

Adopted Rejected

COMMITTEE REPORT

YES: 7
NO: 1

MR. SPEAKER:

*Your Committee on Public Health, to which was referred Senate Bill 363, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 9, between lines 17 and 18, begin a new paragraph and insert:
- 2 "SECTION 9. IC 25-1-7-14, AS ADDED BY P.L.84-2010,
- 3 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2011]: Sec. 14. (a) Notwithstanding any other law, if the board
- 5 of a regulated occupation believes that a person who is not licensed,
- 6 certified, or registered under this title is engaged in or is believed to be
- 7 engaged in activities for which a license, certification, or registration
- 8 is required under this title, the board may do the following:
- 9 (1) File a complaint with the attorney general, who shall
- 10 investigate and may file:
- 11 (A) with notice; or
- 12 (B) without notice, if the attorney general determines that
- 13 person is engaged in activities that may affect an individual's
- 14 health or safety;

1 a motion for a cease and desist order with the appropriate board.
 2 **For purposes of this subdivision, the board may designate a**
 3 **board member or an employee of the Indiana professional**
 4 **licencing agency to act on behalf or in the name of the board.**
 5 (2) Upon review of the attorney general's motion for a cease and
 6 desist order, the board may issue an order requiring the affected
 7 person to show cause why the person should not be ordered to
 8 cease and desist from such activities. The show cause order must
 9 set forth a time and place for a hearing at which the affected
 10 person may appear and show cause as to why the person should
 11 not be subject to licensing, certification, or registration under this
 12 title. **For purposes of this subdivision, the board may**
 13 **designate a board member to act on behalf or in the name of**
 14 **the board.**

15 (b) If the board, after a hearing, determines that the activities in
 16 which the person is engaged are subject to licensing, certification, or
 17 registration under this title, the board may issue a cease and desist
 18 order that must describe the person and activities that are the subject
 19 of the order.

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

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

26 (e) A cease and desist order issued under this section does not
 27 relieve any person from ~~criminal~~ prosecution **under any other law.**"

28 Renumber all SECTIONS consecutively.

(Reference is to SB 363 as reprinted February 9, 2011.)

and when so amended that said bill do pass.

Representative Brown T