individual has applied for a license from the board; or

(3) has been approved by the board to take the examination and has graduated from a school or program approved by the board and the individual has completed any experience requirement.

(b) A temporary permit expires the earlier of:

(1) the date the individual holding the permit is issued a license under this article;

(2) the date the board disapproves the individual's license application; or

(3) one hundred eighty (180) days after the initial permit is issued.

(c) The board may renew a temporary permit if the individual holding the permit was scheduled to take the next examination and the individual:

(1) did not take the examination; and

(2) shows good cause for not taking the examination.

(d) A permit renewed under subsection (c) expires on the date the individual holding the permit receives the results from the next examination given after the permit was issued.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.68.

IC 25-23.6-8-11
Notification of retirement from practice

Sec. 11. (a) An individual who is licensed as a marriage and family therapist under this chapter shall notify the board in writing when the individual retires from practice.

(b) Upon receipt of the notice, the board shall:

(1) record the fact the individual is retired; and

(2) release the individual from further payment of renewal fees and continuing education requirements.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.69; P.L.134-2008, SEC.49.

IC 25-23.6-8-12
Repealed

(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-23.6-8-13
Exemption from examination requirement

Sec. 13. (a) An individual who applies for a marriage and family therapist license under section 1 of this chapter may be exempted by the board from the examination requirement under this chapter if the individual:

(1) complies with subsection (b); and

(2) is licensed or certified to practice as a marriage and family therapist in another state or has engaged in the practice of marriage and family therapy for at least three (3) of the previous

five (5) years.

(b) An individual may be exempted under subsection (a) if the individual:

(1) has passed a licensing examination substantially equivalent to the licensing examination required under this article;

(2) has passed an examination pertaining to the marriage and family therapy laws and rules of this state; and

(3) has not committed any act or is not under investigation for any act that constitutes a violation of this article;

and is otherwise qualified under section 1 of this chapter and pays an additional fee.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.70; P.L.134-2008, SEC.50.

IC 25-23.6-8-14
Repealed

(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-23.6-8.5
Chapter 8.5. Mental Health Counselors

IC 25-23.6-8.5-1
Mental health counselor application requirements

Sec. 1. An individual who applies for a license as a mental health counselor must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a master's or doctor's degree in an area related to mental health counseling from:

(i) an eligible postsecondary educational institution that meets the requirements under section 2 of this chapter; or

(ii) a foreign school that has a program of study that meets the requirements under section 2 of this chapter;

(B) completed the educational requirements under section 3 of this chapter; and

(C) completed the experience requirements under section 4 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual:

(A) except as provided in section 1.7 of this chapter, holds a mental health counselor associate license, in good standing, issued under section 7 of this chapter; or

(B) is licensed or certified to practice as a mental health counselor in another state and is otherwise qualified under this chapter.

(3) Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

(4) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a mental health counselor without endangering the public.

(5) Pass an examination provided by the board.

(6) Pay the fee established by the board.

As added by P.L.147-1997, SEC.71. Amended by P.L.2-2007, SEC.340; P.L.84-2010, SEC.58; P.L.42-2011, SEC.56.

IC 25-23.6-8.5-1.5
Mental health counselor associate application requirements

Sec. 1.5. An individual who applies for a license as a mental health counselor associate must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a master's or doctor's degree in mental health counseling therapy or in a related area as determined by the board from an institution of higher education that meets the requirements under section 2 of this chapter or from a

foreign school that has a program of study that meets the requirements under section 2(3)(A) or 2(3)(B) of this chapter; and

(B) completed the educational requirements under section 3 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a mental health counselor associate without endangering the public.

(4) Pay the fee established by the board.

(5) Pass an examination provided by the board.

As added by P.L.84-2010, SEC.59.

IC 25-23.6-8.5-1.7

Requirements while in doctoral program

Sec. 1.7. An individual who receives a master's degree and enters a doctoral program may do either of the following:

(1) Apply for a mental health counselor associate license under section 1.5 of this chapter by meeting the requirements of this chapter.

(2) Elect not to apply for a mental health counselor associate license under section 1.5 of this chapter, accrue the clinical experience required under section 4 of this chapter, and apply for a mental health counselor license at the conclusion of the doctoral program.

As added by P.L.84-2010, SEC.60.

IC 25-23.6-8.5-2

Requirements for institution attended by applicant

Sec. 2. An applicant for a mental health counselor license under section 1 of this chapter or a mental health counselor associate license under section 1.5 of this chapter must have received a master's or doctor's degree in an area related to mental health counseling from an eligible postsecondary educational institution that meets the following requirements:

(1) If the institution was located in the United States or a territory of the United States, at the time of the applicant's graduation the institution was accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

(2) If the institution was located in Canada, at the time of the applicant's graduation the institution was a member in good standing with the Association of Universities and Colleges of Canada.

(3) If the institution was located in a foreign country other than Canada, at the time of the applicant's graduation the institution:

(A) was recognized by the government of the country where the school was located as a program to train in the practice of mental health counseling or psychotherapy counseling; and

(B) maintained a standard of training substantially equivalent to the standards of institutions accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

As added by P.L.147-1997, SEC.71. Amended by P.L.2-2007, SEC.341; P.L.84-2010, SEC.61.

IC 25-23.6-8.5-3
Educational requirements

Sec. 3. An applicant as a mental health counselor under section 1 of this chapter or a mental health counselor associate under section 1.5 of this chapter must complete the following educational requirements:

(1) Complete sixty (60) semester hours of graduate course work in counseling that must include either a master's degree that required not less than forty-eight (48) semester hours or a doctor's degree in counseling. The graduate course work must include the following content areas:

(A) Human growth and development.

(B) Social and cultural foundations of counseling.

(C) Helping relationship, including counseling theory and practice.

(D) Group dynamics, processes, counseling, and consultation.

(E) Lifestyle and career development.

(F) Assessment and appraisal of individuals.

(G) Research and program evaluation.

(H) Professional orientation and ethics.

(I) Foundations of mental health counseling.

(J) Contextual dimensions of mental health counseling.

(K) Knowledge and skills for the practice of mental health counseling and psychotherapy.

(L) Clinical instruction.

(2) Not less than one (1) supervised clinical practicum, internship, or field experience in a counseling setting, which must include a minimum of one thousand (1,000) clock hours consisting of one (1) practicum of one hundred (100) hours, one (1) internship of six hundred (600) hours, and one (1) advanced internship of three hundred (300) hours with at least one hundred (100) hours of face to face supervision. This requirement may be met by a supervised practice experience that took place away from an eligible postsecondary educational institution but that is certified by an official of the eligible postsecondary educational institution as being equivalent to a clinical mental health graduate level practicum or internship program at an institution accredited by an accrediting agency

approved by the United States Department of Education or the Association of Universities and Colleges of Canada.

As added by P.L.147-1997, SEC.71. Amended by P.L.2-2007, SEC.342; P.L.84-2010, SEC.62.

IC 25-23.6-8.5-4

Clinical experience requirements

Sec. 4. (a) As used in this section, "first available examination" means the first examination after the date of an individual's:

(1) graduation; or

(2) moving into Indiana;

that has an application deadline that is at least thirty (30) days after the date of graduation or the date of moving into Indiana, unless the individual chooses to meet a deadline that is less than thirty (30) days after either of those events.

(b) The applicant must have at least three thousand (3,000) hours of post-graduate clinical experience over a two (2) year period. The clinical experience must consist of one hundred (100) hours of face to face supervision under the supervision of a licensed mental health counselor or an equivalent supervisor, as determined by the board.

(c) A doctoral internship may be applied toward the supervised work experience requirement.

(d) Except as provided in subsection (e), the clinical experience requirement may be met by work performed at or away from the premises of the supervising mental health counselor.

(e) The clinical work requirement may not be performed away from the supervising mental health counselor's premises if:

(1) the work is the independent private practice of mental health counseling; and

(2) the work is not performed at a place that has the supervision of a licensed mental health counselor or an equivalent supervisor, as determined by the board.

(f) If an individual applies for, takes, and passes the first available examination, the individual may not count more than one thousand five hundred (1,500) hours of the postdegree clinical experience that is:

(1) required under subsection (b); and

(2) accumulated before taking the examination toward licensure as a mental health counselor.

(g) If an individual does not pass the first available examination, the individual may:

(1) retain the hours accumulated before taking the examination;

(2) continue working; and

(3) not accumulate any additional hours toward licensure as a mental health counselor until passing the examination.

(h) If an individual does not take the first available examination, the individual may not begin accumulating any postdegree clinical experience hours toward licensure as a mental health counselor until the individual passes the examination.

As added by P.L.147-1997, SEC.71. Amended by P.L.84-2010,

SEC.63.

IC 25-23.6-8.5-5
Eligibility for examination

Sec. 5. An individual who satisfies the requirements of:

(1) section 1 or 1.5 of this chapter; and

(2) section 2 of this chapter;

may take the examination provided by the board.

As added by P.L.147-1997, SEC.71. Amended by P.L.84-2010, SEC.64.

IC 25-23.6-8.5-6
Examination; times and places

Sec. 6. The board shall provide for examinations to be given at least once each year at times and places established by the board.

As added by P.L.147-1997, SEC.71.

IC 25-23.6-8.5-7
Issuance of license

Sec. 7. (a) The board shall issue a license to an applicant as a mental health counselor under section 1 of this chapter or a mental health counselor associate under section 1.5 of this chapter who:

(1) achieves a passing score, as determined by the board, on the examination provided under this chapter; and

(2) is otherwise qualified under this article.

(b) A person issued a license under this section may engage in the practice of mental health counseling.

As added by P.L.147-1997, SEC.71. Amended by P.L.84-2010, SEC.65.

IC 25-23.6-8.5-8
Duration of mental health counselor license; renewal

Sec. 8. (a) A mental health counselor license issued by the board is valid for the remainder of the renewal period in effect on the date the license was issued.

(b) An individual may renew a mental health counselor license by:

(1) paying a renewal fee on or before the expiration date of the license; and

(2) completing at least twenty (20) hours of continuing education per licensure year.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a mental health counselor license, the license becomes invalid.

As added by P.L.147-1997, SEC.71. Amended by P.L.84-2010, SEC.66.

IC 25-23.6-8.5-8.5
Duration of mental health counselor associate license; renewal

Sec. 8.5. (a) A mental health counselor associate license issued by the board is valid for the remainder of the renewal period in effect on

the date the license was issued.

(b) An individual may renew a mental health counselor associate license two (2) times by:

(1) paying a renewal fee on or before the expiration date of the license; and

(2) completing at least twenty (20) hours of continuing education per licensure year.

(c) The board may renew a mental health counselor associate license for additional periods based on circumstances determined by the board.

(d) If an individual fails to pay a renewal fee on or before the expiration date of a mental health counselor associate license, the license becomes invalid.

As added by P.L.84-2010, SEC.67.

IC 25-23.6-8.5-9
Reinstatement of invalid license

Sec. 9. (a) The board may reinstate an invalid mental health counselor license up to three (3) years after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a mental health counselor license expired, the individual holding the license may reinstate the invalid license by satisfying the requirements for reinstatement established by the board and meeting the requirements under IC 25-1-8-6.

(c) The board may reinstate an invalid mental health counselor associate license up to one (1) year after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6. A mental health counselor associate license that has been expired for more than one (1) year may not be reinstated under IC 25-1-8-6.

As added by P.L.147-1997, SEC.71. Amended by P.L.269-2001, SEC.23; P.L.84-2010, SEC.68.

IC 25-23.6-8.5-10
Temporary permit

Sec. 10. (a) The board may issue a temporary permit to an individual to profess to be a mental health counselor if the individual pays a fee and the individual:

(1) has a valid license or certificate to practice from another state and the individual has applied for a license from the board;

(2) is practicing in a state that does not license or certify mental health counselors, but is certified by a national association approved by the board and the individual has applied for a license from the board; or

(3) has been approved by the board to take the examination and has graduated from a school or program approved by the board and the individual has completed any experience requirement.

(b) A temporary permit expires the earlier of:

(1) the date the individual holding the permit is issued a license under this article; or

(2) the date the board disapproves the individual's license application.

(c) The board may renew a temporary permit if the individual holding the permit was scheduled to take the next examination and the individual:

(1) did not take the examination; and

(2) shows good cause for not taking the examination.

(d) A permit renewed under subsection (c) expires on the date the individual holding the permit receives the results from the next examination given after the permit was issued.

As added by P.L.147-1997, SEC.71.

IC 25-23.6-8.5-11

Notification of retirement from practice

Sec. 11. (a) An individual who is licensed under this article shall notify the board in writing when the individual retires from practice.

(b) Upon receipt of the notice, the board shall:

(1) record the fact the individual is retired; and

(2) release the individual from further payment of renewal fees and continuing education requirements.

As added by P.L.147-1997, SEC.71.

IC 25-23.6-8.5-12

Exemption from examination requirement

Sec. 12. An individual who applies for a license under this article may be exempted by the board from the examination requirement under this chapter if the individual:

(1) is licensed or certified to practice as a mental health counselor in another state; or

(2) has engaged in the practice of mental health counseling for not less than three (3) of the previous five (5) years;

(3) has passed a licensing examination substantially equivalent to the licensing examination required under this article;

(4) has passed an examination pertaining to the mental health counseling laws and rules of this state; and

(5) has not committed any act or is not under investigation for any act that constitutes a violation of this article;

and is otherwise qualified under sections 1 and 2 of this chapter and pays an additional fee.

As added by P.L.147-1997, SEC.71.

IC 25-23.6-8.5-13

Transition provisions for person who receives degree before July 1, 2010

Sec. 13. (a) An individual who, before July 1, 2010, receives a master's or doctoral degree described in IC 25-23.6-8.5-1(1)(A) or IC 25-23.6-8.5-1.5(1)(A) and who seeks licensure under IC 25-23.6-8.5 may do either of the following:

(1) Seek a mental health counselor associate license by:

(A) applying for a mental health counselor associate license under IC 25-23.6-8.5 if the individual meets the requirements under IC 25-23.6-8.5; and

(B) taking the required examination.

Notwithstanding IC 25-23.6-8.5-4(f), any postdegree clinical experience that the individual obtained before July 1, 2010, counts toward the requirements of IC 25-23.6-8.5.

(2) Seek a mental health counselor license by applying for a mental health counselor license under IC 25-23.6-8.5, if the individual meets the requirements under IC 25-23.6-8.5.

(b) This SECTION expires June 30, 2015.

As added by P.L.84-2010, SEC.69.

IC 25-23.6-9

Chapter 9. Marriage and Family Therapist; Privileged Communications

IC 25-23.6-9-1

Repealed

(*Repealed by P.L.147-1997, SEC.75.)*

IC 25-23.6-10
Repealed

(*Repealed by P.L.147-1997, SEC.75.)*

IC 25-23.6-10.1

Chapter 10.1. Addiction Counselors and Therapists; Unlawful Practices; Penalty

IC 25-23.6-10.1-1

Prohibited use of certain titles; practice without license; exemptions

Sec. 1. (a) Beginning July 1, 2010, an individual may not:

(1) profess to be a licensed addiction counselor or licensed clinical addiction counselor;

(2) use the title:

(A) "licensed addiction counselor";
(B) "licensed clinical addiction counselor";
(C) "licensed clinical addiction therapist";
(D) "licensed addiction therapist";
(E) "addiction counselor";
(F) "addiction therapist";
(G) "clinical addiction counselor";
(H) "clinical addiction therapist";
(I) "substance abuse counselor";
(J) "substance abuse therapist";
(K) "clinical substance abuse counselor"; or
(L) "clinical substance abuse therapist";

(3) use any other title containing the words:

(A) "licensed addiction counselor";
(B) "licensed addiction therapist";
(C) "licensed clinical addiction counselor";
(D) "licensed clinical addiction therapist";
(E) "addiction counselor";
(F) "addiction therapist";
(G) "clinical addiction counselor";
(H) "clinical addiction therapist";
(I) "substance abuse counselor";
(J) "substance abuse therapist";
(K) "clinical substance abuse counselor"; or
(L) "clinical substance abuse therapist";

(4) use any other:

(A) words;
(B) letters;
(C) abbreviations; or
(D) insignia;

indicating or implying that the individual is a licensed addiction counselor or licensed clinical addiction counselor; or

(5) practice as an addiction counselor or clinical addiction counselor for compensation;

unless the individual is licensed under this article.

(b) Subsection (a)(5) does not apply to a person who is described in section 2(a) or 3 of this chapter.

(c) An individual who is exempt from licensing under section 2(a)(4) of this chapter may use the title "pastoral addiction

counselor" and may engage in the practice of addiction counseling for compensation.
As added by P.L.122-2009, SEC.28.

IC 25-23.6-10.1-2
Practice by individuals who are not licensed

Sec. 2. (a) This article may not be construed to limit addiction counselor or clinical addiction counselor services performed by a person who does not use a title specified in this article and who is any of the following:

(1) A licensed or certified health care professional acting within the scope of the person's license or certificate, including a:
(A) social worker licensed under this article;
(B) clinical social worker licensed under this article;
(C) marriage and family therapist licensed under this article;
(D) mental health counselor licensed under this article;
(E) psychologist licensed under IC 25-33;
(F) physician licensed under IC 25-22.5; or
(G) nurse licensed under IC 25-23;
and who has training and experience in addiction counseling.

(2) A student, an intern, or a trainee pursuing a course of study in medicine or psychology or a course of study to gain licensure under this article:
(A) in an accredited eligible postsecondary educational institution or training institution accredited by the Council for Accreditation of Counseling and Related Educational Programs;
(B) through a National Association of Alcohol and Drug Abuse Counselors approved academic education provider; or
(C) by a graduate accumulating experience required for licensure if:
(i) the services are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and
(ii) the student or graduate uses a title that contains the term "intern", "student", or "trainee".

(3) A nonresident of Indiana if the person performs addiction counseling or therapy in Indiana for not more than:
(A) five (5) days in any one (1) month; or
(B) fifteen (15) days in any one (1) calendar year;
and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.

(5) An employee or a volunteer for an organization performing charitable, religious, or educational functions or providing pastoral counseling or other assistance.

(6) A person who provides school counseling.

(7) A governmental employee who remains in the same job

classification or job family of that job classification.

(8) An employee of a court alcohol and drug program, a drug court, or a reentry court certified by the Indiana Judicial Center when performing assigned job duties.

(9) A probation officer when performing assigned job duties.

(b) This section does not prohibit a person referred to in subsection (a) from qualifying for licensure under this article.

As added by P.L.122-2009, SEC.28.

IC 25-23.6-10.1-3

Prohibited locations to provide services by individuals who are not licensed

Sec. 3. A person who is not licensed under this article may provide or ensure the provision of addiction counseling services in:

(1) a health facility licensed under IC 16-28;

(2) a hospital licensed under IC 16-21 or IC 12-25;

(3) a substance abuse facility certified by the division of mental health and addiction as an addiction services regular agency;

(4) a home health agency licensed under IC 16-27-1;

(5) a community health center;

(6) an institution operated by the department of correction; or

(7) a community mental health center under IC 12-21-2-3;

if the person has met all of the requirements established by a credentialing agency approved by the department of mental health and addiction, and the person does not profess to be a licensed addiction therapist or a licensed addiction counselor under this article.

As added by P.L.122-2009, SEC.28.

IC 25-23.6-10.1-4

Required use of certain titles

Sec. 4. An individual who is licensed as an addiction counselor or clinical addiction counselor must include the words "licensed addiction counselor" or "licensed clinical addiction counselor" or the letters "LAC" or "LCAC" on all promotional materials, including:

(1) business cards;

(2) brochures;

(3) stationery:

(4) advertisements; and

(5) signs;

that name the individual.

As added by P.L.122-2009, SEC.28.

IC 25-23.6-10.1-5

Testimony

Sec. 5. A licensed addiction counselor or licensed clinical addiction counselor licensed under this article may provide factual testimony but may not provide expert testimony.

As added by P.L.122-2009, SEC.28.

IC 25-23.6-10.1-6
Penalties

Sec. 6. An individual who knowingly and intentionally violates this chapter after July 1, 2010, commits a Class A misdemeanor.
As added by P.L.122-2009, SEC.28.

IC 25-23.6-10.5

Chapter 10.5. Addiction Counselors; Clinical Addiction Counselors; Licensure; Examinations

IC 25-23.6-10.5-1

Addiction counselor license requirements

Sec. 1. An individual who applies for a license as an addiction counselor must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a baccalaureate or higher degree in addiction counseling or in a related area as determined by the board from:

(i) an eligible postsecondary educational institution that meets the requirements under section 3(1) of this chapter; or

(ii) a foreign school that has a program of study that meets the requirements under section 3(2) or 3(3) of this chapter;

(B) completed the educational requirements under section 5 of this chapter; and

(C) completed the experience requirements under section 7 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as an addiction counselor without endangering the public.

(4) Pass an examination established by the board.

(5) Pay the fee established by the board.

As added by P.L.122-2009, SEC.29.

IC 25-23.6-10.5-2

Clinical addiction license requirements

Sec. 2. An individual who applies for a license as a clinical addiction counselor must meet the following requirements:

(1) Furnish satisfactory evidence to the board that the individual has:

(A) received a master's or doctor's degree in addiction counseling, addiction therapy, or a related area as determined by the board from an eligible postsecondary educational institution that meets the requirements under section 4(a)(1) of this chapter or from a foreign school that has a program of study that meets the requirements under section 4(a)(2) or 4(a)(3) of this chapter;

(B) completed the educational requirements under section 6 of this chapter; and

(C) completed the experience requirements under section 8 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a clinical addiction counselor without endangering the public.

(4) Pass an examination established by the board.

(5) Pay the fee established by the board.

As added by P.L.122-2009, SEC.29.

IC 25-23.6-10.5-3

Addiction counselor education requirements

Sec. 3. An applicant under section 1 of this chapter must have a baccalaureate or higher degree in addiction counseling or in a related area as determined by the board from an eligible postsecondary educational institution that meets the following requirements:

(1) If the institution is located in the United States or a territory of the United States, at the time of the applicant's graduation the institution was accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

(2) If the institution is located in Canada, at the time of the applicant's graduation the institution was a member in good standing with the Association of Universities and Colleges of Canada.

(3) If the institution is located in a foreign country other than Canada, at the time of the applicant's graduation the institution:

(A) was recognized by the government of the country where the school was located as a program to train in the practice of addiction counseling; and

(B) maintained a standard of training substantially equivalent to the standards of institutions accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

As added by P.L.122-2009, SEC.29.

IC 25-23.6-10.5-4

Clinical addiction counselor education requirements

Sec. 4. (a) An applicant under section 2 of this chapter must have a master's or doctor's degree in addiction counseling, addiction therapy, or a related area as determined by the board from an eligible

postsecondary educational institution that meets the following requirements:

(1) If the institution is located in the United States or a territory of the United States, at the time of the applicant's graduation the institution was accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

(2) If the institution is located in Canada, at the time of the applicant's graduation the institution was a member in good standing with the Association of Universities and Colleges of Canada.

(3) If the institution is located in a foreign country other than Canada, at the time of the applicant's graduation the institution:

(A) was recognized by the government of the country where the school was located as a program to train in the practice of addiction counseling; and

(B) maintained a standard of training substantially equivalent to the standards of institutions accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

(b) An applicant under section 2 of this chapter who has a master's or doctor's degree from a program that did not emphasize addiction counseling may complete the course work requirement from an institution that is:

(1) accredited by the Council for Accreditation of Counseling and Related Educational Programs;

(2) recognized by the National Association of Alcohol and Drug Abuse Counselors;

(3) recognized by the International Certification and Reciprocity Consortium;

(4) accredited by the Commission on Accreditation of Marriage and Family Therapy Education;

(5) accredited by the American Psychological Association's Commission on Accreditation; or

(6) accredited by the Council on Social Work Education.

As added by P.L.122-2009, SEC.29.

IC 25-23.6-10.5-5

Addiction counselor educational requirements

Sec. 5. (a) An applicant under section 1 of this chapter must complete the following educational requirements:

(1) Forty (40) semester hours or sixty (60) quarter hours of course work from an eligible postsecondary educational institution that includes the following content areas:

(A) Addictions theory.

(B) Psychoactive drugs.

(C) Addictions counseling skills.

(D) Theories of personality.

(E) Developmental psychology.

(F) Abnormal psychology.

(G) Treatment planning.
(H) Cultural competency.
(I) Ethics and professional development.
(J) Family education.
(K) Areas of content as approved by the board.

(2) At least one (1) supervised practicum, internship, or field experience in an addiction counseling setting that requires the applicant to provide at least three hundred fifty (350) hours of addiction counseling services.

(b) The content areas under subsection (a)(1) may be combined into any one (1) college level course if the applicant can prove that the course work was devoted to each content area listed in subsection (a)(1).

As added by P.L.122-2009, SEC.29.

IC 25-23.6-10.5-6
Clinical addiction counselor educational requirements

Sec. 6. (a) An applicant under section 2 of this chapter must complete the following educational requirements:

(1) Twenty-seven (27) semester hours or forty-one (41) quarter hours of graduate course work that must include graduate level course credits with material in at least the following content areas:

(A) Addiction counseling theories and techniques.
(B) Clinical problems.
(C) Psychopharmacology.
(D) Psychopathology.
(E) Clinical appraisal and assessment.
(F) Theory and practice of group addiction counseling.
(G) Counseling addicted family systems.
(H) Multicultural counseling.
(I) Research methods in addictions.
(J) Areas of content as approved by the board.

(2) At least one (1) graduate level course of two (2) semester hours or three (3) quarter hours in the following areas:

(A) Legal, ethical, and professional standards issues in the practice of addiction counseling and therapy or an equivalent course approved by the board.
(B) Appraisal and assessment for individual or interpersonal disorder or dysfunction.

(3) At least one (1) supervised clinical practicum, internship, or field experience in an addiction counseling setting that requires the applicant to provide seven hundred (700) hours of clinical addiction counseling services and that must include the following:

(A) Two hundred eighty (280) face to face client contact hours of addiction counseling services under the supervision of a licensed clinical addiction counselor who has at least five (5) years of experience or a qualified supervisor approved by the board.

(B) One hundred five (105) hours of supervision from a licensed clinical addiction counselor who has at least five (5) years experience as a qualified supervisor approved by the board.

(4) Any qualifications established by the board under subsection (c).

(b) The content areas under subsection (a)(1) may be combined into any one (1) graduate level course if the applicant can prove that the course work was devoted to each content area.

(c) The board shall adopt rules to establish any additional educational or clinical qualifications as specified by the Council for Accreditation of Counseling and Related Educational Programs or a successor organization.

As added by P.L.122-2009, SEC.29.

IC 25-23.6-10.5-7

Addiction counselor counseling experience

Sec. 7. (a) An applicant under section 1 of this chapter must have at least two (2) years of addiction counseling experience that must include at least one hundred fifty (150) hours under supervision, one hundred (100) hours of which must be under individual supervision and fifty (50) hours of which must be under group supervision. The supervision required must be provided by a qualified supervisor, as determined by the board.

(b) A doctoral internship may be applied toward the supervised work experience requirement.

(c) Except as provided in subsection (d), the experience requirement may be met by work performed at or away from the premises of the qualified supervisor.

(d) The work requirement may not be performed away from the qualified supervisor's premises if:

(1) the work is the independent private practice of addiction counseling; and

(2) the work is not performed at a place that has the supervision of a qualified supervisor.

As added by P.L.122-2009, SEC.29.

IC 25-23.6-10.5-8

Clinical addiction counselor counseling experience

Sec. 8. (a) An applicant under section 2 of this chapter must have at least two (2) years of clinical addiction counseling experience that must include at least two hundred (200) hours under supervision, one hundred (100) hours of which must be under individual supervision and one hundred (100) hours of which must be under group supervision. The supervision required must be provided by a qualified supervisor, as determined by the board.

(b) A doctoral internship may be applied toward the supervised work experience requirement.

(c) Except as provided in subsection (d), the experience requirement may be met by work performed at or away from the

premises of the qualified supervisor.

(d) The work requirement may not be performed away from the qualified supervisor's premises if:

(1) the work is the independent private practice of addiction therapy; and

(2) the work is not performed at a place that has the supervision of a qualified supervisor.

As added by P.L.122-2009, SEC.29.

IC 25-23.6-10.5-9

Requirements to take examination

Sec. 9. (a) An individual who satisfies the requirements of sections 4, 6, and 8 of this chapter may take the licensed clinical addiction counselor examination established by the board.

(b) An individual who satisfies the requirements of sections 3, 5, and 7 of this chapter may take the licensed addiction counselor examination established by the board.

As added by P.L.122-2009, SEC.29.

IC 25-23.6-10.5-10

Temporary permit

Sec. 10. (a) The board may issue a temporary permit to allow an individual to profess to be a licensed addiction counselor or licensed clinical addiction counselor if the individual pays a fee established by the board and the individual:

(1) has a valid license or certificate to practice from another state and the individual has applied for a license from the board;

(2) is practicing in a state that does not license addiction counselors or therapists but is certified by a national association approved by the board and the individual has applied for a license from the board; or

(3) has been approved by the board to take the examination and has graduated from a school or program approved by the board and the individual has completed any experience requirement.

(b) A temporary permit issued under this section expires the earliest of:

(1) the date the individual holding the permit is issued a license under this article;

(2) the date the board disapproves the individual's license application; or

(3) one hundred eighty (180) days after the initial permit is issued.

(c) The board may renew a temporary permit if the individual holding the permit is scheduled to take the next examination and the individual:

(1) does not take the examination; and

(2) shows good cause for not taking the examination.

(d) A permit renewed under subsection (c) expires on the date the individual holding the permit receives the results from the next examination given after the permit was issued.

As added by P.L.122-2009, SEC.29.

IC 25-23.6-10.5-11
Examination exemptions

Sec. 11. (a) An individual who applies for an addiction counselor license under this article may be exempted by the board from the examination requirement under section 1 of this chapter if the individual:

(1) is licensed or certified as an addiction counselor in another state and has passed a licensing examination substantially equivalent to the licensing examination required under this article;

(2) has engaged in the practice of addiction counseling for at least three (3) of the previous five (5) years;

(3) has passed an examination pertaining to the addiction counseling laws and rules of Indiana; and

(4) has not committed any act and is not under investigation for any act that constitutes a violation of this article;

and is otherwise qualified under sections 1, 3, 5, and 7 of this chapter.

(b) An individual who applies for a clinical addiction counselor license under this article may be exempted by the board from the examination requirement under section 2 of this chapter if the individual:

(1) is licensed or certified as a clinical addiction counselor in another state and has passed a licensing examination substantially equivalent to the licensing examination required under this article;

(2) has passed an examination pertaining to the addiction therapy laws and rules of Indiana; and

(3) has not committed any act and is not under investigation for any act that constitutes a violation of this article;

and is otherwise qualified under sections 2, 4, 6, and 8 of this chapter.

As added by P.L.122-2009, SEC.29.

IC 25-23.6-10.5-12
Renewal

Sec. 12. (a) A license issued by the board under this chapter is valid for the remainder of the renewal period in effect on the date the license was issued.

(b) An individual may renew a license by paying a renewal fee on or before the expiration date of the license.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a license, the license becomes invalid.

As added by P.L.122-2009, SEC.29.

IC 25-23.6-10.5-13
Reinstatement of invalid license

Sec. 13. (a) The board may reinstate an invalid license up to three

(3) years after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a license expired, the individual holding the license may renew the license by satisfying the requirements for renewal established by the board and meeting the requirements of IC 25-1-8-6.

As added by P.L.122-2009, SEC.29.

IC 25-23.6-10.5-14
Notification of retirement

Sec. 14. (a) An individual who is licensed under this article shall notify the board in writing when the individual retires from practice.

(b) Upon receipt of the notice, the board shall:

(1) record the fact the individual is retired; and

(2) release the individual from further payment of renewal fees.

As added by P.L.122-2009, SEC.29.

IC 25-23.6-10.5-15
Expired

(Expired 7-1-2011 by P.L.122-2009, SEC.29.)

IC 25-23.6-10.5-15.5
Clinical addiction counselor license; grandfather

Sec. 15.5. (a) The board shall exempt an individual from the requirements set forth in this article and grant the individual a clinical addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:

(1) Holds:

(A) before December 31, 2012, a master's or doctor's degree in a human services or behavioral science discipline from an eligible postsecondary educational institution; or

(B) a valid:

(i) level II or higher certification or the equivalent certification from a credentialing agency approved by the division of mental health and addiction; or

(ii) certification as an addiction counselor or addiction therapist from a credentialing agency that is approved by the board.

(2) Furnishes satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Files an initial application to the board before December 31, 2012.

(b) The board shall exempt an individual from the requirements set forth in this article and grant the individual a clinical addiction counselor license if the board has not implemented licensure for

clinical addiction counselors and the individual meets the following requirements:

(1) Holds, before December 31, 2012, a master's or doctor's degree in a human services or behavioral science discipline from an eligible postsecondary educational institution.

(2) Has at least five (5) years of clinical addiction counseling experience.

(3) Furnishes satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(4) Holds a license in good standing as a:

(A) clinical social worker under IC 25-23.6-5-2;

(B) marriage and family therapist under IC 25-23.6-8-1;

(C) mental health counselor under IC 25-23.6-8.5-1; or

(D) psychologist under IC 25-33-1-5.1.

(5) Files an initial application with the board before December 31, 2012.

(c) The board shall exempt an individual from the requirements set forth in this article and grant the individual an addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:

(1) Holds a valid:

(A) level II or higher certification or the equivalent certification from a credentialing agency approved by the division of mental health and addiction; or

(B) certification as an addiction counselor or addiction therapist from a credentialing agency that is approved by the board.

(2) Has at least ten (10) years of addiction counseling experience.

(3) Furnishes satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(4) Files an initial application with the board before December 31, 2012.

(d) The board shall exempt an individual from the requirements set forth in this article and grant the individual an addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:

(1) Has at least three (3) years of addiction counseling experience.

(2) Furnishes satisfactory evidence to the board that the

individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Holds a license in good standing as a:

(A) social worker under IC 25-23.6-5-1;

(B) clinical social worker under IC 25-23.6-5-2;

(C) marriage and family therapist under IC 25-23.6-8-1;

(D) mental health counselor under IC 25-23.6-8.5-1; or

(E) psychologist under IC 25-33-1-5.1.

(4) Files an initial application with the board before December 31, 2012.

(e) The board may exempt an individual from the requirements set forth in this article and grant the individual a clinical addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:

(1) Holds, before December 31, 2012, a bachelor's degree in a human services or behavioral science discipline from an eligible postsecondary educational institution.

(2) Holds the following:

(A) A Level IV certification from the Indiana Counselors Association on Alcohol and Drug Abuse.

(B) Certification at the Internationally Certified Advanced Alcohol and Other Drug Abuse Counselor level from the International Certification and Reciprocity Consortium.

(C) The level of certification from the National Association of Alcohol and Drug Abuse Counselors that the board determines is similar to the Level IV certification from the Indiana Counselors Association on Alcohol and Drug Abuse.

(3) Furnishes satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(4) Has at least twenty (20) years of clinical addiction counseling experience.

(5) Files an initial application to the board before December 31, 2012.

(f) An exemption under this section from this article does not include exempting the individual from paying any application or renewal fees.

(g) This section expires December 31, 2012.

As added by P.L.28-2012, SEC.25.

IC 25-23.6-11
Chapter 11. Prohibited Practices

IC 25-23.6-11-1
Description of services

Sec. 1. (a) Except for an individual who is licensed under IC 25-22.5, licensed under IC 25-33, is an advanced practice nurse (as defined by IC 25-23-1-1(b)), or licensed under this article, and who uses the terms within the scope of the individual's education, training, and licensure, an individual may not knowingly describe services the individual performs using the following terms:

(A) "Psychotherapy".

(B) "Clinical psychology".

(b) An individual who violates this section commits a Class A misdemeanor.

As added by P.L.147-1997, SEC.72.

IC 25-23.6-11-2
Use of license

Sec. 2. (a) An individual may not knowingly use a license issued under this article unless:

(1) the license was issued to the individual; and

(2) the license is valid.

(b) An individual who violates this section commits a Class A misdemeanor.

As added by P.L.147-1997, SEC.72.

IC 25-23.6-11-3
False or forged information to obtain license

Sec. 3. (a) An individual may not knowingly present false or forged information or documents to the board for the purpose of obtaining a license under this article.

(b) An individual who violates this section commits a Class A misdemeanor.

As added by P.L.147-1997, SEC.72.

IC 25-23.7

ARTICLE 23.7. MANUFACTURED HOME INSTALLERS

IC 25-23.7-1

Chapter 1. Application of Article

IC 25-23.7-1-1

Application of article

Sec. 1. This article applies to a person who installs manufactured homes for occupancy as single family dwellings.

As added by P.L.162-2002, SEC.7. Amended by P.L.87-2005, SEC.32.

IC 25-23.7-2
Chapter 2. Definitions

IC 25-23.7-2-1
Applicability of definitions
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.162-2002, SEC.7.

IC 25-23.7-2-2
"Board"
Sec. 2. "Board" refers to the manufactured home installer licensing board established by IC 25-23.7-3-1.
As added by P.L.162-2002, SEC.7.

IC 25-23.7-2-3
"Installation" or "install"
Sec. 3. "Installation" or "install" means any of the following:
(1) The construction, whether temporary or permanent, of a structural support system for a manufactured home.
(2) The placement or erection of a manufactured home or manufactured home components on a structural support system.
(3) Supporting, blocking, leveling, securing, anchoring, or adjusting any structural component of a manufactured home.
(4) The connection of multiple or expandable sections or components of a manufactured home.
As added by P.L.162-2002, SEC.7.

IC 25-23.7-2-4
"Installer"
Sec. 4. "Installer" means an individual who contracts to install or installs a manufactured home.
As added by P.L.162-2002, SEC.7.

IC 25-23.7-2-5
"Licensee"
Sec. 5. "Licensee" means an individual who installs manufactured homes and is licensed under this article.
As added by P.L.162-2002, SEC.7.

IC 25-23.7-2-6
"Licensing agency"
Sec. 6. "Licensing agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.
As added by P.L.162-2002, SEC.7. Amended by P.L.1-2006, SEC.458.

IC 25-23.7-2-7
"Manufactured home"
Sec. 7. "Manufactured home" means a:

(1) dwelling meeting the definition set forth in IC 22-12-1-16; or

(2) mobile home being installed in a mobile home community.

As added by P.L.162-2002, SEC.7. Amended by P.L.87-2005, SEC.33.

IC 25-23.7-2-7.5
"Mobile home"

Sec. 7.5. "Mobile home" has the meaning set forth in IC 16-41-27-4.

As added by P.L.87-2005, SEC.34.

IC 25-23.7-2-7.6
"Mobile home community"

Sec. 7.6. "Mobile home community" has the meaning set forth in IC 16-41-27-5.

As added by P.L.87-2005, SEC.35.

IC 25-23.7-2-8
"Secretary"

Sec. 8. "Secretary" has the meaning set forth in IC 25-1-6-5(c).

As added by P.L.162-2002, SEC.7.

IC 25-23.7-3

Chapter 3. Manufactured Home Installer Licensing Board

IC 25-23.7-3-1

Establishment of board

Sec. 1. The manufactured home installer licensing board is established.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-2

Members

Sec. 2. (a) The board consists of nine (9) members appointed by the governor as follows:

(1) Four (4) members who are installers, each of whom:

(A) is licensed in Indiana as an installer; and

(B) has been actively engaged in the installation of manufactured homes for at least five (5) years immediately before the member's appointment to the board.

(2) One (1) member who represents manufactured home manufacturers with production facilities in Indiana.

(3) One (1) member who represents manufactured home dealers.

(4) One (1) member who is an operator or who is employed by an operator of a mobile home community licensed under IC 16-41-27.

(5) One (1) member who is an owner of or who is employed by a primary inspection agency, a designation issued under 24 CFR 3282 by the United States Department of Housing and Urban Development.

(6) One (1) member who represents the general public and who is not associated with the manufactured home industry other than as a consumer.

(b) The members of the board must be residents of Indiana.

As added by P.L.162-2002, SEC.7. Amended by P.L.87-2005, SEC.36.

IC 25-23.7-3-3

Terms of members

Sec. 3. (a) Each member of the board shall serve a term of four (4) years and until the member's successor is appointed and qualified.

(b) A board member may not serve more than two (2) consecutive terms.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-4

Removal of member; vacancies

Sec. 4. (a) The governor may remove a board member at any time for incompetency, neglect of duty, or unprofessional conduct.

(b) A vacancy in the membership of the board shall be filled by appointment by the governor for the unexpired term.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-5
Board meetings; quorum; majority vote required

Sec. 5. (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 time and place for each meeting.

(c) Five (5) members of the board constitute a quorum.

(d) Except as otherwise provided in this article, at least five (5) votes are necessary for the board to take official action.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-6
Salary per diem; travel expenses

Sec. 6. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-3-7
Chairperson; vice chairperson; presiding officer

Sec. 7. (a) Each year the board shall elect a member as chairperson and a member as vice chairperson.

(b) The chairperson and vice chairperson shall serve until their successor is elected.

(c) 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.

(d) 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.162-2002, SEC.7.

IC 25-23.7-3-8
Board duties and powers

Sec. 8. The board shall:

(1) enforce and administer this article;

(2) adopt rules under IC 4-22-2 for the administration and enforcement of this article, including competency standards and a code of ethics for licensed installers;

(3) prescribe the requirements for and the form of licenses

issued or renewed under this article;

(4) issue, deny, suspend, and revoke licenses in accordance with this article;

(5) in accordance with IC 25-1-7, investigate and prosecute complaints involving licensees or individuals the board has reason to believe should be licensees, including complaints concerning the failure to comply with this article or rules adopted under this article;

(6) bring actions in the name of the state of Indiana in an appropriate circuit court to enforce compliance with this article or rules adopted under this article;

(7) establish fees in accordance with IC 25-1-8;

(8) inspect the records of a licensee in accordance with rules adopted by the board;

(9) conduct or designate a board member or other representative to conduct public hearings on any matter for which a hearing is required under this article and to exercise all powers granted under IC 4-21.5; and

(10) maintain the board's office, files, records, and property in the city of Indianapolis.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-4

Chapter 4. Licensing Agency; Board Secretary

IC 25-23.7-4-1

Board secretary; secretary duties

Sec. 1. The licensing 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 licensing agency, shall:

(1) keep a complete and accurate record of all proceedings of the board;

(2) keep a current file of all licenses and licensees; and

(3) perform any other duties assigned by the board.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-4-2

Licensing agency responsibilities

Sec. 2. The licensing agency shall provide the board with clerical or other assistants necessary for the proper performance of the board's duties.

As added by P.L.162-2002, SEC.7. Amended by P.L.197-2007, SEC.86.

IC 25-23.7-4-3

Money collected; expenses paid from state general fund

Sec. 3. The secretary shall receive and account for all money collected under this article and deposit the money in the state general fund with the treasurer of state. All expenses incurred in the administration of this article shall be paid from the state general fund.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-5

Chapter 5. Licensing Requirements

IC 25-23.7-5-1

Licensing requirement; political subdivision's powers; licensing exemptions

Sec. 1. (a) Except as provided in subsection (b), an individual may not install a manufactured home without first obtaining from the board a license authorizing the individual to install a manufactured home. A political subdivision may not require a licensee to submit to any other form of licensing except for that required by a political subdivision for onsite electrical, plumbing, or mechanical systems installation. However, this article does not limit the power of a political subdivision to regulate the quality and character of work performed by a licensee through the enforcement of building codes or conducting inspections.

(b) An individual acting at all times at the direction and under the supervision of a licensed installer need not be licensed in order to install a manufactured home. A licensee is fully responsible for all installation work performed under the licensee's direction or supervision.

(c) This section does not prohibit:

(1) a manufactured housing community owner;

(2) a manufactured housing community manager; or

(3) the employees of a person described in subdivision (1) or (2);

from providing maintenance to an installation if that maintenance does not otherwise require a license by a political subdivision for onsite electrical, plumbing, or mechanical systems installation.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-5-2

Licensing requirements

Sec. 2. An individual who applies for a license as an installer of a manufactured home 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 successfully completed the board approved installation training course;

(C) has successfully completed a board approved course concerning Indiana law regarding:

(i) the installation requirements for manufactured homes; and

(ii) the state department of health requirements that apply to manufactured homes;

(D) has:

(i) at least one (1) year of experience installing manufactured homes under the direction and supervision of a licensed installer; or

(ii) three (3) references, two (2) of whom are licensed installers familiar with the individual's work experience and competency; and

(E) has not been:

(i) convicted of an act that would constitute a ground for disciplinary action under this article; or

(ii) the subject of a disciplinary action by the licensing or certification agency of another state or jurisdiction in connection with the installation of manufactured homes.

(2) Verify the information submitted on the application form.

(3) Submit proof of insurance or a surety bond:

(A) issued by an insurance or a surety company authorized to transact business in Indiana;

(B) in an amount determined by the board; and

(C) with the terms and conditions established by the board.

(4) Pay the fee established by the board.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-5-3

Application form

Sec. 3. An individual applying for a license as an installer of manufactured homes must apply on a form prescribed and provided by the board.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-5-4

License denial; remedies

Sec. 4. An individual who is denied a license under this article has the remedies prescribed under IC 4-21.5.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-6

Chapter 6. Renewal of License

IC 25-23.7-6-1

Expiration of license

Sec. 1. Notwithstanding IC 25-1-2, the holder of a license issued under IC 25-23.7-5 must renew the license and pay the required renewal fee every four (4) years after it is issued on or before the date established by the Indiana professional licensing agency under IC 25-1-6-4.

As added by P.L.162-2002, SEC.7. Amended by P.L.157-2006, SEC.63.

IC 25-23.7-6-2

License renewal requirements

Sec. 2. (a) An individual who applies to renew a license as an installer of a manufactured home 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) If the holder of a license does not renew the license before the date established by the licensing agency, the certificate expires without any action taken by the board.

(c) If a license has been expired for not more than three (3) years, the license may be reinstated by the board if the holder of the license 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 of the license meets the requirements for reinstatement under IC 25-1-8-6(d).

As added by P.L.162-2002, SEC.7. Amended by P.L.105-2008, SEC.44.

IC 25-23.7-6-3

Renewal notices; 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.162-2002, SEC.7.

IC 25-23.7-6-4

Continuing education requirements

Sec. 4. Each licensed installer must complete the continuing education required by the board before the end of each license renewal period.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-6-5

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 installers.

As added by P.L.162-2002, SEC.7. Amended by P.L.194-2005, SEC.68.

IC 25-23.7-7

Chapter 7. Disciplinary Proceedings; Enforcement

IC 25-23.7-7-1

Disciplinary actions

Sec. 1. The board may take disciplinary action against a licensee for any of the following violations:

(1) Violating this article or rules adopted by the board under this article.

(2) Making a false or material misleading representation:

(A) in a license application form or renewal form; or

(B) in information provided to the board.

(3) Failing to pay fees or fines required under this article.

(4) Communicating to the public false or misleading information concerning the license held.

(5) Failing to complete the continuing education requirements established by the board.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7-2

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.162-2002, SEC.7.

IC 25-23.7-7-3

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 represents a clear and immediate danger to the public's health, safety, or property if the licensee is allowed to install manufactured homes. The summary suspension may be renewed, upon a hearing before the board, for up to ninety (90) days.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7-4

Show cause order; cease and desist order

Sec. 4. (a) When 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 time and place for a hearing at which the affected individual may appear and show cause as to 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 describes

the individual and activities that are the subjects of the order.

(c) A cease and desist order issued under this section is enforceable in the circuit or superior courts.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7-5

Criminal violations

Sec. 5. An individual who:

(1) engages in or offers to engage in the installation of a manufactured home without being licensed or without being exempt from licensing under Indiana law;

(2) presents as the individual's own the license of another;

(3) intentionally gives false or materially misleading information of any kind to the board or to a board member in connection with licensing matters;

(4) impersonates another licensee;

(5) uses an expired, suspended, or revoked license; or

(6) otherwise violates this article;

commits a Class B misdemeanor.

As added by P.L.162-2002, SEC.7.

IC 25-23.7-7-6

Judicial review

Sec. 6. An individual who applies for and is denied 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.162-2002, SEC.7.

IC 25-23.7-7-7

Board legal adviser

Sec. 7. 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.162-2002, SEC.7.

IC 25-23.7-8

Chapter 8. Installation in a Mobile Home Community

IC 25-23.7-8-1

Application of chapter

Sec. 1. This chapter applies to the installation of a manufactured home in a mobile home community.

As added by P.L.87-2005, SEC.37.

IC 25-23.7-8-2

Necessity of license

Sec. 2. An installation described in section 1 of this chapter must be performed:

(1) by a person licensed under this article; and

(2) in accordance with the manufacturer's installation instructions.

As added by P.L.87-2005, SEC.37.

IC 25-23.7-8-3

Modification of utilities

Sec. 3. Utilities and other facilities that served a mobile home or manufactured home formerly installed in a mobile home community may be modified and used for an installation.

As added by P.L.87-2005, SEC.37.

IC 25-23.7-8-4

Modified or expanded supports

Sec. 4. Supports that served a mobile home or manufactured home formerly installed in a mobile home community may be modified or expanded to use for an installation. However, upon completion of the installation, the supports must be adequate to serve the mobile home or manufactured home that is installed.

As added by P.L.87-2005, SEC.37.

IC 25-23.7-8-5

Installation location

Sec. 5. (a) An existing location within a mobile home community that is:

(1) valid and conforming; or

(2) valid and nonconforming;

under a local ordinance may be modified or expanded to provide adequate support and utilities for an installation described in section 1 of this chapter.

(b) A location modified or expanded under subsection (a) retains the status that the location possessed under the local ordinance before the modification or expansion.

(c) If an installation on a location described in subsection (a) is installed in accordance with rules adopted under IC 16-41-27, the location is not considered new work or new construction.

As added by P.L.87-2005, SEC.37. Amended by P.L.21-2006, SEC.1.

IC 25-23.7-8-6
Installation of weather radios

Sec. 6. (a) This section applies to a person that installs a manufactured home in a mobile home community after June 30, 2007.

(b) A person shall supply a weather radio inside each manufactured home that the person installs. The weather radio must be equipped with the following features:

(1) Tone alarm activation.

(2) Specific alert message encoding, or SAME, technology.

(3) Public alert standard (CEA-2009) certification.

(c) The supplying of a weather radio by a person who installs a manufactured home as required by this section does not subject the person to liability for the functionality of that weather radio.

As added by P.L.31-2007, SEC.2.

IC 25-24

ARTICLE 24. OPTOMETRISTS

IC 25-24-1

Chapter 1. Regulation of Optometrists – Creation of Board

IC 25-24-1-1

Indiana optometry board; organization; powers and duties

Sec. 1. (a) There is created the Indiana optometry board (referred to in this chapter as the board), whose duty it shall be to carry out this chapter. The board shall consist of six (6) members appointed by the governor. Five (5) of these members must have been resident optometrists, licensed under this chapter, engaged in the actual practice of optometry in Indiana for a period of five (5) years prior to their appointment, and not more than three (3) of the optometrist members may belong to the same political party. The sixth member of the board, to represent the general public, shall be a resident of this state who has never been associated with optometry in any way other than as a consumer. The appointed members shall serve for a term of three (3) years each, and each shall hold his office until his successor is appointed. Appointment to fill vacancies from any cause shall be made by the governor for the residue of the term. The members of the board, before entering on their duties, shall each take and subscribe to the oath required to be taken by other state officers, which shall be administered by the secretary of state and filed in his office; and the board shall have a common seal. The board:

(1) shall administer oaths and take affidavits as required by this chapter, certified under the hand and the seal of the board;

(2) shall require the attendance of witnesses and the production of books, records, and papers pertinent to any matters coming before the board; and

(3) for that purpose may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, papers, or documents, directed to the sheriff of the county where the witness resides or is to be found, which shall be served and returned in the same manner as subpoenas in civil actions in the circuit court are served and returned.

(b) The board shall adopt rules, and do any and all things not inconsistent with this chapter which may be necessary or expedient for the effective enforcement of this chapter, for the full and efficient performance of its duties under this chapter, and for the reasonable regulation of the profession and practice thereof by persons licensed under this chapter.

(c) The board shall adopt rules, not inconsistent with this chapter, governing applicants and applications for license under this chapter and governing the examination of applicants before beginning the practice of optometry in this state, and shall establish a schedule of qualifications of applicants, and a schedule of the minimum requirements with which applicants for examination must comply

before they can be examined or receive a license, which schedules of qualifications of applicants and of minimum requirements shall be kept in a record for that purpose by the board.

(d) The board shall establish and record, in a record kept for that purpose, a schedule of the minimum requirements and rules for the recognition of schools of optometry, so as to keep the requirements of proficiency up to the average standard of other states.

(e) The board shall adopt rules establishing standards for the competent practice of optometry.

(f) The board shall assist in the prosecution of any violation of this chapter and assist in the enforcement of this chapter.

(g) The board shall utilize, when expedient, an agent whose title shall be inspector of the board, who shall hold office during the pleasure of the board and who shall, while in office, serve and execute any process or order issued by the board under this chapter. Such agents may enter any optometrist's establishment or any place where the optometrist is located for the purpose of practicing the optometry profession to inspect the premises and the licenses of all optometrists operating therein, and the inspector may inspect all instruments and patient records used in the conduct of the profession and all ophthalmic materials which are to be delivered to the public.

(h) The board shall utilize the services of attorneys and other necessary assistants in carrying out this chapter.

(i) The board may:

(1) grant or refuse to grant licenses as provided in this chapter;

(2) place any licensee on probation; and

(3) revoke or suspend the license, as provided in this chapter, of any optometrist for any violation of this chapter or for a violation of any rule of the board.

(j) The board has such other powers and duties as may be provided in this chapter.

(Formerly: Acts 1907, c.187, s.1; Acts 1913, c.359, s.2; Acts 1919, c.207, s.1; Acts 1929, c.45, s.1; Acts 1935, c.38, s.1.) As amended by Acts 1977, P.L.172, SEC.31; Acts 1979, P.L.17, SEC.47; Acts 1981, P.L.222, SEC.177; Acts 1982, P.L.113, SEC.60; P.L.169-1985, SEC.79.

IC 25-24-1-2

Meetings; quorum; record

Sec. 2. The board shall annually elect from its members a president and secretary. The board shall meet at least once each year, at Indianapolis, Indiana, and in addition thereto whenever and wherever the president and secretary thereof shall call a meeting; a majority of the board shall at all times constitute a quorum. The secretary provided for the board shall keep a full record of the proceedings of the board, which record shall at all reasonable times be open to public inspection.

(Formerly: Acts 1907, c.187, s.2; Acts 1935, c.38, s.2.) As amended by Acts 1981, P.L.222, SEC.178; Acts 1982, P.L.113, SEC.61.

IC 25-24-1-3
Examination; issuance of license; applicant licensed in other state; fees

Sec. 3. (a) Every person, except those exempted under this chapter, or those excepted from the taking of an examination under this chapter, before beginning the practice of optometry in this state, must pass an examination which shall be given or approved by the board.

(b) Any person desiring to be licensed by the board must fill out an application furnished by the board, which application must be verified by the applicant, and the applicant must file the verified application with the board. The applicant shall pay an application fee set by the board under section 1 of this chapter. If the applicant meets the requirements for licensure the applicant shall pay a further sum set by the board under section 1 of this chapter before the board may issue a license to the applicant.

(c) All persons successfully passing the examination and meeting the requirements of the board shall be registered in a record and shall also receive a license to be signed by the president and secretary of the board.

(d) Any applicant may, at the discretion of the board, be licensed if the applicant presents evidence that the applicant has been issued a license by any other state where the requirements for licensure are, in the opinion of the board, equivalent to the requirements for licensure in this state, provided that the applicant has not previously failed an examination given or approved by the board. The fee for licensing such applicant shall be set by the board under section 1 of this chapter.

(e) A license issued under this section is valid for the remainder of the renewal period in effect on the date of issuance.

(Formerly: Acts 1907, c.187, s.3; Acts 1919, c.207, s.2; Acts 1935, c.38, s.3; Acts 1973, P.L.258, SEC.1.) As amended by Acts 1977, P.L.172, SEC.32; Acts 1981, P.L.222, SEC.179; P.L.169-1985, SEC.80; P.L.149-1987, SEC.68; P.L.33-1993, SEC.43.

IC 25-24-1-3.1
Repealed

(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-24-1-3.2
Issuance of limited license

Sec. 3.2. (a) Notwithstanding section 3 of this chapter, the board may issue or renew a limited license to practice optometry at the Indiana University School of Optometry if the applicant:

(1) holds an active license in another jurisdiction; and

(2) meets the continuing education requirements under section 14.1 of this chapter.

(b) A limited license issued under this section is valid for two (2) years.

(c) A limited license issued under this section does not allow the

holder of the license to be granted or have renewed a certificate to administer, dispense, or prescribe legend drugs unless the holder of the license meets the requirements of IC 25-24-3-12, IC 25-24-3-13, and IC 25-23-3-15.
As added by P.L.234-1995, SEC.19 and P.L.235-1995, SEC.9. Amended by P.L.157-2006, SEC.64.

IC 25-24-1-4
Practice of optometry defined

Sec. 4. The practice of optometry is hereby defined to be any one of the following acts, or any combination of, or part of the following acts:

(a) The examination or diagnosis of the human eye, to ascertain the presence of abnormal conditions or functions which may be diagnosed, corrected, remedied or relieved, or the application or prescription of lenses, prisms, exercises, or any physical, mechanical, physiological or psychological therapy, or the employment of any means, for the purpose of detecting any diseased or pathological condition of the eye, or the effects of any diseased or pathological condition of the eye, which may have any significance in a complete optometric diagnosis of the eye or its associated structures.

(b) The application, use, or adaption of physical, anatomical, physiological, psychological or any other principles through scientific professional methods and devices, to the examination of the eyes and vision, measuring their function for the purpose of determining the nature and degree of their departure from the normal, if any, and adopting optical, physiological and psychological measures and/or the furnishing or providing any prosthetic or therapeutic devices for the emendation thereof.
(Formerly: Acts 1907, c.187, s.4; Acts 1913, c.359, s.3; Acts 1919, c.207, s.3; Acts 1935, c.38, s.4.)

IC 25-24-1-5
Application of chapter to physicians and surgeons

Sec. 5. Nothing in this chapter shall be considered to apply to physicians and surgeons who have been authorized to practice medicine, surgery (as described in IC 25-22.5-1-1.1(a)(1)(C)), and obstetrics under the laws of the state of Indiana.
(Formerly: Acts 1907, c.187, s.6; Acts 1935, c.38, s.5.) As amended by Acts 1982, P.L.154, SEC.85; P.L.217-1993, SEC.3.

IC 25-24-1-6
Repealed

(*Repealed by Acts 1977, P.L.172, SEC.56.)*

IC 25-24-1-7
Repealed

(*Repealed by Acts 1977, P.L.172, SEC.56.)*

IC 25-24-1-8

Repealed

(*Repealed by Acts 1977, P.L.172, SEC.56.)*

IC 25-24-1-9
Repealed

(*Repealed by Acts 1977, P.L.172, SEC.56.)*

IC 25-24-1-10
Repealed

(*Repealed by Acts 1977, P.L.172, SEC.56.)*

IC 25-24-1-11
Repealed

(*Repealed by Acts 1977, P.L.172, SEC.56.)*

IC 25-24-1-12
Display of license

Sec. 12. Every person who is granted a license under this article shall display it in a conspicuous part of the office in which the licensee practices optometry. Whenever practicing the profession of optometry outside of, or away from, the office or place of business, the licensee shall make available to each patient or person fitted with ophthalmic materials the licensee's name, office address, and number of the license.

(Formerly: Acts 1907, c.187, s.14.) As amended by Acts 1977, P.L.172, SEC.33; P.L.169-1985, SEC.81.

IC 25-24-1-13
Compensation and expenses of board

Sec. 13. Each member of the board may receive as compensation a salary per diem for each day actually engaged in the duties of his office and necessary travel expenses incurred in attending the meetings of the board in accordance with travel policies and procedures established by the department of administration and the state budget agency. All expenses shall be paid from the general fund upon appropriation being made therefor in the manner provided by law for the making of such appropriations. All fees and assessments received under the provisions of this chapter shall be deposited with the treasurer of the state of Indiana, and be deposited by him in the general fund of the state. The treasurer shall pay the per diem expenses as provided herein only on the itemized verified statement of the person entitled thereto. In accordance with IC 25-1-5, said board is expressly authorized to use any part of said appropriated funds available for the purpose of assisting in prosecuting any person violating any of the provisions of this chapter, or for the purpose of enforcing by legal action, any of the provisions of this chapter.

(Formerly: Acts 1907, c.187, s.15; Acts 1913, c.359, s.5; Acts 1919, c.207, s.4; Acts 1935, c.38, s.8.) As amended by Acts 1976, P.L.119, SEC.17; Acts 1981, P.L.222, SEC.180.

IC 25-24-1-14

License renewal; fee; failure to renew; expiration of license; inactive license

Sec. 14. (a) In each even-numbered year, the Indiana professional licensing agency shall issue a sixty (60) day notice of expiration and a license renewal application in accordance with IC 25-1-2-6 to each optometrist licensed in Indiana. The application shall be mailed to the last known address of the optometrist.

(b) The payment of the renewal fee must be made on or before the date established by the licensing agency under IC 25-1-5-4. The applicant's license expires and becomes invalid if the applicant has not paid the renewal fee by the date established by the licensing agency.

(c) The license shall be reinstated by the board not later than three (3) years after its expiration if the applicant for reinstatement meets the requirements under IC 25-1-8-6(c).

(d) Reinstatement of an expired license after the expiration of the three (3) year period provided in subsection (c) is dependent upon the applicant satisfying the requirements for reinstatement under IC 25-1-8-6(d).

(e) The board may classify a license as inactive if the board receives written notification from a licensee stating that the licensee will not maintain an office or practice optometry in Indiana. The renewal fee for an inactive license is one-half (1/2) the license renewal fee set by the board under section 1 of this chapter.

(f) The holder of an inactive license is not required to fulfill continuing education requirements set by the board. The board may issue a license to the holder of an inactive license if the applicant:

(1) pays the renewal fee set by the board under section 1 of this chapter;

(2) pays the reinstatement fee set by the board under section 1 of this chapter; and

(3) subject to IC 25-1-4-3, attests that the applicant obtained the continuing education required by the board under section 1 of this chapter for each year, or portion of a year during which the applicant's license has been classified as inactive.

(Formerly: Acts 1907, c.187, s.16; Acts 1925, c.193, s.1; Acts 1929, c.45, s.2; Acts 1935, c.38, s.9; Acts 1972, P.L.187, SEC.1; Acts 1973, P.L.258, SEC.2.) As amended by Acts 1977, P.L.172, SEC.34; Acts 1981, P.L.229, SEC.1; Acts 1981, P.L.222, SEC.181; P.L.169-1985, SEC.82; P.L.149-1987, SEC.70; P.L.48-1991, SEC.43; P.L.269-2001, SEC.24; P.L.1-2006, SEC.459; P.L.105-2008, SEC.45.

IC 25-24-1-14.1

Continuing professional education; renewal of license

Sec. 14.1. No biennial renewal license shall be issued by the board until the applicant submits proof satisfactory to the board that subsequent to the issuance of his license, or last renewal thereof, he has completed continuing professional education, including

postgraduate studies, institutes, seminars, lectures, conferences, workshops, and such other forms of continuing professional education as may be approved by the board. The number of hours and other requirements relating to this section shall be established by the board.
(Formerly: Acts 1973, P.L.259, SEC.1.) As amended by Acts 1977, P.L.172, SEC.35; Acts 1981, P.L.229, SEC.2.

IC 25-24-1-15
Repealed
(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-24-1-15.1
Repealed
(*Repealed by P.L.152-1988, SEC.30.)*

IC 25-24-1-16
Repealed
(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-24-1-17
Specific violations
Sec. 17. The following are unlawful and a violation of this chapter:

(1) For any person or persons to open an office for the purpose of practicing optometry in this state, or to announce to the public in any way an intention to practice optometry in any county in this state, without first having obtained a license from the board.
(2) For any person or persons, except a licensed optometrist or optometrists under this chapter whose licenses have not been revoked or lapsed, to hold himself out by the use of any sign, newspaper, advertisement, pamphlet, circular, or any other means as qualified to practice optometry.
(3) For any person or persons, except a licensed optometrist or optometrists under this chapter whose licenses have not been revoked or lapsed, to have possession of any trial lenses, trial frames, graduated test cards, or other appliances or instruments used in the practice of optometry for the purpose of rendering assistance to patrons in the selection of contact lenses, lenses, or eyeglasses, or to sell ophthalmic lenses or to replace broken contact lenses or lenses in eyeglasses except upon the prescription of a regularly licensed optometrist, or a physician and surgeon exempted by this chapter. An ophthalmic lens, within the meaning of this chapter, is any lens which has a spherical or cylindrical or prismatic power or value and is ground pursuant to a prescription.
(4) For any person, not licensed under this chapter or who has not paid the annual renewal fee as in this chapter provided to be paid, to practice optometry as defined in this chapter.

(Formerly: Acts 1907, c.187, s.18; Acts 1929, c.45, s.3; Acts 1935, c.38, s.12.) As amended by Acts 1977, P.L.172, SEC.38; P.L.252-1983, SEC.1.

IC 25-24-1-18
Violations

Sec. 18. A person who violates this chapter commits a Class B misdemeanor.

(Formerly: Acts 1907, c.187, s.19; Acts 1913, c.359, s.7; Acts 1929, c.45, s.4.) As amended by Acts 1978, P.L.2, SEC.2544.

IC 25-24-1-19
Injunction of violations

Sec. 19. (a) Whenever it appears to the board that any person or persons are engaged in the illegal practice of optometry as defined by this chapter, or that any person or persons are engaged in the practice of optometry without a license as required by this chapter, or that any person or persons are engaged in the practice of optometry in violation of this chapter, then the board, may, in addition to any other remedies provided for in this chapter, bring an action in the name of the state, on the relation of the board, against such person or persons, or against any other person or persons concerned in or in any way participating in such illegal practice of optometry as defined by this chapter, or against any person or persons engaged in the practice of optometry without a license as required by this chapter, or against any person or persons engaged in the practice of optometry in violation of this chapter, to enjoin such person or persons, or such other person or persons:

(1) from continuing the illegal practice of optometry as defined by this chapter;

(2) from engaging in the practice of optometry without a license as required by this chapter;

(3) from engaging in the practice of optometry in violation of this chapter; or

(4) from doing any other act or acts in furtherance thereof.

(b) In an action under subsection (a), a judgment may be entered awarding such injunction as may be proper.

(Formerly: Acts 1907, c.187, s.19a; Acts 1935, c.38, s.13.) As amended by Acts 1977, P.L.172, SEC.39; P.L.169-1985, SEC.84.

IC 25-24-1-20
Certificates considered licenses

Sec. 20. All certificates issued by the Indiana state board of registration and examination in optometry issued prior to May 1, 1977, shall be deemed to be licenses for the practice of optometry. All applications for the practice of optometry and all renewal notices sent for the practice of optometry in Indiana shall be for licenses and not for certificates of registration. For the purposes of this chapter, all certificates of registration and renewals for certificates of registration for the practice of optometry shall be the same as

licenses and renewals for licenses issued subsequent to May 1, 1977.
As added by Acts 1977, P.L.172, SEC.40.

IC 25-24-2

Chapter 2. Further Licensing Requirements – Establishment of Training Program and Special Fee

IC 25-24-2-1

Minimum requirements; disciplinary action in another state

Sec. 1. (a) The minimum requirements which must be fulfilled before an applicant will be permitted to take an examination for a license to practice optometry in Indiana are as follows:

(1) Applicant must be at least eighteen (18) years of age.

(2) Applicant must not have a conviction for:

(A) an act which would constitute a ground for disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the applicant's ability to practice competently.

(3) Applicant must be a graduate of a commissioned high school.

(4) Applicant must be a graduate from a college of optometry under one (1) of the following conditions:

(A) Graduation prior to March 5, 1951, or attendance at or matriculation in a college of optometry whose requirements for graduation were equivalent to those required by the Indiana state board of registration and examination in optometry at the time of such matriculation.

(B) Two (2) years of preoptometry or two (2) years of premedicine in a college of arts and science whose credits will be accepted by a university having a college or school of optometry, and at least four (4) years of optometry in a college of optometry using university standards.

(b) The board may not issue a license to an applicant who has been disciplined by the licensing entity of another state or jurisdiction, if it appears to the satisfaction of the board that the disciplinary action taken against the applicant by the licensing entity of the other state or jurisdiction was warranted due to the applicant's inability to practice optometry without endangering the public.

(Formerly: Acts 1951, c.190, s.1; Acts 1972, P.L.187, SEC.2; Acts 1973, P.L.252, SEC.11.) As amended by Acts 1981, P.L.222, SEC.183; Acts 1982, P.L.113, SEC.63; P.L.169-1985, SEC.85; P.L.152-1988, SEC.20.

IC 25-24-2-2

Program for training optometrists

Sec. 2. There is hereby created a program for the training of optometrists at Indiana University, said program to be established by the trustees of said University and to be effective when adequate funds for the establishment of said program are made available by the optometrists of the state of Indiana through the Indiana Optometric Association, Inc., or otherwise.

(Formerly: Acts 1951, c.190, s.2.)

IC 25-24-2-3
Additional fees for university support

Sec. 3. In addition to the biennial licensure fee provided for by IC 25-24-1-1, each licensed optometrist, at the time of payment of the biennial licensure fee each even-numbered year, shall pay to the Indiana professional licensing agency an additional fee of thirty-four dollars ($34), which shall be deposited in an optometry school account of the state general fund, and all such fees so deposited shall, before the following July 2, be paid to Indiana University to be used by it for the advancement of optometrical research and the maintenance and support of the department in which the science of optometry is taught at the university. A sufficient amount to pay the same is appropriated annually out of such account in the general fund of the state treasury not otherwise appropriated.

(Formerly: Acts 1951, c.190, s.3.) As amended by Acts 1977, P.L.172, SEC.41; Acts 1981, P.L.229, SEC.3; Acts 1981, P.L.222, SEC.184; P.L.169-1985, SEC.86; P.L.1-2006, SEC.460.

IC 25-24-3

Chapter 3. Optometric Legend Drugs

IC 25-24-3-0.3

Treatment of rules adopted by optometric legend drug prescription advisory committee

Sec. 0.3. The rules adopted by the optometric legend drug prescription advisory committee under IC 25-26-15-13 (before its repeal by P.L.157-2006) before July 1, 2006, and in effect on June 30, 2006, shall be treated after June 30, 2006, as the rules of the Indiana optometry board under this chapter, as added by P.L.157-2006.

As added by P.L.220-2011, SEC.410.

IC 25-24-3-1

"Associated structures of the eye" defined

Sec. 1. As used in this chapter, "associated structures of the eye" means the:

(1) eyelids;
(2) eyebrows;
(3) conjunctiva;
(4) lachrymal apparatus; and
(5) orbital tissues.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-2

"Administer" defined

Sec. 2. As used in this chapter, "administer" means the direct application of a legend drug by an optometrist to a patient.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-3

"Board" defined; treatment of references to optometric legend drug prescription advisory committee

Sec. 3. (a) As used in this chapter, "board" means the Indiana optometry board established by IC 25-24-1-1.

(b) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the optometric legend drug prescription advisory committee shall be treated after June 30, 2006, as a reference to the board.

As added by P.L.157-2006, SEC.65. Amended by P.L.220-2011, SEC.411.

IC 25-24-3-4

"Diagnostic legend drug" defined

Sec. 4. As used in this chapter, "diagnostic legend drug" means a pharmacological agent approved by the board that is used in the examination of the human eye to detect abnormalities.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-5
"Dispense" defined

Sec. 5. As used in this chapter, "dispense" means to deliver a legend drug to an ultimate user by or pursuant to a lawful order of an optometrist. The term includes the:

(1) prescribing;
(2) administering;
(3) packaging;
(4) labeling; or
(5) compounding;

necessary to prepare the drug for delivery.
As added by P.L.157-2006, SEC.65.

IC 25-24-3-6
"Legend drug" defined

Sec. 6. As used in this chapter, "legend drug" has the meaning set forth in IC 16-18-2-199. The term does not include controlled substances (as defined in IC 35-48-1-9).
As added by P.L.157-2006, SEC.65.

IC 25-24-3-7
"Optometrist" defined

Sec. 7. As used in this chapter, "optometrist" means an individual licensed as an optometrist under IC 25-24-1.
As added by P.L.157-2006, SEC.65.

IC 25-24-3-8
"Prescription" defined

Sec. 8. As used in this chapter, "prescription" means a written order or an order transmitted by other means of communication that is immediately reduced to writing by the pharmacist or, for electronically transmitted orders, recorded in an electronic format from an optometrist to or for an ultimate user for a drug or device, containing:

(1) the name and address of the patient;
(2) the date of issue;
(3) the name and strength or size (if applicable) of the drug or device;
(4) the amount to be dispensed (unless indicated by directions and duration of therapy);
(5) adequate directions for the proper use of the drug or device by the patient;
(6) the name and certification number of the prescribing optometrist; and
(7) if the prescription:
    (A) is in written form, the signature of the optometrist; or
    (B) is in electronic form, the electronic signature of the optometrist.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-9
"Therapeutic legend drug" defined

Sec. 9. As used in this chapter, "therapeutic legend drug" means a pharmacological agent that is used in the treatment of a diagnosed condition of the:

(1) human eye; or
(2) associated structures of the human eye.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-10
Duties of board

Sec. 10. The board shall do the following:

(1) Adopt rules under IC 4-22-2 to do the following:
  (A) Establish a formulary of legend drugs that may be prescribed, dispensed, or administered by an optometrist.
  (B) Set fees described in IC 25-1-8.
  (C) Carry out this chapter.
(2) Establish education and training requirements in ocular pharmacology required for certification to do the following:
  (A) Administer therapeutic legend drugs.
  (B) Dispense legend drugs.
  (C) Prescribe legend drugs.
(3) Establish continuing education requirements for renewal of the certificate issued under this chapter.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-11
Formulary requirements; dependently and independently prescribed legend drugs

Sec. 11. (a) The formulary established under section 10 of this chapter shall include legend drugs that:

(1) may be independently prescribed by an optometrist; or
(2) must be dependently prescribed by an optometrist.

(b) If a legend drug is designated in the formulary as one (1) that must be dependently prescribed, the formulary must designate:

(1) those legend drugs for which the optometrist must only notify the patient's physician that the optometrist is prescribing the legend drug; and
(2) those legend drugs for which the optometrist must consult with the patient's physician before prescribing the legend drug.

(c) If the patient has no physician, the optometrist must document such in the patient's file.

(d) If the legend drug is designated in the formulary as a legend drug that must be dependently prescribed, the optometrist shall indicate on the prescription that:

(1) the patient's physician has been contacted; or
(2) the patient has indicated to the optometrist that the patient has no physician.

(e) If the legend drug is designated in the formulary as a legend drug that may be independently prescribed, the optometrist may

prescribe the legend drug without notifying the patient's physician.
As added by P.L.157-2006, SEC.65. Amended by P.L.1-2007, SEC.178.

IC 25-24-3-12
Certificate issuance

Sec. 12. The board shall issue a certificate to a licensed optometrist who:

(1) applies; and

(2) successfully fulfills all the requirements of this chapter.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-13
Application requirements

Sec. 13. An optometrist who applies for a certificate to administer, dispense, and prescribe legend drugs must meet the following requirements:

(1) Apply in the form and manner prescribed by the board.

(2) Provide proof of education in ocular pharmacology from a school or college of optometry or medicine approved by the optometry board.

(3) Pass the Treatment and Management of Ocular Disease (TMOD) examination that is sponsored by the International Association of Boards of Examiners in Optometry (IAB) and administered by the National Board of Examiners in Optometry.

(4) Pay the fee established by the board.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-14
Optometry license required to hold certificate

Sec. 14. An applicant must hold a license to practice optometry in order to hold a certificate.
As added by P.L.157-2006, SEC.65.

IC 25-24-3-15
Certificate renewal

Sec. 15. The board shall renew a certificate issued under this chapter:

(1) concurrently with the renewal of the optometrist's license to practice optometry;

(2) upon payment of the renewal fee established by the board; and

(3) upon completion of continuing education requirements established under section 10 of this chapter.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-16
Diagnostic legend drugs; therapeutic legend drugs

Sec. 16. (a) Optometrists may administer topical diagnostic legend drugs limited to:

(1) miotics;
(2) mydriatics;
(3) anesthetics; and
(4) cycloplegics;

without holding a certificate issued under this chapter. These pharmaceutical agents may be applied in diagnostic procedures only as a part of an examination of the eye.

(b) The board may authorize an optometrist holding a certificate issued under this chapter to:

(1) administer for therapeutic use;
(2) dispense; or
(3) prescribe;

legend drugs that are included in the formulary established by the board under section 10 of this chapter, in the treatment of any condition of the eye or the associated structures of the eye.

As added by P.L.157-2006, SEC.65.

IC 25-24-3-17
Penalties for noncompliance

Sec. 17. (a) An optometrist may not:

(1) administer, dispense, or prescribe therapeutic legend drugs; or
(2) dispense or prescribe diagnostic legend drugs;

unless the optometrist is certified under this chapter.

(b) An optometrist may administer diagnostic legend drugs without obtaining a certificate under this chapter.

(c) An individual who recklessly, knowingly, or intentionally violates this chapter commits a Class A misdemeanor.

As added by P.L.157-2006, SEC.65.

IC 25-25

ARTICLE 25. PEDDLERS, VENDORS, AND HAWKERS

IC 25-25-1

Repealed

(*Repealed by Acts 1978, P.L.2, SEC.2570.)*

IC 25-25-2

Chapter 2. Exemption of Certain Military Personnel From Vending and Peddling License Fees

IC 25-25-2-1

Veterans; right to license without fee

Sec. 1. (a) This section applies to:

(1) any veteran described in IC 10-17-5-2 or IC 10-17-5-1; or

(2) any other veteran to whom this chapter applies because of the provisions of any other statute;

who holds an honorable discharge from such service issued by the proper authorities. Such a person shall be entitled to a license to vend, hawk, and peddle goods, wares, fruits, and merchandise in any county, city, or town in Indiana without the payment of any fee for the license. Upon the presentation of the person's certificate and papers of discharge, properly executed, to the auditor of any county and proving the person's identity as the person named in the person's certificate of honorable discharge, the auditor shall issue to the former soldier or sailor a free license to vend, hawk, and peddle goods, wares, fruits, and merchandise in the county and in all cities and towns in the county. A fee may not be charged to the holder of the license by the auditor, by the authorities of any city or town in the county, or by any other officer. The license shall be full and complete authority to vend, hawk, and peddle without the payment of any sum of money.

(b) A person who acquires a license under this section is subject to all county, city, or town regulations and ordinances concerning vendors, hawkers, or peddlers, except for those provisions requiring payment of money for obtaining a license.

(Formerly: Acts 1895, c.121, s.1; Acts 1899, c.42, s.1.) As amended by Acts 1979, P.L.247, SEC.1; Acts 1980, P.L.38, SEC.16; P.L.16-1983, SEC.17; P.L.2-2003, SEC.66.

IC 25-25-2-2

Repealed

(*Repealed by Acts 1978, P.L.2, SEC.2570.)*

IC 25-25-2-3

Repealed

(*Repealed by P.L.102-2009, SEC.2.)*

IC 25-26

ARTICLE 26. PHARMACISTS, PHARMACIES, DRUG STORES

IC 25-26-1

Repealed

(*Repealed by Acts 1977, P.L.276, SEC.3.)*

IC 25-26-2
Repealed

(*Repealed by Acts 1977, P.L.276, SEC.3.)*

IC 25-26-3
Repealed

(*Repealed by Acts 1977, P.L.276, SEC.3.)*

IC 25-26-4
Repealed

(*Repealed by Acts 1977, P.L.276, SEC.3.)*

IC 25-26-5
Repealed

(*Repealed by Acts 1977, P.L.276, SEC.3.)*

IC 25-26-6
Repealed

(*Repealed by Acts 1977, P.L.276, SEC.3.)*

IC 25-26-7
Repealed

(*Repealed by Acts 1977, P.L.276, SEC.3.)*

IC 25-26-8
Repealed

(*Repealed by Acts 1977, P.L.276, SEC.3.)*

IC 25-26-9
Repealed

(*Repealed by Acts 1977, P.L.276, SEC.3.)*

IC 25-26-10
Repealed

(*Repealed by Acts 1977, P.L.276, SEC.3.)*

IC 25-26-11
Repealed

(*Repealed by Acts 1977, P.L.276, SEC.3.)*

IC 25-26-12
Repealed

(*Repealed by Acts 1977, P.L.276, SEC.3.)*

IC 25-26-13

Chapter 13. Regulation of Pharmacists and Pharmacies – Creation of Board

IC 25-26-13-1

Public interest

Sec. 1. The practice of pharmacy is declared to be a professional occupation in the state of Indiana, affecting the public health, safety, and welfare and must be subject to regulation and control in the public interest by the board of pharmacy. It is further declared to be a matter of public interest and concern that the practice of pharmacy merit and receive the confidence of the public and that only qualified persons be permitted to practice pharmacy in the state of Indiana.
As added by Acts 1977, P.L.276, SEC.1.

IC 25-26-13-1.5

Continuation of accrued rights or benefits

Sec. 1.5. A right or benefit accrued under IC 25-26-1 through IC 25-26-12 before July 1, 1977, is continued under this chapter.
As added by P.L.1-1989, SEC.52.

IC 25-26-13-2

Definitions

Sec. 2. As used in this chapter:

"Administering" means the direct application of a drug to the body of a person by injection, inhalation, ingestion, or any other means.

"Board" means the Indiana board of pharmacy.

"Controlled drugs" are those drugs on schedules I through V of the Federal Controlled Substances Act or on schedules I through V of IC 35-48-2.

"Counseling" means effective communication between a pharmacist and a patient concerning the contents, drug to drug interactions, route, dosage, form, directions for use, precautions, and effective use of a drug or device to improve the therapeutic outcome of the patient through the effective use of the drug or device.

"Dispensing" means issuing one (1) or more doses of a drug in a suitable container with appropriate labeling for subsequent administration to or use by a patient.

"Drug" means:

(1) articles or substances recognized in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them;

(2) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(3) articles other than food intended to affect the structure or any function of the body of man or animals; or

(4) articles intended for use as a component of any article

specified in subdivisions (1) through (3) and devices.

"Drug order" means a written order in a hospital or other health care institution for an ultimate user for any drug or device, issued and signed by a practitioner, or an order transmitted by other means of communication from a practitioner, which is immediately reduced to writing by the pharmacist, registered nurse, or other licensed health care practitioner authorized by the hospital or institution. The order shall contain the name and bed number of the patient; the name and strength or size of the drug or device; unless specified by individual institution policy or guideline, the amount to be dispensed either in quantity or days; adequate directions for the proper use of the drug or device when it is administered to the patient; and the name of the prescriber.

"Drug regimen review" means the retrospective, concurrent, and prospective review by a pharmacist of a patient's drug related history that includes the following areas:

(1) Evaluation of prescriptions or drug orders and patient records for drug allergies, rational therapy contradictions, appropriate dose and route of administration, appropriate directions for use, or duplicative therapies.

(2) Evaluation of prescriptions or drug orders and patient records for drug-drug, drug-food, drug-disease, and drug-clinical laboratory interactions.

(3) Evaluation of prescriptions or drug orders and patient records for adverse drug reactions.

(4) Evaluation of prescriptions or drug orders and patient records for proper utilization and optimal therapeutic outcomes.

"Drug utilization review" means a program designed to measure and assess on a retrospective and prospective basis the proper use of drugs.

"Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article including any component part or accessory, which is:

(1) recognized in the official United States Pharmacopoeia, official National Formulary, or any supplement to them;

(2) intended for use in the diagnosis of disease or other conditions or the cure, mitigation, treatment, or prevention of disease in man or other animals; or

(3) intended to affect the structure or any function of the body of man or other animals and which does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animals and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

"Electronic data intermediary" means an entity that provides the infrastructure that connects a computer system or another electronic device used by a prescribing practitioner with a computer system or another electronic device used by a pharmacy to facilitate the secure transmission of:

(1) an electronic prescription order;

(2) a refill authorization request;
(3) a communication; and
(4) other patient care information;
between a practitioner and a pharmacy.

"Electronic signature" means an electronic sound, symbol, or process:
(1) attached to or logically associated with a record; and
(2) executed or adopted by a person;
with the intent to sign the record.

"Electronically transmitted" or "electronic transmission" means the transmission of a prescription in electronic form. The term does not include the transmission of a prescription by facsimile.

"Investigational or new drug" means any drug which is limited by state or federal law to use under professional supervision of a practitioner authorized by law to prescribe or administer such drug.

"Legend drug" has the meaning set forth in IC 16-18-2-199.

"License" and "permit" are interchangeable and mean a written certificate from the Indiana board of pharmacy for the practice of pharmacy or the operation of a pharmacy.

"Nonprescription drug" means a drug that may be sold without a prescription and that is labeled for use by a patient in accordance with state and federal laws.

"Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, or municipality, or a legal representative or agent, unless this chapter expressly provides otherwise.

"Practitioner" has the meaning set forth in IC 16-42-19-5.

"Pharmacist" means a person licensed under this chapter.

"Pharmacist intern" means a person who is:
(1) permitted by the board to engage in the practice of pharmacy while under the personal supervision of a pharmacist and who is satisfactorily progressing toward meeting the requirements for licensure as a pharmacist;
(2) a graduate of an approved college of pharmacy or a graduate who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee Certificate and who is permitted by the board to obtain practical experience as a requirement for licensure as a pharmacist;
(3) a qualified applicant awaiting examination for licensure; or
(4) an individual participating in a residency or fellowship program.

"Pharmacy" means any facility, department, or other place where prescriptions are filled or compounded and are sold, dispensed, offered, or displayed for sale and which has as its principal purpose the dispensing of drug and health supplies intended for the general health, welfare, and safety of the public, without placing any other activity on a more important level than the practice of pharmacy.

"The practice of pharmacy" or "the practice of the profession of pharmacy" means a patient oriented health care profession in which pharmacists interact with and counsel patients and with other health

care professionals concerning drugs and devices used to enhance patients' wellness, prevent illness, and optimize the outcome of a drug or device, by accepting responsibility for performing or supervising a pharmacist intern or an unlicensed person under section 18(a)(4) of this chapter to do the following acts, services, and operations:

(1) The offering of or performing of those acts, service operations, or transactions incidental to the interpretation, evaluation, and implementation of prescriptions or drug orders.

(2) The compounding, labeling, administering, dispensing, or selling of drugs and devices, including radioactive substances, whether dispensed under a practitioner's prescription or drug order or sold or given directly to the ultimate consumer.

(3) The proper and safe storage and distribution of drugs and devices.

(4) The maintenance of proper records of the receipt, storage, sale, and dispensing of drugs and devices.

(5) Counseling, advising, and educating patients, patients' caregivers, and health care providers and professionals, as necessary, as to the contents, therapeutic values, uses, significant problems, risks, and appropriate manner of use of drugs and devices.

(6) Assessing, recording, and reporting events related to the use of drugs or devices.

(7) Provision of the professional acts, professional decisions, and professional services necessary to maintain all areas of a patient's pharmacy related care as specifically authorized to a pharmacist under this article.

"Prescription" means a written order or an order transmitted by other means of communication from a practitioner to or for an ultimate user for any drug or device containing:

(1) the name and address of the patient;

(2) the date of issue;

(3) the name and strength or size (if applicable) of the drug or device;

(4) the amount to be dispensed (unless indicated by directions and duration of therapy);

(5) adequate directions for the proper use of the drug or device by the patient;

(6) the name of the practitioner; and

(7) if the prescription:

(A) is in written form, the signature of the practitioner; or

(B) is in electronic form, the electronic signature of the practitioner.

"Qualifying pharmacist" means the pharmacist who will qualify the pharmacy by being responsible to the board for the legal operations of the pharmacy under the permit.

"Record" means all papers, letters, memoranda, notes, prescriptions, drug orders, invoices, statements, patient medication charts or files, computerized records, or other written indicia,

documents, or objects which are used in any way in connection with the purchase, sale, or handling of any drug or device.

"Sale" means every sale and includes:

(1) manufacturing, processing, transporting, handling, packaging, or any other production, preparation, or repackaging;

(2) exposure, offer, or any other proffer;

(3) holding, storing, or any other possession;

(4) dispensing, giving, delivering, or any other supplying; and

(5) applying, administering, or any other using.

As added by Acts 1977, P.L.276, SEC.1. Amended by P.L.149-1987, SEC.72; P.L.2-1993, SEC.144; P.L.187-1999, SEC.1; P.L.270-2001, SEC.2; P.L.288-2001, SEC.1; P.L.1-2002, SEC.97; P.L.204-2005, SEC.14; P.L.98-2006, SEC.2; P.L.94-2007, SEC.1.

IC 25-26-13-3

Board of pharmacy; creation; oath; meetings; compensation; majority approval of actions

Sec. 3. (a) The Indiana board of pharmacy is created. It shall consist of seven (7) members not more than four (4) of whom may be from the same political party, appointed by the governor for terms of four (4) years. One (1) member of the board, to represent the general public, must be a resident of this state who has never been associated with pharmacy in any way other than as a consumer. Except for the member representing the general public, the members must be pharmacists in good standing of recognized experience and ability from varied practice settings who hold a current license to practice pharmacy in Indiana. One (1) member of the board must be a practicing hospital pharmacist. A person employed as a full-time staff member or as a professor at a school of pharmacy may not serve on the board. If a member leaves the board for any reason before the end of the member's term, the member's successor shall serve for the unexpired portion of the term.

(b) Not later than ten (10) days after a member's appointment, the member must subscribe by oath or affirmation to faithfully uphold the duties of the member's office. If a member fails to qualify as provided, a new member shall be appointed in the member's place.

(c) At the first meeting of each year the board shall elect from among its members a president and vice president who shall perform duties and have powers as the board prescribes.

(d) The board shall meet at least eight (8) times per year at such times and places as the board selects. At each meeting the board shall continue in session from day to day, for not more than five (5) days, until the business of the meeting is complete. Four (4) members of the board shall constitute a quorum.

(e) Each member of the board is entitled to compensation as determined by the rules of the budget agency for each day the member is actually engaged in business of the board, together with necessary travel and other expenses incurred in the performance of the member's duties.

(f) Approval by a majority of the quorum is required for any action to be taken by the board.

As added by Acts 1977, P.L.276, SEC.1. Amended by Acts 1981, P.L.222, SEC.185; P.L.157-1986, SEC.1; P.L.48-1991, SEC.45; P.L.187-1999, SEC.2.

IC 25-26-13-4

Powers and duties of board; prescription drug form program

Sec. 4. (a) The board may:

(1) promulgate rules and regulations under IC 4-22-2 for implementing and enforcing this chapter;

(2) establish requirements and tests to determine the moral, physical, intellectual, educational, scientific, technical, and professional qualifications for applicants for pharmacists' licenses;

(3) refuse to issue, deny, suspend, or revoke a license or permit or place on probation or fine any licensee or permittee under this chapter;

(4) regulate the sale of drugs and devices in the state of Indiana;

(5) impound, embargo, confiscate, or otherwise prevent from disposition any drugs, medicines, chemicals, poisons, or devices which by inspection are deemed unfit for use or would be dangerous to the health and welfare of the citizens of the state of Indiana; the board shall follow those embargo procedures found in IC 16-42-1-18 through IC 16-42-1-31, and persons may not refuse to permit or otherwise prevent members of the board or their representatives from entering such places and making such inspections;

(6) prescribe minimum standards with respect to physical characteristics of pharmacies, as may be necessary to the maintenance of professional surroundings and to the protection of the safety and welfare of the public;

(7) subject to IC 25-1-7, investigate complaints, subpoena witnesses, schedule and conduct hearings on behalf of the public interest on any matter under the jurisdiction of the board;

(8) prescribe the time, place, method, manner, scope, and subjects of licensing examinations which shall be given at least twice annually; and

(9) perform such other duties and functions and exercise such other powers as may be necessary to implement and enforce this chapter.

(b) The board shall adopt rules under IC 4-22-2 for the following:

(1) Establishing standards for the competent practice of pharmacy.

(2) Establishing the standards for a pharmacist to counsel individuals regarding the proper use of drugs.

(3) Establishing standards and procedures before January 1, 2006, to ensure that a pharmacist:

(A) has entered into a contract that accepts the return of expired drugs with; or

(B) is subject to a policy that accepts the return of expired drugs of;

a wholesaler, manufacturer, or agent of a wholesaler or manufacturer concerning the return by the pharmacist to the wholesaler, the manufacturer, or the agent of expired legend drugs or controlled drugs. In determining the standards and procedures, the board may not interfere with negotiated terms related to cost, expenses, or reimbursement charges contained in contracts between parties, but may consider what is a reasonable quantity of a drug to be purchased by a pharmacy. The standards and procedures do not apply to vaccines that prevent influenza, medicine used for the treatment of malignant hyperthermia, and other drugs determined by the board to not be subject to a return policy. An agent of a wholesaler or manufacturer must be appointed in writing and have policies, personnel, and facilities to handle properly returns of expired legend drugs and controlled substances.

(c) The board may grant or deny a temporary variance to a rule it has adopted if:

(1) the board has adopted rules which set forth the procedures and standards governing the grant or denial of a temporary variance; and

(2) the board sets forth in writing the reasons for a grant or denial of a temporary variance.

(d) The board shall adopt rules and procedures, in consultation with the medical licensing board, concerning the electronic transmission of prescriptions. The rules adopted under this subsection must address the following:

(1) Privacy protection for the practitioner and the practitioner's patient.

(2) Security of the electronic transmission.

(3) A process for approving electronic data intermediaries for the electronic transmission of prescriptions.

