
PRELIMINARY DRAFT
No. 3103

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2006 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 4-1-8-1; IC 10-13-3-36; IC 15-5-1.1; IC 23-1.5-1-5; IC 25-2.5; IC 25-5.1; IC 25-6.1-1-3; IC 25-7-4-2; IC 25-8-2-2; IC 25-9-1; IC 25-10-1; IC 25-13-1-8; IC 25-14-1; IC 25-14.5; IC 25-19-1; IC 25-20.2-2-2; IC 25-20.5-1-18; IC 25-21.5-1-6; IC 25-22.5; IC 25-23-1; IC 25-23.2; IC 25-23.5-5-9; IC 25-23.6-1-2.5; IC 25-23.7-2-6; IC 25-24; IC 25-26; IC 25-27-1-8; IC 25-27.5-4-5; IC 25-28.5-1-2; IC 25-29; IC 25-30-1-2; IC 25-31-1-2; IC 25-32-1-8; IC 25-33-1; IC 25-34.1-1-2; IC 25-35.6; IC 34-30-2; IC 35-48.

Synopsis: Followup to 2005 professional licensing legislation. Makes conforming changes to reconcile statutes with SEA 607-2005.

Effective: July 1, 2006.



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-1-8-1, AS AMENDED BY P.L.246-2005,
2 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2006]: Sec. 1. (a) No individual may be compelled by any
4 state agency, board, commission, department, bureau, or other entity of
5 state government (referred to as "state agency" in this chapter) to
6 provide the individual's Social Security number to the state agency
7 against the individual's will, absent federal requirements to the
8 contrary. However, the provisions of this chapter do not apply to the
9 following:

- 10 (1) Department of state revenue.
11 (2) Department of workforce development.
12 (3) The programs administered by:
13 (A) the division of family and children;
14 (B) the division of mental health and addiction;
15 (C) the division of disability, aging, and rehabilitative services;
16 and
17 (D) the office of Medicaid policy and planning;
18 of the office of the secretary of family and social services.
19 (4) Auditor of state.
20 (5) State personnel department.
21 (6) Secretary of state, with respect to the registration of
22 broker-dealers, agents, and investment advisors.
23 (7) The legislative ethics commission, with respect to the
24 registration of lobbyists.
25 (8) Indiana department of administration, with respect to bidders
26 on contracts.
27 (9) Indiana department of transportation, with respect to bidders
28 on contracts.
29 ~~(10) Health professions bureau.~~
30 ~~(11)~~ **(10)** Indiana professional licensing agency.
31 ~~(12)~~ **(11)** Department of insurance, with respect to licensing of



- 1 insurance producers.
- 2 ~~(13)~~ (12) A pension fund administered by the board of trustees of
- 3 the public employees' retirement fund.
- 4 ~~(14)~~ (13) The Indiana state teachers' retirement fund.
- 5 ~~(15)~~ (14) The state police benefit system.
- 6 ~~(16)~~ (15) The alcohol and tobacco commission.
- 7 (b) The bureau of motor vehicles may, notwithstanding this chapter,
- 8 require the following:
- 9 (1) That an individual include the individual's Social Security
- 10 number in an application for an official certificate of title for any
- 11 vehicle required to be titled under IC 9-17.
- 12 (2) That an individual include the individual's Social Security
- 13 number on an application for registration.
- 14 (3) That a corporation, limited liability company, firm,
- 15 partnership, or other business entity include its federal tax
- 16 identification number on an application for registration.
- 17 (c) The Indiana department of administration, the Indiana
- 18 department of transportation, ~~the health professions bureau~~, and the
- 19 Indiana professional licensing agency may require an employer to
- 20 provide its federal employer identification number.
- 21 (d) The department of correction may require a committed offender
- 22 to provide the offender's Social Security number for purposes of
- 23 matching data with the Social Security Administration to determine
- 24 benefit eligibility.
- 25 (e) The Indiana gaming commission may, notwithstanding this
- 26 chapter, require the following:
- 27 (1) That an individual include the individual's Social Security
- 28 number in any application for a riverboat owner's license,
- 29 supplier's license, or occupational license.
- 30 (2) That a sole proprietorship, a partnership, an association, a
- 31 fiduciary, a corporation, a limited liability company, or any other
- 32 business entity include its federal tax identification number on an
- 33 application for a riverboat owner's license or supplier's license.
- 34 (f) Notwithstanding this chapter, the department of education
- 35 established by IC 20-19-3-1 may require an individual who applies to
- 36 the department for a license or an endorsement to provide the
- 37 individual's Social Security number. The Social Security number may
- 38 be used by the department only for conducting a background
- 39 investigation, if the department is authorized by statute to conduct a
- 40 background investigation of an individual for issuance of the license or
- 41 endorsement.
- 42 SECTION 2. IC 10-13-3-36, AS AMENDED BY P.L.177-2005,
- 43 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 44 JULY 1, 2006]: Sec. 36. (a) The department may not charge a fee for
- 45 responding to a request for the release of a limited criminal history
- 46 record if the request is made by a nonprofit organization:



- 1 (1) that has been in existence for at least ten (10) years; and
 2 (2) that:
- 3 (A) has a primary purpose of providing an individual
 4 relationship for a child with an adult volunteer if the request
 5 is made as part of a background investigation of a prospective
 6 adult volunteer for the organization;
- 7 (B) is a home health agency licensed under IC 16-27-1;
- 8 (C) is a community mental retardation and other
 9 developmental disabilities center (as defined in IC 12-7-2-39);
- 10 (D) is a supervised group living facility licensed under
 11 IC 12-28-5;
- 12 (E) is an area agency on aging designated under IC 12-10-1;
- 13 (F) is a community action agency (as defined in
 14 IC 12-14-23-2);
- 15 (G) is the owner or operator of a hospice program licensed
 16 under IC 16-25-3; or
- 17 (H) is a community mental health center (as defined in
 18 IC 12-7-2-38).
- 19 (b) Except as provided in subsection (d), the department may not
 20 charge a fee for responding to a request for the release of a limited
 21 criminal history record made by the division of family and children or
 22 a county office of family and children if the request is made as part of
 23 a background investigation of an applicant for a license under
 24 IC 12-17.2 or IC 12-17.4.
- 25 (c) The department may not charge a fee for responding to a request
 26 for the release of a limited criminal history if the request is made by a
 27 school corporation, special education cooperative, or nonpublic school
 28 (as defined in IC 20-18-2-12) as part of a background investigation of
 29 an employee or adult volunteer for the school corporation, special
 30 education cooperative, or nonpublic school.
- 31 (d) As used in this subsection, "state agency" means an authority, a
 32 board, a branch, a commission, a committee, a department, a division,
 33 or another instrumentality of state government, including the executive
 34 and judicial branches of state government, the principal secretary of the
 35 senate, the principal clerk of the house of representatives, the executive
 36 director of the legislative services agency, a state elected official's
 37 office, or a body corporate and politic, but does not include a state
 38 educational institution (as defined in IC 20-12-0.5-1). The department
 39 may not charge a fee for responding to a request for the release of a
 40 limited criminal history if the request is made:
- 41 (1) by a state agency; and
- 42 (2) through the computer gateway that is administered by the
 43 office of technology established by IC 4-13.1-2-1.
- 44 (e) The department may not charge a fee for responding to a request
 45 for the release of a limited criminal history record made by the ~~health~~
 46 ~~professions bureau~~ **Indiana professional licensing agency** established



1 by IC 25-1-5-3 if the request is:

- 2 (1) made through the computer gateway that is administered by
 3 the office of technology; and
 4 (2) part of a background investigation of a practitioner or an
 5 individual who has applied for a license issued by a board (as
 6 defined in IC 25-1-9-1).

7 SECTION 3. IC 15-5-1.1-2 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this
 9 chapter:

10 "Accredited college of veterinary medicine" means a veterinary
 11 college or division of a university or college that:

- 12 (1) offers the degree doctor of veterinary medicine or its
 13 equivalent;
 14 (2) conforms to the standards required for accreditation by the
 15 American Veterinary Medical Association; and
 16 (3) is accredited by the American Veterinary Medical Association
 17 or an accrediting agency that has been approved by the United
 18 States Department of Education or its successor.

19 "**Agency**" refers to the **Indiana professional licensing agency**
 20 **established by IC 25-1-5-3.**

21 "Animal" means any animal other than man and includes birds, fish,
 22 mammals, and reptiles, wild or domestic.

23 "Approved program" means a program in veterinary technology
 24 that:

- 25 (1) conforms to the standards required for accreditation by the
 26 American Veterinary Medical Association; and
 27 (2) is accredited by the American Veterinary Medical Association
 28 or an accrediting agency that has been approved by the United
 29 States Department of Education or its successor.

30 "Board" means the Indiana board of veterinary medical examiners
 31 created by this chapter.

32 "~~Bureau~~" refers to the ~~health professions bureau established by~~
 33 ~~IC 25-1-5-3.~~

34 "ECFVG certificate" means a certificate issued by the American
 35 Veterinary Medical Association Educational Commission for Foreign
 36 Veterinary Graduates, indicating that the holder has demonstrated
 37 knowledge and skill equivalent to that possessed by a graduate of an
 38 accredited college of veterinary medicine.

39 "Extern" means a senior veterinary student enrolled in an accredited
 40 college of veterinary medicine, or a second year student enrolled in an
 41 approved program in veterinary technology, employed by or working
 42 with a licensed veterinarian and under ~~his~~ **the licensed veterinarian's**
 43 direct supervision.

44 "Licensed veterinarian" means an individual who is licensed
 45 pursuant to this chapter to practice veterinary medicine in this state.

46 "Person" means an individual, an incorporated or unincorporated



1 organization or association or a group of such persons acting in
2 concert.

3 "Practice of veterinary medicine" means:

4 (1) representing oneself as engaged in the practice of veterinary
5 medicine, veterinary surgery, or veterinary dentistry in any of its
6 branches or using words, letters, or titles in a connection or under
7 circumstances that may induce another person to believe that the
8 person using them is engaged in the practice of veterinary
9 medicine, veterinary surgery, or veterinary dentistry;

10 (2) accepting remuneration for doing any of the things described
11 in subdivisions (3) through (6);

12 (3) diagnosing a specific disease or injury, or identifying and
13 describing a disease process of animals, or performing any
14 procedure for the diagnosis of pregnancy, sterility, or infertility
15 upon animals;

16 (4) prescribing a drug, medicine, appliance or application, or
17 treatment of whatever nature for the prevention, cure, or relief of
18 bodily injury or disease of animals;

19 (5) performing a surgical or dental operation upon an animal; or

20 (6) administering a drug, medicine, appliance, application, or
21 treatment of whatever nature for the prevention, cure, or relief of
22 a wound, fracture, or bodily injury or disease of animals, except
23 where such drug, medicine, appliance, application, or treatment
24 is administered at the direction and under the direct supervision
25 of a veterinarian licensed under this chapter.

26 "Registered veterinary technician" means a veterinary technician
27 registered pursuant to this chapter to work under the direct supervision
28 of a licensed veterinarian.

29 "Veterinarian" means an individual who was a licensed veterinarian
30 on August 31, 1979, or who has received a professional degree from an
31 accredited college of veterinary medicine.

32 "Veterinary medicine" includes veterinary surgery, obstetrics,
33 dentistry, acupuncture, and all other branches or specialties of
34 veterinary medicine.

35 "Veterinary technician" means an individual who has successfully
36 completed a program in veterinary technology of at least two (2) years
37 in a school that conforms to the standards required for accreditation by
38 the American Veterinary Medical Association and that is accredited by
39 the American Veterinary Medical Association.

40 SECTION 4. IC 15-5-1.1-6 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The board shall
42 hold an annual meeting in Indianapolis and other regular meetings
43 during each year and at such places as it may fix.

44 (b) The board may hold such special meetings as it deems
45 necessary. The chairman or two (2) members of the board may call a
46 special meeting.



- 1 (c) Four (4) members of the board constitute a quorum.
- 2 (d) All meetings shall be open and public except that the board may
3 meet in closed session to prepare, approve, administer, or grade
4 examinations, or to deliberate the qualifications of an applicant for
5 license or registration or the disposition of a proceeding to discipline
6 a licensed veterinarian or registered veterinary technician.
- 7 (e) Minutes of each regular and special meeting shall be compiled
8 and kept as a permanent record in the same office as other records of
9 the board are kept. The responsibility for the care and safekeeping of
10 such minutes shall devolve upon the ~~bureau~~ **agency**.
- 11 (f) Each member of the board is entitled to reimbursement for
12 traveling and other expenses as provided in the state travel policies and
13 procedures established by the department of administration and
14 approved by the state budget agency.
- 15 SECTION 5. IC 15-5-1.1-7 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) At its annual
17 meeting the board shall elect a chairman and vice chairman and such
18 other officers as it may determine. Such officers shall serve for terms
19 of one (1) year or until a successor is elected. There is no limitation on
20 the number of terms an officer may serve.
- 21 (b) The state veterinarian shall be the technical advisor of the board.
- 22 (c) The duties of the ~~bureau~~ **agency** include:
- 23 (1) corresponding for the board;
- 24 (2) keeping accounts and records of all receipts and
25 disbursements by the board;
- 26 (3) keeping records of all applications for license or registration;
- 27 (4) keeping a register of all persons currently licensed or
28 registered by the board; and
- 29 (5) keeping permanent records of all board proceedings.
- 30 SECTION 6. IC 15-5-1.1-8 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The powers
32 enumerated in this section are granted for the purpose of enabling the
33 board to effectively supervise the practice of veterinary medicine and
34 are to be construed liberally to accomplish this objective.
- 35 (b) The board is vested with the sole authority to determine the
36 qualifications of applicants for:
- 37 (1) a license to practice veterinary medicine in this state; and
38 (2) registration to practice as a veterinary technician in this state.
- 39 (c) The board is vested with the sole authority to issue, renew, deny,
40 suspend, or revoke:
- 41 (1) licenses and special permits to practice veterinary medicine in
42 this state; and
43 (2) registrations or special permits to practice as a veterinary
44 technician in this state.
- 45 (d) The board is vested with sole authority to discipline licensed
46 veterinarians and registered veterinary technicians consistent with the