(4) Use of a practitioner's United States Drug Enforcement Agency registration number.

(5) Protection of the practitioner from identity theft or fraudulent use of the practitioner's prescribing authority.

(e) The governor may direct the board to develop:

(1) a prescription drug program that includes the establishment of criteria to eliminate or significantly reduce prescription fraud; and

(2) a standard format for an official tamper resistant prescription drug form for prescriptions (as defined in IC 16-42-19-7(1)).

The board may adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) The standard format for a prescription drug form described in subsection (e)(2) must include the following:

(1) A counterfeit protection bar code with human readable representation of the data in the bar code.

(2) A thermochromic mark on the front and the back of the prescription that:

(A) is at least one-fourth (1/4) of one (1) inch in height and width; and

(B) changes from blue to clear when exposed to heat.

(g) The board may contract with a supplier to implement and manage the prescription drug program described in subsection (e). The supplier must:

(1) have been audited by a third party auditor using the SAS 70 audit or an equivalent audit for at least the three (3) previous years; and

(2) be audited by a third party auditor using the SAS 70 audit or an equivalent audit throughout the duration of the contract;

in order to be considered to implement and manage the program.

As added by Acts 1977, P.L.276, SEC.1. Amended by Acts 1981, P.L.222, SEC.186; P.L.75-1992, SEC.20; P.L.2-1993, SEC.145; P.L.177-1997, SEC.5; P.L.212-2005, SEC.22; P.L.204-2005, SEC.15; P.L.182-2009(ss), SEC.371.

IC 25-26-13-4.1

Authority to adopt emergency rules concerning synthetic drugs

Sec. 4.1. (a) The board may adopt an emergency rule to declare that a substance is a synthetic drug.

(b) The board may adopt an emergency rule declaring a substance to be a synthetic drug if the board finds that the substance:

(1) has been scheduled or emergency scheduled by the United States Drug Enforcement Administration; or

(2) has been scheduled, emergency scheduled, or criminalized by another state.

(c) A rule adopted under this section becomes effective thirty (30) days after it is filed with the publisher under IC 4-22-2-37.1.

(d) A rule adopted under this section expires on June 30 of the year following the year in which it is filed with the publisher under IC 4-22-2-37.1.

(e) The board may readopt under this section an emergency rule that has expired.

As added by P.L.78-2012, SEC.9.

IC 25-26-13-4.3

Adopted rules

Sec. 4.3. (a) Any rules adopted by the controlled substances advisory committee (IC 35-48-2-1 (before its abolishment)) before July 1, 2010, shall be treated as rules of the Indiana board of pharmacy (IC 25-26).

(b) This section expires July 1, 2015.

As added by P.L.84-2010, SEC.70.

IC 25-26-13-4.5

Rehabilitation of impaired pharmacists; confidentiality of information; duties of board designated rehabilitation program

Sec. 4.5. (a) As used in this section, "impaired pharmacist" means a licensed pharmacist who has been affected by the use or abuse of alcohol or other drugs.

(b) The board shall assist in the rehabilitation of an impaired or a licensed pharmacist. The board may:

(1) enter into agreements, provide grants, and make other arrangements with statewide nonprofit professional associations, foundations, or entities specifically devoted to the rehabilitation of impaired health care professionals to identify and assist impaired pharmacists or licensed pharmacists; and

(2) accept and designate grants, public and private financial assistance, and licensure fees to fund programs under subdivision (1).

(c) Except as provided in subsection (e), all:

(1) information furnished to a nonprofit professional organization or foundation, including interviews, reports, statements, and memoranda; and

(2) findings, conclusions, or recommendations that result from a proceeding of a professional organization or foundation;

are privileged and confidential.

(d) The records of a proceeding under subsection (c) may be used only in the exercise of the proper functions of the board and may not become public records or be subject to a subpoena or discovery proceeding.

(e) Information received by the board from the board designated rehabilitation program for noncompliance by the licensed pharmacist may be used by the board in any disciplinary or criminal proceedings instituted against the impaired licensed pharmacist.

(f) The board designated rehabilitation program shall:

(1) immediately report to the board the name and results of any contact or investigation concerning an impaired licensed pharmacist that the program believes constitutes an imminent danger to either the public or the impaired licensed pharmacist; and

(2) in a timely fashion report to the board an impaired licensed pharmacist:

(A) who refuses to cooperate with the program;

(B) who refuses to submit to treatment; or

(C) whose impairment is not substantially alleviated through treatment.

As added by P.L.188-1995, SEC.4. Amended by P.L.182-2003, SEC.1.

IC 25-26-13-5

Executive director; record of proceedings; inspector-investigators

Sec. 5. (a) The executive director shall keep a record of the proceedings of the board. The record shall contain the names and addresses of all persons who apply to the board for a license or permit and the action taken on each.

(b) The board shall hire and supervise a sufficient number of

inspector-investigators to enforce the controlled substances law (IC 35-48). Inspector-investigators hired by the board are employees of the Indiana professional licensing agency.
As added by Acts 1977, P.L.276, SEC.1. Amended by Acts 1981, P.L.222, SEC.187; Acts 1982, P.L.113, SEC.64; P.L.169-1985, SEC.87; P.L.1-2006, SEC.461.

IC 25-26-13-6
Funds from sources other than state

Sec. 6. The board may accept and expend funds from sources other than the state of Indiana, provided that:

(1) such funds are awarded for the pursuit of a specific objective which the board is authorized to accomplish by this chapter, or which the board is qualified to accomplish by reason of its jurisdiction or professional expertise;
(2) such funds are expended for the pursuit of the objective for which they are awarded;
(3) activities connected with or occasioned by the expenditures of such funds do not interfere with or impair the performance of the board's duties and responsibilities and do not conflict with the exercise of the board's powers as specified by this chapter;
(4) such funds are kept in a separate, special account in the state treasury; and
(5) periodic reports are made to the governor concerning the board's receipt and expenditure of such funds.

As added by Acts 1977, P.L.276, SEC.1.

IC 25-26-13-7
Enforcement of law

Sec. 7. With respect to pharmacists, pharmacies, drugs, controlled drugs, legend drugs, and devices and the enforcement of this chapter, the board shall have the same powers, duties, and functions as specified in IC 16-42-20-2.
As added by Acts 1977, P.L.276, SEC.1. Amended by P.L.2-1993, SEC.146.

IC 25-26-13-8
Repealed

(*Repealed by P.L.105-2008, SEC.67.)*

IC 25-26-13-9
Pharmacist intern programs; continuing education

Sec. 9. (a) The board shall establish standards for pharmacist intern programs. Such standards shall include, but not be limited to, the number of hours students must spend in a program, the number of hours a student must spend in a pharmacy each week, and the types of duties the student may perform.

(b) The board shall, by regulation, establish standards and requirements for continuing education and shall endorse those

continuing education programs which meet the standards and requirements.
As added by Acts 1977, P.L.276, SEC.1. Amended by P.L.98-2006, SEC.3.

IC 25-26-13-10
Pharmacist intern registration

Sec. 10. (a) An applicant for registration as a pharmacist intern must furnish proof satisfactory to the board that the applicant:

(1) is actively enrolled in a school of pharmacy accredited by the American Council of Pharmaceutical Education;

(2) has obtained the Foreign Pharmacy Graduate Examination Committee Certificate; or

(3) is a qualified applicant awaiting the examination for licensure as a pharmacist.

(b) A registration issued under subsection (a) is valid for one (1) year and may be renewed by the board for an additional year until the expiration date established by the Indiana professional licensing agency under IC 25-1-5-4.

(c) An application for registration or renewal must be accompanied by the appropriate fee and one (1) of the following:

(1) Proof of having obtained the Foreign Pharmacy Graduate Examination Committee Certificate.

(2) Proof of active enrollment in a school of pharmacy accredited by the American Council of Pharmaceutical Education.

As added by Acts 1977, P.L.276, SEC.1. Amended by P.L.187-1999, SEC.3; P.L.182-2003, SEC.2; P.L.98-2006, SEC.4; P.L.1-2006, SEC.462; P.L.1-2007, SEC.179.

IC 25-26-13-10.5
Pharmacist intern practice; supervision

Sec. 10.5. (a) A pharmacy intern may engage in the practice of pharmacy if the activities are under the direct supervision of a pharmacist. The pharmacist in charge is responsible for the activities relating to the practice of pharmacy performed by the pharmacy intern.

(b) A pharmacist shall review in person the prescription drug order and the dispensed product prepared by a pharmacy intern before the product is dispensed to the patient or the patient's agent.
As added by P.L.98-2006, SEC.5.

IC 25-26-13-11
Pharmacists; licenses; eligibility; examination

Sec. 11. (a) To be eligible for licensure as a pharmacist, an individual must file such evidence as is required by the board that:

(1) the individual is at least eighteen (18) years of age;

(2) the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently;

(3) the individual:

(A) has graduated with a professional degree from a school of pharmacy accredited by the American Council of Pharmaceutical Education or the Canadian Council on Pharmacy Accreditation and approved by the board; or

(B) has:

(i) graduated with a professional degree from a school of pharmacy located outside the United States and Canada; and

(ii) met the requirements under subsection (c); and

(4) the individual has satisfactorily completed a pharmacist intern program approved by the board.

(b) An applicant who has graduated with a professional degree from a school of pharmacy accredited by the Canadian Council on Pharmacy Accreditation and approved by the board must obtain the Foreign Pharmacy Graduate Examination Committee Certificate administered by the National Association of Boards of Pharmacy before taking the examination required under subsection (d).

(c) An applicant who has graduated with a professional degree from a school of pharmacy located outside the United States and Canada must do the following:

(1) Provide the board with verification of the applicant's academic record and graduation.

(2) Obtain the Foreign Pharmacy Graduate Examination Committee Certificate administered by the National Association of Boards of Pharmacy.

(d) After filing an application on a form provided by the board, submitting the information required in subsection (a), and successfully completing the examination administered by the board, the applicant may be licensed as a pharmacist.

As added by Acts 1977, P.L.276, SEC.1. Amended by Acts 1981, P.L.222, SEC.189; Acts 1982, P.L.113, SEC.65; P.L.169-1985, SEC.88; P.L.149-1987, SEC.73; P.L.152-1988, SEC.21; P.L.48-1991, SEC.46; P.L.33-1993, SEC.44; P.L.242-1995, SEC.2; P.L.98-2006, SEC.6.

IC 25-26-13-12

Persons licensed in another state

Sec. 12. (a) An individual who is licensed as a pharmacist in another state where the requirements for licensure were not less than those required in this state at the time of original licensure may be issued a license in this state if:

(1) the individual has registered with and been approved by the National Association of Boards of Pharmacy;

(2) the individual has graduated with a professional degree in pharmacy from a school of pharmacy accredited by the American Council of Pharmaceutical Education or the Canadian Council on Pharmacy Accreditation and approved by the board; and

(3) the individual has successfully completed an examination

administered by the board concerning the federal statutes and regulations and the Indiana statutes and rules governing the practice of pharmacy.

(b) An individual who has a professional pharmacy degree from a school of pharmacy located outside the United States and Canada and who is licensed in another state where the requirements for licensure are substantially the same as those in this state may be issued a license under this chapter if:

(1) the individual has registered with and been approved by the National Association of Boards of Pharmacy;

(2) the individual has provided the board with proof of the applicant's:

(A) academic record and graduation with a professional degree from a school of pharmacy; and

(B) completion of the requirements for obtaining a Foreign Pharmacy Graduate Examination Committee Certificate administered by the National Association of Boards of Pharmacy; and

(3) the individual has successfully completed an examination administered by the board concerning the federal statutes and regulations and the Indiana statutes and rules governing the practice of pharmacy.

As added by Acts 1977, P.L.276, SEC.1. Amended by P.L.169-1985, SEC.89; P.L.156-1986, SEC.2; P.L.149-1987, SEC.74; P.L.33-1993, SEC.45; P.L.242-1995, SEC.3; P.L.288-2001, SEC.2; P.L.98-2006, SEC.7.

IC 25-26-13-12.5
Repealed

(*Repealed by P.L.98-2006, SEC.29.)*

IC 25-26-13-13
Active and inactive pharmacists

Sec. 13. (a) A person holding a pharmacist license shall be considered an active pharmacist if his fees are current and he has complied with all continuing education requirements.

(b) Any active pharmacist either by his own choice or by action of the board after hearing, may be classified as an inactive pharmacist. An inactive pharmacist may maintain his license by paying his license fees. An inactive pharmacist is exempt from the continuing education requirements. A person may not actively engage in the practice of pharmacy while classified as an inactive pharmacist.

(c) A person classified as an inactive pharmacist may reactivate his license by meeting current continuing education requirements and successfully demonstrating to the board's satisfaction his ability to actively practice as a pharmacist.

As added by Acts 1977, P.L.276, SEC.1.

IC 25-26-13-14

Expiration, renewal, surrender, and reinstatement of pharmacist's license

Sec. 14. (a) A pharmacist's license expires biennially on the date established by the licensing agency under IC 25-1-5-4, unless renewed before that date.

(b) If an application for renewal is not filed and the required fee paid before the established biennial renewal date, the license expires and becomes invalid without any action taken by the board.

(c) Subject to IC 25-1-4-3, a statement attesting that the pharmacist has met the continuing education requirements shall be submitted with the application for license renewal.

(d) If a pharmacist surrenders the pharmacist's license to practice pharmacy in Indiana, the board may subsequently consider reinstatement of the pharmacist's license upon written request of the pharmacist. The board may impose any conditions it considers appropriate to the surrender or to the reinstatement of a surrendered license. The practitioner may not voluntarily surrender the practitioner's license to the board without the written consent of the board if any disciplinary proceedings are pending against the practitioner under this chapter or IC 25-1-9.

(e) If a license has been expired for not more than three (3) years, the board may reinstate the license only if the person meets the requirements under IC 25-1-8-6(c).

(f) If a license has been expired for more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).

(g) The board may require a person who applies for a license under subsection (e) to appear before the board and explain the reason the person failed to renew the person's license.

As added by Acts 1977, P.L.276, SEC.1. Amended by Acts 1981, P.L.222, SEC.190; P.L.169-1985, SEC.90; P.L.149-1987, SEC.75; P.L.48-1991, SEC.47; P.L.269-2001, SEC.25; P.L.98-2006, SEC.8; P.L.105-2008, SEC.46.

IC 25-26-13-15

Confidentiality of prescriptions, records, and patient information; disclosure; immunity

Sec. 15. (a) A pharmacist shall hold in strictest confidence all prescriptions, drug orders, records, and patient information. He may divulge such information only when it is in the best interest of the patient or when requested by the board or its representatives or by a law enforcement officer charged with the enforcement of laws pertaining to drugs or devices or the practice of pharmacy.

(b) A person who has knowledge by virtue of his office of any prescription drug order, record, or patient information may not divulge such information except in connection with a criminal prosecution or proceeding or a proceeding before the board, to which the person to whom the information relates is a party.

(c) A pharmacist or pharmacy is immune from civil liability for any action based on its good faith release of information under this

section.
As added by Acts 1977, P.L.276, SEC.1.

IC 25-26-13-16
Pharmacist's professional judgment; honoring and refusal to honor prescriptions; immunity

Sec. 16. (a) A pharmacist shall exercise his professional judgment in the best interest of the patient's health when engaging in the practice of pharmacy.

(b) A pharmacist has a duty to honor all prescriptions from a practitioner or from a physician, podiatrist, dentist, or veterinarian licensed under the laws of another state. Before honoring a prescription, the pharmacist shall take reasonable steps to determine whether the prescription has been issued in compliance with the laws of the state where it originated. The pharmacist is immune from criminal prosecution or civil liability if he, in good faith, refuses to honor a prescription because, in his professional judgment, the honoring of the prescription would:

(1) be contrary to law;
(2) be against the best interest of the patient;
(3) aid or abet an addiction or habit; or
(4) be contrary to the health and safety of the patient.

As added by Acts 1977, P.L.276, SEC.1. Amended by P.L.156-1986, SEC.3.

IC 25-26-13-16.5
Optometrists who may have prescriptions filled

Sec. 16.5. Pharmacists licensed by Indiana may fill prescriptions of optometrists who are:

(1) licensed by Indiana; and
(2) certified under IC 25-24-3;

for a drug that is included in the formulary adopted under IC 25-24-3-10.
As added by P.L.147-1991, SEC.3. Amended by P.L.157-2006, SEC.66.

IC 25-26-13-17
Classes of pharmacy permits

Sec. 17. (a) The board shall establish classes of pharmacy permits as follows:

Category I. A retail permit for a pharmacy that provides pharmaceutical care to the general public by the dispensing of a drug or device.

Category II. An institutional permit for hospitals, clinics, health care facilities, sanitariums, nursing homes, or dispensaries that offer pharmaceutical care by dispensing a drug product to an inpatient under a drug order or to an outpatient of the institution under a prescription.

Category III. A permit for a pharmacy that provides closed door, central fill, mail order, or other processing operations that

are not open to the general public but include:

(A) traditional pharmacy functions; or

(B) nontraditional pharmacy functions, such as infusion, nuclear pharmacy, or sterile compounding.

(b) The board may approve a remote or mobile location for Category I, II, or III permits. Pharmacy practice in a mobile or remote location may include, but is not limited to, telepharmacy, automated dispensing, or delivery of cognitive services.

(c) A hospital or hospital system holding a Category II permit may offer drugs or devices:

(1) to:

(A) an employee, student, or volunteer of the hospital or hospital system;

(B) a retiree who is participating in a retirement, pension, or benefit program administered by the hospital or hospital system;

(C) an independent contractor who has an exclusive relationship with the hospital or hospital system;

(D) a member of the hospital's or hospital system's governing board; or

(E) a member of the hospital's or hospital system's medical staff; and

(2) to dependents of the individuals listed in subdivision (1);

for their own use.

(d) Hospitals holding a Category II permit may operate remote locations within a reasonable distance of the licensed area, as determined by the board, after:

(1) filing an application on a form prepared by the board;

(2) having each location inspected by the board; and

(3) obtaining approval from the board.

(e) Any applicable rule governing the practice of pharmacy in Indiana shall apply to all permits under this section.

(f) After June 30, 2012, a person with:

(1) a Type I permit shall be treated as holding a Category I permit;

(2) a Type II permit shall be treated as holding a Category II permit; and

(3) a Type III, IV, V, or VI permit shall be treated as holding a Category III permit.

The change in the name of the permit does not change the expiration date of the permit.

(g) After June 30, 2012, a reference in any rule or other document to:

(1) a Type I permit shall be treated as a reference to a Category I permit;

(2) a Type II permit shall be treated as a reference to a Category II permit; or

(3) a Type III, IV, V, or VI permit shall be treated as a reference to a Category III permit.

As added by Acts 1977, P.L.276, SEC.1. Amended by P.L.149-1987,

SEC.76; P.L.147-1991, SEC.4; P.L.98-2006, SEC.9; P.L.159-2012, SEC.4; P.L.152-2012, SEC.10.

IC 25-26-13-18
Eligibility for pharmacy permits; inspections; value of drug inventory

Sec. 18. (a) To be eligible for issuance of a pharmacy permit, an applicant must show to the satisfaction of the board that:

(1) Persons at the location will engage in the bona fide practice of pharmacy. The application must show the number of hours each week, if any, that the pharmacy will be open to the general public.

(2) The pharmacy will maintain a sufficient stock of emergency and frequently prescribed drugs and devices as to adequately serve and protect the public health.

(3) Except as provided in section 19 of this chapter, a registered pharmacist will be in personal attendance and on duty in the licensed premises at all times when the practice of pharmacy is being conducted and that the pharmacist will be responsible for the lawful conduct of the pharmacy.

(4) Certified pharmacy technicians or pharmacy technicians in training certified under IC 25-26-19 must practice under a licensed pharmacist's immediate and personal supervision at all times. A pharmacist may not supervise more than six (6) pharmacy technicians or pharmacy technicians in training at any time. As used in this subdivision, "immediate and personal supervision" means within reasonable visual and vocal distance of the pharmacist.

(5) The pharmacy will be located separate and apart from any area containing merchandise not offered for sale under the pharmacy permit. The pharmacy will:

(A) be stationary;

(B) be sufficiently secure, either through electronic or physical means, or a combination of both, to protect the products contained in the pharmacy and to detect and deter entry during those times when the pharmacy is closed;

(C) be well lighted and ventilated with clean and sanitary surroundings;

(D) be equipped with a sink with hot and cold running water or some means for heating water, a proper sewage outlet, and refrigeration;

(E) have a prescription filling area of sufficient size to permit the practice of pharmacy as practiced at that particular pharmacy; and

(F) have such additional fixtures, facilities, and equipment as the board requires to enable it to operate properly as a pharmacy in compliance with federal and state laws and regulations governing pharmacies.

(b) Prior to opening a pharmacy after receipt of a pharmacy permit, the permit holder shall submit the premises to a qualifying

inspection by a representative of the board and shall present a physical inventory of the drug and all other items in the inventory on the premises.

(c) At all times, the wholesale value of the drug inventory on the licensed items must be at least ten percent (10%) of the wholesale value of the items in the licensed area.

As added by Acts 1977, P.L.276, SEC.1. Amended by P.L.3-1990, SEC.90; P.L.27-1998, SEC.1; P.L.187-1999, SEC.4; P.L.251-2003, SEC.2; P.L.1-2009, SEC.142; P.L.159-2012, SEC.5.

IC 25-26-13-19

Retail pharmacies; absence of pharmacist; revocation of privilege

Sec. 19. (a) A pharmacy holding a Category I or Category III permit may be open to the general public without a pharmacist on duty if the following conditions are met:

(1) Approval is obtained from the board.

(2) All legend drugs and other merchandise that can only be dispensed by a pharmacist are securely locked or secured by an alternative system approved by the board when the pharmacist is absent.

(3) During the pharmacist's absence, a sign at least twenty (20) inches by thirty (30) inches is prominently displayed in the prescription department stating: "Prescription Department Closed, No Pharmacist on Duty".

(4) Only a pharmacist has access to the secured area.

(b) The board may revoke or limit a pharmacy's privilege under this section after a hearing under IC 4-21.5-3.

As added by Acts 1977, P.L.276, SEC.1. Amended by P.L.7-1987, SEC.125; P.L.147-1991, SEC.5; P.L.288-2001, SEC.3; P.L.152-2012, SEC.11.

IC 25-26-13-20

Applications for pharmacy permits

Sec. 20. (a) A person desiring to open, establish, operate, or maintain a pharmacy shall apply to the board for a pharmacy permit on a form provided by the board. The applicant shall set forth:

(1) the name and occupation of the persons desiring the permit;

(2) the location, including street address and city, of the pharmacy;

(3) the name of the pharmacist who will qualify the pharmacy by being responsible to the board for the legal operation of the pharmacy under the permit; and

(4) such other information as the board may require.

(b) If the applicant desires to open, establish, operate, or maintain more than one (1) pharmacy, the applicant must file a separate application for each. Each pharmacy must be qualified by a different pharmacist.

(c) The board shall permit a pharmacist to serve as a qualifying pharmacist for more than one (1) pharmacy holding a Category II pharmacy permit upon the holder of the Category II permit showing

circumstances establishing that:

(1) the permit holder has made a reasonable effort, without success, to obtain a qualifying pharmacist who is not serving as a qualifying pharmacist at another Category II pharmacy; and

(2) the single pharmacist could effectively fulfill all duties and responsibilities of the qualifying pharmacist at both locations.

(d) The board shall grant or deny an application for a permit not later than one hundred twenty (120) days after the application and any additional information required by the board are submitted.

(e) The board may not issue a pharmacy permit to a person who desires to operate the pharmacy out of a residence.

As added by Acts 1977, P.L.276, SEC.1. Amended by P.L.169-1985, SEC.91; P.L.270-2001, SEC.3; P.L.98-2006, SEC.10; P.L.152-2012, SEC.12.

IC 25-26-13-21

Transfer of ownership or location of pharmacies

Sec. 21. (a) A pharmacy permit is not transferable as to location or ownership.

(b) Not later than ten (10) days after the change of ownership of a pharmacy, an application shall be submitted for transfer of ownership accompanied by a signed and dated certificate of sale. The original permit remains valid until a new permit is issued or the application is rejected by the board. Not later than ten (10) days after notice of the board's action, the old permit is void and must be returned immediately by the new owner.

(c) If the holder of a pharmacy permit desires to change the location of the pharmacy, he shall file an application on a form provided by the board for a permit for the new location.

(d) All applications for transfers of ownership or location of a pharmacy must be accompanied by the appropriate fee.

As added by Acts 1977, P.L.276, SEC.1. Amended by Acts 1981, P.L.222, SEC.191.

IC 25-26-13-22

Expiration and renewal of pharmacy permits

Sec. 22. (a) A pharmacy permit shall expire biennially on a date established by the agency under IC 25-1-5-4.

(b) If a pharmacy permit lapses for not more than three (3) years, it may be reinstated by the board if the holder of the permit meets the requirements established under IC 25-1-8-6(c).

(c) If a pharmacy permit has been expired for more than three (3) years, the permit may be reinstated by the board if the holder of the permit meets the requirements for reinstatement under IC 25-1-8-6(d).

(d) No pharmacy may be open for business after the established biennial renewal date until the permit is reinstated.

As added by Acts 1977, P.L.276, SEC.1. Amended by Acts 1981, P.L.222, SEC.192; P.L.169-1985, SEC.92; P.L.105-2008, SEC.47.

IC 25-26-13-23
Fees; fines; license renewal

Sec. 23. (a) The board shall establish appropriate fees to carry out this chapter.

(b) All fees are nonrefundable. A receipt shall be issued for all fees and fines submitted.

(c) All fees collected under this section shall be transferred to the treasurer of state and deposited in the general fund of the state.

(d) The board shall adopt rules to establish fines for violation of an article listed in IC 25-26 or a rule adopted under IC 25-26-13-4, IC 25-26-14-13 or IC 35-48-3-1.

(e) A fine collected by the board shall be transferred to the treasurer of state and deposited in the state general fund.

(f) No fine established under subsection (d) shall be less than twenty-five dollars ($25).

(g) At the time of license renewal, each licensed pharmacist shall pay a renewal fee, a part of which shall be used for the rehabilitation of impaired pharmacists. Notwithstanding subsection (c), the lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired pharmacists account of the state general fund established by section 30 of this chapter:

(1) Sixteen percent (16%) of the license renewal fee for each license renewed under this section.

(2) The amount per license needed to operate the impaired pharmacists program, as determined by the Indiana professional licensing agency.

As added by Acts 1977, P.L.276, SEC.1. Amended by Acts 1981, P.L.222, SEC.193; P.L.169-1985, SEC.93; P.L.152-1988, SEC.22; P.L.188-1995, SEC.5; P.L.1-2003, SEC.76; P.L.182-2003, SEC.3; P.L.1-2006, SEC.463.

IC 25-26-13-24
Display of permits and licenses

Sec. 24. The pharmacy permit and the licenses of the pharmacists primarily employed in the pharmacy shall be prominently displayed in an area where customers at the prescription counter can readily see them.

As added by Acts 1977, P.L.276, SEC.1.

IC 25-26-13-25 Version a
Prescriptions; numbering, filing, and inspection; refills; duration of validity; demise of practitioner or patient; resale or redistribution of returned medication

Note: This version of section amended by P.L.152-2012, SEC.13. See also following version of this section amended by P.L.159-2012, SEC.6.

Sec. 25. (a) All original prescriptions, whether in written or electronic format, shall be numbered and maintained in numerical and chronological order, or in a manner approved by the board and accessible for at least two (2) years in the pharmacy. A prescription

transmitted from a practitioner by means of communication other than writing must immediately be reduced to writing or recorded in an electronic format by the pharmacist. The files shall be open for inspection to any member of the board or the board's duly authorized agent or representative.

(b) A prescription may be electronically transmitted from the practitioner by computer or another electronic device to a pharmacy that is licensed under this article or any other state or territory. An electronic data intermediary that is approved by the board:

(1) may transmit the prescription information between the prescribing practitioner and the pharmacy;

(2) may archive copies of the electronic information related to the transmissions as necessary for auditing and security purposes; and

(3) must maintain patient privacy and confidentiality of all archived information as required by applicable state and federal laws.

(c) Except as provided in subsection (d), a prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only", may not be refilled without written, electronically transmitted, or oral authorization of a licensed practitioner.

(d) A prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only", may be refilled by a pharmacist one (1) time without the written, electronically transmitted, or oral authorization of a licensed practitioner if all of the following conditions are met:

(1) The pharmacist has made every reasonable effort to contact the original prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(2) The pharmacist believes that, under the circumstances, failure to provide a refill would be seriously detrimental to the patient's health.

(3) The original prescription authorized a refill but a refill would otherwise be invalid for either of the following reasons:

(A) All of the authorized refills have been dispensed.

(B) The prescription has expired under subsection (g).

(4) The prescription for which the patient requests the refill was:

(A) originally filled at the pharmacy where the request for a refill is received and the prescription has not been transferred for refills to another pharmacy at any time; or

(B) filled at or transferred to another location of the same pharmacy or its affiliate owned by the same parent corporation if the pharmacy filling the prescription has full access to prescription and patient profile information that is simultaneously and continuously updated on the parent corporation's information system.

(5) The drug is prescribed for continuous and uninterrupted use and the pharmacist determines that the drug is being taken properly in accordance with IC 25-26-16.

(6) The pharmacist shall document the following information regarding the refill:

(A) The information required for any refill dispensed under subsection (e).

(B) The dates and times that the pharmacist attempted to contact the prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(C) The fact that the pharmacist dispensed the refill without the authorization of a licensed practitioner.

(7) The pharmacist notifies the original prescribing practitioner of the refill and the reason for the refill by the practitioner's next business day after the refill has been made by the pharmacist.

(8) Any pharmacist initiated refill under this subsection may not be for more than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day. However, a pharmacist may dispense a drug in an amount greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day if:

(A) the drug is packaged in a form that requires the pharmacist to dispense the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day; or

(B) the pharmacist documents in the patient's record the amount of the drug dispensed and a compelling reason for dispensing the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day.

(9) Not more than one (1) pharmacist initiated refill is dispensed under this subsection for a single prescription.

(10) The drug prescribed is not a controlled substance.

A pharmacist may not refill a prescription under this subsection if the practitioner has designated on the prescription form the words "No Emergency Refill".

(e) When refilling a prescription, the refill record shall include:

(1) the date of the refill;

(2) the quantity dispensed if other than the original quantity; and

(3) the dispenser's identity on:

(A) the original prescription form; or

(B) another board approved, uniformly maintained, readily retrievable record.

(f) The original prescription form or the other board approved record described in subsection (e) must indicate by the number of the original prescription the following information:

(1) The name and dosage form of the drug.
(2) The date of each refill.
(3) The quantity dispensed.
(4) The identity of the pharmacist who dispensed the refill.
(5) The total number of refills for that prescription.

(g) A prescription is valid for not more than one (1) year after the original date of issue.

(h) A pharmacist may not knowingly dispense a prescription after the demise of the practitioner, unless in the pharmacist's professional judgment it is in the best interest of the patient's health.

(i) A pharmacist may not knowingly dispense a prescription after the demise of the patient.

(j) A pharmacist or a pharmacy shall not resell, reuse, or redistribute a medication that is returned to the pharmacy after being dispensed unless the medication:

(1) was dispensed to an individual:
(A) residing in an institutional facility (as defined in 856 IAC 1-28.1-1(6));
(B) in a hospice program under IC 16-25; or
(C) in a county jail or department of correction facility;
(2) was properly stored and securely maintained according to sound pharmacy practices;
(3) is returned unopened and:
(A) was dispensed in the manufacturer's original:
(i) bulk, multiple dose container with an unbroken tamper resistant seal; or
(ii) unit dose package; or
(B) was packaged by the dispensing pharmacy in a:
(i) multiple dose blister container; or
(ii) unit dose package;
(4) was dispensed by the same pharmacy as the pharmacy accepting the return;
(5) is not expired; and
(6) is not a controlled substance (as defined in IC 35-48-1-9), unless the pharmacy holds a Category II permit (as described in section 17 of this chapter).

(k) A pharmacist or a pharmacy shall not resell, reuse, or redistribute medical devices or medical supplies used for prescription drug therapy that have been returned to the pharmacy after being dispensed unless the medical devices or medical supplies:

(1) were dispensed to an individual in a county jail or department of correction facility;
(2) are not expired; and
(3) are returned unopened and in the original sealed packaging.

(l) A pharmacist may use the pharmacist's professional judgment as to whether to accept medication for return under this section.

(m) A pharmacist who violates subsection (d) commits a Class A infraction.

As added by Acts 1977, P.L.276, SEC.1. Amended by P.L.239-1989, SEC.1; P.L.33-1993, SEC.46; P.L.188-1995, SEC.6; P.L.187-1999,

SEC.5; P.L.270-2001, SEC.4; P.L.288-2001, SEC.4; P.L.1-2002, SEC.98; P.L.182-2003, SEC.4; P.L.97-2004, SEC.95; P.L.75-2004, SEC.2; P.L.204-2005, SEC.16; P.L.174-2011, SEC.4; P.L.152-2012, SEC.13.

IC 25-26-13-25 Version b

Prescriptions; numbering, filing, and inspection; refills; duration of validity; demise of practitioner or patient; resale or redistribution of returned medication

Note: This version of section amended by P.L.159-2012, SEC.6. See also preceding version of this section amended by P.L.152-2012, SEC.13.

Sec. 25. (a) All original prescriptions, whether in written or electronic format, shall be numbered and maintained in numerical and chronological order, or in a manner approved by the board and accessible for at least two (2) years in the pharmacy. A prescription transmitted from a practitioner by means of communication other than writing must immediately be reduced to writing or recorded in an electronic format by the pharmacist. The files shall be open for inspection to any member of the board or its duly authorized agent or representative.

(b) A prescription may be electronically transmitted from the practitioner by computer or another electronic device to a pharmacy that is licensed under this article or any other state or territory. An electronic data intermediary that is approved by the board:

(1) may transmit the prescription information between the prescribing practitioner and the pharmacy;

(2) may archive copies of the electronic information related to the transmissions as necessary for auditing and security purposes; and

(3) must maintain patient privacy and confidentiality of all archived information as required by applicable state and federal laws.

(c) Except as provided in subsection (d), a prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only", may not be refilled without written, electronically transmitted, or oral authorization of a licensed practitioner.

(d) A prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only", may be refilled by a pharmacist one (1) time without the written, electronically transmitted, or oral authorization of a licensed practitioner if all of the following conditions are met:

(1) The pharmacist has made every reasonable effort to contact the original prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(2) The pharmacist believes that, under the circumstances, failure to provide a refill would be seriously detrimental to the

patient's health.

(3) The original prescription authorized a refill but a refill would otherwise be invalid for either of the following reasons:

(A) All of the authorized refills have been dispensed.

(B) The prescription has expired under subsection (h).

(4) The prescription for which the patient requests the refill was:

(A) originally filled at the pharmacy where the request for a refill is received and the prescription has not been transferred for refills to another pharmacy at any time; or

(B) filled at or transferred to another location of the same pharmacy or its affiliate owned by the same parent corporation if the pharmacy filling the prescription has full access to prescription and patient profile information that is simultaneously and continuously updated on the parent corporation's information system.

(5) The drug is prescribed for continuous and uninterrupted use and the pharmacist determines that the drug is being taken properly in accordance with IC 25-26-16.

(6) The pharmacist shall document the following information regarding the refill:

(A) The information required for any refill dispensed under subsection (e).

(B) The dates and times that the pharmacist attempted to contact the prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(C) The fact that the pharmacist dispensed the refill without the authorization of a licensed practitioner.

(7) The pharmacist notifies the original prescribing practitioner of the refill and the reason for the refill by the practitioner's next business day after the refill has been made by the pharmacist.

(8) Any pharmacist initiated refill under this subsection may not be for more than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day. However, a pharmacist may dispense a drug in an amount greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day if:

(A) the drug is packaged in a form that requires the pharmacist to dispense the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day; or

(B) the pharmacist documents in the patient's record the amount of the drug dispensed and a compelling reason for dispensing the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day.

(9) Not more than one (1) pharmacist initiated refill is

dispensed under this subsection for a single prescription.

(10) The drug prescribed is not a controlled substance.

A pharmacist may not refill a prescription under this subsection if the practitioner has designated on the prescription form the words "No Emergency Refill".

(e) When refilling a prescription, the refill record shall include:

(1) the date of the refill;

(2) the quantity dispensed if other than the original quantity; and

(3) the dispenser's identity on:

(A) the original prescription form; or

(B) another board approved, uniformly maintained, readily retrievable record.

(f) The original prescription form or the other board approved record described in subsection (e) must indicate by the number of the original prescription the following information:

(1) The name and dosage form of the drug.

(2) The date of each refill.

(3) The quantity dispensed.

(4) The identity of the pharmacist who dispensed the refill.

(5) The total number of refills for that prescription.

(g) This subsection does not apply:

(1) unless a patient requests a prescription drug supply of more than thirty (30) days;

(2) to the dispensing of a controlled substance (as defined in IC 35-48-1-9); or

(3) if a prescriber indicates on the prescription that the quantity of the prescription may not be changed.

A pharmacist may dispense, upon request of the patient, personal or legal representative of the patient, or guardian of the patient, not more than a ninety (90) day supply of medication if the patient has completed an initial thirty (30) day supply of the drug therapy and the prescription, including any refills, allows a pharmacist to dispense at least a ninety (90) day supply of the medication. However, a pharmacist shall notify the prescriber of the change in the quantity filled and must comply with state and federal laws and regulations concerning the dispensing limitations concerning a prescription drug. The pharmacist shall inform the customer concerning whether the additional supply of the prescription will be covered under the patient's insurance, if applicable.

(h) A prescription is valid for not more than one (1) year after the original date of issue.

(i) A pharmacist may not knowingly dispense a prescription after the demise of the practitioner, unless in the pharmacist's professional judgment it is in the best interest of the patient's health.

(j) A pharmacist may not knowingly dispense a prescription after the demise of the patient.

(k) A pharmacist or a pharmacy shall not resell, reuse, or redistribute a medication that is returned to the pharmacy after being dispensed unless the medication:

(1) was dispensed to an individual:
(A) residing in an institutional facility (as defined in 856 IAC 1-28.1-1(6));
(B) in a hospice program under IC 16-25; or
(C) in a county jail or department of correction facility;
(2) was properly stored and securely maintained according to sound pharmacy practices;
(3) is returned unopened and:
(A) was dispensed in the manufacturer's original:
(i) bulk, multiple dose container with an unbroken tamper resistant seal; or
(ii) unit dose package; or
(B) was packaged by the dispensing pharmacy in a:
(i) multiple dose blister container; or
(ii) unit dose package;
(4) was dispensed by the same pharmacy as the pharmacy accepting the return;
(5) is not expired; and
(6) is not a controlled substance (as defined in IC 35-48-1-9), unless the pharmacy holds a Type II permit (as described in section 17 of this chapter).

(l) A pharmacist or a pharmacy shall not resell, reuse, or redistribute medical devices or medical supplies used for prescription drug therapy that have been returned to the pharmacy after being dispensed unless the medical devices or medical supplies:
(1) were dispensed to an individual in a county jail or department of correction facility;
(2) are not expired; and
(3) are returned unopened and in the original sealed packaging.

(m) A pharmacist may use the pharmacist's professional judgment as to whether to accept medication for return under this section.

(n) A pharmacist who violates subsection (d) commits a Class A infraction.

As added by Acts 1977, P.L.276, SEC.1. Amended by P.L.239-1989, SEC.1; P.L.33-1993, SEC.46; P.L.188-1995, SEC.6; P.L.187-1999, SEC.5; P.L.270-2001, SEC.4; P.L.288-2001, SEC.4; P.L.1-2002, SEC.98; P.L.182-2003, SEC.4; P.L.97-2004, SEC.95; P.L.75-2004, SEC.2; P.L.204-2005, SEC.16; P.L.174-2011, SEC.4; P.L.159-2012, SEC.6.

IC 25-26-13-25.5
Approved electronic data intermediary

Sec. 25.5. A prescription may be transmitted electronically from a practitioner to a pharmacy only through the use of an electronic data intermediary approved by the board.

As added by P.L.204-2005, SEC.17.

IC 25-26-13-26
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-26-13-26.1
Repealed
(*Repealed by P.L.152-1988, SEC.30.)*

IC 25-26-13-27
Closing of pharmacies
Sec. 27. (a) If a pharmacy will be closed for five (5) consecutive days or more, the permit holder shall notify the board and take such steps to secure the drugs in the pharmacy as the board may direct.
(b) If a pharmacy is to be permanently closed for any reason, the owner or qualifying pharmacist shall:
(1) notify the board not less than twenty (20) days before the transfer of any controlled substances and submit a copy of the inventory form required by the federal drug enforcement administration together with the name, address, and registration number of the person to whom the drugs will be transferred;
(2) remove all legend drugs from stock by:
(A) returning them to the wholesaler or manufacturer if he consents;
(B) transferring them to another pharmacy; or
(C) destroying them in the presence of a representative appointed by the board;
(3) before disposing of any other merchandise in the pharmacy, dispose of all controlled drugs and legend drugs as provided in clauses (1) and (2) and submit the licensed premises to an inspection by a representative of the board to certify that all legend and controlled drugs have been removed;
(4) remove from inside and outside the licensed area all symbols and signs using the words "drugs", "drugstore", "prescriptions", "pharmacy", "pharmacy department", "apothecary", or "apothecary shop", or any combination of such titles; and
(5) return the pharmacy permit for cancellation by the board within ten (10) days after all legend drugs, controlled drugs, drugs and devices are removed from the premises.
As added by Acts 1977, P.L.276, SEC.1. Amended by P.L.147-1991, SEC.6.

IC 25-26-13-28
Injunction of violations
Sec. 28. At the request of the board, the attorney general in the name of the state shall apply for an injunction in the circuit court of the county wherein a violation of this chapter is occurring.
As added by Acts 1977, P.L.276, SEC.1.

IC 25-26-13-29
Unlawful acts; violations; application of chapter
Sec. 29. (a) It is unlawful:
(1) For any person to display or permit to be displayed, a

pharmacy permit in any facility or place of business other than that for which it was issued.

(2) For any person to accept a prescription for filling or compounding at any place or facility for which there is not a valid pharmacy permit.

(3) For any person to operate a pharmacy or to take, assume, exhibit, display, or advertise by any medium, the title "drugs", "prescriptions", "medicine", "drug store", "pharmacy", or "apothecary shop", or any combination of such titles or any other title, symbol, term, or description of like import intended to cause the public to believe that it is a pharmacy unless he holds a valid pharmacy permit.

(4) For any person to engage or offer to engage in the practice of pharmacy or to hold himself out as a pharmacist without a valid pharmacist's license that is classified as active by the board.

(b) A person who violates a provision of subsection (a) of this section commits a Class D felony.

(c) Nothing in this chapter shall apply to, nor in any manner interfere with the business of a general merchant in selling and distributing nonnarcotic, nonprescription medicines or drugs which are prepackaged, fully prepared by the manufacturer for use by the consumer, and labeled in accordance with the requirements of the state and federal food and drug acts.

As added by Acts 1977, P.L.276, SEC.1.

IC 25-26-13-30

Impaired pharmacists account

Sec. 30. (a) The impaired pharmacists account is established within the state general fund to provide money for the rehabilitation of impaired pharmacists under this article. The account shall be administered by the Indiana professional licensing agency.

(b) Expenses of administering the account shall be paid from money in the account. The account consists of money collected under section 4.5(b) of this chapter.

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Money remaining in the account at the end of a state fiscal year does not revert to the state general fund.

(d) There is appropriated to the board from the account an amount sufficient to carry out the purpose described in subsection (a).

As added by P.L.188-1995, SEC.7. Amended by P.L.1-2006, SEC.464.

IC 25-26-13-31

Powers and duties of pharmacists

Sec. 31. (a) A pharmacist may do the following:

(1) Obtain and maintain patient drug histories and other pharmacy records that are related to drug or device therapies.

(2) Perform drug evaluation, drug utilization review, and drug regimen review.

(3) Participate in the selection, storage, and distribution of drugs, dietary supplements, and devices. However, drug selection must comply with IC 16-42-19 and IC 16-42-22.

(4) Participate in drug or drug related research.

(b) A pharmacist who participates in an activity allowed under subsection (a) is required to follow the standards for the competent practice of pharmacy adopted by the board.

As added by P.L.187-1999, SEC.6.

IC 25-26-13-31.2

Administration of immunizations; emergency immunizations

Sec. 31.2. (a) A pharmacist may administer an immunization to an individual under a drug order or prescription.

(b) A pharmacist may administer an immunization for influenza or shingles (herpes zoster) to a group of individuals under a drug order, under a prescription, or according to a protocol approved by a physician if the following requirements are met:

(1) The physician specifies in the drug order, prescription, or protocol the group of individuals to whom the immunization may be administered.

(2) The physician who writes the drug order, prescription, or protocol is licensed in Indiana and not employed by a pharmacy.

(3) The pharmacist who administers the immunization is responsible for notifying, not later than fourteen (14) days after the pharmacist administers the immunization, the physician who authorized the immunization and the individual's primary care physician that the individual received the immunization.

(4) If the physician uses a protocol, the protocol may apply only to an individual or group of individuals who are at least:

(A) fourteen (14) years of age but less than eighteen (18) years of age, if the pharmacist receives the consent of a parent or legal guardian, and the parent or legal guardian is present at the time of immunization; or

(B) eighteen (18) years of age.

(c) If the state department of health or the department of homeland security determines that an emergency exists, a pharmacist may administer any immunization in accordance with:

(1) the requirements of subsection (b)(1) through (b)(3); and

(2) any instructions in the emergency determination.

As added by P.L.94-2007, SEC.2. Amended by P.L.197-2011, SEC.109.

IC 25-26-13-32

State of emergency; suspension of statutes

Sec. 32. If a state of emergency is declared by:

(1) the governor under IC 10-14-3-12; or

(2) the President of the United States;

the board may, for the duration of the state of emergency, suspend the provisions of a statute or rule under this article that would prevent, hinder, or delay the appropriate delivery of pharmaceutical care.

As added by P.L.98-2006, SEC.11.

IC 25-26-14
Chapter 14. Wholesale Legend Drug Distributors

IC 25-26-14-1
Application of chapter

Sec. 1. (a) This chapter applies to any individual, partnership, limited liability company, corporation, or business firm:

(1) located in or outside Indiana; and

(2) engaging in the wholesale distribution of legend drugs in Indiana.

(b) Except as required by federal law or regulation, the requirements of this chapter do not apply to a manufacturer that is approved by the federal Food and Drug Administration. However, the board may adopt rules concerning manufacturers that the board considers appropriate and necessary.

(c) The requirements of this chapter do not apply to a medical gas manufacturer or distributor that only manufactures or distributes medical gases.

As added by P.L.182-1991, SEC.3. Amended by P.L.8-1993, SEC.394; P.L.212-2005, SEC.23; P.L.98-2006, SEC.12.

IC 25-26-14-1.5
"Adulterated" defined

Sec. 1.5. As used in this chapter, "adulterated" refers to a legend drug that:

(1) consists in whole or in part of a filthy, putrid, or decomposed substance;

(2) has been produced, prepared, packed, or held under unsanitary conditions and may have been contaminated or rendered injurious to health;

(3) has been subjected to conditions in the manufacture, processing, packing, or holding of the legend drug that do not conform to current standards of manufacturing to ensure that the legend drug is safe for use and possesses the identity, strength, quality, and purity characteristics that the legend drug is represented to possess;

(4) is contained in a container composed of a poisonous or deleterious substance that may render the legend drug injurious to health;

(5) bears or contains, for purposes of coloring only, a color additive that is unsafe;

(6) is of a different strength, quality, or purity from the official compendium standard for the legend drug; or

(7) does not meet the considerations of the federal Food, Drug, and Cosmetic Act.

As added by P.L.212-2005, SEC.24.

IC 25-26-14-1.7
"Authenticate" defined

Sec. 1.7. As used in this chapter, "authenticate" means to

affirmatively verify before distribution occurs that each transaction that is listed on:

(1) the pedigree of a legend drug; and

(2) other accompanying documentation for a legend drug;

has occurred.

As added by P.L.212-2005, SEC.25.

IC 25-26-14-1.8

"Authorized distributor" defined

Sec. 1.8. As used in this chapter, "authorized distributor" means a wholesale drug distributor with which a manufacturer has established an ongoing relationship to distribute the manufacturer's products. For purposes of this section, an ongoing relationship exists between a wholesale drug distributor, including any affiliated group (as defined in Section 1504 of the Internal Revenue Code) of which the wholesale distributor is a member, and a manufacturer if the wholesale drug distributor:

(1) has a written agreement currently in effect with the manufacturer evidencing an ongoing relationship;

(2) is listed on the manufacturer's current monthly updated list of authorized distributors; or

(3) has a verifiable account with the manufacturer and a minimal transaction or volume requirement limit of:

(A) five thousand (5,000) units per company in the previous twelve (12) months; or

(B) twelve (12) purchases at the manufacturer's minimum purchasing requirement per invoice in the previous twelve (12) months.

As added by P.L.212-2005, SEC.26.

IC 25-26-14-2

"Blood" defined

Sec. 2. As used in this chapter, "blood" means whole blood collected from a single donor and processed either for transfusion or further manufacturing.

As added by P.L.182-1991, SEC.3.

IC 25-26-14-3

"Blood component" defined

Sec. 3. As used in this chapter, "blood component" means that part of blood separated by physical or mechanical means.

As added by P.L.182-1991, SEC.3.

IC 25-26-14-3.7

"Chain drug warehouse" defined

Sec. 3.7. As used in this chapter, "chain drug warehouse" means a permanent physical location for drugs or devices, or both, that:

(1) is licensed as a wholesale distributor;

(2) acts as a central warehouse; and

(3) primarily performs intracompany sales and transfers of

legend drugs or devices to members of the same affiliated group that is under common ownership and control.

As added by P.L.98-2006, SEC.13.

IC 25-26-14-4
"Board" defined

Sec. 4. As used in this chapter, "board" refers to the Indiana board of pharmacy established under IC 25-26-13-3.

As added by P.L.182-1991, SEC.3.

IC 25-26-14-4.1
"Co-licensed products" defined

Sec. 4.1. As used in this chapter, "co-licensed products" means pharmaceutical products:

(1) that have been approved by the federal Food and Drug Administration; and

(2) concerning which two (2) or more parties have the right to engage in a business activity or occupation concerning the pharmaceutical products.

As added by P.L.212-2005, SEC.27.

IC 25-26-14-4.2
"Compendium" defined

Sec. 4.2. As used in this chapter, "compendium" refers to:

(1) the United States Pharmacopoeia;

(2) the Homeopathic Pharmacopoeia of the United States;

(3) the National Formulary;

(4) a drug approved by the federal Food and Drug Administration; or

(5) a supplement to a document specified in subdivision (1), (2), or (3).

As added by P.L.212-2005, SEC.28.

IC 25-26-14-4.3
"Contraband" defined

Sec. 4.3. As used in this chapter, "contraband" refers to a legend drug:

(1) that is counterfeit;

(2) that is stolen;

(3) that is misbranded;

(4) that is obtained by fraud;

(5) that is purchased by a nonprofit institution for the nonprofit institution's own use and placed in commerce in violation of the own use agreement for the legend drug;

(6) for which a required pedigree does not exist; or

(7) for which a pedigree in existence:

(A) has been forged, counterfeited, or falsely created; or

(B) contains any altered, false, or misrepresented information.

As added by P.L.212-2005, SEC.29.

IC 25-26-14-4.4
"Counterfeit" defined

Sec. 4.4. As used in this chapter, "counterfeit" refers to a legend drug, or the container, seal, or labeling of a legend drug, that, without authorization, bears the trademark, trade name, or other identifying mark or imprint of a manufacturer, processor, packer, or distributor other than the person that manufactured, processed, packed, or distributed the legend drug.

As added by P.L.212-2005, SEC.30.

IC 25-26-14-4.5
"Deliver" defined

Sec. 4.5. As used in this chapter, "deliver" means the actual, constructive, or attempted transfer of a legend drug from one (1) person to another.

As added by P.L.212-2005, SEC.31.

IC 25-26-14-4.6
"Designated representative" defined

Sec. 4.6. As used in this chapter, "designated representative" means an individual who:

(1) is designated by a wholesale drug distributor;

(2) serves as the wholesale drug distributor's responsible individual with the board; and

(3) is actively involved in and aware of the actual daily operation of the wholesale drug distributor.

As added by P.L.212-2005, SEC.32.

IC 25-26-14-4.7
"Distribute" defined

Sec. 4.7. As used in this chapter, "distribute" means to sell, offer to sell, deliver, offer to deliver, broker, give away, or transfer a legend drug, whether by passage of title or physical movement, or both. The term does not include the following:

(1) Dispensing or administering a legend drug.

(2) Delivering or offering to deliver a legend drug by a common carrier in the usual course of business as a common carrier.

(3) The provision of a legend drug sample to a patient by a:

(A) practitioner;

(B) health care professional acting at the direction and under the supervision of a practitioner; or

(C) hospital's or other health care entity's pharmacy that received the drug sample in accordance with this chapter and other applicable law to administer or dispense and that is acting at the direction of a practitioner;

licensed to prescribe the legend drug.

As added by P.L.212-2005, SEC.33.

IC 25-26-14-5
"Drug sample" defined

Sec. 5. As used in this chapter, "drug sample" means a unit of a legend drug that is not intended to be sold and is intended to promote the sale of the drug.
As added by P.L.182-1991, SEC.3.

IC 25-26-14-6
"Health care entity" defined
Sec. 6. As used in this chapter, "health care entity" means any organization or business that provides diagnostic, medical, surgical, dental treatment, or rehabilitative care. The term does not include a pharmacy or wholesale drug distributor.
As added by P.L.182-1991, SEC.3. Amended by P.L.212-2005, SEC.34.

IC 25-26-14-6.5
"Label" defined
Sec. 6.5. As used in this chapter, "label" means a display of written, printed, or graphic matter on the immediate container of a legend drug.
As added by P.L.212-2005, SEC.35.

IC 25-26-14-6.6
"Labeling" defined
Sec. 6.6. As used in this chapter, "labeling" means labels and other written, printed, or graphic matter:
(1) on a legend drug or a legend drug's container or wrapper; or
(2) accompanying a legend drug.
As added by P.L.212-2005, SEC.36.

IC 25-26-14-7
"Legend drug" defined
Sec. 7. As used in this chapter, "legend drug" has the meaning set forth in IC 16-18-2-199. The term includes any human drug required by federal law or regulation to be dispensed only by a prescription, including finished dosage forms and active ingredients subject to 21 U.S.C. 811 through 812. The term does not include a device or a device component, part, or accessory.
As added by P.L.182-1991, SEC.3. Amended by P.L.2-1993, SEC.147; P.L.212-2005, SEC.37.

IC 25-26-14-8
"Manufacturer" defined
Sec. 8. As used in this chapter, "manufacturer" means a person who is engaged in manufacturing, preparing, propagating, compounding, processing, packaging, repackaging, or labeling of a legend drug.
As added by P.L.182-1991, SEC.3.

IC 25-26-14-8.3
"Misbranded" defined

Sec. 8.3. As used in this chapter, "misbranded" means that a legend drug's label:

(1) is false or misleading;

(2) does not bear the name and address of the manufacturer, packer, or distributor or does not contain an accurate statement of the quantities of active ingredients of the legend drug;

(3) does not show an accurate monograph for the legend drug; or

(4) does not comply with any other requirements of the federal Food, Drug, and Cosmetic Act.

As added by P.L.212-2005, SEC.38.

IC 25-26-14-8.5
"Normal distribution chain of custody" defined

Sec. 8.5. As used in this chapter, "normal distribution chain of custody" means the route that a legend drug travels:

(1) from a manufacturer to a wholesale drug distributor, to a pharmacy, and to a patient or a patient's agent;

(2) from a manufacturer to a wholesale drug distributor, to a chain drug warehouse, to a pharmacy affiliated with the chain drug warehouse, and to a patient or a patient's agent;

(3) from a manufacturer to a chain drug warehouse, to a pharmacy affiliated with the chain drug warehouse, and to a patient or a patient's agent;

(4) from a manufacturer to a third party logistics provider, to a wholesale drug distributor, to a pharmacy, and to a patient or a patient's agent;

(5) from a manufacturer to a third party logistics provider, to a wholesale drug distributor, to a chain drug warehouse, to a pharmacy affiliated with the chain drug warehouse, and to a patient or a patient's agent;

(6) from a manufacturer to a third party logistics provider, to a chain drug warehouse, to a pharmacy affiliated with the chain drug warehouse, and to a patient or a patient's agent; or

(7) as prescribed by rules adopted by the board.

As added by P.L.212-2005, SEC.39.

IC 25-26-14-8.7
"Pedigree" defined

Sec. 8.7. As used in this chapter, "pedigree" means a statement or record in a written or an electronic form that is approved by the board, that:

(1) records each wholesale distribution of a legend drug from the sale by the manufacturer that leaves the normal distribution chain of custody and that includes information designated by the board through rules for each transaction; or

(2) complies with a legend drug pedigree law or regulation in another state or United States territory that meets the pedigree requirements under this chapter.

As added by P.L.212-2005, SEC.40. Amended by P.L.98-2006,

SEC.14.

IC 25-26-14-9
"Person" defined

Sec. 9. As used in this chapter, "person" means an individual, a partnership, a business firm, a limited liability company, a corporation, or another entity, including a governmental entity.

As added by P.L.182-1991, SEC.3. Amended by P.L.8-1993, SEC.395; P.L.212-2005, SEC.41.

IC 25-26-14-9.2
"Practitioner" defined

Sec. 9.2. As used in this chapter, "practitioner" has the meaning set forth in IC 16-42-19-5.

As added by P.L.212-2005, SEC.42.

IC 25-26-14-9.3
"Repackage" defined

Sec. 9.3. As used in this chapter, "repackage" means changing the container, wrapper, quantity, or labeling of a legend drug to further the distribution of the legend drug.

As added by P.L.212-2005, SEC.43.

IC 25-26-14-10
"Sale" defined

Sec. 10. As used in this chapter, "sale" includes purchase, trade, or offer to sell, purchase, or trade.

As added by P.L.182-1991, SEC.3.

IC 25-26-14-10.5
"Third party logistics provider" defined

Sec. 10.5. As used in this chapter, "third party logistics provider" means an entity that:

(1) provides or coordinates warehousing, distribution, or other services on behalf of a manufacturer, but does not take title to the legend drug or have general responsibility to direct the legend drug's sale or disposition; and

(2) is licensed under this chapter.

As added by P.L.212-2005, SEC.44.

IC 25-26-14-11
"Wholesale distribution" defined

Sec. 11. As used in this chapter, "wholesale distribution" means to distribute legend drugs to persons other than a consumer or patient. The term does not include:

(1) a sale or transfer between a division, a subsidiary, a parent, an affiliated, or a related company under the common ownership and control of a corporate entity;

(2) the purchase or acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a

drug for the hospital's or health care entity's own use from the group purchasing organization or from other hospitals or health care entities that are members of the organization;

(3) the sale of a drug by a charitable organization described in Section 501(c)(3) of the Internal Revenue Code, to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

(4) the sale of a drug among hospitals or other health care entities that are under common control;

(5) the sale of a drug for emergency medical reasons, including transfers of legend drugs by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage, if the gross dollar value of the transfers does not exceed five percent (5%) of the total legend drug sales revenue of either the transferor or transferee pharmacy during any twelve (12) consecutive month period;

(6) the sale of a drug or the dispensing of a drug pursuant to a prescription;

(7) the distribution of drug samples by manufacturers' representatives or distributors' representatives;

(8) the sale of blood and blood components intended for transfusion;

(9) the sale of a drug by a retail pharmacy to a practitioner (as defined in IC 25-26-13-2) for office use, if the gross dollar value of the transfers does not exceed five percent (5%) of the retail pharmacy's total legend drug sales during any twelve (12) consecutive months;

(10) the sale of a drug by a retail pharmacy that is ending its business and liquidating its inventory to another retail pharmacy;

(11) drug returns by a hospital, health care entity, or charitable institution conducted under 21 CFR 203.23;

(12) the sale of minimal quantities of drugs by retail pharmacies to licensed practitioners for office use;

(13) the distribution of prescription drugs by the original manufacturer of the finished form of the prescription drug or the distribution of the co-licensed products by a partner of the original manufacturer of the finished form of the prescription drug; or

(14) drug returns that meet criteria established by rules adopted by the board.

As added by P.L.182-1991, SEC.3. Amended by P.L.33-1993, SEC.47; P.L.212-2005, SEC.45.

IC 25-26-14-12
"Wholesale drug distributor" defined

Sec. 12. As used in this chapter, "wholesale drug distributor" means a person engaged in wholesale distribution of legend drugs, including:

(1) manufacturers;

(2) repackers;
(3) own-label distributors;
(4) private-label distributors;
(5) jobbers;
(6) brokers;
(7) warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses, and wholesale drug warehouses;
(8) independent wholesale drug traders;
(9) retail and hospital pharmacies that conduct wholesale distributions; and
(10) reverse distributors.

The term does not include a common carrier or person hired solely to transport prescription drugs.

As added by P.L.182-1991, SEC.3. Amended by P.L.98-2006, SEC.15.

IC 25-26-14-13
Rules

Sec. 13. The board shall adopt rules under IC 4-22-2 that conform with wholesale drug distributor licensing guidelines adopted by the United States Food and Drug Administration (21 CFR 205), including rules:

(1) necessary to carry out the purposes of this chapter;
(2) that incorporate and set detailed standards for meeting each of the license prerequisites set forth in this chapter; and
(3) establishing reasonable fees to carry out this chapter.

As added by P.L.182-1991, SEC.3.

IC 25-26-14-14
Accreditation and license for wholesale distribution of legend drugs

Sec. 14. (a) A person may not engage in wholesale distributions of legend drugs without:

(1) after December 31, 2005, obtaining and maintaining accreditation or certification from the National Association of Boards of Pharmacy's Verified Accredited Wholesale Distributor or an accreditation body approved by the board under subsection (g);
(2) obtaining and maintaining a license issued by the board; and
(3) paying any reasonable fee required by the board.

(b) The board may not issue or renew the license of a wholesale drug distributor that does not comply with this chapter.

(c) The board shall require a separate license for each facility or location where wholesale distribution operations are conducted.

(d) An agent or employee of any licensed wholesale drug distributor does not need a license and may lawfully possess pharmaceutical drugs when acting in the usual course of business or employment.

(e) The issuance of a license under this chapter does not affect tax

liability imposed by the department of state revenue or the department of local government finance on any wholesale drug distributor.

(f) The board may adopt rules that permit out-of-state wholesale drug distributors to obtain a license on the basis of reciprocity if:

(1) an out-of-state wholesale drug distributor possesses a valid license granted by another state and the legal standards for licensure in the other state are comparable to the standards under this chapter; and

(2) the other state extends reciprocity to wholesale drug distributors licensed in Indiana.

However, if the requirements for licensure under this chapter are more restrictive than the standards of the other state, the out-of-state wholesale drug distributor must comply with the additional requirements of this chapter to obtain a license under this chapter.

(g) The board may adopt rules under IC 4-22-2 to approve an accreditation body to:

(1) evaluate a wholesale drug distributor's operations to determine compliance with:

(A) professional standards;

(B) this chapter; and

(C) any other applicable law; and

(2) perform inspections of each facility and location where wholesale distribution operations are conducted by the wholesale drug distributor.

As added by P.L.182-1991, SEC.3. Amended by P.L.90-2002, SEC.456; P.L.212-2005, SEC.46.

IC 25-26-14-14.5

Pedigree required

Sec. 14.5. After June 30, 2006, a wholesale drug distributor may not accept or deliver a legend drug without a current, accompanying pedigree as required under section 17 of this chapter.

As added by P.L.212-2005, SEC.47. Amended by P.L.98-2006, SEC.16.

IC 25-26-14-15

Information for grant and renewal of license; surety bond; inspection; reporting change in information

Sec. 15. (a) The board shall require the following minimum information from each wholesale drug distributor as part of the license described in section 14 of this chapter and as part of any renewal of such license:

(1) The name, full business address, and telephone number of the licensee.

(2) All trade or business names used by the licensee.

(3) Addresses, telephone numbers, and the names of contact persons for all facilities used by the licensee for the storage, handling, and distribution of legend drugs.

(4) The type of ownership of operation.

(5) The name of each owner and operator of the licensee, including:

(A) if an individual, the name, address, Social Security number, and date of birth of the individual;

(B) if a partnership, the name, address, Social Security number, and date of birth of each partner, and the name of the partnership and federal employer identification number;

(C) if a corporation:

(i) the name, address, Social Security number, date of birth, and title of each corporate officer and director;

(ii) the corporate names, the name of the state of incorporation, the federal employer identification number, and the name of the parent company, if any; and

(iii) the name, address, and Social Security number of each shareholder owning ten percent (10%) or more of the voting stock of the corporation, unless the stock is traded on a major stock exchange and not traded over the counter;

(D) if a limited liability company, the name of each manager and member, the name and federal employer identification number of the limited liability company, and the name of the state where organized; and

(E) if a sole proprietorship, the full name, address, Social Security number, and date of birth of the sole proprietor and the name and federal employer identification number of the business entity.

(6) The name, address, and telephone number of the designated representative of each facility.

(7) Additional information concerning record keeping required under this chapter.

(b) The board shall require a wholesale drug distributor to post a surety bond of at least one hundred thousand dollars ($100,000), or an equivalent means of security acceptable to the board, including insurance, an irrevocable letter of credit, or funds deposited in a trust account or financial institution, to secure payment of any administrative penalties that may be imposed by the board and any fees and costs that may be incurred by the board and that:

(1) are related to a license held by the wholesale drug distributor;

(2) are authorized under Indiana law; and

(3) the wholesale drug distributor fails to pay less than thirty (30) days after the penalties, fees, or costs become final.

However, a separate surety bond or an equivalent means of security is not required for a separate location or a company of the wholesale drug distributor.

(c) The board may make a claim against a bond or security posted under subsection (b) within one (1) year after the wholesale drug distributor's license is no longer valid or sixty (60) days after the conclusion of:

(1) an administrative or legal proceeding before or on behalf of the board that involves the wholesale drug distributor and

results in penalties, fees, or costs described in subsection (b); or

(2) an appeal of a proceeding described in subdivision (1);

whichever occurs later.

(d) The board or the board's designee shall inspect each facility where wholesale distribution operations are conducted before initial licensure and periodically thereafter in accordance with a schedule determined by the board, but at least one (1) time in each three (3) year period.

(e) A wholesale drug distributor must publicly display or have readily available all licenses and the most recent inspection report administered by the board or the board's designee.

(f) A material change in any information in this section must be submitted to the board at the time of license renewal or within thirty (30) days from the date of the change, whichever occurs first.

As added by P.L.182-1991, SEC.3. Amended by P.L.8-1993, SEC.396; P.L.212-2005, SEC.48; P.L.98-2006, SEC.17.

IC 25-26-14-15.5
Repealed

(*Repealed by P.L.98-2006, SEC.29.)*

IC 25-26-14-16
Distributor qualifications; criminal history and financial background check

Sec. 16. (a) In reviewing, for purposes of licensure or renewal of a license under this chapter, the qualifications of persons who engage in wholesale distribution of legend drugs in Indiana, the board shall consider the following factors:

(1) A finding by the board that the applicant has:

(A) violated a law; or

(B) been disciplined by a regulatory agency for violating a law;

related to drug distribution in any state.

(2) A criminal conviction of the applicant.

(3) The applicant's past experience in the manufacture or distribution of legend drugs, including controlled substances.

(4) The furnishing by the applicant of false or fraudulent material in any application made in connection with drug manufacturing or distribution.

(5) Suspension or revocation of any license held by the applicant or the applicant's owner or the imposition of sanctions against the applicant or the applicant's owner by the federal or a state or local government for the manufacture or distribution of any drugs, including controlled substances.

(6) Compliance with licensing requirements under previously granted licenses.

(7) Compliance with requirements to maintain and make available to the board or to federal, state, or local law enforcement officials those records required under this chapter.

(8) Any other factors or qualifications the board considers

relevant to the public health and safety, including whether the granting of the license would not be in the public interest.

(b) In reviewing an application for licensure or renewal of a license under this chapter, the board shall consider the results of criminal history and financial background checks for:

(1) the designated representative or the most senior individual responsible for facility operations, purchasing, and inventory control;

(2) the supervisor or the designated representative or the most senior individual under subdivision (1); and

(3) principals and owners with more than a ten percent (10%) interest in the wholesale drug distributor, if the wholesale drug distributor is a nonpublicly held company.

(c) The criminal history and financial background checks conducted under subsection (b) must:

(1) be conducted at the applicant's expense;

(2) include a criminal history for all current and previous states of residence of the applicant;

(3) include the criminal history in the federal district where the applicant currently resides;

(4) include information from the previous seven (7) years; and

(5) be approved by the board.

(d) An applicant shall provide and attest to:

(1) an affirmation that the applicant has not been involved in or convicted of any criminal or prohibited acts; or

(2) a statement providing a complete disclosure of the applicant's past criminal convictions and violations of state and federal laws;

regarding drugs.

As added by P.L.182-1991, SEC.3. Amended by P.L.212-2005, SEC.50; P.L.98-2006, SEC.18.

IC 25-26-14-16.5

Designated representative; application; experience requirement; continuing education

Sec. 16.5. (a) A wholesale drug distributor shall designate in writing on a form prescribed by the board a designated representative for each of the wholesale drug distributor's facilities licensed under this chapter.

(b) A designated representative shall submit to the board an application prescribed by the board and provide to the board the following:

(1) The date and place of birth of the designated representative.

(2) A list of the occupations, positions of employment, and offices held by the designated representative during the immediately preceding seven (7) years, including the principal business and address of the organization with which the occupation, position, or office was associated.

(3) A statement concerning whether the designated representative, during the immediately preceding seven (7)

years, has been temporarily or permanently enjoined by a court from violating a state or federal law regulating the possession, control, or distribution of legend drugs, including details of related events.

(4) A description of any involvement by the designated representative with a business that:

(A) manufactured, administered, prescribed, distributed, or stored legend drugs; and

(B) was named as a party in a lawsuit;

during the immediately preceding seven (7) years, including investments other than the ownership of stock in a publicly traded company or mutual fund.

(5) A description of any criminal offense of which the designated representative has been convicted, regardless of whether adjudication of guilt was withheld or whether the designated representative pleaded nolo contendere. If the designated representative indicates that a criminal conviction is under appeal, the designated representative shall submit to the board:

(A) a copy of the notice of appeal; and

(B) a copy of the final written order of disposition.

(6) A photograph of the designated representative taken within the immediately preceding thirty (30) days under procedures specified by the board.

(7) A list of the name, address, occupation, and date and place of birth of each member of the designated representative's immediate family, including the designated representative's spouse, children, parents, and siblings, and the spouses of the designated representative's children and siblings. Information collected under this subdivision is confidential.

(8) Any other information required by the board.

(c) A designated representative must have at least two (2) years of verifiable full-time managerial or supervisory experience in a pharmacy or with a wholesale drug distributor licensed under this chapter or in another state. The designated representative's responsibilities must have included record keeping, storage, and shipment of legend drugs.

(d) A designated representative shall not serve as the designated representative for more than one (1) wholesale drug distributor facility at any one (1) time.

(e) A designated representative shall be actively involved and aware of the actual daily operations of the wholesale drug distributor as follows:

(1) Be employed full time in a managerial position by the wholesale drug distributor.

(2) Be physically present at the wholesale drug distributor's facility during normal business hours, except when absent due to illness, family illness or death, scheduled vacation, or another authorized absence.

(3) Be aware of and knowledgeable about all policies and

procedures pertaining to the operations of the wholesale drug distributor.

(f) A designated representative must complete continuing education programs specified by the board regarding state and federal law relevant to the distribution, handling, and storage of legend drugs.

(g) A third party logistics provider must comply with this subsection until the third party logistics provider has obtained accreditation. A third party logistics provider must identify to the board a designated representative who is responsible for the facility's compliance with applicable state and federal law. The designated representative:

(1) may be a corporate employee or officer, outside counsel, or an outside consulting specialist with authority to help ensure compliance;

(2) may be responsible for multiple facilities; and

(3) is not required to be physically present at the facility.

As added by P.L.212-2005, SEC.51. Amended by P.L.98-2006, SEC.19.

IC 25-26-14-16.6

Designated agent; service of process

Sec. 16.6. (a) A wholesale drug distributor that:

(1) is licensed under this chapter;

(2) is located outside Indiana; and

(3) distributes legend drugs in Indiana;

shall designate an agent in Indiana for service of process.

(b) A wholesale drug distributor that does not designate an agent under subsection (a) is considered to have designated the secretary of state to be the wholesale drug distributor's true and lawful attorney, upon whom legal process may be served in an action or a proceeding against the wholesale drug distributor arising from the wholesale drug distributor's wholesale distribution operations.

(c) The board shall mail a copy of any service of process to a wholesale drug distributor by certified mail, return receipt requested, postage prepaid, at the address designated by the wholesale drug distributor on the application for licensure submitted under this chapter.

(d) Service of process on the secretary of state is sufficient in an action or a proceeding against a wholesale drug distributor that is not licensed under this chapter.

As added by P.L.212-2005, SEC.52.

IC 25-26-14-17

Applicant assurances as condition of license

Sec. 17. As a condition for receiving and retaining a wholesale drug distributor license issued under this chapter, an applicant must satisfy the board that the applicant has and will continuously maintain the following:

(1) Acceptable storage and handling conditions and facilities

standards for each facility at which legend drugs are received, stored, warehoused, handled, held, offered, marketed, or displayed, or from which legend drugs are transported, including:

(A) suitable construction of the facility and appropriate monitoring equipment to ensure that legend drugs in the facility are maintained in accordance with labeling or in compliance with official compendium standards;

(B) suitable size and construction to facilitate cleaning, maintenance, and proper wholesale distribution operations;

(C) adequate storage areas to provide appropriate lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security conditions;

(D) a quarantine area for separate storage of legend drugs that are outdated, damaged, deteriorated, misbranded, adulterated, counterfeit, suspected counterfeit, otherwise unfit for distribution, or contained in immediate or sealed secondary containers that have been opened;

(E) maintenance of the facility in a clean and orderly condition;

(F) maintenance of the facility in a commercial, nonresidential building; and

(G) freedom of the facility from infestation.

(2) Security of each facility from unauthorized entry as follows:

(A) Entry into areas where legend drugs are held is limited to authorized personnel.

(B) Each facility is equipped with a security system that includes:

(i) an after hours central alarm or a comparable entry detection capability;

(ii) restricted premises access;

(iii) adequate outside perimeter lighting;

(iv) safeguards against theft and diversion, including employee theft and theft or diversion facilitated or hidden by tampering with computers or electronic records; and

(v) a means of protecting the integrity and confidentiality of data and documents and of making the data and documents readily available to the board and other state and federal law enforcement officials.

(3) A reasonable system of record keeping as follows:

(A) The system describes all the wholesale distributor's activities governed by this chapter for the three (3) year period after the disposition of each product, and all records are maintained for at least three (3) years after disposition of the legend drug to which the record applies.

(B) The system is reasonably accessible as determined by board rules in any inspection authorized by the board.

(C) The system provides a means to establish and maintain inventories and records of transactions regarding the receipt and distribution or other disposition of all legend drugs,

including the following:

(i) For legend drugs manufactured by a manufacturer for which the wholesale drug distributor is an authorized distributor, a pedigree for each distributed legend drug that leaves the normal distribution chain of custody, as determined by rules adopted by the board.

(ii) For legend drugs manufactured by a manufacturer for which the wholesale drug distributor is not an authorized distributor, a pedigree for each distributed legend drug that leaves the normal chain of custody.

(iii) After January 1, 2007, and after consulting with the federal Food and Drug Administration, at the board's discretion, for each legend drug received and distributed by the wholesale drug distributor, an electronic pedigree developed in accordance with standards and requirements of the board to authenticate, track, and trace legend drugs. The standards and requirements of the board may indicate the information required to be part of the electronic pedigree.

(iv) Dates of receipt and distribution or other disposition of the legend drugs by the wholesale drug distributor.

(v) Availability for inspection and photocopying by any authorized official of a local, state, or federal governmental agency for three (3) years after the creation date of the inventories and records.

(D) Onsite electronic inventories and records are immediately available for inspection, and records kept at a central location apart from the inspection site and not electronically retrievable are available for inspection within two (2) working days after a request by an authorized official of a local, state, or federal governmental agency.

(E) The system maintains an ongoing list of persons with whom the wholesale drug distributor does business.

(F) The system provides for reporting counterfeit or suspected counterfeit legend drugs or counterfeiting or suspected counterfeiting activities to the board and the federal Food and Drug Administration.

(G) The system provides for mandatory reporting of significant shortages or losses of legend drugs to the board and the federal Food and Drug Administration, if applicable, if diversion is known or suspected.

(4) Written policies and procedures to which the wholesale drug distributor adheres for the receipt, security, storage, inventory, transport, shipping, and distribution of legend drugs, and that assure reasonable wholesale distributor preparation for, protection against, and handling of any facility security or operation problems, including the following:

(A) Facility security or operation problems caused by natural disaster or government emergency.

(B) Correction of inventory inaccuracies.

(C) Product shipping and receiving problems.

(D) Quarantine and return to the manufacturer or destruction in accordance with state and federal law of all outdated products and outdated or expired legend drugs, including appropriate documentation and witnessing.

(E) Appropriate disposition of returned goods.

(F) Product recalls.

(G) Identifying, recording, and reporting losses or thefts.

(H) Recalls and withdrawals of legend drugs due to:

(i) an action initiated by the federal Food and Drug Administration or another federal, state, or local governmental agency;

(ii) a volunteer action by the manufacturer to remove defective or potentially defective legend drugs from the market; or

(iii) an action undertaken to promote public health and safety by replacing existing merchandise with an improved product or a new package design.

(I) Disposition and destruction of containers, labels, and packaging to ensure that the containers, labels, and packaging are not used in counterfeiting activities, including necessary documentation and witnessing in accordance with state and federal law.

(J) Investigation of discrepancies in the inventory involving counterfeit, suspected counterfeit, contraband, or suspected contraband legend drugs and reporting of discrepancies within three (3) business days to the board and any other appropriate state or federal governmental agency.

(K) Reporting of criminal or suspected criminal activities involving the inventory of legend drugs to the board within three (3) business days.

(L) Conducting for cause authentication as required under sections 17.2 and 17.8 of this chapter.

(5) Written policies and procedures and sufficient inspection procedures for all incoming and outgoing product shipments, including the following:

(A) Upon receipt, visual examination of each shipping container in a manner adequate to identify the legend drugs in the container and to determine whether the legend drugs may be outdated, adulterated, misbranded, contaminated, contraband, counterfeit, suspected counterfeit, damaged, or otherwise unfit for distribution.

(B) Upon receipt, review of records by the wholesale drug distributor for the acquisition of legend drugs for accuracy and completeness, considering the:

(i) total facts and circumstances surrounding each transaction involving the legend drugs; and

(ii) wholesale drug distributors involved.

(C) Quarantine of a legend drug considered to be outdated, adulterated, misbranded, contaminated, contraband,

counterfeit, suspected counterfeit, damaged, or otherwise unfit for distribution until:

(i) examination and a determination that the legend drug is not outdated, adulterated, misbranded, contaminated, contraband, counterfeit, damaged, or otherwise unfit for distribution; or

(ii) the legend drug is destroyed or returned to the manufacturer or wholesale drug distributor from which the legend drug was acquired.

(D) Written policies and procedures to ensure that if the wholesale drug distributor determines that a legend drug is adulterated, misbranded, counterfeit, or suspected counterfeit, the wholesale drug distributor provides notice of the adulteration, misbranding, counterfeiting, or suspected counterfeiting to the board, the federal Food and Drug Administration, and the manufacturer or wholesale drug distributor from which the legend drug was acquired within three (3) business days.

(E) Written policies and procedures to ensure that if the immediate or sealed outer or secondary container or labeling of a legend drug is adulterated, misbranded, counterfeit, or suspected counterfeit, the wholesale drug distributor:

(i) quarantines the legend drug until the legend drug is destroyed or returned to the manufacturer or wholesale drug distributor from which the legend drug was acquired; and

(ii) provides notice of the adulteration, misbranding, counterfeiting, or suspected counterfeiting to the board, the federal Food and Drug Administration, and the manufacturer or wholesale drug distributor from which the legend drug was acquired within three (3) business days.

(F) Written policies and procedures to ensure that a legend drug that has been opened or used, but is not adulterated, misbranded, counterfeit, or suspected counterfeit, is identified as such and quarantined until the legend drug is destroyed or returned to the manufacturer or wholesale drug distributor from which the legend drug was acquired.

(G) Written policies and procedures to ensure that:

(i) a legend drug that will be returned to a manufacturer or wholesale drug distributor is kept under proper conditions for storage, handling, transport, and shipment before the return; and

(ii) documentation showing that proper conditions were maintained is provided to the manufacturer or wholesale drug distributor to which the legend drug is returned.

(H) Inspection of each outgoing shipment for identity of the legend drugs and to ensure that the legend drugs have not been damaged in storage or held under improper conditions.

(I) Written policies and procedures to ensure that if conditions under which a legend drug has been returned to

the wholesale drug distributor cast doubt on the legend drug's safety, identity, strength, quality, or purity, the legend drug is destroyed or returned to the manufacturer or wholesale drug distributor from which the legend drug was acquired unless examination, testing, or other investigation proves that the legend drug meets appropriate standards of safety, identity, strength, quality, and purity. In determining whether the conditions under which a legend drug has been returned cast doubt on the legend drug's safety, identity, strength, quality, or purity, the wholesale drug distributor considers the conditions under which the legend drug has been held, stored, or shipped before or during the legend drug's return and the condition of the legend drug and the legend drug's container, carton, or labeling upon receipt of the returned legend drug.

(J) Written policies and procedures to ensure that contraband, counterfeit, or suspected counterfeit legend drugs, other evidence of criminal activity, and accompanying documentation are retained until a disposition is authorized by the board and the federal Food and Drug Administration.

(K) Written policies and procedures to ensure that any shipping, immediate, or sealed outer or secondary container or labeling, and accompanying documentation, suspected of or determined to be counterfeit or fraudulent, are retained until a disposition is authorized by the board and the federal Food and Drug Administration.

(6) Operations in compliance with all federal legal requirements applicable to wholesale drug distribution.

(7) Written policies and procedures to provide for the secure and confidential storage of information with restricted access and to protect the integrity and confidentiality of the information.

(8) A pedigree as required under this chapter, including an electronic pedigree developed in accordance with standards and requirements of the board under subdivision (3)(C)(iii).

(9) Appropriate inventory management and control systems to:

(A) prevent; and

(B) allow detection and documentation of;

theft, counterfeiting, or diversion of legend drugs.

(10) If the wholesale drug distributor is involved in the distribution of controlled substances, registration with the federal Drug Enforcement Administration and the board and compliance with all laws related to the storage, handling, transport, shipment, and distribution of controlled substances.

(11) Isolation of controlled substances from noncontrolled substances and storage of the controlled substances in a secure area in accordance with federal Drug Enforcement Administration security requirements and standards.

(12) Technology and equipment that allow the wholesale drug distributor to authenticate, track, and trace legend drugs. The

technology and equipment meet standards set by the board and are used as required by the board to conduct for cause and random tracking, tracing, and authentication of legend drugs.

(13) Employment, training, and documentation of the training concerning the proper use of the technology and equipment required under subdivision (12).

(14) Packaging operations in accordance with an official compendium allowing the identification of a compromise in the integrity of the legend drugs due to tampering or adverse storage conditions.

As added by P.L.182-1991, SEC.3. Amended by P.L.212-2005, SEC.53; P.L.98-2006, SEC.20.

IC 25-26-14-17.2
For cause authentication

Sec. 17.2. (a) A wholesale drug distributor that purchases legend drugs from another wholesale drug distributor and has reason to believe that a legend drug purchased from the other wholesale drug distributor is counterfeit, suspected counterfeit, misbranded, or adulterated shall conduct a for cause authentication of each distribution of the legend drug back to the manufacturer.

(b) A wholesale drug distributor that has engaged in the distribution of a legend drug for which a purchasing wholesale drug distributor conducts a for cause authentication under subsection (a) shall provide, upon request, detailed information regarding the distribution of the legend drug, including the:

(1) date of purchase of the legend drug;

(2) lot number of the legend drug;

(3) sales invoice number of the legend drug; and

(4) contact information, including name, address, telephone number, and electronic mail address of the wholesale drug distributor that sold the legend drug.

(c) If a wholesale drug distributor conducts a for cause authentication under subsection (a) and is unable to authenticate each distribution of the legend drug, the wholesale drug distributor shall quarantine the legend drug and report the circumstances to the board and the federal Food and Drug Administration, if applicable, not more than ten (10) business days after completing the attempted authentication.

(d) If a wholesale drug distributor authenticates the distribution of a legend drug back to the manufacturer under subsection (a), the wholesale drug distributor shall maintain records of the authentication for three (3) years and shall produce the records for the board and the federal Food and Drug Administration upon request.

As added by P.L.212-2005, SEC.54. Amended by P.L.98-2006, SEC.21.

IC 25-26-14-17.3
Repealed

(*Repealed by P.L.98-2006, SEC.29.)*

IC 25-26-14-17.8
Purchase from unlicensed wholesale drug distributor; requirements; for cause authentication; random authentication; quarantine

Sec. 17.8. (a) A wholesale drug distributor licensed under this chapter that purchases legend drugs from a wholesale drug distributor that is not licensed under this chapter shall act with due diligence as required under this section and rules adopted by the board. However, the due diligence requirements of this section do not apply to purchases from an unlicensed wholesale drug distributor that has obtained accreditation through the National Association of Boards of Pharmacy's Verified-Accredited Wholesale Distributors program.

(b) Before the initial purchase of legend drugs from the unlicensed wholesale drug distributor, the licensed wholesale drug distributor shall obtain the following information from the unlicensed wholesale drug distributor:

(1) A list of states in which the unlicensed wholesale drug distributor is licensed.

(2) A list of states into which the unlicensed wholesale drug distributor ships legend drugs.

(3) Copies of all state and federal regulatory licenses and registrations held by the unlicensed wholesale drug distributor.

(4) The unlicensed wholesale drug distributor's most recent facility inspection reports.

(5) Information regarding general and product liability insurance maintained by the unlicensed wholesale drug distributor, including copies of relevant policies.

(6) A list of other names under which the unlicensed wholesale drug distributor does business or has been previously known.

(7) A list of corporate officers and managerial employees of the unlicensed wholesale drug distributor.

(8) A list of all owners of the unlicensed wholesale drug distributor that own more than ten percent (10%) of the unlicensed wholesale drug distributor, unless the unlicensed wholesale drug distributor is publicly traded.

(9) A list of all disciplinary actions taken against the unlicensed wholesale drug distributor by state and federal agencies.

(10) A description, including the address, dimensions, and other relevant information, of each facility used by the unlicensed wholesale drug distributor for legend drug storage and distribution.

(11) A description of legend drug import and export activities of the unlicensed wholesale drug distributor.

(12) A description of the unlicensed wholesale drug distributor's procedures to ensure compliance with this chapter.

(13) A statement:

(A) as to whether; and

(B) of the identity of each manufacturer for which;

the unlicensed wholesale drug distributor is an authorized distributor.

(c) Before the initial purchase of legend drugs from an unlicensed wholesale drug distributor, the licensed wholesale drug distributor shall:

(1) request that the board obtain and consider the results of a national criminal history background check (as defined in IC 10-13-3-12) through the state police department of all individuals associated with the unlicensed wholesale drug distributor as specified for licensure of a wholesale drug distributor under section 16(b) of this chapter; and

(2) verify the unlicensed wholesale drug distributor's status as an authorized distributor, if applicable.

(d) If an unlicensed wholesale drug distributor's facility has not been inspected by the board or the board's agent within three (3) years after a contemplated purchase described in subsection (a), the licensed wholesale drug distributor shall conduct an inspection of the unlicensed wholesale drug distributor's facility:

(1) before the initial purchase of legend drugs from the unlicensed wholesale drug distributor; and

(2) at least once every three (3) years unless the unlicensed wholesale drug distributor's facility has been inspected by the board, or the board's agent, during the same period;

to ensure compliance with applicable laws and regulations relating to the storage and handling of legend drugs. A third party may be engaged to conduct the site inspection on behalf of the licensed wholesale drug distributor.

(e) At least annually, a licensed wholesale drug distributor that purchases legend drugs from an unlicensed wholesale drug distributor shall ensure that the unlicensed wholesale drug distributor maintains a record keeping system that meets the requirements of section 17(3) of this chapter.

(f) If a licensed wholesale drug distributor that purchases legend drugs from an unlicensed wholesale drug distributor has reason to believe that a legend drug purchased from the unlicensed wholesale drug distributor is misbranded, adulterated, counterfeit, or suspected counterfeit, the licensed wholesale drug distributor shall conduct a for cause authentication of each distribution of the legend drug back to the manufacturer.

(g) An unlicensed wholesale drug distributor that has engaged in the distribution of a legend drug for which a licensed wholesale drug distributor conducts a for cause authentication under subsection (f) shall provide, upon request, detailed information regarding the distribution of the legend drug, including the:

(1) date of purchase of the legend drug;

(2) lot number of the legend drug;

(3) sales invoice number of the legend drug; and

(4) contact information, including name, address, telephone number, and any electronic mail address of the unlicensed

wholesale drug distributor that sold the legend drug.

(h) If a licensed wholesale drug distributor conducts a for cause authentication under subsection (f) and is unable to authenticate each distribution of the legend drug, the licensed wholesale drug distributor shall quarantine the legend drug and report the circumstances to the board and the federal Food and Drug Administration within ten (10) business days after completing the attempted authentication.

(i) If a licensed wholesale drug distributor authenticates the distribution of a legend drug back to the manufacturer under subsection (f), the licensed wholesale drug distributor shall maintain records of the authentication for three (3) years and shall provide the records to the board upon request.

(j) A licensed wholesale drug distributor that purchases legend drugs from an unlicensed wholesale drug distributor shall, at least annually, conduct random authentications of required pedigrees on at least ten percent (10%) of sales units of distributions of legend drugs that were purchased from unlicensed wholesale drug distributors.

(k) An unlicensed wholesale drug distributor from which a licensed wholesale drug distributor has purchased legend drugs shall cooperate with the random authentications of pedigrees under this section and provide requested information in a timely manner.

(l) If a wholesale drug distributor conducts a random authentication under subsection (j) and is unable to authenticate each distribution of the legend drug, the wholesale drug distributor shall quarantine the legend drug and report the circumstances to the board and the federal Food and Drug Administration not more than ten (10) business days after completing the attempted authentication.

As added by P.L.212-2005, SEC.56. Amended by P.L.98-2006, SEC.22.

IC 25-26-14-17.9

Use of trade or business name

Sec. 17.9. A wholesale drug distributor licensed under this chapter may not use a trade name or business name identical to a trade name or business name used by an unrelated wholesale drug distributor licensed under this chapter.

As added by P.L.212-2005, SEC.57. Amended by P.L.98-2006, SEC.23.

IC 25-26-14-18

Denial of license; review of board action

Sec. 18. (a) Any applicant denied a license or renewal under this chapter has the right of review of the board's action under IC 4-21.5.

(b) An applicant that is denied the accreditation under section 14 of this chapter from an accreditation body that has entered into an agreement with the board has the right of review of the accreditation body's decision by the board.

As added by P.L.182-1991, SEC.3. Amended by P.L.98-2006,

SEC.24.

IC 25-26-14-19
Inspection of premises; recordkeeping

Sec. 19. (a) A person authorized by the board may enter and inspect, during normal business hours, all open premises that appear to be used by a wholesale drug distributor.

(b) Wholesale drug distributors may keep records regarding purchase and sales transactions at a central location apart from the principal office of the wholesale drug distributor or the location where the drugs were stored and from which the drugs were shipped, if the records are made available for inspection within two (2) working days of a request by the board. The records may be kept in any form permissible under federal law applicable to legend recordkeeping.

As added by P.L.182-1991, SEC.3.

IC 25-26-14-20
Employee qualifications

Sec. 20. A person employed in wholesale distribution must have appropriate education or experience to assume responsibility for positions related to compliance with licensing requirements.

As added by P.L.182-1991, SEC.3. Amended by P.L.212-2005, SEC.58; P.L.98-2006, SEC.25.

IC 25-26-14-21
Renewal of licenses; lapsed licenses

Sec. 21. (a) A wholesale drug distributor license expires at midnight of the renewal date specified by the Indiana professional licensing agency under IC 25-1-5-4 in each even-numbered year.

(b) The board shall mail renewal application forms to each licensed wholesale drug distributor before the first day of the month before the month in which the license expires. If an application for renewal has not been filed and the required fee paid before the license expiration date, the wholesale drug distributor license shall lapse and become void.

(c) A lapsed license may be reinstated only by meeting the requirements under IC 25-1-8-6.

(d) A wholesale drug distributor may not be open for business after the license has lapsed, until the renewal is completed.

As added by P.L.182-1991, SEC.3. Amended by P.L.269-2001, SEC.26; P.L.1-2006, SEC.465.

IC 25-26-14-21.5
Prohibitions; sanctions

Sec. 21.5. (a) A person may not perform, cause the performance of, or aid the performance of the following:

(1) The manufacture, repackaging, sale, delivery, holding, or offering for sale of a legend drug that is adulterated, misbranded, counterfeit, suspected counterfeit, or is otherwise

unfit for distribution.

(2) The adulteration, misbranding, or counterfeiting of a legend drug.

(3) The receipt of a legend drug that is adulterated, misbranded, stolen, obtained by fraud or deceit, counterfeit, or suspected counterfeit, and the delivery or proffered delivery of the legend drug for pay or otherwise.