- 1 provisions of this chapter and the rules adopted thereunder.
- 2 (e) The board is vested with the sole authority to determine the
3 following:
- 4 (1) The examinations applicants are required to take.
- 5 (2) The subjects to be covered.
- 6 (3) The places where and the dates on which examinations will be
7 given.
- 8 (4) The deadlines for applying to take the examinations.
- 9 (f) The board may establish by rule minimum standards of
10 continuing education for the renewal of licenses to practice veterinary
11 medicine and for the renewal of registrations as a veterinary technician.
12 The rules adopted under this subsection must comply with IC 25-1-4-3.
- 13 (g) The board shall adopt by rule standards of professional conduct
14 for the competent practice of veterinary medicine and the competent
15 practice of a veterinary technician.
- 16 (h) Subject to IC 25-1-7, the board may conduct investigations for
17 the purpose of discovering violations of this chapter:
- 18 (1) by licensed veterinarians or registered veterinary technicians;
19 or
- 20 (2) by persons practicing veterinary medicine without a license or
21 persons practicing as a registered veterinary technician without
22 being registered.
- 23 (i) The board may inspect, without notice and during normal
24 working hours, veterinary hospitals, clinics, or other establishments to
25 determine if such places meet the board's standards of cleanliness and
26 sanitation as defined by the board's rules.
- 27 (j) The board may hold hearings on all matters properly brought
28 before it and in connection thereto may administer oaths, receive
29 evidence, make findings, and enter orders consistent with the findings.
30 The board may require by subpoena the attendance and testimony of
31 witnesses and the production of papers, records, or other documentary
32 evidence and commission depositions. The board may designate one
33 (1) or more of its members to serve as its hearing officer.
- 34 (k) The board may bring proceedings in the courts for the
35 enforcement of this chapter or any rules made pursuant thereto.
- 36 (l) The board shall have fees collected for examining and licensing
37 veterinarians and for examining and registering veterinary technicians.
- 38 (m) The board may enter into reciprocal agreements with its
39 counterpart boards in other states and may effect such agreements by
40 rule.
- 41 (n) The board may appoint from its own membership one (1) or
42 more members to act as representatives of the board at any meeting
43 within or without the state where such representation is deemed
44 desirable.
- 45 (o) The ~~bureau~~ **agency** shall provide the board with full or part-time
46 professional and clerical personnel and supplies including printed



1 matter and equipment necessary to effectuate the provisions of this
2 chapter.

3 (p) The board may, in the manner prescribed by IC 4-22-2, adopt
4 such reasonable rules as it deems necessary for the performance of its
5 duties, consistent with this chapter and other applicable laws of this
6 state. Any rule adopted under, and applicable to, the prior veterinarian
7 and veterinary technician licensing and registration laws (IC 15-5-1
8 and IC 15-5-1.5) continues in effect under this chapter until rescinded
9 or amended by the board.

10 (q) The board may adopt an appropriate seal which may be affixed
11 to all license and registration certificates and other official documents
12 of the board.

13 SECTION 7. IC 15-5-1.1-12 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The board shall
15 hold at least one (1) examination for licensing veterinarians and one (1)
16 examination for registering veterinary technicians each year but it may
17 hold more. The ~~bureau~~ **agency** shall give notice of the time and place
18 for each examination at least ninety (90) days in advance of the date set
19 for the examination. A person desiring to take an examination must
20 make application not later than the time the board may prescribe under
21 section 8(e) of this chapter.

22 (b) The preparation, administration, and grading of examinations
23 shall be approved by the board. Examinations shall be designed to test
24 the examinee's knowledge of and proficiency in the subjects and
25 techniques commonly taught in veterinary schools. To pass the
26 examination, the examinee must demonstrate scientific and practical
27 knowledge sufficient to prove to the board that the examinee is
28 competent to practice veterinary medicine or to act as a veterinary
29 technician, as the case may be. The board may adopt and use
30 examinations approved by the National Board Examination Committee.

31 (c) To qualify for a license as a veterinarian or to be registered as a
32 veterinary technician, the applicant must attain a passing score in the
33 examinations.

34 (d) After the examinations, the ~~bureau~~ **agency** shall notify each
35 examinee of the result of the examinee's examinations and the board
36 shall issue a license or registration certificate, as appropriate, to each
37 individual who successfully completes the examinations and is
38 otherwise qualified. The ~~bureau~~ **agency** shall keep a permanent record
39 of the issuance of each license or registration certificate.

40 (e) An individual who fails to pass the required examinations may
41 apply to take a subsequent examination. However, payment of the
42 examination fee shall not be waived.

43 (f) A license or registration certificate issued under this article is
44 valid for the remainder of the renewal period in effect on the date of
45 issuance.

46 SECTION 8. IC 15-5-1.1-17 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) A license issued
2 under this chapter is valid until the next renewal date described under
3 subsection (b).

4 (b) All licenses expire on October 15 in each odd-numbered year,
5 but may be renewed by application to the board and payment of the
6 proper renewal fee. In accordance with IC 25-1-5-4(c), the ~~bureau~~
7 **agency** shall mail a sixty (60) day notice of expiration to each licensed
8 veterinarian and provide the veterinarian with a form for renewal. The
9 ~~bureau~~ **agency** shall issue a license renewal to each individual licensed
10 under this chapter if the proper fee has been received and all other
11 requirements for renewal of the license have been satisfied. Failure to
12 renew a license on or before the expiration date automatically renders
13 the license invalid without any action by the board.

14 SECTION 9. IC 15-5-1.1-18 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) A registration
16 certificate issued under this chapter is valid until the next renewal date
17 described under subsection (b).

18 (b) All registration certificates expire on January 1 of each
19 even-numbered year, but may be renewed by application to the board
20 and payment of the proper renewal fee. In accordance with
21 IC 25-1-5-4(c), the ~~bureau~~ **agency** shall mail a sixty (60) day notice of
22 expiration to each registered veterinary technician and provide the
23 veterinary technician with a form for renewal. The ~~bureau~~ **agency** shall
24 issue a registration certificate renewal to each individual registered
25 under this chapter, provided the proper fee has been received and all
26 other requirements for renewal of the registration certificate have been
27 satisfied. Failure to renew a registration certificate on or before the
28 expiration date automatically renders the license invalid without any
29 action by the board.

30 SECTION 10. IC 15-5-1.1-20.2 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20.2. The board shall
32 establish by rule under IC 25-1-8 fees sufficient to implement this
33 chapter. The fees established under this section shall be charged and
34 collected by the ~~bureau~~ **agency**.

35 SECTION 11. IC 23-1.5-1-5 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. "Bureau" means the
37 following:

- 38 (1) In the case of:
39 (A) an accounting professional;
40 (B) **an architectural professional;**
41 (C) **an engineering professional;**
42 (D) **a health care professional;**
43 (E) **a real estate professional; or**
44 (F) **a veterinarian;**

45 the Indiana professional licensing agency established ~~under~~
46 ~~IC 25-1-6-3~~ by IC 25-1-5-3.



1 (2) In the case of an architectural or engineering professional; the
2 Indiana professional licensing agency established under
3 IC 25-1-6-3.