(4) The alteration, mutilation, destruction, obliteration, or removal of the whole or a part of the labeling of a legend drug or the commission of another act with respect to a legend drug that results in the legend drug being misbranded.

(5) Forging, counterfeiting, simulating, or falsely representing a legend drug using a mark, stamp, tag, label, or other identification device without the authorization of the manufacturer.

(6) The purchase or receipt of a legend drug from a person that is not licensed to distribute legend drugs to the purchaser or recipient.

(7) The sale or transfer of a legend drug to a person that is not authorized under the law of the jurisdiction in which the person receives the legend drug to purchase or receive legend drugs from the person selling or transferring the legend drug.

(8) Failure to maintain or provide records as required under this chapter.

(9) Providing the board, a representative of the board, or a state or federal official with false or fraudulent records or making false or fraudulent statements regarding a matter related to this chapter.

(10) The wholesale distribution of a legend drug that was:

(A) purchased by a public or private hospital or other health care entity;

(B) donated or supplied at a reduced price to a charitable organization; or

(C) stolen or obtained by fraud or deceit.

(11) Obtaining or attempting to obtain a legend drug by fraud, deceit, misrepresentation, or engaging in fraud, deceit, or misrepresentation in the distribution of a legend drug.

(12) Failure to obtain, authenticate, or provide a required pedigree.

(13) The receipt of a legend drug through wholesale distribution without first receiving a required pedigree attested to as accurate and complete by the wholesale drug distributor.

(14) Distributing a legend drug that was previously dispensed by a retail pharmacy or distributed by a practitioner.

(15) Failure to report an act prohibited by this section.

(b) The board may impose the following sanctions if, after a hearing under IC 4-21.5-3, the board finds that a person has violated subsection (a):

(1) Revoke the wholesale drug distributor's license issued under this chapter if the person is a wholesale drug distributor.

(2) Assess a civil penalty against the person. A civil penalty assessed under this subdivision may not be more than ten thousand dollars ($10,000) per violation.

As added by P.L.212-2005, SEC.59.

IC 25-26-14-22

Violations of chapter; license revocation; penalties

Sec. 22. (a) The board, upon a showing of a violation of this chapter, may revoke, suspend, or limit a license issued under this chapter after a proceeding under IC 4-21.5.

(b) After a proceeding under IC 4-21.5, the board may assess a civil penalty against a licensed wholesale drug distributor of not more than one thousand dollars ($1,000) for each occurrence. If the licensed wholesale drug distributor fails to pay the civil penalty within the time specified by the board, the board may suspend the license without additional proceedings.

As added by P.L.182-1991, SEC.3.

IC 25-26-14-23

Purchase from unlicensed person; offense

Sec. 23. A person that knowingly purchases or receives a legend drug from any source other than a person licensed under this chapter, including a wholesale distributor, manufacturer, pharmacy distributor, or pharmacy commits a Class A misdemeanor. A subsequent unrelated violation of this section is a Class D felony.

As added by P.L.182-1991, SEC.3.

IC 25-26-14-24

Injunction

Sec. 24. (a) Upon application by the board, a circuit or superior court may grant an injunction, a restraining order, or other order to enjoin a person from offering to engage or engaging in the performance of any practices for which a permit or license is required by any applicable federal or state law including this chapter, upon a showing that the practices were or are likely to be performed or offered to be performed without a permit or license.

(b) An action brought under this section must be commenced either in the county where the conduct occurred or is likely to occur or in the county where the defendant resides.

(c) An action brought under this section is in addition to any other penalty provided by law and may be brought concurrently with other actions to enforce this chapter.

As added by P.L.182-1991, SEC.3.

IC 25-26-14-25

Refusal of inspection; offense

Sec. 25. A wholesale drug distributor that fails to allow an authorized person to enter and inspect a facility as provided in section 19 of this chapter commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated

conviction for an offense under this section.
As added by P.L.182-1991, SEC.3.

IC 25-26-14-26
Offenses

Sec. 26. (a) A person who knowingly or intentionally engages in the wholesale distribution of a legend drug without a license issued under this chapter commits a Class D felony.

(b) A person who engages in the wholesale distribution of a legend drug and:

(1) who, with intent to defraud or deceive:

(A) fails to obtain or deliver to another person a complete and accurate required pedigree concerning a legend drug before:

(i) obtaining the legend drug from another person; or

(ii) transferring the legend drug to another person; or

(B) falsely swears or certifies that the person has authenticated any documents related to the wholesale distribution of legend drugs;

(2) who knowingly or intentionally:

(A) destroys, alters, conceals, or fails to maintain a complete and accurate required pedigree concerning a legend drug in the person's possession;

(B) purchases or receives legend drugs from a person not authorized to distribute legend drugs in wholesale distribution;

(C) sells, barters, brokers, or transfers a legend drug to a person not authorized to purchase the legend drug in the jurisdiction in which the person receives the legend drug in a wholesale distribution;

(D) forges, counterfeits, or falsely creates a pedigree;

(E) falsely represents a factual matter contained in a pedigree; or

(F) fails to record material information required to be recorded in a pedigree; or

(3) who:

(A) possesses a required pedigree concerning a legend drug;

(B) knowingly or intentionally fails to authenticate the matters contained in the pedigree as required; and

(C) distributes or attempts to further distribute the legend drug;

commits a Class D felony.
As added by P.L.182-1991, SEC.3. Amended by P.L.212-2005, SEC.60.

IC 25-26-14-27
Offenses

Sec. 27. A wholesale drug distributor that fails to comply with the conditions and requirements described in section 17, 17.2, 17.8, 17.9, or 20 of this chapter commits a Class D felony.

As added by P.L.182-1991, SEC.3. Amended by P.L.212-2005, SEC.61; P.L.98-2006, SEC.26.

IC 25-26-15
Repealed

(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-26-16
Chapter 16. Drug Regimens

IC 25-26-16-1
"Protocol"

Sec. 1. As used in this chapter, "protocol" means the policies, procedures, and protocols of a:

(1) hospital listed in IC 16-18-2-161(a)(1); or
(2) physician licensed under IC 25-22.5;

concerning the adjustment of a patient's drug regimen by a pharmacist.

As added by P.L.114-1996, SEC.2. Amended by P.L.1-2009, SEC.143; P.L.197-2011, SEC.110.

IC 25-26-16-2
Adjustment

Sec. 2. For purposes of this chapter, a pharmacist adjusts a drug regimen if the pharmacist:

(1) changes the duration of treatment for a current drug therapy;
(2) adjusts a drug's strength, dosage form, frequency of administration, or route of administration;
(3) discontinues the use of a drug; or
(4) adds a drug to the treatment regimen.

As added by P.L.114-1996, SEC.2.

IC 25-26-16-3
Protocol upon hospital admission

Sec. 3. (a) At the time of admission to a hospital that has adopted a protocol under this chapter, the following apply:

(1) The admitting practitioner shall signify in writing in the form and manner prescribed by the hospital whether the protocol applies in the care and treatment of the patient.
(2) A pharmacist may adjust the drug therapy regimen of the patient pursuant to the:
    (A) written authorization of the admitting practitioner under subdivision (1); and
    (B) protocols of the hospital.

The pharmacist shall review the appropriate medical records of the patient to determine whether the admitting practitioner has authorized the use of a specific protocol before adjusting the patient's drug therapy regimen. The admitting practitioner may at any time modify or cancel a protocol by entering the modification or cancellation in the patient's medical record.

(b) The authorization of the admitting practitioner to use the protocol shall be entered immediately in the patient's medical record, if required by the protocol.

As added by P.L.114-1996, SEC.2. Amended by P.L.98-2006, SEC.27; P.L.197-2011, SEC.111.

IC 25-26-16-3.5

Protocol application

Sec. 3.5. (a) This section does not apply to a protocol adopted in a hospital.

(b) Upon authorization of a physician who has adopted a protocol under this chapter, the following apply:

(1) The physician shall signify in writing whether the protocol applies in the care and treatment of the patient.

(2) A pharmacist may adjust the drug therapy regimen of the patient under the authorization of the physician.

(3) The pharmacist shall review the appropriate medical records of the patient to determine whether the physician has authorized the use of a specific protocol before adjusting the patient's drug therapy regimen.

(c) The physician who has adopted a protocol under this chapter:

(1) shall take appropriate actions to assure that the pharmacist has the appropriate training to administer the protocol; and

(2) may at any time modify or cancel a protocol by entering the modification or cancellation in the patient's medical record.

As added by P.L.197-2011, SEC.112.

IC 25-26-16-4

Minimum protocol requirements

Sec. 4. (a) This section applies to a pharmacist who is practicing in a hospital:

(1) that is listed in IC 16-18-2-161(a)(1); and

(2) in which the pharmacist is supervised by a physician as required under the protocols of the facility that are developed by health care professionals, including physicians, pharmacists, and registered nurses.

(b) The protocols developed under this chapter must at a minimum require that the medical records of the patient are available to both the patient's practitioner and the pharmacist and that the procedures performed by the pharmacist relate to a condition for which the patient has first seen a physician or other licensed practitioner.

As added by P.L.114-1996, SEC.2. Amended by P.L.1-2009, SEC.144.

IC 25-26-16-4.5

Protocol for pharmacists

Sec. 4.5. (a) This section does not apply to a pharmacist who is practicing in a hospital.

(b) As used in this section, "direct supervision" means that the supervising physician is readily available to consult with the pharmacist while the protocol services are being provided.

(c) This section applies to a pharmacist who:

(1) is employed by, or has entered into a contract with, a physician, a group of physicians, or an outpatient clinic; and

(2) is under the direct supervision of a physician.

(d) The protocols developed under this chapter must:

(1) be developed by the physician described in subsection (c)(2) and the pharmacist; and
(2) at a minimum, require that:
(A) the medical records of the patient are available to both the patient's physician and the pharmacist; and
(B) the procedures performed by the pharmacist relate to a condition for which the patient has first seen the physician or another licensed practitioner.
As added by P.L.197-2011, SEC.113.

IC 25-26-16-5
Implementation, revision, or renewal of protocol
Sec. 5. (a) If a hospital or private mental health institution elects to implement, revise, or renew a protocol under this chapter, the governing board of the hospital or private mental health institution shall consult with that facility's medical staff, pharmacists, and other health care providers selected by the governing board. However, the governing board is the ultimate authority regarding the terms, implementation, revision, and renewal of the protocol.
(b) If a physician elects to implement, revise, or renew a protocol in a setting other than a hospital or private mental health institution, the physician shall consult with a pharmacist. However, the physician is the ultimate authority regarding the terms, implementation, revision, and renewal of the protocol.
As added by P.L.114-1996, SEC.2. Amended by P.L.197-2011, SEC.114.

IC 25-26-16-6
Modification of written protocol
Sec. 6. Except for the addition or deletion of authorized practitioners and pharmacists, a modification to written protocols requires the initiation of a new protocol.
As added by P.L.114-1996, SEC.2.

IC 25-26-16-7
Annual review
Sec. 7. A protocol of a health care facility or a physician that is developed under this chapter must be reviewed at least annually.
As added by P.L.114-1996, SEC.2. Amended by P.L.197-2011, SEC.115.

IC 25-26-16-8
Documentation
Sec. 8. Documentation of protocols must be maintained in a current, consistent, and readily retrievable manner. A pharmacist is required to document decisions made under this chapter in a manner that shows adequate, consistent, and regular communication with an authorizing practitioner. After making an adjustment or a change to the drug regimen of a patient, the pharmacist shall immediately enter the change in the patient's medical record.

As added by P.L.114-1996, SEC.2.

IC 25-26-16-9
Confidentiality; liability

Sec. 9. (a) This chapter does not modify the requirements of other statutes relating to the confidentiality of medical records.

(b) This chapter does not make any other licensed health care provider liable for the actions of a pharmacist carried out under this section.

As added by P.L.114-1996, SEC.2.

IC 25-26-16.5

Chapter 16.5. Drug Regimens in Health Facilities

IC 25-26-16.5-1

Application

Sec. 1. This chapter applies to a health facility licensed under IC 16-28.

As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-2

"Attending physician"

Sec. 2. (a) As used in this chapter, "attending physician" means a physician licensed under IC 25-22.5 who is responsible for the ongoing health care of an individual who resides in a health facility.

(b) The medical director of a health facility to which the individual is admitted may not serve as the individual's attending physician unless the medical director meets the requirements set forth in subsection (a).

As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-3

"Protocol"

Sec. 3. As used in this chapter, "protocol" means a policy, procedure, or protocol of a health facility concerning the adjustment of a patient's drug regimen as allowed under this chapter by a pharmacist licensed under this article.

As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-4

"Therapeutic alternative"

Sec. 4. As used in this chapter, "therapeutic alternative" means a drug product that:

(1) has a different chemical structure from;

(2) is of the same pharmacological or therapeutic class as; and

(3) usually can be expected to have similar therapeutic effects and adverse reaction profiles when administered to patients in therapeutically equivalent doses as;

another drug.

As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-5

Adjustment of a drug regimen by a pharmacist

Sec. 5. For purposes of this chapter, a pharmacist adjusts a drug regimen if the pharmacist:

(1) changes the duration of treatment for a current drug therapy;

(2) adjusts a drug's strength, dosage form, frequency of administration, or route of administration;

(3) discontinues the use of a drug; or

(4) adds a drug to the treatment regimen.

As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-6
Attending physician's duty to determine whether a protocol adopted by a hospital applies to a specific patient

Sec. 6. At the time an individual is admitted to a health facility that has adopted a protocol under this chapter, the individual's attending physician shall signify in writing in the form and manner prescribed by the health facility whether the protocol applies in the care and treatment of the individual.

As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-7
Authority of a pharmacist to adjust a drug regimen

Sec. 7. (a) A pharmacist may adjust the drug therapy regimen of the individual under:

(1) the written authorization of the individual's attending physician under section 6 of this chapter;
(2) the health facility's protocols; and
(3) this chapter.

(b) The pharmacist shall review the appropriate medical records of the individual to determine whether the attending physician has authorized the use of a specific protocol before the pharmacist adjusts the individual's drug therapy regimen.

(c) Notwithstanding subsection (a), if a protocol involves parenteral nutrition of the patient, the pharmacist shall communicate with the attending physician to receive approval to begin the protocol. The pharmacist shall document the authorization of the attending physician to use the protocol immediately in the individual's medical record.

As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-8
Drug regimen review committee

Sec. 8. If a health facility elects to implement, revise, or renew a protocol under this chapter, the health facility shall establish a drug regimen review committee consisting of:

(1) the health facility's medical director;
(2) the health facility's director of nursing; and
(3) a consulting pharmacist licensed under this article;

for the implementation, revision, or renewal of a protocol.

As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-9
Modification of written protocol requires new protocol; exception

Sec. 9. Except for the addition or deletion of authorized physicians and pharmacists, a modification to a written protocol requires the initiation of a new protocol.

As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-10
Basis and review of protocol

Sec. 10. (a) A protocol of a health facility developed under this chapter must be:

(1) based on clinical considerations; and

(2) reviewed by the health facility's drug regimen committee at least quarterly.

(b) A protocol of a health facility developed under this chapter may not:

(1) prohibit the attending physician from approving only specific parts of a protocol; or

(2) provide for an adjustment to an individual's drug regimen for the sole purpose of achieving a higher reimbursement for the substituted drug therapy than what would have been received for the original drug therapy ordered by the attending physician.

As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-11
Required elements of a protocol

Sec. 11. A protocol developed under this chapter must include the following:

(1) The identification of:

(A) the individual whose drug regimen may be adjusted;

(B) the attending physician who is delegating the authority to adjust an individual's drug regimen; and

(C) the pharmacist who is authorized to adjust the individual's drug regimen.

(2) The attending physician's diagnosis of the individual's:

(A) condition; or

(B) disease state;

whose drug regimen may be adjusted.

(3) A statement regarding:

(A) the types and:

(i) categories; or

(ii) therapeutic classifications;

of medication, including the specific therapeutic alternatives that may be substituted for a drug prescribed by a physician;

(B) the minimum and maximum dosage levels within the types and:

(i) categories; or

(ii) therapeutic classifications;

of medications described in clause (A);

(C) the dosage forms;

(D) the frequency of administration;

(E) the route of administration;

(F) the duration of the administration of the drug regimen and any adjustment to the drug regimen; and

(G) exceptions to the application of the drug regimen or the adjustment to the drug regimen;

for which the pharmacist may adjust the individual's drug regimen.

(4) A requirement that:

(A) the individual's medical records be available to both the individual's attending physician and the pharmacist; and
(B) the procedures performed by the pharmacist relate to a disease or condition for which the patient has been under the attending physician's medical care.

As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-12
Protocol must comply with certain Medicaid requirements

Sec. 12. A protocol developed under this chapter that is implemented for a Medicaid recipient must comply with any statutes, regulations, and procedures under the state Medicaid program relating to the preferred drug list established under IC 12-15-35-28.

As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-13
Duration of authorization of therapeutic alternative

Sec. 13. If a protocol developed under this chapter allows a pharmacist to substitute a therapeutic alternative for the drug prescribed by the individual's attending physician, the attending physician's authorization of the substitution is valid only for the duration of the prescription or drug order.

As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-14
Unauthorized therapeutic alternatives prohibited

Sec. 14. This chapter does not allow a pharmacist to substitute a therapeutic alternative for the drug prescribed by the individual's attending physician unless the substitution is authorized by the attending physician under a valid protocol under this chapter.

As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-15
Attending physician's duty to review an implemented protocol

Sec. 15. The individual's attending physician:

(1) shall review a protocol approved and implemented for a patient of the physician at the physician's next visit to the health facility, and at each subsequent visit of the physician to the health facility; and
(2) may at any time modify or cancel a protocol by entering the modification or cancellation in the individual's medical record.

As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-16
Protocol documentation required

Sec. 16. (a) Documentation of protocols must be maintained in a current, consistent, and readily retrievable manner.

(b) After making an adjustment to an individual's drug regimen, the pharmacist shall immediately document the adjustment in the patient's medical record.

(c) The pharmacist shall notify the individual's attending physician of an adjustment at least one (1) business day before the adjustment is made.
As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-17
Confidentiality; liability

Sec. 17. (a) This chapter does not modify the requirements of other statutes relating to the confidentiality of medical records.

(b) This chapter does not make any other licensed health care provider or pharmaceutical manufacturer liable for the actions of a pharmacist carried out under this section.

(c) A physician who approves the use of a protocol under this chapter and a pharmacist who adjusts a drug regimen of a patient pursuant to a protocol under this chapter do not violate IC 25-22.5-1-2(d).
As added by P.L.75-2004, SEC.3.

IC 25-26-16.5-18
Pharmacist subject to discipline for violations

Sec. 18. A pharmacist who violates this chapter is subject to discipline under IC 25-1-9.
As added by P.L.75-2004, SEC.3.

IC 25-26-17
Chapter 17. Nonresident Pharmacies

IC 25-26-17-1
"Board" defined
Sec. 1. For purposes of this chapter, "board" means the Indiana board of pharmacy.
As added by P.L.183-1997, SEC.1.

IC 25-26-17-2
"Nonresident pharmacy" defined
Sec. 2. For purposes of this chapter, "nonresident pharmacy" means a pharmacy located outside Indiana that dispenses drugs or devices through the United States Postal Service or other delivery services to patients in Indiana.
As added by P.L.183-1997, SEC.1.

IC 25-26-17-3
Registration; required information; fee
Sec. 3. A nonresident pharmacy must register with the board. To register with the board, a nonresident pharmacy must submit the following to the board:

(1) A verified statement that the nonresident pharmacy is licensed, certified, or registered to operate in the state in which the pharmacy is located.
(2) The location, names, and titles of all principal corporate officers and pharmacists who are dispensing drugs to residents of Indiana. This disclosure must be made on an annual basis. The nonresident pharmacy must notify the board within thirty (30) days after any change of office location, corporate officer, or pharmacist in charge.
(3) A verified statement that the nonresident pharmacy complies with all lawful requests for information from the regulatory or licensing agency of all states in which it is licensed.
(4) Information requested and deemed necessary by the board to carry out this chapter.
(5) The fee required by IC 25-1-8 which shall be reasonable and not exceed the costs to the board.

As added by P.L.183-1997, SEC.1.

IC 25-26-17-4
Duties of nonresident pharmacies
Sec. 4. A nonresident pharmacy must:

(1) comply with all requests for information made by the board;
(2) respond directly to all communications from the board concerning emergency circumstances arising from errors in the dispensing of drugs to the residents of Indiana;
(3) maintain records of drugs dispensed to patients in Indiana in a manner making those records readily retrievable and identifiable from the other business records of the pharmacy;

and

(4) provide a toll-free telephone service that:

(A) facilitates communications between a patient in Indiana and a pharmacist with access to the patient's records;

(B) is attended by a pharmacist with access to a patient's records during the nonresident pharmacy's regular business hours, but not less than six (6) days per week and not less than forty (40) hours per week; and

(C) has the toll-free telephone number displayed on a label affixed to each container of dispensed drugs.

As added by P.L.183-1997, SEC.1.

IC 25-26-17-4.5

Internet pharmacy accreditation

Sec. 4.5. A nonresident pharmacy that dispenses more than twenty-five percent (25%) of the pharmacy's total prescription volume as a result of an original prescription order received or solicited through the Internet:

(1) must be accredited:

(A) through the National Association of Boards of Pharmacy's Verified Internet Pharmacy Practice Sites (VIPPS); or

(B) under a program that is substantially similar to the program under clause (A) and that has been approved by the board; and

(2) shall obtain and display a seal of approval for:

(A) the National Association of Boards of Pharmacy; or

(B) the substantially similar program described in subdivision (1)(B);

anywhere that the nonresident pharmacy advertises.

As added by P.L.105-2008, SEC.48.

IC 25-26-17-5

Grounds for denial, suspension, or revocation of registration

Sec. 5. The board may deny, revoke, or suspend the registration of a nonresident pharmacy for:

(1) failing to comply with sections 3, 4, 4.5, and 6 of this chapter; or

(2) conduct that causes serious bodily or psychological harm to a customer who lives in Indiana or purchased drugs from the nonresident pharmacy while in Indiana, if the board reports the matter to the pharmacy regulatory or licensing agency in the state in which the nonresident pharmacy is located.

As added by P.L.183-1997, SEC.1. Amended by P.L.105-2008, SEC.49.

IC 25-26-17-6

Compliance with laws and rules of domicile state required

Sec. 6. A nonresident pharmacy registered under this chapter must comply with the laws and rules of the state in which it is domiciled.

As added by P.L.183-1997, SEC.1.

IC 25-26-17-7
Waiver of registration requirements

Sec. 7. The board may waive the registration requirements of this chapter for a nonresident pharmacy that only dispenses drugs to Indiana in limited transactions.

As added by P.L.183-1997, SEC.1.

IC 25-26-18

Chapter 18. Mail Order and Internet Based Pharmacies

IC 25-26-18-1

"Mail order or Internet based pharmacy" defined

Sec. 1. As used in this chapter, "mail order or Internet based pharmacy" means a pharmacy that is located in Indiana or is a nonresident pharmacy (as defined in IC 25-26-17-2) that dispenses prescription drugs:

(1) through the United States Postal Service or other delivery services; or

(2) after receiving a request for prescription drugs through the Internet;

to patients in Indiana.

As added by P.L.231-1999, SEC.17.

IC 25-26-18-2

Compliance with laws required

Sec. 2. A mail order or Internet based pharmacy shall comply with the following:

(1) The licensure laws of the state in which the mail order or Internet based pharmacy is domiciled.

(2) The drug substitution laws of Indiana.

As added by P.L.231-1999, SEC.17.

IC 25-26-19
Chapter 19. Regulation of Pharmacy Technicians

IC 25-26-19-1
"Board"
Sec. 1. As used in this chapter, "board" refers to the Indiana board of pharmacy established by IC 25-26-13-3.
As added by P.L.251-2003, SEC.3.

IC 25-26-19-2
"Pharmacy technician"
Sec. 2. As used in this chapter, "pharmacy technician" means an individual who:
(1) works under the direct supervision of a pharmacist licensed under this article; and
(2) performs duties to assist a pharmacist in activities that do not require the professional judgment of a pharmacist.
As added by P.L.251-2003, SEC.3.

IC 25-26-19-3
"Pharmacy technician in training"
Sec. 3. As used in this chapter, "pharmacy technician in training" means a person who is enrolled in a training program for pharmacy technicians prescribed by the board.
As added by P.L.251-2003, SEC.3.

IC 25-26-19-4
Adoption of rules
Sec. 4. (a) The board may adopt rules under IC 4-22-2 to:
(1) implement and enforce this chapter;
(2) set fees under IC 25-1-8; and
(3) establish education and training requirements for certification to practice as a pharmacy technician.
(b) The board shall:
(1) establish standards for the competent practice of pharmacy technicians; and
(2) subject to IC 4-21.5, IC 25-1-7, and IC 25-1-9, conduct proceedings on any matter under the jurisdiction of the board.
As added by P.L.251-2003, SEC.3.

IC 25-26-19-5
Qualification for pharmacy technician certificate
Sec. 5. (a) The board shall issue a pharmacy technician certificate to an individual who:
(1) applies to the board in the form and manner prescribed by the board;
(2) is at least eighteen (18) years of age;
(3) has not been convicted of:
(A) a crime that has a direct bearing upon the individual's ability to practice competently; or

(B) a felony involving controlled substances;

(4) is not in violation of this chapter or rules adopted by the board under section 4 of this chapter;

(5) has paid the fee set by the board under section 4 of this chapter; and

(6) has completed a program of education and training approved by the board or has passed a certification examination offered by a nationally recognized certification body approved by the board.

(b) For good cause, the board may waive the age requirement under subsection (a)(2).

As added by P.L.251-2003, SEC.3. Amended by P.L.159-2012, SEC.7.

IC 25-26-19-6

Qualification for pharmacy technician in training permit

Sec. 6. (a) The board shall issue a pharmacy technician in training permit to an individual who:

(1) applies to the board in the form and manner prescribed by the board;

(2) is at least eighteen (18) years of age;

(3) has not been convicted of a crime that has a direct bearing upon the individual's ability to practice competently;

(4) is not in violation of this chapter or rules adopted by the board under section 4 of this chapter; and

(5) has applied for certification under section 5 of this chapter.

(b) An applicant:

(1) may work as a pharmacy technician in training without a permit for not more than thirty (30) consecutive days after the applicant files an application under this section;

(2) shall provide the applicant's employer with a receipt issued by the board that:

(A) provides the date an application under this section was filed; and

(B) indicates that the fee has been paid;

before the applicant may begin work as a pharmacy technician in training; and

(3) may request an additional thirty (30) day period to practice as a pharmacy technician in training without a permit. The board may approve a request under this subdivision if the board determines that the extension is for good cause.

(c) A pharmacy technician in training permit expires on the earliest of the following:

(1) The date the permit holder is issued a pharmacy technician certificate under this chapter.

(2) The date the board disapproves the permit holder's application for a pharmacy technician certificate under this chapter.

(3) The date the permit holder ceases to be enrolled in good standing in a pharmacy technician training program approved

by the board. The graduation of a permit holder from a pharmacy technician program does not cause the permit to expire under this subdivision.

(4) Sixty (60) days after the date that the permit holder successfully completes a program approved by the board.

(5) Twelve (12) months after the date of issuance.

(d) For good cause, the board may waive the age requirement in subsection (a)(2).

As added by P.L.251-2003, SEC.3.

IC 25-26-19-7

Expiration of pharmacy technician certificate; renewal fee; reinstatement of pharmacy technician certificate

Sec. 7. (a) A pharmacy technician certificate expires on a date set by the Indiana professional licensing agency in each even-numbered year.

(b) An application for renewal of a pharmacy technician certificate must be accompanied by the appropriate fee.

(c) If a person fails to renew a pharmacy technician certificate, the certificate may be reinstated by meeting the requirements under IC 25-1-8-6.

(d) The board may require a person who applies for a certificate under subsection (c) to appear before the board and explain the reason why the person failed to renew a pharmacy technician certificate.

As added by P.L.251-2003, SEC.3. Amended by P.L.1-2006, SEC.466.

IC 25-26-19-8

Prohibited activities of a certified pharmacy technician

Sec. 8. A certified pharmacy technician may not perform the following activities:

(1) Providing advice or consultation with the prescribing practitioner or other licensed health care provider regarding the patient or the interpretation and application of information contained in the prescription or drug order, medical record, or patient profile.

(2) Providing advice or consultation with the patient regarding the interpretation of the prescription or the application of information contained in the patient profile or medical record.

(3) Dispensing prescription drug information to the patient.

(4) Final check on all aspects of the completed prescription and assumption of the responsibility for the filled prescription, including the appropriateness of the drug for the patient and the accuracy of the:

(A) drug dispensed;

(B) strength of the drug dispensed; and

(C) labeling of the prescription.

(5) Receiving a new prescription drug order over the telephone or electronically unless the original information is recorded so

a pharmacist may review the prescription drug order as transmitted.

(6) Any activity required by law to be performed only by a pharmacist.

(7) Any activity that requires the clinical judgment of a pharmacist and is prohibited by a rule adopted by the board.

As added by P.L.251-2003, SEC.3.

IC 25-26-19-9
Specific violations

Sec. 9. (a) An individual may not practice as a pharmacy technician unless the individual is certified under this chapter.

(b) An individual may not act as a pharmacy technician in training unless the individual has obtained a permit under this chapter or the individual is acting as a pharmacy technician in training during the period permitted under section 6(b) of this chapter.

(c) An individual who knowingly violates this section commits a Class D felony.

As added by P.L.251-2003, SEC.3.

IC 25-26-19-10
Injunctions

Sec. 10. (a) If an individual violates this chapter, the attorney general, the board, or the prosecuting attorney of the county in which the individual violates this chapter may maintain an action in the name of the state to enjoin the individual from continued violation of this chapter.

(b) An injunction issued under this section does not relieve an individual person from criminal prosecution but is in addition to any remedy provided under criminal law.

As added by P.L.251-2003, SEC.3.

IC 25-26-20

Chapter 20. Regional Drug Repository Program

IC 25-26-20-1

Definitions

Sec. 1. The definitions in IC 25-26-13-2 apply throughout this chapter.

As added by P.L.75-2004, SEC.4.

IC 25-26-20-2

"Nonprofit health clinic"

Sec. 2. As used in this chapter, "nonprofit health clinic" means any of the following:

(1) A federally qualified health center (as defined in 42 U.S.C. 1396d(l)(2)(B)).

(2) A rural health clinic (as defined in 42 U.S.C. 1396d(l)(1)).

(3) A nonprofit health clinic that provides medical care to patients who are indigent, uninsured, or underinsured.

As added by P.L.75-2004, SEC.4.

IC 25-26-20-3

Voluntary regional drug repository program to collect and redistribute drugs to nonprofit health clinics

Sec. 3. (a) The board may organize a voluntary regional drug repository program to collect and redistribute drugs to nonprofit health clinics.

(b) The board may enter into a voluntary agreement with any of the following to serve as a regional drug repository:

(1) A pharmacist or pharmacy.

(2) A wholesale drug distributor.

(3) A hospital licensed under IC 16-21.

(4) A health care facility (as defined in IC 16-18-2-161).

(5) A nonprofit health clinic.

(c) A regional drug repository may not receive compensation for participation in the program.

As added by P.L.75-2004, SEC.4.

IC 25-26-20-4

Donations of unadulterated drugs; exceptions

Sec. 4. (a) Except as provided in subsections (b) and (c), unadulterated drugs that meet the requirements set forth in IC 25-26-13-25(k) may be donated without a prescription or drug order to the regional drug repository program by the following:

(1) A pharmacist or pharmacy.

(2) A wholesale drug distributor.

(3) A hospital licensed under IC 16-21.

(4) A health care facility (as defined in IC 16-18-2-161).

(5) A hospice.

(6) A practitioner.

(b) An unadulterated drug that:

(1) was returned under IC 25-26-13-25; and
(2) was prescribed for a Medicaid recipient;
may not be donated under this section unless the Medicaid program has been credited for the product cost of the drug as provided in policies under the Medicaid program.
(c) A controlled drug may not be donated under this section.
As added by P.L.75-2004, SEC.4. Amended by P.L.204-2005, SEC.19; P.L.159-2012, SEC.8.

IC 25-26-20-5
Sale of donated drug prohibited; Medicaid recipients and participants in state funded prescription drug plan ineligible
Sec. 5. (a) A drug that is given by a regional drug repository to a nonprofit health clinic may not be:
(1) sold; or
(2) given to a patient, except upon a practitioner's prescription or drug order.
(b) An individual who is eligible to participate in:
(1) the state Medicaid program under IC 12-15; or
(2) a program that:
(A) provides a prescription drug benefit; and
(B) is funded in whole or in part by state funds;
is not eligible to receive a drug donated under the voluntary regional drug repository program organized under section 3 of this chapter.
As added by P.L.75-2004, SEC.4.

IC 25-26-20-6
Immunity
Sec. 6. (a) The following are not subject to liability under IC 34-20-2-1:
(1) A person or entity who donates a drug to a regional drug repository program under this chapter in accordance with rules adopted by the board under section 7 of this chapter.
(2) A non-profit health clinic or practitioner who accepts or dispenses a drug under the regional drug repository program in accordance with rules adopted by the board under section 7 of this chapter.
(3) A regional drug repository that distributes a drug under the program in accordance with rules adopted by the board under section 7 of this chapter.
(b) Except in cases of negligence or willful misconduct by the manufacturer, a drug manufacturer is not subject to liability under IC 34-20-2-1 for a claim arising from a drug that is donated, accepted, or dispensed under this chapter to the user or the consumer.
As added by P.L.75-2004, SEC.4.

IC 25-26-20-7
Adoption of rules
Sec. 7. The board may adopt rules under IC 4-22-2 to:
(1) establish standards and procedures for accepting, storing,

and dispensing drugs donated under this chapter;

(2) establish the types of drugs that may be donated; and

(3) administer this chapter.

As added by P.L.75-2004, SEC.4.

IC 25-26-21

Chapter 21. Home Medical Equipment Services Providers

IC 25-26-21-1

"Board"

Sec. 1. As used in this chapter, "board" refers to the Indiana board of pharmacy established by IC 25-26-13-3.

As added by P.L.122-2005, SEC.1.

IC 25-26-21-2

"Home medical equipment"

Sec. 2. (a) As used in this chapter, "home medical equipment" means equipment that:

(1) is prescribed by a health care provider;

(2) sustains, restores, or supplants a vital bodily function; and

(3) is technologically sophisticated and requires individualized adjustment or regular maintenance.

(b) The term does not include the following:

(1) Walkers.

(2) Ambulatory aids.

(3) Commodes.

(4) Any other home medical equipment determined by the board in rules adopted under section 7 of this chapter.

As added by P.L.122-2005, SEC.1. Amended by P.L.105-2008, SEC.50.

IC 25-26-21-3

"Home medical equipment services"

Sec. 3. As used in this chapter, "home medical equipment services" means the:

(1) sale, rental, delivery, or installation; and

(2) installation, maintenance, and instruction in the use;

of medical equipment used by an individual that allows the individual to reside in a noninstitutional environment.

As added by P.L.122-2005, SEC.1. Amended by P.L.105-2008, SEC.51.

IC 25-26-21-4

"Provider"

Sec. 4. As used in this chapter, "provider" means a person engaged in the business of providing home medical equipment services to an unrelated individual in the individual's residence.

As added by P.L.122-2005, SEC.1.

IC 25-26-21-5

Application of chapter

Sec. 5. (a) This chapter does not apply to the following:

(1) A home health agency (as defined in IC 16-27-1-2) that does not sell, lease, or rent home medical equipment.

(2) A hospital licensed under IC 16-21-2 that:

(A) provides home medical equipment services only as an integral part of patient care; and

(B) does not provide home medical equipment services through a separate business entity.

(3) A manufacturer or wholesale distributor that does not sell, lease, or rent home medical equipment directly to a consumer.

(4) Except as provided under subsection (b), a practitioner (as defined in IC 25-1-9-2) who does not sell, lease, or rent home medical equipment.

(5) A veterinarian licensed under IC 25-38.1-3.

(6) A hospice program (as defined in IC 16-25-1.1-4) that does not sell, lease, or rent home medical equipment.

(7) A health facility licensed under IC 16-28 that does not sell, lease, or rent home medical equipment.

(8) A provider that:

(A) provides home medical equipment services within the scope of the licensed provider's professional practice;

(B) is otherwise licensed by the state; and

(C) receives annual continuing education that is documented by the provider or the licensing entity.

(9) An employee of a person licensed under this chapter.

(b) A pharmacist licensed in Indiana or a pharmacy that holds a permit issued under IC 25-26 that sells, leases, or rents home medical equipment:

(1) is not required to obtain a license under this chapter; and

(2) is otherwise subject to the:

(A) requirements of this chapter; and

(B) requirements established by the board by rule under this chapter.

As added by P.L.122-2005, SEC.1. Amended by P.L.2-2008, SEC.64.

IC 25-26-21-6

License application; requirements

Sec. 6. (a) A person seeking to provide home medical equipment services in Indiana shall apply to the board for a license in the manner prescribed by the board.

(b) A provider shall do the following:

(1) Comply with:

(A) federal and state law; and

(B) regulatory requirements;

for home medical equipment services.

(2) Maintain a physical facility and medical equipment inventory in Indiana.

(3) Purchase and maintain in an amount determined by the board:

(A) product liability insurance; and

(B) professional liability insurance;

and maintain proof of the insurance coverage.

(4) Establish procedures to ensure that an employee or a contractor of the provider who is engaged in the following

home medical equipment activities receives annual training:

(A) Delivery.

(B) Orientation of a patient in the use of home medical equipment.

(C) Reimbursement assistance.

(D) Maintenance.

(E) Repair.

(F) Cleaning and inventory control.

(G) Administration of home medical equipment services.

The provider shall maintain documentation of the annual training received by each employee or contractor.

(5) Maintain clinical records on a customer receiving home medical equipment services.

(6) Establish home medical equipment maintenance and personnel policies.

(7) Provide home medical equipment emergency maintenance services available twenty-four (24) hours a day.

(8) Comply with the rules adopted by the board under this chapter.

As added by P.L.122-2005, SEC.1.

IC 25-26-21-7

Rules

Sec. 7. (a) The board may adopt rules under IC 4-22-2 to do the following:

(1) Specify home medical equipment that is or is not to be regulated under this chapter.

(2) Set standards for the licensure of providers.

(3) Govern the safety and quality of home medical equipment services that are provided to customers.

(4) Specify the amount of insurance coverage required under section 6(b)(3) of this chapter.

(5) Set reasonable fees for the application, issuance, and renewal of a license under this chapter and set other fees permitted under IC 25-1-8.

(b) The board may consult with individuals engaged in the home medical equipment services business to advise the board on the formulation of rules under subsection (a). The individuals may not be compensated or reimbursed for mileage by the board.

As added by P.L.122-2005, SEC.1. Amended by P.L.105-2008, SEC.52.

IC 25-26-21-8

License required; form; notification; renewal; reciprocity

Sec. 8. (a) A provider must be licensed by the board before the provider may provide home medical equipment services. If a provider provides home medical equipment services from more than one (1) location in Indiana, the provider must obtain a license under this chapter for each location.

(b) An applicant shall submit the application to the board on a

form adopted by the board. The nonrefundable application fee set by the board must be submitted with the application. The fee must be deposited in the state general fund.

(c) If the board determines that the applicant:

(1) meets the standards set forth by the board; and

(2) has satisfied the requirements under this chapter and the requirements established by the board by rule;

the board shall notify the applicant in writing that the license is being issued to the applicant. The license is effective on the applicant's receipt of the written notification.

(d) A license issued under this chapter expires biennially on a date established by the agency under IC 25-1-5-4. An entity that is licensed under this chapter shall display the license or a copy of the license on the licensed premises.

(e) A license lapses without any action by the board if an application for renewal has not been filed and the required fee has not been paid by the established biennial renewal date.

(f) If a license under this chapter has been expired for not more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements of IC 25-1-8-6(c).

(g) If a license under this chapter has been expired for more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).

(h) The board may adopt rules that permit an out-of-state provider to obtain a license on the basis of reciprocity if:

(1) the out-of-state provider possesses a valid license granted by another state;

(2) the legal standards for licensure in the other state are comparable to the standards under this chapter; and

(3) the other state extends reciprocity to providers licensed in Indiana.

However, if the requirements for licensure under this chapter are more restrictive than the standards of the other state, the out-of-state provider must comply with the additional requirements of this chapter to obtain a reciprocal license under this chapter.

As added by P.L.122-2005, SEC.1. Amended by P.L.98-2006, SEC.28; P.L.105-2008, SEC.53.

IC 25-26-21-9

Inspections; report; appeal; inspectors; confidential information

Sec. 9. (a) The board may inspect the operations and facilities of an applicant for a license under this chapter to determine whether to issue the applicant a license.

(b) The board may conduct random inspections at any time for the following reasons:

(1) To ensure the integrity and effectiveness of the licensing process.

(2) To investigate a consumer complaint or a complaint by a qualified source as identified by the board.

(3) To ensure continuing compliance with the licensing requirements under this chapter.

(c) The board shall provide the provider a report of the board's findings after the board completes an investigation under this section.

(d) A provider that disputes the report in subsection (c) may file an appeal under IC 4-21.5 with the board not later than thirty (30) days after receipt of the report. The board shall review the inspection report and, upon the provider's request, conduct a new inspection.

(e) The board shall employ qualified inspectors to investigate complaints and conduct inspections. Investigators may review and audit records under an investigation or inspection during the inspected facility's normal business hours at the place of business of the provider being investigated.

(f) The board and the board's employees may not disclose confidential information obtained during an investigation except:

(1) during a disciplinary hearing held under section 10 of this chapter; or

(2) under a court order.

As added by P.L.122-2005, SEC.1.

IC 25-26-21-10

Discipline

Sec. 10. The board may discipline the holder of a license under IC 25-1-9 after a hearing or for any of the following reasons:

(1) Violation of this chapter or violation of a rule established by the board.

(2) Violation of a board order.

(3) Failure to meet the standards set forth in section 6(b) of this chapter.

(4) The conviction or plea of guilty for a felony or misdemeanor that:

(A) involves fraud or deceit; or

(B) is directly related to providing home medical equipment services.

(5) Negligence or gross misconduct in providing home medical equipment services.

(6) The aid, assistance, or willful allowance of another person in violating a provision under this chapter or a rule adopted by the board.

(7) Failure to provide information within sixty (60) days in response to a written request from the board.

(8) The engagement in conduct that is likely to deceive, defraud, or harm the public.

(9) Denial, revocation, suspension, or restriction of a license in another state or jurisdiction to provide home medical equipment services for a reason other than the failure to renew the license.

(10) The receipt of a fee, commission, rebate, or other form of compensation for services not rendered.

(11) Knowingly making or filing false records, reports, or billings in the course of providing home medical equipment

services, including false records, reports, or billings prepared for or submitted to state or federal agencies or departments.

(12) Failure to comply with federal rules issued under the federal Medicare program (42 U.S.C. 1395 et seq.) relating to operations, financial transactions, and general business practices of home medical equipment services providers.

As added by P.L.122-2005, SEC.1.

IC 25-26-21-11

Penalties

Sec. 11. (a) A person who engages in the business of home medical equipment services and who:

(1) is required to be licensed under this chapter; and

(2) knowingly provides home medical equipment services without a license issued under this chapter;

commits a Class A misdemeanor.

(b) Each day a violation of this section continues constitutes a separate offense.

(c) The board may, in the name of the state and through theattorney general, apply in a court to enjoin a person from providing home medical equipment services in violation of this chapter.

As added by P.L.122-2005, SEC.1.

IC 25-26-22

Chapter 22. Pharmacy Audits

IC 25-26-22-1

Definitions applicable to chapter

Sec. 1. The definitions contained in IC 25-26-13-2 apply throughout this chapter.

As added by P.L.7-2009, SEC.1.

IC 25-26-22-2

"Audit"

Sec. 2. As used in this chapter, "audit" means an audit of a pharmacy:

(1) on behalf of a third party payer; and

(2) related to a particular claim made by the pharmacy to the third party payer.

As added by P.L.7-2009, SEC.1.

IC 25-26-22-3

"Extrapolation audit"

Sec. 3. As used in this chapter, "extrapolation audit" means an audit of a sample of claims submitted by a pharmacy to a third party payer, the results of which are used to estimate audit results for a larger group of unaudited claims submitted by the pharmacy to the third party payer.

As added by P.L.7-2009, SEC.1.

IC 25-26-22-4

Audit compliance

Sec. 4. An audit must be conducted in compliance with this chapter.

As added by P.L.7-2009, SEC.1.

IC 25-26-22-4.2

Third party payer onsite audit limitations

Sec. 4.2. (a) A third party payer may cause an onsite audit to occur at a particular pharmacy location not more than one (1) time per calendar year.

(b) A company that conducts an audit for a third party payer may conduct an onsite audit at a particular pharmacy location not more than one (1) time per calendar year for each third party payer. However, if the audit results in a finding of a particular problem at the pharmacy, the auditor may return within the calendar year to determine ongoing compliance.

As added by P.L.159-2012, SEC.9.

IC 25-26-22-5

Audit requirements

Sec. 5. An auditor conducting an audit shall comply with all of the following:

(1) The contract under which the audit is performed must provide a description of audit procedures that will be followed.
(2) For an onsite audit conducted at a pharmacy's location, the auditor that conducts the audit shall provide written notice to the pharmacy at least two (2) weeks before the initial onsite audit is performed for each audit cycle.
(3) The auditor shall not interfere with the delivery of pharmacist services to a patient and shall use every effort to minimize inconvenience and disruption to pharmacy operations during the audit. This subdivision does not prohibit audits during normal business hours of the pharmacy.
(4) If the audit requires use of clinical or professional judgment, the audit must be conducted by or in consultation with a licensed pharmacist.
(5) The auditor shall allow the use of written or otherwise transmitted hospital, physician, or other health practitioner records to validate a pharmacy record with respect to a prescription for a legend drug.
(6) The auditor shall perform the audit according to the same standards and parameters that the auditor uses to audit all other similarly situated pharmacies on behalf of the third party payer.
(7) The period covered by the audit must not exceed twenty-four (24) months after the date on which the claim that is the subject of the audit was submitted to or adjudicated by the third party payer, and the pharmacy must be permitted to resubmit electronically any claims disputed by the audit. This subdivision does not limit the period for audits under the Medicaid program that are conducted due to a federal requirement.
(8) The audit must not be initiated or scheduled during the first seven (7) calendar days of any month without the voluntary consent of the pharmacy. The consent may not be mandated by a contract or any other means.
(9) Payment to the onsite auditor for conducting the audit must not be based on a percentage of any amount recovered as a result of the audit.
(10) Within twenty-four (24) hours of receiving the notice of an audit, a pharmacy may reschedule the audit to a date not more than fourteen (14) days after the date proposed by the auditor. However, if the auditor is unable to reschedule within the fourteen (14) day period, the auditor shall select and reschedule the audit for a date after the fourteen (14) day period.
(11) This subdivision does not apply to an audit conducted by the Medicaid program. If a clerical error is identified by the auditor during the course of an audit, the auditor shall allow the pharmacy to obtain a prescription that corrects the clerical error from the prescribing physician. However, if the clerical error results in an overpayment to the pharmacy, the overpayment may be recouped by the third party payer.

As added by P.L.7-2009, SEC.1. Amended by P.L.159-2012, SEC.10.

IC 25-26-22-6
Written audit reports

Sec. 6. (a) This section does not apply to an audit conducted by the Medicaid, Medicare, or any other federal program.

(b) Following an audit, the auditor shall provide to the pharmacy written audit reports as follows:

(1) The auditor shall deliver a preliminary audit report to the pharmacy not later than ninety (90) days after the audit is concluded.

(2) The auditor shall provide with the preliminary audit report a written appeal procedure for the pharmacy to follow if the pharmacy desires to appeal a finding contained in the preliminary audit report. The written appeal procedure must provide for a period of at least thirty (30) days after the pharmacy receives the preliminary audit report during which the pharmacy may file an appeal of findings contained in the preliminary audit report.

(3) The auditor shall deliver a final audit report to the pharmacy not later than one hundred twenty (120) days after:

(A) the preliminary audit report is received by the pharmacy; or

(B) if an appeal is filed, a final appeal determination is made;

whichever is later.

(4) Each audit report must be signed by the auditor and a pharmacist participating in the audit.

(5) The auditor shall provide a copy of the final audit report to the third party payer.

(c) If requested by the pharmacy, the auditor shall provide the audit report under this section to the pharmacy by a means that allows signature confirmation, including an electronic signature (as defined by IC 25-26-13-2). If the audit report is sent by electronic mail, any other verification system may be used, provided that the receipt is acknowledged by the pharmacy.

As added by P.L.7-2009, SEC.1. Amended by P.L.159-2012, SEC.11.

IC 25-26-22-7
Clerical errors; fraud; recoupment of payment

Sec. 7. (a) A clerical error related to or contained in a document that is necessary to the conduct of an audit does not constitute fraud without proof of intent to commit fraud.

(b) A clerical error that results in inappropriate payment of a claim by the third party payer may result in recoupment of any inappropriately made payment.

As added by P.L.7-2009, SEC.1.

IC 25-26-22-8
Overpayment and underpayment audit findings

Sec. 8. An audit finding of an overpayment or underpayment of a claim:

(1) must be based on an actual overpayment or underpayment; and

(2) may not be based on a projection that is based on the number of:

(A) patients who:

(i) have similar diagnoses; and

(ii) are served by the pharmacy; or

(B) prescriptions for or refills of similar legend drugs that are dispensed by the pharmacy.

As added by P.L.7-2009, SEC.1.

IC 25-26-22-9

Audit report; distribution; interest accrual

Sec. 9. (a) This section does not apply to an audit conducted by the Medicaid, Medicare, or any other federal program.

(b) Before recoupment of funds may be made based on an audit finding of overpayment or underpayment:

(1) a final audit report must be distributed; and

(2) except when an audit finds that fraud, willful misrepresentation, or alleged serious abuse has occurred, at least thirty (30) days must elapse after the date on which the final audit report is distributed before the recoupment of funds exceeding ten thousand dollars ($10,000).

(c) Interest on funds described in subsection (b) does not accrue during the audit period.

As added by P.L.7-2009, SEC.1. Amended by P.L.159-2012, SEC.12.

IC 25-26-22-10

Prohibition of extrapolation audits for calculating recoupments or penalties

Sec. 10. The results of an extrapolation audit may not be used by an auditor as a basis for calculating overpayment or underpayment recoupments or penalties.

As added by P.L.7-2009, SEC.1.

IC 25-26-22-11

Application of chapter for investigative audits

Sec. 11. This chapter does not apply to an investigative audit conducted for purposes of determining whether fraud, willful misrepresentation, or alleged serious abuse has occurred.

As added by P.L.7-2009, SEC.1.

IC 25-26-23

Chapter 23. Returning Unused Medication

IC 25-26-23-1

"Board"

Sec. 1. For purposes of this chapter, "board" means the Indiana board of pharmacy.

As added by P.L.119-2011, SEC.4.

IC 25-26-23-2

Adoption of rules

Sec. 2. (a) The board shall adopt rules under IC 4-22-2 to implement this chapter.

(b) The board may adopt emergency rules under IC 4-22-2-37.1 to implement this chapter.

As added by P.L.119-2011, SEC.4.

IC 25-26-23-3

Determination of entities

Sec. 3. The board shall determine the entities that may participate in a program under this chapter, but must include health facilities licensed under IC 16-28 and pharmacies.

As added by P.L.119-2011, SEC.4.

IC 25-26-23-4

Rules for an entity to accept unused medications

Sec. 4. The rules adopted under this chapter must set forth the guidelines for an entity to accept unused medication. The rules must set forth:

(1) the responsibilities of the entities who are accepting the unused medication;

(2) details concerning record keeping of the medication collected;

(3) the proper methods to destroy unused medication;

(4) privacy protocols;

(5) security standards; and

(6) proper transportation procedures.

As added by P.L.119-2011, SEC.4.

IC 25-26-23-5

Rules allowing an entity to return unused medication

Sec. 5. The board may adopt rules allowing an entity determined under section 3 of this chapter to return unused medication to the pharmacy that dispensed the medication as described in IC 16-28-11-4(b).

As added by P.L.119-2011, SEC.4.

IC 25-26-23-6

Required board consultation with certain agencies and task force to promulgate rules

Sec. 6. The board shall consult with the following agencies and task force in promulgating rules under this chapter:

(1) The department of environmental management.

(2) The state department of health.

(3) The state police department.

(4) The Indiana hazardous waste task force.

As added by P.L.119-2011, SEC.4.

IC 25-26-23-7

Limitation of rules adopted under this chapter

Sec. 7. The rules adopted under this chapter may not:

(1) mandate any public or private entity to establish, operate, or fund a disposal program under this chapter;

(2) mandate that law enforcement participate in a program under this chapter;

(3) require any new licensing or fees for a program under this chapter;

(4) create liability for:

(A) an entity not participating in; or

(B) a patient not using;

a program under this chapter; and

(5) have a fiscal impact to the state or any state agencies.

As added by P.L.119-2011, SEC.4.

IC 25-26-23-8

Immunity from civil liability for certain entities or employees

Sec. 8. (a) An entity or employee of an entity described in section 3 of this chapter who is operating a program under this chapter is immune from civil liability for an act or omission related to the operation of the program.

(b) The civil immunity described in subsection (a) does not apply to:

(1) an act or omission that constitutes gross negligence or willful, wanton, or intentional misconduct; and

(2) the enforcement of rules adopted under this chapter by a government entity.

As added by P.L.119-2011, SEC.4.

IC 25-27

ARTICLE 27. PHYSICAL THERAPISTS

IC 25-27-1

Chapter 1. Regulation of Physical Therapists by Medical Licensing Board

IC 25-27-1-1

Definitions

Sec. 1. For the purposes of this chapter:

(1) "Physical therapy" means the evaluation of, administration of, or instruction in physical rehabilitative and habilitative techniques and procedures to evaluate, prevent, correct, treat, alleviate, and limit physical disability, pathokinesiological function, bodily malfunction, pain from injury, disease, and any other physical disability or mental disorder, including:

(A) the use of physical measures, agents, and devices for preventive and therapeutic purposes;

(B) neurodevelopmental procedures;

(C) the performance, interpretation, and evaluation of physical therapy tests and measurements; and

(D) the provision of consultative, educational, and other advisory services for the purpose of preventing or reducing the incidence and severity of physical disability, bodily malfunction, and pain.

(2) "Physical therapist" means a person who practices physical therapy as defined in this chapter.

(3) "Physical therapist's assistant" means a person who assists in the practice of physical therapy as defined in this chapter.

(4) "Board" refers to the medical licensing board.

(5) "Committee" refers to the Indiana physical therapy committee established under section 4 of this chapter.

(6) "Person" means an individual.

(Formerly: Acts 1957, c.198, s.1; Acts 1971, P.L.379, SEC.1.) As amended by P.L.150-1986, SEC.4; P.L.259-1987, SEC.1; P.L.240-1989, SEC.1.

IC 25-27-1-2

Unlawful practices

Sec. 2. (a) Except as otherwise provided in this chapter, it is unlawful for a person to practice physical therapy or to profess to be a physical therapist, physiotherapist, or physical therapy technician or to use the initials "P.T.", "P.T.T.", or "R.P.T.", or any other letters, words, abbreviations, or insignia indicating that the person is a physical therapist, or to practice or to assume the duties incident to physical therapy without first obtaining from the board a license authorizing the person to practice physical therapy in this state.

(b) It is unlawful for a person to practice physical therapy other than upon the order or referral of a physician, podiatrist, psychologist, chiropractor, or dentist holding an unlimited license to

practice medicine, podiatric medicine, psychology, chiropractic, or dentistry, respectively. It is unlawful for a physical therapist to use the services of a physical therapist's assistant except as provided under this chapter. For the purposes of this subsection, the function of:

(1) teaching;
(2) doing research;
(3) providing advisory services; or
(4) conducting seminars on physical therapy;

is not considered to be a practice of physical therapy.

(c) Except as otherwise provided in this chapter, it is unlawful for a person to act as a physical therapist's assistant or to use initials, letters, words, abbreviations, or insignia indicating that the person is a physical therapist's assistant without first obtaining from the board a certificate authorizing the person to act as a physical therapist's assistant. It is unlawful for the person to act as a physical therapist's assistant other than under the direct supervision of a licensed physical therapist who is in responsible charge of a patient or under the direct supervision of a physician. However, nothing in this chapter prohibits a person licensed or registered in this state under another law from engaging in the practice for which the person is licensed or registered. These exempted persons include persons engaged in the practice of osteopathy, chiropractic, or podiatric medicine.

(d) This chapter does not authorize a person who is licensed as a physical therapist or certified as a physical therapist's assistant to:

(1) evaluate any physical disability or mental disorder except upon the order or referral of a physician, podiatrist, psychologist, chiropractor, or dentist;
(2) practice medicine, surgery (as described in IC 25-22.5-1-1.1(a)(1)(C)), dentistry, optometry, osteopathy, psychology, chiropractic, or podiatric medicine; or
(3) prescribe a drug or other remedial substance used in medicine.

(Formerly: Acts 1957, c.198, s.2; Acts 1971, P.L.379, SEC.2.) As amended by P.L.137-1985, SEC.8; P.L.157-1986, SEC.2; P.L.259-1987, SEC.2; P.L.240-1989, SEC.2; P.L.217-1993, SEC.4.

IC 25-27-1-3
Repealed

(*Repealed by P.L.150-1986, SEC.14.)*

IC 25-27-1-3.1
Practice of certain occupations or professions and first aid not prohibited

Sec. 3.1. This chapter does not prohibit any of the following:

(1) The practice of any occupation or profession for which a person is licensed, certified, or registered in Indiana by a state agency. The persons who are exempted by this subdivision include persons licensed, certified, or registered to practice

osteopathy, chiropractic, or podiatric medicine.

(2) The practice of any health care occupation or profession by a person who is practicing within the scope of the person's education and experience.

(3) The performance of any first aid procedure incidental to a person's employment or volunteer duties.

(4) The performance of an emergency first aid procedure by any person.

As added by P.L.150-1986, SEC.5.

IC 25-27-1-4

Indiana physical therapy committee

Sec. 4. (a) There is created a five (5) member Indiana physical therapy committee to assist the board in carrying out this chapter regarding the qualifications and examinations of physical therapists and physical therapist's assistants. The committee is comprised of:

(1) three (3) physical therapists;

(2) a licensed physician; and

(3) one (1) member who is a resident of the state and who is not associated with physical therapy in any way, other than as a consumer.

(b) The governor shall make each appointment for a term of three (3) years. Each physical therapist appointed must:

(1) be a licensed physical therapist meeting the requirements of this chapter;

(2) have had not less than three (3) years experience in the actual practice of physical therapy immediately preceding appointment; and

(3) be a resident of the state and actively engaged in this state in the practice of physical therapy during incumbency as a member of the committee.

(Formerly: Acts 1957, c.198, s.4; Acts 1971, P.L.379, SEC.3.) As amended by Acts 1981, P.L.222, SEC.195; P.L.150-1986, SEC.6.

IC 25-27-1-5

Determination of qualifications; administration of examinations; standards for competent practice

Sec. 5. (a) The committee shall:

(1) pass upon the qualifications of physical therapists who apply for licensure and physical therapist's assistants who apply for certification;

(2) provide all examinations either directly or by delegation under subsection (c);

(3) determine the applicants who successfully pass examinations;

(4) license qualified applicants; and

(5) propose rules concerning the competent practice of physical therapy to the board.

(b) The board shall adopt rules, considering the committee's proposed rules, establishing standards for the competent practice of

physical therapy.

(c) The committee may approve and utilize the services of a testing company or agent to prepare, conduct, and score examinations.

(d) The board shall adopt rules, considering the committee's proposed rules, concerning a continuing competency requirement for the renewal of a:

(1) license for a physical therapist; and

(2) certificate for a physical therapist's assistant.

(Formerly: Acts 1957, c.198, s.5; Acts 1971, P.L.379, SEC.4.) As amended by Acts 1981, P.L.222, SEC.196; P.L.150-1986, SEC.7; P.L.259-1987, SEC.3; P.L.197-2011, SEC.116.

IC 25-27-1-6
Evidence of qualification

Sec. 6. (a) Each applicant for a license as a physical therapist or certification as a physical therapist's assistant must present satisfactory evidence that the applicant:

(1) does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently; and

(2) has not been the subject of a disciplinary action initiated by the licensing agency of another state or jurisdiction on the grounds that the applicant was unable to practice as a physical therapist or physical therapist's assistant without endangering the public.

(b) Each applicant for a license as a physical therapist must submit proof to the committee of the applicant's graduation from a school or program of physical therapy that meets standards set by the committee. Each applicant for a certificate as a physical therapist's assistant must present satisfactory evidence that the applicant is a graduate of a two (2) year college level education program for physical therapist's assistants that meets the standards of the committee. At the time of making application, each applicant must pay a fee determined by the board after consideration of any recommendation of the committee.

(c) An applicant may appeal the committee's decision to deny licensure to the committee within fifteen (15) days after the applicant receives notification of the committee's decision. Upon receiving an appeal under this subsection, the committee shall set the matter for an administrative hearing under IC 4-21.5.

(Formerly: Acts 1957, c.198, s.6; Acts 1971, P.L.379, SEC.5.) As amended by Acts 1981, P.L.222, SEC.197; Acts 1982, P.L.113, SEC.66; P.L.150-1986, SEC.8; P.L.149-1987, SEC.78; P.L.152-1988, SEC.23; P.L.33-1993, SEC.48.

IC 25-27-1-7
Examination; reexamination

Sec. 7. (a) All examinations of the applicants for licensure as physical therapists or for certification as physical therapist's assistants shall be held in Indiana at least twice a year.

(b) Examinations shall include a written or computer examination which must test the applicant's knowledge of the basic and clinical sciences as they relate to physical therapy, physical therapy theory and procedures, and such other subjects as the committee may deem useful to test the applicant's fitness to practice physical therapy or to act as a physical therapist's assistant.

(c) Any qualified applicant who fails an examination and is refused a license or certificate may take another examination within the time limits set by the committee upon payment of an additional fee determined by the board after consideration of any recommendation of the committee.

(d) Nothing in this section shall be construed as a prohibition against any qualified applicant who has failed an examination from making further application for a license to practice physical therapy or for a certificate to act as a physical therapist's assistant when the application is accompanied by the fee determined by the board after consideration of any recommendation of the committee.

(Formerly: Acts 1957, c.198, s.7; Acts 1971, P.L.379, SEC.6.) As amended by P.L.136-1984, SEC.1; P.L.150-1986, SEC.9; P.L.173-1996, SEC.14.

IC 25-27-1-8

Issuance of license; renewal; reinstatement; temporary nonrenewable permit; retirement from practice

Sec. 8. (a) The committee shall license as a physical therapist each applicant who:

(1) successfully passes the examination provided for in this chapter; and

(2) is otherwise qualified as required by this chapter.

(b) All licenses and certificates issued by the committee expire on the date of each even-numbered year specified by the Indiana professional licensing agency under IC 25-1-5-4. A renewal fee established by the board after consideration of any recommendation of the committee must be paid biennially on or before the date specified by the Indiana professional licensing agency, and if not paid on or before that date, the license or certificate becomes invalid, without further action by the committee. A penalty fee set by the board after consideration of any recommendation of the committee shall be in effect for any reinstatement within three (3) years from the original date of expiration.

(c) An expired license or certificate may be reinstated by the committee up to three (3) years after the expiration date if the holder of the expired license or certificate:

(1) pays a penalty fee set by the board after consideration of any recommendation of the committee; and

(2) pays the renewal fees for the biennium.

If more than three (3) years have elapsed since expiration of the license or certificate, the holder may be reexamined by the committee. The board may adopt, after consideration of any recommendation of the committee, rules setting requirements for

reinstatement of an expired license.

(d) The committee may issue not more than two (2) temporary permits to a physical therapist or physical therapist's assistant. A person with a temporary permit issued under this subsection may practice physical therapy only under the direct supervision of a licensed physical therapist who is responsible for the patient. A temporary permit may be issued to any person who has paid a fee set by the board after consideration of any recommendation of the committee and who:

(1) has a valid license from another state to practice physical therapy, or has a valid certificate from another state to act as a physical therapist's assistant; or

(2) has applied for and been approved by the committee to take the examination for licensure or certification, has not previously failed the licensure or certification examination in Indiana or any other state, and has:

(A) graduated from a school or program of physical therapy; or

(B) graduated from a two (2) year college level education program for physical therapist's assistants that meets the standards set by the committee.

The applicant must take the examination within the time limits set by the committee.

(e) A temporary permit issued under subsection (d) expires when the applicant becomes licensed or certified, or approved for endorsement licensing or certification by the committee, or when the application for licensure has been disapproved, whichever occurs first. An application for licensure or certification is disapproved and any temporary permit based upon the application expires when the applicant fails to take the examination within the time limits set by the committee or when the committee receives notification of the applicant's failure to pass any required examination in Indiana or any other state.

(f) A holder of a license or certificate under this chapter who intends to retire from practice shall notify the committee in writing. Upon receipt of the notice, the committee shall record the fact that the holder of the license or certificate is retired and release the person from further payment of renewal fees. If a holder of the license or certificate surrenders a license or certificate, reinstatement of the license or certificate may be considered by the committee upon written request. The committee may impose conditions it considers appropriate to the surrender or reinstatement of a surrendered license or certificate. A license or certificate may not be surrendered to the committee without the written consent of the committee if any disciplinary proceedings are pending against a holder of a license or certificate under this chapter.

(Formerly: Acts 1957, c.198, s.8; Acts 1971, P.L.379, SEC.7.) As amended by Acts 1981, P.L.222, SEC.198; P.L.136-1984, SEC.2; P.L.150-1986, SEC.10; P.L.149-1987, SEC.79; P.L.48-1991, SEC.48; P.L.214-1993, SEC.59; P.L.244-1995, SEC.1;

P.L.173-1996, SEC.15; P.L.1-2006, SEC.467.

IC 25-27-1-9
Foreign applicants; license or certificate by endorsement; fee

Sec. 9. (a) The committee may register and furnish a license or certify by endorsement any applicant who presents evidence satisfactory to the committee of being duly licensed to practice physical therapy or to act as a physical therapist's assistant in another state if the applicant is otherwise qualified as required in section 6 of this chapter. However, the committee shall register and furnish a license or certificate by endorsement to any applicant who is licensed to practice physical therapy or to act as a physical therapist's assistant in another state if:

(1) the applicant is otherwise qualified as required under section 6(a) and 6(b) of this chapter; and

(2) the applicant has successfully passed a licensure examination in another state equal to or exceeding the examination standards of Indiana.

At the time of making an application, the applicant shall pay a fee determined by the board after consideration of any recommendation of the committee.

(b) The committee may license as a physical therapist or certify as a physical therapist's assistant any person who has graduated as a physical therapist or physical therapist's assistant, whichever is appropriate, in a foreign country from an educational program approved by the committee if the applicant presents satisfactory evidence to the committee that the applicant:

(1) does not have a conviction for:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the applicant's ability to practice competently; and

(2) has not been the subject of a disciplinary action initiated by the licensing agency of another state or jurisdiction on the grounds that the applicant was unable to practice as a physical therapist or physical therapist's assistant without endangering the public;

and that the applicant has successfully passed the physical therapy licensure or physical therapist's assistant certification examination provided for by this chapter. However, the committee, in evaluating an educational program under this subsection shall approve at least three (3) credential evaluating agencies acceptable to the board for the purpose of evaluating educational programs.

(c) At the time of making an application under subsection (b), the applicant shall pay a fee determined by the board after consideration of any recommendation of the committee.

(Formerly: Acts 1957, c.198, s.9; Acts 1971, P.L.379, SEC.8.) As amended by Acts 1981, P.L.222, SEC.199; Acts 1982, P.L.113, SEC.67; P.L.136-1984, SEC.3; P.L.150-1986, SEC.11; P.L.259-1987, SEC.4; P.L.152-1988, SEC.24; P.L.96-1990, SEC.15;

P.L.2-1995, SEC.97; P.L.244-1995, SEC.2.

IC 25-27-1-10
Repealed
(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-27-1-10.1
Repealed
(*Repealed by P.L.152-1988, SEC.30.)*

IC 25-27-1-11
Refund of fees
Sec. 11. The fees collected under this chapter shall under no circumstances be refunded to the applicant.
(Formerly: Acts 1957, c.198, s.11.) As amended by Acts 1981, P.L.222, SEC.201; P.L.150-1986, SEC.13.

IC 25-27-1-12
Violation of chapter; injunction
Sec. 12. A person who violates this chapter commits a Class B misdemeanor. In addition the board may, in the name of the state, through the attorney general, apply in any court to enjoin any person from practicing physical therapy or acting as a physical therapist's assistant, in violation of IC 25-27-1-2.
(Formerly: Acts 1957, c.198, s.12; Acts 1971, P.L.379, SEC.10.) As amended by Acts 1978, P.L.2, SEC.2546.

IC 25-27.5

ARTICLE 27.5. PHYSICIAN ASSISTANTS

IC 25-27.5-1

Chapter 1. Application

IC 25-27.5-1-1

Application of article

Sec. 1. This article does not apply to the following:

(1) A physician assistant trainee or a student enrolled in a physician assistant or a surgeon assistant educational program accredited by an accrediting agency.

(2) A physician assistant employed in the service of the federal government while performing duties incident to that employment.

(3) A health care professional, technician, or other assistant or employee of a physician who performs delegated tasks in the office of a physician but who does not render services as a physician assistant or profess to be a physician assistant.

As added by P.L.227-1993, SEC.11. Amended by P.L.288-2001, SEC.6.

IC 25-27.5-1-2

Physician authority to delegate

Sec. 2. This article grants a supervising physician or physician designee the authority to delegate, as the physician determines is appropriate, those tasks or services the physician typically performs and is qualified to perform.

As added by P.L.90-2007, SEC.6.

IC 25-27.5-1-3

Prohibition

Sec. 3. This article does not grant authority to a physician assistant to function independently of a physician's supervision.

As added by P.L.90-2007, SEC.7.

IC 25-27.5-2
Chapter 2. Definitions

IC 25-27.5-2-1
Application of definitions
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.227-1993, SEC.11.

IC 25-27.5-2-1.5
Administer a drug
Sec. 1.5. "Administer a drug" means the direct application of a drug, whether by injection, inhalation, ingestion, or any other means, to the body of a patient.
As added by P.L.90-2007, SEC.8.

IC 25-27.5-2-2
Approved program
Sec. 2. "Approved program" means an educational program for physician assistants accredited:
(1) by the Accreditation Review Commission on Education for the Physician Assistant; or
(2) before January 1, 2001, by:
(A) the Committee on Allied Health Education and Accreditation or its successor organization; or
(B) the Commission on Accreditation of Allied Health Education Programs or its successor organization.
As added by P.L.227-1993, SEC.11. Amended by P.L.288-2001, SEC.7; P.L.177-2009, SEC.49.

IC 25-27.5-2-3
Board
Sec. 3. "Board" refers to the medical licensing board of Indiana.
As added by P.L.227-1993, SEC.11.

IC 25-27.5-2-4
Repealed
(*Repealed by P.L.288-2001, SEC.18.)*

IC 25-27.5-2-4.5
Repealed
(*Repealed by P.L.177-2009, SEC.63.)*

IC 25-27.5-2-5
Committee
Sec. 5. "Committee" refers to the physician assistant committee established by IC 25-27.5-3-1.
As added by P.L.227-1993, SEC.11. Amended by P.L.2-1995, SEC.98.

IC 25-27.5-2-6
Dependent practice

Sec. 6. "Dependent practice" means the performance of an act, a duty, or a function delegated to a physician assistant by the supervising physician or physician designee.

As added by P.L.227-1993, SEC.11.

IC 25-27.5-2-7
Diagnosis

Sec. 7. "Diagnosis" means to determine the nature of a disease or other physical or mental condition.

As added by P.L.227-1993, SEC.11.

IC 25-27.5-2-7.3
Dispense

Sec. 7.3. "Dispense" means issuing medical devices or one (1) or more doses of a drug in a suitable container with appropriate labeling for subsequent administration to or use by a patient.

As added by P.L.90-2007, SEC.9.

IC 25-27.5-2-8
NCCPA

Sec. 8. "NCCPA" refers to the National Commission on Certification of Physician Assistants.

As added by P.L.227-1993, SEC.11.

IC 25-27.5-2-9
Physician

Sec. 9. "Physician" means an individual who:

(1) holds the degree of doctor of medicine or doctor of osteopathy, or an equivalent degree; and

(2) holds an unlimited license under IC 25-22.5 to practice medicine or osteopathic medicine.

As added by P.L.227-1993, SEC.11.

IC 25-27.5-2-10
Physician assistant

Sec. 10. "Physician assistant" means an individual who:

(1) meets the qualifications under this article; and

(2) is licensed under this article.

As added by P.L.227-1993, SEC.11. Amended by P.L.288-2001, SEC.9; P.L.90-2007, SEC.10; P.L.177-2009, SEC.50.

IC 25-27.5-2-11
Physician designee

Sec. 11. "Physician designee" means a physician:

(1) who:

(A) works in; or

(B) is trained in;

the same practice area as the practice area of the supervising

physician; and

(2) to whom responsibility for the supervision of a physician assistant is temporarily designated when the supervising physician is unavailable.

As added by P.L.227-1993, SEC.11. Amended by P.L.90-2007, SEC.11; P.L.3-2008, SEC.189.

IC 25-27.5-2-12
Prescribe

Sec. 12. "Prescribe" means to direct, order, or designate the use of or manner of using a drug, medicine, or treatment by spoken or written words or other means.

As added by P.L.227-1993, SEC.11.

IC 25-27.5-2-13
Supervising physician

Sec. 13. "Supervising physician" means a physician licensed by the board who supervises and is responsible for a physician assistant.

As added by P.L.227-1993, SEC.11. Amended by P.L.197-2011, SEC.117.

IC 25-27.5-2-14
Supervision

Sec. 14. (a) "Supervision" means overseeing the activities of, and accepting responsibility for, the medical services rendered by a physician assistant and that the conditions set forth in subdivision (1) or (2) are met at all times that services are rendered or tasks are performed by the physician assistant:

(1) The supervising physician or the physician designee is physically present at the location at which services are rendered or tasks are performed by the physician assistant.

(2) Both of the following apply:

(A) The supervising physician or the physician designee is immediately available:

(i) through the use of telecommunications or other electronic means; and

(ii) for consultation, including being able to see the patient in person within twenty-four (24) hours if requested by the patient or the physician assistant.

(B) The supervising physician or the physician designee is in:

(i) the county of the physician assistant's practice; or

(ii) a contiguous county, including a county of a neighboring state, of the county containing the onsite location in which services are rendered or tasks are performed by the physician assistant.

The medical licensing board may permit an exception to the requirements of this clause after receiving an exceptional circumstance waiver request with the filed supervising agreement for each individual physician assistant and

practice location. An exception must be approved by the board before the commencement of the physician assistant's practice in the county that requires the exceptional circumstance waiver request.

(b) The term includes the use of protocols, guidelines, and standing orders developed or approved by the supervising physician.
As added by P.L.227-1993, SEC.11. Amended by P.L.90-2007, SEC.12; P.L.3-2008, SEC.190; P.L.197-2011, SEC.118.

IC 25-27.5-2-15
Trainee

Sec. 15. "Trainee" means an individual who is currently enrolled in an approved program.
As added by P.L.227-1993, SEC.11.

IC 25-27.5-3

Chapter 3. Physician Assistant Committee

IC 25-27.5-3-1

Committee established

Sec. 1. The physician assistant committee is established.

As added by P.L.227-1993, SEC.11.

IC 25-27.5-3-2

Membership

Sec. 2. (a) The committee consists of five (5) members appointed by the governor for terms of three (3) years.

(b) The committee must include the following:

(1) Three (3) physician assistants who:

(A) are residents of Indiana;

(B) have at least three (3) years experience as physician assistants; and

(C) are licensed under this article.

(2) A physician licensed under IC 25-22.5 who is familiar with the practice of physician assistants.

(3) An individual who:

(A) is a resident of Indiana; and

(B) is not associated with physician assistants in any way other than as a consumer.

As added by P.L.227-1993, SEC.11. Amended by P.L.90-2007, SEC.13.

IC 25-27.5-3-3

Continuation of practice

Sec. 3. A physician assistant appointed to the committee must continue to practice as a physician assistant while serving as a member of the committee.

As added by P.L.227-1993, SEC.11.

IC 25-27.5-3-4

Removal of members

Sec. 4. A member of the committee may be removed by the governor for cause.

As added by P.L.227-1993, SEC.11.

IC 25-27.5-3-5

Quorum; duties of committee; inactive licenses

Sec. 5. (a) The committee shall have regular meetings, called upon the request of the president or by a majority of the members appointed to the committee, and upon the advice and consent of the executive director of the Indiana professional licensing agency, for the transaction of business that comes before the committee under this article. At the first committee meeting of each calendar year, the committee shall elect a president and any other officer considered necessary by the committee by an affirmative vote of a majority of

the members appointed to the committee.

(b) Three (3) members of the committee constitute a quorum. An affirmative vote of a majority of the members appointed to the committee is required for the committee to take action on any business.

(c) The committee shall do the following:

(1) Consider the qualifications of individuals who apply for an initial license under this article.

(2) Approve or reject license applications.

(3) Approve or reject renewal applications.

(4) Propose rules to the board concerning the competent practice of physician assistants and the administration of this article.

(5) Recommend to the board the amounts of fees required under this article.

As added by P.L.227-1993, SEC.11. Amended by P.L.90-2007, SEC.14; P.L.177-2009, SEC.51; P.L.197-2011, SEC.119.

IC 25-27.5-3-6
Rules; fees

Sec. 6. (a) After considering the committee's proposed rules, the board shall adopt rules under IC 4-22-2 establishing standards for the following:

(1) The competent practice of physician assistants.

(2) The renewal of licenses issued under this article.

(3) Standards for the administration of this article.

(b) After considering the committee's recommendations for fees, the board shall establish fees under IC 25-1-8-2.

As added by P.L.227-1993, SEC.11. Amended by P.L.90-2007, SEC.15.

IC 25-27.5-3-7
Repealed

(*Repealed by P.L.177-2009, SEC.63.)*

IC 25-27.5-3-8
Compensation of members

Sec. 8. Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.227-1993, SEC.11. Amended by P.L.3-2008, SEC.191.

IC 25-27.5-4
Chapter 4. Licensure

IC 25-27.5-4-1
License required; conditions

Sec. 1. An individual must be licensed by the committee before the individual may practice as a physician assistant. The committee may grant a license as a physician assistant to an applicant who does the following:

(1) Submits an application on forms approved by the committee.
(2) Pays the fee established by the board.
(3) Has either:
(A) successfully:
(i) completed an educational program for physician assistants accredited by an approved program; and
(ii) passed the Physician Assistant National Certifying Examination administered by the NCCPA and maintains current NCCPA certification; or
(B) passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants before 1986.
(4) Submits to the committee any other information the committee considers necessary to evaluate the applicant's qualifications.
(5) Presents satisfactory evidence to the committee that the individual has not been:
(A) engaged in an act that would constitute grounds for a disciplinary sanction under IC 25-1-9; or
(B) the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a physician assistant without endangering the public.
(6) Is of good moral character.
(7) Has been approved by the board.

As added by P.L.227-1993, SEC.11. Amended by P.L.288-2001, SEC.10; P.L.90-2007, SEC.16; P.L.177-2009, SEC.52.

IC 25-27.5-4-2
Refusal of licensure; probationary license

Sec. 2. The committee may refuse to issue a license or may issue a probationary license to an individual if:

(1) the individual has been disciplined by an administrative agency in another jurisdiction or been convicted for a crime that has a direct bearing on the individual's ability to practice competently; and
(2) the committee determines that the act for which the individual was disciplined or convicted has a direct bearing on the individual's ability to practice as a physician assistant.

As added by P.L.227-1993, SEC.11. Amended by P.L.90-2007,

SEC.17.

IC 25-27.5-4-3
Probationary license; conditions

Sec. 3. (a) If the committee issues a probationary license under section 2 of this chapter, the committee may require the individual who holds the license to meet at least one (1) of the following conditions:

(1) Report regularly to the committee upon a matter that is the basis for the probation.

(2) Limit practice to areas prescribed by the committee.

(3) Continue or renew professional education.

(4) Engage in community restitution or service without compensation for a number of hours specified by the committee.

(5) Submit to care, counseling, or treatment by a physician designated by the committee for a matter that is the basis for the probation.

(b) The committee shall remove a limitation placed on a probationary license if after a hearing the committee finds that the deficiency that caused the limitation has been remedied.

As added by P.L.227-1993, SEC.11. Amended by P.L.32-2000, SEC.15; P.L.90-2007, SEC.18.

IC 25-27.5-4-4
Temporary license

Sec. 4. (a) The committee may grant a temporary license to an applicant who meets the qualifications for licensure under section 1 of this chapter but is awaiting the next scheduled meeting of the committee.

(b) A temporary license is valid until the committee makes a final decision on the applicant's request for a license.

As added by P.L.227-1993, SEC.11. Amended by P.L.90-2007, SEC.19; P.L.177-2009, SEC.53.

IC 25-27.5-4-5
Expiration of license; renewal

Sec. 5. (a) A license issued by the committee expires on a date established by the Indiana professional licensing agency under IC 25-1-5-4 in the next even-numbered year following the year in which the license was issued.

(b) An individual may renew a license by paying a renewal fee on or before the expiration date of the license.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a license, the license becomes invalid and must be returned to the committee.

As added by P.L.227-1993, SEC.11. Amended by P.L.1-2006, SEC.468; P.L.90-2007, SEC.20; P.L.3-2008, SEC.192.

IC 25-27.5-4-6

Reinstatement of invalid licenses; renewal of expired licenses

Sec. 6. (a) The committee shall reinstate an invalid license up to three (3) years after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a license expired, the individual holding the license may renew the license by satisfying the requirements for renewal established by the board and meeting the requirements under IC 25-1-8-6.

As added by P.L.227-1993, SEC.11. Amended by P.L.269-2001, SEC.27; P.L.3-2008, SEC.193.

IC 25-27.5-4-7

Retirement from practice

Sec. 7. (a) An individual who is licensed under this chapter shall notify the committee in writing when the individual retires from practice.

(b) Upon receipt of the notice, the committee shall:

(1) record the fact the individual is retired; and

(2) release the individual from further payment of renewal fees.

As added by P.L.227-1993, SEC.11. Amended by P.L.90-2007, SEC.21.

IC 25-27.5-4-8

Reinstatement of surrendered licenses

Sec. 8. (a) If an individual surrenders a license to the committee, the committee may reinstate the license upon written request by the individual.

(b) If the committee reinstates a license, the committee may impose conditions on the license appropriate to the reinstatement.

(c) An individual may not surrender a license without written approval by the committee if a disciplinary proceeding under this article is pending against the individual.

As added by P.L.227-1993, SEC.11. Amended by P.L.3-2008, SEC.194.

IC 25-27.5-4-9

Inactive status

Sec. 9. (a) A physician assistant who notifies the committee in writing may elect to place the physician assistant's license on inactive status.

(b) The renewal fee for an inactive license is one-half (1/2) of the renewal fee to maintain an active license.

(c) If a physician assistant with an inactive license elects to activate the license, the physician assistant shall pay the renewal fee less any of the amount paid for the inactive license.

(d) An individual who holds a license under this article and who practices as a physician assistant while:

(1) the individual's license has lapsed; or

(2) the individual is on inactive status under this section;

is considered to be practicing without a license and is subject to

discipline under IC 25-1-9.

As added by P.L.90-2007, SEC.22. Amended by P.L.177-2009, SEC.54.

IC 25-27.5-5

Chapter 5. Scope of Practice

IC 25-27.5-5-1

Application of chapter; prohibitions

Sec. 1. (a) This chapter does not apply to the practice of other health care professionals set forth under IC 25-22.5-1-2(a)(1) through IC 25-22.5-1-2(a)(19).

(b) This chapter does not allow the independent practice by a physician assistant, including any of the activities of other health care professionals set forth under IC 25-22.5-1-2(a)(1) through IC 25-22.5-1-2(a)(19).

(c) This chapter does not exempt a physician assistant from the requirements of IC 16-41-35-29.

As added by P.L.227-1993, SEC.11. Amended by P.L.90-2007, SEC.23.

IC 25-27.5-5-2

Practice with supervising physician; examination by physician; supervisory agreement

Sec. 2. (a) A physician assistant must engage in a dependent practice with physician supervision. A physician assistant may perform, under the supervision of the supervising physician, the duties and responsibilities that are delegated by the supervising physician and that are within the supervising physician's scope of practice, including prescribing and dispensing drugs and medical devices. A patient may elect to be seen, examined, and treated by the supervising physician.

(b) If a physician assistant determines that a patient needs to be examined by a physician, the physician assistant shall immediately notify the supervising physician or physician designee.

(c) If a physician assistant notifies the supervising physician that the physician should examine a patient, the supervising physician shall:

(1) schedule an examination of the patient in a timely manner unless the patient declines; or

(2) arrange for another physician to examine the patient.

(d) If a patient is subsequently examined by the supervising physician or another physician because of circumstances described in subsection (b) or (c), the visit must be considered as part of the same encounter except for in the instance of a medically appropriate referral.

(e) A supervising physician or physician assistant who does not comply with subsections (b) through (d) is subject to discipline under IC 25-1-9.

(f) A physician assistant's supervisory agreement with a supervising physician must:

(1) be in writing;

(2) include all the tasks delegated to the physician assistant by the supervising physician;

(3) set forth the supervisory plans for the physician assistant, including the emergency procedures that the physician assistant must follow; and

(4) specify the name of the drug or drug classification being delegated to the physician assistant and the protocol the physician assistant shall follow in prescribing a drug.

(g) The physician shall submit the supervisory agreement to the board. The physician assistant may prescribe a drug under the supervisory agreement unless the board denies the supervisory agreement. Any amendment to the supervisory agreement must be resubmitted to the board, and the physician assistant may operate under any new prescriptive authority under the amended supervisory agreement unless the agreement has been denied by the board.

(h) A physician or a physician assistant who violates the supervisory agreement described in this section may be disciplined under IC 25-1-9.

As added by P.L.227-1993, SEC.11. Amended by P.L.90-2007, SEC.24; P.L.177-2009, SEC.55; P.L.197-2011, SEC.120.

IC 25-27.5-5-3

Agents of supervising physicians

Sec. 3. A physician assistant is the agent of the supervising physician in the performance of all practice related activities, including the ordering of diagnostic, therapeutic, and other medical services.

As added by P.L.227-1993, SEC.11.

IC 25-27.5-5-4

Prescribing, dispensing, and administering drugs and medical devices

Sec. 4. (a) Except as provided in this section, a physician assistant may prescribe, dispense, and administer drugs and medical devices or services to the extent delegated by the supervising physician.

(b) A physician assistant may not prescribe, dispense, or administer ophthalmic devices, including glasses, contact lenses, and low vision devices.

(c) A physician assistant may use or dispense only drugs prescribed or approved by the supervising physician. A physician assistant may not prescribe or dispense the following drugs:

(1) a schedule I substance listed in IC 35-48-2-4.

(2) A schedule II substance listed in IC 35-48-2-6.

However, a physician assistant may write a drug order for a drug listed in subdivision (2) for use in the hospital if the patient is in an inpatient hospital.

(d) A physician assistant may request, receive, and sign for professional samples and may distribute professional samples to patients if the samples are within the scope of the physician assistant's prescribing privileges delegated by the supervising physician.

(e) A physician assistant may not prescribe drugs unless the

physician assistant has successfully completed at least thirty (30) contact hours in pharmacology from an educational program that is approved by the committee.

(f) A physician assistant may not prescribe, administer, or monitor general anesthesia, regional anesthesia, or deep sedation as defined by the board. A physician assistant may not administer moderate sedation:

(1) if the moderate sedation contains agents in which the manufacturer's general warning advises that the drug should be administered and monitored by an individual who is:

(A) experienced in the use of general anesthesia; and

(B) not involved in the conduct of the surgical or diagnostic procedure; and

(2) during diagnostic tests, surgical procedures, or obstetric procedures unless the following conditions are met:

(A) A physician is physically present in the area, is immediately available to assist in the management of the patient, and is qualified to rescue patients from deep sedation.

(B) The physician assistant is qualified to rescue patients from deep sedation and is competent to manage a compromised airway and provide adequate oxygenation and ventilation by reason of meeting the following conditions:

(i) The physician assistant is certified in advanced cardiopulmonary life support.

(ii) The physician assistant has knowledge of and training in the medications used in moderate sedation, including recommended doses, contraindications, and adverse reactions.

(g) Before a physician assistant may prescribe drugs, the physician assistant must have practiced as a physician assistant:

(1) for at least one (1) year after graduating from a physician assistant program approved by the committee; and

(2) for at least one thousand eight hundred (1,800) hours.

As added by P.L.227-1993, SEC.11. Amended by P.L.90-2007, SEC.25; P.L.197-2011, SEC.121.

IC 25-27.5-5-5

Display of license; name tags

Sec. 5. A physician assistant licensed under IC 25-27.5 shall:

(1) keep the physician assistant's license available for inspection at the primary place of business; and

(2) when engaged in the physician assistant's professional activities, wear a name tag identifying the individual as a physician assistant.

As added by P.L.227-1993, SEC.11. Amended by P.L.90-2007, SEC.26.

IC 25-27.5-5-6

Delegation of authority to prescribe drugs and medical devices

Sec. 6. (a) Except as provided in section 4(d) of this chapter, a supervising physician may delegate authority to a physician assistant to prescribe:

(1) legend drugs except as provided in section 4(c) of this chapter; and

(2) medical devices (except ophthalmic devices, including glasses, contact lenses, and low vision devices).

(b) Any prescribing authority delegated to a physician assistant must be expressly delegated in writing by the physician assistant's supervising physician, including:

(1) the name of the drug or drug classification being delegated by the supervising physician; and

(2) the protocols the physician assistant shall use when prescribing the drug.

(c) A physician assistant who is delegated the authority to prescribe legend drugs or medical devices must do the following:

(1) Enter the following on each prescription form that the physician assistant uses to prescribe a legend drug or medical device:

(A) The signature of the physician assistant.

(B) The initials indicating the credentials awarded to the physician assistant by the NCCPA.

(C) The physician assistant's state license number.

(2) Comply with all applicable state and federal laws concerning prescriptions for legend drugs and medical devices.

(d) A supervising physician may delegate to a physician assistant the authority to prescribe only legend drugs and medical devices that are within the scope of practice of the licensed supervising physician or the physician designee.

(e) A physician assistant who is delegated the authority to prescribe controlled substances under subsection (a) and in accordance with the limitations specified in section 4(c) of this chapter must do the following:

(1) Obtain an Indiana controlled substance registration and a federal Drug Enforcement Administration registration.

(2) Enter the following on each prescription form that the physician assistant uses to prescribe a controlled substance:

(A) The signature of the physician assistant.

(B) The initials indicating the credentials awarded to the physician assistant by the NCCPA.

(C) The physician assistant's state license number.

(D) The physician assistant's federal Drug Enforcement Administration (DEA) number.

(3) Comply with all applicable state and federal laws concerning prescriptions for controlled substances.

(f) A supervising physician may only delegate to a physician assistant the authority to prescribe controlled substances:

(1) that may be prescribed within the scope of practice of the licensed supervising physician or the physician designee;

(2) in an amount that does not exceed a one (1) thirty (30) day

supply; and

(3) in accordance with the limitations set forth in section 4(c) of this chapter.

If an additional prescription for the controlled substance is necessary after the one (1) time thirty (30) day supply described in subdivision (2) has been prescribed, the additional prescription may be prescribed only by a physician.

As added by P.L.90-2007, SEC.27. Amended by P.L.197-2011, SEC.122.

IC 25-27.5-6

Chapter 6. Supervision of Physician Assistants

IC 25-27.5-6-1

Continuous supervision; review of patient encounters

Sec. 1. (a) Supervision by the supervising physician or the physician designee must be continuous but does not require the physical presence of the supervising physician at the time and the place that the services are rendered.

(b) A supervising physician or physician designee shall review all patient encounters not later than seventy-two (72) hours after the physician assistant has seen the patient.

(c) The supervising physician or physician designee shall review within seventy-two (72) hours after a patient encounter one hundred percent (100%) of the charts for the first three (3) years of employment of the physician assistant by the same employer and at least fifty percent (50%) thereafter. However, if the physician assistant has had less than one thousand eight hundred (1,800) hours of practice, the supervising physician or physician designee shall review one hundred percent (100%) of the charts within seventy-two (72) hours of the patient encounter.

As added by P.L.227-1993, SEC.11. Amended by P.L.197-2011, SEC.123.

IC 25-27.5-6-2

Limit of physician assistants supervised

Sec. 2. A physician may supervise not more than two (2) physician assistants.

As added by P.L.227-1993, SEC.11.

IC 25-27.5-6-3

Obligations of physicians and physician assistants

Sec. 3. It is the obligation of each team of physician and physician assistant to ensure the following:

(1) That the physician assistant's scope of practice is identified.

(2) That delegation of medical tasks is appropriate to the physician assistant's level of competence and within the supervising physician's scope of practice.

(3) That the relationship of and access to the supervising physician is defined.

(4) That a process for evaluation of the physician assistant's performance is established and maintained.

As added by P.L.227-1993, SEC.11.

IC 25-27.5-6-4

Requirements of supervising physicians

Sec. 4. (a) A physician supervising a physician assistant must do the following:

(1) Be licensed under IC 25-22.5.

(2) Register with the board the physician's intent to supervise a

physician assistant.

(3) Submit a statement to the board that the physician will exercise supervision over the physician assistant in accordance with rules adopted by the board and retain professional and legal responsibility for the care rendered by the physician assistant.