4 (3) (2) In the case of an attorney, the state board of law examiners.

5 (4) In the case of a health care professional; the health professions
6 bureau established under IC 25-1-5-3.

7 (5) In the case of a veterinarian; the health professions bureau
8 established under IC 25-1-5-3.

9 (6) In the case of a real estate professional; the Indiana
10 professional licensing agency established under IC 25-1-6-3.

11 SECTION 12. IC 25-2.5-1-2.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. "Agency" refers to the**
14 **Indiana professional licensing agency established by IC 25-1-5-3.**

15 SECTION 13. IC 25-2.5-2-5 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A license issued
17 by the board expires on the date established by the **bureau agency**
18 under IC 25-1-5-4 in each even-numbered year.

19 (b) To renew a license, an acupuncturist must:

20 (1) pay a renewal fee not later than the expiration date of the
21 license; and

22 (2) submit proof of current active licensure in acupuncture by the
23 National Certification Commission for Acupuncture and Oriental
24 Medicine.

25 SECTION 14. IC 25-5.1-1-1.5 IS ADDED TO THE INDIANA
26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2006]: **Sec. 1.5. "Agency" refers to the**
28 **Indiana professional licensing agency established by IC 25-1-5-3.**

29 SECTION 15. IC 25-5.1-3-4 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A license issued
31 by the board expires on a date established by the **bureau agency** under
32 IC 25-1-5-4 in each even-numbered year.

33 (b) An individual may renew a license by paying a renewal fee not
34 later than the expiration date of the license.

35 (c) If an individual fails to timely pay a renewal fee as required by
36 subsection (b), the individual's license becomes invalid without any
37 action being taken by the board.

38 SECTION 16. IC 25-6.1-1-3 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this
40 article:

41 "Auction" means a sale transaction conducted by means of oral or
42 written exchanges between an auctioneer and the members of **his the**
43 **auctioneer's** audience, which exchanges consist of a series of
44 invitations for offers for the purchase of goods or real estate made by
45 the auctioneer and offers to purchase made by members of the audience
46 and culminate in the acceptance by the auctioneer of the highest or



1 most favorable offer made by a member of the participating audience.
 2 "Auction company" means any person or persons who, as a part of
 3 its business, arranges, manages, sponsors, advertises, or carries out
 4 auctions.
 5 "Auction house" means an established place of business including
 6 an auction barn, a sale barn, and a sale pavilion and its contiguous
 7 surroundings where two (2) or more auctions are held within any
 8 twelve (12) month period and where representations are regularly made
 9 that goods are sold at auction. Each day during which goods or real
 10 estate are being offered for sale at auction shall constitute one (1)
 11 auction. A sale barn or livestock auction market that is used exclusively
 12 for the auctioning of livestock and is licensed by the Indiana state
 13 board of animal health is not an auction house as defined herein.
 14 "Auctioneer" means an individual who is engaged in, or who by
 15 advertising or otherwise holds ~~himself~~ **the individual** out as being
 16 available to engage in, the calling for, the recognition of, and the
 17 acceptance of offers for the purchase of goods or real estate at an
 18 auction.
 19 "Commission" means the Indiana auctioneer commission.
 20 "Goods" means any goods, wares, chattels, merchandise, or other
 21 personal property, including domestic animals and farm products.
 22 "Licensee" means any person licensed or issued a temporary permit
 23 under this article and, in the case of an auction house or auction
 24 company, includes the person required to obtain a license for such
 25 auction house or auction company.
 26 "Organization" means a corporation, a limited liability company, a
 27 partnership, a trust (specifically including a business trust), a firm, an
 28 association, or any other form of business enterprise which is owned by
 29 two (2) or more individuals.
 30 "Person" means an organization or an individual.
 31 "Real estate" means any right, title, or interest in real property,
 32 including fixtures.
 33 "Licensing agency" means the Indiana professional licensing agency
 34 established ~~under IC 25-1-6~~ **by IC 25-1-5-3**.
 35 SECTION 17. IC 25-7-4-2 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. "Agency" refers to
 37 the Indiana professional licensing agency established by ~~IC 25-1-6-3~~.
 38 **IC 25-1-5-3**.
 39 SECTION 18. IC 25-8-2-2 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. "Agency" refers to
 41 the Indiana professional licensing agency established by ~~IC 25-1-6-3~~.
 42 **IC 25-1-5-3**.
 43 SECTION 19. IC 25-9-1-4 IS AMENDED TO READ AS
 44 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The commission
 45 shall maintain offices for the transaction of its business in the city of
 46 Indianapolis, Indiana, and may, with the approval of the Indiana



1 professional licensing agency (~~IC 25-1-6~~), **(IC 25-1-5-3)**, incur the
 2 necessary expense for rent, office furniture, stationery, printing, and
 3 other incidental expense.

4 SECTION 20. IC 25-9-1-28 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. All fees received
 6 by the Indiana professional licensing agency (~~IC 25-1-6~~) **(IC 25-1-5-3)**
 7 on behalf of the commission under the provisions of this chapter shall
 8 be paid to the state treasurer to be placed by ~~him~~ **the treasurer** in the
 9 general fund of the state.

10 SECTION 21. IC 25-10-1-1 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this
 12 article:

13 (1) "Chiropractic" means the diagnosis and analysis of any
 14 interference with normal nerve transmission and expression, the
 15 procedure preparatory to and complementary to the correction thereof
 16 by an adjustment of the articulations of the vertebral column, its
 17 immediate articulation, and includes other incidental means of
 18 adjustments of the spinal column and the practice of drugless
 19 therapeutics. However, chiropractic does not include any of the
 20 following:

21 (A) Prescription or administration of legend drugs or other
 22 controlled substances.

23 (B) Performing of incisive surgery or internal or external
 24 cauterization.

25 (C) Penetration of the skin with a needle or other instrument for
 26 any purpose except for the purpose of blood analysis.

27 (D) Use of colonic irrigations, plasmatics, ionizing radiation
 28 therapy, or radionics.

29 (E) Conducting invasive diagnostic tests or analysis of body fluids
 30 except for urinalysis.

31 (F) The taking of x-rays of any organ other than the vertebral
 32 column and extremities. ~~and~~

33 (G) The treatment or attempt to treat infectious diseases,
 34 endocrine disorders, or atypical or abnormal histology.

35 (2) "Chiropractor" means any person who is qualified under this
 36 chapter to practice the science of chiropractic.

37 (3) "Board" means the board of chiropractic examiners under
 38 section 1.5 of this chapter.

39 (4) ~~"Bureau"~~ **means "Agency" refers to the health professions**
 40 **bureau Indiana professional licensing agency** under IC 25-1-5.

41 SECTION 22. IC 25-10-1-1.5 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) There is created
 43 a board of chiropractic examiners. The board shall consist of seven (7)
 44 members appointed by the governor, not more than four (4) of whom
 45 may be affiliated with the same political party. Six (6) of the board
 46 members must be licensed under this chapter and must have had at



1 least five (5) years of experience as a chiropractor prior to their
 2 appointment. One (1) member is to represent the general public and
 3 must be:

4 (1) a resident of this state; and

5 (2) in no way associated with the profession of chiropractic other
 6 than as a consumer.

7 (b) All members shall be appointed for a term of three (3) years and
 8 serve until their successors are appointed and qualified. A vacancy
 9 occurring on the board shall be filled by the governor by appointment.
 10 Each appointed member shall serve for the unexpired term of the
 11 vacating member.

12 (c) The members of the board are entitled to the minimum salary per
 13 diem provided by IC 4-10-11-2.1(b). Members are also entitled to
 14 reimbursement for traveling expenses as provided under IC 4-13-1-4
 15 and other expenses actually incurred in connection with the member's
 16 duties as provided in the state policies and procedures established by
 17 the Indiana department of administration and approved by the budget
 18 agency.

19 (d) The members of the board shall organize by the election of a
 20 chairman and a vice chairman from among its membership. The
 21 officers serve for a term of one (1) year. The board shall meet at least
 22 once each year and on other occasions as it considers necessary and
 23 advisable. A meeting of the board may be called by its chairman or by
 24 a majority of the members on the board. Four (4) members of the board
 25 constitute a quorum for the transaction of business. All decisions are
 26 required to be made by a majority vote of the quorum.

27 (e) The ~~bureau~~ **agency** shall provide a secretary of the board and
 28 other personnel necessary for the proper performance of the board's
 29 duties and responsibilities under this chapter. The board, through the
 30 ~~bureau~~ **agency**, shall receive and account for all money collected
 31 under this chapter and pay the money to the treasurer of state to be
 32 deposited by the treasurer in the general fund of the state.

33 (f) The board may do the following:

34 (1) Establish reasonable application, examination, and renewal
 35 procedures for certification under this chapter.

36 (2) Use an examination under this chapter that is designed by the
 37 board, designed by another person, or designed in part by the
 38 board and in part by another person.

39 (3) Conduct in the manner prescribed by the board examinations
 40 of applicants for certification under this chapter. The board may
 41 conduct any part of the examinations through a person other than
 42 the ~~bureau~~ **agency** who is approved by the board. The ~~bureau~~
 43 **agency** may conduct any part of the examinations under
 44 IC 25-1-5-4.

45 (4) Issue, deny, suspend, revoke, and renew certificates.

46 (5) Subject to IC 25-1-7, investigate and conduct hearings, upon



- 1 complaint against individuals certified or not certified under this
 2 chapter, concerning alleged violation of this chapter with hearings
 3 to be conducted in accordance with IC 4-21.5.
- 4 (6) Initiate the prosecution and enjoinder of a person violating this
 5 chapter.
- 6 (7) Adopt rules necessary for the proper performance of the
 7 board's duties, in accordance with IC 4-22-2.
- 8 (8) Maintain a current list of individuals certified under this
 9 chapter.
- 10 (9) Establish a code of professional conduct.
- 11 (10) Adopt rules under IC 4-22-2 to allow chiropractors licensed
 12 under this chapter to delegate the manual manipulation, manual
 13 adjustment, or manual mobilization of the spinal column or the
 14 vertebral column under section 14(c)(4) of this chapter.
- 15 (11) Adopt rules under IC 4-22-2 establishing standards for the
 16 registration and regulation of chiropractic management
 17 consultants (as defined by the board under IC 25-10-2).
- 18 (12) Set fees for the annual registration of a chiropractic
 19 management consultant under IC 25-10-2.
- 20 (g) The board shall adopt rules establishing standards for the
 21 competent practice of the science of the chiropractic in accordance
 22 with IC 4-22-2.
- 23 (h) All expenses incurred in the administration of this chapter shall
 24 be paid from the state general fund upon appropriation being made in
 25 the manner provided by law for the making of appropriations.
- 26 SECTION 23. IC 25-13-1-8 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A license to
 28 practice dental hygiene in Indiana shall be issued to candidates who
 29 pass the board's examinations. The license shall be valid for the
 30 remainder of the renewal period in effect on the date the license was
 31 issued.
- 32 (b) Prior to the issuance of the license, the applicant shall pay a fee
 33 set by the board under section 5 of this chapter. A license issued by the
 34 board expires on a date specified by the ~~health professions bureau~~
 35 **Indiana professional licensing agency** under IC 25-1-5-4(k) of each
 36 even-numbered year. An applicant for license renewal must satisfy the
 37 following conditions:
- 38 (1) Pay the renewal fee set by the board under section 5 of this
 39 chapter on or before the renewal date specified by the ~~health~~
 40 ~~professions bureau~~ **Indiana professional licensing agency** in
 41 each even-numbered year.
- 42 (2) Subject to IC 25-1-4-3, provide the board with a sworn
 43 statement signed by the applicant attesting that the applicant has
 44 fulfilled the continuing education requirements under IC 25-13-2.
- 45 (3) Be currently certified or successfully complete a course in
 46 basic life support through a program approved by the board. The



1 board may waive the basic life support requirement for applicants
2 who show reasonable cause.

3 (c) If the holder of a license does not renew the license on or before
4 the renewal date specified by the ~~health professions bureau~~, **Indiana**
5 **professional licensing agency**, the license expires and becomes
6 invalid without any action by the board.

7 (d) A license invalidated under subsection (c) may be reinstated by
8 the board up to three (3) years after such invalidation upon meeting the
9 requirements under IC 25-1-8-6.

10 (e) If a license remains invalid under subsection (c) for more than
11 three (3) years, the holder of the invalid license may obtain a reinstated
12 license if the holder meets the following requirements:

- 13 (1) Meets the requirements under IC 25-1-8-6.
- 14 (2) Passes an examination on state and federal laws that are
15 relevant to the practice of dental hygiene as determined by the
16 board.
- 17 (3) Has been continuously engaged in the practice of dental
18 hygiene from the date the holder's license was invalidated through
19 the date the holder applies for reinstatement.
- 20 (4) Other than failing to renew the license, has complied with this
21 chapter and the rules adopted under this chapter during the time
22 specified under subdivision (3).
- 23 (5) Complies with any other requirements established by the
24 board under subsection (g).

25 The board may require the holder of an invalid license who files an
26 application under this subsection to appear before the board and
27 explain why the holder failed to renew the license.

28 (f) If the lapse of time in revalidating the license continues beyond
29 three (3) years, and the holder of the invalid license does not meet the
30 requirements under subsection (e), the holder of the invalid license
31 must apply for licensure under section 4 or 17 of this chapter. In
32 addition, the board may require the holder of the expired license to pay
33 all past due renewal fees and a penalty fee set by the board under
34 section 5 of this chapter.

35 (g) The board may adopt rules under section 5 of this chapter
36 establishing requirements for the reinstatement of a license that has
37 been invalidated for more than three (3) years.

38 (h) The license to practice must be displayed at all times in plain
39 view of the patients in the office where the holder is engaged in
40 practice. No person may lawfully practice dental hygiene who does not
41 possess a license and its current renewal.

42 (i) Biennial renewals of licenses are subject to the provisions of
43 IC 25-1-2.

44 SECTION 24. IC 25-14-1-1.5 IS AMENDED TO READ AS
45 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. As used in this
46 article:



1 **"Agency" refers to the Indiana professional licensing agency**
 2 **established by IC 25-1-5.**

3 "Board" refers to the state board of dentistry established under this
 4 chapter.