(4) Not have a disciplinary action restriction that limits the physician's ability to supervise a physician assistant.

(5) Maintain a written agreement with the physician assistant that states the physician will:

(A) exercise supervision over the physician assistant in accordance with any rules adopted by the board; and

(B) retain responsibility for the care rendered by the physician assistant.

The agreement must be signed by the physician and physician assistant, updated annually, and made available to the board upon request.

(b) Except as provided in this section, this chapter may not be construed to limit the employment arrangement with a supervising physician under this chapter.

As added by P.L.227-1993, SEC.11. Amended by P.L.177-2009, SEC.56; P.L.197-2011, SEC.124.

IC 25-27.5-6-5

Information required

Sec. 5. (a) Before initiating practice the supervising physician and the physician assistant must submit, on forms approved by the board, the following information:

(1) The name, the business address, and the telephone number of the supervising physician.

(2) The name, the business address, and the telephone number of the physician assistant.

(3) A brief description of the setting in which the physician assistant will practice.

(4) Any other information required by the board.

(b) A physician assistant must notify the committee of any changes or additions in practice sites or supervising physicians not more than thirty (30) days after the change or addition.

As added by P.L.227-1993, SEC.11. Amended by P.L.288-2001, SEC.11.

IC 25-27.5-6-6

Delegation of authority to provide volunteer work

Sec. 6. The supervising physician may delegate authority for the physician assistant to provide volunteer work, including charitable work and migrant health care.

As added by P.L.227-1993, SEC.11.

IC 25-27.5-6-7

Legal responsibility for physician assistants

Sec. 7. If a physician assistant is employed by a physician, a group of physicians, or another legal entity, the physician assistant must be supervised by and be the legal responsibility of the supervising physician. The legal responsibility for the physician assistant's patient care activities are that of the supervising physician, including when the physician assistant provides care and treatment for patients in health care facilities. If a physician assistant is employed by a health care facility or other entity, the legal responsibility for the physician assistant's actions is that of the supervising physician. A physician assistant employed by a health care facility or entity must be supervised by a licensed physician.
As added by P.L.227-1993, SEC.11.

IC 25-27.5-6-8
Physician assistants provide care in emergency

Sec. 8. (a) This section applies to a physician assistant:

(1) licensed in Indiana or licensed or authorized to practice in any other state or territory of the United States; or

(2) credentialed as a physician assistant by a federal employer.

(b) As used in this section, "emergency" means an event or a condition that is an emergency, a disaster, or a public health emergency under IC 10-14.

(c) A physician assistant who responds to a need for medical care created by an emergency may render care that the physician assistant is able to provide without the supervision required under this chapter, but with such supervision as is available.

(d) A physician who supervises a physician assistant providing medical care in response to an emergency is not required to meet the requirements under this chapter for a supervising physician.
As added by P.L.105-2008, SEC.54.

IC 25-27.5-7

Chapter 7. Unauthorized Practice; Penalty; Sanctions

IC 25-27.5-7-1

Unauthorized practice

Sec. 1. An individual may not:

(1) profess to be a physician assistant;

(2) use the title "physician assistant", including the use of the title by a physician who is not licensed under IC 25-22.5; or

(3) use the initials "P.A." or any other words, letters, abbreviations, or insignia indicating or implying that the individual is a physician assistant licensed under this article;

unless the individual is licensed under this article. However, use of the initials "PA" by a public accountant who is authorized to use the initials "PA" by IC 25-2.1-12-6 is not a violation of this section.

As added by P.L.227-1993, SEC.11. Amended by P.L.2-1996, SEC.271; P.L.90-2007, SEC.28; P.L.3-2008, SEC.195.

IC 25-27.5-7-2

Violations

Sec. 2. An individual who violates this chapter commits a Class B misdemeanor.

As added by P.L.227-1993, SEC.11.

IC 25-27.5-7-3

Sanctions

Sec. 3. In addition to the penalty under section 2 of this chapter, a physician assistant who violates this article is subject to the sanctions under IC 25-1-9.

As added by P.L.227-1993, SEC.11.

IC 25-28

ARTICLE 28. BOAT PILOTS

IC 25-28-1

Chapter 1. Regulation of Boat Pilots by Clark County

IC 25-28-1-1

Limited right to license

Sec. 1. The governor shall from time to time, grant to such number of skillful persons as he may think proper and necessary, not to exceed eight (8) in number, licenses for the term of four (4) years, authorizing and empowering such persons to pilot boats over the falls of the Ohio.

(Formerly: Acts 1852,1RS, c.79, s.1.)

IC 25-28-1-2

Bond

Sec. 2. Before any person licensed as aforesaid, shall act as such pilot, he shall execute bond, payable to the state of Indiana, with sufficient sureties, to be approved by the clerk of the circuit court of Clark County, in the penalty of five thousand dollars ($5,000), conditioned for the faithful discharge of his duties as such pilot; which bond shall be filed in the office of such clerk for the use of persons injured by such pilot as such, and shall not be void upon a mere recovery until the penalty is exhausted.

(Formerly: Acts 1852,1RS, c.79, s.2.)

IC 25-28-1-3

Repealed

(*Repealed by Acts 1978, P.L.2, SEC.2570.)*

IC 25-28-1-4

Establishment of pilot's fees

Sec. 4. Such pilots shall receive for their services such fees as may, from time to time, be fixed by the board of commissioners of the county of Clark; which tariff of fees shall be published at least once a year in some newspaper published in said county, and posted up in three (3) public places in the town of Jeffersonville.

(Formerly: Acts 1852,1RS, c.79, s.4.)

IC 25-28-1-5

Revocation of license; grounds; procedure

Sec. 5. The board of commissioners of the county of Clark may revoke such license at any time for incapacity, habitual drunkenness, change of domicil or neglect of duty; ten (10) days' notice having been given to such pilot. Such pilot may appeal from such revocation to the circuit court of Clark County within ten (10) days; giving appeal bond in the penalty of one hundred dollars, ($100), to be approved by the board of commissioners of the county of Clark.

(Formerly: Acts 1852,1RS, c.79, s.5.)

IC 25-28.5

ARTICLE 28.5. PLUMBERS

IC 25-28.5-1

Chapter 1. Regulation of Plumbers; Creation of Commission; Licensing

IC 25-28.5-1-1

Declaration of policy

Sec. 1. It is hereby declared to be the policy of the State of Indiana that, in order to safeguard the life, health, and public welfare of its citizens, the business of plumbing construction and improvements is a matter affecting the public interest, and any person engaging in the business as herein defined should be required to establish his competency and qualifications to be licensed as herein provided.
(Formerly: Acts 1972, P.L.188, SEC.1.)

IC 25-28.5-1-2

Definitions

Sec. 2. As used in this chapter:

(1) "Plumbing" means the practice of and the materials and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following:

(A) Sanitary drainage or storm drainage facilities, the venting system, and the public or private water supply systems, within or adjacent to any building or structure.

(B) The practice and materials used in the installation, maintenance, extension, or alteration of the stormwater, liquid waste, or sewerage, and water supply systems of any premises to the private property line or to their connection with any point of public disposal or other acceptable terminal.

The term does not include the planning, designing, and installation of sanitation and water systems in vehicles commonly known as mobile homes, the drilling of wells, the installation of pumps, pressure tanks, and piping incidental to the drilling or repair of a well system, the sale or installation of water softening equipment and apparatuses and services of the same, or the business of manufacturing or selling plumbing fixtures; appliances, equipment, or hardware; the installation of automatic sprinklers, the overhead or underground water supplies or standpipes when connected to an automatic sprinkler system or to their related devices or appurtenances connecting thereto; nor does the term include the work referred to in section 32(i) of this chapter; nor does the term include the planning or design of water supply or sewage systems which would ordinarily be performed as "the practice of engineering", as defined in IC 25-31-1, or the "practice of architecture", as defined in IC 25-4-1.

(2) "Plumbing contractor" means any person who, for compensation, undertakes to, or submits a bid to, or does himself or

herself or by others, construct, repair, alter, remodel, add to, subtract from, or improve plumbing and who is responsible for substantially all the plumbing within the entire project, or one who fabricates units or plumbing substantially completed and ready for installation.

(3) "Journeyman plumber" means a person who engages or offers to engage in, as an occupation or trade, the construction, installation, alteration, maintenance, repair, remodeling, or removal and replacement of plumbing under the supervision, direction, and responsibility of a licensed plumbing contractor.

(4) "Maintenance man" means a person who is employed on a permanent basis to keep the premises of a business establishment in good repair.

(5) "Contracting" means, except as exempted in this chapter, engaging in a business as a contractor.

(6) "Person" means a natural person, except in the case of a plumbing contractor, in which case it may mean the partners or members of a partnership, limited partnership, or any form of unincorporated enterprise, owned by two (2) or more persons, and as applied to "corporation" in addition to the corporate entity means the officers or directors and employees thereof.

(7) "Commission" means the Indiana plumbing commission created by this chapter.

(8) "License" means a certificate issued by the commission established by this chapter which confers upon the holder the privilege to act as a plumbing contractor or a journeyman plumber as defined in this chapter.

(9) "Farmstead" means a farm dwelling together with other buildings, structures, equipment, piping, and other plumbing materials and supplies, located upon a parcel of real estate used primarily for agricultural purposes located outside the corporate limits of a municipality and not connected to a public water supply.

(10) "Licensing agency" means the Indiana professional licensing agency established under IC 25-1-5-3.

(11) "Apprentice plumber" means an individual who:

(A) is learning the plumbing trade; and

(B) is under the direction and immediate supervision of a licensed plumbing contractor or a licensed journeyman plumber.

(12) "Registration" means the granting of a certificate by the commission that authorizes an individual to act as an apprentice plumber.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.202; P.L.132-1984, SEC.36; P.L.248-1985, SEC.1; P.L.1-2006, SEC.469.

IC 25-28.5-1-3

Indiana plumbing commission; creation; administration and enforcement of chapter

Sec. 3. The Indiana plumbing commission is hereby created. The commission shall have general charge of the administration and

enforcement of this chapter.
(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1980, P.L.166, SEC.1.

IC 25-28.5-1-4
Members of commission; appointment; terms; vacancies; dual office holding prohibited

Sec. 4. (a) The commission shall consist of six (6) members to be appointed by the governor. Each member appointed shall be a citizen and resident of this state. Two (2) of the members shall be actively engaged in the plumbing contracting business for not less than five (5) years immediately prior to his appointment or shall have had ten (10) years experience in the plumbing contracting business. Two (2) of the members shall be persons who for not less than five (5) years immediately prior to their appointment have been employed as journeymen plumbers. One (1) member shall be the commissioner of the state department of health or a member of the commissioner's professional staff. One (1) member, appointed to represent the general public, may never have been associated with plumbing in any way other than as a consumer. The term of all members of the commission shall be for three (3) years and until their successors are appointed and qualified.

(b) Members appointed by the governor to fill vacancies shall hold office for the unexpired term. At no time shall there be more than four (4) members of the same political faith on the commission. No person, other than the representative of the state department of health, shall act as a member of the commission while holding another elective or appointive office either state or federal.
(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.203; Acts 1982, P.L.113, SEC.68; P.L.8-1984, SEC.120; P.L.20-1991, SEC.6; P.L.2-1992, SEC.778.

IC 25-28.5-1-5
Compensation of members of commission

Sec. 5. The members of the commission shall receive no salary, but are entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures, established by the department of administration and approved by the state budget agency.
(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1980, P.L.166, SEC.2.

IC 25-28.5-1-6
Organization and records of commission

Sec. 6. The commission shall annually organize and select one (1) of the members as chairman and one (1) of the members to serve as secretary, both to serve for a term of one (1) year. The commission, through the licensing agency, shall keep a record of all its proceedings, transactions, communications, official acts, and records and shall perform said other duties as required by law.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.204; P.L.132-1984, SEC.37.

IC 25-28.5-1-7
Duties of commission

Sec. 7. The commission shall do the following:

(1) Adopt a seal with the words "Indiana Plumbing Commission" and such other device as may be selected by which it shall authenticate the acts of the commission. Copies of all records and papers, when certified by the secretary and issued under the seal of the commission, shall be received in evidence in all cases equally and with like effect as the original commission records.

(2) Prescribe the form of licenses and issue the same under its seal. All such licenses, while in force, shall be under the supervision and control of the commission.

(3) Issue licenses as plumbing contractors and journeymen plumbers, to any person who qualifies and complies with the provisions of this chapter and pay required license fees.

(4) Adopt rules in accordance with IC 4-22-2 which establish standards for the competent practice of plumbing.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.205; P.L.132-1984, SEC.38; P.L.2-2005, SEC.66.

IC 25-28.5-1-8
Powers of commission

Sec. 8. The commission may:

(1) Adopt and promulgate rules and regulations for its guidance and for the regulation of its business and procedure consistent with the provisions of this chapter and in the manner provided in IC 4-22-2.

(2) Enter into such other contracts and authorize expenditures as its duties require, subject to the provisions of this chapter and IC 25-1-6.

(3) Do all things necessary for carrying into effect the provisions of this chapter.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.206; P.L.2-2005, SEC.67.

IC 25-28.5-1-9
Meetings of commission; notice; quorum; record

Sec. 9. The secretary shall call all meetings of the commission as directed by the chairman or upon request in writing by two (2) members, and at such time and places, within the state of Indiana as the commission business may require. Sufficient notice shall be given to permit members to attend all meetings. The presence of four (4) members of the commission in attendance at a commission meeting subject to notice as herein required, shall constitute a quorum for the transaction of commission business. Meetings of the commission may be held pursuant to written waiver of notice signed

by all the members of the commission. A record shall be kept of all proceedings at meetings and of the vote taken on each act or transaction of the commission and a majority vote of all members shall be required to bind the commission.
(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.207.

IC 25-28.5-1-10
Office and supplies of commission; employees

Sec. 10. (a) The department of administration shall provide office space, furniture, and necessary supplies and the office files, records, and property of the commission.

(b) The licensing agency shall provide the board with employees necessary to administer the provisions of this chapter.
(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.208; P.L.132-1984, SEC.39.

IC 25-28.5-1-11
Unlawful acts

Sec. 11. It shall be unlawful for any person to act in the capacity of a plumbing contractor or journeyman plumber within this state without first obtaining a license as a plumbing contractor or journeyman plumber from the commission. This chapter however does not apply to helpers, laborers, registered apprentices, and other employees of a plumbing contractor or journeyman plumber, who do not in any manner hold themselves out to the public as being plumbers.
(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.209; P.L.248-1985, SEC.2.

IC 25-28.5-1-12
Licensing requirements; apprenticeship; nonresidents

Sec. 12. (a) Except as otherwise provided in this chapter, a natural person over the age of eighteen (18) years who resides in Indiana and any corporation which satisfies the further requirements of this chapter may be licensed by the commission as a plumbing contractor. Except as otherwise provided by this chapter, a natural person over the age of eighteen (18) years may be licensed by the commission as journeyman plumber.

(b) A person who desires to be licensed as a plumbing contractor or journeyman plumber is eligible for such a license upon the successful taking of the examination provided in section 15 of this chapter.

(c) To qualify for a journeyman plumber examination under subsection (b), an applicant who is an Indiana resident must provide evidence that the applicant has completed at least four (4) years in an apprenticeship program approved by the commission or present to the commission a notarized statement providing evidence that the applicant has at least four (4) years of experience in the plumbing trade in employment as set forth in section 32(2), 32(6), or 32(7) of

this chapter. To qualify for a plumbing contractor license examination under subsection (b), an applicant who is an Indiana resident must provide evidence that the applicant has completed at least four (4) years in an apprenticeship program approved by the commission or present to the commission a notarized statement providing evidence that the applicant has at least four (4) years of experience in the plumbing trade in employment as set forth in section 32(2), 32(6), or 32(7) of this chapter, or has worked in a plumbing business under the direction of a licensed plumbing contractor for at least four (4) years.

(d) An applicant who is not an Indiana resident may qualify to take an examination under subsection (b) in the following manner:

(1) If the applicant holds a license in a state that does not have a reciprocity agreement with Indiana, the applicant must present the license to the commission to be eligible to take the examination.

(2) If the applicant resides in a state that does not have licensing requirements, the applicant before taking the examination must meet the appropriate requirements of subsection (b).

(e) If the applicant holds a license in a state that has a reciprocity agreement with Indiana, the appropriate license shall be issued automatically.

(Formerly: Acts 1972, P.L.188, SEC.1; Acts 1973, P.L.252, SEC.13.) As amended by Acts 1981, P.L.222, SEC.210; P.L.20-1991, SEC.7; P.L.194-2005, SEC.69.

IC 25-28.5-1-13

Application for license; corporations, partnerships, or associations; requisites

Sec. 13. (a) A person wishing to be licensed as a plumbing contractor or journeyman plumber must file with the commission a written application, on a form provided by the commission, that contains information the commission considers necessary to determine the qualifications of the applicant.

(b) All members of a firm, a copartnership, or an association who engage in the activities defined in this chapter as those of a plumbing contractor must be individually licensed as a plumbing contractor. In the case of a limited partnership, only the general partner must be licensed under this chapter.

(c) In the case of a corporation engaged in the business of a plumbing contractor, the corporation must be licensed as a plumbing contractor and must file with the commission an application as provided for in this chapter. A corporation may not be licensed as a plumbing contractor unless one (1) of the officers or employees of the corporation holds a valid license as a plumbing contractor issued by the commission. Where a license is issued to a corporation, at least one (1) officer or employee of the corporation must be:

(1) licensed as a plumbing contractor;

(2) designated in the application; and

(3) named in the license.

(d) An officer or employee of a corporation desiring to act as a plumbing contractor in connection with the business of the corporation must take out a separate plumbing contractor's license in the officer's or employee's own name.

(e) An application must be signed by the applicant, or the applicant's duly authorized officer or officers. The applicant must make a statement that the applicant has not been convicted of:

(1) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or

(2) a felony that has a direct bearing on the applicant's ability to practice competently.

(f) A business that provides plumbing services and is required to file a certificate of assumed business name under IC 23-15-1 must register the name, address, and telephone number of the business with the commission.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.211; Acts 1982, P.L.113, SEC.69; P.L.241-1989, SEC.1; P.L.143-1990, SEC.4; P.L.214-1993, SEC.60.

IC 25-28.5-1-14
Refusal to examine or license

Sec. 14. Upon the filing of an application, the commission may investigate the statements contained therein and, if it finds the statements to be untrue, may refuse to examine or license the applicant.

(Formerly: Acts 1972, P.L.188, SEC.1.)

IC 25-28.5-1-15
Examinations

Sec. 15. (a) Except as otherwise provided, individual applicants for a license as a plumbing contractor or journeyman plumber must pass an examination. The contents of the examination must, for each license category, test the current level of skills required of persons to be licensed in that category.

(b) Examinations may be conducted at times and locations the commission may prescribe.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by P.L.241-1989, SEC.2.

IC 25-28.5-1-16
Preparation and administration of examination

Sec. 16. The commission or the commission's designee shall prepare and administer examinations for each license category. The subject matter to be covered and the passing grade for licensing shall be established and made known to the applicants prior to the date of the examination.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by P.L.241-1989, SEC.3.

IC 25-28.5-1-17

Reexamination

Sec. 17. (a) An applicant who fails the applicant's first examination for a license as a plumbing contractor or journeyman plumber may be reexamined.

(b) Reexamination of an applicant who fails the examination after two (2) attempts may be conditioned on the satisfactory completion of additional study or training as prescribed by the commission.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by P.L.241-1989, SEC.4.

IC 25-28.5-1-18

Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-28.5-1-18.1

Apprentice plumber; application for registration; certificate of registration

Sec. 18.1. (a) An individual age seventeen (17) years or older wanting to be registered by the commission as an apprentice plumber shall, on a form provided by the commission, make application for registration. The applicant shall also provide to the commission a statement signed by a licensed plumbing contractor or journeyman plumber who is the employer of the applicant that the prospective apprentice is the employer's employee and will work under the direct and immediate personal supervision of a licensed contractor or journeyman plumber.

(b) If the commission approves the application for registration, it shall issue a certificate of registration as an apprentice plumber to the applicant.

As added by P.L.248-1985, SEC.3.

IC 25-28.5-1-18.3

Expiration of license

Sec. 18.3. A plumbing contractor's license expires upon the death of the individual to whom it was issued.

As added by P.L.248-1985, SEC.4.

IC 25-28.5-1-18.5

Temporary plumbing contractor's license; issuance

Sec. 18.5. Notwithstanding section 12 of this chapter, the commission may issue a temporary plumbing contractor's license to an applicant who has an ownership interest in or is an officer of a contracting business if the plumbing contractor licensee operating the business has died or is physically or mentally unable to operate the business. The commission may issue the license for the period needed to dispose of the contracting business or to otherwise meet the emergency giving rise to the need for the license. However, a temporary contractor's license may not be issued for a period, including all renewals, exceeding two (2) years.

As added by P.L.248-1985, SEC.5.

IC 25-28.5-1-19
Reciprocity

Sec. 19. Upon the payment of the required fee, an applicant who is a plumbing contractor or journeyman plumber licensed or registered in another state, territory, country, or province, shall without examination, be granted a license as a plumbing contractor or journeyman plumber by the Indiana Plumbing Commission: Provided, That

(a) No such applicant shall be granted a license in a category he is not licensed in another state.

(b) The individual applicant for a license as a plumbing contractor or a journeyman plumber shall be at least eighteen (18) years of age.

(c) The requirements for the licensing or registration of plumbing contractors or journeyman plumbers in such other state, territory, country, or province, were, at the date of the applicant's last registration or licensing, substantially equal to the requirements in force in this state; and: Provided, That the same privilege of registration or licensing is accorded by said state, territory, country or province to licensees of the State of Indiana.

(Formerly: Acts 1972, P.L.188, SEC.1; Acts 1973, P.L.252, SEC.14.) As amended by Acts 1981, P.L.222, SEC.212.

IC 25-28.5-1-20
Nonresident applicants; service of process

Sec. 20. (a) Nonresident applicants for a license to act as a plumbing contractor or journeyman plumber in Indiana shall file a written application with the commission on a form to be provided by the commission. The nonresident applicant shall also file a certified copy of his license, or certificate of registration as a plumbing contractor or journeyman plumber in the state wherein he resides.

(b) In addition, every nonresident applicant to be licensed as a plumbing contractor or journeyman plumber shall file an irrevocable appointment of the secretary of the commission as his agent for service of process within this state.

(1) All process served upon the secretary of the commission as agent for a nonresident plumbing contractor or journeyman plumber shall be served in duplicate. One (1) copy shall be filed in the office of the commission and one (1) copy shall be forwarded to the nonresident licensee or registrant by the secretary by certified mail, return receipt requested.

(2) Service of process upon the secretary, as provided in this section shall be equivalent to personal service within the state upon the nonresident licensee or registrant.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.213.

IC 25-28.5-1-21
Repealed

(*Repealed by P.L.260-1987, SEC.3.)*

IC 25-28.5-1-22
Expiration of license or certificate of registration; renewal; fees

Sec. 22. (a) Every license or certificate of registration issued under this chapter expires on a date established by the licensing agency under IC 25-1-6-4 and shall be renewed biennially thereafter upon payment of the required renewal fees.

(b) Applications for renewal shall be filed with the commission in the form and manner provided by the commission. The application shall be accompanied by the required renewal fee. The commission, upon the receipt of the application for renewal and the required renewal fee, shall issue to the renewal applicant a license or certificate of registration in the category said applicant has previously held. Unless a license is renewed, a license issued by the commission expires on the date specified by the licensing agency under IC 25-1-6-4.

(c) A license or certificate of registration lapses without any action by the commission if an application for renewal has not been filed and the required fee has not been paid by the established biennial renewal date.

(d) If a license or certificate of registration has been expired for not more than three (3) years, the license or certificate of registration may be reinstated by the commission if the holder of the license or certificate of registration meets the requirements of IC 25-1-8-6(c).

(e) If a license or certificate of registration has been expired for more than three (3) years, the license or certificate of registration may be reinstated by the commission if the holder of the license or certificate of registration meets the requirements for reinstatement under IC 25-1-8-6(d).

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.214; Acts 1982, P.L.113, SEC.70; P.L.194-2005, SEC.70; P.L.105-2008, SEC.55.

IC 25-28.5-1-23
Fees

Sec. 23. The fees to be charged by and paid to the commission by licensees for all licenses and license renewals shall be established by the commission under IC 25-1-8.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1976, P.L.120, SEC.1; Acts 1981, P.L.222, SEC.215; Acts 1982, P.L.113, SEC.71; P.L.84-1998, SEC.26; P.L.194-2005, SEC.71.

IC 25-28.5-1-24
Disposition of fees; expenses of commission

Sec. 24. (a) All fees collected by the commission shall be deposited with the treasurer of state to be deposited by the treasurer in the state general fund.

(b) All expenses of the commission shall be paid from the state general fund upon appropriation being made therefor in the manner provided by law for the making of such appropriations.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1976,

P.L.119, SEC.22; P.L.194-2005, SEC.72.

IC 25-28.5-1-25
Repealed
(*Repealed by Acts 1978, P.L.2, SEC.2570.)*

IC 25-28.5-1-26
Repealed
(*Repealed by Acts 1978, P.L.2, SEC.2570.)*

IC 25-28.5-1-27
Investigations; motion of commission or complaint; approval
Sec. 27. Subject to IC 25-1-7, the commission may, upon its own motion and shall, upon the verified complaint in writing of any person setting forth specifically the wrongful act or acts complained of, investigate any action or business transaction of any licensee in accordance with IC 25-1-11. Approval by a majority of all members of the commission shall be required for any action to be taken.
(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1977, P.L.172, SEC.44; Acts 1981, P.L.222, SEC.216; P.L.214-1993, SEC.61.

IC 25-28.5-1-27.1
Repealed
(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-28.5-1-28
Proceedings for denial, suspension, or revocation of license; review
Sec. 28. (a) Proceedings before the commission for the suspension or revocation of any license shall be conducted in the manner provided by IC 4-21.5-3.
(b) Any person aggrieved by any action of the commission in suspending or revoking his license or certificate of registration may seek judicial review by following IC 4-21.5-5.
(c) Any person aggrieved by the commission's action in failing to issue or renew a license or certificate of registration may seek judicial review by following IC 4-21.5-5.
(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by P.L.7-1987, SEC.126.

IC 25-28.5-1-29
Record of commission as evidence; conclusiveness of verdicts
Sec. 29. (a) The record of the commission (or a duly certified copy thereof), shall be admissible in any proceedings at law or in equity in any court of competent jurisdiction in this or any other state in which the applicant, licensee or certificate of registration holder charged or under investigation is a party, and where the issues of an act involved in the proceedings are pertinent to the inquiry before the commission and the verdict of the jury or judgment of the court in any action at law or the decree of the court in any proceeding in

equity shall be prima facie as the facts at issue in the proceedings and necessarily adjudicated therein.

(b) The verdict of the court or jury in any criminal prosecution in a court of record of this or any other state in which the applicant, licensee, or certificate of registration holder charged shall have been the defendant shall be conclusive as to the facts charged and at issue in such prosecution.

(Formerly: Acts 1972, P.L.188, SEC.1.)

IC 25-28.5-1-30
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-28.5-1-31
Violations

Sec. 31. (a) A person who acts or advertises as a plumbing contractor or journeyman plumber without first obtaining a license from the commission or who continues to act as a plumbing contractor or journeyman plumber after the person's license has been suspended, revoked, or otherwise restricted under IC 25-1-11 commits a Class A misdemeanor.

(b) A person who fails to renew the person's license and continues to act as a plumbing contractor or journeyman plumber after the license has expired commits a Class B misdemeanor.

(c) It is unlawful for a plumbing contractor to fail to include one (1) of the following names on written or printed advertising for plumbing services and on vehicles that are used to provide plumbing services:

(1) The plumbing contractor's name.

(2) The name of the business with which the plumbing contractor is associated.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2547; Acts 1981, P.L.222, SEC.218; P.L.241-1989, SEC.5; P.L.214-1993, SEC.62.

IC 25-28.5-1-32
Exceptions to application of chapter

Sec. 32. This chapter does not apply to the following:

(1) Contractors in work on bridges, roads, streets, highways, railroads, or utilities and services incidental to the work.

(2) An authorized employee of the United States, the state, or a political subdivision of the state if the employee does not profess to be for hire and is acting within the scope of the employee's employment.

(3) An officer appointed by a court when the officer is acting within the scope of the officer's office as defined by law or court order. When construction projects are not underway at the time of the appointment of the officer by the court, and the nature of the officer's appointment requires that plumbing must be done, the officer must employ or contract with a registered

plumbing contractor or journeyman plumber.

(4) Public utilities with respect to construction, maintenance, and development work performed by their own forces and incidental to their business.

(5) The owner occupant of a dwelling of eight (8) or less residential units when the owner occupant is installing, altering, or repairing the plumbing system of the residential units.

(6) Construction, alteration, improvement, or repair of a plumbing system, located on a site, the title of which is in the name of the United States of America, or to construction, alteration, improvement, or repair on a project where federal law supersedes this article.

(7) An individual who is employed or acts as a maintenance person at the individual's place of employment.

(8) Farmsteads, except for buildings built on the farmstead for the purpose of public or commercial use.

(9) A sewer contractor, sewage disposal contractor, or an excavation contractor or utility contractor who generally engages in the business of installing, altering, or repairing sewers, private or public sewage disposal systems, and water distribution or drainage lines outside the foundation walls of a building.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1980, P.L.166, SEC.4; Acts 1981, P.L.222, SEC.219; P.L.241-1989, SEC.6.

IC 25-28.5-1-33

Political subdivisions; power to regulate

Sec. 33. Nothing in this chapter shall limit the power of political subdivision to regulate the quality and character of work performed by plumbing contractors through the enforcement of building codes and inspections, but no political subdivision shall require any licensee under this chapter to submit to any other form of licensing: Provided, however, That any political subdivision of this state may require any person licensed as a plumbing contractor under the provisions of this chapter to register with some public official of said political subdivision in order that the plumbing inspection officials of such political subdivision may have the records necessary to inspect the work of persons licensed hereunder. Nothing herein contained shall prohibit any political subdivision from charging a reasonable fee for such registration. Failure to register as required by a political subdivision, upon certification of said failure to the commission, at the discretion of the commission may constitute a basis for suspension of any plumbing contractor's license issued under the provisions of this chapter. Repeated and intentional violation of any such registration requirements may at the discretion of the commission constitute a basis for the revocation of a plumbing contractor's license, said proceeding for suspension or revocation to be had under the provisions of section 26 of this chapter.

(Formerly: Acts 1972, P.L.188, SEC.1.)

IC 25-28.5-1-34
Repealed
(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-28.5-1-35
Display of license; register available for public inspection
Sec. 35. (a) A plumbing contractor licensee shall prominently display the licensee's license in the licensee's principal business office. In the case of a partnership or corporation, the license of at least one (1) partner, member, or officer of the corporation, or the corporate license, must be displayed.
(b) The license number of a licensed plumbing contractor must be recognizably displayed in all forms of written or printed advertising for plumbing services and on all vehicles that are used to provide plumbing services.
(c) A plumbing contractor, partnership, or corporation must maintain a register listing:
(1) the name and license number of every plumbing contractor currently employed there;
(2) the name and license number of every journeyman plumber currently employed there; and
(3) the name and registration number of every apprentice plumber currently employed there.
The register must be available for public inspection upon request.
(d) A plumbing contractor, journeyman plumber, or apprentice plumber shall carry a facsimile of that person's license or certificate of registration on a job location where the person is engaged in plumbing contracting or the trade of plumbing. The plumbing contractor, journeyman plumber, or apprentice plumber shall display that person's license or certificate of registration upon the demand of a state inspector or local building or plumbing inspector in Indiana within that inspector's local jurisdiction or upon a customer's request.
(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1981, P.L.222, SEC.220; P.L.248-1985, SEC.7; P.L.241-1989, SEC.7.

IC 25-28.5-1-36
Actions to recover for services by unlicensed or unregistered plumbers barred
Sec. 36. No action or suit shall be instituted in any court of this state to recover compensation for plumbing contracting services, or for wages for work done which under the provisions of this chapter constitutes plumbing, by a person who is not licensed or registered under the provisions of this chapter.
(Formerly: Acts 1972, P.L.188, SEC.1.)

IC 25-28.5-1-37
Subpoena powers of commission; service and witness fees; enforcement
Sec. 37. The commission conducting a hearing in any particular case shall have power to subpoena and order production of books and

papers. In any hearing, the process issued by the commission shall extend to all parts of the state and the process shall be served either in like manner as are served writs of subpoena in the circuit court or by any person designated by the commission for that purpose. The person serving the process shall receive such compensation as may be allowed by the commission not to exceed the fee prescribed by law for similar services in the circuit courts and the fees shall be paid in the same manner as provided in this chapter for fees of witnesses subpoenaed at the instance of the commission. All witnesses who shall be subpoenaed and who appear in any proceeding before the commission shall receive the same fees and mileage as allowed by law to witnesses in the circuit courts, which amount shall be paid by the party at whose instance the subpoena was issued or upon whose behalf the witness has been called. When any witness who has not been subpoenaed at the instance of any party to the proceeding shall be subpoenaed at the instance of the commission the fees and mileage of the witness shall be paid from the funds appropriated to the use of the commission in the same manner as other expenses of the commission are paid.

Where in any proceeding before the commission, any witness shall fail or refuse to attend upon subpoena issued by the commission or any of their representatives, or appearing, shall refuse to testify or shall refuse to produce any books and papers the production of which is called for by the subpoena, the attendance of any witness and the giving of his testimony and the production of the books and papers required shall be enforced by any circuit court of this state.

(Formerly: Acts 1972, P.L.188, SEC.1.)

IC 25-28.5-1-38

Rules and regulations

Sec. 38. The Indiana Plumbing Commission is hereby authorized and empowered to adopt, fix and establish all rules and regulations necessary for the proper administration and enforcement of the provisions of this chapter.

(Formerly: Acts 1972, P.L.188, SEC.1.) As amended by Acts 1980, P.L.166, SEC.5.

IC 25-28.5-1-39

Loss of bid due to chapter violations; injunctive relief

Sec. 39. (a) As used in this section, "person" means an individual, a corporation, a partnership, or other legal entity.

(b) If a person submits a written competitive bid for a project involving the:

(1) alteration;
(2) construction;
(3) conversion;
(4) improvement;
(5) modernization;
(6) rehabilitation;
(7) remodeling;

(8) renovation;

(9) repair; or

(10) replacement of plumbing;

and that bid is not accepted because another person knowingly violated this chapter, a person described in subsection (c) may bring a civil action to enjoin the person who violated this chapter from performing any activity under the competitive bid.

(c) The following persons may bring an action for injunctive relief under subsection (b):

(1) The person who did not receive the bid.

(2) An organization or association that represents plumbers.

As added by P.L.20-1991, SEC.8.

IC 25-28.5-2

Chapter 2. Plumbers Recovery Fund

IC 25-28.5-2-1

Establishment of fund; investments; interest

Sec. 1. (a) The plumbers recovery fund is established for the purpose set out in this chapter. The fund shall be administered by the plumbing commission.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund, except as provided in section 2.2 of this chapter.

As added by P.L.260-1987, SEC.1. Amended by P.L.143-1990, SEC.5.

IC 25-28.5-2-2

Surcharge; formula; assessments

Sec. 2. (a) If the total amount in the plumbers recovery fund (including principal and interest) plus estimated revenues from the fee assessed under section 2.1 of this chapter from July 1 of the current year through June 30 of the next year will be less than three hundred thirty thousand dollars ($330,000) on June 30 in an odd-numbered year after the payment of all claims and expenses, the plumbing commission shall assess a surcharge according to the following formula in order to maintain the fund at an approximate level of four hundred thousand dollars ($400,000):

STEP ONE: Determine the amount remaining in the fund on June 30 of the current year after all expenses and claims have been paid.

STEP TWO: Add to the amount determined under STEP ONE the amount of revenue estimated from the fee assessed under section 2.1 of this chapter from July 1 of the current year through June 30 of the next year.

STEP THREE: Subtract the amount determined under STEP TWO from four hundred thousand dollars ($400,000).

STEP FOUR: Determine the number of plumbing contractors who had licenses in effect on June 30 of the current year.

STEP FIVE: Divide the number determined under STEP THREE by the number determined under STEP FOUR.

(b) The plumbing commission shall assess the surcharge described in subsection (a) against each plumbing contractor who:

(1) receives an initial license; or

(2) receives a renewal license.

(c) The plumbing commission shall assess the surcharge described in subsection (a) for the two (2) year period beginning on July 1 of the current year through June 30 of the next odd-numbered year.

(d) The surcharge assessed under this section is in addition to any

other fee under this article.
As added by P.L.260-1987, SEC.1. Amended by P.L.143-1990, SEC.6.

IC 25-28.5-2-2.1
Licensing fee

Sec. 2.1. (a) At the time of initial licensure under this article, each licensee shall pay the fees established by the commission under IC 25-1-8-2 for the following:

(1) A plumbing contractor.
(2) A journeyman plumber.

(b) Fees collected under subsection (a) shall be placed in the plumbers recovery fund.

(c) The fee assessed under this section is in addition to any other fee under this article.
As added by P.L.143-1990, SEC.7. Amended by P.L.194-2005, SEC.73.

IC 25-28.5-2-2.2
Reversion of excess funds

Sec. 2.2. If the total amount in the plumbing recovery fund (including principal and interest) exceeds five hundred fifty thousand dollars ($550,000) at the end of a state fiscal year after the payment of all claims and expenses, the amount in excess of five hundred fifty thousand dollars ($550,000) reverts to the state general fund.
As added by P.L.143-1990, SEC.8.

IC 25-28.5-2-3
Interest on investments; payment of expenses

Sec. 3. Any interest earned on investment of money in the plumbers recovery fund shall be credited at least annually to the fund. No money may be appropriated from the state general fund for payment of any expenses incurred under this chapter, and none of these expenses may be charged against the state.
As added by P.L.260-1987, SEC.1.

IC 25-28.5-2-4
Applications for orders directing payment out of fund; amount of loss; limitation on recovery

Sec. 4. (a) If any aggrieved person obtains a final judgment in any court against any plumbing contractor to recover damages for a violation under IC 25-1-11 or the plumbing codes of the state (with or without a finding by the Indiana plumbing commission) that results in an actual cash loss to the aggrieved person, the person may, upon termination of all proceedings, including appeals and proceedings supplemental to judgment for collection purposes, file a verified application in the court in which the judgment was entered for an order directing payment out of the plumbers recovery fund of the amount of actual and direct loss in the transaction that remains unpaid upon the judgment. The amount of actual and direct loss may

include court costs but may not include attorney's fees or punitive damages awarded. The amount that may be paid from the plumbers recovery fund may not exceed twenty thousand dollars ($20,000) per judgment and an aggregate lifetime limit of fifty thousand dollars ($50,000) with respect to any one (1) licensee.

(b) This section applies only to a final judgment that awards damages for an act by the plumbing contractor described in subsection (a) that arises directly out of any transaction:

(1) that occurred when the plumbing contractor was licensed;

(2) for which a license was required under IC 25-28.5; and

(3) that occurred after December 31, 1987.

As added by P.L.260-1987, SEC.1. Amended by P.L.214-1993, SEC.63.

IC 25-28.5-2-5

Claims exceeding dollar limitations; joinder of claims; payment of claims; insufficient funds

Sec. 5. (a) If the payment in full of two (2) or more pending valid claims that have been filed by aggrieved persons against a single plumbing contractor would exceed the fifty thousand dollar ($50,000) limit set forth in section 4 of this chapter, the fifty thousand dollars ($50,000) shall be distributed among the aggrieved persons in the ratio that their respective claims bear to the aggregate of all valid claims or in any other manner that a court of record may determine equitable. This money shall be distributed among the persons entitled to share in it without regard to the order of priority in which their respective judgments have been obtained or their claims have been filed.

(b) Upon petition of the commission, the court may require all claimants and prospective claimants against a single plumbing contractor to be joined in one (1) action, to the end that the respective rights of all the claimants to the commission may be equitably adjudicated and settled.

(c) On June 30 and December 31 of each year, the plumbing commission shall identify each claim that the court orders to be paid during the six (6) month period that ended on that day. The commission shall pay the part of each claim that is so identified within fifteen (15) days after the end of the six (6) month period in which the claim is ordered paid. However, if the balance in the fund is insufficient to pay the full payable amount of each claim that is ordered to be paid during a six (6) month period, the commission shall pay a prorated portion of each claim that is ordered to be paid during the period. Any part of the payable amount of a claim left unpaid due to the prorating of payments under this subsection must be paid (subject to the fifty thousand dollar ($50,000) limit described in section 4 of this chapter) before the payment of claims ordered to be paid during the following six (6) month period.

As added by P.L.260-1987, SEC.1.

IC 25-28.5-2-6

Agent for service of process

Sec. 6. Any plumbing contractor who is licensed or renews a license under this article after December 31, 1987, and upon whom personal service cannot be made with reasonable diligence shall be considered to have appointed the commission as the plumbing contractor's agent for service of process for purposes of actions filed under section 4 of this chapter for recovery from the plumbers recovery fund. Service of process under this section shall be made as nearly as practicable in the manner prescribed by the Indiana Rules of Trial Procedure for service on corporations.

As added by P.L.260-1987, SEC.1.

IC 25-28.5-2-7

Limitation of actions

Sec. 7. An order for payment from the plumbers recovery fund may not be issued unless the action to recover from the plumbers recovery fund was commenced within two (2) years after the termination of all proceedings against the plumbing contractor for a violation under IC 25-1-11 or the plumbing codes of the state, including appeals and proceedings supplemental to judgment. When any person commences an action for a judgment that may result in an order for payment from the fund, the plumbing contractor against whom the action has been taken shall notify the commission in writing of the commencement of the action.

As added by P.L.260-1987, SEC.1. Amended by P.L.214-1993, SEC.64.

IC 25-28.5-2-8

Commission as defendant; hearings; issuance of orders

Sec. 8. When any person files an application for an order directing payment from the plumbers recovery fund, the commission shall be made a party defendant to the proceedings. The court shall conduct a hearing on the application, and it may issue an order directing payment out of the plumbers recovery fund, as provided in section 9 of this chapter, subject to the limitation of section 4 of this chapter, if the court finds:

(1) that there is no collusion between the judgment creditor and the judgment debtor;

(2) that the judgment creditor is making application not more than one (1) year after the termination of all proceedings in connection with the judgment, including appeals and proceedings supplemental to judgment for collection purposes;

(3) that the judgment creditor has caused to be issued a writ of execution on the judgment and the officer executing the writ has made a return showing that no personal or real property of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found or that the amount realized on the sale under the execution was insufficient to satisfy the judgment;

(4) that the judgment creditor has diligently pursued the

creditor's remedies against all the judgment debtors and all other persons liable to the creditor in the transaction for which the creditor seeks recovery from the plumbers recovery fund;

(5) that a violation under IC 25-1-11 or the plumbing codes of the state arose directly out of a transaction that occurred when the judgment debtor was licensed and acted in a capacity for which a license is required under this article and that the transaction occurred after December 31, 1987; and

(6) that, in the event of a default judgment or a judgment entered upon stipulation of the parties, the judgment debtor's acts constituted a violation under IC 25-1-11 or the plumbing codes of the state.

As added by P.L.260-1987, SEC.1. Amended by P.L.214-1993, SEC.65.

IC 25-28.5-2-9
Payment of claims from fund

Sec. 9. Upon a final order of the court directing that payment be made out of the plumbers recovery fund, the commission shall, subject to sections 4 through 5 of this chapter, make the payment out of the plumbers recovery fund as provided in section 5 of this chapter.

As added by P.L.260-1987, SEC.1.

IC 25-28.5-2-10
Suspension of license; repayment of fund

Sec. 10. If the commission is required to make any payment from the plumbers recovery fund in settlement of a claim or toward the satisfaction of a judgment under this chapter, the commission shall suspend the judgment debtor's license. The licensee is not eligible to be licensed again as either a plumbing contractor or journeyman plumber until the licensee has repaid in full the amount paid from the plumbers recovery fund with interest of twelve percent (12%) per annum.

As added by P.L.260-1987, SEC.1.

IC 25-28.5-2-11
Subrogation

Sec. 11. When, upon order of any court, the commission has caused payment to be made from the plumbers recovery fund to a judgment creditor, the commission is subrogated to the rights of the judgment creditor with respect to the amount paid.

As added by P.L.260-1987, SEC.1.

IC 25-28.5-2-12
Expenditure of interest

Sec. 12. Subject to the approval of the budget agency, the commission may expend the interest earned by the plumbers recovery fund for the following:

(1) Publications that provide:

(A) information concerning the commission's activities and administrative rulings; and

(B) other educational information concerning the practice of plumbing.

(2) Educational programs concerning the practice of plumbing in Indiana.

As added by P.L.260-1987, SEC.1. Amended by P.L.20-1991, SEC.9.

IC 25-28.5-2-13

Attorney general; staff assistance; expenses

Sec. 13. (a) The office of the attorney general shall provide the staff assistance necessary to:

(1) enable the plumbing commission to perform its duties under this chapter; and

(2) enforce this chapter.

(b) Expenses incurred by the office of the attorney general under this section shall be paid from the plumbers recovery fund.

As added by P.L.260-1987, SEC.1.

IC 25-29

ARTICLE 29. PODIATRISTS

IC 25-29-1

Chapter 1. Regulation of Podiatrists

IC 25-29-1-0.5

Unauthorized practice of podiatric medicine; excluded activities

Sec. 0.5. (a) This article, as it relates to the unlawful or unauthorized practice of podiatric medicine, does not apply to any of the following:

(1) A student in training in a podiatric medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's podiatric staff or in a program approved by the board.

(2) An individual who renders service in case of emergency when no fee or other consideration is contemplated, charged, or received.

(3) Commissioned podiatric medical officers or podiatric medical service officers of the armed forces of the United States, the United States Public Health Service, and podiatric medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana who are also licensed to practice podiatric medicine in another jurisdiction in the United States.

(4) An individual who is licensed to practice podiatric medicine in another jurisdiction, and is called in for consultation by an individual licensed to practice podiatric medicine in Indiana.

(5) An individual administering a domestic or family remedy to a member of the individual's family.

(6) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a podiatrist.

(7) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).

(8) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.

(9) A nurse practicing the nurse's profession under IC 25-23.

(10) A pharmacist practicing the pharmacist's profession under IC 25-26.

(11) A physical therapist practicing the physical therapist's profession under IC 25-27.

(12) A physician or an osteopath practicing the physician's or osteopath's profession under IC 25-22.5.

(13) An employee, including a licensed podiatrist's assistant, of

a podiatrist or group of podiatrists who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing podiatrist or group of podiatrists, if the act, duty, or function is performed under the direction and supervision of the employing podiatrist or a podiatrist of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing podiatrist or the podiatrist of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing podiatrist or a podiatrist of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (8) through (12), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

(14) A hospital licensed under IC 16-21 or IC 12-25.

(15) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:

(A) a podiatrist;

(B) a psychiatric hospital;

(C) a hospital;

(D) a health facility;

(E) a registered or licensed practical nurse;

(F) a physician;

(G) a chiropractor; or

(H) a physical therapist.

(b) A person described in subsection (a)(8) through (a)(12) is not excluded from the application of this article if:

(1) the person performs an act that an Indiana statute does not authorize the person to perform; and

(2) the act qualifies in whole or in part as the practice of podiatric medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(14) through (a)(15) and a licensed podiatrist does not constitute the unlawful practice of podiatric medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed podiatrist. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of podiatric medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21-2. A podiatrist

licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of podiatric medicine under this chapter.
As added by P.L.33-1993, SEC.50. Amended by P.L.2-1995, SEC.99; P.L.1-1998, SEC.133; P.L.42-2011, SEC.57.

IC 25-29-1-1
Repealed
(*Repealed by Acts 1982, P.L.113, SEC.91.)*

IC 25-29-1-1.1
Definitions
Sec. 1.1. The definitions in this chapter apply throughout this article.
As added by Acts 1981, P.L.222, SEC.221. Amended by P.L.137-1985, SEC.9; P.L.33-1993, SEC.51; P.L.217-1993, SEC.5; P.L.1-1994, SEC.127.

IC 25-29-1-2
Repealed
(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-29-1-3
Repealed
(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-29-1-3.1
Repealed
(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-29-1-4
Repealed
(*Repealed by P.L.137-1985, SEC.19.)*

IC 25-29-1-4.1
Repealed
(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-29-1-5
Repealed
(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-29-1-5.1
Repealed
(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-29-1-5.2
Repealed

(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-29-1-6
Repealed
(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-29-1-6.1
Repealed
(*Repealed by P.L.152-1988, SEC.30.)*

IC 25-29-1-7
Repealed
(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-29-1-8
Repealed
(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-29-1-9
Repealed
(*Repealed by P.L.33-1993, SEC.74.)*

IC 25-29-1-9.5
"Agency" defined
Sec. 9.5. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.
As added by P.L.1-2006, SEC.470.

IC 25-29-1-10
"Board" defined
Sec. 10. "Board" refers to the board of podiatric medicine established by IC 25-29-2-1.
As added by P.L.33-1993, SEC.53.

IC 25-29-1-11
Repealed
(*Repealed by P.L.1-2006, SEC.588.)*

IC 25-29-1-12
"Podiatric medicine" defined
Sec. 12. (a) "Podiatric medicine" means the diagnosis or medical, surgical (as described in IC 25-22.5-1-1.1(a)(1)(C)), and mechanical treatment of the human foot and related structures.
(b) Podiatric medicine includes the administration of local anesthetics.
As added by P.L.33-1993, SEC.55.

IC 25-29-1-13
"Podiatrist" defined
Sec. 13. "Podiatrist" means an individual who:

(1) practices podiatric medicine; and
(2) uses one (1) or more of the following designations:
(A) Doctor of podiatric medicine.
(B) Podiatric physician.
(C) Podiatric surgeon.
As added by P.L.33-1993, SEC.56.

IC 25-29-1-14
"Podiatrist's assistant" defined
Sec. 14. "Podiatrist's assistant" means an individual who is certified under IC 25-29-8.
As added by P.L.33-1993, SEC.57.

IC 25-29-1-15
"Supervising podiatrist" defined
Sec. 15. "Supervising podiatrist" means a licensed podiatrist who has been certified by the board under IC 25-29-8 to supervise a podiatrist's assistant.
As added by P.L.33-1993, SEC.58.

IC 25-29-1-16
"Surgical treatment" defined
Sec. 16. "Surgical treatment" means the incision, excision, or disarticulation of parts of the human foot and related structures to treat a disease, a deformity, or an ailment of the foot. The term does not include the amputation of the entire foot, but does include the amputation of an entire toe if the amputation is performed at an institution:
(1) that is approved by a joint commission of accredited hospital organizations; and
(2) where comanagement of the patient is being performed by a physician licensed under IC 25-22.5.
As added by P.L.33-1993, SEC.59.

IC 25-29-2
Chapter 2. Board of Podiatric Medicine

IC 25-29-2-1
Establishment of board
Sec. 1. The board of podiatric medicine is established.
As added by P.L.33-1993, SEC.60.

IC 25-29-2-2
Membership of board; qualifications
Sec. 2. (a) The board consists of six (6) members appointed by the governor.
(b) Four (4) members must be licensed podiatrists who actively practice podiatric medicine and who meet the following conditions:
(1) Be licensed in Indiana as a podiatrist under this article.
(2) Be a resident of Indiana.
(3) Have practiced podiatric medicine for at least five (5) years.
(c) Two (2) members of the board must meet the following conditions:
(1) Be a resident of Indiana.
(2) Not be associated with the practice of podiatry other than as a consumer.
As added by P.L.33-1993, SEC.60.

IC 25-29-2-3
Term of members
Sec. 3. A member of the board serves a term of three (3) years and until the member's successor is appointed and qualified.
As added by P.L.33-1993, SEC.60.

IC 25-29-2-4
Removal of member; filling vacancies
Sec. 4. (a) The governor may remove a member of the board after a hearing conducted under IC 4-21.5-3 for incompetency, neglect of duty, or for unprofessional conduct.
(b) A vacancy in the membership of the board shall be filled by appointment by the governor for the unexpired term.
As added by P.L.33-1993, SEC.60.

IC 25-29-2-5
Quorum
Sec. 5. A quorum of the board consists of four (4) members. At least four (4) votes are necessary for the board to take official action.
As added by P.L.33-1993, SEC.60.

IC 25-29-2-6
Meetings
Sec. 6. (a) The board shall hold at least one (1) meeting each year. The board may hold additional meetings that the board considers necessary.

(b) A meeting may be called by the chairman or by a majority of the members of the board.
As added by P.L.33-1993, SEC.60.

IC 25-29-2-7
Officers
Sec. 7. Each year the board shall elect a chairman and any other officers from its members that the board considers necessary.
As added by P.L.33-1993, SEC.60.

IC 25-29-2-8
Compensation and reimbursement
Sec. 8. Each member of the board is entitled to receive the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling and expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures prepared by the Indiana department of administration and approved by the budget agency.
As added by P.L.33-1993, SEC.60.

IC 25-29-2-9
Records
Sec. 9. The agency shall keep a record of all licenses and applications for licensure. The record must contain all the facts in the application, including the action of the board on the application.
As added by P.L.33-1993, SEC.60. Amended by P.L.1-2006, SEC.471.

IC 25-29-2-10
Receipts and deposits
Sec. 10. The agency shall receive and account for all money collected under this article and deposit the money in the state general fund with the treasurer of state.
As added by P.L.33-1993, SEC.60. Amended by P.L.1-2006, SEC.472.

IC 25-29-2-11
Adoption of rules
Sec. 11. (a) The board may adopt rules under IC 4-22-2 concerning the following:
(1) Forms necessary for applications.
(2) Creation of a committee to assist the board with the administration of podiatrist's assistants and supervising podiatrists under IC 25-29-8.
(3) Areas that are necessary to implement this act.
(b) The board shall adopt rules under IC 4-22-2 concerning the following:
(1) The establishment of fees under IC 25-1-8-2.
(2) The retirement or surrender of a license.

(3) Granting an inactive license and procedures for reinstatement of an inactive license.

As added by P.L.33-1993, SEC.60.

IC 25-29-2-12

Conduct of hearings

Sec. 12. Each hearing conducted by the board must be held in accordance with the procedures under IC 4-21.5-3.

As added by P.L.33-1993, SEC.60.

IC 25-29-3

Chapter 3. Application for Licensure

IC 25-29-3-1

Evidence required for licensure

Sec. 1. An individual who applies for a license to practice podiatric medicine must present satisfactory evidence to the board that the individual:

(1) does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently;

(2) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the applicant was not able to practice podiatric medicine without endangering the public;

(3) has graduated with a degree of doctor of podiatric medicine from a college or school of podiatric medicine approved by the Council on Podiatric Medical Education;

(4) has satisfactorily completed at least twelve (12) months of progressive graduate podiatric medical training that meets the requirements of the Council on Podiatric Medical Education; and

(5) has proper medical malpractice insurance.

As added by P.L.33-1993, SEC.61.

IC 25-29-3-2

Applicant appearance before board

Sec. 2. (a) The board may require an applicant under this chapter to personally appear before the board.

(b) The board may require the applicant to provide other information that the board determines is necessary.

As added by P.L.33-1993, SEC.61.

IC 25-29-3-3

Application fee

Sec. 3. An individual applying for a license under this chapter must pay a fee.

As added by P.L.33-1993, SEC.61.

IC 25-29-3-4

Right of applicant to take examination

Sec. 4. An applicant who satisfies the requirements under this chapter may take the examination under IC 25-29-4.

As added by P.L.33-1993, SEC.61. Amended by P.L.2-2005, SEC.68.

IC 25-29-4

Chapter 4. Examinations

IC 25-29-4-1

Provision for examinations

Sec. 1. The board shall provide for examinations to be given at least two (2) times a year at times and places established by the board.

As added by P.L.33-1993, SEC.62.

IC 25-29-4-2

Preparation, administration, and scoring of examination

Sec. 2. (a) The board shall approve the preparation, administration, and scoring of the examination.

(b) The board shall establish examination procedures and the score required to pass the examination.

As added by P.L.33-1993, SEC.62.

IC 25-29-4-3

Division of examination into parts; rules for reexamination

Sec. 3. (a) The board may require that the examination be administered in separate parts.

(b) The board shall establish specific time requirements for an initial applicant to pass the examination.

(c) The board may grant permission to take subsequent examinations and establish additional requirements for applicants who do not meet the time requirements to pass the examination under subsection (b).

As added by P.L.33-1993, SEC.62.

IC 25-29-4-4

Examination fees

Sec. 4. An applicant must pay an examination fee before taking the examination.

As added by P.L.33-1993, SEC.62.

IC 25-29-4-5

Grant of license to successful examinees

Sec. 5. The board shall issue a license to an applicant who has passed the examination and meets the other requirements under this chapter and IC 25-29-4.

As added by P.L.33-1993, SEC.62.

IC 25-29-5

Chapter 5. Reciprocity; Temporary Licensure

IC 25-29-5-1

Reciprocal licenses

Sec. 1. (a) The board may issue a license to an applicant who pays a fee established by the board and who presents satisfactory evidence to the board that the applicant:

(1) meets the requirements under IC 25-29-3-1;

(2) is licensed in a state, territory, or possession of the United States;

(3) has passed a podiatric medical licensing examination that is substantially equivalent to the examination under IC 25-29-4; and

(4) has practiced podiatric medicine for at least five (5) years.

(b) The board may require an applicant under this section to do the following:

(1) Personally appear before the board.

(2) Pass a medical examination, approved by the board, if at least ten (10) years have elapsed since the applicant passed a medical licensing examination.

As added by P.L.33-1993, SEC.63. Amended by P.L.2-2005, SEC.69.

IC 25-29-5-2

Temporary licensure

Sec. 2. (a) The board may issue a temporary license to an applicant who pays a fee established by the board and who presents satisfactory evidence to the board that the applicant:

(1) meets the requirements established by the board; and

(2) is licensed in a state, territory, or possession of the United States.

(b) A temporary license expires the earlier of:

(1) the date the applicant holding the temporary license is issued a license under this article; or

(2) the date the board disapproves the applicant's licensure application.

As added by P.L.33-1993, SEC.63.

IC 25-29-5-3

Limited licensure

Sec. 3. The board may issue a limited license to an applicant who pays a fee established by the board and who presents satisfactory evidence to the board that the applicant:

(1) except for the requirements under IC 25-29-3-1(3) and IC 25-29-3-1(4), meets the requirements under IC 25-29-3-1;

(2) meets the requirements established by the board; and

(3) is enrolled in a graduate training program in an institution that is approved by the board.

As added by P.L.33-1993, SEC.63. Amended by P.L.2-2005, SEC.70.

IC 25-29-6
Chapter 6. License Renewal

IC 25-29-6-1
Expiration of license

Sec. 1. A license to practice podiatric medicine expires on a date established by the agency under IC 25-1-5-4 in each odd-numbered year.

As added by P.L.33-1993, SEC.64. Amended by P.L.158-2003, SEC.8; P.L.1-2006, SEC.473.

IC 25-29-6-2
Renewal notice; fee

Sec. 2. (a) Renewal notices must be sent in accordance with IC 25-1-2-6(c).

(b) The renewal fees must be paid in accordance with IC 25-1-8-2(d).

As added by P.L.33-1993, SEC.64.

IC 25-29-6-3
Failure to renew; conditions for subsequent relicensing

Sec. 3. (a) The failure on the part of a podiatrist to renew a license as required does not deprive the individual of the right of renewal of the individual's license.

(b) The board may reinstate a license to a podiatrist who has not renewed the individual's license not later than four (4) years after the expiration if the individual meets the requirements under IC 25-1-8-6(c).

(c) If a license has been expired for more than four (4) years, the license may be reinstated by the board if the holder of the license meets the requirements for reinstatement under IC 25-1-8-6(d).

As added by P.L.33-1993, SEC.64. Amended by P.L.105-2008, SEC.56.

IC 25-29-6-4
Application for renewal; contents and verification

Sec. 4. An application for renewal must be verified by the applicant and include the following information:

(1) Any action taken against the podiatrist for conduct that would be a ground for disciplinary action.

(2) Any awards, judgments, or settlements against the podiatrist that total at least twenty thousand dollars ($20,000) in a calendar year.

(3) The podiatrist's voluntary surrender or voluntary limitation on a license or authorization to practice podiatric medicine in another jurisdiction.

(4) Any denial to issue the podiatrist a license or authorization to practice medicine in another jurisdiction.

(5) The podiatrist's voluntary resignation from the medical staff of a health care institution or voluntary limitation of the

podiatrist's staff privileges at the health care institution if the action occurred while the podiatrist was under investigation by the health care institution for possible medical incompetence, unprofessional conduct, or a mental or physical impairment.

(6) The podiatrist's voluntary resignation or withdrawal from a podiatric medical society, an association, or an organization if the action occurred while the podiatrist was under investigation or review by the medical body for possible medical incompetence, unprofessional conduct, or a mental or physical impairment.

(7) Any addiction or treatment for addiction to alcohol or a chemical substance during the preceding four (4) years.

(8) Any physical injury or disease or mental illness during the preceding four (4) years that affected or may affect the podiatrist's ability to practice podiatric medicine.

(9) Except for a showing of good cause that is acceptable to the board, evidence of the podiatrist's maintenance of professional medical competence, which may include continuing podiatric medical education, postgraduate studies, institutes, seminars, lectures, conferences, work shops, professional evaluation, and specialty board certification or recertification during the preceding four (4) years.

As added by P.L.33-1993, SEC.64.

IC 25-29-6-5

Applications for renewal; further information or appearance

Sec. 5. The board may under section 4 of this chapter require an applicant to do the following:

(1) Provide additional information that the board determines is necessary.

(2) Personally appear before the board.

As added by P.L.33-1993, SEC.64.

IC 25-29-6-6

Use of information for investigation or disciplinary proceedings

Sec. 6. The board may initiate an investigation or a disciplinary proceeding based on information that is collected under this chapter.

As added by P.L.33-1993, SEC.64.

IC 25-29-7

Chapter 7. Impairment

IC 25-29-7-1

Finding of impairment; disposition

Sec. 1. If after a physical or mental examination under IC 25-1-9-7 and a hearing, the board determines that a podiatrist is impaired from practicing podiatric medicine with reasonable skill and safety because of a mental illness, a physical illness, or an excessive use or habitual abuse of a controlled substance (as defined in IC 35-48-1-9) or alcohol the board may impose any of the following, singly or in combination:

(1) Require the podiatrist to submit to care, counseling, or treatment that is acceptable to the board.

(2) Suspend, limit, or restrict the podiatrist's license for the duration of the impairment.

(3) Revoke the podiatrist's license.

As added by P.L.33-1993, SEC.65.

IC 25-29-7-2

Rehabilitation; removal or modification of sanction

Sec. 2. (a) A podiatrist who is prohibited from practicing podiatric medicine under section 1 of this chapter may present evidence to the board at reasonable intervals that the podiatrist is able to practice podiatry with reasonable skill and safety.

(b) The board may after a hearing under subsection (a) remove or modify any sanction imposed under section 1 of this chapter.

As added by P.L.33-1993, SEC.65.

IC 25-29-7-3

Adoption of rules

Sec. 3. The board may adopt rules that do the following:

(1) Require podiatrists to report an impaired podiatrist to the board.

(2) Approve certain voluntary treatment programs for impaired podiatrists that are medically directed and nonprofit. The rules must allow an approved treatment program to be exempt from reporting to the board if the impaired podiatrist is participating satisfactorily in the program.

As added by P.L.33-1993, SEC.65.

IC 25-29-8

Chapter 8. Podiatrist's Assistants

IC 25-29-8-1

Qualifications for licensure

Sec. 1. (a) An individual who applies for a podiatrist's assistant license must present satisfactory evidence to the board that the individual:

(1) has completed all the requirements for podiatrist's assistants established by the National Board of Podiatric Medical Assistants;

(2) has successfully completed the examination administered by the National Board of Podiatric Medical Assistants;

(3) has met the education, skill, and experience qualifications established by the board;

(4) has completed a verified application that contains the applicant's name and address and other information required by the board; and

(5) has paid the fee established by the board.

(b) The board shall issue a podiatrist's assistant license to an applicant who meets the qualifications under subsection (a).

As added by P.L.33-1993, SEC.66.

IC 25-29-8-2

Supervising podiatrist certification; qualification

Sec. 2. (a) A licensed podiatrist may apply to the board for a certificate as a supervising podiatrist.

(b) An applicant under this section must agree:

(1) to be personally responsible for the supervision of the podiatrist's assistant who is employed by the applicant;

(2) to not employ more than two (2) podiatrist's assistants at one (1) time;

(3) to limit a podiatrist's assistant's activities to areas in which the supervising podiatrist is qualified; and

(4) other criteria established by the board.

As added by P.L.33-1993, SEC.66.

IC 25-29-8-3

Personal appearance by applicant before board

Sec. 3. The board may require an applicant under this chapter to personally appear before the board.

As added by P.L.33-1993, SEC.66.

IC 25-29-8-4

Qualification of podiatrist employing assistant; certification of supervisor

Sec. 4. (a) A podiatrist may not employ a podiatrist's assistant unless:

(1) the podiatrist is certified; and

(2) the podiatrist's assistant is licensed;

under this chapter.

(b) A podiatrist's assistant may not work as a podiatrist's assistant under the supervision of any person except a certified supervising podiatrist.

As added by P.L.33-1993, SEC.66.

IC 25-29-8-5

Standards of practice for assistants

Sec. 5. The board shall establish standards of practice for podiatrist's assistants.

As added by P.L.33-1993, SEC.66.

IC 25-29-8-6

Term of license; renewal

Sec. 6. (a) A license or certificate issued under this chapter expires one (1) year after issuance.

(b) An individual issued a license or certificate under this chapter may apply for renewal if a renewal fee is paid and the applicant follows the procedures and meets the requirements established by the board.

As added by P.L.33-1993, SEC.66.

IC 25-29-8-7

Revocation or suspension of license

Sec. 7. (a) The board may revoke or suspend a license or certificate issued under this chapter if a supervising podiatrist or podiatrist's assistant fails to comply with the requirements under this chapter.

(b) The board shall report a podiatrist's assistant's license suspension or revocation to the Federation of Podiatric Medical Boards.

As added by P.L.33-1993, SEC.66.

IC 25-29-8-8

Assistants; prescription of drugs

Sec. 8. A podiatric assistant may not prescribe a legend drug (as defined in IC 16-18-2-199).

As added by P.L.33-1993, SEC.66.

IC 25-29-9
Chapter 9. Penalties

IC 25-29-9-1
Article violations; offenses

Sec. 1. (a) A person that knowingly engages or aids and abets another person, in the practice of podiatric medicine without a license issued under this article commits unauthorized practice of podiatric medicine, a Class D felony.

(b) A person who otherwise violates this article commits a Class C misdemeanor.

As added by P.L.33-1993, SEC.67.

IC 25-30

ARTICLE 30. PRIVATE INVESTIGATOR FIRMS, SECURITY GUARDS, AND POLYGRAPH EXAMINERS

IC 25-30-1

Chapter 1. Private Investigator Firm Licensing

IC 25-30-1-1

Short title

Sec. 1. This chapter may be cited as the "Private Investigator Firm License Law".

(Formerly: Acts 1961, c.163, s.1.) As amended by Acts 1982, P.L.154, SEC.87; P.L.185-2007, SEC.8.

IC 25-30-1-1.2

Repealed

(*Repealed by P.L.185-2007, SEC.28.)*

IC 25-30-1-2

Definitions

Sec. 2. As used in this chapter:

(1) "Person" means an individual, a firm, a company, an association, an organization, a partnership, or a corporation.

(2) "Licensee" means a person licensed under this chapter.

(3) "Private investigator firm" means the business of:

(A) making, for hire or reward, investigation or investigations for the purpose of obtaining information with reference to:

(i) a crime against the state or wrongs done or threatened;

(ii) the habits, conduct, movements, whereabouts, association, transactions, reputation, or character of a person;

(iii) credibility of witnesses or other persons;

(iv) the location or recovery of lost, abandoned, unclaimed, or stolen property;

(v) the causes, origin, or responsibility for fires or accidents or injuries to real or personal property; or

(vi) the truth or falsity of a statement or representation;

(B) securing, for hire or reward, evidence to be used for authorized investigation committees or boards of award or arbitration or in the trial of civil or criminal cases; or

(C) providing, for hire or reward, undercover investigators to detect and prevent fraud and theft in the workplace or elsewhere.

(4) "Board" refers to the private investigator and security guard licensing board established under section 5.2 of this chapter.

(5) "Licensing agency" refers to the Indiana professional licensing agency established under IC 25-1-5-3.

(6) "Business entity" means a firm, a company, an association,

an organization, a partnership, or a corporation.

(Formerly: Acts 1961, c.163, s.2; Acts 1965, c.162, s.1; Acts 1967, c.171, s.1.) As amended by Acts 1982, P.L.154, SEC.88; P.L.261-1987, SEC.1; P.L.234-1989, SEC.5; P.L.214-1993, SEC.66; P.L.236-1995, SEC.46; P.L.1-2006, SEC.474; P.L.185-2007, SEC.9; P.L.3-2008, SEC.196.

IC 25-30-1-3
Necessity of license

Sec. 3. It shall be unlawful for a person to:

(1) engage in business as a private investigator firm;

(2) solicit or advertise for business as a private investigator firm; or

(3) represent or hold the person out as a private investigator firm;

unless the person is licensed as a private investigator firm under this chapter and complies with this chapter and rules adopted under this chapter.

(Formerly: Acts 1961, c.163, s.3.) As amended by Acts 1982, P.L.154, SEC.89; P.L.234-1989, SEC.6; P.L.185-2007, SEC.10.

IC 25-30-1-4
Repealed

(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-30-1-5
Exceptions to licensing requirements

Sec. 5. This chapter does not require any of the following persons to be a licensee:

(1) A law enforcement officer of the United States, a state, or a political subdivision of a state to the extent that the officer or employee is engaged in the performance of the officer's or employee's official duties.

(2) Any person to the extent that the person is engaged in the business of furnishing and obtaining information concerning the financial rating of other persons.

(3) A collection agency licensed by the secretary of state or its employee acting within the scope of the employee's employment, to the extent that the person is making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's assets in a property that the client has an interest in or a lien upon.

(4) An attorney or employee of an attorney to the extent that the person is engaged in investigative matters incident to the delivery of professional services that constitute the practice of law.

(5) An insurance adjuster to the extent that the adjuster is employed in the investigation and settlement of claims made against insurance companies or persons insured by insurance companies if the adjuster is a regular employee of the insurance

company and the insurance company is authorized to do business in Indiana and is complying with the laws regulating insurance companies in Indiana.

(6) A person primarily engaged in the business of furnishing information for:

(A) business decisions and transactions in connection with credit, employment, or marketing; or

(B) insurance underwriting purposes;

including a consumer reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

(7) A retail merchant or an employee of the retail merchant to the extent that the person is hiring a private investigator for the purposes of loss prevention investigations for the retail merchant's retail establishment.

(8) A professional engineer registered under IC 25-31 or a person acting under a registered professional engineer's supervision, to the extent the professional engineer is engaged in an investigation incident to the practice of engineering.

(9) An architect with a certificate of registration under IC 25-4, to the extent the architect is engaged in an investigation incident to the practice of architecture.

(10) A land surveyor with a certificate of registration under IC 25-21.5, to the extent the land surveyor is engaged in an investigation incident to the practice of land surveying.

(11) A certified public accountant with a certificate under IC 25-2.1-3, to the extent that the person is engaged in an investigation incident to the practice of accountancy.

(12) An independent consultant employed by the attorney general under IC 32-34-1-48, to the extent that the independent consultant is engaged in providing services for the attorney general.

(Formerly: Acts 1961, c.163, s.5.) As amended by Acts 1982, P.L.154, SEC.91; P.L.261-1987, SEC.2; P.L.234-1989, SEC.7; P.L.245-1995, SEC.1; P.L.42-1999, SEC.1; P.L.185-2007, SEC.11.

IC 25-30-1-5.1
Repealed

(*Repealed by P.L.185-2007, SEC.28.)*

IC 25-30-1-5.2
Private investigator and security guard licensing board; establishment; members; terms; salaries

Sec. 5.2. (a) The private investigator and security guard licensing board is established.

(b) The board consists of:

(1) the superintendent of the state police department or the superintendent's designee; and

(2) the following six (6) members appointed by the governor from different geographic regions of Indiana as determined by the governor:

(A) Two (2) individuals who are associated with a private investigator firm licensed under this article.
(B) Two (2) individuals who are associated with a security guard agency licensed under this article.
(C) One (1) local law enforcement official.
(D) One (1) person who is not associated with the private investigator firm or security guard agency other than as a consumer.

(c) Each member of the board appointed by the governor shall serve a term of two (2) years.

(d) The governor may remove a board member appointed by the governor for incompetency or failure to perform the member's duties under this chapter.

(e) A vacancy in the membership of the board shall be filled by appointment by the governor for the unexpired term.

(f) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). 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 travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.185-2007, SEC.12.

IC 25-30-1-5.3
Election of president and vice president

Sec. 5.3. The board shall, at its first meeting of each year, elect a president and a vice president from among its membership by a majority vote of all the members of the board.

As added by P.L.234-1989, SEC.9. Amended by P.L.214-1993, SEC.68.

IC 25-30-1-5.5
Rules

Sec. 5.5. (a) The board shall adopt rules under IC 4-22-2 to implement this chapter.

(b) The board may not adopt rules concerning qualifications for licensure that are so restrictive that a person may not be licensed under this chapter.

As added by P.L.234-1989, SEC.10.

IC 25-30-1-6
Powers and duties of licensing agency

Sec. 6. The licensing agency shall assist the board by performing administrative functions under this chapter.

(Formerly: Acts 1961, c.163, s.6.) As amended by Acts 1982, P.L.154, SEC.92; P.L.234-1989, SEC.11.

IC 25-30-1-6.5
Meeting; quorum

Sec. 6.5. (a) The board shall meet upon the call of the board president.

(b) Four (4) members of the board constitute a quorum.

As added by P.L.185-2007, SEC.13.

IC 25-30-1-7

Application for license

Sec. 7. (a) An application for licensure as a private investigator firm must be on a form prescribed by the board accompanied by the license fee established by the board under IC 25-1-8.

(b) The application for licensure as a private investigator firm shall include the following:

(1) The full name and business address, including street address, of the applicant.

(2) The name under which the applicant intends to do business as a private investigator firm.

(3) The full name and residential address of each of the private investigator firm's members, partners, officers, directors, and managers.

(4) The proof of insurance required by section 15 of this chapter.

(5) Other information, evidence, statements, or documents required by the board.

(Formerly: Acts 1961, c.163, s.7.) As amended by Acts 1982, P.L.154, SEC.93; P.L.234-1989, SEC.12; P.L.194-2005, SEC.74; P.L.185-2007, SEC.14.

IC 25-30-1-8

Qualifications for license; grounds for denial

Sec. 8. (a) The board may not issue a private investigator firm license to an individual unless the individual:

(1) is at least twenty-one (21) years of age; and

(2) demonstrates the necessary knowledge and skills, as determined by the board, to conduct a private investigator firm competently.

(b) The board may not issue a private investigator firm license to a business entity unless:

(1) one (1) officer, in the case of a corporation; or

(2) one (1) partner, in the case of a partnership;

meets the personal qualifications as set out in subsection (a), unless otherwise provided.

(c) The board may deny a license unless the applicant makes a showing satisfactory to the board that the applicant or, if the applicant is a business entity, the officer or partner referred to in subsection (b):

(1) has not committed an act which, if committed by a licensee, would be grounds for the suspension or revocation of a license under this chapter;

(2) has not been convicted of a:

(A) felony; or

(B) misdemeanor that has a direct bearing upon the applicant's ability to practice competently;

(3) has not been refused a license under this chapter or had a license revoked;

(4) has not, while unlicensed, committed or aided and abetted in the commission of an act for which a license is required by this chapter;

(5) is not on probation or parole; and

(6) is not being sought under an active warrant against the applicant, officer, or partner.

(Formerly: Acts 1961, c.163, s.8.) As amended by Acts 1978, P.L.2, SEC.2549; P.L.261-1987, SEC.3; P.L.234-1989, SEC.13; P.L.214-1993, SEC.69; P.L.185-2007, SEC.15; P.L.3-2008, SEC.197.

IC 25-30-1-8.5

Change in ownership; termination of license

Sec. 8.5. If a change in the ownership of a private investigator firm results in the failure to meet the qualifications set forth in section 8 of this chapter:

(1) the license of the private investigator firm terminates on the date the change in ownership is effective; and

(2) the private investigator firm must file a new application for a license as a private investigator firm with the board.

As added by P.L.185-2007, SEC.16.

IC 25-30-1-9

Continuation of business after death of licensee

Sec. 9. (a) Upon the death of an individual licensed under this chapter, the private investigator firm with which the decedent was connected may be carried on for a period of ninety (90) days after the individual's death by the following:

(1) In the case of an individual licensee the surviving spouse, or if there is no surviving spouse, the executor or administrator of the estate of the decedent.

(2) In the case of a partner, the surviving partners.

(3) In the case of an officer of a business entity, the other officers of the business entity.

(b) Upon the authorization of the board, the private investigator firm may be carried on for a further period of time when necessary to complete an investigation or assist in litigation pending at the death of the decedent.

(c) Nothing in this section authorizes the solicitation or acceptance of business after the death of the decedent except as provided by this chapter.

(d) Nothing in this section shall be construed to restrict the sale of a private investigator firm if the vendee qualifies for a license under this chapter.

(Formerly: Acts 1961, c.163, s.9.) As amended by Acts 1982, P.L.154, SEC.94; P.L.234-1989, SEC.14; P.L.185-2007, SEC.17.

IC 25-30-1-10
Form of license; pocket card; change of information; assignment of license

Sec. 10. (a) A license, when issued, shall be in a form determined by the board and shall include the following:

(1) The full name of the licensee.

(2) The number and expiration date of the license.

(b) Upon the issuance of a private investigator firm license, a pocket card shall be issued without charge to the licensee. When a license is revoked, the pocket card shall be surrendered and, not later than five (5) days after revocation, shall be mailed or delivered by the licensee to the board for cancellation.

(c) A licensed private investigator firm shall, not later than thirty (30) days after a change, notify the board of any changes to the:

(1) licensee's address;

(2) name under which the licensee does business; and

(3) licensee's officers, directors, members, or partners.

(d) A license issued under this chapter is not assignable and is personal to the licensee.

(e) A licensee shall present, upon the request of a client, a pocket card license that indicates the:

(1) license is active; and

(2) licensee is in good standing.

(Formerly: Acts 1961, c.163, s.10.) As amended by Acts 1982, P.L.154, SEC.95; P.L.234-1989, SEC.15; P.L.214-1993, SEC.70; P.L.236-1995, SEC.47; P.L.185-2007, SEC.18.

IC 25-30-1-11
Employees of licensee

Sec. 11. (a) A licensee may employ, to assist the licensee in the licensee's business as a private investigator firm, as many unlicensed persons as may be necessary. The licensee is civilly responsible for the good conduct of all employees while the unlicensed persons are acting on behalf of the licensee.

(b) A licensee shall maintain a record, relative to the licensee's employees, containing the following information:

(1) A picture taken within thirty (30) days of the date that the employee commences employment with the licensee.

(2) A full set of fingerprints of both hands of the employee.

(c) A licensed private investigator firm shall, at the board's request, provide the board with a roster of all unlicensed individuals employed by the private investigator firm.

(Formerly: Acts 1961, c.163, s.11.) As amended by Acts 1978, P.L.2, SEC.2550; P.L.234-1989, SEC.16; P.L.214-1993, SEC.71; P.L.236-1995, SEC.48; P.L.185-2007, SEC.19.

IC 25-30-1-12
Repealed

(*Repealed by P.L.35-1984, SEC.10.)*

IC 25-30-1-13
Advertisements

Sec. 13. An advertisement by a licensee soliciting or advertising for business must contain the name and address of the licensee as they appear in the records of the board.

(Formerly: Acts 1961, c.163, s.13.) As amended by P.L.234-1989, SEC.17.

IC 25-30-1-14
Nonresidents

Sec. 14. It shall be unlawful for a person licensed by any other state to do business in Indiana unless the person is licensed and authorized to do business in Indiana. A person may not do business in Indiana until the person is licensed with the board and meets the requirements for licensees of this state. In addition, an out-of-state person must prove to the board that the person is in good standing in the state the person was issued a license.

(Formerly: Acts 1961, c.163, s.14.) As amended by P.L.234-1989, SEC.18; P.L.214-1993, SEC.72; P.L.185-2007, SEC.20.

IC 25-30-1-15
Insurance

Sec. 15. (a) An applicant for a private investigator firm license shall submit to the board a certificate of insurance or other evidence of financial responsibility that:

(1) is approved by the board; and

(2) meets the following requirements:

(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) Lists the state as an additional insured.

(D) States that cancellation and nonrenewal of the underlying policy or other evidence of financial responsibility is not effective until the board receives written notice at least ten (10) days before the cancellation or nonrenewal of the policy.

(E) Contains any other terms and conditions established by the board.

(b) The insurance referred to in subsection (a):

(1) must cover damages that the insured becomes legally obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a private investigator firm;

(2) must include coverage for:

(A) false arrest, detention, or imprisonment;

(B) malicious prosecution; and

(C) wrongful entry or eviction, or other invasion of the right of private occupancy; and

(3) may not exclude coverage for an intentional act taken by or

at the direction of the insured that results in bodily injury, if such injury arises solely from the use of reasonable force for the purpose of protecting persons or property.

(c) If a licensee fails to comply with the insurance requirements of this section, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for reinstatement of the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.

(d) The board may deny an application for the reinstatement of a license suspended under this section, notwithstanding the applicant's compliance with the insurance requirements of this section for any of the following:

(1) Any reason that would justify a refusal to issue, a suspension, or a revocation of a license.

(2) The performance by the applicant, while the applicant's license was suspended under this section, of any practice for which a license under this chapter is required.

(Formerly: Acts 1961, c.163, s.15.) As amended by Acts 1982, P.L.154, SEC.97; P.L.261-1987, SEC.4; P.L.157-1988, SEC.1; P.L.234-1989, SEC.19; P.L.214-1993, SEC.73; P.L.185-2007, SEC.21.

IC 25-30-1-16
Expiration; reinstatement

Sec. 16. (a) Unless a license is renewed, a license issued under this chapter expires on a date specified by the licensing agency under IC 25-1-6-4 and expires every four (4) years after the initial expiration date. An applicant for renewal shall pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without any action taken by the board.

(c) If a license has been expired for not more than three (3) years, the license may be reinstated by the board if the holder of the license meets the requirements 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 of the license meets the requirements for reinstatement under IC 25-1-8-6(d).

(Formerly: Acts 1961, c.163, s.16.) As amended by Acts 1982, P.L.154, SEC.98; P.L.234-1989, SEC.20; P.L.214-1993, SEC.74; P.L.194-2005, SEC.75; P.L.157-2006, SEC.68; P.L.185-2007, SEC.22; P.L.105-2008, SEC.57.

IC 25-30-1-17
Fees

Sec. 17. (a) The board shall charge and the licensing agency shall collect the fees established by the board under IC 25-1-8.

(b) All fees collected under this chapter shall go into the general

fund and shall be accounted for by the licensing agency.

(c) All fees collected under this chapter are nontransferable and nonrefundable.

(Formerly: Acts 1961, c.163, s.17.) As amended by Acts 1982, P.L.154, SEC.99; P.L.5-1988, SEC.137; P.L.234-1989, SEC.21; P.L.214-1993, SEC.75; P.L.194-2005, SEC.76; P.L.185-2007, SEC.23.

IC 25-30-1-18

Administrative proceedings; violation of professional standards; sanctions against licensees

Sec. 18. (a) The proceedings under this chapter shall be conducted in accordance with IC 4-21.5. In conducting proceedings under this chapter, the board has all powers granted under IC 4-21.5.

(b) The board may impose sanctions against a licensee under IC 25-1-11 if the board determines that the licensee has done any of the following:

(1) Forcibly and without the consent of the person in lawful possession, entered a building or portion of a building.

(2) Impersonated, permitted an employee to impersonate, or aided and abetted an employee in impersonating:

(A) a law enforcement officer;

(B) an employee of the United States government;

(C) an employee of the state; or

(D) an employee of a political subdivision of the state.

(3) During the period between the expiration of a license for failure to renew within the time fixed by this chapter and the reinstatement of the license, committed or permitted an employee to commit an act that would be cause for suspension or revocation of a license or grounds for the denial of the application for a license.

(4) Committed an act that is grounds for a denial of an application for a license under this chapter.

(Formerly: Acts 1961, c.163, s.18.) As amended by Acts 1978, P.L.2, SEC.2551; P.L.7-1987, SEC.127; P.L.234-1989, SEC.22; P.L.214-1993, SEC.76; P.L.3-2008, SEC.198.

IC 25-30-1-19

Carrying weapons

Sec. 19. Nothing in this chapter shall be construed to authorize any licensee to carry any weapon.

(Formerly: Acts 1961, c.163, s.19.) As amended by P.L.3-1989, SEC.147.

IC 25-30-1-19.5

Action to collect fees; burden of proving licensure or exemption

Sec. 19.5. A person that files a civil action to collect fees for performing acts regulated by this chapter must allege and prove that when the action arose the person was not in violation of section 22 of this chapter.

As added by P.L.214-1993, SEC.77. Amended by P.L.185-2007, SEC.24.

IC 25-30-1-20
Prosecuting attorneys; reporting violations

Sec. 20. It shall be the duty of a prosecuting attorney to whom the board reports a violation of this chapter to cause proceedings to be commenced against a person violating this chapter and to prosecute the person to final termination.

(Formerly: Acts 1961, c.163, s.20.) As amended by P.L.234-1989, SEC.23.

IC 25-30-1-21
Violations; fines; separate offenses; complaints

Sec. 21. (a) A person who violates this chapter commits a Class A misdemeanor.

(b) A person violates this chapter if the person is not exempt under section 5 of this chapter, does not have a private investigator firm license, and knowingly or intentionally:

(1) engages in the private investigator firm business;

(2) solicits or advertises for business as a private investigator firm; or

(3) in any way represents to be a private investigator firm.

(c) In addition to any other fine imposed on the person, the court shall fine the person convicted of an offense under subsection (b) the amount of compensation earned by the person in the commission of the offense. Notwithstanding IC 35-50-3-2, the total fine imposed under this section may exceed ten thousand dollars ($10,000) if necessary to comply with this subsection.

(d) Each transaction under subsection (b) constitutes a separate offense.

(e) A complaint for a violation of this chapter or for an injunction under section 22 of this chapter is sufficient if the complaint alleges that a person on a specific day in a specific county:

(1) engages in business as a private investigator firm;

(2) solicited or advertised for business as a private investigator firm; or

(3) represented to be a private investigator firm;

without a private investigator firm license.

(f) A person who knowingly or intentionally fails or refuses to surrender a private investigator firm license issued under this chapter when the license is revoked by the board commits a Class A misdemeanor.

(Formerly: Acts 1961, c.163, s.21.) As amended by Acts 1978, P.L.2, SEC.2552; P.L.214-1993, SEC.78; P.L.1-1998, SEC.134; P.L.185-2007, SEC.25.

IC 25-30-1-22
Activities by unlicensed persons; show cause notice; cease and desist order

Sec. 22. (a) If the board determines that a person that is not licensed or exempt under this chapter is engaged in activities that require a license, the board may send a notice of hearing requiring the person to show cause why the challenged activities are not a violation of this chapter. The notice must be in writing and include the following information:

(1) The date, time, and place of the hearing.

(2) The alleged violation.

(3) That the affected person or the person's representative may present evidence concerning the alleged violation.

(b) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(c) If the board after a hearing determines that the activities that the person engaged in are subject to licensing under this chapter, the board may issue a cease and desist order that describes the person and activities that are the subject of the order.

(d) A cease and desist order issued under this section is enforceable in the circuit courts of Indiana.

(e) The attorney general, the board, or the prosecuting attorney of any county where a violation of section 21(b) of this chapter occurs may file an action in the name of the state for an injunction.

As added by P.L.214-1993, SEC.79. Amended by P.L.185-2007, SEC.26.

IC 25-30-1.3

Chapter 1.3. Security Guard Agency Licensing

IC 25-30-1.3-1

"Board"

Sec. 1. As used in this chapter, "board" refers to the private investigator and security guard licensing board established under IC 25-30-1-5.2.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-2

"Business entity"

Sec. 2. As used in this chapter, "business entity" means a firm, a company, an association, an organization, a partnership, or a corporation.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-3

"Licensee"

Sec. 3. As used in this chapter, "licensee" means a person licensed as a security guard agency under this chapter.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-4

"Person"

Sec. 4. As used in this chapter, "person" means an individual, a firm, a company, an association, an organization, a partnership, or a corporation.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-5

"Security guard agency"

Sec. 5. As used in this chapter, "security guard agency" means a person that is in the business of providing, for hire or reward, a guard or other individual to:

(1) protect persons or property; or

(2) prevent the misappropriation or concealment of goods, wares and merchandise, money, bonds, stocks, choses in action, notes, or other valuable documents or papers.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-6

"Industrial plant"; application

Sec. 6. (a) For purposes of this section, "industrial plant" means a factory, business, or concern that is engaged primarily in the manufacture or assembly of goods or the processing of raw materials, or both.

(b) This chapter does not apply to the following:

(1) A law enforcement officer of the United States, a state, or a political subdivision of a state to the extent that the officer is

engaged in the performance of the officer's official duties.

(2) An employee to the extent that the employee is hired for the purpose of guarding and protecting the properties of railroad companies and is licensed as a railroad policeman under IC 8-3-17, to the extent that the employee is engaged in the performance of the employee's official duties.

(3) The owner of an industrial plant or an employee of the owner of an industrial plant to the extent that the owner or the employee is hiring a plant security guard for the owner's industrial plant.

(4) A retail merchant or an employee of the retail merchant to the extent that the retail merchant or the employee is hiring a security guard for the retail merchant's retail establishment.

As added by P.L.185-2007, SEC.27. Amended by P.L.3-2008, SEC.199.

IC 25-30-1.3-7
Necessity of license

Sec. 7. A person may not:

(1) engage in business as a security guard agency;

(2) solicit or advertise for business as a security guard agency; or

(3) represent or hold a person out as a security guard agency;

unless the person is licensed as a security guard agency under this chapter.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-8
Application

Sec. 8. (a) A person must apply for a license as a security guard agency by submitting the following to the board:

(1) An application as described under subsection (b) and in a form prescribed by the board.

(2) A licensing fee established by the board under IC 25-1-8.

(b) The application for licensure as a security guard agency must include the following:

(1) The full name and business address, including street address, of the applicant.

(2) The name under which the applicant intends to do business as a security guard agency.

(3) The full name and residential address of each of the security guard agency's members, partners, officers, directors, and managers.

(4) Proof of insurance required under section 16 of this chapter.

(5) Other information, evidence, statements, or documents required by the board.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-9
Qualifications for license; grounds for denial

Sec. 9. (a) The board may not issue a security guard agency license to an individual unless the individual:

(1) is at least twenty-one (21) years of age; and

(2) demonstrates the necessary knowledge and skills, as determined by the board, to conduct a security guard agency competently.

(b) The board may not issue a security guard agency license to a business entity unless:

(1) one (1) officer, in the case of a corporation; or

(2) one (1) partner, in the case of a partnership;

meets the personal qualifications as set out in subsection (a), unless otherwise provided.

(c) The board may deny a license unless the applicant makes a showing satisfactory to the board that the applicant or, if the applicant is a business entity, the officer or partner referred to in subsection (b):

(1) has not committed an act which, if committed by a licensee, would be grounds for the suspension or revocation of a license under this chapter;

(2) has not been convicted of:

(A) a felony; or

(B) a misdemeanor that has a direct bearing upon the applicant's ability to practice competently;

(3) has not been refused a license under this chapter or had a license revoked;

(4) has not, while unlicensed, committed or aided and abetted commission of an act for which a license is required by this chapter;

(5) is not on probation or parole; and

(6) is not being sought under an active warrant against the applicant, officer, or partner.

As added by P.L.185-2007, SEC.27. Amended by P.L.3-2008, SEC.200.

IC 25-30-1.3-10

Change in ownership; termination of license

Sec. 10. If a change in the ownership of a security guard agency results in the failure to meet the qualifications set forth in section 9 of this chapter:

(1) the license for the security guard agency terminates on the date the change in ownership is effective; and

(2) the security guard agency must file a new application for a license as a security guard agency with the board.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-11

Continuation of business after death of licensee

Sec. 11. (a) Upon the death of an individual licensed under this chapter, the security guard agency with which the decedent was connected may be carried on for a period of ninety (90) days after the

individual's death by the following:

(1) In the case of an individual licensee, the surviving spouse, or if there is no surviving spouse, the executor or administrator of the estate of the decedent.

(2) In the case of a partner, the surviving partners.

(3) In the case of an officer of a business entity, the other officers of the business entity.

(b) Upon the authorization of the board, a security guard agency may be carried on for a further period of time when necessary to complete an investigation or assist in litigation pending at the death of the decedent.

(c) This section does not authorize the solicitation or acceptance of business after the death of an individual except as provided by this chapter.

(d) This section may not be construed to restrict the sale of a security guard agency if the vendee qualifies for a license under this chapter.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-12

Form of license; pocket card; change of information; assignment of license

Sec. 12. (a) A license, when issued, must be in a form determined by the board and must include the following:

(1) The full name of the licensee.

(2) The number and expiration date of the license.

(b) Upon the issuance of a security guard agency license, a pocket card shall be issued without charge to the licensee. If a license is revoked, the person whose license is revoked shall surrender the pocket card and, not later than five (5) days after revocation, shall mail or deliver the pocket card to the board for cancellation.