5 ~~"Bureau" refers to the health professions service bureau under~~
 6 ~~IC 25-1-5.~~

7 "Deep sedation" means a controlled state of depressed
 8 consciousness, accompanied by partial loss of protective reflexes,
 9 including inability to respond purposefully to verbal command,
 10 produced by a pharmacologic method.

11 "General anesthesia" means a controlled state of unconsciousness,
 12 accompanied by partial or complete loss of protective reflexes,
 13 including inability to independently maintain an airway and respond
 14 purposefully to physical stimulation or verbal command, produced by
 15 a pharmacologic method.

16 "Light parenteral conscious sedation" means a minimally depressed
 17 level of consciousness under which an individual retains the ability to
 18 independently and continuously maintain an airway and respond
 19 appropriately to physical stimulation and verbal command, produced
 20 by an intravenous pharmacologic method.

21 SECTION 25. IC 25-14-1-3.5 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. (a) Under
 23 IC 25-1-8 the board shall establish, under IC 25-13-1-5 and section 13
 24 of this chapter, fees sufficient to implement IC 25-13 and IC 25-14.

25 (b) All money received by the board under this chapter shall be paid
 26 to the ~~bureau~~ **agency**, which shall:

- 27 (1) give a proper receipt for the same; and
 28 (2) at the end of each month:
 29 (A) report to the auditor of state the total amount received
 30 from all sources; and
 31 (B) deposit the entire amount of such receipts with the state
 32 treasurer to be deposited by the treasurer in the general fund
 33 of the state.

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

37 SECTION 26. IC 25-14-1-10 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) Unless renewed,
 39 a license issued by the board expires on a date specified by the ~~health~~
 40 ~~professions bureau~~ **agency** under IC 25-1-5-4(k). An applicant for
 41 renewal shall pay the renewal fee set by the board under section 13 of
 42 this chapter on or before the renewal date specified by the ~~health~~
 43 ~~professions bureau~~ **agency**.

44 (b) The license shall be properly displayed at all times in the office
 45 of the person named as the holder of the license, and a person may not
 46 be considered to be in legal practice if the person does not possess the



1 license and renewal card.

2 (c) If a holder of a dental license does not secure the renewal card
3 on or before the renewal date specified by the ~~health professions~~
4 ~~bureau, agency~~, without any action by the board the license together
5 with any related renewal card is invalidated.

6 (d) Except as provided in section 27.1 of this chapter, a license
7 invalidated under subsection (c) may be reinstated by the board up to
8 three (3) years after its invalidation upon meeting the requirements
9 under IC 25-1-8-6.

10 (e) Except as provided in section 27.1 of this chapter, if a license
11 remains invalid under subsection (c) for more than three (3) years, the
12 holder of the invalid license may obtain a reinstated license if the
13 holder meets the following requirements:

- 14 (1) Meets the requirements under IC 25-1-8-6.
- 15 (2) Passes an examination on state and federal laws that are
16 relevant to the practice of dentistry as determined by the board.
- 17 (3) Has been continuously engaged in the practice of dentistry
18 from the date the holder's license was invalidated through the date
19 the holder applies for reinstatement.
- 20 (4) Other than failing to obtain a renewal card, has complied with
21 this chapter and the rules adopted under this chapter during the
22 time specified under subdivision (3).
- 23 (5) Complies with any other requirements established by the
24 board under subsection (g).

25 The board may require the holder of an invalid license who files an
26 application under this subsection to appear before the board and
27 explain why the holder failed to renew the license.

28 (f) If a license remains invalid under subsection (c) for more than
29 three (3) years and the holder of the invalid license does not meet the
30 requirements under subsection (e), the holder of the invalid license may
31 be issued a license only by reapplying for a license under section 3 or
32 16 of this chapter. In addition, the board may require the holder of the
33 invalidated license to pay all past due renewal fees and a penalty fee set
34 by the board under section 13 of this chapter.

35 (g) The board may adopt rules under section 13 of this chapter
36 establishing requirements for the reinstatement of a license that has
37 been invalidated for more than three (3) years. The fee for a duplicate
38 license to practice as a dentist is subject to IC 25-1-8-2.

39 (h) Biennial renewal of licenses is subject to IC 25-1-2.

40 (i) Subject to IC 25-1-4-3, an application for renewal of a license
41 under this section must contain a sworn statement signed by the
42 applicant attesting that the applicant has fulfilled the continuing
43 education requirements under IC 25-14-3.

44 SECTION 27. IC 25-14-1-12 IS AMENDED TO READ AS
45 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The board shall
46 hold not less than two (2) regular meetings in each year at such place



1 as may be fixed by the board and as often in addition as may be
 2 necessary for the transaction of such business as may properly come
 3 under the provisions of this chapter, and it shall have power to make all
 4 necessary rules in accordance with this chapter. Additional meetings
 5 may be called at any time by the president or any six (6) members of
 6 the board to be held at such time and place as may be designated in the
 7 call. Six (6) members of the board constitute a quorum. A majority of
 8 the quorum may transact business. The board shall elect a president
 9 and a secretary. For their services, the members shall receive per diem
 10 and travel expenses as otherwise provided by law.

11 (b) It shall be the duty of the board through the ~~bureau~~ **agency** to
 12 keep a record of all applications for licenses for a period of time
 13 designated by the board, subject to the final approval of the oversight
 14 committee on public records under IC 5-15-5.1-19. Such records shall
 15 contain all the facts set forth in the application, including the action of
 16 the board. The board shall also retain all examination papers for a
 17 period of one (1) year from the date upon which the examination is
 18 held. The ~~bureau~~ **agency** shall carry out the administrative functions of
 19 the board and shall provide necessary personnel to enable the board to
 20 properly carry out and enforce this chapter.

21 (c) The board may affiliate with the American Association of Dental
 22 Examiners as an active member thereof and may pay the regular annual
 23 dues of the association out of any available funds of the board, which
 24 are obtained by examination fees or registration renewal fees as
 25 provided by law. However, the affiliation with the American
 26 Association of Dental Examiners shall not impair, restrict, enlarge, or
 27 modify any of the rights, powers, duties, or functions of the board as
 28 prescribed by the laws of this state. The board may designate one (1)
 29 of its members as a delegate of any meeting of the association, and
 30 such delegate member shall receive the regular per diem paid to
 31 members of the board for their services on the board and ~~his~~ **the**
 32 **member's** necessary expenses while traveling to and from and
 33 attending such meetings.

34 SECTION 28. IC 25-14-1-27.5 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27.5. (a) The board
 36 may issue an instructor's license to an individual who is not otherwise
 37 licensed to practice dentistry in Indiana if the individual meets the
 38 following conditions:

39 (1) The individual has been licensed or has had the equivalent of
 40 a license for five (5) of the preceding nine (9) years to practice
 41 dentistry in the United States or in any country, territory, or other
 42 recognized jurisdiction.