(c) A licensed security guard agency shall, not later than thirty (30) days after a change, notify the board of any changes to the:

(1) licensee's address;

(2) name under which the licensee does business; or

(3) licensee's officers, directors, members, or partners.

(d) A license issued under this chapter is not assignable and is personal to the licensee.

(e) A licensee shall present, upon the request of any client, a pocket card license that indicates the:

(1) license is active; and

(2) licensee is in good standing.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-13

Employees of licensee

Sec. 13. (a) A licensee may employ, to assist the licensee in the licensee's business as a security guard agency, as many unlicensed persons as necessary. The licensee is civilly responsible for the good conduct of all employees while the employees are acting on behalf

of the licensee.

(b) A licensee shall maintain a record, relative to each of the licensee's employees, containing the following information:

(1) A picture taken within thirty (30) days after the date that an employee commences employment with the licensee.

(2) A full set of fingerprints of both hands of each employee.

(c) A licensee shall provide the board, at the board's request, a roster of all unlicensed persons employed by the security guard agency.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-14
Advertisements

Sec. 14. An advertisement by a licensee soliciting or advertising for business must contain the name and address of the licensee as it appears in the records of the board.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-15
Nonresidents

Sec. 15. It is unlawful for a person licensed by any other state to do business in Indiana unless the person is licensed and authorized to do business in Indiana. A person may not do business in Indiana until the person is licensed with the board and meets the requirements for licensees of Indiana. In addition, an out-of-state person must prove to the board that the person is in good standing in the state the person was issued a license.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-16
Insurance

Sec. 16. (a) An applicant for a security guard agency license must submit to the board a certificate of insurance or other evidence of financial responsibility that:

(1) is approved by the board; and

(2) meets the following requirements:

(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) Lists the state as an additional insured.

(D) 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 of the policy.

(E) Contains any other terms and conditions established by the board.

(b) The insurance referred to in subsection (a):

(1) must cover damages that the insured becomes legally

obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a security guard agency;

(2) must include coverage for:

(A) false arrest, detention, or imprisonment;

(B) malicious prosecution; and

(C) wrongful entry or eviction or other invasion of the right of private occupancy; and

(3) may not exclude coverage for an intentional act taken by or at the direction of the insured that results in bodily injury, if the injury arises solely from the use of reasonable force to protect persons or property.

(c) If a licensee fails to comply with the insurance requirements of this section, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for reinstatement of the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.

(d) The board may deny an application for the reinstatement of a license suspended under this section, notwithstanding the applicant's compliance with the insurance requirements of this section for any of the following:

(1) Any reason that would justify a refusal to issue, a suspension, or a revocation of a license.

(2) The performance by the applicant, while the applicant's license was suspended under this section, of any practice for which a license under this chapter is required.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-17

Expiration; renewal; reinstatement

Sec. 17. (a) Unless a license is renewed, a license issued under this chapter expires on a date specified by the licensing agency under IC 25-1-6-4 and expires every four (4) years after the initial expiration date. An applicant for renewal shall pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without any action taken by the board.

(c) If a license has been expired for not more than three (3) years, the license may be reinstated if the holder of the license meets the requirements 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 of the license meets the requirements for reinstatement under IC 25-1-8-6(d).

As added by P.L.185-2007, SEC.27. Amended by P.L.105-2008, SEC.58.

IC 25-30-1.3-18

Fees

Sec. 18. (a) The board shall charge and the licensing agency shall collect the fees established by the board under IC 25-1-8.

(b) All fees collected under this chapter shall be deposited in the state general fund and shall be accounted for by the licensing agency.

(c) All fees collected under this chapter are nontransferable and nonrefundable.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-19

Administrative proceedings; violations; sanctions

Sec. 19. (a) The proceedings under this chapter shall be conducted in accordance with IC 4-21.5. In conducting proceedings under this chapter, the board has all powers granted under IC 4-21.5.

(b) The board may impose sanctions against a licensee under IC 25-1-11 if the board determines that the licensee has done any of the following:

(1) Forcibly and without the consent of the person in lawful possession, entered a building or part of a building.

(2) Impersonated, permitted an employee to impersonate, or aided and abetted an employee in impersonating:

(A) a law enforcement officer;

(B) an employee of the United States government;

(C) an employee of the state; or

(D) an employee of a political subdivision of the state.

(3) During the period between the expiration of a license for failure to renew within the time fixed by this chapter and the reinstatement of the license, committed or permitted an employee to commit an act that would be cause for suspension or revocation of a license or grounds for the denial of the application for a license.

(4) Committed an act that is grounds for a denial of an application for a license under this chapter.

As added by P.L.185-2007, SEC.27. Amended by P.L.3-2008, SEC.201.

IC 25-30-1.3-20

Carrying weapons

Sec. 20. This chapter may not be construed to authorize any licensee to carry any weapon.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-21

Action to collect fees; burden of proving licensure or exemption

Sec. 21. A person that files a civil action to collect fees for performing acts regulated by this chapter must allege and prove that when the action arose the person was not in violation of section 23 of this chapter.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-22
Prosecuting attorneys; reporting violations

Sec. 22. A prosecuting attorney to whom the board reports a violation of this chapter shall cause proceedings to be commenced against a person or a business entity violating this chapter and to prosecute the person or the business entity to final termination.
As added by P.L.185-2007, SEC.27.

IC 25-30-1.3-23
Violations; fines; separate offenses; complaints

Sec. 23. (a) A person who recklessly, knowingly, or intentionally violates this chapter commits a Class A misdemeanor.

(b) A person who is not exempt under section 6 of this chapter, who does not have a security guard agency license, and who recklessly, knowingly, or intentionally:

(1) engages in business as a security guard agency;

(2) solicits or advertises for business as a security guard agency; or

(3) in any way represents to be a security guard agency;

commits a Class A misdemeanor.

(c) In addition to any other penalty imposed on the person, the court shall fine a person convicted of an offense under subsection (b) the amount of compensation earned by the person in the commission of the offense. Notwithstanding IC 35-50-3-2, the total fine imposed under this section may exceed ten thousand dollars ($10,000) if necessary to comply with this subsection.

(d) Each transaction under subsection (b) constitutes a separate offense.

(e) A complaint for a violation of this chapter or for an injunction under section 24 of this chapter is sufficient if the complaint alleges that a person or business entity on a specific day in a specific county:

(1) engaged in business as a security guard agency;

(2) solicited or advertised for business as a security guard agency; or

(3) represented to be a security guard agency;

without a security guard agency license.

(f) A person who recklessly, knowingly, or intentionally fails or refuses to surrender a security guard agency license issued under this chapter when the license is revoked by action of the board commits a Class A misdemeanor.
As added by P.L.185-2007, SEC.27. Amended by P.L.3-2008, SEC.202.

IC 25-30-1.3-24
Activities by unlicensed persons; show cause notice; cease and desist order

Sec. 24. (a) If the board determines that a person that is not licensed or exempt under this chapter is engaged in activities that require a license, the board may send a notice of hearing requiring the person to show cause why the challenged activities are not a

violation of this chapter. The notice must be in writing and include the following information:

(1) The date, time, and place of the hearing.

(2) The alleged violation.

(3) That the affected person or the person's representative may present evidence concerning the alleged violation.

(b) A hearing conducted under this section must comply with IC 4-21.5.

(c) If the board after a hearing determines that the activities that the person engaged in are subject to licensing under this chapter, the board may issue a cease and desist order that describes the person and activities that are the subject of the order.

(d) A cease and desist order issued under this section is enforceable in the circuit courts of Indiana.

(e) The attorney general, the board, or the prosecuting attorney of any county where a violation of section 23(b) of this chapter occurs may file an action in the name of the state for an injunction.

As added by P.L.185-2007, SEC.27.

IC 25-30-1.5
Repealed

(Transferred to IC 25-37.5 by Acts 1972, P.L.11, SEC.11.)

IC 25-30-2

Chapter 2. Regulation of Polygraph Examiners by State Police

IC 25-30-2-1

Definitions

Sec. 1. As used in this chapter:

"Department" means the state police department established under IC 10-11-2-4.

"Polygraph examiner" means a person who is solely or partly engaged in the business of establishing the truth or falsity of any statement or representation, by means of a polygraph instrument.

"Polygraph instrument" means a device that permanently and simultaneously records, at a minimum, an individual's cardiovascular and respiratory patterns and galvanic skin responses in order to determine truthfulness.

As added by P.L.250-1983, SEC.2. Amended by P.L.2-2003, SEC.67.

IC 25-30-2-2

Certificate of competence; standards and procedures

Sec. 2. (a) The department shall issue a certificate of competence to operate a polygraph instrument to each individual who complies with the standards and procedures established by the department under subsection (b).

(b) The department shall, by rule adopted under IC 4-22-2, establish standards and procedures for granting certificates of competence to operate polygraph instruments. These standards and procedures may include one (1) or more of the following requirements:

(1) Evidence which demonstrates that the applicant has successfully completed a course of formal training in the use of polygraph instruments.

(2) Evidence which demonstrates the applicant's experience and competence in the operation of polygraph instruments.

(3) A written examination.

As added by P.L.250-1983, SEC.2.

IC 25-30-2-3

Revocation of certificate

Sec. 3. The department may revoke a certificate issued under section 2 of this chapter if it determines that information given by an applicant was false.

As added by P.L.250-1983, SEC.2.

IC 25-30-2-4

Rules

Sec. 4. The department:

(1) shall adopt rules under IC 25-1-8 to establish fees for the administration of this chapter; and

(2) may adopt rules under IC 4-22-2 to provide any additional procedures necessary to implement this chapter.

As added by P.L.250-1983, SEC.2.

IC 25-30-2-5
Use of title; violation

Sec. 5. After December 31, 1983, an individual who has not received a certificate of competence to operate a polygraph instrument may not assume or use the title "certified polygraph examiner", "polygraph examiner", or "polygraph operator". A person who violates this section commits a Class C infraction.
As added by P.L.250-1983, SEC.2.

IC 25-31

ARTICLE 31. PROFESSIONAL ENGINEERS

IC 25-31-1

Chapter 1. Regulation of Engineers; Creation of Board

IC 25-31-1-1

Repealed

(*Repealed by P.L.215-1993, SEC.32.)*

IC 25-31-1-2

Definitions

Sec. 2. As used in this chapter:

(a) "Board" means the state board of registration for professional engineers.

(b) "Professional engineer" means an individual who, by reason of that individual's special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design which are acquired by education and practical experience, is qualified to engage in the practice of engineering as attested by that individual's registration as a professional engineer.

(c) "Engineering intern" means an individual who:

(1) is a graduate from an approved engineering curriculum of four (4) years or more or who has acquired, through engineering education and experience in engineering work, knowledge and skill approximating that obtained by graduation in an approved engineering curriculum of four (4) years or more;

(2) has successfully passed an examination as prescribed in section 14 of this chapter; and

(3) has been issued by the board an appropriate certificate of enrollment as an engineering intern.

(d) "Practice of engineering" means any service or creative work that the adequate performance of requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to services or creative work that includes the following:

(1) Consultation.

(2) Investigation.

(3) Evaluation.

(4) Planning, including planning the use of land and water.

(5) The design of or the supervision of the design of engineering works and systems.

(6) Engineering surveys and studies or the supervision of engineering surveys and studies, including all surveying activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but not including the surveying of real property for the establishment of land boundaries, subdivisions, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

(7) Evaluation of construction for the purpose of assuring compliance with specifications, plans, and designs, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, work systems, or projects.

The term "practice of engineering" does not include the work ordinarily performed by persons who operate or maintain machinery or equipment.

(e) "Approved engineering curriculum" means an engineering curriculum of four (4) years or more that has been approved by the board. In approving the engineering curriculum, the board may take into consideration the standards of accreditation adopted by the Accreditation Board for Engineering and Technology.

(f) "Practice or offer to practice engineering" means the act of an individual or a business who by verbal claim, sign, advertisement, letterhead, card, telephone listing, or in any other way represents the individual or the business to be a professional engineer or who performs, or offers to perform, any acts or work involving the practice of engineering.

(g) "Licensing agency" means the Indiana professional licensing agency established by IC 25-1-5-3.

(Formerly: Acts 1935, c.148, s.2; Acts 1947, c.262, s.2; Acts 1957, c.320, s.1; Acts 1961, c.277, s.1; Acts 1965, c.284, s.2; Acts 1969, c.279, s.1.) As amended by Acts 1981, P.L.222, SEC.229; P.L.132-1984, SEC.40; P.L.23-1991, SEC.14; P.L.215-1993, SEC.2; P.L.1-2006, SEC.475.

IC 25-31-1-3

State board of registration for professional engineers

Sec. 3. (a) The state board of registration for professional engineers is created.

(b) The board consists of seven (7) members, six (6) of whom shall be registered professional engineers.

(c) One (1) member must be appointed to represent the general public who is:

(1) a resident of this state; and

(2) not associated with professional engineering other than as a consumer.

(d) All members of the board shall be appointed by the governor.

(e) Six (6) professional engineer members shall be appointed to the board and shall at the time of appointment consist of:

(1) one (1) member from industry;

(2) one (1) member from government;

(3) one (1) member from education;

(4) two (2) members from private practice; and

(5) one (1) member at large.

(f) A person appointed as a professional engineer member of the board must:

(1) be a citizen of the United States;

(2) have been a resident of this state for a period of at least five

(5) years immediately before the time of the member's appointment;

(3) be registered as a professional engineer and must have been engaged in the lawful practice of engineering for at least twelve (12) years; and

(4) have been in responsible charge of engineering work or engineering teaching for at least five (5) years.

(g) Every member of the board shall be appointed for a term of four (4) years and shall serve until the member's successor is appointed and qualified.

(h) Every member of the board shall receive a certificate of appointment from the governor, and, before beginning the member's term of office, file with the secretary of the board a written oath or affirmation for the faithful discharge of the member's official duties.

(i) The governor may remove any member of the board at any time for incompetency, neglect of duty, or for unprofessional conduct.

(j) Any vacancy which may occur in the membership of the board, at any time, shall be filled by appointment by the governor for the unexpired term.

(Formerly: Acts 1935, c.148, s.3; Acts 1965, c.284, s.3; Acts 1967, c.94, s.1.) As amended by Acts 1981, P.L.222, SEC.230; P.L.23-1991, SEC.15; P.L.215-1993, SEC.3.

IC 25-31-1-4

Compensation and expenses of board members

Sec. 4. (a) The members of the board shall receive a salary per diem for each and every day, or part of a day, while they are in actual attendance of any meeting of the board, or while they are engaged in the performance of the official business of the board. The salary per diem is in addition to any allowance, prescribed by the laws of the state, for subsistence and travel within Indiana.

(b) Any member of the board, or the secretary of the board, may be authorized by the board to attend any engineering conference, or meeting, held outside of Indiana, the major purpose of the meeting being the consideration of problems directly associated with the registration of professional engineers. Any member of the board, in addition to any subsistence and travel allowance as prescribed by the laws of the state for travel outside of Indiana, shall receive a salary per diem for each and every day, or part of a day, while the board member is in actual attendance of any engineering conference or meeting held outside of Indiana, or while en route to and from the conference or meeting.

(Formerly: Acts 1935, c.148, s.4; Acts 1957, c.320, s.2.) As amended by Acts 1976, P.L.119, SEC.23; Acts 1981, P.L.222, SEC.231; P.L.23-1991, SEC.16; P.L.215-1993, SEC.4.

IC 25-31-1-5

Meetings of board; organization; quorum

Sec. 5. (a) The board shall hold in the city of Indianapolis at least

two (2) regular meetings each year and special meetings as the board considers necessary. Regular and special meetings must be held at times and places as the rules of the board may provide. Notice of all meetings must be given according to IC 5-14-1.5.

(b) The board shall elect, annually, from its own members, a chairman and a vice chairman.

(c) A quorum of the board consists of four (4) members and no official action of any meeting may be taken without at least four (4) votes being in accord.

(d) Suitable office quarters shall be provided by the state for the use of the board in the city of Indianapolis. This office may be shared with the state board of registration for land surveyors.

(Formerly: Acts 1935, c.148, s.5.) As amended by Acts 1982, P.L.113, SEC.75; P.L.23-1991, SEC.17; P.L.215-1993, SEC.5.

IC 25-31-1-6

Secretary of board; duties; employees

Sec. 6. (a) The licensing agency shall provide the board with a competent individual to serve as secretary of the board. The secretary may not be a member of the board. The secretary, through the licensing agency, shall keep a true and complete record of all proceedings of the board and perform any other duties, prescribed in this chapter, as may be assigned by the board.

(b) The board shall be provided by the licensing agency whatever clerical or other assistants, including investigators, as may be necessary for the proper performance of its duties.

(c) The licensing agency may assign joint personnel to work for both the board and the state board of registration for land surveyors.

(Formerly: Acts 1935, c.148, s.6; Acts 1957, c.320, s.3.) As amended by Acts 1981, P.L.222, SEC.232; P.L.132-1984, SEC.41; P.L.23-1991, SEC.18; P.L.215-1993, SEC.6.

IC 25-31-1-7

Enforcement and administration of chapter by board

Sec. 7. (a) The board shall enforce and administer the provisions of this chapter, and adopt rules, not inconsistent with the Constitution and laws of this state, as may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall adopt rules establishing standards for the competent practice of engineering and for the administration of the registered professional engineers and registered engineering interns investigative fund established by section 35 of this chapter. Any rulemaking by the board shall be in accordance with IC 4-22-2.

(b) The board shall adopt and have an official seal.

(Formerly: Acts 1935, c.148, s.7.) As amended by Acts 1981, P.L.222, SEC.233; P.L.23-1991, SEC.19; P.L.215-1993, SEC.7; P.L.194-2005, SEC.77.

IC 25-31-1-8

Hearings and subpoenas

Sec. 8. The provisions of IC 4-21.5 govern the board's procedures for conducting hearings and issuing subpoenas for witnesses and other evidence.

(Formerly: Acts 1935, c.148, s.8; Acts 1947, c.262, s.3; Acts 1965, c.284, s.4.) As amended by Acts 1982, P.L.154, SEC.101; P.L.215-1993, SEC.8.

IC 25-31-1-9

Disposition of receipts; fee

Sec. 9. (a) Except as provided in IC 25-31-1-35 and subsection (b), the licensing agency shall receive and account for all money collected under the provisions of this chapter and shall deposit the money with the treasurer of state to be deposited by the treasurer of state in the general fund of the state.

(b) In addition to the registration fee established under section 13(c) of this chapter, the board shall establish a fee of not more than twenty dollars ($20) for registered professional engineers and registered engineering interns to be paid at the time of:

(1) issuance of a certificate of registration; and

(2) renewal of a certificate of registration;

under this article to provide funds for administering and enforcing this article, including investigating and taking action against persons violating this article. All funds collected under this subsection shall be deposited into the registered professional engineers and registered engineering interns investigative fund established by section 35 of this chapter.

(Formerly: Acts 1935, c.148, s.9.) As amended by Acts 1976, P.L.119, SEC.24; P.L.215-1993, SEC.9; P.L.194-2005, SEC.78; P.L.177-2006, SEC.7.

IC 25-31-1-10

Records

Sec. 10. (a) The board shall keep a record of its proceedings and a record of all applications for registration. The record shall show:

(1) the name, age, and residence of each applicant;

(2) the date of the application;

(3) the place of business of the applicant;

(4) the applicant's education and other qualifications;

(5) whether or not an examination was required;

(6) whether or not the applicant was rejected;

(7) whether a certificate of registration was granted;

(8) the date of the action of the board; and

(9) any other information as may be deemed necessary by the board.

(b) The records of the board are prima facie evidence of the proceedings of the board.

(c) A transcript of the proceedings certified by the chairman and attested by the secretary of the board, under its seal, shall be admissible in evidence with the same force and effect as if the

original were produced.
(Formerly: Acts 1935, c.148, s.10; Acts 1961, c.277, s.2.) As amended by Acts 1979, P.L.17, SEC.48; P.L.215-1993, SEC.10.

IC 25-31-1-11
Repealed
(*Repealed by P.L.132-1984, SEC.55.)*

IC 25-31-1-12
Qualifications for registration
Sec. 12. (a) The following under either subdivision (1) or (2) shall be considered as minimum evidence that the applicant is qualified for registration as a professional engineer:
(1) All of the following:
(A) Graduation in an approved engineering curriculum of four (4) years or more.
(B) A specific record of four (4) years or more of progressive experience on engineering projects of sufficient quality acquired subsequent to graduation, which experience indicates that the applicant is qualified to be placed in responsible charge of engineering work requiring the exercise of judgment in the application of engineering sciences to the sound solution of engineering problems.
(C) The successful passing of an examination as provided for in section 14 of this chapter.
(2) All of the following:
(A) A specific record of eight (8) years or more of engineering education and experience in engineering work, which indicates that the applicant has acquired knowledge and skill and practical experience in engineering work approximating that required for registration as a professional engineer under subdivision (1).
(B) The successful passing of an examination as provided for in section 14 of this chapter.
(b) The following under either subdivision (1) or (2) shall be considered as minimum evidence that the applicant is qualified for certification as an engineering intern:
(1) All of the following:
(A) Graduation in an approved engineering curriculum of four (4) years or more.
(B) The successful passing of an engineering intern examination as provided in section 14 of this chapter.
(2) All of the following:
(A) A specific record of four (4) years or more of engineering education and experience in engineering work indicating that the applicant has acquired knowledge and skill approximating that acquired through graduation in an approved engineering curriculum of four (4) years or more.
(B) The successful passing of an engineering intern examination as provided in section 14 of this chapter.

(c) The board may waive the examination under section 14 of this chapter to any applicant who has been granted a certificate of registration under section 21 of this chapter.

(d) An individual is not eligible for registration as a professional engineer or certification as an engineering intern if the individual has been convicted of:

(1) an act which would constitute grounds for disciplinary sanction under IC 25-1-11; or

(2) a felony that has a direct bearing on the individual's ability to practice competently.

(e) In considering the qualifications of applicants, responsible charge of engineering teaching shall be construed as responsible charge of engineering work. An applicant who holds a degree of master of science of engineering or the equivalent thereof from a curriculum in engineering approved by the board may be given a maximum credit of one (1) year of experience in addition to the credit of four (4) years of education. An applicant who holds a degree of doctor of philosophy or the equivalent thereof from a curriculum in engineering approved by the board may be given a maximum of credit of two (2) years of experience in addition to a credit of four (4) years of education. Graduation in a course other than engineering from a college or university acceptable to the board may be considered as equivalent to two (2) years engineering experience and education. The mere execution, as a contractor of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be engineering experience.

(f) Any person having the necessary qualifications to be registered under this chapter is eligible for registration although the individual may not be engaged in the practice of engineering at the time the application is made.

(Formerly: Acts 1935, c.148, s.12; Acts 1947, c.262, s.4; Acts 1957, c.320, s.5; Acts 1961, c.277, s.3; Acts 1965, c.284, s.6; Acts 1969, c.279, s.2.) As amended by Acts 1981, P.L.222, SEC.234; Acts 1982, P.L.113, SEC.76; P.L.23-1991, SEC.20; P.L.1-1992, SEC.133; P.L.215-1993, SEC.11; P.L.214-1993, SEC.80.

IC 25-31-1-13

Application for registration; fees

Sec. 13. (a) An individual applying for registration as a professional engineer or for certification as an engineering intern shall apply for registration or certification on a form prescribed and provided by the board. Each application for registration shall contain statements showing the education and qualifications of the applicant and a detailed summary of the technical work performed by the applicant. An application for registration as a professional engineer shall be accompanied by the names of five (5) persons to be used as references, at least three (3) of whom are professional engineers who have a personal knowledge of the experience of the applicant. Each application for a certification as an engineering intern must contain

statements showing the education of the applicant, and except for an application for an examination to be given during the applicant's senior year, the application shall be accompanied by the names of three (3) persons to be used as references. All applications shall be certified to by the applicant as to the correctness of the statements contained in the application.

(b) A person who knowingly makes a false statement in the application commits a Class A misdemeanor.

(c) The amount of registration fees for a professional engineer and for an engineering intern shall be fixed and determined by the board under IC 25-1-8-2. The board shall also in its rules prescribe the manner and the time for the paying of registration fees.

(d) In the event the board refuses to issue a certificate of registration to any person who has made proper application for registration as a professional engineer, any initial fee prescribed by the board and deposited with the board by an applicant shall be retained by the board as an application fee.

(e) In the event the board refuses to issue a certificate to any person who has made proper application for certification as an engineering intern, the fee prescribed by the board and deposited by the applicant with the board shall be retained as an application fee. *(Formerly: Acts 1935, c.148, s.13; Acts 1947, c.262, s.5; Acts 1957, c.320, s.6; Acts 1961, c.277, s.4; Acts 1965, c.284, s.7; Acts 1969, c.279, s.3.) As amended by Acts 1978, P.L.2, SEC.2553; P.L.23-1991, SEC.21; P.L.215-1993, SEC.12.*

IC 25-31-1-14
Examination; reexamination

Sec. 14. (a) The examination required of all applicants for registration as a professional engineer shall be a written or computer based examination which shall be divided into the following two (2) parts:

(1) Engineering fundamentals.
(2) Principles and practice of engineering.

The board may adopt rules under IC 4-22-2 establishing additional examination requirements.

(b) The engineering fundamentals portion of the examination shall be designed to test the applicant's knowledge of mathematics and the physical and engineering sciences. The standards of proficiency required shall approximate that attained by graduation in an approved four (4) year engineering curriculum.

(c) The principles and practice of the engineering portion of the examination shall be designed primarily to test the applicant's understanding of, and judgment and ability to apply correctly, the principles of:

(1) mathematics;
(2) the physical sciences;
(3) the engineering sciences; and
(4) engineering design analysis and synthesis;

to the practice of professional engineering. A part of the examination

may be designed to test the applicant's knowledge and understanding of the ethical, economic, and legal principles relating to the practices of professional engineering.

(d) An applicant for registration as a professional engineer who holds an engineering intern certificate issued in Indiana or in any other state or territory having equivalent standards may be exempted from the engineering fundamentals portion of the examination.

(e) An applicant must successfully pass the engineering fundamentals portion of the examination before taking the principles and practice portion of the examination.

(f) Examinations shall be held at times and places as determined by the board at least two (2) times each year. Examinations for certification as an engineering intern may be held separately from the examinations for registration as a professional engineer.

(g) An applicant for registration as a professional engineer who is presently registered in another state or territory may be assigned a written or computer based examination as the board deems necessary to meet the requirements of this chapter.

(h) An applicant shall have three (3) attempts to pass each part of the examination within a time period established by the board by rule. The board may specify by rule the time required between examinations and the opportunity for future examination attempts for an applicant who fails to appear at an examination. The amount of the fee to be paid for each examination shall be determined by the board under IC 25-1-8-2.

(i) If an applicant who has failed a part of the examination three (3) times reapplies and submits evidence of acquiring additional knowledge for the examination, the board may give the applicant approval to take subsequent examinations or partial examinations.

(Formerly: Acts 1935, c.148, s.14; Acts 1947, c.262, s.6; Acts 1957, c.320, s.7; Acts 1961, c.277, s.5; Acts 1969, c.279, s.4.) As amended by Acts 1980, P.L.166, SEC.6; P.L.23-1991, SEC.22; P.L.215-1993, SEC.13; P.L.194-2005, SEC.79; P.L.9-2012, SEC.3.

IC 25-31-1-15

Issuance of certificate of registration; certificate of enrollment

Sec. 15. (a) The board shall issue a certificate of registration, upon the payment of the fee prescribed by the board under IC 25-1-8-2 and the fee established by section 9(b) of this chapter, to any applicant who, in the opinion of the board, has satisfactorily met all requirements of this chapter. In the case of a professional engineer, the certificate shall authorize the practice of "professional engineering". The certificate of registration shall:

(1) show the full name of the registrant;

(2) bear a serial number and date; and

(3) be signed by a designee of the board.

The issuance of any certificate of registration by the board under this chapter is evidence that the individual named on the certificate is entitled to all the rights and privileges of a registered professional engineer from the date on the certificate until it expires or is revoked.

(b) The board shall issue a certificate of enrollment upon the payment of the certificate fee prescribed by the board under IC 25-1-8-2 to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this chapter. In the case of an engineering intern, the certificate shall state that the applicant has successfully passed the examination in engineering fundamentals and has been enrolled as an engineering intern. The certificate of enrollment shall:

(1) show the full name of the enrollee;
(2) bear a serial number and date; and
(3) be signed by the director of the licensing agency.

The issuance of a certificate of enrollment by the board is evidence that the individual named on the certificate is entitled to all the rights and privileges of an engineering intern while the certificate remains unrevoked or until it expires.

(Formerly: Acts 1935, c.148, s.15; Acts 1947, c.262, s.7; Acts 1969, c.279, s.5.) As amended by Acts 1982, P.L.154, SEC.102; P.L.23-1991, SEC.23; P.L.215-1993, SEC.14; P.L.194-2005, SEC.80; P.L.177-2006, SEC.8.

IC 25-31-1-16
Seal

Sec. 16. (a) The granting of registration extends to the registrant the authority to use a seal of a design approved by the board bearing the registrant's name, registration number, and the legend "professional engineer".

(b) During the period of time that a registrant's certificate is valid, the registrant is authorized to apply the registrant's seal to plans, specifications, studies, drawings, and reports. Applying the registrant's seal attests that:

(1) the work embodies the engineering work of the registrant;
(2) the registrant or an employed subordinate supervised by the registrant prepared the documents, and in the context of engineered plans "prepared" refers to the registrant's control and direction of the engineering work and design process;
(3) the registrant assumes full professional responsibility for the documents; and
(4) the work meets standards of acceptable engineering practice.

(c) It is unlawful for any person to stamp or seal any document with a seal after the certificate of the registrant named on the seal has expired or has been revoked.

(Formerly: Acts 1935, c.148, s.16; Acts 1961, c.277, s.6.) As amended by P.L.23-1991, SEC.24; P.L.215-1993, SEC.15.

IC 25-31-1-17
Expiration and renewal of certificate

Sec. 17. (a) Unless a certificate is renewed, a certificate issued under this chapter expires on a date specified by the licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An applicant for renewal shall submit an application in the

manner prescribed by the board and pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a certificate does not renew the certificate by the date specified by the licensing agency, the certificate expires and becomes invalid without the board taking any action.

(c) The failure on the part of a registrant to renew a certificate does not deprive the registrant of the right of renewal.

(d) If a certificate has been expired for not more than three (3) years, the certificate may be reinstated by the board if the holder of the certificate meets the requirements for reinstatement under IC 25-1-8-6(c).

(e) If a certificate has been expired for more than three (3) years, the certificate may be reinstated by the board if the holder of the certificate meets the requirements for reinstatement under IC 25-1-8-6(d).

(Formerly: Acts 1935, c.148, s.17; Acts 1961, c.277, s.7; Acts 1965, c.284, s.8; Acts 1969, c.279, s.6.) As amended by P.L.215-1993, SEC.16; P.L.194-2005, SEC.81; P.L.105-2008, SEC.59.

IC 25-31-1-17.5
Continuing education rules

Sec. 17.5. (a) The board may adopt rules requiring a professional engineer to obtain continuing education for renewal of a certificate under section 17 of this chapter.

(b) If the board adopts rules under this section, the rules must do the following:

(1) Establish an inactive certificate of registration that:

(A) does not require the holder of an inactive certificate to obtain continuing education; and

(B) prohibits the holder of an inactive certificate from practicing engineering.

(2) Establish requirements for reactivation of an inactive certificate.

As added by P.L.215-1993, SEC.17.

IC 25-31-1-18
Corporate practice

Sec. 18. (a) A registration certificate for a professional engineer may be issued only to a natural person.

(b) A business, including a proprietorship, partnership, or corporation, doing business in Indiana may not practice or offer to practice engineering unless that practice is carried on under the responsible direction and supervision of a registered professional engineer who is a full-time employee of the business. All plans, sheets of designs, specifications, reports, studies, or other engineering documents that require certification and are prepared by the personnel of a business must carry the signature and seal of the registered professional engineer who is in responsible charge of the professional engineering work.

(Formerly: Acts 1935, c.148, s.18; Acts 1957, c.320, s.8; Acts 1961, c.277, s.8; Acts 1967, c.95, s.1.) As amended by P.L.23-1991, SEC.25; P.L.215-1993, SEC.18.

IC 25-31-1-19
Public projects; employment of professional engineer

Sec. 19. (a) A county, city, town, township, school corporation, or other political subdivision of this state may not engage in the construction or maintenance of any public work involving the practice of engineering for which plans, specifications, and estimates have not been prepared, certified, and sealed by, and the construction and maintenance executed under the direct supervision of, a professional engineer. Any contract executed in violation of this section is void.

(b) An official of this state, or of any city, town, county, township, or school corporation, charged with the enforcement of any law, ordinance, or rule relating to the design, construction, or alteration of buildings or structures may not use or accept or approve any plans or specifications that have not been prepared by, or under the supervision of and certified by, a registered professional engineer. This subsection does not apply:

(1) to plans or specifications prepared by, or under the supervision of and certified by, an architect who is registered under IC 25-4-1;

(2) to structures and construction listed in IC 22-15-3-3(a); or

(3) to plans or specifications contained in a registration, license, or permit application, including an application for an initial permit, the renewal of a permit, the modification of a permit, or a variance from a permit submitted to the commissioner of the department of environmental management under IC 13, unless the permit is for the approval of plans or specifications for construction for which a professional engineer's seal is required by operation of either state or federal law, rule, or regulation. This subsection does not require a professional engineer's seal for an application for an air quality construction permit under 326 IAC 2-1-3.

This section shall not be construed as to abridge or otherwise affect the powers of any state board or department to issue rules governing the safety of buildings or structures.

(c) All maps required to show the underground workings of any mine in Indiana must be prepared, certified, and sealed by a professional engineer or land surveyor.

(Formerly: Acts 1935, c.148, s.19; Acts 1947, c.262, s.8; Acts 1957, c.320, s.9; Acts 1961, c.277, s.9; Acts 1965, c.284, s.9.) As amended by P.L.8-1984, SEC.121; P.L.23-1991, SEC.26; P.L.215-1993, SEC.19; P.L.82-1994, SEC.30; P.L.246-1995, SEC.1.

IC 25-31-1-20
Exempt persons

Sec. 20. (a) An employee or a subordinate of any person who

holds a certificate of registration under the provisions of this chapter is exempt from the provisions of this chapter if the practice of the employee or subordinate does not include responsible charge of design or supervision.

(b) This chapter does not require registration for the purpose of practicing engineering by an individual or a business:

(1) on property owned or leased by that individual or business unless the engineering practice involves the public health or safety, or the health or safety of the employees of that individual or business;

(2) for the performance of engineering which relates solely to the design or fabrication of manufactured products; or

(3) that is registered as a landscape architect under IC 25-4-2 and while the individual or business is engaged in the practice of landscape architecture planning the use of land or water.

(Formerly: Acts 1935, c.148, s.20; Acts 1947, c.262, s.9; Acts 1951, c.125, s.1; Acts 1961, c.277, s.10; Acts 1969, c.279, s.7.) As amended by Acts 1982, P.L.154, SEC.103; P.L.23-1991, SEC.27; P.L.1-1993, SEC.198; P.L.215-1993, SEC.20.

IC 25-31-1-21
License by reciprocity

Sec. 21. The board may, upon application and payment of a fee established by the board in the board's rules, issue a certificate of registration as a professional engineer to an individual who holds a valid certificate of registration as a professional engineer, issued to the applicant by the proper authority of any state or territory or possession of the United States if the requirements for registration of professional engineers that the certificate of registration was issued under do not conflict with the provisions of this chapter. In determining the qualifications of an applicant, the board may accept the verified professional record of the applicant that is certified by the National Council of Examiners for Engineers and Surveyors. However, an applicant meets the experience requirement under section 12 of this chapter if the applicant:

(1) has at least three (3) years of engineering work experience after the applicant graduates from an approved engineering curriculum but before the applicant successfully passes an examination required under section 14 of this chapter; and

(2) has been registered or licensed as a professional engineer in another state for at least ten (10) years.

(Formerly: Acts 1935, c.148, s.21; Acts 1957, c.320, s.10; Acts 1965, c.284, s.10; Acts 1969, c.279, s.8.) As amended by Acts 1982, P.L.154, SEC.104; P.L.23-1991, SEC.28; P.L.215-1993, SEC.21; P.L.194-2005, SEC.82.

IC 25-31-1-22
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-31-1-22.1
Repealed
(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-31-1-23
Repealed
(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-31-1-24
Conduct of hearings
Sec. 24. All hearings conducted by the board shall be held pursuant to IC 4-21.5-3.
(Formerly: Acts 1935, c.148, s.24; Acts 1965, c.284, s.12.) As amended by Acts 1977, P.L.172, SEC.47; P.L.7-1987, SEC.128; P.L.214-1993, SEC.81; P.L.215-1993, SEC.24.

IC 25-31-1-25
Judicial review
Sec. 25. An applicant or a registrant who is aggrieved by an order or determination of the board is entitled to a judicial review under IC 4-21.5.
(Formerly: Acts 1935, c.148, s.25; Acts 1965, c.284, s.13.) As amended by Acts 1982, P.L.154, SEC.105; P.L.3-1989, SEC.148; P.L.215-1993, SEC.25.

IC 25-31-1-26
Issuance of duplicate certificate
Sec. 26. A certificate of registration, or a certification as an engineering intern to replace a certificate which has been lost, destroyed, or mutilated, may be issued subject to the rules of the board and the fee established under IC 25-1-8-2.
(Formerly: Acts 1935, c.148, s.26; Acts 1947, c.262, s.10; Acts 1961, c.277, s.12.) As amended by P.L.215-1993, SEC.26; P.L.235-1995, SEC.10.

IC 25-31-1-27
Practicing without license and other specific violations
Sec. 27. A person who:
(1) practices or offers to practice engineering without being registered or exempted under the laws of this state;
(2) presents as the person's own the certificate of registration or the seal of another;
(3) gives any false or forged evidence of any kind to the board or to any member of the board in obtaining a certificate of registration;
(4) impersonates any other registrant;
(5) uses an expired, suspended, or revoked certificate of registration; or
(6) otherwise violates this chapter;
commits a Class B misdemeanor.

(Formerly: Acts 1935, c.148, s.27; Acts 1947, c.262, s.11.) As amended by Acts 1978, P.L.2, SEC.2554; P.L.23-1991, SEC.30; P.L.215-1993, SEC.27.

IC 25-31-1-28
Enforcement; use of investigative fund

Sec. 28. (a) It is the duty of all law enforcement officers of this state, or any political subdivision, to enforce the provisions of this chapter and to apprehend and prosecute any person who violates any of the provisions of this chapter.

(b) The attorney general shall act as the legal advisor of the board and render any legal assistance as may be necessary in carrying out the provisions of this chapter.

(c) The attorney general and the licensing agency may use the registered professional engineers and registered engineering interns investigative fund established by section 35 of this chapter to hire investigators and other employees to enforce the provisions of this article and to investigate and prosecute violations of this article.

(Formerly: Acts 1935, c.148, s.28.) As amended by Acts 1982, P.L.154, SEC.106; P.L.215-1993, SEC.28; P.L.194-2005, SEC.83.

IC 25-31-1-29
Injunctions

Sec. 29. (a) The attorney general, the prosecuting attorney of any county, the board, or a citizen of any county where a person who is not exempted engages in the practice of engineering without first having obtained a certificate of registration or without first having renewed an expired certificate of registration may, in accordance with the provisions of the laws of this state governing injunctions, file an action in the name of the state of Indiana to enjoin that person from engaging in the practice of engineering until a certificate of registration is secured or renewed.

(b) Any person who has been enjoined and violates an injunction shall be punished for contempt of court. An injunction does not relieve a person engaged in the practice of engineering without a certificate of registration or without first having renewed an expired certificate of registration from a criminal prosecution.

(c) The remedy by injunction is in addition to any remedy provided for herein for the criminal prosecution of the offender. In charging any person in a complaint for violation of the provisions of this chapter by engaging in the practice of engineering without a certificate of registration or without having renewed an expired certificate of registration, it is sufficient to charge that the offender:

(1) on a certain day in a certain county practiced or offered to practice engineering; and

(2) was not registered or exempted under this chapter.

(Formerly: Acts 1935, c.148, s.29; Acts 1947, c.262, s.12.) As amended by Acts 1982, P.L.154, SEC.107; P.L.23-1991, SEC.31; P.L.215-1993, SEC.29.

IC 25-31-1-30
Exemption from statutes relating to practice of architecture

Sec. 30. (a) Except as provided in IC 25-4-1-11, a person registered as a professional engineer under this chapter is exempt from the provisions of any and all statutes in force in this state regulating the practice of architecture.

(b) This chapter does not apply to an individual registered as an architect under IC 25-4-1. An architect, however, who is registered under IC 25-4-1 and exempted from this chapter may not use the designation "engineer" in any form or manner unless the architect is registered under this chapter.

(Formerly: Acts 1935, c.148, s.30; Acts 1967, c.95, s.2.) As amended by Acts 1982, P.L.154, SEC.108; P.L.215-1993, SEC.30.

IC 25-31-1-31
Repealed

(*Repealed by P.L.23-1991, SEC.40.)*

IC 25-31-1-32
Repealed

(*Repealed by P.L.214-1993, SEC.91 and P.L.215-1993, SEC.32.)*

IC 25-31-1-34
Use of engineer in political subdivision job title

Sec. 34. (a) This section does not apply to a job position filled by the department of environmental management.

(b) Unless a job position is filled by a professional engineer, the state or a political subdivision (as defined in IC 36-1-2-13) may not use the word "engineer" in the position's job title.

As added by P.L.215-1993, SEC.31. Amended by P.L.16-1994, SEC.9.

IC 25-31-1-35
Investigative fund; administration by attorney general and licensing agency; appropriation

Sec. 35. (a) The registered professional engineers and registered engineering interns investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the attorney general and the licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of money from the fee imposed upon registered professional engineers and registered engineering interns under section 9(b) of this chapter.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the fund

exceeds five hundred thousand dollars ($500,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds five hundred thousand dollars ($500,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated for use by the attorney general and the licensing agency to administer and enforce the provisions of this article and to conduct investigations and take enforcement action against persons violating the provisions of this article.

As added by P.L.194-2005, SEC.84. Amended by P.L.177-2006, SEC.9.

IC 25-31.5

ARTICLE 31.5. PROFESSIONAL SOIL SCIENTISTS

IC 25-31.5-1

Chapter 1. Applicability and Definitions

IC 25-31.5-1-1

Applicability of article

Sec. 1. This article does not apply to the following individuals:

(1) An officer or employee of:

(A) the federal government;

(B) state government; or

(C) local government;

while providing soil science services for the officer's or employee's employer.

(2) An individual engaged solely in soil science research or the instruction of soil science.

(3) An individual not engaged in the public practice of soil science.

(4) A professional engineer registered under IC 25-31 who applies soil science to the practice of engineering.

(5) A professional geologist certified under IC 25-17.6 who applies soil science to the practice of geology.

(6) A person who is a certified professional erosion and sediment control specialist (CPESC) or soil conservationist who uses soil science in making land use decisions for the conservation of soil and water resources.

(7) A professional wetlands specialist who applies soil science to make wetland delineations or determinations.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-1-2

Applicability of definitions

Sec. 2. The definitions in this chapter apply throughout this article.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-1-3

"Board"

Sec. 3. "Board" refers to the Indiana board of registration for soil scientists established by IC 25-31.5-2-1.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-1-4

"Public practice of soil science"

Sec. 4. "Public practice of soil science" means the performance of service to the public in connection with soil science.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-1-5

"Registered associate soil scientist"

Sec. 5. "Registered associate soil scientist" means an individual who is registered as an associate soil scientist under IC 25-31.5-4.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-1-6

"Registered professional soil scientist"

Sec. 6. "Registered professional soil scientist" means an individual who is registered as a professional soil scientist under IC 25-31.5-4.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-1-7

"Registered soil scientist"

Sec. 7. "Registered soil scientist" means:

(1) a registered professional soil scientist; or

(2) a registered associate soil scientist.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-1-8

"Registration"

Sec. 8. "Registration" means the act of registering a professional soil scientist or an associate soil scientist under IC 25-31.5-4.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-1-9

"Soil"

Sec. 9. "Soil" means the unconsolidated mineral or organic matter on the surface of the earth that has been subjected to and influenced by genetic and environmental factors of parent material, climate (including water and temperature effects), microorganisms, and topography, all acting over time and producing a product that differs from the material from which it is derived in many physical, chemical, biological, and morphological properties and characteristics.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-1-10

"Soil science"

Sec. 10. "Soil science" means the observation, identification, description, classification, mapping, evaluation, experimental investigation, and theoretical explanation of soils.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-1-11

"Soil scientist"

Sec. 11. "Soil scientist" means an individual who, by the individual's knowledge of the principles of soil science acquired by professional education and practical experience, is qualified to practice soil science.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-1-12
"State chemist"

Sec. 12. "State chemist" refers to the state chemist appointed under IC 15-16-2-24.

As added by P.L.244-2001, SEC.1. Amended by P.L.2-2008, SEC.65.

IC 25-31.5-2

Chapter 2. Board of Registration for Soil Scientists

IC 25-31.5-2-1

Establishment of board

Sec. 1. The Indiana board of registration for soil scientists is established. The board shall administer this article.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-2-2

Qualifications of members

Sec. 2. Each member of the board must be:

(1) a resident of Indiana; and

(2) appointed by the governor.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-2-3

Members

Sec. 3. The board consists of the following five (5) members:

(1) Four (4) soil scientists who, at the time of appointment, include:

(A) one (1) member from federal, state, or local government;

(B) one (1) member involved in education in a teaching, a research, or an extension context; and

(C) two (2) members from industry or the private practice of soil science who are registered professional soil scientists in Indiana.

(2) One (1) member who represents the public at large and is not associated with soil science other than as a consumer.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-2-4

Terms of members

Sec. 4. (a) Each board member serves a term of four (4) years.

(b) A board member may serve until the member's successor is appointed and qualified under this chapter.

(c) A board member may not serve more than two (2) consecutive terms.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-2-5

Removal of members; vacancies

Sec. 5. (a) The governor may remove a board member for cause.

(b) A vacancy in the membership of the board is filled by appointment by the governor for the unexpired term.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-2-6

Quorum

Sec. 6. Three (3) members of the board constitute a quorum.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-2-7
Majority vote required

Sec. 7. The affirmative vote of a majority of the total membership of the board is required for the board to take action on any matter.
As added by P.L.244-2001, SEC.1.

IC 25-31.5-2-8
Chairperson; secretary

Sec. 8. Each year the board shall elect from its members a chairperson and a secretary.
As added by P.L.244-2001, SEC.1.

IC 25-31.5-2-9
Travel expenses

Sec. 9. A member of the board is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). However, the member is entitled to reimbursement for travel expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.
As added by P.L.244-2001, SEC.1.

IC 25-31.5-3

Chapter 3. Duties and Powers of the Board

IC 25-31.5-3-1

Meetings

Sec. 1. (a) The board shall meet:

(1) at least one (1) time each calendar year; and

(2) at other times when:

(A) the chairperson; or

(B) a quorum of the board;

considers a meeting necessary.

(b) Members of the board must be notified of the date, time, and location of a meeting of the board at least ten (10) days before the meeting.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-3-2

Determination of costs; adjustment of fees

Sec. 2. Each year the board shall:

(1) determine the cost incurred in administering the program for the registration of soil scientists under this article; and

(2) if necessary, adjust the amount of the:

(A) registration fee charged under IC 25-31.5-4-10; and

(B) renewal fee charged under IC 25-31.5-6-3;

to ensure that the program is self-supporting.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-3-3

Determination of qualifications of applicants

Sec. 3. (a) The board shall determine the qualifications of applicants for registration.

(b) The board shall:

(1) require an applicant for registration to submit evidence of the applicant's qualifications; and

(2) judge an applicant on evidence of the applicant's professional competency and integrity under rules adopted by the board.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-3-4

Code of professional conduct

Sec. 4. (a) The board may adopt rules under IC 4-22-2 to establish a code of professional conduct for registered soil scientists.

(b) If the board adopts or amends a code of professional conduct under subsection (a), the board shall mail a copy of the code and any amendments to all individuals listed on the roster published under section 7 of this chapter.

(c) A mailing under this section constitutes service for purposes of this article.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-3-5
Legal adviser; private counsel

Sec. 5. (a) The attorney general shall act as legal adviser to the board and provide any legal assistance necessary to carry out this article.

(b) The board may employ private counsel at the expense of the board.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-3-6
Contracts with state chemist

Sec. 6. (a) The board shall enter into a contract with the state chemist under which:

(1) the state chemist provides:
(A) clerical support;
(B) administrative support for the soil scientist registration fund established in section 9 of this chapter;
(C) record keeping services; and
(D) office space;
to the board; and
(2) the board pays compensation to the state chemist at a rate and at intervals set by the contract.

(b) The contract entered into under this section may include provisions under which the state chemist, in exchange for compensation, fills needs of the board other than those described in subsection (a)(1).

As added by P.L.244-2001, SEC.1.

IC 25-31.5-3-7
Roster of registered soil scientists

Sec. 7. (a) Each year the board shall publish a roster that includes the names, addresses, and places of business of all registered soil scientists.

(b) Copies of the roster published under subsection (a) must be:
(1) made available to each registered soil scientist; and
(2) furnished to members of the public upon request.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-3-8
Adoption of rules

Sec. 8. The board may adopt rules under IC 4-22-2 that are consistent with this article and reasonably required for the conduct of the board's responsibilities and duties.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-3-9
Soil scientist registration fund

Sec. 9. (a) The soil scientist registration fund is established as a separate fund in the Purdue University treasury to carry out the purposes of this article. The fund is administered by the board.

(b) The sources of money for the fund are the:

(1) registration fees paid under IC 25-31.5-4-10; and

(2) renewal fees paid under IC 25-31.5-6-3.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The state chemist shall collect all money paid under this article and deposit the money in the fund.

(e) If required by the board, the state chemist shall obtain a surety bond conditioned upon the faithful performance of the state chemist's duties for the board in an amount determined by the board. The bond must be issued by a surety company authorized to transact business in Indiana. All costs of the surety bond shall be paid from money in the fund.

(f) The Purdue University treasurer shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments must be deposited in the fund.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-4

Chapter 4. Requirements for Registration as a Professional Soil Scientist or an Associate Soil Scientist

IC 25-31.5-4-1

Qualifications of professional soil scientists

Sec. 1. To qualify for registration as a professional soil scientist under this chapter, an applicant must:

(1) satisfy the education requirement described in section 2 of this chapter;

(2) pass the examinations described in section 3 of this chapter;

(3) satisfy the work requirement described in section 4 of this chapter; and

(4) pay the registration fee described in section 10 of this chapter.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-4-2

Educational requirements

Sec. 2. (a) The education requirement for registration as a professional soil scientist consists of a bachelor's degree or advanced degree in soil science or a closely allied field in which the curriculum includes the following:

(1) At least fifteen (15) semester hours of course work in the soil sciences, including at least three (3) semester hours in courses that emphasize the field study of soils, such as soil genesis, morphology, classification, interpretation, and mapping.

(2) At least forty-five (45) semester hours of course work in supporting sciences, including biology, chemistry, crop science, engineering, geology, mathematics, physics, and statistics.

(b) The board shall determine which courses fulfill the requirements set forth in subsection (a)(1).

(c) The board shall specify the minimum number of credits in each type of supporting science needed to satisfy the requirement described in subsection (a)(2).

(d) If course credits used by an applicant to qualify for registration are in units other than semester hours, the board shall use the most generally accepted factor to convert the units to semester hour equivalents.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-4-3

Examinations

Sec. 3. The board shall require an applicant for registration as a professional soil scientist to pass:

(1) a written examination designed to demonstrate whether the applicant has the necessary knowledge and skill to exercise the responsibilities of the public practice of soil science; and

(2) an examination that evaluates field skills in soil morphology

and landscape analysis.
As added by P.L.244-2001, SEC.1.

IC 25-31.5-4-4
Work requirement

Sec. 4. (a) The work requirement for registration as a professional soil scientist consists of three (3) years of professional experience in soil science.

(b) Experience obtained while working on an advanced degree does not qualify toward the satisfaction of the work requirement of subsection (a). However, the board may allow up to:

(1) one (1) year of work credit for a master's degree; and

(2) two (2) years of work credit for a doctorate.

(c) The board shall:

(1) evaluate all work experience claimed by an applicant to satisfy the work requirement under this section; and

(2) determine the amount of work credit to grant each applicant.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-4-5
Eligibility of associate soil scientists to become professional soil scientists

Sec. 5. A registered associate soil scientist who satisfies the work requirement of section 4 of this chapter is eligible to become a registered professional soil scientist.
As added by P.L.244-2001, SEC.1.

IC 25-31.5-4-6
Qualifications of associate soil scientists

Sec. 6. (a) To qualify for registration as an associate soil scientist under this chapter, an individual must:

(1) satisfy the education requirement described in section 2 of this chapter;

(2) pass the examinations described in section 3 of this chapter; and

(3) pay the registration fee described in section 10 of this chapter.

(b) An individual is not required to satisfy the work requirement described in section 4 of this chapter in order to qualify for registration as an associate soil scientist.

(c) The board may establish a maximum period during which an individual may be registered as an associate soil scientist.
As added by P.L.244-2001, SEC.1.

IC 25-31.5-4-7
Documentation required

Sec. 7. The board may require an applicant for registration under this chapter to provide documentation of competency and integrity.
As added by P.L.244-2001, SEC.1.

IC 25-31.5-4-8
Reciprocity

Sec. 8. Upon application by the individual, the board may allow the registration under this chapter of an individual who is registered as a soil scientist in a state that, as determined by the board, has standards for registration at least equal to those of this chapter.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-4-9
Requests for administrative review

Sec. 9. An individual who:

(1) seeks registration under this chapter; and

(2) is aggrieved by a determination of the board under this chapter;

may request administrative review under IC 25-31.5-9.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-4-10
Registration fees

Sec. 10. (a) An individual applying for registration under this chapter must pay a nonrefundable registration fee in an amount established by rules adopted by the board under IC 4-22-2.

(b) All registration fees collected under this section shall be deposited in the soil scientist registration fund established by IC 25-31.5-3-9.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-5

Chapter 5. Certificates; Seal or Stamp

IC 25-31.5-5-1

Registration certificates

Sec. 1. (a) Upon receipt of the registration fee required by IC 25-31.5-4-10, the board shall issue a registration certificate to an applicant who, in the opinion of the board, satisfies all the requirements for registration under IC 25-31.5-4.

(b) Each certificate must show the full name of the board.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-5-2

Prima facie evidence of rights and privileges

Sec. 2. The issuance of a registration certificate to a professional soil scientist by the board is prima facie evidence that the individual named on the certificate is entitled to all rights and privileges of a registered professional soil scientist while the certificate remains in force.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-5-3

Replacement certificates

Sec. 3. A replacement certificate, subject to the rules of the board, may be issued to replace a certificate that has been lost, destroyed, or mutilated.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-5-4

Seal or stamp of registration

Sec. 4. Each registered professional soil scientist may obtain and use a seal or stamp of registration. The design of the seal or stamp must:

(1) be authorized by the board; and

(2) contain:

(A) the soil scientist's name and registration number; and

(B) the legend "Registered Professional Soil Scientist".

As added by P.L.244-2001, SEC.1.

IC 25-31.5-5-5

Suspension or revocation of certificate

Sec. 5. After a soil scientist's registration is suspended or revoked, the soil scientist may not:

(1) affix the soil scientist's signature, stamp, or seal to a soil science report or document; or

(2) certify a soil science report or document;

unless the registration has been renewed, reissued, or reinstated.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-6

Chapter 6. Renewal of Certificates; Continuing Education

IC 25-31.5-6-1

Expiration of certificate

Sec. 1. A registration certificate issued under IC 25-31.5-5 expires three (3) years after it is issued, at a time and date designated by the board.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-6-2

Continuing education requirements

Sec. 2. The board shall adopt rules under IC 4-22-2 establishing continuing education requirements that must be met for the renewal of registration certificates. The requirements established by the board must involve the description and evaluation of soils in the field.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-6-3

Renewal fees

Sec. 3. (a) An individual applying for the renewal of a certificate of registration under this chapter must pay a nonrefundable renewal fee in an amount established by rules adopted by the board under IC 4-22-2.

(b) All renewal fees collected by the board under this section shall be deposited in the soil scientist registration fund established by IC 25-31.5-3-9.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-6-4

Notices

Sec. 4. The board shall notify each individual registered under this article of:

(1) the date of expiration of the individual's certificate; and

(2) the amount of the renewal fee established by the board.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-6-5

Suspension for nonpayment of renewal fee

Sec. 5. If an individual fails to pay the renewal fee within ninety (90) days after the expiration date established by the board under this chapter, the board shall:

(1) suspend the individual's registration under this article; and

(2) delete the individual's name from the roster published under IC 25-31.5-3-7;

until the renewal fee is paid.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-6-6

Revocation for nonpayment of renewal fee

Sec. 6. (a) If an individual fails to pay the renewal fee for two (2) consecutive years, the board shall revoke the individual's certificate of registration.

(b) If an individual whose certificate has been revoked under subsection (a) desires to be reregistered, the individual:

(1) must submit an application to the board; and

(2) shall be considered as a new applicant.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-7

Chapter 7. Activities Prohibited to Individuals Who Are Not Registered Professional Soil Scientists

IC 25-31.5-7-1

Prohibitions

Sec. 1. An individual who is not a registered professional soil scientist may not:

(1) use; or

(2) assume or advertise in any way;

a title or description tending to convey the impression that the individual is a registered professional soil scientist.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-8

Chapter 8. Proceedings Against a Registered Soil Scientist

IC 25-31.5-8-1

Investigations

Sec. 1. The board may investigate:

(1) a suspected violation by a registered soil scientist of:

(A) a code of professional conduct adopted under IC 25-31.5-3-4; or

(B) other rules of the board concerning professional competency and integrity; or

(2) other grounds for action against a registered soil scientist under this chapter.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-8-2

Complaints by board

Sec. 2. (a) The board may file a complaint to impose conditions on, suspend, or revoke the registration of a soil scientist.

(b) The soil scientist to whom a complaint is addressed may:

(1) agree to the terms of the complaint; or

(2) within twenty (20) days after receiving the complaint, request an informal review of the complaint before the board.

(c) The failure of a registered soil scientist to request an informal review under subsection (b)(2) constitutes an agreement to the terms of the complaint.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-8-3

Complaints by private individuals or organizations

Sec. 3. (a) An individual or organization may bring a complaint of fraud, deceit, gross negligence, or misconduct against a registered soil scientist.

(b) A complaint brought under subsection (a) must be:

(1) in writing;

(2) sworn to by:

(A) the individual; or

(B) an officer of the organization;

making the complaint; and

(3) filed with the board within two (2) years after the incident alleged in the complaint.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-8-4

Proceedings; rules; determinations

Sec. 4. (a) The board shall consider:

(1) a request for an informal review of a complaint brought under section 2 of this chapter; or

(2) a complaint brought under section 3 of this chapter;

during a meeting of the board.

(b) The board may adopt rules under IC 4-22-2 to compel a registered soil scientist to respond to matters that relate to a complaint under section 2 of this chapter or a complaint brought under section 3 of this chapter.

(c) The board may adopt rules under IC 4-22-2 establishing procedures for the conduct of a meeting under this section, including the subpoena of witnesses and documents.

(d) A meeting held under this section shall be conducted in an informal manner. However, the board shall keep a written record of the proceeding.

(e) As soon as possible following a meeting under this section, the board shall:

(1) terminate its proceedings on the complaint under section 2 of this chapter or the complaint brought under section 3 of this chapter; or

(2) provide notice under IC 4-21.5-3-6 of a determination to impose conditions on, suspend, or revoke the registration of the professional soil scientist.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-8-5
Effect of determinations

Sec. 5. A registered soil scientist who receives a determination under section 4 of this chapter shall:

(1) comply with the terms of the determination; or

(2) request administrative review under IC 25-31.5-9.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-8-6
Disciplinary actions

Sec. 6. (a) The board may:

(1) suspend the registration of;

(2) refuse to renew the registration of;

(3) revoke the registration of;

(4) reprimand; or

(5) place on probation;

a registered soil scientist for any grounds set forth in subsection (b).

(b) The board may take action under subsection (a) against a registered soil scientist who is found to have:

(1) committed fraud or deceit in obtaining registration under this article;

(2) committed gross negligence, incompetence, or misconduct in the public practice of soil science;

(3) been convicted by a court of law of:

(A) a felony; or

(B) a crime involving moral turpitude;

(4) committed a violation of a code of professional conduct adopted by the board under IC 25-31.5-3-4; or

(5) committed an unlawful act set forth in section 7 of this chapter.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-8-7
Criminal violations

Sec. 7. An individual who knowingly or intentionally does any of the following commits a Class B misdemeanor:

(1) Falsely professes to be a registered professional soil scientist in violation of IC 25-31.5-7.

(2) Presents or attempts to use as one's own the registration or seal of another.

(3) Gives false or forged evidence to:

(A) the board; or

(B) a member of the board;

to obtain registration.

(4) Falsely impersonates another soil scientist.

(5) Uses or attempts to use a certificate of registration that is suspended, revoked, or expired.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-9

Chapter 9. Administrative Review and Judicial Review

IC 25-31.5-9-1

Administrative review of determination

Sec. 1. If requested, an administrative review of a determination made by the board under IC 25-31.5-3, IC 25-31.5-4, or IC 25-31.5-8 shall be conducted before an administrative law judge appointed by the natural resources commission or the director of the division of hearings under IC 14-10-2-2.

As added by P.L.244-2001, SEC.1. Amended by P.L.99-2005, SEC.6.

IC 25-31.5-9-2

Parties

Sec. 2. The parties to the proceeding include:

(1) the individual seeking administrative review of the determination by the board; and

(2) the board.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-9-3

Authority of administrative law judge

Sec. 3. An administrative law judge appointed under section 1 of this chapter is the ultimate authority for the board for purposes of IC 4-21.5-3-27, and the order of the administrative law judge disposing of a proceeding is final.

As added by P.L.244-2001, SEC.1.

IC 25-31.5-9-4

Judicial review

Sec. 4. A party who is dissatisfied with a final order rendered by an administrative law judge in a proceeding under this chapter may obtain judicial review of the final order under IC 4-21.5-5.

As added by P.L.244-2001, SEC.1.

IC 25-32

ARTICLE 32. ENVIRONMENTAL HEALTH SPECIALISTS

IC 25-32-1

Repealed

(*Repealed by P.L.84-2010, SEC.102.)*

IC 25-33

ARTICLE 33. PSYCHOLOGISTS

IC 25-33-1

Chapter 1. Regulation of Psychologists; Creation of Board

IC 25-33-1-1

Repealed

(*Repealed by P.L.140-1993, SEC.20.)*

IC 25-33-1-1.1

Exempt persons

Sec. 1.1. (a) Subject to subsection (b), this article exempts a person who does not profess to be a psychologist and who is:

(1) a licensed marriage and family therapist;

(2) a licensed social worker or a licensed clinical social worker;

(3) a licensed mental health counselor;

(4) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;

(5) a licensed or certified health care professional;

(6) a licensed attorney;

(7) a student, an intern, or a trainee pursuing a course of study in psychology in an accredited postsecondary educational institution or training institution if the psychology activities are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision as determined by the board;

(8) an employee of or a volunteer for a nonprofit corporation or an organization performing charitable, religious, or educational functions, providing pastoral counseling or other assistance; or

(9) any other certified or licensed professional.

(b) To be exempt under this article, a person described under subsection (a)(1), (a)(2), (a)(3), (a)(5), (a)(6), (a)(7) or (a)(9) must provide services:

(1) within the scope of the person's practice, license, education, and training; and

(2) according to any applicable ethical standards of the person's profession.

As added by P.L.140-1993, SEC.7. Amended by P.L.184-1997, SEC.1; P.L.2-2007, SEC.343; P.L.197-2007, SEC.87.

IC 25-33-1-2

Definitions

Sec. 2. (a) As used in this article:

"Appraisal instrument" means:

(1) a career and occupational instrument;

(2) an adaptive behavioral and symptom screening checklist; or

(3) an inventory of interests and preferences;

that is administered for the purpose of counseling individuals to cope with or adapt to changing life situations or to situations that are due

to problems in living. The term includes marital, relational, communicational, parent and child, family system assessment instruments, and employment counseling.

"Board" means the state psychology board.

"Person" means an individual, firm, partnership, association, or corporation.

"Practice of psychology" includes the following:

(1) Construction, administration, and interpretation of tests of intellectual and cognitive abilities, aptitudes, skills, interests, attitudes, personality characteristics, perception, emotion, motivation, and opinion.

(2) Diagnosis and treatment of mental and behavioral disorders by a health service provider in psychology.

(3) Educational and vocational planning and guidance.

(4) Personnel selection and management.

(5) Arrangement of effective work and learning situations.

(6) Resolution of interpersonal and social conflicts.

(7) Techniques used in interviewing, counseling, psychotherapy, and behavior modification of individuals or groups.

(8) Supervision of psychological services.

(9) Teaching of any of the practices listed in this subsection.

(10) The planning and conduct of research on human behavior.

"Psychological services" means acts or behaviors coming within the purview of the practice of psychology (as defined in this article).

"Recognized postsecondary educational institution" means any college, university, school, or similar educational establishment approved by the board for the purposes of this article.

"Agency" means the Indiana professional licensing agency under IC 25-1-5.

"Approved organization" means any organization or individual approved by the board.

"Continuing education course" means an orderly process of instruction that is designed to directly enhance the practicing psychologist's knowledge and skill in providing relevant psychological services, and that is approved by an approved organization.

(b) Nothing in this article shall be construed as permitting individuals licensed as psychologists to engage in any manner in the practice of medicine or optometry (as defined in the laws of this state).

(c) Nothing in this article shall be construed as permitting a psychologist to prescribe medication, unless a psychologist is participating in a federal government sponsored training or treatment program. An individual licensed as a psychologist may not prescribe medication unless the individual is a practitioner (as defined under IC 16-42-19-5).

(Formerly: Acts 1969, c.416, s.2.) As amended by Acts 1981, P.L.222, SEC.243; P.L.249-1985, SEC.1; P.L.169-1985, SEC.95; P.L.149-1987, SEC.94; P.L.140-1993, SEC.8; P.L.184-1997, SEC.2;

P.L.1-2006, SEC.477; P.L.2-2007, SEC.344.

IC 25-33-1-3
Creation of board; powers and duties; expenses

Sec. 3. (a) There is created a board to be known as the "state psychology board". The board shall consist of seven (7) members appointed by the governor. Six (6) of the board members shall be licensed under this article and shall have had at least five (5) years of experience as a professional psychologist prior to their appointment. The seventh member shall be appointed to represent the general public, must be a resident of this state, must never have been credentialed in a mental health profession, and must in no way be associated with the profession of psychology other than as a consumer. All members shall be appointed for a term of three (3) years. All members may serve until their successors are duly appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. The member so appointed shall serve for the unexpired term of the vacating member. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the state budget agency.

(b) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. Such officers shall serve for a term of one (1) year. The board shall meet at least once in each calendar year and on such other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

(c) The board is empowered to do the following:

(1) Establish reasonable application, examination, and renewal procedures and set fees for licensure under this article. However, no fee collected under this article shall, under any circumstances, be refunded.

(2) Adopt and enforce rules concerning assessment of costs in disciplinary proceedings before the board.

(3) Establish examinations of applicants for licensure under this article and issue, deny, suspend, revoke, and renew licenses.

(4) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals licensed or not licensed under this article, concerning alleged violation of this article, under procedures conducted in accordance with IC 4-21.5.

(5) Initiate the prosecution and enjoinder of any person violating this article.

(6) Adopt rules which are necessary for the proper performance of its duties, in accordance with IC 4-22-2.

(7) Establish a code of professional conduct.

(d) The board shall adopt rules establishing standards for the competent practice of psychology.

(e) All expenses incurred in the administration of this article shall be paid from the general fund upon appropriation being made in the manner provided by law for the making of such appropriations.

(f) The bureau shall do the following:

(1) Carry out the administrative functions of the board.

(2) Provide necessary personnel to carry out the duties of this article.

(3) Receive and account for all fees required under this article.

(4) Deposit fees collected with the treasurer of state for deposit in the state general fund.

(g) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

(1) license or certification; and

(2) training or credentials.

(Formerly: Acts 1969, c.416, s.3.) As amended by Acts 1976, P.L.119, SEC.26; Acts 1977, P.L.172, SEC.49; Acts 1979, P.L.17, SEC.50; Acts 1981, P.L.222, SEC.244; P.L.249-1985, SEC.2; P.L.149-1987, SEC.95; P.L.140-1993, SEC.9; P.L.184-1997, SEC.3; P.L.1-2005, SEC.196; P.L.246-2005, SEC.211; P.L.1-2006, SEC.478; P.L.197-2007, SEC.88.

IC 25-33-1-4

Application for license

Sec. 4. (a) Application for a license issued under this article shall be made to the board on such form and in such manner as the board shall prescribe. The applicant shall furnish satisfactory evidence of qualifications that are required under this article or by the board. Each applicant shall be notified in writing of the board's decision concerning the applicant's application within thirty (30) days after a decision has been reached.

(b) Upon approval by the board of an applicant's application for examination, a temporary license shall be issued by the board and shall be in force until the board has notified the applicant of the applicant's examination results. If an applicant fails to take the next scheduled examination, the applicant's temporary license is revoked without further action by the board. A temporary license may be issued only for an applicant's first application.

(c) The board may adopt rules under section 3 of this chapter establishing additional requirements for any applicant who has failed the examination three (3) or more times.

(Formerly: Acts 1969, c.416, s.4.) As amended by P.L.249-1985, SEC.3; P.L.149-1987, SEC.96; P.L.140-1993, SEC.10.

IC 25-33-1-4.5

Limited scope temporary psychology permit

Sec. 4.5. (a) A person who:

(1) is licensed to practice psychology by any board or licensing agency of another state or jurisdiction; and

(2) meets the requirements established by the board;

may be issued a temporary psychology permit limited by terms and conditions considered appropriate by the board. A limited scope temporary psychology permit issued under this subsection is valid for a nonrenewable period of not more than thirty (30) days. A psychologist may practice under a limited scope psychology permit not more than thirty (30) days every two (2) years.

(b) The board may adopt rules under section 3 of this chapter establishing requirements for limited scope temporary psychology permits.

(c) An individual who holds a limited scope temporary psychology permit under this section may be disciplined by the board under IC 25-1-9.

As added by P.L.157-2006, SEC.69.

IC 25-33-1-5
Repealed

(*Repealed by P.L.249-1985, SEC.18.)*

IC 25-33-1-5.1
Issuance of license; endorsement as health service provider in psychology; preceptorship program

Sec. 5.1. (a) Except as provided in section 5.3 of this chapter, the board shall issue a license to an individual who meets the following requirements:

(1) Applies to the board in the form and manner prescribed by the board under section 3 of this chapter.

(2) Is at least eighteen (18) years of age.

(3) Has not been convicted of a crime that has a direct bearing upon the applicant's ability to practice competently.

(4) Possesses a doctoral degree in psychology:

(A) granted from a recognized postsecondary educational institution; and

(B) from a degree program approved by the board as a psychology program at the time the degree was conferred.

(5) Is not in violation of this chapter or rules adopted by the board under section 3 of this chapter.

(6) Has paid the fee set by the board under section 3 of this chapter.

(7) Has passed the examination required and administered by the board.

(b) If an applicant has been disciplined by a licensing agency in another state or jurisdiction on the ground that the applicant was unable to competently practice psychology, the applicant must submit proof, satisfactory to the board, that the reasons for disciplinary sanction by the other licensing agency are no longer valid.

(c) The board shall endorse as a health service provider in

psychology an individual who:

(1) has a doctoral degree in clinical psychology, counseling psychology, school psychology, or another applied health service area of psychology;

(2) is licensed under this section, section 5.3, or section 9 of this chapter;

(3) has at least two (2) years of experience in a health service setting that includes:

(A) one (1) year of experience that was obtained in an organized health service training program and at least one (1) year of experience that was obtained after the individual received the individual's doctoral degree in psychology; or

(B) upon the adoption by the board of a rule defining "sequential and organized", sequential and organized supervised professional experience in a health service setting in which one (1) year of experience was obtained in an organized health service training program; and

(4) complies with the continuing education requirements under IC 25-33-2.

(d) An individual who received a doctoral degree in clinical psychology, counseling psychology, school psychology, or other applied health service area in psychology before September 1, 1983, may satisfy one (1) year of the two (2) year supervised health setting experience requirement under subsection (c) by successfully completing a preceptorship program. The individual must apply in writing to the board and the board must approve the program. The preceptorship program must:

(1) consist of at least one thousand eight hundred (1,800) hours of clinical, counseling, or school psychology work experience;

(2) consist of at least one hundred (100) hours of direct supervision of the individual by a psychologist, at least fifty (50) hours of which must involve the diagnosis of mental and behavioral disorders and at least fifty (50) hours of which must involve the treatment of mental and behavioral disorders;

(3) be completed in a health service setting that provides services in the diagnosis and treatment of mental and behavioral disorders;

(4) be under the supervision of a psychologist who meets the requirements for endorsement under this section; and

(5) be completed within two (2) years after the date the program is started.

(e) If an individual applies to the board under subsection (d), the board shall apply each hour of work experience the individual completes after applying to the board and before the board approves the preceptorship program to the one thousand eight hundred (1,800) hour work experience requirement under subsection (d)(1).

As added by P.L.249-1985, SEC.4. Amended by P.L.149-1987, SEC.97; P.L.152-1988, SEC.27; P.L.96-1990, SEC.16; P.L.33-1993, SEC.68; P.L.140-1993, SEC.11; P.L.1-1994, SEC.128; P.L.2-2007, SEC.345; P.L.177-2009, SEC.57.

IC 25-33-1-5.3
Issuance of license

Sec. 5.3. The board shall issue a license to an individual who:

(1) holds a limited license under section 18 of this chapter;

(2) applies to the board in the form and manner prescribed by the board;

(3) pays a fee;

(4) passes an examination on the state or federal statutes, state rules, and federal regulations that the board determines by rule to be relevant to the practice of psychology; and

(5) has practiced psychology continuously since September 1, 1985.

As added by P.L.96-1990, SEC.17. Amended by P.L.140-1993, SEC.12.

IC 25-33-1-6
Repealed

(*Repealed by P.L.249-1985, SEC.18.)*

IC 25-33-1-7
Repealed

(*Repealed by P.L.249-1985, SEC.18.)*

IC 25-33-1-8
Repealed

(*Repealed by P.L.249-1985, SEC.18.)*

IC 25-33-1-9
Issuance of license by reciprocity; refusal to issue or issuance of probationary license; conditions

Sec. 9. (a) The board shall issue a license to practice psychology to an individual who:

(1) applies in the manner required by the board;

(2) pays a fee;

(3) is at least eighteen (18) years of age;

(4) has not been convicted of a crime that has a direct bearing on the individual's ability to practice competently;

(5) holds, at the time of application, a valid license or certificate as a psychologist from another state;

(6) possesses a doctoral degree from a recognized postsecondary educational institution;

(7) has successfully completed:

(A) a degree program that would have been approved by the board at the time the individual was licensed or certified in the other state; or

(B) if the individual was licensed or certified in the other state before July 1, 1969, a degree program that satisfied the educational requirements of the board in effect January 4, 1971;

(8) has practiced psychology continuously since being licensed

or certified;

(9) if the individual was licensed or certified by the other state:

(A) after September 30, 1972, has taken the Examination for the Professional Practice of Psychology and achieved the passing score required by the board at the time the examination was administered; or

(B) before January 1, 1990, and the other state required an examination other than the Examination for the Professional Practice of Psychology, and the individual achieved a passing score in the other state at the time of licensure or certification;

(10) has passed an examination administered by the board that covers Indiana law related to the practice of psychology; and

(11) is not in violation of this chapter or rules adopted under this chapter.

(b) The board may adopt rules under IC 4-22-2 concerning the issuance of a license under this section.

(Formerly: Acts 1969, c.416, s.9.) As amended by Acts 1982, P.L.154, SEC.113; P.L.249-1985, SEC.5; P.L.149-1987, SEC.98; P.L.152-1988, SEC.28; P.L.96-1990, SEC.18; P.L.33-1993, SEC.69; P.L.140-1993, SEC.13; P.L.1-1994, SEC.129; P.L.212-2005, SEC.62; P.L.2-2007, SEC.346.

IC 25-33-1-10

Renewal of license

Sec. 10. (a) A license issued under this article expires on the date established by the licensing agency under IC 25-1-5-4. A renewal fee established by the board under section 3 of this chapter must be paid by an applicant for renewal before the license expires.

(b) If the holder of an expired license fails to renew the license on or before the renewal date, the license expires and becomes invalid without any further action by the board.

(c) A license that expires and becomes invalid under this section may be renewed by the board not more than three (3) years after the date of the expiration of the license if the applicant meets the requirements under IC 25-1-8-6(c).

(d) If a license has been invalidated under this section for more than three (3) years, the holder of the license may have the license reinstated by meeting the requirements for reinstatement under IC 25-1-8-6(d).

(e) The board may adopt rules establishing requirements for reinstatement of a license invalidated for more than three (3) years under this section.

(f) An initial license issued under this article is valid for the remainder of the renewal period in effect on the date of issuance.

(g) The board may require a person who applies for a license under subsection (d) to appear before the board and explain the reason the person failed to renew the person's license.

(Formerly: Acts 1969, c.416, s.10.) As amended by Acts 1982, P.L.154, SEC.114; P.L.249-1985, SEC.6; P.L.149-1987, SEC.99;

P.L.48-1991, SEC.62; P.L.140-1993, SEC.14; P.L.269-2001, SEC.28; P.L.105-2008, SEC.61.

IC 25-33-1-11
Repealed
(*Repealed by P.L.249-1985, SEC.18.)*

IC 25-33-1-12
Prohibition against practice beyond psychologist's professional competence
Sec. 12. A psychologist shall not offer to render, or render, services which are beyond the scope of that psychologist's competence, as determined by training and experience. The psychologist who engages in the practice of psychology shall assist each client in obtaining professional help for all relevant aspects of the client's problem that fall outside the boundaries of the psychologist's own competence.
(Formerly: Acts 1969, c.416, s.12.) As amended by Acts 1982, P.L.154, SEC.116; P.L.249-1985, SEC.7.

IC 25-33-1-13
Repealed
(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-33-1-13.1
Repealed
(*Repealed by P.L.152-1988, SEC.30.)*

IC 25-33-1-14
Unlicensed practice prohibited
Sec. 14. (a) This section does not apply to an individual who is:
(1) a member of a teaching faculty, at a public or private postsecondary educational institution for the purpose of teaching, research, or the exchange or dissemination of information and ideas as an assigned duty of the institution;
(2) a commissioned psychology officer in the regular United States armed services;
(3) licensed by the department of education (established by IC 20-19-3-1) as a school psychologist and using the title "school psychologist" or "school psychometrist" as an employee of a school corporation; or
(4) endorsed as an independent practice school psychologist under IC 20-28-12.
(b) It is unlawful for an individual to:
(1) claim that the individual is a psychologist; or
(2) use any title which uses the word "psychologist", "clinical psychologist", "Indiana endorsed school psychologist", or "psychometrist", or any variant of these words, such as "psychology", or "psychological", or "psychologic";
unless that individual holds a valid license issued under this article

or a valid endorsement issued under IC 20-28-12.

(c) It is unlawful for any individual, regardless of title, to render, or offer to render, psychological services to individuals, organizations, or to the public, unless the individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12 or is exempted under section 1.1 of this chapter.

(d) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

(1) license or certification; and

(2) training or credentials.

(Formerly: Acts 1969, c.416, s.14.) As amended by Acts 1981, P.L.222, SEC.248; P.L.249-1985, SEC.9; P.L.149-1987, SEC.101; P.L.140-1993, SEC.15; P.L.153-1996, SEC.3; P.L.184-1997, SEC.4; P.L.1-2005, SEC.197; P.L.246-2005, SEC.212; P.L.2-2007, SEC.347; P.L.197-2007, SEC.89.

IC 25-33-1-15
Violations

Sec. 15. A person who violates section 14 of this chapter commits a Class A misdemeanor.

(Formerly: Acts 1969, c.416, s.15.) As amended by Acts 1978, P.L.2, SEC.2556; P.L.249-1985, SEC.10.

IC 25-33-1-16
Injunctions; contempt; criminal prosecution

Sec. 16. The attorney general, the prosecuting attorney, the board, or any citizen of any county where any person shall be engaged in the violation of this article, may, in accordance with the laws of the state of Indiana governing injunctions, maintain an action in the name of the state of Indiana to enjoin such person from continuing in violation of this article. Any person having been so enjoined who shall violate such injunctions shall be punished for contempt of court. An injunction issued under this section shall not relieve any such person from criminal prosecution thereof as provided for in this article, but such remedy by injunction shall be in addition to any remedy provided for the criminal prosecution of such offense.

(Formerly: Acts 1969, c.416, s.16.) As amended by Acts 1982, P.L.154, SEC.117; P.L.249-1985, SEC.11.

IC 25-33-1-17
Privileged communications; exceptions

Sec. 17. A psychologist licensed under this article may not disclose any information acquired from persons with whom the psychologist has dealt in a professional capacity, except under the following circumstances:

(1) Trials for homicide when the disclosure relates directly to the fact or immediate circumstances of said homicide.

(2) Proceedings the purpose of which is to determine mental competency, or in which a defense of mental incompetency is

raised.

(3) Actions, civil or criminal, against a psychologist for malpractice.

(4) Upon an issue as to the validity of a document such as a will of a client.

(5) If the psychologist has the expressed consent of the client or subject, or in the case of a client's death or disability, the express consent of the client's legal representative.

(6) Circumstances under which privileged communication is abrogated under the laws of Indiana.

(Formerly: Acts 1969, c.416, s.17.) As amended by Acts 1982, P.L.154, SEC.118; P.L.249-1985, SEC.12; P.L.140-1993, SEC.16.

IC 25-33-1-18

Issuance of limited license to holders of certificate under repealed section; restrictions; discipline

Sec. 18. (a) The state psychology board shall issue a limited license to practice psychology to any individual who held a basic certificate under IC 25-33-1-5 before its repeal on June 30, 1985.

(b) The holder of a basic certificate issued under IC 25-33-1-5, before its repeal on June 30, 1985, may not render or offer to render psychological services to any person for a fee under circumstances that the limited license holder assumes full responsibility and liability for the conduct and conditions of the offered services.

(c) An individual who holds a limited license under this section may be disciplined by the board under IC 25-1-9.

As added by P.L.149-1987, SEC.102. Amended by P.L.152-1988, SEC.29; P.L.140-1993, SEC.17.

IC 25-33-2

Chapter 2. Continuing Education

IC 25-33-2-1

Application

Sec. 1. This chapter applies only to a licensed psychologist who has received a health service provider endorsement under IC 25-33-1-5.1(c).

As added by P.L.140-1993, SEC.18.

IC 25-33-2-2

Required hours and courses

Sec. 2. (a) Except as provided in subsection (b), a licensed psychologist must complete at least forty (40) hours of continuing education courses each license period.

(b) A psychologist who has been licensed for less than two (2) years preceding the application for renewal must complete the number of credit hours established by the board.

(c) During a license period, a psychologist may not earn more than twenty (20) credit hours toward the requirements under this section for continuing education courses that include the following:

(1) Journal clubs, colloquia, invited speaker sessions, in-house seminars, and case conferences that are specifically designed for training or teaching.

(2) Programs offered at professional or scientific meetings that are relevant to psychology.

(3) Individualized learning, including approved audio and video instructional programs and formal professional supervision. Individualized learning does not include administrative supervision.

(d) During a license period, a psychologist must earn at least twenty (20) credit hours toward the requirements under this section for continuing education courses that include the following:

(1) Formally organized courses.

(2) Workshops.

(3) Seminars.

(4) Symposia.

(5) Post doctoral institutes.

(6) Home study programs, including approved computer, audio, and video instructional programs, designed by board approved organizations and subject to board verification and approval procedures, not to exceed ten (10) credit hours per license period.

As added by P.L.140-1993, SEC.18. Amended by P.L.177-1997, SEC.4.

IC 25-33-2-3

Repealed

(*Repealed by P.L.157-2006, SEC.76.)*

IC 25-33-2-4
Compliance with chapter

Sec. 4. The board and licensed psychologists shall comply with the requirements concerning continuing education under IC 25-1-4.
As added by P.L.140-1993, SEC.18. Amended by P.L.269-2001, SEC.29; P.L.157-2006, SEC.70.

IC 25-33-2-5
Monitoring of courses; rules

Sec. 5. (a) A member of the board may attend or monitor a continuing education course.

(b) An approved organization shall provide the board with course information or materials requested by the board.

(c) The board shall adopt rules under IC 4-22-2 to implement this chapter.
As added by P.L.140-1993, SEC.18.

IC 25-34

ARTICLE 34. REPEALED

(*Repealed by Acts 1979, P.L.248, SEC.2.)*

IC 25-34.1

ARTICLE 34.1. REAL ESTATE BROKERS AND SALESPERSONS

IC 25-34.1-1

Chapter 1. Definitions and General Provisions

IC 25-34.1-1-1 Version a

Short title

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 1. This article shall be known as the "Real Estate Broker and Salesperson Licensing Act."

As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-1-1 Version b

Short title

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 1. This article shall be known as the "Real Estate Broker Licensing Act."

As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.127-2012, SEC.6.

IC 25-34.1-1-2 Version a

Definitions

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 2. As used in this article:

(1) "Person" means an individual, a partnership, a corporation, or a limited liability company.

(2) "Commission" means the Indiana real estate commission.

(3) "Real estate" means any right, title, or interest in real property.

(4) "Broker" means a person who, for consideration, sells, buys, trades, exchanges, options, leases, rents, manages, lists, or appraises real estate or negotiates or offers to perform any of those acts.

(5) "Salesperson" means an individual, other than a broker, who, for consideration and in association with and under the auspices of a broker, sells, buys, trades, exchanges, options, leases, rents, manages, or lists real estate or negotiates or offers to perform any of those acts.

(6) "Broker-salesperson" means an individual broker who is acting in association with and under the auspices of another broker.

(7) "Principal broker" means a broker who is not acting as a broker-salesperson.

(8) "License" means a broker or salesperson license issued

under this article and which is not expired, suspended, or revoked.

(9) "Licensee" means a person who holds a license issued under this article. The term does not include a person who holds a real estate appraiser license or certificate issued under the real estate appraiser licensure and certification program established under IC 25-34.1-3-8.

(10) "Course approval" means approval of a broker or salesperson course granted under this article which is not expired, suspended, or revoked.

(11) "Licensing agency" means the Indiana professional licensing agency established by IC 25-1-5-3.

(12) "Board" refers to the real estate appraiser licensure and certification board established under IC 25-34.1-8-1.

(13) "Commercial real estate" means a parcel of real estate other than real estate containing one (1) to four (4) residential units. This term does not include single family residential units such as:

(A) condominiums;

(B) townhouses;

(C) manufactured homes; or

(D) homes in a subdivision;

when sold, leased, or otherwise conveyed on a unit-by-unit basis, even if those units are part of a larger building or parcel of real estate containing more than four (4) residential units.

(14) "Out-of-state commercial broker" includes a person, a partnership, an association, a limited liability company, a limited liability partnership, or a corporation that is licensed to do business as a broker in a jurisdiction other than Indiana.

(15) "Out-of-state commercial salesperson" includes a person affiliated with an out-of-state commercial broker who is not licensed as a salesperson under this article.

As added by Acts 1979, P.L.248, SEC.1. Amended by Acts 1982, P.L.113, SEC.79; P.L.132-1984, SEC.42; P.L.186-1990, SEC.11; P.L.183-1991, SEC.5; P.L.128-1994, SEC.1; P.L.64-2004, SEC.16; P.L.2-2005, SEC.71; P.L.1-2006, SEC.479.

IC 25-34.1-1-2 Version b

Definitions

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 2. As used in this article:

(1) "Person" means an individual, a partnership, a corporation, or a limited liability company.

(2) "Commission" means the Indiana real estate commission.

(3) "Real estate" means any right, title, or interest in real property.

(4) "Broker" means a person who:

(A) for consideration, sells, buys, trades, exchanges, options, leases, rents, manages, lists, or appraises real estate or

negotiates or offers to perform any of those acts; and

(B) is acting in association with and under the auspices of a managing broker.

(5) "License" means a broker license issued under this article and which is not expired, suspended, or revoked.

(6) "Licensee" means a person who holds a license issued under this article. The term does not include a person who holds a real estate appraiser license or certificate issued under the real estate appraiser licensure and certification program established under IC 25-34.1-3-8.

(7) "Course approval" means approval of a broker course granted under this article which is not expired, suspended, or revoked.

(8) "Licensing agency" means the Indiana professional licensing agency established by IC 25-1-5-3.

(9) "Board" refers to the real estate appraiser licensure and certification board established under IC 25-34.1-8-1.

(10) "Commercial real estate" means a parcel of real estate other than real estate containing one (1) to four (4) residential units. This term does not include single family residential units such as:

(A) condominiums;

(B) townhouses;

(C) manufactured homes; or

(D) homes in a subdivision;

when sold, leased, or otherwise conveyed on a unit-by-unit basis, even if those units are part of a larger building or parcel of real estate containing more than four (4) residential units.

(11) "Out-of-state commercial broker" includes a person, a partnership, an association, a limited liability company, a limited liability partnership, or a corporation that is licensed to do business as a broker in a jurisdiction other than Indiana.

(12) "Out-of-state commercial salesperson" includes a person affiliated with an out-of-state commercial broker who is not licensed as a broker under this article.

(13) "Managing broker" refers to a broker whom the commission holds responsible for the actions of licensees who are affiliated with the managing broker.

As added by Acts 1979, P.L.248, SEC.1. Amended by Acts 1982, P.L.113, SEC.79; P.L.132-1984, SEC.42; P.L.186-1990, SEC.11; P.L.183-1991, SEC.5; P.L.128-1994, SEC.1; P.L.64-2004, SEC.16; P.L.2-2005, SEC.71; P.L.1-2006, SEC.479; P.L.127-2012, SEC.7.

IC 25-34.1-1-3

Nonconflicting rules to remain in effect

Sec. 3. All rules adopted under the former IC 25-34 and in effect on December 31, 1979, which are not in conflict with this article shall remain in effect under IC 25-34.1 until they are amended or repealed.

As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.3-1990,

SEC.91.

IC 25-34.1-1-4
Term of license

Effective 7-1-2014.

Sec. 4. Beginning July 1, 2014, licenses issued under this article are for a term of three (3) years.

As added by P.L.127-2012, SEC.8.

IC 25-34.1-2

Chapter 2. Creation of Commission

IC 25-34.1-2-1

Creation; qualification of members; appointment; term; vacancies

Sec. 1. (a) The Indiana real estate commission is created.

(b) The commission consists of the following:

(1) Nine (9) district members. Each Indiana congressional district must be represented by one (1) individual appointed under this subdivision.

(2) One (1) real estate member at large.

(3) Two (2) citizen members at large.

A member described in subdivision (1) must be a resident of the represented district for not less than one (1) year. A member described in subdivision (1) or (2) must have engaged in business as a license broker for not less than five (5) years. Citizen members at large shall be appointed to represent the general public, must be residents of Indiana, and must have never been associated with the real estate business in any way other than as a consumer.

(c) Each member of the commission shall be appointed by the governor and shall serve a four (4) year term. If a successor has not been appointed, the current member shall serve until a successor is appointed and qualified. If a vacancy occurs on the commission, the governor shall appoint an individual to serve the unexpired term of the previous member and until a successor is appointed and qualified.

(d) A member of the commission may not hold a state or federal elective office.

As added by Acts 1979, P.L.248, SEC.1. Amended by Acts 1981, P.L.222, SEC.259; P.L.170-2002, SEC.128.

IC 25-34.1-2-2

Officers; term; duties; executive director

Sec. 2. (a) The commission shall elect from its membership a chairman and a vice chairman. The chairman and vice chairman shall serve in that capacity for one (1) year and until a successor is elected. The chairman and vice chairman may serve consecutively no more than two (2) terms in that capacity. The chairman shall preside at all meetings. The vice chairman shall preside at meetings in the absence of the chairman and shall perform other duties as the chairman may direct.

(b) The licensing agency shall provide to the commission an executive director. The executive director may not be a member of the commission. The executive director shall:

(1) provide reasonable notice to all commission members of the time and place of each meeting;

(2) keep a record of all meetings, of all votes taken by the commission, and of all other proceedings, transactions, communications, official acts, and records of the commission;

(3) keep a current file of all licenses and licensees; and

(4) perform any other duties which the commission may

prescribe.

As added by Acts 1979, P.L.248, SEC.1. Amended by Acts 1982, P.L.113, SEC.80; P.L.132-1984, SEC.43.

IC 25-34.1-2-3

Meetings; time and place; quorum; written consent to action

Sec. 3. (a) The commission shall meet upon the call of the chairman or at the written request of any seven (7) members of the commission. The chairman shall establish the time and place of all meetings.

(b) A majority of the current members of the commission constitutes a quorum at a meeting for the purpose of transacting business. A majority vote of all members present at a meeting is necessary to bind the commission.

(c) Any action required or permitted to be taken at a meeting of the commission may be taken without a meeting if, prior to that action:

(1) a written consent to the action, either executed as a single document or in counterparts, is signed by all members of the commission; or

(2) all members orally consent to the action and subsequently confirm that consent in writing.

The written consent or confirmation shall set forth the action under consideration and shall be filed with the minutes of the meetings which are kept by the executive director. A written consent or a confirmed oral consent shall be treated for all purposes as a unanimous vote of the members and as though the vote had taken place at a regular meeting of the commission.

As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-2-4

Compensation of members; expenses

Sec. 4. (a) Each member is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b).

(b) Each member is entitled to reimbursement for traveling and other expenses, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

(c) The compensation and expenses of the commission members and the expenses of the commission shall be paid out of the general fund of the state.

As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-2-5

Powers of commission

Sec. 5. The commission may:

(1) administer and enforce the provisions of this article;

(2) adopt rules in accordance with IC 4-22-2 and prescribe forms for licenses, applications, and other documents which are necessary or appropriate for the administration and enforcement

of this article;

(3) issue, deny, suspend, and revoke licenses in accordance with this article, which licenses shall remain the property of the commission;

(4) subject to IC 25-1-7, investigate complaints concerning licensees or persons the commission has reason to believe should be licensees, including complaints respecting failure to comply with this article or the rules, and, when appropriate, take action pursuant to IC 25-34.1-6;

(5) bring actions, in the name of the state of Indiana, in an appropriate circuit court in order to enforce compliance with this article or the rules;

(6) inspect the records of a licensee in accordance with rules and standards prescribed by the commission;

(7) 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 in IC 4-21.5;

(8) adopt a seal containing the words "Indiana Real Estate Commission" and, through its executive director, certify copies and authenticate all acts of the commission;

(9) utilize counsel, consultants, and other persons who are necessary or appropriate to administer and enforce this article and the rules;

(10) enter into contracts and authorize expenditures that are necessary or appropriate, subject to IC 25-1-6, to administer and enforce this article and the rules;

(11) maintain the commission's office, files, records, and property in the city of Indianapolis;

(12) grant, deny, suspend, and revoke approval of examinations and courses of study as provided in IC 25-34.1-5;

(13) provide for the filing and approval of surety bonds which are required by IC 25-34.1-5;

(14) adopt rules in accordance with IC 4-22-2 necessary for the administration of the investigative fund established under IC 25-34.1-8-7.5;

(15) annually adopt emergency rules under IC 4-22-2-37.1 to adopt any or all parts of Uniform Standards of Professional Appraisal Practice (USPAP), including the comments to the USPAP, as published by the Appraisal Standards Board of the Appraisal Foundation, under the authority of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (12 U.S.C. 3331-3351);

(16) exercise other specific powers conferred upon the commission by this article; and

(17) adopt rules under IC 4-22-2 governing education, including prelicensing, postlicensing, and continuing education.

As added by Acts 1979, P.L.248, SEC.1. Amended by Acts 1981, P.L.222, SEC.260; P.L.7-1987, SEC.129; P.L.145-2003, SEC.8; P.L.177-2009, SEC.58; P.L.127-2012, SEC.9.

IC 25-34.1-2-5.1
Standards for competent practice; rules

Sec. 5.1. The commission shall adopt rules establishing standards for the competent practice of the various occupations regulated in this article.

As added by Acts 1981, P.L.222, SEC.261.

IC 25-34.1-2-6
Repealed

(*Repealed by P.L.57-2007, SEC.9.)*

IC 25-34.1-2-7 Version a
Report of funds; deposit; payment of expenses; fee for investigative fund

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 7. (a) Except as provided in subsection (b), all funds collected under this article shall, at the end of each month, be reported to the auditor of state and deposited with the treasurer of state for deposit in the general fund. All expenses incurred in the administration of this article shall be paid from the general fund.

(b) The commission shall establish a fee of not more than twenty dollars ($20) for real estate brokers and salespersons to provide funds for the purpose of administering and enforcing the provisions of this article, including investigating and taking enforcement action against real estate fraud and real estate appraisal fraud. All funds collected under this subsection shall be deposited in the investigative fund established by IC 25-34.1-8-7.5.

As added by P.L.57-2007, SEC.2.

IC 25-34.1-2-7 Version b
Report of funds; deposit; payment of expenses; fee for investigative fund

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 7. (a) Except as provided in subsection (b), all funds collected under this article shall, at the end of each month, be reported to the auditor of state and deposited with the treasurer of state for deposit in the general fund. All expenses incurred in the administration of this article shall be paid from the general fund.

(b) The commission shall establish a fee of not more than twenty dollars ($20) for real estate brokers to provide funds for the purpose of administering and enforcing the provisions of this article, including investigating and taking enforcement action against real estate fraud and real estate appraisal fraud. All funds collected under this subsection shall be deposited in the investigative fund established by IC 25-34.1-8-7.5.

As added by P.L.57-2007, SEC.2. Amended by P.L.127-2012, SEC.10.

IC 25-34.1-3
Chapter 3. Licensing

IC 25-34.1-3-1
Registration or license requirements; fees or charges

Sec. 1. Any agency or political subdivision of the state other than the commission may not impose any registration or license requirement or any license or employment fee or charge on licensees on account of activities defined in IC 25-34.1.
As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-3-2 Version a
Transactions without license; prohibition; exemption

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 2. (a) Except as provided in:
(1) subsection (b);
(2) section 8(i) of this chapter; and
(3) section 11 of this chapter;
no person shall, for consideration, sell, buy, trade, exchange, option, lease, rent, manage, list, or appraise real estate or negotiate or offer to perform any of those acts in Indiana or with respect to real estate situated in Indiana, without a license.

(b) This article does not apply to:
(1) acts of an attorney which constitute the practice of law;
(2) performance by a public official of acts authorized by law;
(3) acts of a receiver, executor, administrator, commissioner, trustee, or guardian, respecting real estate owned or leased by the person represented, performed pursuant to court order or a will;
(4) rental, for periods of less than thirty (30) days, of rooms, lodging, or other accommodations, by any commercial hotel, motel, tourist facility, or similar establishment which regularly furnishes such accommodations for consideration;
(5) rental of residential apartment units by an individual employed or supervised by a licensed broker;
(6) rental of apartment units which are owned and managed by a person whose only activities regulated by this article are in relation to a maximum of twelve (12) apartment units which are located on a single parcel of real estate or on contiguous parcels of real estate;
(7) referral of real estate business by a broker, salesperson, or referral company which is licensed under the laws of another state, to or from brokers and salespersons licensed by this state;
(8) acts performed by a person in relation to real estate owned by that person unless that person is licensed under this article, in which case the article does apply to him;
(9) acts performed by a regular, full-time, salaried employee of a person in relation to real estate owned or leased by that person unless the employee is licensed under this article, in which case

the article does apply to him;

(10) conduct of a sale at public auction by a licensed auctioneer pursuant to IC 25-6.1;

(11) sale, lease, or other transfer of interests in cemetery lots; and

(12) acts of a broker or salesperson, who is licensed under the laws of another state, which are performed pursuant to, and under restrictions provided by, written permission that is granted by the commission in its sole discretion, except that such a person shall comply with the requirements of section 5(c) of this chapter.

As added by Acts 1979, P.L.248, SEC.1. Amended by Acts 1982, P.L.156, SEC.1; P.L.183-1991, SEC.6; P.L.64-2004, SEC.17.

IC 25-34.1-3-2 Version b

Transactions without license; prohibition; exemption

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 2. (a) Except as provided in:

(1) subsection (b);

(2) section 8(i) of this chapter; and

(3) section 11 of this chapter;

no person shall, for consideration, sell, buy, trade, exchange, option, lease, rent, manage, list, or appraise real estate or negotiate or offer to perform any of those acts in Indiana or with respect to real estate situated in Indiana, without a license.

(b) This article does not apply to:

(1) acts of an attorney which constitute the practice of law;

(2) performance by a public official of acts authorized by law;

(3) acts of a receiver, executor, administrator, commissioner, trustee, or guardian, respecting real estate owned or leased by the person represented, performed pursuant to court order or a will;

(4) rental, for periods of less than thirty (30) days, of rooms, lodging, or other accommodations, by any commercial hotel, motel, tourist facility, or similar establishment which regularly furnishes such accommodations for consideration;

(5) rental of residential apartment units by an individual employed or supervised by a licensed broker;

(6) rental of apartment units which are owned and managed by a person whose only activities regulated by this article are in relation to a maximum of twelve (12) apartment units which are located on a single parcel of real estate or on contiguous parcels of real estate;

(7) referral of real estate business by a broker or referral company which is licensed under the laws of another state, to or from brokers licensed by this state;

(8) acts performed by a person in relation to real estate owned by that person unless that person is licensed under this article, in which case the article does apply to him;

(9) acts performed by a regular, full-time, salaried employee of a person in relation to real estate owned or leased by that person unless the employee is licensed under this article, in which case the article does apply to him;
(10) conduct of a sale at public auction by a licensed auctioneer pursuant to IC 25-6.1;
(11) sale, lease, or other transfer of interests in cemetery lots; and
(12) acts of a broker, who is licensed under the laws of another state, which are performed pursuant to, and under restrictions provided by, written permission that is granted by the commission in its sole discretion, except that such a person shall comply with the requirements of section 5(c) of this chapter.

As added by Acts 1979, P.L.248, SEC.1. Amended by Acts 1982, P.L.156, SEC.1; P.L.183-1991, SEC.6; P.L.64-2004, SEC.17; P.L.127-2012, SEC.11.

IC 25-34.1-3-3
Repealed

(*Repealed by Acts 1982, P.L.156, SEC.4.)*

IC 25-34.1-3-3.1 Version a
Requirements for salesperson's license

Note: This version of section effective until 7-1-2014. See also following repeal of this section, effective 7-1-2014.

Sec. 3.1. (a) To obtain a salesperson license, an individual must:
(1) be at least eighteen (18) years of age before applying for a license and must not have a conviction for:
(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11;
(B) a crime that has a direct bearing on the individual's ability to practice competently; or
(C) a crime that indicates the individual has the propensity to endanger the public;
(2) have successfully completed courses in the principles, practices, and law of real estate, totaling eight (8) semester credit hours, or their equivalent, as a student at an accredited college or university or have successfully completed an approved salesperson course as provided in IC 25-34.1-5-5(a);
(3) apply for a license by submitting the fee prescribed by the commission and an application containing the name, address, and age of the applicant, the name under which the applicant intends to conduct business, the principal broker's address where the business is to be conducted, proof of compliance with subdivision (2), and any other information the commission requires;
(4) pass a written examination prepared and administered by the commission or its duly appointed agent; and
(5) submit not more than one (1) year after passing the written

examination under subdivision (4) a sworn certification of a principal broker that the principal broker intends to associate with the applicant and maintain that association until notice of termination of the association is given to the commission.

(b) Upon the applicant's compliance with the requirements of subsection (a), the commission shall:

(1) issue a wall certificate in the name of the salesperson to the principal broker who certified the applicant's association with the principal broker; and

(2) issue to the salesperson a pocket identification card which certifies that the salesperson is licensed and indicates the expiration date of the license and the name of the principal broker.

(c) A salesperson shall:

(1) act under the auspices of the principal broker responsible for that salesperson's conduct under this article;

(2) be associated with only one (1) principal broker;

(3) maintain evidence of licensure in the office, branch office, or sales outlet of the principal broker;

(4) advertise only in the name of the principal broker, with the principal broker's name in letters of advertising larger than that of the salesperson's name; and

(5) not maintain any real estate office apart from that office provided by the principal broker.

(d) Upon termination of a salesperson's association with a principal broker, the salesperson's license shall be returned to the commission within five (5) business days. The commission shall reissue the license to any principal broker whose certification, as prescribed in subsection (a)(5), is filed with the commission, and the commission shall issue a new identification card to the salesperson reflecting that change.

(e) Unless a license is renewed, a salesperson license expires on a date specified by the licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the board and pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency. If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without the board taking any action.

(f) If the holder of a license under this section fails to renew the license on or before the date specified by the licensing agency, the license may be reinstated by the commission if the holder of the license, not later than three (3) years after the expiration of the license, meets the requirements of IC 25-1-8-6(c).

(g) If a license under this section has been expired for more than three (3) years, the license may be reinstated by the commission if the holder meets the requirements for reinstatement under IC 25-1-8-6(d).

(h) A salesperson license may be issued to an individual who is

not yet associated with a principal broker but who otherwise meets the requirements of subsection (a). A license issued under this subsection shall be held by the commission in an unassigned status until the date the individual submits the certification of a principal broker required by subsection (a)(5). If the individual does not submit the application for licensure within one (1) year after passing the commission examination, the commission shall void the application and may not issue a license to that applicant unless the applicant again complies with the requirements of subsection (a)(4) through (a)(5).

(i) If an individual holding a salesperson license is not associated with a principal broker for two (2) successive renewal periods, the commission shall notify the individual in writing that the individual's license will become void if the individual does not associate with a principal broker within thirty (30) days from the date the notification is mailed. A void license may not be renewed.

As added by Acts 1982, P.L.156, SEC.2. Amended by P.L.255-1987, SEC.2; P.L.214-1993, SEC.82; P.L.128-1994, SEC.2; P.L.236-1995, SEC.49; P.L.182-1996, SEC.1; P.L.194-2005, SEC.85; P.L.157-2006, SEC.71; P.L.105-2008, SEC.62.

IC 25-34.1-3-3.1 Version b
Repealed

(*Repealed by P.L.127-2012, SEC.12.)*

Note: This repeal of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

IC 25-34.1-3-4
Repealed

(*Repealed by Acts 1982, P.L.156, SEC.4.)*

IC 25-34.1-3-4.1 Version a
Requirements for broker's license

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 4.1. (a) To obtain a broker license, an individual must:

(1) be at least eighteen (18) years of age before applying for a license and must not have a conviction for:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11;

(B) a crime that has a direct bearing on the individual's ability to practice competently; or

(C) a crime that indicates the individual has the propensity to endanger the public;

(2) have satisfied section 3.1(a)(2) of this chapter and have had continuous active experience for one (1) year immediately preceding the application as a licensed salesperson in Indiana. However, this one (1) year experience requirement may be waived by the commission upon a finding of equivalent experience;

(3) have successfully completed an approved broker course of study as prescribed in IC 25-34.1-5-5(b);
(4) apply for a license by submitting the application fee prescribed by the commission and an application specifying the name, address, and age of the applicant, the name under which the applicant intends to conduct business, the address where the business is to be conducted, proof of compliance with subdivisions (2) and (3), and any other information the commission requires;
(5) pass a written examination prepared and administered by the commission or its duly appointed agent; and
(6) within one (1) year after passing the commission examination, submit the license fee established by the commission under IC 25-1-8-2. If an individual applicant fails to file a timely license fee, the commission shall void the application and may not issue a license to that applicant unless that applicant again complies with the requirements of subdivisions (4) and (5) and this subdivision.

(b) To obtain a broker license, a partnership must:
(1) have as partners only individuals who are licensed brokers;
(2) have at least one (1) partner who:
(A) is a resident of Indiana; or
(B) is a principal broker under IC 25-34.1-4-3(b);
(3) cause each employee of the partnership who acts as a broker or salesperson to be licensed; and
(4) submit the license fee established by the commission under IC 25-1-8-2 and an application setting forth the name and residence address of each partner and the information prescribed in subsection (a)(4).

(c) To obtain a broker license, a corporation must:
(1) have a licensed broker:
(A) residing in Indiana who is either an officer of the corporation or, if no officer resides in Indiana, the highest ranking corporate employee in Indiana with authority to bind the corporation in real estate transactions; or
(B) who is a principal broker under IC 25-34.1-4-3(b);
(2) cause each employee of the corporation who acts as a broker or salesperson to be licensed; and
(3) submit the license fee established by the commission under IC 25-1-8-2, an application setting forth the name and residence address of each officer and the information prescribed in subsection (a)(4), a copy of the certificate of incorporation, and a certificate of good standing of the corporation issued by the secretary of state.

(d) To obtain a broker license, a limited liability company must:
(1) if a member-managed limited liability company:
(A) have as members only individuals who are licensed brokers; and
(B) have at least one (1) member who is:
(i) a resident of Indiana; or

(ii) a principal broker under IC 25-34.1-4-3(b);

(2) if a manager-managed limited liability company, have a licensed broker:

(A) residing in Indiana who is either a manager of the company or, if no manager resides in Indiana, the highest ranking company officer or employee in Indiana with authority to bind the company in real estate transactions; or

(B) who is a principal broker under IC 25-34.1-4-3(b);

(3) cause each employee of the limited liability company who acts as a broker or salesperson to be licensed; and

(4) submit the license fee established by the commission under IC 25-1-8-2 and an application setting forth the information prescribed in subsection (a)(4), together with:

(A) if a member-managed company, the name and residence address of each member; or

(B) if a manager-managed company, the name and residence address of each manager, or of each officer if the company has officers.

(e) Licenses granted to partnerships, corporations, and limited liability companies are issued, expire, are renewed, and are effective on the same terms as licenses granted to individual brokers, except as provided in subsection (h), and except that expiration or revocation of the license of:

(1) any partner in a partnership or all individuals in a corporation satisfying subsection (c)(1); or

(2) a member in a member-managed limited liability company or all individuals in a manager-managed limited liability company satisfying subsection (d)(2);

terminates the license of that partnership, corporation, or limited liability company.

(f) Upon the applicant's compliance with the requirements of subsection (a), (b), or (c), the commission shall issue the applicant a broker license and an identification card which certifies the issuance of the license and indicates the expiration date of the license. The license shall be displayed at the broker's place of business.

(g) Unless the license is renewed, a broker license expires, for individuals, on a date specified by the licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the board and pay the renewal fee established by the commission under IC 25-1-8-2 on or before the renewal date specified by the licensing agency. If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without the board taking any action.

(h) If the holder of a license under this section fails to renew the license on or before the date specified by the licensing agency, the license may be reinstated by the commission if the holder of the license, not later than three (3) years after the expiration of the license, meets the requirements of IC 25-1-8-6(c).

(i) If a license under this section has been expired for more than three (3) years, the license may be reinstated by the commission if the holder meets the requirements for reinstatement under IC 25-1-8-6(d).

(j) A partnership, corporation, or limited liability company may not be a broker-salesperson except as authorized in IC 23-1.5. An individual broker who associates as a broker-salesperson with a principal broker shall immediately notify the commission of the name and business address of the principal broker and of any changes of principal broker that may occur. The commission shall then change the address of the broker-salesperson on its records to that of the principal broker.

As added by Acts 1982, P.L.156, SEC.3. Amended by P.L.255-1987, SEC.3; P.L.5-1988, SEC.139; P.L.214-1993, SEC.83; P.L.128-1994, SEC.3; P.L.229-1995, SEC.6; P.L.236-1995, SEC.50; P.L.182-1996, SEC.2; P.L.64-2004, SEC.18; P.L.194-2005, SEC.86; P.L.157-2006, SEC.72; P.L.105-2008, SEC.63.

IC 25-34.1-3-4.1 Version b

Requirements for broker's license

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 4.1. (a) To obtain a broker license, an individual must:

(1) be at least eighteen (18) years of age before applying for a license and must not have a conviction for:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11;

(B) a crime that has a direct bearing on the individual's ability to practice competently; or

(C) a crime that indicates the individual has the propensity to endanger the public;

(2) have a high school diploma or a general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18;

(3) have successfully completed an approved broker course of study as prescribed in IC 25-34.1-5-5;

(4) apply for a license by submitting the application fee prescribed by the commission and an application specifying the name, address, and age of the applicant, the name under which the applicant intends to conduct business, the address where the business is to be conducted, proof of compliance with subdivisions (2) and (3), and any other information the commission requires;

(5) pass a written examination prepared and administered by the commission or its duly appointed agent; and

(6) within one (1) year after passing the commission examination, submit the license fee established by the commission under IC 25-1-8-2. If an individual applicant fails to file a timely license fee, the commission shall void the application and may not issue a license to that applicant unless

that applicant again complies with the requirements of subdivisions (4) and (5) and this subdivision.

(b) To obtain a broker license, a partnership must:

(1) have as partners only individuals who are licensed brokers;

(2) have at least one (1) partner who:

(A) is a resident of Indiana; or

(B) is a managing broker under IC 25-34.1-4-3(b);

(3) cause each employee of the partnership who acts as a broker to be licensed; and

(4) submit the license fee established by the commission under IC 25-1-8-2 and an application setting forth the name and residence address of each partner and the information prescribed in subsection (a)(4).

(c) To obtain a broker license, a corporation must:

(1) have a licensed broker:

(A) residing in Indiana who is either an officer of the corporation or, if no officer resides in Indiana, the highest ranking corporate employee in Indiana with authority to bind the corporation in real estate transactions; or

(B) who is a managing broker under IC 25-34.1-4-3(b);

(2) cause each employee of the corporation who acts as a broker to be licensed; and

(3) submit the license fee established by the commission under IC 25-1-8-2, an application setting forth the name and residence address of each officer and the information prescribed in subsection (a)(4), a copy of the certificate of incorporation, and a certificate of good standing of the corporation issued by the secretary of state.

(d) To obtain a broker license, a limited liability company must:

(1) if a member-managed limited liability company:

(A) have as members only individuals who are licensed brokers; and

(B) have at least one (1) member who is:

(i) a resident of Indiana; or

(ii) a managing broker under IC 25-34.1-4-3(b);

(2) if a manager-managed limited liability company, have a licensed broker:

(A) residing in Indiana who is either a manager of the company or, if no manager resides in Indiana, the highest ranking company officer or employee in Indiana with authority to bind the company in real estate transactions; or

(B) who is a managing broker under IC 25-34.1-4-3(b);

(3) cause each employee of the limited liability company who acts as a broker to be licensed; and

(4) submit the license fee established by the commission under IC 25-1-8-2 and an application setting forth the information prescribed in subsection (a)(4), together with:

(A) if a member-managed company, the name and residence address of each member; or

(B) if a manager-managed company, the name and residence

address of each manager, or of each officer if the company has officers.

(e) Licenses granted to partnerships, corporations, and limited liability companies are issued, expire, are renewed, and are effective on the same terms as licenses granted to individual brokers, except as provided in subsection (h), and except that expiration or revocation of the license of:

(1) any partner in a partnership or all individuals in a corporation satisfying subsection (c)(1); or

(2) a member in a member-managed limited liability company or all individuals in a manager-managed limited liability company satisfying subsection (d)(2);

terminates the license of that partnership, corporation, or limited liability company.

(f) Upon the applicant's compliance with the requirements of subsection (a), (b), or (c), the commission shall issue the applicant a broker license and an identification card which certifies the issuance of the license and indicates the expiration date of the license. The license shall be displayed at the broker's place of business. For at least two (2) years after the issuance of a license, the license must be assigned to a managing broker. An individual who applies for a broker's license after June 30, 2014, must, during the first two (2) years after the license is issued, take and pass at least thirty (30) hours of postlicensing education focused on the practical matters of real estate transactions instead of the continuing education requirements under IC 25-34.1-9.

(g) Unless the license is renewed, a broker license expires, for individuals, on a date specified by the licensing agency under IC 25-1-6-4 and expires three (3) years after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the commission and pay the renewal fee established by the commission under IC 25-1-8-2 on or before the renewal date specified by the licensing agency. If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without the commission taking any action.

(h) If the holder of a license under this section fails to renew the license on or before the date specified by the licensing agency, the license may be reinstated by the commission if the holder of the license, not later than three (3) years after the expiration of the license, meets the requirements of IC 25-1-8-6(c).

(i) If a license under this section has been expired for more than three (3) years, the license may be reinstated by the commission if the holder meets the requirements for reinstatement under IC 25-1-8-6(d).

(j) A partnership, corporation, or limited liability company may not be a broker except as authorized in IC 23-1.5. An individual broker who associates with a managing broker shall immediately notify the commission of the name and business address of the managing broker and of any changes of managing broker that may

occur. The commission shall then change the address of the broker on its records to that of the managing broker.

As added by Acts 1982, P.L.156, SEC.3. Amended by P.L.255-1987, SEC.3; P.L.5-1988, SEC.139; P.L.214-1993, SEC.83; P.L.128-1994, SEC.3; P.L.229-1995, SEC.6; P.L.236-1995, SEC.50; P.L.182-1996, SEC.2; P.L.64-2004, SEC.18; P.L.194-2005, SEC.86; P.L.157-2006, SEC.72; P.L.105-2008, SEC.63; P.L.127-2012, SEC.13.

IC 25-34.1-3-5 Version a

Licensing of nonresident; consent to service of process; waiver

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 5. (a) A resident of another state, meeting the requirements of this chapter, may be licensed.

(b) A nonresident salesperson or broker shall file with the commission a written consent that any action arising out of the conduct of the licensee's business in Indiana may be commenced in any county of this state in which the cause of action accrues. The consent shall provide that service of process may be made upon the commission, as agent for the nonresident licensee, and that service in accordance with the Indiana Rules of Trial Procedure subjects the licensee to the jurisdiction of the courts in that county.

(c) The requirements of this section may be waived for individuals of or moving from other jurisdictions if the following requirements are met:

(1) The jurisdiction grants the same privilege to the licensees of this state.

(2) The individual is licensed in that jurisdiction.

(3) The licensing requirements of that jurisdiction are substantially similar to the requirements of this chapter.

(4) The applicant states that the applicant has studied, is familiar with, and will abide by the statutes and rules of this state.

As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.255-1987, SEC.4; P.L.64-2004, SEC.19.

IC 25-34.1-3-5 Version b

Licensing of nonresident; consent to service of process; waiver

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 5. (a) A resident of another state, meeting the requirements of this chapter, may be licensed.

(b) A nonresident broker shall file with the commission a written consent that any action arising out of the conduct of the licensee's business in Indiana may be commenced in any county of this state in which the cause of action accrues. The consent shall provide that service of process may be made upon the commission, as agent for the nonresident licensee, and that service in accordance with the Indiana Rules of Trial Procedure subjects the licensee to the jurisdiction of the courts in that county.

(c) The requirements of this section may be waived for individuals of or moving from other jurisdictions if the following requirements are met:

(1) The jurisdiction grants the same privilege to the licensees of this state.

(2) The individual is licensed in that jurisdiction.

(3) The licensing requirements of that jurisdiction are substantially similar to the requirements of this chapter.

(4) The applicant states that the applicant has studied, is familiar with, and will abide by the statutes and rules of this state.

As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.255-1987, SEC.4; P.L.64-2004, SEC.19; P.L.127-2012, SEC.14.

IC 25-34.1-3-6 Version a
Change of name, business address, or association of licensee or principal broker

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 6. Each licensee and each licensee's principal broker, if any, shall notify the commission immediately of any change of name, name under which the licensee transacts business, business address, or association.

As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-3-6 Version b
Change of name, business address, or association of licensee or managing broker

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 6. Each licensee and each licensee's managing broker, if any, shall notify the commission immediately of any change of name, name under which the licensee transacts business, business address, or association.

As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.127-2012, SEC.15.

IC 25-34.1-3-7
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-34.1-3-8
Real estate appraiser licensure and certification program; necessity for licensure or certification

Sec. 8. (a) This section does not preclude a person who:

(1) is not licensed or certified as a real estate appraiser under this section; and

(2) is licensed as a broker under this article;

from appraising real estate in Indiana for compensation.

(b) As used in this section, "federal act" refers to Title XI of the

Financial Institutions Reform, Recovery, and Enforcement Act (12 U.S.C. 3331 through 3351).

(c) The commission shall adopt rules to establish a real estate appraiser licensure and certification program to be administered by the board.

(d) The commission may not adopt rules under this section except upon the action and written recommendations of the board under IC 25-34.1-8-6.5.

(e) The real estate appraiser licensure and certification program established by the commission under this section must meet the requirements of:

(1) the federal act;

(2) any federal regulations adopted under the federal act; and

(3) any other requirements established by the commission as recommended by the board, including requirements for education, experience, examination, reciprocity, and temporary practice.

(f) The real estate appraiser licensure and certification requirements established by the commission under this section must require a person to meet the standards for real estate appraiser certification and licensure established:

(1) under the federal act;

(2) by federal regulations; and

(3) under any other requirements established by the commission as recommended by the board, including requirements for education, experience, examination, reciprocity, and temporary practice.

(g) The commission may require continuing education as a condition of renewal for real estate appraiser licensure and certification.

(h) The following are not required to be a licensed or certified real estate appraiser to perform the requirements of IC 6-1.1-4:

(1) A county assessor.

(2) A township assessor.

(3) An employee of a county or township assessor.

(i) Notwithstanding IC 25-34.1-3-2(a):

(1) only a person who receives a license or certificate issued under the real estate appraiser licensure and certification program established under this section may appraise real estate involved in transactions governed by:

(A) the federal act; and

(B) any regulations adopted under the federal act;

as determined under rules adopted by the commission, as recommended by the board; and

(2) a person who receives a license or certificate issued under the real estate appraiser licensure and certification program established under this section may appraise real estate not involved in transactions governed by:

(A) the federal act; and

(B) any regulations adopted under the federal act;

as determined under rules adopted by the commission, as recommended by the board.

As added by P.L.186-1990, SEC.12. Amended by P.L.183-1991, SEC.7; P.L.57-2007, SEC.3; P.L.146-2008, SEC.530.

IC 25-34.1-3-9
Repealed

(*Repealed by P.L.57-2007, SEC.9.)*

IC 25-34.1-3-9.5
Fees; real estate appraiser licensure and certification program

Sec. 9.5. (a) The commission shall establish fees under IC 25-1-8-2 to implement section 8 of this chapter.

(b) Notwithstanding IC 25-1-8-2, a fee established under IC 25-1-8-2 to implement section 8 of this chapter may not be less than fifty dollars ($50).

(c) The commission shall establish fees to provide funding for the investigative fund established by IC 25-34.1-8-7.5. The fees under this subsection may not be more than twenty dollars ($20).

(d) The board may collect a fee required by federal law and transmit the fees to the federal government as required by federal law.

(e) A fee described in subsection (a) is in addition to any fees required by federal law.

As added by P.L.57-2007, SEC.4.

IC 25-34.1-3-10 Version a
Inactive license requirements; continuing education; reactivation requirements

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 10. (a) A salesperson licensed under section 3.1 of this chapter or a broker licensed under section 4.1 of this chapter may apply for and receive an inactive license from the commission.

(b) An individual may not be granted an inactive license without the approval of the commission if a disciplinary or suspension hearing is pending against the individual.

(c) An individual with an inactive license:

(1) may not perform an act that requires a salesperson or broker's license;

(2) is not required to fulfill the continuing education requirements under IC 25-34.1-9;

(3) is required to pay any fees that a licensee is required to pay; and

(4) must fulfill the requirements under IC 25-34.1-9-11 for the current licensing period before applying for reactivation of the individual's license.

(d) Notwithstanding IC 25-34.1-9-11(2), the commission may adopt rules under IC 4-22-2 establishing continuing education requirements for individuals who have reactivated a license with less

than twelve (12) months remaining in the licensing period.
As added by P.L.120-1992, SEC.1. Amended by P.L.157-2006, SEC.73.

IC 25-34.1-3-10 Version b
Inactive license requirements; continuing education; reactivation requirements

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 10. (a) A broker licensed under section 4.1 of this chapter may apply for and receive an inactive license from the commission.

(b) An individual may not be granted an inactive license without the approval of the commission if a disciplinary or suspension hearing is pending against the individual.

(c) An individual with an inactive license:

(1) may not perform an act that requires a broker's license;

(2) is not required to fulfill the continuing education requirements under IC 25-34.1-9;

(3) is required to pay any fees that a licensee is required to pay; and

(4) must fulfill the:

(A) requirements under IC 25-34.1-9-11 for the current licensing period; or

(B) postlicensing education requirements as described in subsection (f);

whichever is applicable, before applying for reactivation of the individual's license.

(d) Notwithstanding IC 25-34.1-9-11(2), the commission may adopt rules under IC 4-22-2 establishing continuing education requirements for individuals who have reactivated a license with less than twelve (12) months remaining in the licensing period.

(e) Beginning July 1, 2014, a person who was licensed as a salesperson under section 3.1 of this chapter, before its repeal, and who applies for reactivation must complete the twenty-four (24) hour course required to become a broker under this article. The course described under this subsection may count toward the person's continuing education requirements.

(f) Beginning June 30, 2014, a broker licensed after June 30, 2014, who becomes inactive before completing the thirty (30) hour postlicensing education required under section 4.1(f) of this chapter, must complete the thirty (30) hours of postlicensure education before reactivation of the broker's license.
As added by P.L.120-1992, SEC.1. Amended by P.L.157-2006, SEC.73; P.L.127-2012, SEC.16.

IC 25-34.1-3-10.5
"Referral status"

Effective 7-1-2014.

Sec. 10.5. (a) For purposes of this section, "referral status" means that the commission has granted an applicant of a license a waiver

under IC 25-34.1-9-19 as a result of the applicant meeting the requirements under IC 25-34.1-9-19(2).

(b) For purposes of this section, "salesperson" has the meaning set forth in IC 25-34.1-1-2(5) (before that subdivision was removed).

(c) For purposes of this section, "salesperson's license" means a license issued under section 3.1 of this chapter (before its repeal).

(d) Subject to subsection (e), the following applies to an individual whose salesperson's license is in referral status on June 30, 2014:

(1) On July 1, 2014, the salesperson's license of the individual becomes a broker's license under this article.

(2) The individual may continue to make referrals to a licensed broker after June 30, 2014.

(e) An individual whose salesperson's license becomes a broker's license under subsection (d) may only make referrals to a licensed broker and may not perform any other act that requires a broker's license under this article unless the individual does all of the following:

(1) Completes at least twenty-four (24) hours of the education described in IC 25-34.1-5-5.

(2) Meets the requirements to be a licensed broker under IC 25-34.1-3-4.1.

(3) Attests to the commission that the individual has completed the twenty-four (24) hours of education described in subdivision (1).

(f) If:

(1) a broker is licensed under this article after June 30, 2014; and

(2) the broker's license is placed on referral status before the broker completes the thirty (30) hours of postlicensing education required under section 4.1(f) of this chapter;

the broker must complete the thirty (30) hours of postlicensing education before the broker's license may be moved from referral status and the broker may perform acts that require a broker's license under this article beyond making referrals to licensed brokers.

As added by P.L.127-2012, SEC.17.

IC 25-34.1-3-11 Version a

Acts permitted by unlicensed out-of-state commercial broker; written consent

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 11. (a) An out-of-state commercial broker, for a fee, commission, or other valuable consideration, or in expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration, may perform acts with respect to commercial real estate that require a license under this article without a license under this article, if the out-of-state commercial broker does all of the following:

(1) Works in cooperation with a broker who holds a valid

license issued under this article.

(2) Enters into a written agreement with the broker described in subdivision (1) that includes the terms of cooperation and compensation and a statement that the out-of-state commercial broker and the broker's agents will comply with the laws of this state.

(3) Furnishes the broker described in subdivision (1) with a copy of the out-of-state commercial broker's current certificate of good standing or other proof of a license in good standing from a jurisdiction where the out-of-state commercial broker maintains a valid real estate license.

(4) Files an irrevocable written consent with the commission that legal actions arising out of the conduct of the out-of-state commercial broker or the broker's agents may be commenced against the out-of-state commercial broker in a court with jurisdiction in a county in Indiana in which the cause of action accrues.

(5) Advertises in compliance with state law and includes the name of the broker described in subdivision (1) in all advertising.

(6) Deposits all escrow funds, security deposits, and other money received by either the out-of-state commercial broker or the broker described in subdivision (1) in a trust account maintained by the broker described in subdivision (1).

(7) Deposits all documentation required by this section and records and documents related to the transaction with the broker described in subdivision (1).

(b) The broker described in subsection (a)(1) shall retain the documentation that is provided by the out-of-state commercial broker as required under this section, and the records and documents related to a transaction, for at least five (5) years.

(c) An out-of-state commercial salesperson may perform acts with respect to commercial real estate that require a salesperson to be licensed under this article without a license under this article if the out-of-state commercial salesperson meets all of the following requirements:

(1) The out-of-state commercial salesperson:

(A) is licensed with and works under the direct supervision of the out-of-state commercial broker;

(B) provides the broker described in subsection (a)(1) with a copy of the out-of-state commercial salesperson's current certificate of good standing or other proof of a license in good standing from the jurisdiction where the out-of-state commercial salesperson maintains a valid real estate license in connection with the out-of-state commercial broker; and

(C) collects money, including:

(i) commissions;

(ii) deposits;

(iii) payments;

(iv) rentals; or

(v) escrow funds;

only in the name of and with the consent of the out-of-state commercial broker under whom the out-of-state commercial salesperson is licensed.

(2) The out-of-state commercial broker described in subdivision (1)(A) meets all of the requirements of subsection (a).

(d) A person licensed in a jurisdiction where there is not a legal distinction between a real estate broker license and a real estate salesperson license must meet the requirements of subsection (a) before engaging in an act that requires a license under this article.

(e) An out-of-state commercial broker or salesperson acting under this section shall file a written consent as provided in section 5(b) of this chapter.

As added by P.L.64-2004, SEC.20.

IC 25-34.1-3-11 Version b

Acts permitted by unlicensed out-of-state commercial broker; written consent

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 11. (a) An out-of-state commercial broker, for a fee, commission, or other valuable consideration, or in expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration, may perform acts with respect to commercial real estate that require a license under this article without a license under this article, if the out-of-state commercial broker does all of the following:

(1) Works in cooperation with a broker who holds a valid license issued under this article.

(2) Enters into a written agreement with the broker described in subdivision (1) that includes the terms of cooperation and compensation and a statement that the out-of-state commercial broker and the broker's agents will comply with the laws of this state.

(3) Furnishes the broker described in subdivision (1) with a copy of the out-of-state commercial broker's current certificate of good standing or other proof of a license in good standing from a jurisdiction where the out-of-state commercial broker maintains a valid real estate license.

(4) Files an irrevocable written consent with the commission that legal actions arising out of the conduct of the out-of-state commercial broker or the broker's agents may be commenced against the out-of-state commercial broker in a court with jurisdiction in a county in Indiana in which the cause of action accrues.

(5) Advertises in compliance with state law and includes the name of the broker described in subdivision (1) in all advertising.

(6) Deposits all escrow funds, security deposits, and other money received by either the out-of-state commercial broker or

the broker described in subdivision (1) in a trust account maintained by the broker described in subdivision (1).

(7) Deposits all documentation required by this section and records and documents related to the transaction with the broker described in subdivision (1).

(b) The broker described in subsection (a)(1) shall retain the documentation that is provided by the out-of-state commercial broker as required under this section, and the records and documents related to a transaction, for at least five (5) years.

(c) An out-of-state commercial salesperson may perform acts with respect to commercial real estate that require a broker to be licensed under this article without a license under this article if the out-of-state commercial salesperson meets all of the following requirements:

(1) The out-of-state commercial salesperson:

(A) is licensed with and works under the direct supervision of the out-of-state commercial broker;

(B) provides the broker described in subsection (a)(1) with a copy of the out-of-state commercial salesperson's current certificate of good standing or other proof of a license in good standing from the jurisdiction where the out-of-state commercial salesperson maintains a valid real estate license in connection with the out-of-state commercial broker; and

(C) collects money, including:

(i) commissions;

(ii) deposits;

(iii) payments;

(iv) rentals; or

(v) escrow funds;

only in the name of and with the consent of the out-of-state commercial broker under whom the out-of-state commercial salesperson is licensed.

(2) The out-of-state commercial broker described in subdivision (1)(A) meets all of the requirements of subsection (a).

(d) An out-of-state commercial broker or out-of-state commercial salesperson acting under this section shall file a written consent as provided in section 5(b) of this chapter.

As added by P.L.64-2004, SEC.20. Amended by P.L.127-2012, SEC.18.

IC 25-34.1-3-12

Criminal convictions

Sec. 12. A licensee who is convicted of a crime (as defined in IC 33-23-1-4) shall send a copy of the:

(1) complaint or other information that describes the crime; and

(2) judgment of conviction;

to the commission not more than thirty (30) days after the date of the conviction.

As added by P.L.87-2006, SEC.3.

IC 25-34.1-4
Chapter 4. Principal Brokers

IC 25-34.1-4-0.5
Managing broker

Effective 7-1-2014.

Sec. 0.5. Except as provided in section 6 of this chapter, to become a managing broker, an individual must:

(1) hold a broker's license for at least two (2) years; and

(2) take and pass at least twenty-four (24) hours of broker management courses approved by the commission.

As added by P.L.127-2012, SEC.19.

IC 25-34.1-4-1 Version a
Responsibility for actions of associated salespersons and broker salespersons; maintenance of two or more separate offices; notice

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 1. A principal broker is responsible under this article for the actions of any associated salesperson and broker-salesperson. Any principal broker who maintains two (2) or more separate offices for associated licensees shall notify the commission of the name and address of the broker who manages each office.

As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-4-1 Version b
Responsibilities of managing broker

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 1. A managing broker is responsible under this article for the actions of any broker who is associated with the managing broker. Any managing broker who maintains two (2) or more separate offices for associated licensees shall notify the commission of the name and address of the broker who manages each office.

As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.127-2012, SEC.20.

IC 25-34.1-4-2 Version a
Partnership, corporate, or limited liability company broker to act only as principal broker; designation of responsible licensed individual broker

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 2. Except as provided in IC 23-1.5, a partnership broker, corporate broker, or limited liability company broker may act only as a principal broker and shall designate to the commission a licensed individual broker, who is a partner or a corporate representative satisfying IC 25-34.1-3-4.1(c)(1) or a member-managed limited liability company member or a manager-managed limited liability company representative satisfying IC 25-34.1-3-4.1(d)(2), to be

primarily responsible to the commission for its actions.
As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.128-1994, SEC.4; P.L.229-1995, SEC.7.

IC 25-34.1-4-2 Version b
Partnership, corporate or limited liability company broker to act as managing broker

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 2. Except as provided in IC 23-1.5, a partnership broker, corporate broker, or limited liability company broker may act only as a managing broker and shall designate to the commission a licensed individual broker, who is a partner or a corporate representative satisfying IC 25-34.1-3-4.1(c)(1) or a member-managed limited liability company member or a manager-managed limited liability company representative satisfying IC 25-34.1-3-4.1(d)(2), to be primarily responsible to the commission for its actions.
As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.128-1994, SEC.4; P.L.229-1995, SEC.7; P.L.127-2012, SEC.21.

IC 25-34.1-4-3 Version a
Residency requirement for principal brokers; certain nonresidents may be principal brokers

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 3. (a) Except as provided in subsection (b), each individual who is a principal broker or is designated by a partnership, corporation, or a limited liability company pursuant to section 2 of this chapter shall be a resident of Indiana.

(b) A nonresident:

(1) individual broker; or

(2) individual designated by a partnership, corporation, or limited liability company under section 2 of this chapter;

may be a principal broker if all the licensees affiliated with the broker, partnership, corporation, or limited liability company are not residents of Indiana.
As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.128-1994, SEC.5; P.L.64-2004, SEC.21.

IC 25-34.1-4-3 Version b
Residency requirements of managing brokers; certain nonresidents may be managing brokers

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 3. (a) Except as provided in subsection (b), each individual who is a managing broker or is designated by a partnership, corporation, or a limited liability company pursuant to section 2 of this chapter shall be a resident of Indiana.

(b) A nonresident:

(1) individual broker; or

(2) individual designated by a partnership, corporation, or limited liability company under section 2 of this chapter;

may be a managing broker if all the licensees affiliated with the broker, partnership, corporation, or limited liability company are not residents of Indiana.

As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.128-1994, SEC.5; P.L.64-2004, SEC.21; P.L.127-2012, SEC.22.

IC 25-34.1-4-4 Version a
Independent contractor relationship

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 4. Notwithstanding IC 23-1.5, the association of a salesperson or broker with a principal broker, as provided by this article, creates an independent contractor relationship unless otherwise specified by a written contract entered into by the principal broker and the associated salesperson or broker.

As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.229-1995, SEC.8.

IC 25-34.1-4-4 Version b
Independent contractor relationship

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 4. Notwithstanding IC 23-1.5, the association of a broker with a managing broker, as provided by this article, creates an independent contractor relationship unless otherwise specified by a written contract entered into by the managing broker and the broker.

As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.229-1995, SEC.8; P.L.127-2012, SEC.23.

IC 25-34.1-4-5 Version a
Trust accounts

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 5. (a) Each principal broker:

(1) shall keep in one (1) or more trust accounts (interest or noninterest bearing) all funds belonging to others that come into the possession of the principal broker or of any associated salesperson or broker-salesperson; and

(2) shall clearly identify any account containing those funds as a trust account. The trust accounts shall contain all earnest money deposits, funds held for closing escrows, sale proceeds not yet disbursed, and all other funds belonging to others.

(b) The principal broker shall not use any trust account for the deposit of any personal funds or other business funds and shall keep a detailed record of the funds and any interest accrued in each trust account that identifies the amount of funds held for each beneficiary. Any interest earned shall be held for the beneficiary.

(c) Upon the death or termination of a principal broker or the

expiration, revocation, or suspension of the principal broker's license, the commission shall take custody of each trust account and may appoint a successor trustee to protect and distribute the proceeds of that account.

As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.255-1987, SEC.5; P.L.114-2010, SEC.22.

IC 25-34.1-4-5 Version b

Trust accounts

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 5. (a) Each managing broker:

(1) shall keep in one (1) or more trust accounts (interest or noninterest bearing) all funds belonging to others that come into the possession of the managing broker or of any broker whose license the managing broker is holding; and

(2) shall clearly identify any account containing those funds as a trust account. The trust accounts shall contain all earnest money deposits, funds held for closing escrows, sale proceeds not yet disbursed, and all other funds belonging to others.

(b) The managing broker shall not use any trust account for the deposit of any personal funds or other business funds and shall keep a detailed record of the funds and any interest accrued in each trust account that identifies the amount of funds held for each beneficiary. Any interest earned shall be held for the beneficiary.

(c) Upon the death or termination of a managing broker or the expiration, revocation, or suspension of the managing broker's license, the commission shall take custody of each trust account and may appoint a successor trustee to protect and distribute the proceeds of that account.

As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.255-1987, SEC.5; P.L.114-2010, SEC.22; P.L.127-2012, SEC.24.

IC 25-34.1-4-6 Version a

Death of individual principal broker or termination of partnership principal broker by death of partner

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 6. (a) In the event of the death of an individual principal broker or the termination of a partnership principal broker by the death of a partner, a salesperson formerly associated with that principal broker may continue to carry out business contracted for before the death or termination of the principal broker, for a maximum period of ninety (90) days after the death or termination. During that period, the salesperson shall maintain a trust account as provided in section 5 of this chapter. However, until associating with another principal broker the salesperson may not undertake any new business.

(b) Upon associating with a new principal broker, the salesperson may conduct on behalf of the deceased or terminated principal broker

only that business which is necessary to complete obligations assumed while associated with that principal broker. All other acts performed by the salesperson shall be performed in association with the new principal broker.

(c) Each broker-salesperson formerly associated with the deceased or terminated principal broker becomes, upon the death or termination of the principal broker, a principal broker until the broker elects to act as a broker-salesperson for another principal broker.

(d) This section applies only to matters of licensing and responsibility under this article and does not affect the transfer of the deceased principal broker's property interests as provided by IC 29 and other laws of succession.

As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-4-6 Version b

Death of individual managing broker or termination of partnership; managing broker death of partner

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 6. (a) In the event of the death of an individual managing broker or the termination of a partnership managing broker by the death of a partner, a broker formerly associated with the managing broker may continue to carry out business contracted for before the death or termination of the managing broker, for a maximum period of ninety (90) days after the death or termination. During that period, the broker shall maintain a trust account as provided in section 5 of this chapter. However, until associating with another managing broker, the broker may not undertake any new business.

(b) Upon associating with a new managing broker, the broker may conduct on behalf of the deceased or terminated managing broker only that business which is necessary to complete obligations assumed while associated with the managing broker. All other acts performed by the broker shall be performed in association with the new managing broker.

(c) Each broker formerly associated with the deceased or terminated managing broker becomes, upon the death or termination of the managing broker, a managing broker until the broker elects to act as a broker for another managing broker.

(d) This section applies only to matters of licensing and responsibility under this article and does not affect the transfer of the deceased managing broker's property interests as provided by IC 29 and other laws of succession.

As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.127-2012, SEC.25.

IC 25-34.1-4.5
Chapter 4.5. License Transition

IC 25-34.1-4.5-1
Cease issuing salesperson licenses
Sec. 1. Beginning July 1, 2014, the commission may not issue a new salesperson license under this article.
As added by P.L.127-2012, SEC.26.

IC 25-34.1-4.5-2
Transition of salesperson to broker
Sec. 2. An individual who holds a salesperson's license under this article may not, after June 30, 2014, sell, buy, trade, exchange, option, lease, rent, manage, list, or appraise real estate or negotiate or offer to perform any of those acts in Indiana or with respect to real estate situated in Indiana for consideration without a broker's license under this article.
As added by P.L.127-2012, SEC.26.

IC 25-34.1-4.5-3
Broker requirements
Sec. 3. To obtain a broker's license, an individual holding a license as a salesperson on or after June 30, 2012, must:
(1) complete at least twenty-four (24) hours of education described in IC 25-34.1-5-5 to be licensed as a broker; and
(2) except for the requirement under IC 25-34.1-3-4.1(a)(2), meet the requirements to be licensed as a broker under IC 25-34.1-3-4.1.
As added by P.L.127-2012, SEC.26.

IC 25-34.1-4.5-4
Continuing education during transition
Sec. 4. Notwithstanding any other law concerning education or continuing education for salespersons, a salesperson may obtain the twenty-four (24) hours of commission approved education required under section 3 of this chapter at any time after June 30, 2012, and before July 1, 2014.
As added by P.L.127-2012, SEC.26.

IC 25-34.1-4.5-5
Issuance of broker license
Sec. 5. The commission shall issue a broker's license to a licensed salesperson who meets the requirements under sections 3 and 4 of this chapter.
As added by P.L.127-2012, SEC.26.

IC 25-34.1-4.5-6
Continuing education during transition
Sec. 6. For the period beginning July 1, 2012, and ending June 30, 2014, notwithstanding any other law concerning continuing

education, the twenty-four (24) hours of additional education required under section 3 of this chapter may be used to meet the continuing education requirement for a salesperson under IC 25-34.1-9-11.
As added by P.L.127-2012, SEC.26.

IC 25-34.1-4.5-7
Principal brokers become managing brokers
Sec. 7. An individual who is a principal broker on June 30, 2014, becomes a managing broker on July 1, 2014.
As added by P.L.127-2012, SEC.26.

IC 25-34.1-4.5-8
Expiration
Sec. 8. This chapter expires December 31, 2014.
As added by P.L.127-2012, SEC.26.

IC 25-34.1-5
Chapter 5. Educational Courses

IC 25-34.1-5-1 Version a
Approval by commission

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 1. No person shall conduct, solicit or accept student enrollment for a broker or salesperson course as prescribed in this chapter without approval of the course by the commission.

As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-5-1 Version b
Approval by commission

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 1. No person shall conduct, solicit or accept student enrollment for a broker course as prescribed in this chapter without approval of the course by the commission.

As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.127-2012, SEC.27.

IC 25-34.1-5-2
Application for approval

Sec. 2. To obtain course approval, a person must apply to the commission by submitting a bond in the amount of ten thousand dollars ($10,000) and an application which includes a copy of the accreditation certificate issued by the appropriate accreditation body, if any, a detailed teaching syllabus, a proposed certificate to be issued to students who successfully complete the course, and other information and documents which may be required by the commission. If the course is to be conducted by a corporation, the application shall also include the names and residence addresses of all directors and officers, a copy of the certificate of incorporation, and a certificate of good standing of the corporation issued by the secretary of state of Indiana.

As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-5-3
Bond; obligee; requirements; liability; continuity; cancellation

Sec. 3. (a) The commission shall be the obligee under the bond.

(b) The bond shall be:

(1) executed by the person seeking course approval and by a corporate surety, licensed to do business in the state, as surety;

(2) in such form and with such terms and conditions as the commission may require;

(3) conditioned upon faithful compliance with all requirements of an approved course as provided by this article and the commission's regulations; and

(4) effective from its effective date and continue in effect until

cancelled.

The total and aggregate liability of the surety on a bond is limited to the amount specified in the bond and the continuous nature of the bond may in no event be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(c) To provide continuous bonding of the school's activities, a school providing an approved course may not cancel a bond without the commission's prior written approval of cancellation and approval of a substitute bond.

(d) The surety on a bond may cancel a bond filed under this article only after ninety (90) days from the date the surety mails a notice of intent to cancel, by registered or certified mail with return receipt requested, to the commission and to the school.

(e) To provide continuous bond coverage of the school's activities, the school shall give written notice to the commission, not later than thirty (30) days prior to the date upon which a bond cancellation becomes effective, that a new bond has been obtained.

As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-5-4 Version a

Grounds for approval of broker or salesperson course

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 4. (a) To obtain approval of a broker or salesperson course, a school shall:

(1) provide the curriculum prescribed in section 5 of this chapter;

(2) have no more than thirty-five (35) students per instructor per classroom;

(3) provide adequate educational facilities and supportive personnel as is necessary to implement the purpose of this article;

(4) schedule not more than the maximum number of hours of instruction established by the commission in any twenty-four (24) hour period;

(5) administer two (2) written examinations during the broker course and three (3) written examinations during the salesperson course which are approved, and passing scores established, by the commission;

(6) within fourteen (14) days of the end of each course, submit to the commission the names and addresses of those students who successfully complete the course;

(7) maintain records of students who successfully complete and pass the course of study for a minimum of five (5) years or, in the event the school should cease operation, the owner shall provide a custodian acceptable to the commission to keep those records and provide copies to students at the fee in effect when the school ceases operation; and

(8) meet any other standards the commission may establish by

regulation.

(b) Any instruction conducted in a broker or salesperson office does not apply to the minimum hour requirements of section 5 of this chapter.

As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-5-4 Version b

Approval of broker education courses

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 4. (a) To obtain approval of a broker course, a school shall:

(1) provide the curriculum prescribed in section 5 of this chapter;

(2) have no more than thirty-five (35) students per instructor per classroom;

(3) provide adequate educational facilities and supportive personnel as is necessary to implement the purpose of this article;

(4) schedule not more than the maximum number of hours of instruction established by the commission in any twenty-four (24) hour period;

(5) administer at least two (2) written examinations during the broker course which are approved, and passing scores established, by the commission;

(6) within thirty (30) days of the end of each course, submit to the commission the names and addresses of those students who successfully complete the course;

(7) maintain records of students who successfully complete and pass the course of study for a minimum of five (5) years or, in the event the school should cease operation, the owner shall provide a custodian acceptable to the commission to keep those records and provide copies to students at the fee in effect when the school ceases operation; and

(8) meet any other standards the commission may establish by regulation.

(b) Any instruction conducted in a broker office does not apply to the minimum hour requirements of section 5 of this chapter.

As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.127-2012, SEC.28.

IC 25-34.1-5-5 Version a

Curriculum

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 5. (a) The required curriculum for salespersons shall consist of a total of at least forty (40) hours of instruction and shall include the following subjects: Indiana license law and professional standards, law of agency, contracts, interests in real property, evidence of title, deeds, legal property descriptions, mathematics, taxes, valuation of real property, financing, listing contracts and

purchase agreements, settlement procedures, property management, government regulations, and planning and zoning.

(b) The required curriculum for brokers shall consist of a total of at least twenty-four (24) hours of instruction and shall include the following subjects: Indiana license law and professional standards, law of agency, contracts, financing, settlement procedures, escrow responsibility, recordkeeping, government regulations, and appraising.

As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-5-5 Version b
Curriculum

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 5. The required curriculum for brokers shall consist of a total of at least ninety (90) hours of instruction and shall include the following subjects: principles, practices, Indiana license law and professional standards, law of agency, contracts, financing, settlement procedures, escrow responsibility, recordkeeping, government regulations, and appraising.

As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.127-2012, SEC.29.

IC 25-34.1-5-6
Commission's considerations; factors

Sec. 6. In determining whether to grant approval of the curriculum, the commission shall consider, in addition to the requirements of sections 4 and 5 of this chapter, the following factors: accreditation, administration, ownership, instructors' qualifications, director's qualifications, course records, textbooks and related materials, cost of tuition and materials, and other means of evaluation as the commission establishes by regulation.

As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-5-7
Expiration of approval; renewal

Sec. 7. The approval of courses expires on the thirty-first day of December of each calendar year. To obtain renewal of approval for the ensuing calendar year, the school must submit to the commission by November 30 of the current year:

(1) a letter requesting renewal;
(2) an annual report; and
(3) a bond in the amount of twenty percent (20%) of the previous year's total tuition, but in no event less than ten thousand dollars ($10,000) or more than fifty thousand dollars ($50,000).

As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-5-8
Inspection of records and facilities

Sec. 8. Each school conducting an approved course shall allow the commission to inspect its records and facilities. Each school shall report any significant proposed change in curriculum, faculty, or facilities to the commission at least thirty (30) days before the change, if possible. No change is effective unless it is approved by the commission.
As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-5-9
Denial, suspension, or revocation of approval
Sec. 9. The commission may deny, suspend, or revoke approval of any course if it determines the school failed to comply with the standards established in this chapter and the commission's regulations.
As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-5-10
Prohibited advertising
Sec. 10. A school may not advertise that it or its course is endorsed, recommended, or accredited by the commission.
As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-5-11
Additional fees for review class prohibited
Sec. 11. Schools conducting approved courses may not charge an additional fee for any review class.
As added by Acts 1979, P.L.248, SEC.1.

IC 25-34.1-5-12
Real estate education advisory council makes course recommendations
Sec. 12. (a) The real estate education advisory council established by IC 25-34.1-9-2 shall make recommendations to the commission concerning the following:
(1) Requirements for sponsors of courses.
(2) Requirements for instructors to be used by sponsors in providing courses.
(3) Requirements for the curricula for education courses required under this article.
(4) Rules to implement this chapter.
(5) Other issues identified by the commission in implementing this chapter.
(b) The commission shall approve all prelicensing courses.
(c) The commission may, with the advice of the council, approve online education required for licensing under this article.
As added by P.L.127-2012, SEC.30.

IC 25-34.1-6
Chapter 6. Enforcement

IC 25-34.1-6-1
Repealed
(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-34.1-6-1.1
Repealed
(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-34.1-6-2 Version a
Penalties; supplemental procedures
Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.
Sec. 2. (a) A person who:
(1) performs the acts of a salesperson without a salesperson license;
(2) performs the acts of a broker without a broker license; or
(3) conducts, or solicits or accepts enrollment of students for, a course as prescribed in IC 25-34.1-3 without course approval;
commits a Class A infraction. Upon conviction for an offense under this section, the court shall add to any fine imposed the amount of any fee or other compensation earned in the commission of the offense. Each transaction constitutes a separate offense.
(b) In all actions for the collection of a fee or other compensation for performing acts regulated by this article, it must be alleged and proved that, at the time the cause of action arose, the party seeking relief was not in violation of this section.
(c) Each enforcement procedure established in this section and IC 25-1-7-14 is supplemental to other enforcement procedures established in this section.
As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.214-1993, SEC.84; P.L.84-2010, SEC.71.

IC 25-34.1-6-2 Version b
Penalties; supplemental procedures
Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.
Sec. 2. (a) A person who:
(1) performs the acts of a broker without a broker license; or
(2) conducts, or solicits or accepts enrollment of students for, a course as prescribed in IC 25-34.1-3 without course approval;
commits a Class A infraction. Upon conviction for an offense under this section, the court shall add to any fine imposed the amount of any fee or other compensation earned in the commission of the offense. Each transaction constitutes a separate offense.
(b) In all actions for the collection of a fee or other compensation for performing acts regulated by this article, it must be alleged and proved that, at the time the cause of action arose, the party seeking

relief was not in violation of this section.

(c) Each enforcement procedure established in this section and IC 25-1-7-14 is supplemental to other enforcement procedures established in this section.

As added by Acts 1979, P.L.248, SEC.1. Amended by P.L.214-1993, SEC.84; P.L.84-2010, SEC.71; P.L.127-2012, SEC.31.

IC 25-34.1-6-2.5

Violation of credit service organization statute or mortgage rescue protection fraud statute; Class A infraction; enforcement procedures and sanctions

Sec. 2.5. (a) A violation of:

(1) IC 24-5-15; or

(2) IC 24-5.5;

by a person licensed or required to be licensed under this article is a violation of this article.

(b) A person who commits a violation described in subsection (a) commits a Class A infraction and is subject to:

(1) the enforcement procedures described in section 2 of this chapter; and

(2) any sanction that may be imposed by the commission under IC 25-1-11-12.

As added by P.L.52-2009, SEC.12; P.L.105-2009, SEC.15. Amended by P.L.114-2010, SEC.23.

IC 25-34.1-6-3

Criminal conviction; discipline

Sec. 3. A licensee who is convicted of a crime that substantially relates to the practice of real estate may be disciplined under IC 25-1-11. A certified copy of a judgment of conviction from a court is presumptive evidence of a conviction for purposes of this section.

As added by P.L.87-2006, SEC.4. Amended by P.L.1-2007, SEC.180.

IC 25-34.1-7

Chapter 7. Real Estate Recovery Fund

IC 25-34.1-7-1

Establishment of fund; administration; investments

Sec. 1. (a) The real estate recovery fund is established for the purpose set out in this chapter. The fund shall be administered by the real estate commission.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund, except as provided in section 2.1 of this chapter.

As added by P.L.255-1987, SEC.6. Amended by P.L.143-1990, SEC.9.

IC 25-34.1-7-2

Surcharge; formula; assessment; application of section

Sec. 2. (a) If the total amount in the real estate recovery fund (including principal and interest) is less than four hundred fifty thousand dollars ($450,000) on June 30 in an odd-numbered year after the payment of all claims and expenses, the real estate commission shall assess a surcharge according to the following formula in order to maintain the fund at an approximate level of six hundred thousand dollars ($600,000):

STEP ONE: Determine the amount remaining in the fund on June 30 of the current year after all expenses and claims have been paid.

STEP TWO: Subtract the amount determined under STEP ONE from six hundred thousand dollars ($600,000).

STEP THREE: Determine the number of licensees who had licenses in effect on June 30 of the current year.

STEP FOUR: Divide the number determined under STEP TWO by the number determined under STEP THREE.

(b) The real estate commission shall assess the surcharge described in subsection (a) against each licensee who:

(1) receives an initial license; or

(2) receives a renewal license.

(c) The real estate commission shall assess the surcharge described in subsection (a) for the two (2) year period beginning on July 1 of the current year through June 30 of the next odd-numbered year.

(d) The surcharge assessed under this section is in addition to any other fee under this article.

(e) This section does not apply to a person who:

(1) receives an initial license or certificate; or

(2) receives a renewal license or certificate;

under the real estate appraiser licensure and certification program

established under IC 25-34.1-3-8.
As added by P.L.255-1987, SEC.6. Amended by P.L.143-1990, SEC.10; P.L.183-1991, SEC.9.

IC 25-34.1-7-2.1
Reversion of excess funds

Sec. 2.1. If the total amount in the real estate recovery fund (including principal and interest) exceeds seven hundred fifty thousand dollars ($750,000) at the end of a state fiscal year after the payment of all claims and expenses, the amount in excess of seven hundred fifty thousand dollars ($750,000) reverts to the state general fund.
As added by P.L.143-1990, SEC.11.

IC 25-34.1-7-3
Interest on investments; payment of expenses

Sec. 3. Any interest earned on investment of money in the real estate recovery fund shall be credited at least annually to the fund. No money may be appropriated from the general fund for payment of any expenses incurred under this chapter, and none of these expenses may be charged against the state.
As added by P.L.255-1987, SEC.6.

IC 25-34.1-7-4
Applications for order directing payment out of fund; amount of loss; limitation on recovery

Sec. 4. (a) If any aggrieved person obtains a final judgment in any court against a licensee to recover damages for any act of:

(1) embezzlement of money or property; or
(2) unlawfully obtaining money or property by false pretenses, use of a device, trickery, or forgery;

that results in an actual cash loss to the aggrieved person (as opposed to loss in market value), the person may, upon termination of all proceedings including appeals and proceedings supplemental to judgment for collection purposes, file a verified application in the court in which the judgment was entered for an order directing payment out of the real estate recovery fund of the amount of actual and direct loss in the transaction that remains unpaid upon the judgment. The amount of actual and direct loss may include court costs but may not include attorney's fees or punitive damages awarded. The amount that may be paid from the real estate recovery fund may not exceed twenty thousand dollars ($20,000) per judgment and an aggregate lifetime limit of fifty thousand dollars ($50,000) with respect to any one (1) licensee.

(b) This section applies only to a final judgment that awards damages for an act by the licensee described in subsections (a)(1) through (a)(2) that arises directly out of any transaction:

(1) that occurred when the licensee was licensed;
(2) for which a license was required under IC 25-34.1; and
(3) that occurred after December 31, 1987.

As added by P.L.255-1987, SEC.6.

IC 25-34.1-7-5
Claims against single licensee in excess of dollar limitation; distribution; joinder of claims; payment; insufficient funds

Sec. 5. (a) If the payment in full of two (2) or more pending valid claims that have been filed by aggrieved persons against a single licensee would exceed the fifty thousand dollar ($50,000) limit set forth in section 4 of this chapter, the fifty thousand dollars ($50,000) shall be distributed among the aggrieved persons in the ratio that their respective claims bear to the aggregate of all valid claims or in any other manner that a court of record may determine equitable. This money shall be distributed among the persons entitled to share in it without regard to the order of priority in which their respective judgments have been obtained or their claims have been filed.

(b) Upon petition of the commission, the court may require all claimants and prospective claimants against one (1) licensee to be joined in one (1) action, to the end that the respective rights of all the claimants to the commission may be equitably adjudicated and settled.

(c) On June 30 and December 31 of each year, the real estate commission shall identify each claim that the court orders to be paid during the six (6) month period that ended on that day. The commission shall pay the part of each claim that is so identified within fifteen (15) days after the end of the six (6) month period in which the claim is ordered paid. However, if the balance in the fund is insufficient to pay the full payable amount of each claim that is ordered to be paid during a six (6) month period, the commission shall pay a prorated portion of each claim that is ordered to be paid during the period. Any part of the payable amount of a claim left unpaid due to the prorating of payments under this subsection must be paid (subject to the fifty thousand dollar ($50,000) limit described in section 4 of this chapter) before the payment of claims ordered to be paid during the following six (6) month period.
As added by P.L.255-1987, SEC.6.

IC 25-34.1-7-6 Version a
Agent for service of process

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 6. Any broker or salesperson who is licensed or renews a license under this article after December 31, 1987, and upon whom personal service cannot be made with reasonable diligence shall be considered to have appointed the commission as the licensee's agent for service of process for purposes of actions filed under section 4 of this chapter for recovery from the real estate recovery fund. Service of process under this section shall be made as nearly as practicable in the manner prescribed by the Indiana Rules of Trial Procedure for service on corporations.
As added by P.L.255-1987, SEC.6.

IC 25-34.1-7-6 Version b
Agent for service of process

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 6. Any broker who is licensed or renews a license under this article after December 31, 1987, and upon whom personal service cannot be made with reasonable diligence shall be considered to have appointed the commission as the licensee's agent for service of process for purposes of actions filed under section 4 of this chapter for recovery from the real estate recovery fund. Service of process under this section shall be made as nearly as practicable in the manner prescribed by the Indiana Rules of Trial Procedure for service on corporations.

As added by P.L.255-1987, SEC.6. Amended by P.L.127-2012, SEC.32.

IC 25-34.1-7-7
Limitation of actions; notice of commencement of action

Sec. 7. An order for payment from the real estate recovery fund may not be issued unless the action to recover from the real estate recovery fund was commenced within one (1) year after the termination of all proceedings against the licensee for embezzlement of money or property, or unlawfully obtaining money or property by false pretenses, use of a device, trickery, or forgery, including appeals and proceedings supplemental to judgment. When any person commences an action for a judgment that may result in an order for payment from the fund, the person shall notify the commission in writing of the commencement of the action.

As added by P.L.255-1987, SEC.6.

IC 25-34.1-7-8
Commission as defendant; hearings; orders directing payment

Sec. 8. When any person files an application for an order directing payment from the real estate recovery fund, the commission shall be made a party defendant to the proceedings. The court shall conduct a hearing on the application, and it may issue an order directing payment out of the real estate recovery fund, as provided in section 9 of this chapter, subject to the limitation of section 4 of this chapter, if the court finds:

(1) that there is no collusion between the judgment creditor and the judgment debtor;

(2) that the judgment creditor is making application not more than one (1) year after the termination of all proceedings in connection with the judgment, including appeals and proceedings supplemental to judgment for collection purposes;

(3) that the judgment creditor has caused to be issued a writ of execution on the judgment and the officer executing the writ has made a return showing that no personal or real property of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found or that the amount realized on the

sale under the execution was insufficient to satisfy the judgment;

(4) that the judgment creditor has diligently pursued the creditor's remedies against all the judgment debtors and all other persons liable to the creditor in the transaction for which the creditor seeks recovery from the real estate recovery fund;

(5) that the embezzlement of money or property, or the unlawfully obtaining of money or property by false pretenses, use of a device, trickery, or forgery, arose directly out of a transaction that occurred when the judgment debtor was licensed and acted in a capacity for which a license is required under this article and that the transaction occurred after December 31, 1987; and

(6) that, in the event of a default judgment or a judgment entered upon stipulation of the parties, the judgment debtor's acts constituted embezzlement of money or property, or the unlawful obtaining of money or property by false pretenses, use of a device, trickery, or forgery.

As added by P.L.255-1987, SEC.6.

IC 25-34.1-7-9
Payment of claims

Sec. 9. Upon a final order of the court directing that payment be made out of the real estate recovery fund, the commission shall, subject to sections 4 through 5 of this chapter, make the payment out of the real estate recovery fund as provided in section 5 of this chapter.

As added by P.L.255-1987, SEC.6.

IC 25-34.1-7-10 Version a
Suspension of judgment debtor's license; repayment of fund; interest

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 10. If the commission is required to make any payment from the real estate recovery fund in settlement of a claim or toward the satisfaction of a judgment under this chapter, the commission shall suspend the judgment debtor's license and, if the judgment debtor is licensed under IC 25-34.1-3-3.1, the license of the individual designated broker, under this article. The licensee is not eligible to be licensed again as either a broker or a salesperson until the licensee has repaid in full the amount paid from the real estate recovery fund with interest of twelve percent (12%) per annum.

As added by P.L.255-1987, SEC.6.

IC 25-34.1-7-10 Version b
Suspension of judgment debtor's license; repayment of fund; interest

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 10. If the commission is required to make any payment from the real estate recovery fund in settlement of a claim or toward the satisfaction of a judgment under this chapter, the commission shall suspend the judgment debtor's license and, if the judgment debtor is licensed under IC 25-34.1-3-4.1, the license of the individual designated broker, under this article. The licensee is not eligible to be licensed again as a broker until the licensee has repaid in full the amount paid from the real estate recovery fund with interest of twelve percent (12%) per annum.
As added by P.L.255-1987, SEC.6. Amended by P.L.127-2012, SEC.33.

IC 25-34.1-7-11
Subrogation
Sec. 11. When upon order of any court, the commission has caused payment to be made from the real estate recovery fund to a judgment creditor, the commission is subrogated to the rights of the judgment creditor with respect to the amount paid.
As added by P.L.255-1987, SEC.6.

IC 25-34.1-7-12
Expenditure of interest
Sec. 12. Subject to the approval of the budget agency, the real estate commission may expend the interest earned by the real estate recovery fund for:

(1) information concerning the commission's activities and administrative rulings;
(2) other educational information concerning the real estate industry; and
(3) expenses related to the continuing education program under IC 25-34.1-9.

As added by P.L.255-1987, SEC.6. Amended by P.L.120-1992, SEC.2.

IC 25-34.1-7-13
Attorney general; assistance; expenses
Sec. 13. (a) The office of the attorney general shall provide the staff assistance necessary to:

(1) enable the real estate commission to perform its duties under this chapter; and
(2) enforce this chapter.

(b) Expenses incurred by the office of the attorney general under this section shall be paid from the real estate recovery fund.
As added by P.L.255-1987, SEC.6.

IC 25-34.1-8

Chapter 8. Real Estate Appraiser Certification Board

IC 25-34.1-8-1

Creation of board

Sec. 1. The real estate appraiser licensure and certification board is created.

As added by P.L.186-1990, SEC.14. Amended by P.L.183-1991, SEC.10.

IC 25-34.1-8-2

Qualification of members; appointment

Sec. 2. (a) The board consists of seven (7) members appointed by the governor as follows:

(1) Five (5) members who are real estate appraisers:

(A) who are licensed or certified under this article;

(B) who have at least five (5) years experience as real estate appraisers; and

(C) at least three (3) of whom are certified appraisers.

(2) One (1) representative who represents lenders qualified to:

(A) make Federal Housing Administration insured loans and Veterans Administration guaranteed loans; and

(B) sell loans to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(3) One (1) member who is not associated with the real estate business in any way other than as a consumer.

(b) When making appointments under subsection (a), the governor shall consider the geographic areas represented on the board.

As added by P.L.186-1990, SEC.14. Amended by P.L.183-1991, SEC.11.

IC 25-34.1-8-3

Term

Sec. 3. Each board member serves for a term of four (4) years.

As added by P.L.186-1990, SEC.14.

IC 25-34.1-8-3.5

Officers

Sec. 3.5. (a) The board shall annually elect one (1) of its members to be the chair and another member to be the vice chair.

(b) A member of the board who serves as chair or vice chair serves until a successor is elected.

(c) A member who serves as chair or vice chair may serve not more than two (2) consecutive terms in that capacity.

(d) The chair shall preside at all of the board's meetings.

(e) The vice chair shall:

(1) preside at meetings in the absence of the chair; and

(2) perform other duties as directed by the chair.

As added by P.L.236-1995, SEC.51.

IC 25-34.1-8-4
Quorum

Sec. 4. (a) The board must have a quorum to transact business.

(b) Four (4) members of the board constitute a quorum.

As added by P.L.186-1990, SEC.14.

IC 25-34.1-8-5
Majority vote

Sec. 5. The affirmative vote of four (4) members of the board is required for the board to take action.

As added by P.L.186-1990, SEC.14.

IC 25-34.1-8-6
Repealed

(*Repealed by P.L.57-2007, SEC.9.)*

IC 25-34.1-8-6.5
Recommendations to commission; implementation and operation of program; fee; rules

Sec. 6.5. The board shall submit recommendations to the commission concerning the following:

(1) Implementation and operation of the real estate appraiser licensure and certification program under IC 25-34.1-3-8.

(2) Rules governing real estate appraisers licensed and certified under IC 25-34.1-3-8.

(3) Establishing a fee in an amount necessary to fund the investigative fund established by section 7.5 of this chapter but not more than twenty dollars ($20).

(4) Rules governing the administration of the investigative fund established by section 7.5 of this chapter.

As added by P.L.57-2007, SEC.5.

IC 25-34.1-8-7
Approval of applications; issuance of licenses and certificates

Sec. 7. The board shall do the following:

(1) Approve and disapprove applications for licensure and certification.

(2) Issue licenses and certificates.

As added by P.L.186-1990, SEC.14. Amended by P.L.183-1991, SEC.13.

IC 25-34.1-8-7.5 Version a
Investigative fund; administration by attorney general and professional licensing agency

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 7.5. (a) The investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against real estate fraud and real estate appraisal fraud. The fund shall be

administered by the attorney general and the professional licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of:

(1) money from a fee imposed upon licensed or certified appraisers and real estate brokers and salespersons under IC 25-34.1-2-7 and IC 25-34.1-3-9.5;

(2) civil penalties deposited in the fund under IC 24-5-23.5-9(d);

(3) registration fees imposed on appraisal management companies under IC 25-34.1-11-15; and

(4) civil penalties deposited under IC 25-34.1-11-17.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Except as otherwise provided in this subsection, money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the investigative fund exceeds seven hundred fifty thousand dollars ($750,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds seven hundred fifty thousand dollars ($750,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated for use by the attorney general and the licensing agency to administer and enforce the provisions of this article and to conduct investigations and take enforcement action against real estate and appraisal fraud under this article. The attorney general shall receive five dollars ($5) of each fee collected under IC 25-34.1-2-7 and IC 25-34.1-3-9.5, and the licensing agency shall receive any amount that exceeds five dollars ($5) of each fee collected under IC 25-34.1-2-7 and IC 25-34.1-3-9.5. *As added by P.L.145-2003, SEC.12. Amended by P.L.87-2006, SEC.6; P.L.57-2007, SEC.6; P.L.52-2009, SEC.13; P.L.77-2010, SEC.1.*

IC 25-34.1-8-7.5 Version b

Investigative fund; administration by attorney general and professional licensing agency

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 7.5. (a) The investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against real estate fraud and real estate appraisal fraud. The fund shall be administered by the attorney general and the professional licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of:

(1) money from a fee imposed upon licensed or certified appraisers and real estate brokers under IC 25-34.1-2-7 and IC 25-34.1-3-9.5;

(2) civil penalties deposited in the fund under IC 24-5-23.5-9(d);
(3) registration fees imposed on appraisal management companies under IC 25-34.1-11-15; and
(4) civil penalties deposited under IC 25-34.1-11-17.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Except as otherwise provided in this subsection, money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the investigative fund exceeds seven hundred fifty thousand dollars ($750,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds seven hundred fifty thousand dollars ($750,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated for use by the attorney general and the licensing agency to administer and enforce the provisions of this article and to conduct investigations and take enforcement action against real estate and appraisal fraud under this article. The attorney general shall receive five dollars ($5) of each fee collected under IC 25-34.1-2-7 and IC 25-34.1-3-9.5, and the licensing agency shall receive any amount that exceeds five dollars ($5) of each fee collected under IC 25-34.1-2-7 and IC 25-34.1-3-9.5.
As added by P.L.145-2003, SEC.12. Amended by P.L.87-2006, SEC.6; P.L.57-2007, SEC.6; P.L.52-2009, SEC.13; P.L.77-2010, SEC.1; P.L.127-2012, SEC.34.

IC 25-34.1-8-7.7
Memorandum of understanding

Sec. 7.7. (a) The attorney general and the licensing agency shall enter into a memorandum of understanding to administer and enforce this article.

(b) The attorney general and the licensing agency shall present the memorandum of understanding annually to the commission for review.
As added by P.L.87-2006, SEC.7.

IC 25-34.1-8-8
Repealed

(*Repealed by P.L.183-1991, SEC.19.)*

IC 25-34.1-8-9
Per diem; travel and other expenses

Sec. 9. Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

As added by P.L.186-1990, SEC.14. Amended by P.L.3-2008, SEC.203.

IC 25-34.1-8-10
Qualification of applicants; criminal background checks; evidence of compliance

Sec. 10. (a) To be licensed or certified as a real estate appraiser, an individual must meet the following conditions:

(1) Not have a conviction for any of the following:

(A) An act that would constitute a ground for disciplinary sanction under IC 25-1-11.

(B) A crime that has a direct bearing on the individual's ability to practice competently.

(C) Fraud or material deception in the course of professional services or activities.

(D) A crime that indicates the individual has the propensity to endanger the public.

(2) Have satisfied the requirements established under IC 25-34.1-3-8(f).

(b) After December 31, 2008, the board shall require each applicant for initial licensure or certification under this chapter to submit fingerprints for a national criminal history background check (as defined in IC 10-13-3-12) by the Federal Bureau of Investigation, for use by the board in determining whether the applicant should be denied licensure or certification under this chapter for any reason set forth in subsection (a)(1). The applicant shall pay any fees or costs associated with the fingerprints and background check required under this subsection. The board may not release the results of a background check described in this subsection to any private entity.

(c) The board may request evidence of compliance with this section in accordance with subsection (d). Evidence of compliance with this section may include any of the following:

(1) Subject to subsections (b) and (d)(2), criminal background checks, including a national criminal history background check (as defined in IC 10-13-3-12) by the Federal Bureau of Investigation.

(2) Credit histories.

(3) Other background checks considered necessary by the board.

(d) The board may request evidence of compliance with this section at any of the following times:

(1) The time of application for an initial license or certificate.

(2) The time of renewal of a license or certificate.

(3) Any other time considered necessary by the board.

(e) The commission, upon recommendation of the board, shall adopt rules under IC 4-22-2 to implement this section.

As added by P.L.183-1991, SEC.14. Amended by P.L.214-1993, SEC.85; P.L.182-1996, SEC.3; P.L.145-2008, SEC.30.

IC 25-34.1-8-11

Repealed

(*Repealed by P.L.214-1993, SEC.91.)*

IC 25-34.1-8-12

Real estate appraisal practice or education without license or certification; injunctions; enforcement

Sec. 12. (a) A person who:

(1) performs:

(A) the acts of a licensed real estate appraiser without a license; or

(B) the acts of a certified real estate appraiser without a certificate; or

(2) conducts or solicits or accepts enrollment of students for a course without course approval as required by section 13 of this chapter;

commits a Class B infraction. When a judgment is entered for an offense under this section, the court shall add to any fine imposed the amount of any fee or other compensation earned in the commission of the offense. Each transaction constitutes a separate offense.

(b) In all actions for the collection of a fee or other compensation for performing acts regulated by this article, a party seeking relief must allege and prove that at the time the cause of action arose the party was not in violation of this section.

(c) The attorney general, the board, or the prosecuting attorney of any county in which a violation occurs may maintain an action in the name of the state of Indiana to enjoin a person from violating this section.

(d) In charging any person in a complaint for a judgment or an injunction for the violation of this section, it is sufficient, without averring any further or more particular facts, to charge that the person upon a certain day and in a certain county:

(1) acted as:

(A) a certified real estate appraiser without a certificate; or

(B) a licensed real estate appraiser without a license; or

(2) conducted, or solicited or accepted enrollment of students for a real estate appraiser course without course approval.

(e) Each enforcement procedure established in this section and IC 25-1-7-14 is supplemental to other enforcement procedures established in this section.

As added by P.L.183-1991, SEC.16. Amended by P.L.57-2007, SEC.7; P.L.3-2008, SEC.204; P.L.84-2010, SEC.72.

IC 25-34.1-8-13

Real estate appraiser courses; approval

Sec. 13. A person may not conduct, solicit, or accept student enrollment for a real estate appraiser course represented as satisfying the requirements of the board without approval of the course by 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 (12

U.S.C. 3331 et seq.).
As added by P.L.183-1991, SEC.17. Amended by P.L.57-2007, SEC.8.

IC 25-34.1-8-14
Repealed
(*Repealed by P.L.57-2007, SEC.9.)*

IC 25-34.1-8-15
Use of investigative fund
Sec. 15. The office of the attorney general and the professional licensing agency may use the investigative fund established by section 7.5 of this chapter to hire investigators and other employees to administer and enforce the provisions of this article and to investigate and prosecute real estate fraud and real estate appraisal fraud.
As added by P.L.145-2003, SEC.13.

IC 25-34.1-9
Chapter 9. Continuing Education

IC 25-34.1-9-1
"Council" defined
Sec. 1. As used in this chapter, "council" refers to the real estate education advisory council established by this chapter.
As added by P.L.120-1992, SEC.3.

IC 25-34.1-9-2
Real estate education advisory council; establishment
Sec. 2. The real estate education advisory council is established.
As added by P.L.120-1992, SEC.3.

IC 25-34.1-9-3
Membership
Sec. 3. The council consists of five (5) members, three (3) of whom must be recommended by the Indiana association of realtors and appointed by the commission.
As added by P.L.120-1992, SEC.3. Amended by P.L.127-2012, SEC.35.

IC 25-34.1-9-4
Term of office
Sec. 4. Each member of the council shall be appointed by the commission for a two (2) year term. If a successor has not been appointed, the current member serves until a successor is appointed and qualified.
As added by P.L.120-1992, SEC.3.

IC 25-34.1-9-5
Vacancies
Sec. 5. If a vacancy occurs on the council, the commission shall appoint an individual to serve the unexpired term of the previous member and until a successor is appointed and qualified.
As added by P.L.120-1992, SEC.3.

IC 25-34.1-9-6
Removal for cause
Sec. 6. The commission may remove a member of the council for cause.
As added by P.L.120-1992, SEC.3.

IC 25-34.1-9-7
Chair and vice chair
Sec. 7. The council shall elect from the council's membership a chairman and a vice chairman.
As added by P.L.120-1992, SEC.3.

IC 25-34.1-9-8

Meetings

Sec. 8. The council shall meet upon the call of the chairman or at the request of the commission. The chairman shall establish the time and place of all meetings.

As added by P.L.120-1992, SEC.3.

IC 25-34.1-9-9

Implementation and courses under this chapter

Sec. 9. (a) The council shall make recommendations to the commission concerning the following:

(1) Requirements for sponsors of courses under this chapter.

(2) Requirements for instructors to be used by sponsors in providing courses under this chapter.

(3) Requirements for the curricula for postlicensing and continuing education courses under this chapter.

(4) Rules to implement this chapter.

(5) Other issues identified by the commission to implement this chapter.

(b) Notwithstanding IC 25-1-4, the commission shall approve all postlicensing and continuing education courses.

(c) The commission may, with the advice of the council, approve online education required for licensing.

As added by P.L.120-1992, SEC.3. Amended by P.L.127-2012, SEC.36.

IC 25-34.1-9-10 Version a

Completion of approved education requirement; exception

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 10. Except for an individual who has been granted an inactive license under IC 25-34.1-3-10, an individual who is licensed as a real estate broker under IC 25-34.1-3-4.1 or a salesperson under IC 25-34.1-3-3.1 must complete the approved education requirement before the end of each renewal period.

As added by P.L.120-1992, SEC.3.

IC 25-34.1-9-10 Version b

Completion of approved education requirement; exception

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 10. Except for an individual who has been granted an inactive license under IC 25-34.1-3-10, an individual who is licensed as a real estate broker under IC 25-34.1-3-4.1 must complete the approved education requirement each year.

As added by P.L.120-1992, SEC.3. Amended by P.L.127-2012, SEC.37.

IC 25-34.1-9-11 Version a

Approved education requirement

Note: This version of section effective until 7-1-2014. See also

following version of this section, effective 7-1-2014.

Sec. 11. (a) The approved education requirement is as follows:

(1) At least six (6) hours in any of the following subjects as determined by the commission:

(A) License and escrow law.
(B) Anti-trust law.
(C) Civil rights law.
(D) Agency law.
(E) Listing contracts and purchase agreements.
(F) Ethics and professionals standards.
(G) Settlement procedures.
(H) Other courses approved by the commission.

(2) At least ten (10) hours of course work in any of the following subjects as determined by the commission:

(A) Appraising.
(B) Property management.
(C) Farm property management.
(D) Commercial brokerage and leasing.
(E) Financing.
(F) Residential brokerage.
(G) Land development.
(H) Legislative issues affecting the real estate practice.
(I) Other courses approved by the commission.

(b) An attorney in good standing licensed to practice law in Indiana may satisfy the requirements of subsection (a) by completing the number of hours required by subsection (a) in continuing legal education courses in the subject matters listed in subsection (a).

As added by P.L.120-1992, SEC.3. Amended by P.L.182-1996, SEC.4.

IC 25-34.1-9-11 Version b

Approved education requirement

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 11. (a) The approved education requirement is as follows:

(1) At least twelve (12) hours per year in any of the following subjects as determined by the commission:

(A) License and escrow law.
(B) Anti-trust law.
(C) Civil rights law.
(D) Agency law.
(E) Listing contracts and purchase agreements.
(F) Ethics and professionals standards.
(G) Settlement procedures.
(H) Appraising.
(I) Property management.
(J) Farm property management.
(K) Commercial brokerage and leasing.
(L) Financing.
(M) Residential brokerage.

(N) Land development.
(O) Legislative issues affecting the real estate practice.
(P) Other courses approved by the commission.

(b) An attorney in good standing licensed to practice law in Indiana may satisfy the requirements of subsection (a) by completing the number of hours required by subsection (a) in continuing legal education courses in the subject matters listed in subsection (a).

(c) An individual who applies for a broker's license after June 30, 2014, must, during the first two (2) years after the license is issued, take and pass at least thirty (30) hours of postlicensing education focused on the practical matters of real estate transactions instead of the continuing education requirements under this chapter.

(d) For license renewal, a managing broker must complete at least twelve (12) hours of continuing education each year. At least four (4) hours of the continuing education must be dedicated to the necessary business and management skills and legal knowledge needed by a managing broker. The commission shall develop or approve the continuing education courses for managing brokers.

As added by P.L.120-1992, SEC.3. Amended by P.L.182-1996, SEC.4; P.L.127-2012, SEC.38.

IC 25-34.1-9-11.1
Transition continuing education

Sec. 11.1. (a) Notwithstanding section 11 of this chapter, from July 1, 2013, until June 30, 2014, a real estate broker licensed under IC 25-34.1-3-4.1, must complete eight (8) hours of continuing education.

(b) This section expires July 1, 2014.

As added by P.L.127-2012, SEC.39.

IC 25-34.1-9-12
Course sponsor; approval requirements

Sec. 12. To obtain approval as a continuing education course sponsor, the sponsor must do the following:

(1) Provide the commission information on courses, curriculum, and facilities as determined by the commission.
(2) Limit the number of credit hours that may be offered in a twenty-four (24) hour period for the course to a number not more than the amount established by the commission by rule.
(3) Provide each participant who successfully completes an approved course a certificate that contains the following:
(A) The name of the participant.
(B) The name, address, and signature of the sponsor.
(C) The number of approved credit hours.
(D) The date of the program.
(E) Any other information required by the commission.
(4) Pay a fee determined by the commission.
(5) Meet any standard that the commission adopts by rule.

As added by P.L.120-1992, SEC.3.

IC 25-34.1-9-13
Approved sponsor; records

Sec. 13. A continuing education sponsor that has received approval under section 12 of this chapter must maintain records for five (5) years of the participants who successfully complete and pass the course. If the sponsor ceases operations, the owner shall place the records in the care of a custodian that is approved by the commission.

As added by P.L.120-1992, SEC.3.

IC 25-34.1-9-14 Version a
Expiration of sponsor approval; renewal requirements

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 14. (a) The approval for a sponsor for:

(1) a salesperson's course expires December 31 each odd-numbered year; and

(2) a broker's course expires December 31 each even-numbered year.

(b) A sponsor must submit:

(1) a letter requesting renewal of approval; and

(2) the renewal fee;

at least thirty (30) days before a sponsor's approval expires.

As added by P.L.120-1992, SEC.3.

IC 25-34.1-9-14 Version b
Expiration of sponsor approval; renewal requirements

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 14. (a) The approval for a sponsor for a broker's course expires December 31 each even-numbered year.

(b) A sponsor must submit:

(1) a letter requesting renewal of approval; and

(2) the renewal fee;

at least thirty (30) days before a sponsor's approval expires.

As added by P.L.120-1992, SEC.3. Amended by P.L.127-2012, SEC.40.

IC 25-34.1-9-15
Inspection; approved sponsor records and facilities

Sec. 15. The commission may inspect an approved sponsor's records and facilities.

As added by P.L.120-1992, SEC.3.

IC 25-34.1-9-16
Advertising sponsor or course

Sec. 16. (a) A person may advertise that the sponsor or the sponsor's course is approved by the commission and fulfills the requirements of the commission.

(b) A person may not advertise that the sponsor or the sponsor's

course is required or recommended by the commission.
As added by P.L.120-1992, SEC.3.

IC 25-34.1-9-17
Renewal period; licensee exemption from continuing education requirement

Sec. 17. A licensee who is initially licensed in the second year of a renewal period is exempt from the continuing education requirements under this chapter for that renewal period.
As added by P.L.120-1992, SEC.3.

IC 25-34.1-9-18
Application for renewal; certification requirements

Sec. 18. An applicant for renewal must certify on the application that the applicant:

(1) has complied with the continuing education requirements;

(2) is exempt from the continuing education requirement because the individual has been licensed for less than one (1) year; or

(3) has not complied with the continuing education requirements but is seeking a waiver under section 19 of this chapter.

As added by P.L.120-1992, SEC.3.

IC 25-34.1-9-19 Version a
Waiver conditions; continuing education requirement; prohibited activity

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 19. The commission may grant an applicant a waiver from the continuing education requirement for the renewal period if the applicant meets one (1) of the following conditions:

(1) Was not able to fulfill the requirement due to a hardship that resulted from any of the following:

(A) Service in the armed forces of the United States during a substantial part of the renewal period.

(B) An incapacitating illness.

(C) Other circumstances determined by the commission.

(2) Has certified on approved forms to the commission the following:

(A) That the applicant has an active license but will not perform an act that requires a salesperson or broker's license.

(B) That the applicant is affiliated with a principal broker for the sole purpose of making referrals to a licensed salesperson or broker.

An individual granted a waiver under this subdivision may not perform an act that requires a salesperson or broker's license until the individual has fulfilled the same continuing education requirements needed to reactivate an inactive license under IC 25-34.1-3-10(c) and IC 25-34.1-3-10(d).

As added by P.L.120-1992, SEC.3. Amended by P.L.42-2011, SEC.58.

IC 25-34.1-9-19 Version b
Waiver conditions; continuing education requirement; prohibited activity

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 19. The commission may grant an applicant a waiver from the continuing education requirement for the renewal period if the applicant meets one (1) of the following conditions:

(1) Was not able to fulfill the requirement due to a hardship that resulted from any of the following:

(A) Service in the armed forces of the United States during a substantial part of the renewal period.

(B) An incapacitating illness.

(C) Other circumstances determined by the commission.

(2) Has certified on approved forms to the commission the following:

(A) That the applicant has an active license but will not perform an act that requires a broker's license.

(B) That the applicant is affiliated with a managing broker for the sole purpose of making referrals to a licensed broker.

An individual granted a waiver under this subdivision may not perform an act that requires a broker's license until the individual has fulfilled the same continuing education requirements needed to reactivate an inactive license under IC 25-34.1-3-10(c) and IC 25-34.1-3-10(d) and applicable requirements under IC 25-34.1-3-10.5.

As added by P.L.120-1992, SEC.3. Amended by P.L.42-2011, SEC.58; P.L.127-2012, SEC.41.

IC 25-34.1-9-20
Renewal license; denial

Sec. 20. Subject to IC 25-1-4, the commission may deny renewal of the license of a licensee that does not fulfill the requirements of this chapter.