43 (2) The individual has been approved under the credentialing
 44 process of an Indiana school of dentistry or an affiliated medical
 45 center of an Indiana school of dentistry that is accredited by:

46 (A) the American Dental Association Commission on Dental



- 1 Accreditation; or
 2 (B) the Joint Commission on Accreditation of Health Care
 3 Organizations.
 4 (3) The individual has successfully documented or demonstrated
 5 clinical and academic competency to the board.
 6 (4) The individual is fluent in the English language.
 7 (5) The individual passes the written law examination
 8 administered by the board.
 9 (6) The individual meets the continuing education requirements
 10 required by IC 25-14-3.
 11 (7) The individual pays the licensing fee set by the board under
 12 subsection (f).
 13 (b) A license issued under this section must be held by the Indiana
 14 school of dentistry for which the licensee is employed.
 15 (c) A license issued under this section does not meet the
 16 requirements of section 16 of this chapter and may not be used to
 17 obtain a general dentistry license under this article.
 18 (d) A licensee under this section may teach and practice dentistry
 19 only at or on behalf of an Indiana school of dentistry or an affiliated
 20 medical center of an Indiana school of dentistry.
 21 (e) An instructor's license is valid only during the time the licensee
 22 is employed or has a valid employment contract for a full-time faculty
 23 position at the Indiana school of dentistry or an affiliated medical
 24 center. The Indiana school of dentistry or the affiliated medical center
 25 shall notify the board in writing upon the termination of the
 26 employment contract of an individual who is issued a license under this
 27 section and surrender the license not later than thirty (30) days after the
 28 licensee's employment ceases.
 29 (f) The board shall set a fee for the issuance and renewal of a license
 30 under this section.
 31 (g) Unless renewed, a license issued by the board under this section
 32 expires annually on a date specified by the ~~health professions bureau~~
 33 **agency** under IC 25-1-5-4. An applicant for renewal must pay the
 34 renewal fee set by the board on or before the renewal date specified by
 35 the ~~health professions bureau~~ **agency**.
 36 (h) Not more than five percent (5%) of the Indiana school of
 37 dentistry's full-time faculty may be individuals licensed under this
 38 section.
 39 (i) The board shall adopt rules under IC 4-22-2 necessary to
 40 implement this section.
 41 (j) This section expires June 30, 2008.
 42 SECTION 29. IC 25-14.5-1-3 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. "~~Bureau~~" "**Agency**"
 44 refers to the ~~health professions bureau~~ **Indiana professional licensing**
 45 **agency** established by IC 25-1-5-3.
 46 SECTION 30. IC 25-14.5-5-1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The board may
 2 conduct examinations under IC 25-14.5-4-1(4) in a manner prescribed
 3 by the board.

4 (b) The board may conduct any part of the examinations through a
 5 person other than the ~~bureau~~ **agency** that is approved by the board. The
 6 ~~bureau~~ **agency** may conduct any part of the examinations when so
 7 designated by the board.

8 SECTION 31. IC 25-14.5-6-1 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A certificate
 10 issued by the board expires on a date established by the ~~bureau~~ **agency**
 11 under IC 25-1-5-4 in the next even-numbered year following the year
 12 in which the certificate was issued.

13 (b) An individual may renew a certificate by paying a renewal fee
 14 on or before the expiration date of the certificate.

15 (c) If an individual fails to pay a renewal fee on or before the
 16 expiration date of a certificate, the certificate becomes invalid.

17 SECTION 32. IC 25-19-1-5.1 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.1. Notwithstanding
 19 section 5 of this chapter, the fee for a health facility administrator's
 20 license shall be submitted to the ~~health professions bureau~~ **Indiana**
 21 **professional licensing agency** for it to transmit to the state treasurer.

22 SECTION 33. IC 25-19-1-6 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The board shall
 24 elect from its membership annually a chairman, vice chairman, and
 25 secretary and shall adopt rules to govern its proceedings. Each member
 26 of the board who is not a state employee is entitled to the minimum
 27 salary per diem provided by IC 4-10-11-2.1(b). Such a member is also
 28 entitled to reimbursement for traveling expenses and other expenses
 29 actually incurred in connection with the member's duties, as provided
 30 in the state travel policies and procedures established by the
 31 department of administration and approved by the state budget agency.
 32 The ~~health professions bureau~~ **Indiana professional licensing agency**
 33 shall supply necessary personnel to assist the board in the performance
 34 of its duties.

35 (b) Eight (8) members of the board, including three (3) members
 36 who are health facility administrators and one (1) member who is an
 37 officer of the board, constitute a quorum for consideration of all matters
 38 before the board. A majority vote of the quorum is required for action
 39 of the board.

40 SECTION 34. IC 25-19-1-9 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) Every holder of
 42 a health facility administrator's license shall renew it biennially, on or
 43 before August 31 of even-numbered years by making an application to
 44 the board. The renewals shall be granted as a matter of course, unless
 45 the board finds, after due notice and hearing, that the applicant has
 46 acted or failed to act in a manner or under circumstances that would



1 constitute grounds for nonrenewal, suspension, or revocation of a
2 license.

3 (b) A health facility administrator's license expires at midnight on
4 the renewal date specified by the ~~health professions bureau~~ **Indiana**
5 **professional licensing agency**. Failure to renew a license on or before
6 the renewal date automatically renders the license invalid.

7 (c) A person who fails to renew a license before it expires and
8 becomes invalid at midnight of the renewal date shall be reinstated by
9 the board upon meeting the requirements under IC 25-1-8-6. However,
10 a person who fails to apply to reinstate a license under this section
11 within three (3) years after the date the license expires and becomes
12 invalid shall be issued a license by meeting the requirements under
13 IC 25-1-8-6.

14 (d) The board may require an applicant under subsection (c) to
15 appear before the board to explain the applicant's failure to renew.

16 SECTION 35. IC 25-20.2-2-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. "Agency" refers to
18 the Indiana professional licensing agency established by ~~IC 25-1-6-3~~
19 **IC 25-1-5-3**.

20 SECTION 36. IC 25-20.5-1-18 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) A certificate
22 issued by the committee expires on a date established by the ~~health~~
23 ~~professions bureau~~ **Indiana professional licensing agency** under
24 IC 25-1-5-4 in the next even-numbered year following the year in
25 which the certificate was issued.

26 (b) An individual may renew a certificate by paying a renewal fee
27 on or before the expiration date of the certificate.

28 (c) If an individual fails to pay a renewal fee on or before the
29 expiration date of a certificate, the certificate becomes invalid.

30 SECTION 37. IC 25-21.5-1-6 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. "Licensing agency"
32 refers to the Indiana professional licensing agency established under
33 ~~IC 25-1-6~~ **IC 25-1-5-3**.