As added by P.L.120-1992, SEC.3. Amended by P.L.157-2006, SEC.74.

IC 25-34.1-9-21
Implementation of chapter

Sec. 21. The commission may adopt rules under IC 4-22-2 necessary to implement this chapter.

As added by P.L.120-1992, SEC.3.

IC 25-34.1-10
Chapter 10. Real Estate Agency Relationships

IC 25-34.1-10-0.5
"Agency relationship"
Sec. 0.5. As used in this chapter, "agency relationship" means a relationship in which a licensee represents a client in a real estate transaction.
As added by P.L.130-1999, SEC.3.

IC 25-34.1-10-1
"Broker"
Sec. 1. As used in this chapter, "broker" means an individual or entity issued a broker's real estate license by the Indiana real estate commission.
As added by P.L.128-1994, SEC.6. Amended by P.L.130-1999, SEC.4.

IC 25-34.1-10-2
Repealed
(*Repealed by P.L.130-1999, SEC.23.)*

IC 25-34.1-10-3
Repealed
(*Repealed by P.L.130-1999, SEC.23.)*

IC 25-34.1-10-4
Repealed
(*Repealed by P.L.130-1999, SEC.23.)*

IC 25-34.1-10-5
"Client"
Sec. 5. As used in this chapter, "client" means a person who has entered into an agency relationship with a licensee.
As added by P.L.128-1994, SEC.6. Amended by P.L.130-1999, SEC.5.

IC 25-34.1-10-6
"Customer"
Sec. 6. As used in this chapter, "customer" means a person who is provided services in the ordinary course of business by a licensee but who is not a client.
As added by P.L.128-1994, SEC.6. Amended by P.L.130-1999, SEC.6.

IC 25-34.1-10-6.5
"In-house agency relationship"
Sec. 6.5. As used in this chapter, "in-house agency relationship" means an agency relationship involving two (2) or more clients who are represented by different licensees within the same real estate

firm.
As added by P.L.130-1999, SEC.7.

IC 25-34.1-10-6.8 Version a
"Licensee"

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 6.8. As used in this chapter, "licensee" means an individual or entity issued a salesperson's or broker's real estate license by the Indiana real estate commission.
As added by P.L.130-1999, SEC.8.

IC 25-34.1-10-6.8 Version b
"Licensee"

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 6.8. As used in this chapter, "licensee" means an individual or entity issued a broker's real estate license by the Indiana real estate commission.
As added by P.L.130-1999, SEC.8. Amended by P.L.127-2012, SEC.42.

IC 25-34.1-10-7
"Limited agent"

Sec. 7. As used in this chapter, "limited agent" means a licensee who, with the written and informed consent of all parties to a real estate transaction, represents both the seller and buyer or both the landlord and tenant and whose duties and responsibilities to a client are only those set forth in this chapter.
As added by P.L.128-1994, SEC.6. Amended by P.L.130-1999, SEC.9.

IC 25-34.1-10-7.5 Version a
"Managing broker"

Note: This version of section effective until 7-1-2014. See also following repeal of this section, effective 7-1-2014.

Sec. 7.5. As used in this chapter, "managing broker" means a broker who manages a branch office or who acts on behalf of a principal broker.
As added by P.L.130-1999, SEC.10.

IC 25-34.1-10-7.5 Version b
Repealed

(*Repealed by P.L.127-2012, SEC.43.)*

Note: This repeal of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

IC 25-34.1-10-7.8 Version a
"Principal broker"

Note: This version of section effective until 7-1-2014. See also

following repeal of this section, effective 7-1-2014.

Sec. 7.8. As used in this chapter, "principal broker" means the individual broker (including the broker designated or representative of a partnership, corporation, or limited liability company) whom the Indiana real estate commission shall hold responsible for the actions of licensees who are affiliated with the individual broker.

As added by P.L.130-1999, SEC.11.

IC 25-34.1-10-7.8 Version b
Repealed

(*Repealed by P.L.127-2012, SEC.44.)*

Note: This repeal of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

IC 25-34.1-10-8
"Real estate transaction"

Sec. 8. As used in this chapter, "real estate transaction" means the sale or lease of any legal or equitable interest in real estate.

As added by P.L.128-1994, SEC.6.

IC 25-34.1-10-9
"Subagent"

Sec. 9. As used in this chapter, "subagent" means a broker engaged to act for another broker in performing brokerage services for a client.

As added by P.L.128-1994, SEC.6. Amended by P.L.130-1999, SEC.12.

IC 25-34.1-10-9.5
Agency relationship; performance of duties

Sec. 9.5. (a) A licensee has an agency relationship with, and is representing, the individual with whom the licensee is working unless:

(1) there is a written agreement to the contrary; or

(2) the licensee is merely assisting the individual as a customer without compensation.

(b) If a licensee, under subsection (a)(1), does not have an agency relationship with the individual with whom the licensee is working due to the existence of a written agreement to the contrary, the licensee must perform at least the following duties under the written agreement:

(1) Be available to receive and timely present offers and counteroffers for the purchase or lease of:

(A) the property of the individual, if the individual is a seller or landlord; or

(B) the property that the individual seeks to purchase or lease, if the individual is a buyer or tenant.

(2) Assist in negotiating, completing real estate forms, communicating, and timely presenting offers, counteroffers, notices, and various addenda relating to the offers and

counteroffers until:

(A) a purchase agreement or lease is signed; and

(B) all contingencies are satisfied or waived.

(3) Timely respond to questions relating to offers, counter offers, notices, various addenda, and contingencies from the seller, landlord, buyer, or tenant pertaining to the subject property.

(c) If:

(1) a licensee described in subsection (b) fails to perform the duties set forth in subsection (b); and

(2) another licensee performs those duties on behalf of or at the request of a seller, landlord, buyer, or tenant;

the performance of those duties by the other licensee referred to in subdivision (2) does not constitute an agency relationship.

(d) This section does not prohibit a licensee from performing duties in addition to the duties specified in this section on behalf of or at the request of a seller, landlord, buyer, or tenant in a real estate transaction.

As added by P.L.130-1999, SEC.13. Amended by P.L.87-2006, SEC.8.

IC 25-34.1-10-10

Licensee representing seller or landlord; duties; disclosure of information

Sec. 10. (a) A licensee representing a seller or landlord has the following duties and obligations:

(1) To fulfill the terms of the agency relationship made with the seller or landlord.

(2) To disclose the nature of the agency relationship with the seller or landlord, and redefine and disclose if the relationship changes.

(3) To promote the interests of the seller or landlord by:

(A) seeking a price or lease rate and contract terms satisfactory to the seller or landlord; however, the licensee is not obligated to seek additional offers to purchase or lease after an offer to purchase or lease has been accepted by the seller or landlord, unless otherwise agreed between the parties;

(B) presenting all offers to purchase or lease to and from the seller or landlord immediately upon receipt of the offers regardless of whether an offer to purchase or lease has been accepted, unless otherwise directed by the seller or landlord;

(C) disclosing to the seller or landlord adverse material facts or risks actually known by the licensee concerning the real estate transaction;

(D) advising the seller or landlord to obtain expert advice concerning material matters that are beyond the licensee's expertise;

(E) timely accounting for all money and property received from the seller or landlord;

(F) exercising reasonable care and skill; and

(G) complying with the requirements of this chapter and all applicable federal, state, and local laws, rules, and regulations, including fair housing and civil rights statutes, rules, and regulations.

(b) A licensee representing a seller or landlord may not disclose the following without the informed written consent of the seller or landlord:

(1) That a seller or landlord will accept less than the listed price or lease rate for the property or other contract concessions.

(2) What motivates the seller to sell or landlord to lease the property.

(3) Any material or confidential information about the seller or landlord unless the disclosure is required by law or where failure to disclose would constitute fraud or dishonest dealing.

(c) A licensee representing a seller or landlord owes no duties or obligations to the buyer or tenant except that a licensee shall treat all prospective buyers or tenants honestly and shall not knowingly give them false information.

(d) A licensee shall disclose to a prospective buyer or tenant adverse material facts or risks actually known by the licensee concerning the physical condition of the property and facts required by statute or regulation to be disclosed and that could not be discovered by a reasonable and timely inspection of the property by the buyer or tenant. A licensee representing a seller or landlord owes no duty to conduct an independent inspection of the property for the buyer or tenant or to verify the accuracy of any statement, written or oral, made by the seller, the landlord, or an independent inspector. This subsection does not limit the obligation of a prospective buyer or tenant to obtain an independent inspection of the physical condition of the property. A cause of action does not arise against a licensee for disclosing information in compliance with this section.

(e) A licensee representing a seller or landlord may:

(1) show alternative properties not owned by the seller or landlord to a prospective buyer or tenant and may list competing properties for sale or lease without breaching any duty or obligation to the seller or landlord; and

(2) provide to a buyer or tenant services in the ordinary course of a real estate transaction and any similar services that do not violate the terms of the agency relationship made with the seller or landlord.

As added by P.L.128-1994, SEC.6. Amended by P.L.130-1999, SEC.14.

IC 25-34.1-10-11

Licensee representing buyer or tenant; duties; disclosure of information

Sec. 11. (a) A licensee representing a buyer or tenant has the following duties and obligations:

(1) To fulfill the terms of the agency relationship made with the

buyer or tenant.

(2) To disclose the nature of the agency relationship with the buyer or tenant, and redefine and disclose if the relationship changes.

(3) To promote the interests of the buyer or tenant by:

(A) seeking a property with a price or lease rate and contract terms satisfactory to the buyer or tenant; however, the licensee is not obligated to locate other properties to purchase or lease while the buyer is under contract to buy property or while the tenant is under contract to lease property, unless otherwise agreed between the parties;

(B) presenting all offers to purchase and lease to and from the buyer or tenant immediately upon receipt of an offer regardless of whether the buyer is already under contract to buy or the tenant is under contract to lease property, unless otherwise directed by the buyer or tenant;

(C) disclosing to the buyer or tenant adverse material facts or risks actually known by the licensee concerning the real estate transaction;

(D) advising the buyer or tenant to obtain expert advice concerning material matters that are beyond the licensee's expertise;

(E) timely accounting for all money and property received from the buyer or tenant;

(F) exercising reasonable care and skill; and

(G) complying with the requirements of this chapter and all applicable federal, state, and local laws, rules, and regulations, including fair housing and civil rights statutes, rules, and regulations.

(b) A licensee representing a buyer or tenant shall not disclose the following without the informed consent, in writing, of the buyer or tenant:

(1) That a buyer or tenant will pay more than the offered purchase price or offered lease rate for the property or other contract concessions.

(2) What motivates the buyer to buy or tenant to lease the property.

(3) Any material or confidential information about the buyer or tenant unless this disclosure is required by law or where failure to disclose would constitute fraud or dishonest dealing.

(c) A licensee representing a buyer or tenant owes no duties or obligations to the seller or landlord except that a licensee shall treat all prospective sellers or landlords honestly and not knowingly give them false information.

(d) A licensee representing a buyer or tenant owes no duty to conduct an independent investigation of the buyer's or tenant's financial ability to perform for the benefit of the seller or landlord or to verify the accuracy of any statement, written or oral, made by the buyer, the tenant, or a third party.

(e) A licensee representing a buyer or tenant may:

(1) show properties in which the buyer or tenant is interested to other prospective buyers or tenants and may show competing buyers or tenants the same property or assist other buyers or tenants in purchasing or leasing a particular property without breaching any duty or obligation to the buyer or tenant; and

(2) provide to a seller or landlord services in the ordinary course of a real estate transaction and any similar services that do not violate the terms of the agency relationship made with the buyer or tenant.

As added by P.L.128-1994, SEC.6. Amended by P.L.130-1999, SEC.15.

IC 25-34.1-10-12

Licensee acting as limited agent

Sec. 12. (a) A licensee may act as a limited agent only with the written consent of all parties to a real estate transaction. The written consent is presumed to have been given and all parties are considered informed for any party who signs a writing or writings at the time of entering into an agency relationship with the licensee that contains the following:

(1) A description of the real estate transaction or types of real estate transactions in which the licensee will serve as a limited agent.

(2) A statement that in serving as a limited agent, the licensee represents parties whose interests are different or even adverse.

(3) A statement that a limited agent shall not disclose the following without the informed consent, in writing, of the parties to the real estate transaction:

(A) Any material or confidential information, except adverse material facts or risks actually known by the licensee concerning the physical condition of the property and facts required by statute, rule, or regulation to be disclosed and that could not be discovered by a reasonable and timely inspection of the property by the parties.

(B) That a buyer or tenant will pay more than the offered purchase price or offered lease rate for the property.

(C) That a seller or landlord will accept less than the listed price or lease rate for the property.

(D) What motivates a party to buy, sell, or lease the property.

(E) Other terms that would create a contractual advantage for one (1) party over another party.

(4) A statement that there will be no imputation of knowledge or information between any party and the limited agent or among licensees.

(5) A statement that a party does not have to consent to the limited agency.

(6) A statement that the consent of each party has been given voluntarily and that any limited agency disclosure has been read and understood.

(b) A licensee acting as a limited agent may disclose and provide to both the seller and buyer property information, including listed and sold properties available through a multiple listing service or other information source.

(c) A cause of action does not arise against a licensee for disclosing or failing to disclose information in compliance with this section, and the limited agent does not terminate the limited agency relationship by making a required disclosure.

As added by P.L.128-1994, SEC.6. Amended by P.L.130-1999, SEC.16.

IC 25-34.1-10-12.5 Version a
Representations by licensees

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 12.5. (a) An individual licensee affiliated with a principal broker represents only the client with which the licensee is working in an in-house agency relationship. A client represented by an individual licensee affiliated with a principal broker is represented only by that licensee to the exclusion of all other licensees. A principal or managing broker does not represent any party in such transactions unless the principal or managing broker has an agency relationship to personally represent a client.

(b) A licensee who personally represents both the seller and buyer or both the landlord and tenant in a real estate transaction is a limited agent and is required to comply with the provisions of this chapter governing limited agents.

(c) A licensee representing a client in an in-house agency relationship owes the client duties and obligations set forth in this chapter and shall not disclose material or confidential information obtained from the client to other licensees, except to the principal or managing broker for the purpose of seeking advice or assistance for the client's benefit.

(d) A principal broker, managing broker, and any affiliated licensee shall take reasonable and necessary care to protect any material or confidential information disclosed by a client to the client's in-house agent.

(e) In all in-house agency relationships, a principal broker, managing broker, and an individual licensee possess only actual knowledge and information. There is no imputation of agency, knowledge, or information among or between clients, the principal broker, the managing broker, and licensees.

As added by P.L.130-1999, SEC.17.

IC 25-34.1-10-12.5 Version b
Representations by licensees

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 12.5. (a) An individual licensee affiliated with a managing broker represents only the client with which the licensee is working

in an in-house agency relationship. A client represented by an individual licensee affiliated with a managing broker is represented only by that licensee to the exclusion of all other licensees. A managing broker does not represent any party in such transactions unless the managing broker has an agency relationship to personally represent a client.

(b) A licensee who personally represents both the seller and buyer or both the landlord and tenant in a real estate transaction is a limited agent and is required to comply with the provisions of this chapter governing limited agents.

(c) A licensee representing a client in an in-house agency relationship owes the client duties and obligations set forth in this chapter and shall not disclose material or confidential information obtained from the client to other licensees, except to the managing broker for the purpose of seeking advice or assistance for the client's benefit.

(d) A managing broker and any affiliated licensee shall take reasonable and necessary care to protect any material or confidential information disclosed by a client to the client's in-house agent.

(e) In all in-house agency relationships, a managing broker and an individual licensee possess only actual knowledge and information. There is no imputation of agency, knowledge, or information among or between clients, the managing broker, and licensees.

As added by P.L.130-1999, SEC.17. Amended by P.L.127-2012, SEC.45.

IC 25-34.1-10-13 Version a

Written office policy regarding agency relationships; disclosure of policy; disclosure of compensation; compensation not creating agency relationship

Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.

Sec. 13. (a) A principal broker shall develop and enforce a written office policy that identifies and describes the agency relationships that a licensee may have with a seller, landlord, buyer, or tenant and that specifically permits or rejects the practice of disclosed limited agency.

(b) At the beginning of an agency relationship, a licensee shall disclose in writing the principal broker's written office policy set forth in this section before the disclosure by the potential seller, landlord, buyer, or tenant of any confidential information specific to that potential seller, landlord, buyer, or tenant.

(c) Parties to a real estate transaction shall be advised whether compensation will be shared with other principal brokers who may represent other parties to the transaction whose interests are different or even adverse.

(d) The payment of compensation does not create an agency relationship between a licensee and a seller, landlord, buyer, or tenant.

As added by P.L.128-1994, SEC.6. Amended by P.L.130-1999,

SEC.18.

IC 25-34.1-10-13 Version b
Written office policy regarding agency relationships; disclosure of policy; disclosure of compensation; compensation not creating agency relationship

Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.

Sec. 13. (a) A managing broker shall develop and enforce a written office policy that identifies and describes the agency relationships that a licensee may have with a seller, landlord, buyer, or tenant and that specifically permits or rejects the practice of disclosed limited agency.

(b) At the beginning of an agency relationship, a licensee shall disclose in writing the managing broker's written office policy set forth in this section before the disclosure by the potential seller, landlord, buyer, or tenant of any confidential information specific to that potential seller, landlord, buyer, or tenant.

(c) Parties to a real estate transaction shall be advised whether compensation will be shared with other managing brokers who may represent other parties to the transaction whose interests are different or even adverse.

(d) The payment of compensation does not create an agency relationship between a licensee and a seller, landlord, buyer, or tenant.

As added by P.L.128-1994, SEC.6. Amended by P.L.130-1999, SEC.18; P.L.127-2012, SEC.46.

IC 25-34.1-10-14
Commencement and termination of agency relationship

Sec. 14. (a) The duties and obligations set forth in this chapter begin at the time the licensee enters into an agency relationship with a party to a real estate transaction and continues until the agency relationship terminates.

(b) If the agency relationship is not fulfilled or completed for any reason, the agency relationship ends at the earlier of:

(1) a date of expiration agreed upon by the parties; or

(2) a termination of the relationship by the parties.

(c) Except as otherwise agreed to in writing and as provided in subsection (b), a licensee representing a seller, landlord, buyer, or tenant owes no further duties or obligations after termination, expiration, or completion of the agency relationship, except:

(1) accounting for all money and property received during the agency relationship; and

(2) keeping confidential all information received during the course of the agency relationship that was made confidential by request or instructions from the client, unless:

(A) the disclosure is required by law;

(B) the client gives written consent to the disclosure; or

(C) the information becomes public from a source other than

the licensee or by subsequent words or conduct of the client.
As added by P.L.128-1994, SEC.6. Amended by P.L.130-1999, SEC.19.

IC 25-34.1-10-15
Fiduciary duties superseded

Sec. 15. The duties and obligations of a licensee set forth in this chapter supersede any fiduciary duties of a licensee to a party based on common law principles of agency to the extent that those common law fiduciary duties are inconsistent with the duties and obligations set forth in this chapter.
As added by P.L.128-1994, SEC.6. Amended by P.L.130-1999, SEC.20.

IC 25-34.1-10-16
Liability for misrepresentation

Sec. 16. (a) A client is not liable for any misrepresentation made by a licensee in connection with the agency relationship, unless the client knew or should have known of the misrepresentation.

(b) A licensee is not liable for any misrepresentation made by another licensee, unless the licensee knew or should have known of the other licensee's misrepresentation.
As added by P.L.128-1994, SEC.6. Amended by P.L.130-1999, SEC.21.

IC 25-34.1-10-17
Subagency prohibited

Sec. 17. A licensee may not make an offer of subagency through a multiple listing service or other information source, or agree to appoint, cooperate with, compensate, or otherwise associate with a subagent in a real estate transaction. The elimination of subagency by this section is not intended to limit the rights of a licensee to cooperate with, compensate, or otherwise associate with another licensee who is not acting on behalf of a client.
As added by P.L.130-1999, SEC.22.

IC 25-34.1-11

Chapter 11. Appraisal Management Companies

IC 25-34.1-11-1

"Appraisal"

Sec. 1. As used in this chapter, "appraisal" has the meaning set forth in IC 24-5-23.5-1.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-2

"Appraisal management company"

Sec. 2. As used in this chapter, "appraisal management company" means a person that, for compensation, acts as a third party intermediary by contracting with independent real estate appraisers to perform appraisals for other persons.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-3

"Appraisal management services"

Sec. 3. (a) As used in this chapter, "appraisal management services" means any of the following functions:

(1) To recruit, qualify, verify licensing or certification, or negotiate fees and service level expectations with independent real estate appraisers on behalf of a person seeking an appraisal.

(2) To receive an order for an appraisal from a person and deliver the order for completion to a independent real estate appraiser.

(3) To track and determine the status of orders for appraisals.

(4) To conduct quality control of a completed appraisal before delivery of the appraisal to the client who ordered the appraisal.

(5) To provide a completed appraisal performed by a real estate appraiser to one (1) or more clients.

(b) The term does not include transportation or communication of an appraisal or order for an appraisal without concern for the appraisal information in the appraisal or the order for an appraisal, including transportation or communication by the United States Postal Service, a delivery company, a courier, or an Internet service provider.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-4

"Board"

Sec. 4. As used in this chapter, "board" refers to the real estate appraiser licensure and certification board established by IC 25-34.1-8-1.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-5

"Person"

Sec. 5. (a) As used in this chapter, "person" means an individual

engaged in a trade or business, an association, a partnership, a limited partnership, a limited liability company, a corporation, or a similar entity.

(b) The term does not include an employee.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-6
"Real estate appraiser"

Sec. 6. As used in this chapter, "real estate appraiser" means a person who:

(1) prepares an appraisal for a real estate transaction in Indiana; and

(2) meets one (1) or more of the following:

(A) Is licensed as a real estate broker under IC 25-34.1 and performs real estate appraisals within the scope of the person's license.

(B) Holds a real estate appraiser license or certificate issued under IC 25-34.1-8.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-7
"USPAP"

Sec. 7. "USPAP" refers to the Uniform Standards of Professional Appraisal Practice, as published by the Appraisal Standards Board of the Appraisal Foundation, under the authority of Title XI of the federal Financial Institutions Reform, Recover, and Enforcement Act (12 U.S.C. 3331-3351).

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-8
Certificate of registration required

Sec. 8. An appraisal management company may not perform appraisal management services unless the appraisal management company has obtained a certificate of registration from the board under this chapter.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-9
Information and fee required for registration

Sec. 9. (a) An appraisal management company that wishes to obtain or renew a certificate of registration under this chapter must submit the following information to the board on forms prescribed by the board:

(1) The name of the person seeking registration.

(2) The business address of the person seeking registration.

(3) The telephone contact information of the person seeking registration.

(4) The name, address, and contact information of each person that has an ownership share in an appraisal management company that equals or exceeds five percent (5%) of the total

ownership share of the appraisal management company.

(5) Any other information that the board reasonably requires.

(b) An appraisal management company that wishes to obtain or renew a certificate of registration must pay the fee established under section 15 of this chapter.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-10

Issuance of a certificate of registration

Sec. 10. (a) The board shall issue a certificate of registration to an appraisal management company that:

(1) has furnished the information required by section 9(a) of this chapter in the manner prescribed by the board; and

(2) paid the fee required under section 9(b) of this chapter.

(b) A certificate of registration issued to an appraisal management company under this chapter expires two (2) years after the date on which the certificate of registration is issued.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-11

Restrictions on appraisal management companies

Sec. 11. (a) A person may not own an interest in an appraisal management company if the person has had the person's license or certificate to act as a real estate appraiser in Indiana or any other state revoked and the license or certificate has not been reinstated.

(b) An appraisal management company may only hire an independent contractor to perform an appraisal who:

(1) holds a license or certificate under IC 25-34.1-3-8 or a license as a real estate broker under IC 25-34.1; and

(2) is in good standing.

(c) An appraisal management company may not corrupt or improperly influence a real estate appraiser in violation of IC 24-5-23.5-7.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-12

Appraisal reviews

Sec. 12. (a) As used in this section, "appraisal review" means the USPAP Standard 3 process of developing and communicating an opinion about the quality of an independent real estate appraiser's work that is performed as part of an appraisal assignment made by an appraisal management company. However, the term does not include:

(1) an examination of an appraisal solely for grammatical errors, typographical errors, or similar errors; or

(2) a quality control examination for completeness.

(b) An individual who performs an appraisal review must hold a license or certificate under IC 25-34.1-3-8 or a license as a real estate broker under IC 25-34.1.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-13
Service requests; record requirements

Sec. 13. (a) An appraisal management company performing appraisal management services shall maintain a record of each service request for an appraisal that the appraisal management company receives. The following must be included in a record maintained under this subsection:

(1) The person making the service request.
(2) The date on which the service request is made.
(3) The property to be appraised.
(4) The real estate appraiser who performed the appraisal.
(5) A copy of the appraisal produced for the service request.
(6) The individuals who reviewed the appraisal.
(7) The date on which the appraisal was delivered to the person who made the service request.
(8) The costs and fees for the appraisal management services performed by the appraisal management company.
(9) The costs and fees for the appraisal performed by the real estate appraiser.

(b) An appraisal management company shall keep the records described in subsection (a) for not less than six (6) years after the date specified in subsection (a)(2).

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-14
Registration forms

Sec. 14. The board shall prescribe forms for the registration of appraisal management companies under this chapter.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-15
Registration fee

Sec. 15. (a) The board shall establish the registration fee to be paid by an appraisal management company seeking registration under this chapter. The amount of the registration fee must be the lesser of:

(1) the amount determined by the board to be sufficient for the administration of appraisal management registrations under this chapter when aggregated with all the registration fees paid by appraisal management companies seeking registration under this chapter; or
(2) five hundred dollars ($500).

(b) Registration fees collected under this section must be deposited in the investigative fund established by IC 25-34.1-8-7.5.

As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-16
Appraisals; standards compliance

Sec. 16. An appraisal management company is responsible for ensuring an appraisal complies with standards established:

(1) in the USPAP; and

(2) by the board.
As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-17
Disciplinary sanctions

Sec. 17. (a) An appraisal management company that violates this chapter is subject to disciplinary sanctions under IC 25-1-11-12.

(b) The board may impose a civil penalty of not more than ten thousand dollars ($10,000) for each violation of this chapter.

(c) A civil penalty collected under this section must be deposited in the investigative fund established by IC 25-34.1-8-7.5.
As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-18
Penalty for failure to register

Sec. 18. (a) A person who performs appraisal management services without a certificate of registration under this chapter commits a Class A infraction.

(b) The attorney general, the board, or the prosecuting attorney of any county in which a violation occurs may maintain an action in the name of the state to enjoin a person from violating this section.
As added by P.L.77-2010, SEC.2.

IC 25-34.1-11-19
Authority to adopt rules

Sec. 19. The board may adopt rules under IC 4-22-2 that the board considers necessary or advisable for the administration of this chapter.
As added by P.L.77-2010, SEC.2.

IC 25-34.5

ARTICLE 34.5. RESPIRATORY CARE PRACTITIONERS

IC 25-34.5-1

Chapter 1. Definitions

IC 25-34.5-1-1

Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.242-1989, SEC.1.

IC 25-34.5-1-2

"Applicant" defined

Sec. 2. "Applicant" means a person who applies for licensure as a respiratory care practitioner under this article. The term does not include a practitioner who applies for renewal of the practitioner's license.

As added by P.L.242-1989, SEC.1. Amended by P.L.60-2000, SEC.1.

IC 25-34.5-1-2.5

"Assessment" defined

Sec. 2.5. (a) "Assessment" means the evaluation and interpretation of patient data that is the basis for and a prerequisite for making a decision concerning patient care.

(b) The term does not include making a medical diagnosis.

As added by P.L.60-2000, SEC.2.

IC 25-34.5-1-3

"Board" defined

Sec. 3. "Board" refers to the medical licensing board of Indiana.

As added by P.L.242-1989, SEC.1.

IC 25-34.5-1-4

"Committee" defined

Sec. 4. "Committee" refers to the respiratory care committee established under IC 25-34.5-2-1.

As added by P.L.242-1989, SEC.1.

IC 25-34.5-1-4.7

"Other authorized health care professional" defined

Sec. 4.7. "Other authorized health care professional" means a licensed health care professional whose scope of practice:

(1) includes the task being supervised; and

(2) authorizes the professional to supervise an individual who is not licensed, certified, or registered as a health care professional.

As added by P.L.60-2000, SEC.3. Amended by P.L.288-2001, SEC.12.

IC 25-34.5-1-5
"Person" defined

Sec. 5. "Person" means an individual.

As added by P.L.242-1989, SEC.1.

IC 25-34.5-1-6
"Practice of respiratory care" defined

Sec. 6. "Practice of respiratory care" means the allied health specialty designed to aid the supervising physician or osteopath in the treatment, management, diagnostic testing, control, and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system. The term includes the following:

(1) Administration of pharmacological, diagnostic, and therapeutic aids related to the implementation of a treatment, disease prevention, pulmonary rehabilitation, or diagnostic regimen prescribed by and under the direct supervision of a physician licensed under IC 25-22.5 as follows:

(A) Administration of medical gases (except for the purpose of anesthesia), aerosols, and humidification.

(B) Environmental control mechanisms and hyperbaric therapy.

(C) Mechanical or physiological ventilatory support.

(D) Bronchopulmonary hygiene.

(E) Cardiopulmonary resuscitation.

(F) Maintenance of the natural airway.

(G) Insertion and maintenance of artificial airways.

(H) Specific diagnostic and testing techniques employed in the medical management of patients to assist in diagnosis, monitoring, treatment, and research of pulmonary abnormalities, including measurements of ventilatory volumes, pressures, and flows, collection of specimens of blood and blood gases, expired and inspired gas samples, respiratory secretions, and pulmonary function testing.

(I) Utilization of hemodynamic and other related physiologic measurements to assess the status of the cardiopulmonary system.

(2) Transcription and implementation of the written or verbal orders of a physician.

(3) Observing and monitoring signs and symptoms, general behavior, general physical response to respiratory care treatment and diagnostic testing, including determination of whether the signs, symptoms, reactions, behavior, or general response exhibit abnormal characteristics.

(4) Observing and referring based on abnormalities, protocols, or changes in treatment.

(5) Repairing equipment used in the practice of respiratory care.

As added by P.L.242-1989, SEC.1. Amended by P.L.60-2000, SEC.4.

IC 25-34.5-1-7
"Practitioner" defined

Sec. 7. "Practitioner" means a person licensed under this article to engage in the practice of respiratory care.
As added by P.L.242-1989, SEC.1. Amended by P.L.60-2000, SEC.5.

IC 25-34.5-1-8
"Proximate supervision" defined

Sec. 8. "Proximate supervision" means a situation in which an individual is:

(1) responsible for directing the actions of another individual; and

(2) in the facility and is physically close enough to be readily available if needed by the supervised individual.

As added by P.L.60-2000, SEC.6.

IC 25-34.5-1-9
"Task" defined

Sec. 9. "Task" means a respiratory care practice that does not:

(1) require specialized knowledge that results from a course of education or training in respiratory care;

(2) pose an unreasonable risk of a negative outcome for the patient; and

(3) involve assessment or making a decision concerning patient care.

As added by P.L.60-2000, SEC.7.

IC 25-34.5-2

Chapter 2. Respiratory Care Committee; Certification

IC 25-34.5-2-1

Purpose

Sec. 1. The respiratory care committee is established to assist the board in carrying out this article with regard to the qualifications and examination of respiratory care practitioners.

As added by P.L.242-1989, SEC.1.

IC 25-34.5-2-2

Membership

Sec. 2. (a) The committee consists of five (5) members to be appointed by the governor as follows:

(1) At least two (2) practitioners.

(2) At least one (1) physician licensed under IC 25-22.5 who is familiar with the practice of respiratory care.

(3) At least one (1) member who:

(A) is a resident of Indiana; and

(B) is not associated with the practice of respiratory care in any way, other than as a consumer.

(b) Each practitioner appointed to the committee must:

(1) be a practitioner meeting the requirements of this article;

(2) have had not less than three (3) years experience in the actual practice of respiratory care immediately preceding appointment; and

(3) be a resident of Indiana and actively engaged in Indiana in the practice of respiratory care while serving as a member of the committee.

As added by P.L.242-1989, SEC.1. Amended by P.L.48-1991, SEC.63.

IC 25-34.5-2-3

Terms

Sec. 3. The governor shall make each appointment to the committee for a term of three (3) years.

As added by P.L.242-1989, SEC.1. Amended by P.L.1-1990, SEC.255; P.L.48-1991, SEC.64.

IC 25-34.5-2-4

Removal of members

Sec. 4. A member of the committee may be removed by the governor without cause.

As added by P.L.242-1989, SEC.1. Amended by P.L.1-1990, SEC.256; P.L.48-1991, SEC.65.

IC 25-34.5-2-5

Salaries; expenses

Sec. 5. Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by

IC 4-10-11-2.1(b). Each member of the committee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.
As added by P.L.242-1989, SEC.1.

IC 25-34.5-2-6
Duties

Sec. 6. The committee shall:

(1) pass upon the qualifications of persons who apply for licensure as respiratory care practitioners;
(2) provide all examinations;
(3) license qualified applicants; and
(4) propose rules concerning the competent practice of respiratory care to the board.

As added by P.L.242-1989, SEC.1. Amended by P.L.60-2000, SEC.8.

IC 25-34.5-2-6.1
Rules regarding designation of tasks

Sec. 6.1. The rules proposed under section 6(4) of this chapter and adopted under section 7(l) of this chapter must include, to the extent reasonably ascertainable, a designation of all tasks. The designation of tasks must:

(1) exclude the practices described in section 6.2 of this chapter; and
(2) include the tasks described in section 6.3 of this chapter.

As added by P.L.60-2000, SEC.9.

IC 25-34.5-2-6.2
Practices not considered tasks

Sec. 6.2. The following respiratory care practices are not tasks:

(1) Administration of aerosol medication.
(2) Insertion and maintenance of an artificial airway.
(3) Mechanical ventilatory support.
(4) Patient assessment.
(5) Patient education.

As added by P.L.60-2000, SEC.10.

IC 25-34.5-2-6.3
Practices considered tasks

Sec. 6.3. The following respiratory care practices are tasks:

(1) Cleaning, disinfecting, sterilizing, and assembling equipment used in the practice of respiratory care as delegated by a practitioner or other authorized health care professional.
(2) Collecting and reviewing patient data through noninvasive means if the collection and review does not include the individual's interpretation of the clinical significance of the data. Collecting and reviewing patient data includes the following:

(A) Setting up and obtaining an electrocardiogram.

(B) Performing pulse oximetry and reporting to a practitioner or other authorized health care professional in a timely manner.

(3) Setting up a nasal cannula for oxygen therapy and reporting to a practitioner or other authorized health care professional in a timely manner.

(4) Performing incentive spirometry, excluding a patient's initial treatment and education.

(5) Performing cough and deep breath maneuvers.

(6) Maintaining a patient's natural airway by physically manipulating the jaw and neck.

As added by P.L.60-2000, SEC.11.

IC 25-34.5-2-6.4

Performance of tasks by unlicensed persons; oversight by practitioner

Sec. 6.4. (a) Notwithstanding any other law and except as otherwise provided in this article, to perform the practice of respiratory care other than a task, an individual must be:

(1) a practitioner; or

(2) a licensed, registered, or certified health care professional whose scope of practice includes the respiratory care practice.

(b) An individual who is not a licensed, registered, or certified health care professional may perform a task only:

(1) under the proximate supervision of a practitioner or other authorized health care professional; and

(2) if the individual has demonstrated to the facility that employs or contracts with the individual competency to perform the task.

The facility shall document competency in accordance with licensure, certification, and accreditation standards applicable to the facility.

(c) A practitioner may do the following:

(1) Delegate tasks.

(2) Supervise the performance of tasks.

As added by P.L.60-2000, SEC.12. Amended by P.L.288-2001, SEC.13.

IC 25-34.5-2-7

Rules

Sec. 7. The board shall adopt rules under IC 4-22-2 establishing:

(1) standards for the competent practice of respiratory care under the direct supervision of a physician licensed under IC 25-22.5, including a designation of tasks;

(2) fees for the administration of this article; and

(3) standards for the administration of this article;

after considering rules proposed by the committee.

As added by P.L.242-1989, SEC.1. Amended by P.L.48-1991, SEC.66; P.L.60-2000, SEC.13.

IC 25-34.5-2-8
Evidence required from applicants; criminal convictions; disciplinary actions; education requirements

Sec. 8. (a) Each applicant for licensure as a respiratory care practitioner must present satisfactory evidence that the applicant:

(1) does not have a conviction for:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the practitioner's ability to practice competently;

(2) has not been the subject of a disciplinary action initiated by the licensing or certification agency of another state or jurisdiction on the grounds that the applicant was unable to practice as a respiratory care practitioner without endangering the public; and

(3) has passed a respiratory care practitioner licensing or certification examination approved by the board.

(b) Each applicant for licensure as a respiratory care practitioner must submit proof to the committee of the applicant's:

(1) graduation from a school or program of respiratory care that meets standards set by the board;

(2) completion of a United States military training program in respiratory care; or

(3) completion of sufficient postsecondary education to be credentialed by a national respiratory care practitioner organization approved by the committee.

(c) At the time of making application, each applicant must pay a fee determined by the board after consideration of a recommendation of the committee.

As added by P.L.242-1989, SEC.1. Amended by P.L.33-1993, SEC.70; P.L.177-1997, SEC.6; P.L.60-2000, SEC.14.

IC 25-34.5-2-9
Certification; expiration

Sec. 9. (a) Except as provided in section 11 of this chapter, the committee shall issue a license to each applicant who:

(1) successfully passes the examination provided in section 12 of this chapter; and

(2) meets the requirements of section 8 of this chapter.

(b) A license issued under this section expires on the last day of the regular renewal cycle established under IC 25-1-5-4.

As added by P.L.242-1989, SEC.1. Amended by P.L.48-1991, SEC.67; P.L.60-2000, SEC.15.

IC 25-34.5-2-10
Renewal of certification; reinstatement of invalid certificates

Sec. 10. (a) The committee shall, under IC 25-1-2, renew every two (2) years the license of a practitioner who:

(1) meets the continuing education requirements established by rule by the board; and

(2) pays the fee set by the board.

(b) If a practitioner does not renew the practitioner's license before its expiration, the practitioner's license becomes invalid without action taken by the committee. A license that becomes invalid under this subsection may be reinstated by the committee up to three (3) years after its invalidation if the practitioner who holds an invalid license meets the requirements under IC 25-1-8-6.

(c) If a license that becomes invalid under subsection (b) is not reinstated by the committee within three (3) years of its invalidation, the holder of the invalid license may be required by the committee to take an examination for competence before the committee will reinstate the license.

(d) The board may adopt rules under IC 4-22-2 establishing requirements for reinstatement of an invalid license after consideration of a recommendation of the committee.

(e) The board shall accept continuing education courses in the following areas toward fulfillment of the requirements of subsection (a):

(1) Management of the practice of respiratory care.

(2) Courses concerning the practice of respiratory care that enable individuals to teach continuing education courses for respiratory care practitioners.

(3) The practice of respiratory care.

As added by P.L.242-1989, SEC.1. Amended by P.L.60-2000, SEC.16; P.L.269-2001, SEC.30.

IC 25-34.5-2-10.1
Temporary permits

Sec. 10.1. (a) The committee may issue a temporary permit to a person to practice respiratory care or to profess to be a respiratory care practitioner if the person pays a fee and:

(1) has:

(A) a valid license or certificate to practice from another state; and

(B) applied for a license from the committee;

(2) is practicing in a state that does not license or certify respiratory care practitioners but is credentialed by a national respiratory care practitioner association approved by the committee, and the person has applied for a license from the committee; or

(3) has:

(A) been approved by the committee to take the next examination; and

(B) graduated from a school or program approved by the committee.

(b) A temporary permit expires the earlier of:

(1) the date the person holding the permit is issued a license under this article; or

(2) the date the committee disapproves the person's license application.

(c) The committee may renew a temporary permit if the person holding the permit was scheduled to take the next examination and:

(1) did not take the examination; and

(2) shows good cause for not taking the examination.

(d) A permit renewed under subsection (c) expires on the date the person holding the permit receives the results from the next examination given after the permit was issued.

As added by P.L.48-1991, SEC.68. Amended by P.L.60-2000, SEC.17.

IC 25-34.5-2-11

Issuance of certificate by endorsement; waiver of education requirements

Sec. 11. (a) The committee may issue a license by endorsement to a person who:

(1) presents satisfactory evidence to the committee that the person holds:

(A) a license or certification to practice respiratory care in:

(i) another state; or

(ii) a jurisdiction of Canada; or

(B) credentials issued by a national respiratory care practitioner organization approved by the committee;

(2) meets the requirements of section 8 of this chapter; and

(3) pays a fee determined by the board after consideration of a recommendation of the committee.

(b) If the applicant presents satisfactory evidence that the applicant has actively engaged in the practice of respiratory care that included actual patient care:

(1) in another jurisdiction;

(2) under the supervision of a physician licensed in that jurisdiction; and

(3) for at least ten (10) of the previous fifteen (15) years preceding the date of application;

the committee may waive the education requirements under subsection (a)(2) and section 8(b) of this chapter if the committee determines that the applicant has sufficient knowledge and experience.

As added by P.L.242-1989, SEC.1. Amended by P.L.177-1997, SEC.7; P.L.60-2000, SEC.18.

IC 25-34.5-2-12

Examinations; contents; reexamination

Sec. 12. (a) Examinations of applicants for licensure under this article shall be held at least semiannually on dates set by the board.

(b) An examination under this section must include a written examination that tests the following:

(1) The applicant's knowledge of the basic and clinical sciences as they relate to the practice of respiratory care.

(2) Other subjects that the committee considers useful to test an applicant's fitness to practice respiratory care.

(c) An otherwise qualified applicant who fails an examination and is refused licensure may take another scheduled examination upon payment of an additional fee set by the board under rules adopted under section 7 of this chapter.
As added by P.L.242-1989, SEC.1. Amended by P.L.60-2000, SEC.19.

IC 25-34.5-2-13
Utilization of testing services
Sec. 13. The committee may utilize the services of a testing company to prepare, conduct, and score examinations.
As added by P.L.242-1989, SEC.1.

IC 25-34.5-2-14
Student permits
Sec. 14. (a) The committee shall issue a student permit to an individual if the individual does the following:
(1) Submits the appropriate application to the committee.
(2) Pays the fee established by the board.
(3) Submits written proof to the committee that the individual is a student in good standing in a respiratory care school or program that has been:
(A) approved by the committee for purposes of section 8(b)(1) of this chapter;
(B) approved by the committee for purposes of section 10.1(a)(3)(B) of this chapter; or
(C) otherwise approved by the committee.
(4) Submits satisfactory evidence that the individual:
(A) does not have a conviction described in section 8(a)(1) of this chapter; and
(B) has not been the subject of a disciplinary action described in section 8(a)(2) of this chapter.
(b) The committee shall issue a student permit as soon as it is reasonably practicable after an individual fulfills the requirements of subsection (a).
(c) An individual who holds a student permit may only perform respiratory care procedures that have been part of a course:
(1) the individual has successfully completed in the respiratory care program designated under subsection (a)(3); and
(2) for which the successful completion has been documented and that is available upon request to the committee.
(d) The committee may expand the list of respiratory care procedures that an individual may perform under the individual's student permit to include additional respiratory care procedures that have been part of a course:
(1) that the individual has successfully completed in the respiratory care program designated under subsection (a)(3); and
(2) for which the individual's successful completion has been documented.

Upon request by the committee, the individual shall provide documentation of the successful completion of a course described in this subsection.

(e) The procedures permitted under subsections (c) and (d) may be performed only:

(1) on adult patients who are not critical care patients; and

(2) under the proximate supervision of a practitioner.

(f) A holder of a student permit shall meet in person at least one (1) time each working day with the permit holder's supervising practitioner or a designated respiratory care practitioner to review the permit holder's clinical activities. The supervising practitioner or a designated respiratory care practitioner shall review and countersign the entries that the permit holder makes in a patient's medical record not more than seven (7) calendar days after the permit holder makes the entries.

(g) A supervising practitioner may not supervise at one (1) time more than three (3) holders of student permits issued under this section.

(h) A student permit expires on the earliest of the following:

(1) The date the permit holder is issued a license under this article.

(2) The date the committee disapproves the permit holder's application for a license under this article.

(3) The date the permit holder ceases to be a student in good standing in a respiratory care program approved by the committee. The graduation of a student permit holder from a respiratory care program approved by the committee does not cause the student permit to expire under this subdivision.

(4) Sixty (60) days after the date that the permit holder graduates from a respiratory care program approved by the committee.

(5) The date that the permit holder is notified that the permit holder has failed the licensure examination.

(6) Two (2) years after the date of issuance.

As added by P.L.60-2000, SEC.20. Amended by P.L.288-2001, SEC.14.

IC 25-34.5-3

Chapter 3. Violations and Sanctions

IC 25-34.5-3-1

Representations by uncertified persons

Sec. 1. A person may not:

(1) practice respiratory care;

(2) profess to be a respiratory care practitioner;

(3) use the title "respiratory care practitioner"; or

(4) use any initials, words, letters, abbreviations, or insignia indicating or implying that the person is a respiratory care practitioner licensed under this article;

unless the person is licensed under this article.

As added by P.L.242-1989, SEC.1. Amended by P.L.48-1991, SEC.69; P.L.60-2000, SEC.21.

IC 25-34.5-3-2

Criminal charges

Sec. 2. A person who violates this chapter commits a Class B misdemeanor. In addition to any other penalty imposed for a violation of this chapter, the board may, in the name of the state of Indiana through the attorney general, petition a circuit or superior court to enjoin the person who is violating this chapter from practicing respiratory care in violation of this chapter.

As added by P.L.242-1989, SEC.1. Amended by P.L.60-2000, SEC.22.

IC 25-34.5-3-3

Practice of health care professionals not affected

Sec. 3. This article does not prohibit a licensed, registered, or certified health care professional from practicing within the scope of the health care professional's license, registration, or certification.

As added by P.L.60-2000, SEC.23.

IC 25-34.5-3-4

Examination requirement for practice by health care nonprofessional

Sec. 4. Except as provided in IC 25-34.5-2-6.4(a), an individual who is not licensed, registered, or certified as a health care professional may perform a respiratory care practice only when the individual passes an examination covering the practice that is offered by a testing body approved by the committee.

As added by P.L.60-2000, SEC.24.

IC 25-34.5-3-5

Conditions for operation of equipment by health care nonprofessional

Sec. 5. An individual who is not licensed, registered, or certified as a health care professional may deliver, set up, calibrate, and demonstrate the mechanical operation of respiratory care equipment

in a residential setting only when the following conditions are met:

(1) The individual's employer documents that the individual has obtained adequate training and demonstrated competence under the supervision of a practitioner or other licensed, registered, or certified health care professional.

(2) The individual does not teach, administer, or practice respiratory care.

(3) The individual does not attach the respiratory care equipment to the patient or instruct the patient, the patient's family, or the patient's caregiver on the equipment's clinical use as a treatment device.

(4) All instructions to the patient, family, or caregiver regarding the clinical use of the equipment, patient monitoring, patient assessment, or other procedures designed to evaluate the effectiveness of the treatment are performed by a practitioner or other licensed, registered, or certified health care professional.

As added by P.L.60-2000, SEC.25.

IC 25-34.5-3-6

Performing CPR; repairing equipment

Sec. 6. This article does not prohibit an individual who is not licensed as a respiratory care practitioner from doing any of the following:

(1) Performing cardiopulmonary resuscitation.

(2) Repairing equipment used in the practice of respiratory care.

As added by P.L.60-2000, SEC.26.

IC 25-34.5-3-7

Employee acting under supervision of physician not affected

Sec. 7. This article does not affect the applicability of IC 25-22.5-1-2(a)(19).

As added by P.L.60-2000, SEC.27.

IC 25-34.5-3-8

Laboratory tests by nonpractitioner

Sec. 8. This article does not prohibit an individual who is not a practitioner from performing laboratory tests in a clinical laboratory holding a federal Clinical Laboratory Improvement Act (CLIA) certificate or a CLIA certificate of accreditation if the individual satisfies the specified federal qualification standards.

As added by P.L.60-2000, SEC.28.

IC 25-35

ARTICLE 35. REPEALED

(*Repealed by P.L.1-1993, SEC.199.)*

IC 25-35.6

ARTICLE 35.6. SPEECH PATHOLOGISTS AND AUDIOLOGISTS

IC 25-35.6-1

Chapter 1. General Provisions

IC 25-35.6-1-1

Declaration of policy

Sec. 1. It is declared to be a policy of the state of Indiana that in order to:

(1) safeguard the public health, safety, and welfare;

(2) protect the public from being misled by incompetent, unscrupulous, and unauthorized persons and from unprofessional conduct on the part of qualified speech-language pathologists and audiologists; and

(3) help assure the availability of the highest possible quality speech-language pathology and audiology services to a person with a communication disability of this state;

it is necessary to provide regulatory authority over persons offering speech-language pathology and audiology services to the public.

(Formerly: Acts 1973, P.L.262, SEC.1.) As amended by P.L.149-1987, SEC.103; P.L.23-1993, SEC.152.

IC 25-35.6-1-2

Definitions

Sec. 2. (a) As used in this article, "board" means the speech-language pathology and audiology board established by this article.

(b) As used in this article, "person" means any individual, organization, or corporate body, except that only an individual may be licensed under this article.

(c) As used in this article, "speech-language pathologist" means an individual who practices speech-language pathology and who presents himself to the public by any title or description of services incorporating the words speech pathologist, speech-language pathologist, speech therapist, speech-language specialist, teacher of communication disorders, speech correctionist, speech clinician, language pathologist, language therapist, logopedist, communicologist, voice therapist, voice pathologist, or any similar title or description of service.

(d) As used in this article, "speech-language pathology" means the application of nonmedical and nonsurgical principles, methods, and procedures for the following:

(1) The prevention, evaluation, habilitation, rehabilitation, instruction, and research of communication and swallowing disorders.

(2) The elective modification of communication behaviors.

(3) The enhancement of communication, including the use of

augmentative or alternate communication strategies.

(e) As used in this article, "audiologist" means an individual who practices audiology and who presents himself to the public by any title or description of services incorporating the words audiologist, hearing clinician, hearing therapist, hearing specialist, audiometrist, vestibular specialist, or any similar title or description of service.

(f) As used in this article, "audiology" means the application of nonmedical and nonsurgical principles, methods, and procedures of prevention, evaluation, habilitation, rehabilitation, instruction, and research of disorders of hearing, auditory function, and vestibular function.

(g) As used in this article, "support personnel" means individuals who meet the qualifications which the board shall establish for the following:

(1) Speech-language pathology aide.

(2) Speech-language pathology associate.

(3) Speech-language pathology assistant.

(h) As used in this article, "audiology assistant" means an individual who:

(1) is not licensed as an audiologist under this article;

(2) meets qualifications which the board may establish; and

(3) provides specific services under the direction and supervision of a licensed audiologist.

(i) As used in this article, "clinical fellowship" means a supervised professional experience.

(j) As used in this article, "direct supervision" means onsite observation and guidance while an assigned evaluation or therapeutic activity is being performed.

(Formerly: Acts 1973, P.L.262, SEC.1; Acts 1974, P.L.1, SEC.11.) As amended by P.L.149-1987, SEC.104; P.L.212-2005, SEC.63.

IC 25-35.6-1-3

Persons and practices affected

Sec. 3. (a) Licensure shall be granted either in speech-language pathology or audiology independently. A person may be licensed in both areas if the person meets the respective qualifications.

(b) No person shall practice or represent himself as a speech-language pathologist or audiologist in this state unless the person is licensed in accordance with the provisions of this article.

(Formerly: Acts 1973, P.L.262, SEC.1.) As amended by P.L.149-1987, SEC.105.

IC 25-35.6-1-4

Persons and practices not affected

Sec. 4. Nothing in this article shall be construed as preventing or restricting the following:

(1) A physician or surgeon from engaging in the practice of medicine in this state, or a person under the supervision and control of a physician or surgeon from conducting hearing testing, provided such a person is not called an audiologist.

(2) Any hearing aid dealer from:

(A) engaging in the testing of hearing and other practices and procedures necessary for the business for which the dealer is registered in this state under IC 25-20-1; and

(B) using the title hearing aid specialist or any similar title or description of service.

(3) Any person licensed or registered in this state by any other law from engaging in the profession or occupation for which the person is licensed or registered.

(4) A person employed as a speech-language pathologist or audiologist by the government of the United States, if such person performs speech-language pathology or audiology services solely within the confines or under the jurisdiction of the governmental organization by which the person is employed. However, such person may, without obtaining a license under this article, consult with or disseminate the person's research findings and other scientific information to speech-language pathologists and audiologists outside the jurisdiction of the organization by which the person is employed. Such person may also offer instruction and lectures to the public without being licensed under this article. Such person may additionally elect to be subject to this article.

(5) The activities and services of persons pursuing a course of study leading to a degree in speech-language pathology or audiology at a postsecondary educational institution, if:

(A) such activities and services constitute a part of a supervised course of study;

(B) such person is designated speech-language pathology or audiology intern, speech-language pathology or audiology trainee, or by other such titles clearly indicating the training status appropriate to the person's level of training; and

(C) the person works only under the supervision of a speech-language pathologist or audiologist licensed under this article.

(6) The activities and services of persons fulfilling the clinical experience requirement of section 5(2)(B)(ii) or 6(3)(B) of this chapter, if such activities and services constitute a part of the experience required for that section's fulfillment.

(7) The performance of pure tone air conduction testing by an industrial audiometric technician, as defined by federal law, who is working in an industrial hearing conservation program directed by a physician or an audiologist.

(8) The performance of speech-language pathology or audiology services in this state by any person not a resident of this state who is not licensed under this article, if such services are performed for no more than five (5) days in any calendar year and in cooperation with a speech-language pathologist or audiologist licensed under this article, and if such person meets the qualifications and requirements for application for licensure described in sections 5(1) and 5(2) or 6(1) and 6(2) of this

chapter. However, a person not a resident of this state who is not licensed under this article, but who is licensed under the law of another state which has established licensure requirements at least equivalent to those established by section 5 or 6 of this chapter or who is the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language or hearing, may offer speech-language pathology or audiology services in this state for no more than thirty (30) days in any calendar year, if such services are performed in cooperation with a speech-language pathologist or audiologist licensed under this article.

(Formerly: Acts 1973, P.L.262, SEC.1.) As amended by P.L.250-1985, SEC.1; P.L.149-1987, SEC.106; P.L.212-2005, SEC.64; P.L.2-2007, SEC.348.

IC 25-35.6-1-5
Eligibility for licensure and registration

Sec. 5. To be eligible for licensure by the board as a speech-language pathologist or registration as a speech-language pathology aide, a speech-language pathology associate, or a speech-language pathology assistant, a person must satisfy the following:

(1) Not have been convicted of a crime that has a direct bearing on the person's ability to practice competently.

(2) For licensure as a speech-language pathologist:

(A) possess at least a master's degree or its equivalent in the area of speech-language pathology from an educational institution recognized by the board; and

(B) submit evidence of:

(i) a national certification in speech-language pathology that is approved by the board; or

(ii) satisfaction of the academic and clinical experience requirements necessary for licensure as defined in the rules of the board.

(3) For registration as a speech-language pathology aide, possess at least a high school degree or its equivalent.

(4) For registration as a speech-language pathology associate, possess at least an associate degree in speech-language pathology.

(5) For registration as a speech-language pathology assistant, possess at least a bachelor's degree in speech-language pathology.

(Formerly: Acts 1973, P.L.262, SEC.1.) As amended by Acts 1981, P.L.222, SEC.267; Acts 1982, P.L.113, SEC.84; P.L.250-1985, SEC.2; P.L.149-1987, SEC.107; P.L.33-1993, SEC.71; P.L.212-2005, SEC.65.

IC 25-35.6-1-6
Initial license; audiologist

Sec. 6. To be eligible for an initial license by the board as an audiologist, an individual must satisfy the following:

(1) Not have been convicted of a crime that has a direct bearing on the individual's ability to practice competently.

(2) Possess a doctoral degree from an accredited educational program recognized by the board.

(3) Submit evidence of:

(A) a national certification in audiology that is approved by the board; or

(B) satisfaction of the academic and clinical experience requirements necessary for licensure as defined in the rules of the board.

As added by P.L.212-2005, SEC.66.

IC 25-35.6-1-7

Initial license; renewal license; speech-language pathologist; continuing education

Sec. 7. (a) The division of professional standards established within the department of education by IC 20-28-2-1.5 (referred to as "the division of professional standards" in this section) may issue the following:

(1) An initial license as a speech-language pathologist only to an individual who is licensed as a speech-language pathologist under this article.

(2) A nonrenewable initial license as a speech-language pathologist to an individual who is completing a clinical fellowship in speech-language pathology and who has registered the clinical fellowship with the board. The nonrenewable initial license expires on the earlier of:

(A) the date the individual is licensed by the board as a speech-language pathologist; or

(B) eighteen (18) months after the individual begins the clinical fellowship in speech-language pathology.

(3) A renewal license as a speech-language pathologist to an individual who was licensed by the professional standards board before July 1, 2005, and who is not licensed as a speech-language pathologist under this article.

(b) The division of professional standards shall issue a license as a speech-language pathologist to an individual who:

(1) is licensed as a speech-language pathologist under this article; and

(2) requests licensure.

(c) A speech-language pathologist licensed by the division of professional standards shall register with the Indiana professional licensing agency all speech-language pathology support personnel that the speech-language pathologist supervises.

(d) The division of professional standards may not impose different or additional supervision requirements upon speech-language pathology support personnel than the supervision requirements that are imposed under this article.

(e) The division of professional standards may not impose continuing education requirements upon an individual who receives a license under this section that are different from or in addition to the continuing education requirements imposed under this article.

(f) An individual:

(1) who:

(A) if the individual is a speech-language pathologist, receives a license under this section or received a license as a speech-language pathologist issued by the professional standards board before July 1, 2005; or

(B) if the individual is an audiologist, works in an educational setting;

(2) who has been the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language pathology and audiology for at least three (3) consecutive years; and

(3) who has professional experience as a licensed speech-language pathologist or audiologist in a school setting that is equivalent to the experience required for a teacher seeking national certification by the National Board of Professional Teaching Standards;

is considered to have the equivalent of and is entitled to the same benefits that accrue to a holder of a national certification issued by the National Board for Professional Teaching Standards.

As added by P.L.212-2005, SEC.67. Amended by P.L.1-2006, SEC.480; P.L.157-2006, SEC.75; P.L.1-2007, SEC.181; P.L.59-2007, SEC.1; P.L.197-2007, SEC.90.

IC 25-35.6-1-8

Adopting rules defining support personnel role; qualifications to supervise

Sec. 8. (a) The board shall adopt rules under IC 4-22-2 to define the role of support personnel, including the following:

(1) Supervisory responsibilities of the speech-language pathologist.

(2) Ratio of support personnel to speech-language pathologists.

(3) Scope of duties and restrictions of responsibilities for each type of support personnel.

(4) Frequency, duration, and documentation of supervision.

(5) Education and training required to perform services.

(6) Procedures for renewing registration and terminating duties.

(b) A speech-language pathologist must meet the following qualifications to supervise speech-language pathology support personnel:

(1) Hold a current license as a speech-language pathologist issued by the board.

(2) Except for an individual who:

(A) before September 1, 1990, completed all the course work and obtained all the experience required to receive a life

license from the department of education; and

(B) was issued a life license by the department of education; hold a certificate of clinical competence in speech-language pathology or its equivalent issued by a nationally recognized association for speech-language and hearing.

(c) Speech-language pathology support personnel may provide support services only under the supervision of a speech-language pathologist.

As added by P.L.212-2005, SEC.68. Amended by P.L.197-2007, SEC.91; P.L.226-2011, SEC.21.

IC 25-35.6-1-8.5

Emergency communication disorder permit

Sec. 8.5. (a) The department of education may issue an emergency communication disorder permit to an individual, as necessary, to serve the needs of students who are eligible for speech and language services under the federal Individuals with Disabilities Education Improvement Act (20 U.S.C. 1400 et seq.).

(b) To be eligible to receive an emergency communication disorder permit, an individual must:

(1) have a bachelor's degree in speech, language, and hearing sciences or an equivalent bachelor's degree in this subject area; and

(2) be enrolled, and have submitted a verified plan of study, in a graduate program in communication disorders.

(c) An individual with an emergency communication disorder permit may not provide services beyond the scope of the individual's education and training.

(d) An individual who is issued an emergency communication disorder permit shall have accessibility to a licensed speech-language pathologist in order to collaborate on the provision of services at no additional cost to the school corporation.

(e) An individual with an emergency communication disorder permit may not use a title that states or implies that the individual is a licensed speech-language pathologist.

(f) This section expires June 30, 2018.

As added by P.L.59-2007, SEC.2.

IC 25-35.6-1-9

Patient referral; supervision of certain procedures

Sec. 9. (a) If a speech-language pathologist performs an evaluation and the evaluation suggests the possibility of a condition that requires medical attention, the speech-language pathologist shall promptly refer the patient to an individual licensed under IC 25-22.5.

(b) A speech-language pathologist shall perform instrumental procedures using rigid or flexible endoscopes only under the authorization and general supervision of an individual licensed under IC 25-22.5.

As added by P.L.212-2005, SEC.69.

IC 25-35.6-1-10
Patient referral

Sec. 10. (a) If an audiologist performs an evaluation and the evaluation suggests the possibility of a condition that requires medical attention, the audiologist shall promptly refer the patient to an individual licensed under IC 25-22.5.

(b) An audiologist shall administer tests of vestibular function only to patients who have been referred by an individual licensed under IC 25-22.5.

As added by P.L.212-2005, SEC.70.

IC 25-35.6-2

Chapter 2. Creation of Board

IC 25-35.6-2-1

Establishment; members; appointment; term; meetings; quorum

Sec. 1. (a) There is established the speech-language pathology and audiology board.

(b) The board shall be comprised of six (6) members, who shall be appointed by the governor. Five (5) board members shall have been residents of this state for at least one (1) year immediately preceding their appointment and shall have been engaged in rendering services to the public, teaching, or research in speech-language pathology or audiology for at least five (5) years immediately preceding their appointment. At least two (2) board members shall be speech-language pathologists and at least two (2) shall be audiologists, with the fifth member being either a speech-language pathologist or audiologist. At least one (1) of these five (5) members must be engaged in an active private practice of speech-language pathology or audiology. The sixth member of the board, to represent the general public, shall be a resident of this state who has never been associated with speech-language pathology or audiology in any way other than as a consumer. Except for the member representing the general public, all board members shall at all times be holders of active and valid licenses for the practice of speech-language pathology or audiology in this state.

(c) The governor shall also appoint one (1) nonvoting advisor, who must be a licensed physician and board certified in otolaryngology, to serve a four (4) year term of office on the board.

(d) Appointments shall be for three (3) year terms, with no person being eligible to serve more than two (2) full consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year, except for the first appointed members, who shall serve through the last calendar day of the year in which they are appointed before commencing the terms prescribed by this subsection. Any member of the board may serve until the member's successor is appointed and qualified under this chapter.

(e) The governor may consider, but shall not be bound to accept, recommendations for board membership made by a statewide association for speech-language and hearing. A statewide association for speech-language and hearing may submit to the governor its recommendations for board membership not less than sixty (60) days before the end of each calendar year. In the event of a mid-term vacancy, such association may make recommendations for filling such vacancy.

(f) The board shall meet during the first month of each calendar year to select a chairman and for other appropriate purposes. At least one (1) additional meeting shall be held before the end of each calendar year. Further meetings may be convened at the call of the chairman or the written request of any two (2) board members. All meetings of the board shall be open to the public, except that the

board may hold closed sessions to prepare, approve, grade, or administer examinations or, upon request of an applicant who fails an examination, to prepare a response indicating any reason for his failure. All meetings of the board must be held in Indiana.

(g) Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

(Formerly: Acts 1973, P.L.262, SEC.1.) As amended by Acts 1981, P.L.222, SEC.266; P.L.250-1985, SEC.3; P.L.149-1987, SEC.108.

IC 25-35.6-2-2
Functions of board

Sec. 2. (a) The board:

(1) shall administer, coordinate, and enforce this article;

(2) shall evaluate the qualifications and supervise the examinations of applicants for licensure under this article;

(3) may issue subpoenas, examine witnesses, and administer oaths; and

(4) shall, at its discretion, investigate allegations of practices violating this article, subject to IC 25-1-7.

(b) The board shall adopt rules under IC 4-22-2 relating to professional conduct commensurate with the policy of this article, including rules that establish standards for the competent practice of speech-language pathology and audiology. Following their adoption, the rules govern and control the professional conduct of every person who holds a license to practice speech-language pathology or audiology in this state.

(c) The board shall conduct the hearings and keep the records and minutes necessary for the orderly dispatch of its functions. The board shall have notice provided to the appropriate persons in a manner it considers appropriate of the times and places of all hearings authorized by this subsection. Approval by a majority of a quorum of the board is required for any action to be taken in actions for revocation or suspension of a license issued under this article.

(d) The board may adopt rules under IC 4-22-2 to:

(1) administer or enforce this article;

(2) register persons in the process of fulfilling the clinical experience required for a license under this article;

(3) establish fees in accordance with IC 25-1-8-2; and

(4) register speech-language pathology assistants, associates, and aides and establish rules governing the duties of assistants, associates, and aides.

(e) The conferral or enumeration of specific powers elsewhere in this article shall not be construed as a limitation of the general functions conferred by this section.

(Formerly: Acts 1973, P.L.262, SEC.1.) As amended by Acts 1977, P.L.172, SEC.52; Acts 1981, P.L.222, SEC.268; P.L.250-1985, SEC.4; P.L.149-1987, SEC.109; P.L.212-2005, SEC.71.

IC 25-35.6-2-3
Administrative provisions

Sec. 3. (a) The board may utilize employees provided by the health professions bureau as necessary.

(b) The board shall adopt a seal by which it shall authenticate its proceedings. Copies of the proceedings, records, and acts of the board, and certificates purporting to relate the facts concerning such proceedings, records, and acts, that are signed by the chairman or the executive secretary and authenticated by the seal, shall be prima facie evidence in all courts of this state.

(c) Under no circumstances shall the total amount of expenditures incurred by the board exceed the amount of the fees collected as provided in this chapter.

(Formerly: Acts 1973, P.L.262, SEC.1.) As amended by Acts 1981, P.L.222, SEC.269; P.L.250-1985, SEC.5; P.L.169-1985, SEC.96; P.L.149-1987, SEC.110.

IC 25-35.6-2-4

Reimbursement for expenses

Sec. 4. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

(Formerly: Acts 1973, P.L.262, SEC.1.) As amended by P.L.250-1985, SEC.6.

IC 25-35.6-3

Chapter 3. Regulation of Speech Pathologists and Audiologists

IC 25-35.6-3-1

Application for examination

Sec. 1. (a) A person eligible for licensure under IC 25-35.6-1-5 and desirous of licensure shall make application for examination to the board at least thirty (30) days prior to the date of examination, upon a form and in such a manner as the board shall prescribe.

(b) Any application shall be accompanied by the fee prescribed by the board by rule.

(c) A person who fails an examination may make application for reexamination if the person again meets the requirements of subsections (a) and (b).

(Formerly: Acts 1973, P.L.262, SEC.1.) As amended by P.L.149-1987, SEC.111.

IC 25-35.6-3-2

Examination for license

Sec. 2. (a) Each applicant for licensure under this article shall be examined in writing. Standards for acceptable performance shall be established by the board.

(b) Applicants for licensure shall be examined at a time and place and under such supervision as the board may determine. Examinations shall be given at such places within this state as the board may determine at least twice each year, and the board shall make public, in a manner it considers appropriate, notice of such examinations at least sixty (60) days prior to their administration, and shall have all individual examination applicants notified of the time and place of their administration.

(c) The board may examine in whatever theoretical or applied fields of speech-language pathology and audiology it considers appropriate and may examine with regard to a person's professional skills and judgment in the utilization of speech-language pathology or audiology techniques and methods.

(d) The board shall maintain a record of all examination scores.

(Formerly: Acts 1973, P.L.262, SEC.1.) As amended by Acts 1981, P.L.222, SEC.270; P.L.149-1987, SEC.112.

IC 25-35.6-3-3

Waiver of examination

Sec. 3. (a) The board shall issue a license in speech-language pathology or audiology to any applicant who:

(1) presents proof of:

(A) current licensure in speech-language pathology or audiology in another state, including the District of Columbia or a territory of the United States, under professional standards that the board considers to be at least equivalent to those set forth in this article at the time that the license was issued in the other state or territory; or

(B) practice as a speech-language pathologist or an audiologist under the authority and supervision of an agency of the federal government; and

(2) meets any other requirements that the board establishes by rule.

(b) The board may waive the examination and grant licensure to any person certified as clinically competent by a nationally recognized association for speech-language and hearing in the area for which such person is applying for licensure.

(Formerly: Acts 1973, P.L.262, SEC.1.) As amended by Acts 1982, P.L.154, SEC.123; P.L.250-1985, SEC.7; P.L.149-1987, SEC.113; P.L.212-2005, SEC.72.

IC 25-35.6-3-3.5
Provisional license

Sec. 3.5. The board may issue a provisional license in audiology to an individual who meets the requirements that the board establishes by rule.

As added by P.L.212-2005, SEC.73.

IC 25-35.6-3-4
Issuance of license

Sec. 4. (a) The board shall issue a license to any person who meets the requirements of this article and who pays to the board the initial license fee prescribed by the board by rule.

(b) A license issued under this article is valid until the next renewal date described under section 6 of this chapter.

(Formerly: Acts 1973, P.L.262, SEC.1.) As amended by P.L.149-1987, SEC.114; P.L.48-1991, SEC.70.

IC 25-35.6-3-5
Repealed

(*Repealed by Acts 1981, P.L.222, SEC.296.)*

IC 25-35.6-3-5.1
Repealed

(*Repealed by P.L.152-1988, SEC.30.)*

IC 25-35.6-3-6
Renewal of license

Sec. 6. (a) Licenses issued under this article expire, if not renewed, on the date established by the licensing agency under IC 25-1-5-4.

(b) Every person licensed under this article shall pay a fee for renewal of the person's license before the date established by the licensing agency.

(c) If the holder of a license fails to renew the license on or before the date specified by the licensing agency, the license may be reinstated by the board if the holder of the license, not later than three (3) years after the expiration of the license, meets the

requirements of 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).

(e) A suspended license is subject to expiration and may be renewed or reinstated as provided in this section, but a renewal or reinstatement shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order or judgment by which the license was suspended.

(Formerly: Acts 1973, P.L.262, SEC.1.) As amended by Acts 1981, P.L.222, SEC.272; P.L.250-1985, SEC.9; P.L.149-1987, SEC.116; P.L.48-1991, SEC.71; P.L.269-2001, SEC.31; P.L.105-2008, SEC.64.

IC 25-35.6-3-7
Fees

Sec. 7. Any fees required by this article shall be established by the board by rule and collected by the Indiana professional licensing agency under IC 25-1-8-2.

(Formerly: Acts 1973, P.L.262, SEC.1.) As amended by P.L.250-1985, SEC.10; P.L.149-1987, SEC.117; P.L.1-2006, SEC.481.

IC 25-35.6-3-8
Repealed

(*Repealed by P.L.250-1985, SEC.11.)*

IC 25-35.6-3-8.1
Availability of license or registration; services performed by support personnel

Sec. 8.1. (a) Each individual licensed under this article and each individual registered as a speech-language pathology aide, a speech-language pathology associate, or a speech-language pathology assistant shall make the license or registration, or an official duplicate of the license or registration, available when the individual practices speech-language pathology or audiology or provides support services.

(b) Before support personnel may provide services, the speech-language pathologist shall ensure that prior written notification is provided to the recipient of the services that services are to be provided in whole or in part by support personnel.

As added by P.L.212-2005, SEC.74.

IC 25-35.6-3-9
Continuing professional education

Sec. 9. The board shall, by appropriate rule, provide for the continuing professional education of persons subject to this article.

(Formerly: Acts 1973, P.L.262, SEC.1.) As amended by P.L.149-1987, SEC.118.

IC 25-35.6-3-10
Violations

Sec. 10. A person who violates this article commits a Class B misdemeanor.

(Formerly: Acts 1973, P.L.262, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2560.

IC 25-36

ARTICLE 36. REPEALED

(*Repealed by P.L.234-1995, SEC.31.)*

IC 25-36.1

ARTICLE 36.1. CERTIFIED SURGICAL TECHNOLOGISTS

IC 25-36.1-1

Chapter 1. Penalty for Activity by Noncertified Individuals

IC 25-36.1-1-1

Certified surgical technologist

Sec. 1. An individual may not:

(1) profess to be a certified surgical technologist; or

(2) use the initials "CST" or any other words, letters, abbreviations, or insignia indicating or implying that the individual is a certified surgical technologist;

unless the individual holds and maintains the Certified Surgical Technologist Credential administered by the National Board of Surgical Technology and Surgical Assisting (NBSTSA).

As added by P.L.36-2007, SEC.1.

IC 25-36.1-1-2

Violations

Sec. 2. An individual who knowingly, recklessly, or intentionally violates this chapter commits a Class B misdemeanor.

As added by P.L.36-2007, SEC.1.

IC 25-36.1-2

Chapter 2. Practicing Surgical Technology

IC 25-36.1-2-1

"Health care facility"

Sec. 1. As used in this chapter, "health care facility" means the following:

(1) A hospital that is licensed under IC 16-21-2.

(2) An ambulatory outpatient surgical center licensed under IC 16-21-2.

(3) A birthing center licensed under IC 16-21-2.

(4) An abortion clinic licensed under IC 16-21-2.

As added by P.L.97-2009, SEC.1.

IC 25-36.1-2-2

"Operating room circulator"

Sec. 2. As used in this chapter, "operating room circulator" means an individual who is:

(1) licensed as a registered nurse under IC 25-23;

(2) educated, trained, and experienced in perioperative nursing, as determined by the health care facility; and

(3) responsible for coordinating all nursing care, patient safety needs, and needs of the surgical team in the operating room during a surgical procedure.

As added by P.L.97-2009, SEC.1.

IC 25-36.1-2-3

"Surgical technology"

Sec. 3. As used in this chapter, "surgical technology" means intraoperative surgical patient care that involves the following:

(1) Preparing the operating room for surgical procedures by:

(A) ensuring that surgical equipment is functioning properly and safely; and

(B) preparing sterile supplies, instruments, and equipment using sterile technique.

(2) Anticipating the needs of the surgical team based on knowledge of human anatomy and pathophysiology relating to the surgical patient and the patient's surgical procedure.

(3) Performing tasks in an operating room setting in the sterile field, including the following:

(A) Passing supplies, equipment, or instruments.

(B) Suctioning or sponging an operative site.

(C) Preparing and cutting suture material.

(D) Transferring and irrigating with fluids.

(E) Transferring, without administering, drugs within the sterile field.

(F) Handling specimens.

(G) Holding retractors.

(H) Assisting in counting sponges, needles, supplies, and instruments with an operating room circulator as allowed

under section 6 of this chapter.
As added by P.L.97-2009, SEC.1.

IC 25-36.1-2-4
Licensed practitioners acting within scope of practice not prohibited

Sec. 4. This chapter does not prohibit a licensed practitioner from performing surgical technology functions if the practitioner is acting within the scope of the practitioner's license.
As added by P.L.97-2009, SEC.1.

IC 25-36.1-2-5
Requirements to practice surgical technology in a health care facility

Sec. 5. (a) Except as provided in section 4 of this chapter, an individual may not practice surgical technology in a health care facility unless the individual meets one (1) of the following requirements:

(1) Is certified under IC 25-36.1-1.

(2) Has completed a surgical technology program provided by the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or the commissioned corps of the United States Public Health Service.

(3) Provides evidence to the health care facility that the individual was employed to practice surgical technology in a health care facility before July 1, 2009.

(4) Is performing duties related to the individual's employment by the federal government.

(5) Is practicing surgical technology during the twelve (12) month period immediately following the completion of a degree from an accredited school of surgical technology.

(6) Has the appropriate abilities, as determined by the health care facility.

(b) An individual who is:

(1) described in subsection (a)(1), (a)(2), or (a)(3); and

(2) practicing surgical technology in a health care facility;

annually shall complete fifteen (15) hours of continuing education concerning surgical technology in order to continue practicing surgical technology.

(c) An individual who wants to practice surgical technology in a health care facility is responsible for establishing to the satisfaction of the health care facility that the individual has complied with this section.

(d) An individual practicing surgical technology in a health care facility is responsible for immediately notifying in writing the governing body of the health care facility, or the governing body's designee, of any changes in the individual's compliance with this section.

(e) A health care facility shall maintain copies of any written documentation provided by the individual to the health care facility

under subsection (c) or (d) to show compliance with this section.

(f) This chapter does not require a health care facility to permit an individual described in subsection (a) to perform surgical technology services at the health care facility.

As added by P.L.97-2009, SEC.1.

IC 25-36.1-2-6

Assistance to an operating room circulator requirements; presence of operating room circulator

Sec. 6. (a) An individual described in section 5(a) of this chapter may assist an operating room circulator in performing circulating duties if the individual:

(1) has the necessary education, training, and experience, as determined by the health care facility; and

(2) is:

(A) assigned to perform the tasks by the health care facility; and

(B) supervised;

by the operating room circulator.

(b) An operating room circulator that is being assisted by an individual described in section 5(a) of this chapter shall be present in the operating room for the duration of the surgical procedure. However, the operating room circulator may leave the operating room for short periods of time as prescribed by the health care facility's policies.

As added by P.L.97-2009, SEC.1.

IC 25-36.5

ARTICLE 36.5. TIMBER BUYERS

IC 25-36.5-1

Chapter 1. Regulation of Timber Buyers by Department of Natural Resources

IC 25-36.5-1-1

Definitions

Sec. 1. As used in this chapter:

"Person" means an individual, partnership, firm, association, business trust, limited liability company, or corporation.

"Timber" means trees, standing or felled, and logs which can be used for sawing or processing into lumber for building or structural purposes or for the manufacture of any article. "Timber" does not include firewood, Christmas trees, fruit or ornamental trees, or wood products not used or to be used for building, structural, manufacturing, or processing purposes.

"Timber buyer" means a person engaged in the business of buying timber from timber growers for sawing into lumber, processing, or resale, but does not include a person who occasionally purchases timber for sawing or processing for his own use and not for resale.

"Timber grower" means the owner, tenant, or operator of land in this state who has an interest in, or is entitled to receive any part of the proceeds from, the sale of timber grown in this state and includes persons exercising lawful authority to sell timber for a timber grower.

"Department" means the department of natural resources.

"Director" means the director of the department of natural resources.

"Agent" means an individual who represents a timber buyer in effecting or attempting to effect purchases of timber.

"Buying" means acquiring an interest in property by the payment of a price, value, or other consideration.

(Formerly: Acts 1972, P.L.190, SEC.1; Acts 1975, P.L.274, SEC.1.) As amended by P.L.253-1983, SEC.1; P.L.158-1988, SEC.1; P.L.8-1993, SEC.397.

IC 25-36.5-1-2

Application for registration; contents; filing; prior registration

Sec. 2. (a) On and after July 28, 1972, no person shall engage in the business of timber buying in the state of Indiana without a registration certificate issued by the department. Application for Indiana registration to engage in the business of timber buying shall be filed with the department. Such application shall set forth the name of the applicant, its principal officers if the applicant is a corporation, its managers and members if the applicant is a limited liability company, or the partners if the applicant is a partnership, the location of any principal office or place of business of the applicant, the counties in this state from which the applicant proposes to engage

in the business of timber buying and such additional information as the department by regulation may require.

(b) The application shall set forth the aggregate dollar amount paid to timber growers for timber purchased in this state during the applicant's last completed fiscal or calendar year. In the event the applicant has been engaged as a timber buyer for less than one (1) year, his application shall set forth the dollar amount paid to timber growers for the number of completed months during which the applicant has been so engaged. If the applicant has not been previously engaged in buying timber in this state, the application shall set forth the estimated aggregate dollar amount to be paid by the applicant to timber growers for timber to be purchased from them during the next succeeding year.

(c) The registrations of any persons registered as timber buyers under any prior law in this state shall remain valid until the expiration date of that certificate, unless suspended or revoked. After the expiration of such registrations, all persons engaged in the business of timber buying must be registered under this chapter.

(Formerly: Acts 1972, P.L.190, SEC.1.) As amended by Acts 1982, P.L.154, SEC.128; P.L.8-1993, SEC.398.

IC 25-36.5-1-3

Bond or certificate of deposit; requisites; cancellation; forfeiture proceedings; preliminary injunction or restraining order

Sec. 3. (a) Every person registered as a timber buyer shall file with the department an effective surety bond issued by a corporate surety authorized to engage in the business of executing surety bonds in Indiana.

(b) Instead of the bond required by subsection (a), the department may accept security in cash or a certificate of deposit under terms established by rule.

(c) The security required under subsection (a) or (b) shall be made payable upon demand to the director, subject to this chapter, for the use and benefit of the people of Indiana and for the use and benefit of any timber grower from whom the applicant purchased and who is not paid by the applicant or for the use and benefit of any timber grower whose timber has been cut by the applicant or registrant or his agents, and who has not been paid therefor.

(d) The security required under subsection (a) or (b) shall be in the principal amount of two thousand dollars ($2,000) for an applicant who paid timber growers five thousand dollars ($5,000) or less for timber during the immediate preceding year, and an additional one hundred dollars ($100) for each additional one thousand dollars ($1,000) or fraction thereof paid to timber growers for timber purchased during the preceding year, but shall not be more than twenty thousand dollars ($20,000). In the case of an applicant not previously engaged in business as a timber buyer, the amount of such bond shall be based on the estimated dollar amount to be paid by such timber buyer to timber growers for timber purchased during the next succeeding year, as set forth in the application.

(e) The security required under subsection (a) or (b) shall not be cancelled or altered during the period for which the certificate to the applicant was issued except upon at least sixty (60) days notice in writing to the department.

(f) Security shall be in such form, contain such terms and conditions as may be approved from time to time by the director, be conditioned to secure an honest cutting and accounting for timber purchased by the registrant, secure payment to the timber growers, and insure the timber growers against all fraudulent acts of the registrant in the purchase and cutting of the timber of this state.

(g) If a timber buyer fails to pay when due any amount due a timber grower for timber purchased, or fails to pay legally determined damages for timber wrongfully cut by a timber buyer or his agent, or commits any violation of this chapter, an adjudicative proceeding on the bond for forfeiture may be commenced, and notice of the proceeding shall be provided, under IC 4-21.5-3-6. A surety or person in possession of the security provided under subsection (a) or (b) is entitled to notification of the proceeding. If a final agency action is entered by the department under this subsection against the timber buyer, the surety or other person in possession of the security shall deliver the amount of the security identified in the order. A proceeding for forfeiture of a timber buyer's bond under IC 4-21.5 is the exclusive remedy under law for the forfeiture of the bond.

(h) An owner of property seeking a preliminary injunction or restraining order against a person, corporation, or other entity to prevent or stop the wrongful cutting of timber on the owner's property is relieved of the requirement to post a bond or other security with the court as a prerequisite to the issuance of the preliminary injunction or restraining order. However, this subsection does not apply to a property owner who seeks a preliminary injunction or restraining order to prevent or stop alleged wrongful cutting by a timber cutter or timber buyer with whom the property owner had contracted for the cutting or sale of timber.

(Formerly: Acts 1972, P.L.190, SEC.1.) As amended by P.L.253-1983, SEC.2; P.L.158-1988, SEC.2; P.L.220-1993, SEC.1; P.L.98-2001, SEC.3.

IC 25-36.5-1-3.1

Notice of violation of chapter or rules

Sec. 3.1. The department may under IC 4-21.5-3-6 issue a notice of violation against a person who has violated this chapter or the rules adopted under this chapter. The notice of violation shall be issued to the registrant and the registrant's sureties stating in general terms:

(1) the nature of the violation; and

(2) that a proceeding seeking forfeiture of the bond may be commenced twenty (20) days after service of the notice on the registrant if at the end of that period the violation still remains and neither the registrant nor the surety has asked for judicial review of the notice.

As added by P.L.220-1993, SEC.2.

IC 25-36.5-1-3.2
Adjudicative proceeding against timber buyer or cutter

Sec. 3.2. (a) This section refers to an adjudicative proceeding against:

(1) a timber buyer; or

(2) a person who cuts timber but is not a timber buyer (referred to as a "timber cutter" in this section).

(b) The department may under IC 4-21.5-3-8 commence a proceeding against a timber buyer or a timber cutter if there is reason to believe that:

(1) the timber buyer or timber cutter has acquired timber from a timber grower under a written contract for the sale of the timber without payment having been made to the timber grower as specified in the contract; or

(2) if:

(A) there is no written contract for the sale of the timber; or

(B) there is a written contract for the sale of the timber but the contract does not set forth the purchase price for the timber;

the timber buyer or timber cutter has cut timber or acquired timber from the timber grower without payment having been made to the timber grower equal to the value of the timber as determined under IC 26-1-2.

(c) A proceeding may be commenced under this section at the request of a timber grower.

(d) The necessary parties to a proceeding initiated under this section are:

(1) the timber grower; and

(2) the timber buyer or timber cutter.

(e) After the commencement of a proceeding under this section through the service of a complaint under IC 4-21.5-3-8, a party to the proceeding may move for the joinder of any of the following persons having a relationship to the site or subject of the complaint:

(1) The surety of the timber buyer.

(2) A timber buyer.

(3) A timber cutter.

(4) A landowner.

(5) An owner of land adjacent to the land from which the timber was cut.

(6) A consultant receiving a fee for services related to the timber.

(7) A land surveyor performing a minimum standard detail survey in Indiana under the requirements of the Indiana Society of Professional Land Surveyors and Indiana Land Association.

(8) The department of natural resources, if the department has a relationship to the site or subject of the complaint as a landowner or owner of adjacent land.

(f) The complaint served under IC 4-21.5-3-8 to commence a

proceeding under this section may seek the following:

(1) Damages in compensation for damage actually resulting from the wrongful activities of a timber buyer or timber cutter.

(2) Damages equal to three (3) times the stumpage value of any timber that is wrongfully cut or appropriated without payment.

(g) Notwithstanding subsection (f), the liability on the surety bond of a timber cutter is limited to the value of any timber wrongfully cut or appropriated.

(h) A proceeding under this section is governed by IC 4-21.5. Before a hearing is convened in the proceeding, a prehearing conference shall be conducted to provide the parties with an opportunity for settlement, including an opportunity for mediation.

(i) In determining the site for a hearing in a proceeding under this section, the administrative law judge shall consider the convenience of the parties.

(j) A final agency action in a proceeding under this section must address all issues of damage and responsibility and, after the completion of the opportunity for judicial review, may be enforced in a civil proceeding as a judgment.

As added by P.L.220-1993, SEC.3.

IC 25-36.5-1-3.3

Bond or security forfeiture proceeds; overage and shortage; effect

Sec. 3.3. (a) If the amount realized by the department from a bond or security forfeited under section 3(g) of this chapter, after deducting expenses incurred by the department in converting the bond or security into money, is greater than the amount of the liability of the timber buyer as determined under this chapter, the department shall pay the excess to the timber buyer who furnished the bond or security.

(b) If the amount realized by the department from a bond or security forfeited under section 3(g) of this chapter, after deducting expenses incurred by the department in converting the bond or security into money, is less than the amount of liability of the timber buyer as determined under this chapter, the timber buyer's registration may be revoked.

As added by P.L.220-1993, SEC.4.

IC 25-36.5-1-3.5

Cessation of business; requirements for return of deposit

Sec. 3.5. (a) A timber buyer who intends to cease doing business as a timber buyer in Indiana and who seeks the return of a deposit of cash or a certificate of deposit that the timber buyer submitted to the department under section 3(b) of this chapter must submit the following to the department:

(1) A written request for the return of the cash or certificate of deposit.

(2) An affidavit meeting the requirements set forth in subsection (b).

(b) To obtain the return of a deposit of cash or a certificate of

deposit under this section, a timber buyer must execute an affidavit stating under the penalty for perjury set forth in IC 35-44.1-2-1 that the timber buyer:

(1) has ceased doing business as a timber buyer in Indiana;

(2) will not resume business as a timber buyer in Indiana after the date of the affidavit without filing a surety bond or submitting a new deposit of cash or certificate of deposit to the department;

(3) has not purchased, taken, or cut any timber for which the timber grower has not been paid; and

(4) is not a party to an executory contract for the purchase of timber under which the timber buyer has one (1) or more duties that have not been performed.

(c) Upon receiving a written request described in subsection (a)(1) and an affidavit meeting the requirements of subsection (b), the department shall publish a notice of the request in at least one (1) publication commonly read by persons active in forestry in Indiana. The notice must do the following:

(1) Identify the timber buyer requesting the release of the cash or certificate of deposit.

(2) Indicate the date of the request.

(3) State that the cash or certificate of deposit will be released to the timber buyer on a particular date, which must be at least sixty (60) days after the date of publication of the notice, unless the department is informed of a reason why the cash or certificate of deposit should not be released.

(d) On the date set forth under subsection (c)(3) in the notice given by the department, the department shall return the cash or certificate of deposit to the timber buyer unless the department has obtained information indicating that a statement set forth in the timber buyer's affidavit is false.

As added by P.L.220-1993, SEC.5. Amended by P.L.126-2012, SEC.41.

IC 25-36.5-1-4

Violations

Sec. 4. It shall be unlawful and a violation of this chapter.

(a) For any timber buyer to fail to pay, as agreed, for any timber purchased.

(b) For any timber buyer to cut or cause to be cut or appropriate any timber not purchased.

(c) For a timber buyer to willfully make any false statement in connection with the application, bond or other information required to be given to the department or a timber grower.

(d) To fail to honestly account to the timber grower or the department for timber purchased or cut if the buyer is under a duty to do so, and

(e) For a timber buyer to commit any fraudulent act in connection with the purchase or cutting of timber.

(Formerly: Acts 1972, P.L.190, SEC.1.)

IC 25-36.5-1-4.9
Refusal to issue timber buyer registration certificate; grounds

Sec. 4.9. The director may refuse to issue a timber buyer registration certificate to an applicant that has:

(1) been convicted of a felony;

(2) violated a provision of this chapter; or

(3) violated a rule adopted by the department under this chapter.

As added by P.L.220-1993, SEC.6.

IC 25-36.5-1-5
Repealed

(*Repealed by P.L.220-1993, SEC.10.)*

IC 25-36.5-1-6
Issuance of registration certificates; renewal

Sec. 6. (a) If:

(1) the department is satisfied that the applicant has fulfilled the requirements of this chapter for the issuance of a registration certificate;

(2) the bond and sureties or bank certificate of deposit filed by the applicant under section 3 of this chapter is approved; and

(3) the director does not refuse to issue the registration certificate to the applicant under section 4.9 of this chapter;

the department shall issue a registration certificate to the applicant.

(b) The registrations issued shall be valid for a calendar year and may be renewed annually. A copy of the registration certificate issued by the department shall be posted in the principal office of the registrant in this state.

(c) Upon request for a certificate and payment of the fee, the department shall issue to the registrant a certificate that a certificate of registration has been granted and a bond filed as required by this chapter.

(Formerly: Acts 1972, P.L.190, SEC.1.) As amended by P.L.220-1993, SEC.7.

IC 25-36.5-1-7
Fees; use by department

Sec. 7. The application fee or renewal fee for a registration certificate to operate as a timber buyer, is one hundred five dollars ($105). The fee for a certificate stating that a registration certificate has been issued and security filed is twenty dollars ($20). All fees collected by the department accrue to the use of the department for its administrative purposes.

(Formerly: Acts 1972, P.L.190, SEC.1.) As amended by Acts 1981, P.L.230, SEC.1; P.L.158-1988, SEC.3; P.L.186-2003, SEC.79.

IC 25-36.5-1-8
Inspection of premises, records, and papers

Sec. 8. The department may inspect the premises used by any timber buyer in the conduct of his business at any reasonable time

and the books, accounts, records and papers of every such timber buyer shall at all times during business hours be subject to inspection by the department.
(Formerly: Acts 1972, P.L.190, SEC.1.)

IC 25-36.5-1-9
Rules and regulations
Sec. 9. The department may make such rules and regulations as may be necessary to carry out the provisions of this chapter.
(Formerly: Acts 1972, P.L.190, SEC.1.)

IC 25-36.5-1-10
Violations
Sec. 10. A person who:
(1) engages in business as a timber buyer without securing a registration or in violation of this chapter; or
(2) refuses to permit inspection of the person's premises, books, accounts, or records as provided in this chapter;
commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction for an offense under this section.
(Formerly: Acts 1972, P.L.190, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2563; P.L.98-2001, SEC.4.

IC 25-36.5-1-11
Denial of registration for default
Sec. 11. No certificate of registration shall be issued to any person who is in default to the people of the State of Indiana for moneys due under this chapter.
(Formerly: Acts 1972, P.L.190, SEC.1.)

IC 25-36.5-1-12
Revocation of license; proceedings
Sec. 12. The department may, after notice and a hearing, revoke the registration certificate or license of any person who violates any of the provisions of this chapter. All proceedings under this chapter to revoke a license shall be conducted in the manner prescribed by IC 4-21.5-3.
(Formerly: Acts 1972, P.L.190, SEC.1.) As amended by P.L.253-1983, SEC.3; P.L.7-1987, SEC.132.

IC 25-36.5-1-13
Injunction; contempt proceedings
Sec. 13. The department may, by application to any circuit court or to a judge thereof, obtain an injunction restraining any person who engages in the business of timber buying in this state without a certificate of registration (either because his certificate has been revoked or because of a failure to obtain a certificate of registration in the first instance) from engaging in such business until such person complies with this chapter and qualifies for and obtains a

certificate of registration. Upon refusal or neglect to obey the order of the court or judge, said court or judge may compel obedience thereof by proceedings for contempt.
(Formerly: Acts 1972, P.L.190, SEC.1.)

IC 25-36.5-1-13.5
Civil penalties

Sec. 13.5. In addition to the other penalties prescribed by this chapter, the director may, under IC 4-21.5, impose a civil penalty on a person who violates this chapter. A civil penalty imposed under this section may not exceed the following limits:

(1) For engaging in business as a timber buyer without securing a registration certificate under this chapter, ten thousand dollars ($10,000).

(2) For acting as the agent of a timber buyer without holding an agent's license under this chapter, ten thousand dollars ($10,000).

(3) For other violations of this chapter, one thousand dollars ($1,000).

As added by P.L.220-1993, SEC.8.

IC 25-36.5-1-14
Judicial review

Sec. 14. All final administrative decisions under this chapter shall be subject to judicial review under IC 4-21.5-5.
(Formerly: Acts 1972, P.L.190, SEC.1.) As amended by P.L.7-1987, SEC.133.

IC 25-36.5-1-15
Agents; license; requirements; revocation; termination of agency relationship; misdemeanor

Sec. 15. (a) An individual who acts as the agent of a timber buyer must have an agent's license and carry the agent's card that verifies the license.

(b) An agent's license may be granted only:

(1) to qualified individuals;

(2) at the written application of the timber buyer who the agent is to represent; and

(3) under that timber buyer's registration certificate.

(c) The application for an agent's license must contain the agent's full name, address, and other information as required by the department on forms supplied by the department. Each timber buyer is responsible for all of the agent's activities performed while acting under the timber buyer's registration certificate as they pertain to this chapter.

(d) An application fee of ten dollars ($10) for each agent shall be charged for the license and agent's card. However, each timber buyer shall designate a qualified individual to be licensed as its principal agent at no additional charge.

(e) An agent's license may be revoked by the department under

IC 4-21.5 if the agent does not comply with this section.

(f) An agent may have a license to represent only one (1) timber buyer; however, upon surrendering the agent's card and license under one (1) timber buyer, an individual may be licensed as an agent of another timber buyer.

(g) A timber buyer may not be licensed as an agent except as the principal agent of that timber buyer.

(h) A timber buyer may not effect or attempt to effect a purchase except through an agent.

(i) A timber buyer may terminate an agency relationship by notifying in writing the agent and the department. Termination of an agency relationship revokes the agent's license.

(j) A person who acts as an agent without a license commits a Class B misdemeanor.

(Formerly: Acts 1975, P.L.274, SEC.2.) As amended by Acts 1981, P.L.230, SEC.2; P.L.253-1983, SEC.4; P.L.158-1988, SEC.4; P.L.186-2003, SEC.80.

IC 25-36.5-1-16

Denial, suspension, or revocation of license or registration; grounds; hearing

Sec. 16. The director may revoke or suspend or refuse to issue any license or agent's registration under that license if the applicant or holder of that license has:

(1) been convicted of a felony;

(2) violated any provision of this chapter; or

(3) violated any rule or regulation of the department promulgated under this chapter.

Revocation or suspension of a license or an agent's registration shall be determined by the director after an administrative hearing as provided in section 12 of this chapter.

(Formerly: Acts 1975, P.L.274, SEC.3.)

IC 25-36.5-1-17

Repealed

(*Repealed by P.L.220-1993, SEC.10.)*

IC 25-36.5-1-18

Criminal history of applicants for registration certificate or license

Sec. 18. (a) The definitions set forth in IC 10-13-3 apply throughout this section.

(b) The department shall under IC 10-13-3-27(b) request and obtain the release of a limited criminal history from the state police department on each person who applies to the department under this chapter for the issuance of either of the following:

(1) A timber buyer registration certificate.

(2) A timber buyer agent's license.

As added by P.L.220-1993, SEC.9. Amended by P.L.2-2003, SEC.68.

IC 25-37

ARTICLE 37. TRANSIENT MERCHANTS

IC 25-37-1

Chapter 1. Regulation of Transient Merchants by Local Governmental Units

IC 25-37-1-1

Short title

Sec. 1. This chapter shall be known as the "Transient Merchant Law of Indiana."

(Formerly: Acts 1955, c.345, s.1.) As amended by Acts 1982, P.L.154, SEC.129.

IC 25-37-1-2

"Transient merchant" defined

Sec. 2. "Transient merchant", when used in this chapter, includes all persons, firms, limited liability companies, and corporations, both as principals and agents, who engage in, do, or transact any temporary or transient business in this state, either in one (1) locality or in traveling from place to place in this state, offering for sale or selling goods, wares, or merchandise, and those who, for the purpose of carrying on such business, hire, lease, or occupy any permanent or mobile building, structure, or real estate for the exhibition by means of samples, catalogues, photographs, and price lists or sale of such goods, wares, or merchandise. The term does not include the following:

(1) any person, individual, copartner, limited liability company, or corporation which grows the goods, wares, or merchandise that is sold or offered for sale;

(2) a person who makes crafts or items by hand and sells them or offers them for sale;

(3) an auctioneer who is licensed under IC 25-6.1;

(4) a resident of the county in which the sale takes place who conducts a sale of tangible personal property for no more than four (4) days per calendar year;

(5) an organization that is exempt from the Indiana gross retail tax under IC 6-2.5-5-26;

(6) a person who:

(A) sells merchandise;

(B) offers to sell merchandise; and

(C) provides proof that the sale is being conducted as part of an activity sponsored by an organization described in subdivision (5);

(7) a person who:

(A) organizes;

(B) sells merchandise at;

(C) offers to sell merchandise at; or

(D) exhibits at;

a trade show or convention;

(8) except as provided in section 15 of this chapter, a person who holds a registered retail merchant's certificate under IC 6-2.5-8.

(Formerly: Acts 1955, c.345, s.2.) As amended by Acts 1982, P.L.154, SEC.130; P.L.158-1986, SEC.1; P.L.11-1987, SEC.28; P.L.48-1991, SEC.72; P.L.8-1993, SEC.400; P.L.19-1994, SEC.15.

IC 25-37-1-3
Necessity for license

Sec. 3. Except as provided in section 11 of this chapter, it shall be unlawful for any transient merchant to transact business in any county in this state unless such transient merchant and the owners of any goods, wares or merchandise to be offered for sale or sold, if such are not owned by the vendor, shall have first secured a license as herein provided and shall have complied with the other requirements of this chapter herein set forth.

(Formerly: Acts 1955, c.345, s.3.) As amended by Acts 1982, P.L.154, SEC.131; P.L.48-1991, SEC.73.

IC 25-37-1-4
Application for license; attached statements

Sec. 4. Any transient merchant desiring to transact business in any county in this state shall file application for a license for that purpose with the auditor of the county in this state in which such transient merchant desires to do business. The application shall state the following facts:

(a) The name, residence and post-office address of the person, firm, limited liability company, or corporation making the application, and if a firm, limited liability company, or corporation, the name and address of the members of the firm or limited liability company, or officers of the corporation, as the case may be.

(b) If the applicant is a corporation or limited liability company then there shall be stated on the application form the date of incorporation or organization, the state of incorporation or organization, and if the applicant is a corporation or limited liability company formed in a state other than the state of Indiana, the date on which such corporation or limited liability company qualified to transact business as a foreign corporation or foreign limited liability company in the state of Indiana.

(c) A statement showing the kind of business proposed to be conducted, the length of time for which the applicant desires to transact business, and if for the purpose of transacting such business any permanent or mobile building, structure or real estate is to be used for the exhibition by means of samples, catalogues, photographs and price lists or sale of goods, wares or merchandise, the location of such proposed place of business.

(d) A detailed inventory and description of such goods, wares, and merchandise to be offered for sale or sold, the manner in which the same is to be advertised for sale and the representations to be made in connection therewith, the names of the persons from whom the

goods, wares, and merchandise so to be advertised or represented were obtained, the date of receipt of such goods, wares, and merchandise by the applicant for the license, the place from which the same were last taken, and any and all details necessary to locate and identify all goods, wares and merchandise to be sold.

(e) Attached to the application shall be a receipt showing that personal property taxes on the goods, wares and merchandise to be offered for sale or sold have been paid.

(f) Attached to the application shall be a copy of a notice, which ten (10) days before said application has been filed, shall have been mailed by registered mail by the applicant to the department of state revenue. The said notice shall state the precise period of time and location from which said applicant intends to transact business, the approximate value of the goods, wares, and merchandise to be offered for sale or sold, and such other information as the department of state revenue of the state of Indiana or its successor may request or by regulation require.

(g) Said application shall be verified.

(Formerly: Acts 1955, c.345, s.4.) As amended by P.L.8-1993, SEC.401; P.L.192-2002(ss), SEC.166.

IC 25-37-1-5

Surety bond; agent for service of process; action upon bond

Sec. 5. (a) Except as provided in section 5.5 of this chapter, at the time of filing the application, the applicant shall also file and deposit with the county auditor a bond with sureties to be approved by the county auditor in the penal sum of seven hundred fifty dollars ($750) or three (3) times the value of the goods, wares, and merchandise to be offered for sale or sold as shown by the inventory filed, whichever sum is greater, running to the state. The bond shall be forfeited and used for the benefit of:

(1) any purchaser of goods, wares, or merchandise sold by the applicant, if the purchaser is awarded a judgment as a result of a cause of action against the applicant that was commenced within one (1) year of and that arose out of the sale;

(2) the operating budget of the county's prosecuting attorney, if the applicant is found by a court to have violated section 9 of this chapter, although the amount forfeited under this subdivision may not exceed one-third (1/3) of the bond;

(3) the state, any of its departments or subdivisions, or any unit of local government, if the applicant fails to pay all taxes due from the applicant to that governmental entity; or

(4) a court in payment or partial payment of any fines that may be assessed by the court against the applicant, its agents, or employees for violation of this chapter.

However, the aggregate liability of the surety for all taxes, fines, disbursements, and causes of action may not exceed the amount of such bond. There shall be no limitation of liability against the transient merchant or the applicant for the license.

(b) In such bond, the applicant and surety shall appoint the auditor

of the county in which the bond is filed, the agent of the applicant, and the surety for the service of process. In the event of such service of process, the agent on whom such service is made shall, within five (5) days after the service, mail by ordinary mail a true copy of the process served upon him to each party for whom he has been served, addressed to the last known address of such party. Failure to mail the copy shall not, however, affect the court's jurisdiction.

(c) The state or any department or subdivision, municipal or otherwise, thereof or any person having a cause of action arising from or out of any sale or sales of goods, wares, or merchandise or against the applicant may join the applicant and the surety on such bond in the same action or may sue either such applicant or the surety alone.

(Formerly: Acts 1955, c.345, s.5.) As amended by Acts 1982, P.L.154, SEC.132; P.L.158-1986, SEC.2; P.L.221-1993, SEC.1.

IC 25-37-1-5.5

Reduction and waiver of surety bond

Sec. 5.5. (a) Notwithstanding section 5 of this chapter, a county legislative body (as defined in IC 36-1-2-9) may annually:

(1) set the amount of the bond required under section 5 of this chapter in any amount that is not greater than the amount required in section 5 of this chapter; or

(2) waive the bond required under section 5 of this chapter.

(b) A county legislative body that reduces or waives the bond under subsection (a) must inform the auditor of the county of the following:

(1) Whether a bond is required to be filed with an application with the auditor for a transient merchant license.

(2) The amount of the bond if a bond is required.

(c) An applicant filing for a transient merchant license must do the following:

(1) If filing for a transient merchant license with a county auditor who has been informed of a reduced bond under subsection (b), the applicant must file:

(A) an application; and

(B) the bond;

with the county auditor.

(2) If filing for a transient merchant license with a county auditor who has been informed that a bond has been waived under subsection (b), the applicant must file only an application.

(d) A bond required under subsection (a)(1), although not in the amount required under section 5 of this chapter, will for all other purposes be treated like a bond issued under section 5 of this chapter.

As added by P.L.221-1993, SEC.2.

IC 25-37-1-6

License fee

Sec. 6. Except as provided in section 6.5 of this chapter, the

applicant desiring to file an application with the auditor for a transient merchant license shall pay to the treasurer of the county in which the application is made a license fee of one hundred dollars ($100) for each six (6) month period in which the applicant proposes to transact business. The applicant shall thereupon file the treasurer's receipt for such payment with the auditor of the county with whom the application is filed.
(Formerly: Acts 1955, c.345, s.6.) As amended by P.L.158-1986, SEC.3; P.L.221-1993, SEC.3.

IC 25-37-1-6.5
Reduction and waiver of license fee

Sec. 6.5. (a) Notwithstanding section 6 of this chapter, a county legislative body (as defined in IC 36-1-2-9) may annually:

(1) set the county license fee required under section 6 of this chapter in any amount that is not greater than the amount required in section 6 of this chapter; or

(2) waive the county license fee required under section 6 of this chapter.

(b) A county legislative body that reduces or waives the county license fee under subsection (a) must inform:

(1) the treasurer of the county; and

(2) the auditor of the county;

whether a license fee is required to be filed with an application with the auditor for a transient merchant license and the amount of the license fee if a license fee is required.

(c) A treasurer who is informed of a fee change under subsection (b) shall:

(1) require each applicant to submit the lesser fee set by the county legislative body; and

(2) issue a receipt to the applicant.

(d) An applicant filing for a transient merchant license must do the following:

(1) If filing for a transient merchant license with a county auditor who has been informed of a reduced license fee under subsection (b), the applicant must file:

(A) an application; and

(B) a receipt from the county treasurer.

(2) If filing for a transient merchant license with a county auditor who has been informed that a license fee has been waived under subsection (b), the applicant must file only an application.

As added by P.L.221-1993, SEC.4.

IC 25-37-1-7
Issuance of license; transferability; use and validity of license; record of licenses

Sec. 7. (a) Upon the filing of such application and after the applicant has established that he has fully complied with all the provisions of this chapter, the auditor of said county may issue to the

applicant a license authorizing the said applicant to transact business as proposed in said application. Such license shall not be transferable and shall be valid only in the county where issued and shall not be valid in any town or city which has enacted an ordinance licensing transient merchants, unless a license from such city or town is also obtained. No license shall be good for more than one (1) person, unless such persons shall be copartners or employees of a firm, limited liability company, or corporation obtaining such license. No license shall be good for more than one (1) location in said county, if said transient merchant is transacting business in a building or structure in said county.

(b) The auditor shall keep a record of such license in a book provided for that purpose, which shall at all times be open to public inspection.

(c) No particular form of license shall be required to be issued by said auditor. However, any license issued shall state the name of the person, firm, limited liability company, or corporation which is licensed, and the number of days for which the license is issued.

(Formerly: Acts 1955, c.345, s.7.) As amended by Acts 1982, P.L.154, SEC.133; P.L.8-1993, SEC.402.

IC 25-37-1-8
Inventory of goods sold

Sec. 8. Within ten (10) days after said license expires the holder thereof shall file in duplicate with the county auditor an inventory of all goods, wares and merchandise sold and the price received therefor, which inventory shall be verified by the person who filed the application for the license with the said auditor. The county auditor shall immediately after receiving such report and inventory forward a copy thereof to the Indiana department of state revenue of the state of Indiana or its successor.

(Formerly: Acts 1955, c.345, s.8.)

IC 25-37-1-9
Violations

Sec. 9. A transient merchant who:

(1) transacts business without having first obtained a license under this chapter; or

(2) knowingly advertises, offers for sale, or sells any goods, wares, or merchandise contrary to this chapter;

commits a Class B infraction for each day a violation occurs.

(Formerly: Acts 1955, c.345, s.9.) As amended by Acts 1978, P.L.2, SEC.2564; P.L.158-1986, SEC.4.

IC 25-37-1-10
Exceptions

Sec. 10. The provisions of this chapter shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business nor to bona fide sale of goods, wares or merchandise by sample for future delivery, or to sheriffs, constable

or other public officers selling goods, wares and merchandise according to law, nor to bona fide assignees or receivers appointed in this state selling goods, wares and merchandise for the benefit of creditors.

(Formerly: Acts 1955, c.345, s.10.) As amended by Acts 1982, P.L.154, SEC.134.

IC 25-37-1-11

Municipal authority over transient merchants

Sec. 11. (a) Towns and cities may tax, license, and regulate transient merchants and charge a fee for the transaction of business by them. Towns and cities may provide for punishment of violators, subject to the limitations of IC 36-1-3.

(b) This subsection does not apply to a county having a consolidated city. A city or town license may not be in lieu of a county license. This chapter does not supersede any ordinance regulating transient merchants.

(c) This subsection applies to a county having a consolidated city. A transient merchant is not required to obtain a county transient merchant license under this chapter. A transient merchant may not transact business in a municipality located wholly or partially within the county unless the transient merchant and the owner of the property to be offered for sale (or sold if the property is not owned by the vendor) have first obtained a license from the fiscal officer of the municipality under this chapter.

(Formerly: Acts 1955, c.345, s.11.) As amended by Acts 1978, P.L.2, SEC.2565; Acts 1981, P.L.11, SEC.131; P.L.158-1986, SEC.5; P.L.48-1991, SEC.74.

IC 25-37-1-12

Use and disposition of receipts

Sec. 12. All fees collected by a county, city, or town under this chapter shall be paid into the general fund of the county, city, or town.

(Formerly: Acts 1955, c.345, s.12.) As amended by Acts 1982, P.L.154, SEC.135; P.L.158-1986, SEC.6.

IC 25-37-1-13

Temporary association or partnership

Sec. 13. A temporary association or partnership with a person excluded from the definition of transient merchant under section 2 of this chapter does not relieve a transient merchant from complying with this chapter.

As added by P.L.158-1986, SEC.7.

IC 25-37-1-14

Veterans; license fees; counties having consolidated cities

Sec. 14. (a) This section applies to a county having a consolidated city.

(b) A veteran who holds an honorable discharge from the armed

forces of the United States is exempt from the payment of a fee for a transient merchant license issued under this chapter by a municipality located wholly or partially within the county.

(c) Upon the presentation of the veteran's certificate and papers of discharge and proof of the veteran's identity, the official designated by the municipality shall issue a transient merchant license to the veteran. A person licensed under this section shall comply with all ordinances of the county or municipality governing transient merchants.

As added by P.L.48-1991, SEC.75.

IC 25-37-1-15

Holders of registered retail merchant's certificates

Sec. 15. A county having a population of more than seventeen thousand two hundred fifty (17,250) but less than seventeen thousand three hundred fifty (17,350) may require that the holder of a registered retail merchant's certificate under IC 6-2.5-8 obtain a transient merchant license.

As added by P.L.19-1994, SEC.16. Amended by P.L.170-2002, SEC.129; P.L.119-2012, SEC.158.

IC 25-37.5

ARTICLE 37.5. DEALERS IN VALUABLE METALS

IC 25-37.5-1

Chapter 1. Regulation of Valuable Metal Dealers by State Police

IC 25-37.5-1-0.2

"Core buyer"

Sec. 0.2. As used in this chapter, "core buyer" means a person engaged in the business of purchasing or acquiring small component motor vehicle parts for resale, including catalytic converters, automobile radiators, and batteries.

As added by P.L.158-2009, SEC.1.

IC 25-37.5-1-0.3

Repealed

(*Repealed by P.L.158-2009, SEC.9.)*

IC 25-37.5-1-0.5

"Metal bossie"

Sec. 0.5. As used in this chapter, "metal bossie" means a metal four (4) wheel cart used to transport or sell food products that are stored in crates, shells, or trays.

As added by P.L.158-2009, SEC.2.

IC 25-37.5-1-0.6

Repealed

(*Repealed by P.L.158-2009, SEC.9.)*

IC 25-37.5-1-1

"Valuable metal"

Sec. 1. (a) When used in this chapter, "valuable metal" means any product made of metal that readily may be resold. The term includes metal bossies and small component motor vehicle parts. The term does not include a beverage can.

(b) As used in this chapter, "valuable metal dealer" means any individual, firm, corporation, limited liability company, or partnership engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk, and junk cars or trucks. The term includes a core buyer. The term does not include a person who purchases a vehicle and obtains title to the vehicle.

(c) As used in this chapter, "purchase" means acquiring a valuable metal product for a consideration, but does not include purchases between scrap metal processing facilities (as defined in IC 8-23-1-36).

(Formerly: Acts 1971, P.L.380, SEC.1; Acts 1972, P.L.11, SEC.11.) As amended by P.L.145-1990, SEC.1; P.L.8-1993, SEC.403; P.L.2-2007, SEC.349; P.L.170-2007, SEC.1; P.L.3-2008, SEC.205; P.L.63-2008, SEC.4; P.L.158-2009, SEC.3.

IC 25-37.5-1-2

Record of purchases; forms; retaining copies; beer kegs

Sec. 2. (a) Except as provided in section 5 of this chapter, every valuable metal dealer in this state shall enter on forms provided under section 6 of this chapter by the state police department for each purchase of valuable metal the following information:

(1) The name and address of the dealer.

(2) The date and place of each purchase.

(3) The name, address, age, and driver's license number or Social Security number of the person or persons from whom the valuable metal was purchased.

(4) The valuable metal dealer shall verify the identity of the person from whom the valuable metal was purchased by use of a government issued photographic identification. The dealer shall enter on the form the type of government issued photographic identification used to verify the identity of the person from whom the valuable metal was purchased, together with the:

(A) name of the government agency that issued the photographic identification; and

(B) identification number present on the government issued photographic identification.

(5) The motor vehicle license number of the vehicle or conveyance on which the valuable metal was delivered to the dealer.

(6) The price paid for the metal.

(7) A description and weight of the valuable metal purchased.

(8) The source of the valuable metal.

(9) The photograph described in subsection (b).

After entering the information required in this subsection, the valuable metal dealer shall require the person or persons from whom the valuable metal is purchased to sign the form and verify its accuracy.

(b) In addition to collecting the information described in subsection (a), a valuable metal dealer shall take a photograph of:

(1) the person from whom the valuable metal is being purchased; and

(2) the valuable metal.

(c) A valuable metal dealer shall make and retain a copy of the government issued photographic identification described under subsection (a)(4) used to verify the identity of the person from whom valuable metal was purchased and the photograph described in subsection (b). However, a valuable metal dealer is not required to make a copy of a government issued photographic identification used under subsection (a)(4) to verify the identity of the person from

whom valuable metal is purchased if the valuable metal dealer has retained a copy of a person's government issued photographic identification from a prior purchase from the person by the valuable metal dealer.

(d) The completed form, the photograph described in subsection (b), and the copy of the government issued photographic identification described in subsection (c) shall be kept in a separate book or register by the dealer and shall be retained for a period of two (2) years. This book or register shall be made available for inspection by any law enforcement official at any time.

(e) A valuable metal dealer may not accept a damaged or an undamaged metal beer keg if either of the following applies:

(1) The keg is clearly marked as the property of a brewery manufacturer.

(2) The keg's identification markings have been made illegible.

(Formerly: Acts 1971, P.L.380, SEC.1; Acts 1972, P.L.11, SEC.11.) As amended by P.L.145-1990, SEC.2; P.L.2-2007, SEC.350; P.L.170-2007, SEC.2; P.L.158-2009, SEC.4; P.L.134-2012, SEC.29.

IC 25-37.5-1-3
Rule adoption

Sec. 3. The superintendent of the state police department may adopt rules under IC 4-22-2 as may be necessary to administer and enforce the provisions and intent of this chapter.

(Formerly: Acts 1971, P.L.380, SEC.1; Acts 1972, P.L.11, SEC.11.) As amended by Acts 1982, P.L.154, SEC.136; P.L.7-1987, SEC.134; P.L.145-1990, SEC.3; P.L.2-2007, SEC.351; P.L.170-2007, SEC.3; P.L.3-2008, SEC.206; P.L.158-2009, SEC.5; P.L.134-2012, SEC.30.

IC 25-37.5-1-4
Separation of purchases; inspection

Sec. 4. Except as provided in section 5 of this chapter, every dealer shall hold each purchase of valuable metal requiring notification for at least five (5) working days from the date of notification:

(1) at his regular place of business; and

(2) separate and apart; so that it is readily identifiable from all other purchases. During this period, a dealer may not change the form of the valuable metal and shall permit any law enforcement officer to make inspection of the valuable metal purchased.

(Formerly: Acts 1971, P.L.380, SEC.1; Acts 1972, P.L.11, SEC.11.) As amended by P.L.145-1990, SEC.4.

IC 25-37.5-1-5
Exclusions

Sec. 5. The provisions of sections 2 and 3 of this chapter do not apply to purchases from persons, firms, limited liability companies, or corporations regularly engaged in the business of manufacturing valuable metals, the business of selling valuable metals at retail or

wholesale, to the purchase of one dealer from another or the purchase from persons, firms, limited liability companies, or corporations engaged in either the generation, transmission or distribution of electric energy or in telephone, telegraph and other communications if such persons, firms, limited liability companies, or corporations at the time of purchase, provide the dealer with a bill of sale or other written evidence of title to the valuable metal.

(Formerly: Acts 1971, P.L.380, SEC.1; Acts 1972, P.L.11, SEC.11.) As amended by P.L.8-1993, SEC.404.

IC 25-37.5-1-6

Publication of forms and information on web site

Sec. 6. The state police department shall publish the following on the state police Internet web site:

(1) The forms described in section 2(a) of this chapter to be used by valuable metal dealers when purchasing valuable metal.

(2) A list that describes valuable metal products that are particularly susceptible to theft.

(3) The:

(A) statutes; and

(B) rules adopted by the superintendent of the state police department under section 3 of this chapter;

concerning the regulation of valuable metal dealers.

(Formerly: Acts 1971, P.L.380, SEC.1; Acts 1972, P.L.11, SEC.11.) As amended by Acts 1982, P.L.154, SEC.137; P.L.134-2012, SEC.31.

IC 25-37.5-1-7

Violations

Sec. 7. A dealer who fails to comply with this chapter commits a Class A infraction.

(Formerly: Acts 1971, P.L.380, SEC.1; Acts 1972, P.L.11, SEC.11.) As amended by Acts 1978, P.L.2, SEC.2566; P.L.145-1990, SEC.5.

IC 25-38

ARTICLE 38. REPEALED

(*Repealed by P.L.186-1990, SEC.17.)*

IC 25-38.1

ARTICLE 38.1. VETERINARIANS

IC 25-38.1-1

Chapter 1. Preamble; Definitions

IC 25-38.1-1-1

Preamble

Sec. 1. This article is an exercise of the police powers of the state to promote the public health, safety, and welfare of the people of Indiana to safeguard against the incompetent, dishonest, or unprincipled practice of veterinary medicine. The practice of veterinary medicine is a privilege conferred by the general assembly to individuals qualified under this article.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.1.

IC 25-38.1-1-1.5

Application of article

Sec. 1.5. This article does not apply to the manufacture, distribution, storage, transportation, sale, or use of a veterinary drug, including antibiotics and immunization products, if federal or state law does not restrict the drug to:

(1) use by; or

(2) use on the order of;

a licensed veterinarian.

As added by P.L.58-2008, SEC.2.

IC 25-38.1-1-2

Application of definitions

Sec. 2. The definitions in this chapter apply throughout this article.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-1-3

"Accredited college of veterinary medicine"

Sec. 3. "Accredited college of veterinary medicine" means a veterinary college or division of a university or college that:

(1) offers the degree doctor of veterinary medicine or its equivalent;

(2) conforms to the standards required for accreditation by the American Veterinary Medical Association; and

(3) is accredited by the American Veterinary Medical Association or an accrediting agency that has been approved by the United States Department of Education or its successor.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-1-3.5

"Accredited veterinary technology program"

Sec. 3.5. "Accredited veterinary technology program" means a program in veterinary technology that:

(1) conforms to the standards required for accreditation by the American Veterinary Medical Association; and
(2) is accredited by the American Veterinary Medical Association or an accrediting agency that has been approved by the United States Department of Education or its successor.

As added by P.L.58-2008, SEC.3.

IC 25-38.1-1-4
"Agency"

Sec. 4. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-1-5
"Animal"

Sec. 5. "Animal" means any animal other than humans. The term includes:
(1) birds;
(2) fish;
(3) mammals; and
(4) reptiles;
wild or domestic.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-1-6
Repealed

(*Repealed by P.L.58-2008, SEC.51.)*

IC 25-38.1-1-7
"Board"

Sec. 7. "Board" means the Indiana board of veterinary medical examiners established by IC 25-38.1-2-1.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-1-7.3
"Client"

Sec. 7.3. "Client" means the owner, the owner's agent, or other person who is responsible for an animal that is examined or treated by a veterinarian.

As added by P.L.58-2008, SEC.4.

IC 25-38.1-1-7.5
"Consultation"

Sec. 7.5. "Consultation" means a licensed veterinarian receiving advice by any means from:
(1) a veterinarian licensed in Indiana or another jurisdiction; or
(2) a person whose expertise, in the opinion of the licensed veterinarian, would benefit an animal.

As added by P.L.58-2008, SEC.5.

IC 25-38.1-1-7.6
"Contract operator"

Sec. 7.6. "Contract operator" means an individual who contracts with the owner of an animal to provide complete care for the animal twenty-four (24) hours a day, seven (7) days a week.

As added by P.L.58-2008, SEC.6.

IC 25-38.1-1-7.7
"Direct supervision"

Sec. 7.7. "Direct supervision" means a supervisor is readily available on the premises where the animal is being treated.

As added by P.L.58-2008, SEC.7.

IC 25-38.1-1-8
"ECFVG certificate"

Sec. 8. "ECFVG certificate" means a certificate issued by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-1-9
"Extern"

Sec. 9. "Extern" means a:

(1) senior veterinary student enrolled in an accredited college of veterinary medicine; or

(2) second year student enrolled in an accredited veterinary technology program;

employed by or working with a licensed veterinarian and under the licensed veterinarian's direct supervision.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.8.

IC 25-38.1-1-9.3
"Impaired veterinary health care provider"

Sec. 9.3. "Impaired veterinary health care provider" means a veterinarian or registered veterinary technician who has been affected by the use or abuse of alcohol or other drugs.

As added by P.L.58-2008, SEC.9.

IC 25-38.1-1-9.5
"Indirect supervision"

Sec. 9.5. "Indirect supervision" means a supervising veterinarian is not on the premises but:

(1) is present within the veterinarian's usual practice area;

(2) has given written protocols or oral instructions for the treatment of an animal for which a veterinarian-client-patient relationship exists; and

(3) is readily available by telephone or other means of immediate communication.

As added by P.L.58-2008, SEC.10.

IC 25-38.1-1-10
"Licensed veterinarian"

Sec. 10. "Licensed veterinarian" means an individual who is licensed under this article to practice veterinary medicine in Indiana.
As added by P.L.2-2008, SEC.12.

IC 25-38.1-1-10.5
"Patient"

Sec. 10.5. "Patient" means an animal that is examined or treated by a veterinarian.
As added by P.L.58-2008, SEC.11.

IC 25-38.1-1-11
"Person"

Sec. 11. "Person" means an individual, an incorporated or unincorporated organization or association, or a group of persons acting in concert.
As added by P.L.2-2008, SEC.12.

IC 25-38.1-1-12
"Practice of veterinary medicine"

Sec. 12. "Practice of veterinary medicine" means:

(1) representing oneself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry or any of their branches or specialties;

(2) using words, letters, or titles in a connection or under circumstances that may induce another person to believe that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry;

(3) accepting compensation for doing any of the things described in subdivisions (4) through (8);

(4) providing the diagnosis, treatment, correction, or prevention of any disease, defect, injury, deformity, pain, or condition of animals;

(5) prescribing, dispensing, or ordering the administration of a drug, a medicine, a biologic, a medical appliance, an application, or treatment of whatever nature for the prevention, cure, or relief of any disease, ailment, defect, injury, deformity, pain, or other condition of animals;

(6) performing a:

(A) surgical or dental operation; or

(B) complimentary or alternative therapy;

upon an animal;

(7) certifying the health, fitness, or soundness of an animal; or

(8) performing any procedure for the diagnosis of pregnancy, sterility, or infertility upon animals.

However, the term does not include administering a drug, medicine, appliance, application, or treatment that is administered at the

direction and under the direct supervision of a veterinarian licensed under this article.
As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.12.

IC 25-38.1-1-13
"Registered veterinary technician"
Sec. 13. "Registered veterinary technician" means a veterinary technician registered under this article to work under the direct or indirect supervision of a licensed veterinarian.
As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.13.

IC 25-38.1-1-14
"Veterinarian"
Sec. 14. "Veterinarian" means an individual who was a licensed veterinarian on August 31, 1979, or who has received a professional degree from an accredited college of veterinary medicine.
As added by P.L.2-2008, SEC.12.

IC 25-38.1-1-14.5
"Veterinarian-client-patient relationship"
Sec. 14.5. "Veterinarian-client-patient relationship" means a relationship between a veterinarian and client that meets the following conditions:
(1) The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, and the client has agreed to follow the veterinarian's instructions.
(2) The veterinarian has sufficient knowledge of the animal to initiate a diagnosis of the medical condition of the animal. The veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by either of the following:
(A) An examination of the animal.
(B) By recently seeing and being personally acquainted with the keeping and care of representative animals and associated husbandry practices by making medically appropriate and timely visits to the premises where the animal is kept.
(3) The veterinarian is readily available or has arranged for emergency coverage for follow-up evaluation if there is an adverse reaction or failure of the treatment regimen.
(4) When appropriate, the veterinarian has arranged for continuing care with another licensed veterinarian who has access to the animal's medical record.
As added by P.L.58-2008, SEC.14.

IC 25-38.1-1-14.7
"Veterinary assistant"
Sec. 14.7. "Veterinary assistant" means an individual who is not a licensed veterinarian or registered veterinary technician who performs tasks related to animal health care under the direct

supervision of a licensed veterinarian or registered veterinary technician.
As added by P.L.58-2008, SEC.15.

IC 25-38.1-1-15
"Veterinary medicine"

Sec. 15. "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, acupuncture, and all other branches or specialties of veterinary medicine.
As added by P.L.2-2008, SEC.12.

IC 25-38.1-1-16
Repealed

(*Repealed by P.L.58-2008, SEC.51.)*

IC 25-38.1-2

Chapter 2. Indiana Board of Veterinary Medical Examiners

IC 25-38.1-2-1

Board of veterinary medical examiners

Sec. 1. (a) The Indiana board of veterinary medical examiners is established.

(b) The board consists of seven (7) members appointed by the governor from the districts described in section 3 of this chapter. Not more than one (1) veterinarian member may be domiciled in the same district.

(c) One (1) of the board members must be a registered veterinary technician.

(d) One (1) of the board members must be appointed to represent the general public.

(e) Not more than four (4) board members may be affiliated with the same political party.

(f) If there is a vacancy on the board, the governor shall appoint a successor to complete the unexpired term.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.16.

IC 25-38.1-2-2

Terms of board members

Sec. 2. (a) The term of each member of the board is four (4) years beginning on September 1 of the appropriate year. Each member shall serve until the member's successor is appointed and qualified. Members of the board may be appointed for more than one (1) term, but an individual may not be a member of the board for more than eight (8) years out of any twelve (12) year period.

(b) The terms of the board members expire as follows:

(1) The term of the member from the first district expires on August 31, 2008, and every four (4) years thereafter.

(2) The term of the member from the second district expires on August 31, 2009, and every four (4) years thereafter.

(3) The term of the member from the third district expires on August 31, 2010, and every four (4) years thereafter.

(4) The term of the member from the fourth district expires on August 31, 2011, and every four (4) years thereafter.

(5) The term of the member from the fifth district expires on August 31, 2008, and every four (4) years thereafter.

(6) The term of the member appointed to represent the general public expires on August 31, 2009, and every four (4) years thereafter.

(7) The term of the registered technician member expires on August 31, 2012, and every four (4) years thereafter.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.17.

IC 25-38.1-2-3

Districts

Sec. 3. (a) District 1 consists of the following counties: Clay,

Crawford, Daviess, Dubois, Fountain, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Montgomery, Morgan, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spencer, Sullivan, Tippecanoe, Vanderburgh, Vermillion, Vigo, Warren, and Warrick.

(b) District 2 consists of the following counties: Bartholomew, Brown, Clark, Dearborn, Decatur, Delaware, Fayette, Floyd, Franklin, Hancock, Harrison, Henry, Jackson, Jefferson, Jennings, Johnson, Madison, Ohio, Randolph, Ripley, Rush, Scott, Shelby, Switzerland, Union, Washington, and Wayne.

(c) District 3 consists of the following counties: Boone, Clinton, Hamilton, Hendricks, Howard, Marion, and Tipton.

(d) District 4 consists of the following counties: Lake, LaPorte, Marshall, Porter, St. Joseph, and Starke.

(e) District 5 consists of the following counties: Adams, Allen, Benton, Blackford, Carroll, Cass, DeKalb, Elkhart, Fulton, Grant, Huntington, Jasper, Jay, Kosciusko, LaGrange, Miami, Newton, Noble, Pulaski, Steuben, Wabash, Wells, White, and Whitley.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-2-4

Eligibility of board members

Sec. 4. (a) Each member of the board must have been a resident of Indiana for at least five (5) years continuously before appointment and must have been a:

(1) licensed veterinarian in the private practice of veterinary medicine; or

(2) registered veterinary technician;

in Indiana for at least three (3) of those years.

(b) Each member of the board must be a graduate of a school or college of veterinary medicine or an accredited veterinary technology program generally recognized as approved, according to the prevailing standard for recognition as a school or college of veterinary medicine at the time of the member's graduation.

(c) Each member of the board must be a person of good reputation within the profession and within the community in which the member resides.

(d) A member of the board may not be an officer, a director, or an employee in any manufacturing, wholesaling, or retail enterprise dealing in drugs, supplies, instruments, or equipment used or useful in the practice of veterinary medicine, which might constitute or tend to create a conflict of interest between the member's business association and membership on the board.

(e) A member of the board may not be a member of the faculty, board of trustees, or advisory board of a school of veterinary medicine or school of veterinary technology.

(f) Notwithstanding the other provisions of this section, one (1) member of the board, appointed to represent the general public, must be an Indiana resident who has never been associated with veterinary medicine in any way other than as a consumer.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.18.

IC 25-38.1-2-5
Board meetings

Sec. 5. (a) The board shall hold an annual meeting in Indianapolis and other regular meetings during the year at places the board sets.

(b) The board may hold special meetings as necessary. The chairperson or two (2) members of the board may call a special meeting.

(c) Four (4) members of the board constitute a quorum.

(d) All meetings must be open and public. However, the board may meet in closed session:

(1) to prepare, approve, administer, or grade examinations;

(2) to deliberate the qualifications of an applicant for license or registration; or

(3) to deliberate the disposition of a proceeding to discipline a licensed veterinarian or registered veterinary technician.

(e) Minutes of each regular and special meeting shall be compiled and kept as a permanent record in the same office as other records of the board are kept. The agency is responsible for the care and safekeeping of the minutes.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-2-6
Travel reimbursement

Sec. 6. Each member of the board is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-2-7
Officers; duties of the Indiana professional licensing agency

Sec. 7. (a) At its annual meeting, the board shall elect a chairperson and vice chairperson and other necessary officers determined by the board. Officers shall serve for a term of one (1) year or until a successor is elected. There is no limitation on the number of terms an officer may serve.

(b) The state veterinarian shall be the technical adviser of the board.

(c) The duties of the agency include:

(1) corresponding for the board;

(2) keeping accounts and records of all receipts and disbursements by the board;

(3) keeping records of all applications for license or registration;

(4) keeping a register of all persons currently licensed or registered by the board;

(5) keeping permanent records of all board proceedings; and

(6) administering the veterinary investigative fund established by section 25 of this chapter.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.19.

IC 25-38.1-2-8
Liberal construction of supervisory powers

Sec. 8. The powers granted to the board in this chapter are to enable the board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-2-9
Board powers; qualifications of applicants

Sec. 9. The board is vested with the sole authority to determine the qualifications of applicants for:

(1) a license to practice veterinary medicine; and

(2) registration to practice as a registered veterinary technician;

in Indiana.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.20.

IC 25-38.1-2-10
Board powers; licenses and permits

Sec. 10. The board is vested with the sole authority to issue, renew, deny, suspend, or revoke:

(1) licenses and special permits to practice veterinary medicine; and

(2) registrations or special permits to practice as a registered veterinary technician;

in Indiana.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.21.

IC 25-38.1-2-11
Board powers; authority to discipline

Sec. 11. The board is vested with sole authority to discipline licensed veterinarians and registered veterinary technicians consistent with this article and the rules adopted under this chapter.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-2-12
Board powers; examinations

Sec. 12. The board is vested with the sole authority to determine the following:

(1) The examinations applicants are required to take.

(2) The subjects to be covered on the examinations.

(3) The places where and the dates on which examinations will be given.

(4) The deadlines for applying to take the examinations.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.22.

IC 25-38.1-2-13
Continuing education

Sec. 13. The board may establish by rule minimum standards of continuing education for the renewal of licenses to practice

veterinary medicine and for the renewal of registrations as a registered veterinary technician. The rules adopted under this section must comply with IC 25-1-4-3.
As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.23.

IC 25-38.1-2-14
Standards of professional conduct
Sec. 14. The board shall adopt by rule standards of professional conduct for the competent practice of veterinary medicine and the competent practice of a registered veterinary technician.
As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.24.

IC 25-38.1-2-15
Investigations
Sec. 15. Subject to IC 25-1-7, the board may conduct investigations for the purpose of discovering violations of this article by:
(1) licensed veterinarians or registered veterinary technicians; or
(2) persons practicing veterinary medicine without a license or persons practicing as a registered veterinary technician without being registered.
As added by P.L.2-2008, SEC.12.

IC 25-38.1-2-16
Inspections
Sec. 16. The board may inspect, without notice and during normal working hours, veterinary hospitals, clinics, or other establishments to determine if the veterinary hospitals, clinics, or other establishments meet the board's standards of cleanliness and sanitation as defined by the board's rules.
As added by P.L.2-2008, SEC.12.

IC 25-38.1-2-17
Hearings
Sec. 17. The board may hold hearings on all matters properly brought before the board. When conducting hearings, the board may administer oaths, receive evidence, make findings, and enter orders consistent with the findings. The board may require by subpoena the attendance and testimony of witnesses and the production of papers, records, or other documentary evidence and commission depositions. The board may designate one (1) or more of its members to serve as the board's hearing officer.
As added by P.L.2-2008, SEC.12.

IC 25-38.1-2-18
Court enforcement
Sec. 18. The board may bring proceedings in the courts for the enforcement of this article or any rules adopted under this chapter.
As added by P.L.2-2008, SEC.12.

IC 25-38.1-2-19
Fees

Sec. 19. (a) The board shall establish by rule under IC 25-1-8 fees sufficient to implement this article, including fees for examining and licensing veterinarians and for examining and registering veterinary technicians.

(b) In addition to the fee to issue or renew a license, registration, or permit, the board may establish a fee of not more than ten dollars ($10) per year for a person who holds a license or special permit as a veterinarian or a registration or special permit as a veterinary technician to provide funds for administering and enforcing the provisions of this article, including investigating and taking action against persons who violate this article. All funds collected under this subsection shall be deposited in the veterinary investigative fund established by section 25 of this chapter.

(c) The fees established under this section shall be charged and collected by the agency.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.25.

IC 25-38.1-2-20
Reciprocal agreements

Sec. 20. The board may enter into reciprocal agreements with its counterpart boards in other states and may effect agreements by rule.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-2-21
Board representation at meetings

Sec. 21. The board may appoint one (1) or more board members to act as representatives of the board at any meeting inside or outside Indiana where representation is desirable.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-2-22
Support personnel and supplies

Sec. 22. The agency shall provide the board with full or part-time professional and clerical personnel and supplies, including printed matter and equipment, necessary to implement this article.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-2-23
Rules

Sec. 23. The board may adopt rules under IC 4-22-2 that the board considers necessary to carry out the board's duties.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-2-24
Seal

Sec. 24. The board may adopt an appropriate seal, which may be affixed to all license and registration certificates and other official documents of the board.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-2-25
Veterinary investigation fund

Sec. 25. (a) The veterinary investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of money from the fee imposed under section 19(b) of this chapter.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the total amount in the fund exceeds seven hundred fifty thousand dollars ($750,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds seven hundred fifty thousand dollars ($750,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated to the agency for its use in administering and enforcing this article, conducting investigations, and taking enforcement action against persons violating this article.

(f) The attorney general and the agency may enter into a memorandum of understanding to provide the attorney general with funds to conduct investigations and pursue enforcement action against violators of this article.

(g) The attorney general and the agency shall present the memorandum of understanding annually to the board for review.

As added by P.L.58-2008, SEC.26.

IC 25-38.1-3

Chapter 3. Veterinarians; Veterinary Technicians; Licenses, Special Permits, and Registration

IC 25-38.1-3-1

License and permit requirements; exceptions

Sec. 1. (a) A person may not practice veterinary medicine in Indiana unless the person:

(1) is licensed as a veterinarian in Indiana; or

(2) holds a special permit issued by the board.

(b) The following persons are exempt from the licensing or special permit requirements of this chapter:

(1) A veterinarian on the faculty of the School of Veterinary Medicine at Purdue University performing regular duties, or a veterinarian employed by the animal disease diagnostic laboratory established by IC 21-46-3-1 performing regular duties.

(2) A veterinary medical officer serving in the United States armed forces or veterinarian employed by a federal, state, or local government agency performing veterinary medical services that are within the scope of official duties and are performed during the period of the person's service.

(3) An individual who is a regular student in an accredited college of veterinary medicine performing duties or actions assigned by the faculty of the School of Veterinary Medicine at Purdue University or working under the direct supervision of a licensed veterinarian.

(4) An extern.

(5) A veterinarian who is licensed and is a resident in another state or country and consults with a veterinarian licensed under this article.

(6) An owner or a contract operator of an animal or a regular employee of the owner or a contract operator caring for and treating an animal, except where the ownership of the animal was transferred for purposes of circumventing this chapter.

(7) A guest lecturing or giving instructions or demonstrations at the School of Veterinary Medicine at Purdue University, or elsewhere, in connection with a continuing education program.

(8) An individual while engaged in bona fide scientific research that:

(A) reasonably requires experimentation involving animals; and

(B) is conducted in a facility or with a company that complies with federal regulations regarding animal welfare.

(9) A graduate of a foreign college of veterinary medicine who is in the process of obtaining an ECFVG certificate and who is under the direct supervision of:

(A) the faculty of the School of Veterinary Medicine at Purdue University; or

(B) a veterinarian licensed under this article.

(10) A veterinarian who is enrolled in a postgraduate instructional program in an accredited college of veterinary medicine performing duties or actions assigned by the faculty of the School of Veterinary Medicine at Purdue University.

(11) A member in good standing of another licensed or regulated profession within Indiana who:

(A) provides assistance requested by a veterinarian licensed under this article;

(B) acts with the consent of the client;

(C) acts within a veterinarian-client-patient relationship; and

(D) acts under the direct or indirect supervision of the licensed veterinarian.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.27; P.L.177-2009, SEC.59.

IC 25-38.1-3-2

Veterinarian licensure requirements

Sec. 2. To become a licensed veterinarian, a person must:

(1) not have a conviction for a crime that has a direct bearing on the person's ability to practice ethically and competently;

(2) not have committed an act that would have been a violation of IC 25-1-9-4 or IC 25-1-9-6;

(3) pay the fees required under this article;

(4) have successfully completed a program in veterinary medicine from an accredited college of veterinary medicine; and

(5) have successfully completed the examinations described in section 4 of this chapter or qualify for a license without examination under section 5 of this chapter.

However, a person who was licensed as a veterinarian in Indiana on August 31, 1979, is not required to meet the requirements of subdivision (4) or (5).

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.28.

IC 25-38.1-3-3

Application for license; requirements and qualifications

Sec. 3. (a) As used in this subsection, "term" refers to an academic semester, trimester, or quarter. A person desiring a license to practice veterinary medicine shall make written application to the board. The application must state that the applicant is:

(1) a graduate of an accredited college of veterinary medicine; or

(2) enrolled in the last term of the last year of the veterinary medical curriculum of an accredited school of veterinary medicine.

If the applicant is enrolled as a last term student as described in subdivision (2), a letter from the dean of the student's veterinary school confirming that the applicant is a last term student, attesting to the satisfactory academic standing of the student, and stating the date on which the degree is expected to be conferred upon the

student must accompany the application. A license to practice veterinary medicine in Indiana may not be issued until satisfactory proof has been furnished to the board either that the applicant has graduated from an accredited college of veterinary medicine or that the applicant is the holder of an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate. The application must show reasonable information and proof required by the board by rule. The application must be accompanied by the required fee.

(b) If the board determines that the applicant possesses the proper qualifications, the board may grant the applicant a license. If the board determines that the applicant is not qualified to take the examination or that the applicant does not qualify for a license without examination, the executive secretary of the board shall immediately notify the applicant in writing of the finding and the grounds for the finding. Applicants found unqualified may request a hearing on the question of their qualifications.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-3-4
Examinations

Sec. 4. (a) The board shall hold at least one (1) examination for licensing veterinarians and one (1) examination for registering veterinary technicians each year. However, the board may hold additional examinations. The agency shall give notice of the date, time, and place for each examination at least ninety (90) days before the date set for the examination. A person desiring to take an examination must make application not later than the time the board prescribes under IC 25-38.1-2-12.

(b) The board must approve the preparation, administration, and grading of examinations that comply with the following requirements:

(1) Examinations for licensure to practice as a veterinarian must be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove to the board that the examinee is competent to practice veterinary medicine. The board may adopt and use examinations approved by the National Board of Veterinary Medical Examiners for licensure to practice veterinary medicine.

(2) Examinations for registration as a registered veterinary technician must be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in schools for veterinary technicians. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove to the board that the examinee is competent to act as a registered veterinary technician. The board may adopt and use examinations approved by the American Association of Veterinary State

Boards for registration as a veterinary technician.

(c) To qualify for a license as a veterinarian or to be registered as a veterinary technician, the applicant must attain a passing score in the examinations.

(d) After the examinations, the agency shall notify each examinee of the result of the examinee's examinations. The board shall issue a license or registration certificate, as appropriate, to each individual who successfully completes the examinations and is otherwise qualified. The agency shall keep a permanent record of the issuance of each license or registration certificate.

(e) An individual who fails to pass the required examinations may apply to take a subsequent examination. Payment of the examination fee may not be waived.

(f) If an applicant fails to pass the required examination within three (3) attempts in Indiana or any other state, the applicant may not retake the required examination. The applicant may take subsequent examinations upon approval by the board and completion of remedial education as required by the board.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.29.

IC 25-38.1-3-5

License without examination

Sec. 5. The board may issue a license without an examination to a qualified applicant who:

(1) furnishes satisfactory proof that the applicant is a graduate of an accredited college of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate;

(2) for the five (5) years immediately preceding filing an application has been a practicing veterinarian licensed in a state, territory, or district of the United States that has license requirements substantially equivalent to the requirements of this chapter; and

(3) otherwise meets the requirements of this chapter.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-3-5.5

Permit requirements; exceptions

Sec. 5.5. (a) An individual may not act as a registered veterinary technician unless the person is registered as a veterinary technician in Indiana or has been issued a special permit by the board.

(b) An individual is not required to meet the registration requirements for a registered veterinary technician under this article while the individual is:

(1) a full-time student in an accredited veterinary technology program performing duties or actions assigned by faculty or staff of the accredited program; or

(2) working under the direct supervision of a licensed veterinarian to perform tasks that are an educational requirement of the accredited program.

As added by P.L.58-2008, SEC.30.

IC 25-38.1-3-6
Veterinary technician permit requirements

Sec. 6. To become a registered veterinary technician, a person must:

(1) not have a conviction for a crime that has a direct bearing on the person's ability to practice competently;
(2) pay the required fees;
(3) be at least eighteen (18) years of age;
(4) have successfully completed four (4) years of high school education or an acceptable equivalent;
(5) have either successfully completed an accredited veterinary technology program or have been a registered veterinary technician on August 31, 1981; and
(6) show that the person has the necessary knowledge and skills to be a registered veterinary technician, demonstrated by successfully passing the required examinations.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.31.

IC 25-38.1-3-7
Veterinary technicians; refusal to issue permit; probationary registration; conditions

Sec. 7. (a) The board may refuse to issue a registration or may issue a probationary registration to an applicant for registration as a registered veterinary technician under this chapter if:

(1) the applicant has been disciplined by a licensing entity of another state or jurisdiction; and
(2) the violation for which the applicant was disciplined has a direct bearing on the applicant's ability to competently practice as a veterinary technician in Indiana.

(b) Whenever issuing a probationary registration under this section, the board may impose any or a combination of the following conditions:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
(2) Limit practice to those areas prescribed by the board.
(3) Continue or renew professional education.
(4) Engage in community restitution or service without compensation for a number of hours specified by the board.

(c) The board shall remove any limitations placed on a probationary registration issued under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

(d) This section does not apply to an individual who currently holds a registration certificate under this chapter.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.32.

IC 25-38.1-3-8
Registration without examination

Sec. 8. The board may issue a registration without an examination to a qualified applicant who:

(1) furnishes satisfactory proof that the applicant has successfully completed an accredited veterinary technology program;

(2) for the five (5) years immediately preceding filing an application has been acting as a registered veterinary technician in a state, territory, or district of the United States that has registration requirements substantially equivalent to the requirements of this chapter; and

(3) otherwise meets the requirements of this chapter.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.33.

IC 25-38.1-3-9
Application

Sec. 9. An applicant for registration as a registered veterinary technician shall complete an application form prescribed by the board. Each application shall be accompanied by the required registration fee and other material that the board may require by rule. Each applicant shall furnish proof to the board that the applicant meets the requirements of a registered veterinary technician under this chapter.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-3-10
Term of license and registration certificate

Sec. 10. A license or registration certificate issued under this article is valid for the remainder of the renewal period in effect on the date of issuance.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-3-11
License renewal

Sec. 11. (a) A license issued under this chapter is valid until the next renewal date described under subsection (b).

(b) All licenses expire on a date set by the agency in each odd-numbered year but may be renewed by application to the board and payment of the proper renewal fee. In accordance with IC 25-1-5-4(c), the agency shall mail a notice sixty (60) days before the expiration to each licensed veterinarian. The agency shall issue a license renewal to each individual licensed under this chapter if the proper fee has been received and all other requirements for renewal of the license have been satisfied. Failure to renew a license on or before the expiration date automatically renders the license invalid without any action by the board.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.34.

IC 25-38.1-3-12
Registration certificate renewal

Sec. 12. (a) A registration certificate issued under this chapter is

valid until the next renewal date described under subsection (b).

(b) All registration certificates expire on a date set by the agency of each even-numbered year but may be renewed by application to the board and payment of the proper renewal fee. In accordance with IC 25-1-5-4(c), the agency shall mail a notice sixty (60) days before the expiration to each registered veterinary technician. The agency shall issue a registration certificate renewal to each individual registered under this chapter if the proper fee has been received and all other requirements for renewal of the registration certificate have been satisfied. Failure to renew a registration certificate on or before the expiration date automatically renders the license invalid without any action by the board.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.35.

IC 25-38.1-3-13

Practicing without a valid license or registration; violation; renewal; inactive status

Sec. 13. (a) An individual who:

(1) practices veterinary medicine after the individual's license has expired, been revoked, or been placed on inactive status; or

(2) acts as a registered veterinary technician after the individual's registration has expired, been revoked, or been placed on inactive status;

violates this article.

(b) A veterinarian may renew an expired license or a registered veterinary technician may renew an expired registration certificate not later than five (5) years after the date of expiration by making written application for renewal and paying the required fee. However, the board may require continuing education as a condition of renewal of an expired license.

(c) A veterinarian may not renew an expired license, and a registered veterinary technician may not renew an expired registration certificate, after five (5) years have elapsed after the date of the expiration of a license or a registration certificate but the person may make application for a new license or registration certificate and take the appropriate examinations.

(d) To have a license or registration placed on inactive status, a licensed veterinarian or registered veterinarian technician must notify the board in writing of the veterinarian's or technician's desire to have the license or registration placed on inactive status. The board shall waive the continuing education requirements, if any, and payment of the renewal fee during the period the license or registration of a veterinarian or technician is on inactive status. A license or registration may be placed on inactive status during the period:

(1) the veterinarian or technician is on active duty with any branch of the armed services of the United States;

(2) the veterinarian or technician is in the Peace Corps;

(3) the veterinarian or technician is in an alternative service during a time of national emergency;

(4) the veterinarian or technician is suffering from a severe medical condition that prevents the veterinarian or technician from meeting the requirements of the board; or

(5) after the veterinarian or technician retires.

A veterinarian or technician who is retired and on inactive status may not maintain an office or practice veterinary medicine. The board may adopt rules under IC 4-22-2 that establish prerequisites or conditions for the reactivation of an inactive license or registration.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.36.

IC 25-38.1-4

Chapter 4. Practice; Discipline; Prohibitions

IC 25-38.1-4-1

Veterinary technician identification; use of title or abbreviation; advertising

Sec. 1. (a) During working hours or when actively performing the registered veterinary technician's duties, a registered veterinary technician must wear a unique mark of identification on the technician's clothing that is approved by the board and that identifies the technician as a registered veterinary technician.

(b) An individual who is not a registered veterinary technician may not use the title "registered veterinary technician", "veterinary technician", or the abbreviation "R.V.T.".

(c) An individual who is not a registered veterinary technician may not advertise or offer the individual's services in a manner calculated to lead others to believe that the individual is a registered veterinary technician.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.37.

IC 25-38.1-4-2

Restrictions on veterinary technicians and veterinary assistants

Sec. 2. A:

(1) registered veterinary technician; or

(2) veterinary assistant;

may not diagnose, make a prognosis, prescribe medical or surgical treatment, or perform as a surgeon. However, the registered veterinary technician may perform routine procedures defined by board rules while under the direct or indirect supervision of a licensed veterinarian responsible for the technician's performance.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.38.

IC 25-38.1-4-3

Supervision of veterinary employees; compensation; duties

Sec. 3. (a) A supervising veterinarian shall determine and is responsible for determining the appropriate level of supervision, except where prohibited by law, if the tasks being delegated are commensurate with employee's training, experience, and skills.

(b) Registered veterinary technicians may, under direct or indirect supervision, perform routine food animal management practices if a valid veterinarian-client-patient relationship exists.

(c) A registered veterinary technician or veterinary assistant may not receive a fee or compensation for veterinary services other than salary or compensation paid by the establishment where the individual is employed.

(d) In the performance of delegated veterinary tasks, a registered veterinary technician and veterinary assistant shall do the following:

(1) Accept only those delegated veterinary tasks for which there are mutually approved protocols, written standing orders, or verbal directions.

(2) Accept only those delegated veterinary tasks that:
(A) the registered veterinary technician or veterinary assistant is competent to perform based on education, training, or experience; and
(B) are not prohibited by law.
(3) Consult with the supervising veterinarian in cases where the registered veterinary technician or veterinary assistant knows or should have known that a delegated veterinary task may harm an animal.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.39.

IC 25-38.1-4-4
Repealed

(*Repealed by P.L.58-2008, SEC.51.)*

IC 25-38.1-4-5
Prescriptions

Sec. 5. (a) A licensed veterinarian may write prescriptions. Pharmacists shall give the prescriptions written by a licensed veterinarian the same recognition given the prescriptions of persons holding an unlimited license to practice medicine or osteopathic medicine.

(b) A valid veterinarian-client-patient relationship must exist before a licensed veterinarian dispenses or prescribes a prescription product.

(c) Veterinary prescription products, including drugs and immunizing products restricted by state and federal law for use by licensed veterinarians, may not be diverted or transferred to an individual for use on an animal if there is not a current veterinarian-client-patient relationship with the original prescribing veterinarian.

(d) If a veterinarian prescribes a drug for the client's animal, upon request, the veterinarian shall provide the prescription to the client, unless prohibited by state or federal law or to prevent inappropriate use.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.40.

IC 25-38.1-4-5.5
Maintenance of veterinary medical records; copies; confidentiality

Sec. 5.5. (a) Each person who provides veterinary medical services shall maintain medical records, as defined by rules adopted by the board.

(b) Veterinary medical records include the following:
(1) Written records and notes, radiographs, sonographic images, video recordings, photographs or other images, and laboratory reports.
(2) Other information received as the result of consultation.
(3) Identification of any designated agent of the owner for the purpose of authorizing veterinary medical or animal health care decisions.

(4) Any authorizations, releases, waivers, or other related documents.

(c) The client is entitled to a copy or summary of the veterinary medical records. A veterinarian may charge a reasonable fee for copying or summarizing the requested veterinary medical record. The veterinarian may require that the request be in writing.

(d) Except as provided in subsection (e) or upon written authorization of the client, an animal's veterinary medical record and medical condition is confidential and may not be:

(1) furnished to; or

(2) discussed with;

any person other than the client or other veterinarians involved in the care or treatment of the animal.

(e) An animal's veterinary medical records and medical condition may be furnished without written client authorization under the following circumstances:

(1) Access to the records is specifically required by a state or federal statute.

(2) An order by a court with jurisdiction in a civil or criminal action upon the court's issuance of a subpoena and notice to the client or the client's legal representative.

(3) For statistical and scientific research, if the information is abstracted in a way as to protect the identity of the animal and the client.

(4) As part of an inspection or investigation conducted by the board or an agent of the board.

(5) As part of a request from a regulatory or health authority, physician, or veterinarian:

(A) to verify a rabies vaccination of an animal; or

(B) to investigate a threat to human or animal health, or for the protection of animal or public health and welfare.

(6) As a part of an animal cruelty report and associated applicable records that are part of an abuse investigation by law enforcement or a governmental agency.

(7) To a law enforcement agency as part of a criminal investigation.

(8) To the School of Veterinary Medicine at Purdue University, the animal disease diagnostic laboratory, or a state agency or commission. However, an animal's veterinary medical records remain confidential unless the information is disclosed in a manner allowed under this section.

(9) Veterinary medical records that are released by the board of animal health when in the judgment of the state veterinarian the disclosure is necessary or helpful in advancing animal health or protecting public health.

(f) An animal's veterinary medical records must be kept and maintained by the veterinarian for at least three (3) years after the veterinarian's last encounter with the animal.

As added by P.L.58-2008, SEC.41.

IC 25-38.1-4-6
Emergencies

Sec. 6. Notwithstanding this chapter, in an emergency, in the absence of the licensed veterinarian employer, an employee of a licensed veterinarian may perform the duties it is lawful for the employee to perform under the direct supervision of the licensed veterinarian according to the rules of the board and the written authority of the licensed veterinary employer.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.42.

IC 25-38.1-4-7
Immunity in emergencies; euthanasia

Sec. 7. A licensed veterinarian or a registered veterinary technician who, on the veterinarian's or technician's own initiative, gives emergency treatment to a sick or injured animal is not liable in damages to the owner of the animal in the absence of gross negligence. If a licensed veterinarian performs euthanasia on the animal, there is a presumption that performing euthanasia was a humane act, necessary to relieve the animal of pain and suffering.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-4-8
Abandoned animals

Sec. 8. (a) An animal placed in the custody of a veterinarian is considered to be abandoned five (5) days after the veterinarian has given written notice to the individual who delivered the animal to the veterinarian that the animal should be reclaimed by the individual. Written notice must be delivered by certified mail to the place given by the individual as the individual's mailing address at the time the individual delivered the animal to the veterinarian.

(b) Abandonment of an animal under this section constitutes the relinquishment of all rights and claims by the owner of the animal. An abandoned animal may be sold or otherwise disposed of as the veterinarian may see fit. The purchaser or recipient of an abandoned animal shall receive full and clear title to the animal.

(c) The giving of notice as provided in this section relieves the veterinarian and all persons who receive an abandoned animal from the veterinarian of criminal or civil liability.

(d) The individual who delivered an animal abandoned under this section is liable for all reasonable and customary expenses incurred for diagnosis, treatment, hospitalization, surgery, board, euthanasia, and disposal of the abandoned animal.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.43.

IC 25-38.1-4-8.5
Immunity for reporting suspected animal cruelty

Sec. 8.5. A veterinarian or registered veterinary technician who reports in good faith and in the normal course of business a suspected incident of animal cruelty under IC 35-46-3 to a law enforcement officer is immune from liability in any civil or criminal action

brought for reporting the incident.
As added by P.L.58-2008, SEC.44. Amended by P.L.111-2009, SEC.5.

IC 25-38.1-4-9
Discipline of registered veterinary technicians

Sec. 9. Upon written complaint sworn to by any individual, the board may, by the concurrence of four (4) members, after a hearing and based upon findings of fact, discipline a registered veterinary technician by revoking or suspending the technician's registration for a time certain, by placing the technician on probation, or by any other appropriate means for any of the following reasons:

(1) The use of fraud, misrepresentation, or deception in obtaining a registration.
(2) Intoxication or the unlawful use of a controlled substance.
(3) The use of advertising or solicitation that is false or misleading or is considered unprofessional under rules adopted by the board.
(4) Conviction of or a plea of guilty to the charge of a felony or misdemeanor involving moral turpitude.
(5) Incompetence, gross negligence, or malpractice in performing as a registered veterinary technician.
(6) Cruelty to animals.
(7) Representing the technician as a veterinarian.
(8) Disciplinary action taken against the technician's registration by the board or by the licensing agency of any other state or jurisdiction by reason of the technician's inability to practice safely as a registered veterinary technician, if the reason is valid in the opinion of the board.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.45.

IC 25-38.1-4-10
Offenses; practice without a license; false information

Sec. 10. A person who knowingly:

(1) practices veterinary medicine without a license or special permit to practice veterinary medicine issued by the board; or
(2) supplies false information on an application for a license as a veterinarian;

commits a Class A misdemeanor.
As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.46.

IC 25-38.1-4-11
Offenses; veterinary technicians

Sec. 11. A person who knowingly:

(1) acts as a registered veterinary technician without being registered as a veterinary technician with the board or having a special permit issued by the board; or
(2) supplies false information on an application for registration as a veterinary technician;

commits a Class A misdemeanor.

As added by P.L.2-2008, SEC.12. Amended by P.L.58-2008, SEC.47.

IC 25-38.1-4-11.5
Offenses; general

Sec. 11.5. Except as provided in sections 10 and 11 of this chapter, a person who violates this chapter commits a Class A infraction.

As added by P.L.58-2008, SEC.48.

IC 25-38.1-4-12
Injunction for practice without a license or certificate

Sec. 12. (a) If a person engages in the practice of veterinary medicine without a license or certificate issued under this article:

(1) the attorney general;
(2) a prosecuting attorney;
(3) the board; or
(4) a citizen;

may maintain an action in the name of the state to enjoin the person from engaging in the practice of veterinary medicine.

(b) In charging a person under subsection (a) in an affidavit, information, or indictment with a violation of this article, it is sufficient to charge that the person did, on a certain date and in a certain county, engage in the practice of veterinary medicine without a license or permit issued under this article.

As added by P.L.2-2008, SEC.12.

IC 25-38.1-5

Chapter 5. Impaired Veterinary Health Care Providers

IC 25-38.1-5-1

Rehabilitation of impaired veterinary health care providers

Sec. 1. (a) The board shall assist in the rehabilitation of an impaired veterinary health care provider.

(b) The board may do the following:

(1) Enter into agreements, provide grants, and make other arrangements with statewide nonprofit professional associations, foundations, or other entities specifically devoted to the rehabilitation of impaired health care professionals to identify and assist impaired veterinary health care providers.

(2) Accept and designate grants and public and private financial assistance to fund programs under subdivision (1) to assist impaired veterinary health care providers.

As added by P.L.58-2008, SEC.49.

IC 25-38.1-5-2

Confidential information

Sec. 2. (a) Except as provided in section 3 of this chapter, all:

(1) information furnished to a nonprofit professional association, foundation, or other entity specifically devoted to the rehabilitation of impaired health care professionals, including interviews, reports, statements, and memoranda; and

(2) findings, conclusions, or recommendations that result from a proceeding of the professional association, foundation, or other entity specifically devoted to the rehabilitation of impaired health care professionals;

are privileged and confidential.

(b) The records of a proceeding under subsection (a)(2) may be used only in the exercise of proper functions of the board, and may not become public records or subject to a subpoena or discovery proceeding.

As added by P.L.58-2008, SEC.49.

IC 25-38.1-5-3

Use of noncompliance information

Sec. 3. Information received by the board from the board designated rehabilitation program for noncompliance by the impaired veterinary health care provider may be used by the board in a disciplinary or criminal proceeding instituted against the impaired veterinary health care provider.

As added by P.L.58-2008, SEC.49.

IC 25-38.1-5-4

Rehabilitation program responsibilities

Sec. 4. The board designated rehabilitation program shall:

(1) immediately report to the board the name and results of any contact or investigation concerning an impaired veterinary

health care provider whom the program believes constitutes a certain, immediate, and impending danger to either the public or the impaired veterinary health care provider; and

(2) in a timely fashion report to the board an impaired veterinary health care provider:

(A) who refuses to cooperate with the program;

(B) who refuses to submit to treatment; or

(C) whose impairment is not substantially or significantly alleviated through treatment, as determined by accepted medical standards.

As added by P.L.58-2008, SEC.49.

IC 25-38.1-5-5

Impaired veterinary health care provider fund

Sec. 5. (a) The impaired veterinary health care provider fund is established to provide money for rehabilitation of impaired veterinary health care providers under this chapter. The agency shall administer the fund.

(b) Expenses of administering the fund shall be paid from money in the fund. The fund consists of any grants or public and private financial assistance designated for the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) Money in the fund is appropriated to the board for the purpose stated in subsection (a).

As added by P.L.58-2008, SEC.49.

IC 25-39

ARTICLE 39. WATER WELL DRILLING CONTRACTORS

IC 25-39-1

Repealed

(*Repealed by P.L.262-1987, SEC.6.)*

IC 25-39-1.5

Chapter 1.5. Applicability Provisions

IC 25-39-1.5-1

Water well driller and water well pump installer as regulated profession

Sec. 1. For the purposes of this article, the occupation of a licensee is a regulated occupation under IC 25-1-7-1.

As added by P.L.262-1987, SEC.1. Amended by P.L.84-2010, SEC.73.

IC 25-39-1.5-2

Department of natural resources as board

Sec. 2. For the purposes of licensing a water well driller and well water pump installer under IC 25-39-3, the department of natural resources is a "board" under IC 25-1-8-1.

As added by P.L.262-1987, SEC.1. Amended by P.L.84-2010, SEC.74.

IC 25-39-1.5-3

Application of IC 25-39-3 and IC 25-39-4

Sec. 3. IC 25-39-3 and IC 25-39-4 do not apply to the following:

(1) A person who installs a well that:

(A) is for personal use; and

(B) is not greater than one and one-fourth (1 1/4) inches inside diameter and not greater than twenty-four (24) feet deep.

(2) A plumber who:

(A) is licensed under IC 25-28.5;

(B) is registered with the department under section 4 of this chapter; and

(C) installs wells that are not greater than one and one-fourth (1 1/4) inches inside diameter and not greater than twenty-four (24) feet deep.

(3) A person who installs or repairs a water well pump or water well pumping equipment for personal use.

(4) A person who is working under the direction and personal supervision of a person who holds a license.

As added by P.L.262-1987, SEC.1. Amended by P.L.20-1991, SEC.10; P.L.120-1993, SEC.17; P.L.84-2010, SEC.75.

IC 25-39-1.5-4

Plumbers; registration

Sec. 4. A plumber licensed under IC 25-28.5 must register with the department before the plumber installs a well or well water pump.

As added by P.L.20-1991, SEC.11. Amended by P.L.84-2010, SEC.76.

IC 25-39-2
Chapter 2. Definitions

IC 25-39-2-1
Application of definitions
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.262-1987, SEC.2.

IC 25-39-2-2
Abandoned well
Sec. 2. "Abandoned well" means a well:
(1) whose original purpose and use have been discontinued for more than five (5) years; or
(2) that is in such a state of disrepair that using it to obtain ground water is impractical or a health hazard.
As added by P.L.262-1987, SEC.2.

IC 25-39-2-3
Annular space
Sec. 3. "Annular space" means the space between the exterior of the well casing and the natural formation in a drilled well.
As added by P.L.262-1987, SEC.2.

IC 25-39-2-4
Aquifer
Sec. 4. "Aquifer" means any underground geologic formation (consolidated or unconsolidated) that has the ability to receive, store, and transmit water in amounts sufficient for the satisfaction of any beneficial use.
As added by P.L.262-1987, SEC.2.

IC 25-39-2-5
Bentonite clay
Sec. 5. "Bentonite clay" means a commercial clay or clay mineral product that has been approved by the commission by rule adopted under IC 4-22-2.
As added by P.L.262-1987, SEC.2.

IC 25-39-2-6
Casing
Sec. 6. "Casing" means a pipe installed to prevent unwanted solids, liquids, or gases from entering the interior of a well.
As added by P.L.262-1987, SEC.2.

IC 25-39-2-7
Commission
Sec. 7. "Commission" refers to the natural resources commission.
As added by P.L.262-1987, SEC.2.

IC 25-39-2-8
Department
Sec. 8. "Department" refers to the department of natural resources.
As added by P.L.262-1987, SEC.2.

IC 25-39-2-9
Director
Sec. 9. "Director" refers to the director of the department of natural resources.
As added by P.L.262-1987, SEC.2.

IC 25-39-2-10
Ground water
Sec. 10. "Ground water" means water occurring beneath the surface of the ground regardless of location or form.
As added by P.L.262-1987, SEC.2.

IC 25-39-2-11
Grouting
Sec. 11. "Grouting" means the process of sealing the annular space in a well.
As added by P.L.262-1987, SEC.2.

IC 25-39-2-12
License
Sec. 12. "License" refers to a water well driller's and water well pump installer's license issued by the department under this article.
As added by P.L.262-1987, SEC.2. Amended by P.L.84-2010, SEC.77.

IC 25-39-2-12.5
Licensee
Sec. 12.5. "Licensee" refers to a person who has been issued a water well driller's and water well pump installer's license issued by the department under this article.
As added by P.L.84-2010, SEC.78.

IC 25-39-2-13
Neat cement
Sec. 13. "Neat cement" means a mixture of ninety-four (94) pounds of cement and no more than six (6) gallons of clean water. Additives designed to increase fluidity may not exceed five percent (5%) of the total mixture.
As added by P.L.262-1987, SEC.2.

IC 25-39-2-14
Plugged
Sec. 14. "Plugged" means the insertion of a material in a well that prevents the migration of gas, liquid, or solid material up or down the

well.
As added by P.L.262-1987, SEC.2.

IC 25-39-2-15
Water well driller

Sec. 15. "Water well driller" means a person who operates well drilling or driving equipment or engages in the drilling or driving of wells.
As added by P.L.262-1987, SEC.2.

IC 25-39-2-15.5
Water well pump installer

Sec. 15.5. "Water well pump installer" means a person who installs or repairs water well pumps.
As added by P.L.84-2010, SEC.79.

IC 25-39-2-16
Well

Sec. 16. "Well" means a hole drilled or driven to:
(1) obtain geologic information on aquifers;
(2) monitor the quality or quantity of ground water;
(3) obtain ground water; or
(4) utilize the geothermal properties of earth formations.
As added by P.L.262-1987, SEC.2.

IC 25-39-3

Chapter 3. Water Well Drillers Licensing

IC 25-39-3-1

Necessity for license; issuance; carrying license; inspection; expiration date

Sec. 1. (a) An individual may not be a water well driller or water well pump installer without a license.

(b) The department shall issue a license to each individual who applies and qualifies for a license under this chapter.

(c) The license of the licensee operating well drilling equipment or installing a water well pump shall be carried by the licensee and presented for inspection by a representative of the department upon request.

(d) Every license expires on December 31 of the year for which it was issued.

As added by P.L.262-1987, SEC.3. Amended by P.L.84-2010, SEC.80.

IC 25-39-3-2

Application; form; continuing education verification

Sec. 2. (a) An application for a license must be made on a form prescribed by the commission in rules adopted under IC 4-22-2. The purpose of the form is to identify the applicant and obtain information to determine if the applicant is qualified to be licensed.

(b) An application for an original license or a license renewal must be accompanied by a license fee of one hundred dollars ($100).

(c) Unless an applicant has held an original license for less than one (1) year, a license renewal application must be accompanied by:

(1) a copy of the continuing education verification of attendance forms; and

(2) a statement by the applicant attesting that the applicant has complied with the continuing education requirements under IC 25-39-6.

As added by P.L.262-1987, SEC.3. Amended by P.L.120-1993, SEC.18; P.L.84-2010, SEC.81.

IC 25-39-3-3

Qualifications; competency examination; fee

Sec. 3. (a) To qualify for an original license an individual must:

(1) be at least eighteen (18) years of age;

(2) furnish evidence from three (3) references, two (2) of whom are water well drillers, water well pump installers, or licensed plumbing contractors familiar with the applicant's work experience and professional competency; and

(3) have successfully completed a competency examination prepared and administered by the department.

(b) The competency examination shall be administered at least two (2) times every calendar year.

(c) The fee to take the competency examination shall be set by the

director under IC 25-1-8. This fee is nonrefundable and must be paid each time an applicant applies to take the examination.

As added by P.L.262-1987, SEC.3. Amended by P.L.84-2010, SEC.82.

IC 25-39-3-3.5

Expired

(Expired 7-1-2011 by P.L.84-2010, SEC.83.)

IC 25-39-3-4

Competency examinations; preparation; contents

Sec. 4. (a) In consultation with the Indiana Well Drilling Contractors Association and the Indiana Ground Water Association, the department shall prepare one (1) or more competency examinations to determine if an applicant for a license is qualified to be a water well driller and water well pump installer.

(b) The competency examination must include questions to determine if the applicant for a license has adequate knowledge and expertise concerning the following:

(1) Placement of wells.
(2) Well drilling procedures.
(3) Operations of well drilling and water well pump equipment.
(4) Contamination precautions.
(5) Installation of well casing and water well pumps.
(6) Well grouting procedures.
(7) Well screen design and installation.
(8) Pitless adapter units.
(9) Installation of pumping apparatus.
(10) Well disinfection.
(11) Sealing abandoned wells.
(12) Ground water occurrence.
(13) Aquifer characteristics.
(14) Drawdown requirements and limitations.
(15) Depth considerations.
(16) Methods of measuring well yield.
(17) The requirements of this chapter and other laws relating to wells.
(18) Other accepted standards relating to the drilling, operation, and abandonment of wells and water well pumps.

As added by P.L.262-1987, SEC.3. Amended by P.L.84-2010, SEC.84.

IC 25-39-4

Chapter 4. Regulation of Water Well Drilling

IC 25-39-4-1

Records; copy of record to department

Sec. 1. (a) Each licensee shall keep accurate records for each well drilled. The record for each well must contain the following information:

(1) The location of the well.
(2) The depth and diameter of the well.
(3) The date the contractor completed the well.
(4) The character and thickness of materials or formations drilled.
(5) The static water level and performance data of the well.
(6) Any other information required by rule.

(b) Each licensee shall, within thirty (30) days after the completion of a well, forward a copy of the record of the well to the department on forms prescribed or approved by the department.

As added by P.L.262-1987, SEC.4. Amended by P.L.84-2010, SEC.85.

IC 25-39-4-2

Standards for well siting, construction, and operation

Sec. 2. (a) The commission shall, by rule, establish standards for well siting, construction, and operation. The standards must address the following:

(1) Placement of wells.
(2) Well drilling procedures.
(3) Operation of well drilling and water well pump equipment.
(4) Contamination precautions.
(5) Well casing and water well pump specification and installation.
(6) Well grouting procedures.
(7) Well screen design and installation.
(8) Pitless adapter units.
(9) Installation of pumping apparatus.
(10) Well disinfection techniques.
(11) Sealing and plugging abandoned wells.
(12) Other generally accepted standards relating to the drilling, operation, or abandonment of wells.

(b) A well that is drilled after December 31, 1987, must be drilled in compliance with the rules adopted under this section.

As added by P.L.262-1987, SEC.4. Amended by P.L.84-2010, SEC.86.

IC 25-39-4-3

Standards for well casing

Sec. 3. The commission may not establish standards under section 2 of this chapter that prohibit the use of well casing that is at least two (2) inches in diameter.

As added by P.L.262-1987, SEC.4.

IC 25-39-4-4
Plugging wells not equipped with casing

Sec. 4. A well that is drilled after December 31, 1987, and not equipped with casing must be plugged by the driller within seventy-two (72) hours after drilling is completed.
As added by P.L.262-1987, SEC.4.

IC 25-39-4-5
Annular space grouting

Sec. 5. A well that is drilled after December 31, 1987, and equipped with casing must have the annular space grouted with neat cement, bentonite clay, or another material that has been approved by the commission by the driller when the well is completed.
As added by P.L.262-1987, SEC.4.

IC 25-39-4-6
Sealing abandoned or unused wells

Sec. 6. (a) A well that was abandoned before January 1, 1988, must be sealed by the use of a welded or threaded cap, or in accordance with rules adopted by the commission under IC 4-22-2. If the director determines that a well described in this subsection poses a hazard to human health, the well shall be plugged in accordance with rules adopted by the commission under IC 4-22-2.

(b) The owner of land upon which is situated a well that is abandoned after December 31, 1987, must have the well plugged by a water well driller within one (1) year after it is abandoned.

(c) A well that has not been used for more than three (3) months, but has not been abandoned, must be sealed at or above the land surface with a welded or threaded cap, or in accordance with rules adopted by the commission under IC 4-22-2.
As added by P.L.262-1987, SEC.4. Amended by P.L.120-1993, SEC.19.

IC 25-39-4-7
Suspension or revocation of license; refusal to grant or renew license

Sec. 7. (a) Under IC 4-21.5-3-6, the director may suspend or revoke the license of a licensee who has done any of the following:

(1) Acted as a licensee without a license in violation of this article.

(2) Secured a license through error or fraud.

(3) Failed to comply with any of the requirements of sections 1, 2, 4, 5, and 6 of this chapter.

(b) Under IC 4-21.5-3-5, the director may refuse to grant, renew, or restore a license to a person who has done any of the following:

(1) Acted as a licensee without a license in violation of this article.

(2) Secured a license through error or fraud.

(3) Failed to comply with any of the requirements of sections 1, 2, 4, 5, and 6 of this chapter.

As added by P.L.262-1987, SEC.4. Amended by P.L.84-2010, SEC.87.

IC 25-39-4-8
Injunctive proceedings

Sec. 8. (a) The department may initiate injunctive proceedings in the appropriate court against a person who acts as a licensee without a license or while the person's license is suspended. The department may not be compelled to give bond in such a cause.

(b) After an action has been filed and notice has been given, all matters involved in the action shall be held in abeyance until the action has been tried and determined.

(c) If a defendant continues to violate this article after notice of the action has been given but before trial and determination, the department may, upon a verified showing of those acts of the defendant, obtain a temporary restraining order without notice. The order is effective until the cause has been tried and determined.

As added by P.L.262-1987, SEC.4. Amended by P.L.84-2010, SEC.88.

IC 25-39-4-9
Rules

Sec. 9. (a) The commission shall adopt rules under IC 4-22-2 to implement this article.

(b) The commission may adopt rules under IC 4-22-2 to do the following:

(1) Establish standards for the licensing of dewatering well drillers.

(2) Regulate the drilling of dewatering wells.

(3) Exempt the drilling of a dewatering well from the application of this chapter if the commission determines that application of this chapter is inappropriate.

As added by P.L.262-1987, SEC.4. Amended by P.L.20-1991, SEC.12.

IC 25-39-4-10
Confidentiality of well records

Sec. 10. Upon written application by the owner of a well or the licensee, the department shall keep the record of a well confidential for a period of one (1) year, and that record is not considered to be a public record.

As added by P.L.262-1987, SEC.4. Amended by P.L.84-2010, SEC.89.

IC 25-39-4-11
Application of article

Sec. 11. This article does not apply to wells drilled:

(1) under or incidental to an activity under IC 14-34 or

IC 14-37;

(2) for the sole purpose of supplying water for the secondary recovery of petroleum resources; or

(3) for the sole purpose of evaluating the foundation characteristics of earth materials to support bridges, roadways, buildings, or other engineered structures.

As added by P.L.262-1987, SEC.4. Amended by P.L.3-1990, SEC.92; P.L.1-1995, SEC.70.

IC 25-39-5

Chapter 5. Crimes and Infractions

IC 25-39-5-1

Acting as water well driller without license

Sec. 1. A person who acts as a water well driller without a license in violation of this article commits a Class B misdemeanor.

As added by P.L.262-1987, SEC.5.

IC 25-39-5-2

Failure to keep records or file reports

Sec. 2. A person who fails to keep the records or file the reports required by IC 25-39-4-1 or who knowingly files any report containing false information commits a Class B infraction. The failure to submit records for each water well drilled constitutes a separate infraction.

As added by P.L.262-1987, SEC.5.

IC 25-39-5-3

Violation of standards

Sec. 3. A person who knowingly violates a standard established under IC 25-39-4-2 commits a Class B infraction.

As added by P.L.262-1987, SEC.5.

IC 25-39-5-4

Failure to plug well

Sec. 4. A person who knowingly fails to plug a well in violation of IC 25-39-4-4 commits a Class B infraction.

As added by P.L.262-1987, SEC.5.

IC 25-39-5-5

Failure to grout well

Sec. 5. A person who knowingly fails to grout a well in violation of IC 25-39-4-5 commits a Class B infraction.

As added by P.L.262-1987, SEC.5.

IC 25-39-5-6

Failure to seal, plug, or cap well

Sec. 6. A person who fails to seal, plug, or cap a well in violation of IC 25-39-4-6 commits a Class C infraction.

As added by P.L.262-1987, SEC.5.

IC 25-39-5-7

Failure to register

Sec. 7. A plumber who installs a well without first registering with the department under IC 25-39-1.5-4 commits a Class B misdemeanor.

As added by P.L.120-1993, SEC.20.

IC 25-39-6

Chapter 6. Continuing Education

IC 25-39-6-1

Continuing education required

Sec. 1. Except as provided in section 6 of this chapter, a licensee who has held a license for at least one (1) calender year shall complete six (6) actual hours of continuing education before December 31 of each even-numbered year.

As added by P.L.84-2010, SEC.90.

IC 25-39-6-2

Continuing education record retention

Sec. 2. A licensee shall retain the following for each continuing education course the individual attends:

(1) A record of:

(A) the number of hours the individual spent in the continuing education course;

(B) the name of the person or organization presenting the continuing education course;

(C) the date, location, and title of the continuing education course; and

(D) the number of hours of continuing education awarded for the course.

(2) Verification that the individual attended the course.

The records and verification of attendance must be retained for three (3) years after the individual attends a continuing education course.

As added by P.L.84-2010, SEC.90.

IC 25-39-6-3

Application for course approval

Sec. 3. (a) An institution, organization, governmental agency, or individual that wishes to offer continuing education courses for the purposes of this chapter must apply in writing to the department for approval of each course. An application for approval of a course must be received by the department not less than thirty (30) days before the course is offered. The department shall approve or deny an application for approval of a continuing education course not more than ten (10) business days after receiving the application.

(b) An application must include the following information:

(1) The title of the course and subjects that will be presented.

(2) The name of the person or organization presenting the continuing education course.

(3) The date, location, and title of the continuing education course.

(4) The number of hours of continuing education to be offered.

(5) Course outlines for the subjects to be offered.

(6) The fee to be charged for each course.

(7) Any other information requested by the department.

(c) The department may approve an application for approval of a

continuing education course that addresses one (1) of the following topics:

(1) Water well construction.
(2) Pump installation and repair.
(3) Grouting.
(4) Water sample collection and sampling.
(5) Contamination of water supplies.
(6) Other topics the department determines to be relevant for the continued improvement of the knowledge of a license holder.

As added by P.L.84-2010, SEC.90.

IC 25-39-6-4
Post continuing education course submissions

Sec. 4. An institution, organization, governmental agency, or individual that has been approved to offer a continuing education course for the purposes of this chapter shall submit to the department not more than forty-five (45) days after the course has been completed a typed listing of the following information:

(1) The name of each individual who attended the course, including each individual's license number.
(2) The title of the course.
(3) The name of the person or organization presenting the continuing education course.
(4) The date, location, and title of the continuing education course.
(5) The number of hours of continuing education each individual received.

As added by P.L.84-2010, SEC.90.

IC 25-39-6-5
Listing of continuing education courses

Sec. 5. The department shall maintain and make available to the public a list of future continuing education courses that will satisfy the continuing education requirements of this article.

As added by P.L.84-2010, SEC.90.

IC 25-39-6-6
Waiver or modification of requirements

Sec. 6. A licensee may apply in writing to the department for a waiver or modification of the continuing education requirements applying to the licensee under this article if the licensee:

(1) establishes that an emergency existed during the period for which the continuing education was required;
(2) has had an incapacitating illness verified by the applicant and a licensed physician; or
(3) was prevented from completing the continuing education requirement because of active military duty during the period for which the continuing education was required.

As added by P.L.84-2010, SEC.90.

IC 25-39-6-7
Contract to administer chapter

Sec. 7. The department may enter into a contract with the Indiana Ground Water Association to administer this chapter.

As added by P.L.84-2010, SEC.90.

IC 25-40

ARTICLE 40. EMPLOYEE ASSISTANCE PROFESSIONALS

IC 25-40-1

Chapter 1. Definitions

IC 25-40-1-1

Applicability of chapter

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.185-1999, SEC.1.

IC 25-40-1-2

"Association"

Sec. 2. "Association" refers to the Employee Assistance Professionals Association, Inc., a national nonprofit organization designed to authorize state programs.

As added by P.L.185-1999, SEC.1.

IC 25-40-1-3

"Certified employee assistance professional"

Sec. 3. "Certified employee assistance professional" means an individual who meets the requirements of and remains in good standing with the commission.

As added by P.L.185-1999, SEC.1.

IC 25-40-1-4

"Commission"

Sec. 4. "Commission" refers to the Employee Assistance Certification Commission, a nationally recognized body that certifies employee assistance professionals.

As added by P.L.185-1999, SEC.1.

IC 25-40-1-5

"Employee assistance professional"

Sec. 5. "Employee assistance professional" means an individual who:

(1) practices the employee assistance profession by providing workplace based services designed to address employer and employee productivity issues;

(2) practices the employee assistance profession by assisting employees and dependents of the employees with identifying and finding the means to resolve personal problems that affect the employee or the performance of the employee, not to include services provided by licensed mental health professionals; and

(3) is:

(A) a certified employee assistance professional; or

(B) experienced and trained in providing the services

described in subdivisions (1) through (2), including the subjects described in IC 24-40-2-1(1) through IC 24-40-2-1(5).

As added by P.L.185-1999, SEC.1.

IC 25-40-1-6
"Program"

Sec. 6. "Program" refers to the Indiana chapter of the association, or other in-state, local programs, as authorized by the association, that are designed to identify employee assistance professionals who are certified by and remain in good standing with the commission.

As added by P.L.185-1999, SEC.1.

IC 25-40-2

Chapter 2. Training and State Certification Programs

IC 25-40-2-1

Certified employee assistance professional

Sec. 1. An individual who desires in-state, local certification as a certified employee assistance professional must be identified by an authorized program as a certified employee assistance professional by the commission. To qualify for an in-state, local certification, the individual must be experienced, trained, and educated in the following areas:

(1) Identification and resolution of productivity problems associated with employees impaired by the following concerns that may adversely affect employee job performance:

(A) Health concerns.

(B) Marital concerns.

(C) Family concerns.

(D) Financial concerns.

(E) Substance abuse and other addiction concerns.

(F) Workplace concerns.

(G) Legal concerns.

(H) Emotional concerns.

(I) Other workplace concerns.

(2) Selecting and evaluating available community resources.

(3) Making appropriate referrals.

(4) Knowledge of local and national employee assistance agreements.

(5) Client confidentiality.

(6) Other areas specified by the program.

As added by P.L.185-1999, SEC.1.

IC 25-40-2-2

Privileged information disclosed to employee assistance professional

Sec. 2. Matters communicated by a client to an employee assistance professional in the employee assistance professional's official capacity are privileged information and may not be disclosed by the employee assistance professional to any person, except under the following circumstances:

(1) In a criminal proceeding involving a homicide if the disclosure relates directly to the fact or immediate circumstances of the homicide.

(2) When the communication reveals the contemplation or commission of a crime or a serious harmful act.

(3) When:

(A) the client is an unemancipated minor or an adult adjudicated to be incompetent; and

(B) the information communicated to the employee assistance professional indicates the client was the victim of abuse or a crime.

(4) In a proceeding to determine mental competency or a proceeding in which a defense of mental incompetency is raised.

(5) In a civil or criminal malpractice action against the employee assistance professional.

(6) When the employee assistance professional has the express consent of:

(A) the client; or

(B) the client's legal representative in the case of a client's death or disability.

(7) To a physician when the physician is licensed under IC 25-22.5 and has established a physician-patient relationship with the client.

(8) When privileged communication is abrogated under Indiana law.

As added by P.L.185-1999, SEC.1.

IC 25-41

ARTICLE 41. BEHAVIOR ANALYSTS

IC 25-41-1

Chapter 1. Penalty for Activity by Noncertified Individuals

IC 25-41-1-1

Unlawful practices

Sec. 1. An individual may not:

(1) profess to be a certified behavior analyst; or

(2) use the initials "BCBA" or any other words, letters, abbreviations, or insignia indicating or implying that the individual is a certified behavior analyst;

unless the individual holds and maintains the certified behavior analyst credentials administered by the Behavior Analyst Certification Board, Inc. (BACB).

As added by P.L.43-2008, SEC.1.

IC 25-41-1-2

Violations; penalty

Sec. 2. An individual who knowingly, intentionally, or recklessly violates this chapter commits a Class B misdemeanor.

As added by P.L.43-2008, SEC.1.