34 SECTION 38. IC 25-22.5-1-1.1 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. As used in this
36 article:

37 (a) "Practice of medicine or osteopathic medicine" means any one
38 (1) or a combination of the following:

- 39 (1) Holding oneself out to the public as being engaged in:
- 40 (A) the diagnosis, treatment, correction, or prevention of any
 - 41 disease, ailment, defect, injury, infirmity, deformity, pain, or
 - 42 other condition of human beings;
 - 43 (B) the suggestion, recommendation, or prescription or
 - 44 administration of any form of treatment, without limitation;
 - 45 (C) the performing of any kind of surgical operation upon a
 - 46 human being, including tattooing, except for tattooing (as



- 1 defined in IC 35-42-2-7), in which human tissue is cut, burned,
 2 or vaporized by the use of any mechanical means, laser, or
 3 ionizing radiation, or the penetration of the skin or body orifice
 4 by any means, for the intended palliation, relief, or cure; or
 5 (D) the prevention of any physical, mental, or functional
 6 ailment or defect of any person.
- 7 (2) The maintenance of an office or a place of business for the
 8 reception, examination, or treatment of persons suffering from
 9 disease, ailment, defect, injury, infirmity, deformity, pain, or other
 10 conditions of body or mind.
- 11 (3) Attaching the designation "doctor of medicine", "M.D.",
 12 "doctor of osteopathy", "D.O.", "osteopathic medical physician",
 13 "physician", "surgeon", or "physician and surgeon", either alone
 14 or in connection with other words, or any other words or
 15 abbreviations to a name, indicating or inducing others to believe
 16 that the person is engaged in the practice of medicine or
 17 osteopathic medicine (as defined in this section).
- 18 (4) Providing diagnostic or treatment services to a person in
 19 Indiana when the diagnostic or treatment services:
 20 (A) are transmitted through electronic communications; and
 21 (B) are on a regular, routine, and non-episodic basis or under
 22 an oral or written agreement to regularly provide medical
 23 services.
- 24 In addition to the exceptions described in section 2 of this chapter,
 25 a nonresident physician who is located outside Indiana does not
 26 practice medicine or osteopathy in Indiana by providing a second
 27 opinion to a licensee or diagnostic or treatment services to a
 28 patient in Indiana following medical care originally provided to
 29 the patient while outside Indiana.
- 30 (b) "Board" refers to the medical licensing board of Indiana.
- 31 (c) "Diagnose or diagnosis" means to examine a patient, parts of a
 32 patient's body, substances taken or removed from a patient's body, or
 33 materials produced by a patient's body to determine the source or
 34 nature of a disease or other physical or mental condition, or to hold
 35 oneself out or represent that a person is a physician and is so examining
 36 a patient. It is not necessary that the examination be made in the
 37 presence of the patient; it may be made on information supplied either
 38 directly or indirectly by the patient.
- 39 (d) "Drug or medicine" means any medicine, compound, or
 40 chemical or biological preparation intended for internal or external use
 41 of humans, and all substances intended to be used for the diagnosis,
 42 cure, mitigation, or prevention of diseases or abnormalities of humans,
 43 which are recognized in the latest editions published of the United
 44 States Pharmacopoeia or National Formulary, or otherwise established
 45 as a drug or medicine.
- 46 (e) "Licensee" means any individual holding a valid unlimited



1 license issued by the board under this article.

2 (f) "Prescribe or prescription" means to direct, order, or designate
3 the use of or manner of using a drug, medicine, or treatment, by spoken
4 or written words or other means.

5 (g) "Physician" means any person who holds the degree of doctor of
6 medicine or doctor of osteopathy or its equivalent and who holds a
7 valid unlimited license to practice medicine or osteopathic medicine in
8 Indiana.

9 (h) "Medical school" means a nationally accredited college of
10 medicine or of osteopathic medicine approved by the board.

11 (i) "Physician's assistant" means an individual who:

12 (1) is an employee of a physician;

13 (2) is a graduate of a physician's assistant training program
14 approved by the board;

15 (3) has successfully completed the national examination
16 administered by the national commission on the certification of
17 physician's assistants; and

18 (4) has registered with the board.

19 (j) ~~"Bureau"~~ "Agency" refers to the ~~health professions bureau~~
20 **Indiana professional licensing agency** under IC 25-1-5.

21 SECTION 39. IC 25-22.5-2-4 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The ~~service bureau~~
23 **agency** shall keep a record of all licenses, permits, and applications for
24 licensure or permit. This record must contain all the facts set forth in
25 the application, including the action of the board thereon.

26 SECTION 40. IC 25-22.5-2-5 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The funds obtained
28 from registration and penalty fees shall, upon receipt thereof, be
29 accounted for and paid over by the ~~service bureau~~ **agency** to the
30 treasurer of state and be placed in the general fund of the state. The
31 expenses of the board shall be paid from the general fund upon
32 appropriation being made therefor in the manner required by law for
33 the making of such appropriations. The amount to be expended by the
34 board shall not exceed the amount collected by the board from all
35 sources.

36 SECTION 41. IC 25-22.5-2-7, AS AMENDED BY P.L.18-2005,
37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2006]: Sec. 7. The board shall do the following:

39 (1) Adopt rules and forms necessary to implement this article that
40 concern, but are not limited to, the following areas:

41 (A) Qualification by education, residence, citizenship,
42 training, and character for admission to an examination for
43 licensure or by endorsement for licensure.

44 (B) The examination for licensure.

45 (C) The license or permit.

46 (D) Fees for examination, permit, licensure, and registration.



- 1 (E) Reinstatement of licenses and permits.
 2 (F) Payment of costs in disciplinary proceedings conducted by
 3 the board.
 4 (2) Administer oaths in matters relating to the discharge of its
 5 official duties.
 6 (3) Enforce this article and assign to the ~~health professions bureau~~
 7 **personnel of the agency** duties as may be necessary in the
 8 discharge of the board's duty.
 9 (4) Maintain, through the ~~health professions bureau~~, **agency**, full
 10 and complete records of all applicants for licensure or permit and
 11 of all licenses and permits issued.
 12 (5) Make available, upon request, the complete schedule of
 13 minimum requirements for licensure or permit.
 14 (6) Issue, at the board's discretion, a temporary permit to an
 15 applicant for the interim from the date of application until the
 16 next regular meeting of the board.
 17 (7) Issue an unlimited license, a limited license, or a temporary
 18 medical permit, depending upon the qualifications of the
 19 applicant, to any applicant who successfully fulfills all of the
 20 requirements of this article.
 21 (8) Adopt rules establishing standards for the competent practice
 22 of medicine, osteopathic medicine, or any other form of practice
 23 regulated by a limited license or permit issued under this article.
 24 (9) Adopt rules regarding the appropriate prescribing of Schedule
 25 III or Schedule IV controlled substances for the purpose of weight
 26 reduction or to control obesity.
 27 (10) Adopt rules establishing standards for office based
 28 procedures that require moderate sedation, deep sedation, or
 29 general anesthesia.

30 SECTION 42. IC 25-22.5-5-4 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The board may
 32 authorize the ~~service bureau~~ **agency** to issue temporary medical
 33 permits for the practice of medicine or osteopathic medicine. When a
 34 temporary medical permit is issued, it is subject to any termination date
 35 specified by the board. A temporary medical permit may be issued to
 36 any person who:

- 37 (1) has completed the academic requirements for the degree of
 38 doctor of medicine or doctor of osteopathy from a medical school
 39 approved by the board; and
 40 (2) desires to obtain postgraduate medical education or training
 41 in a medical education institution or hospital located in Indiana
 42 which has standards for postgraduate medical education and
 43 training satisfactory to the board;

44 is required to obtain a temporary medical permit unless the graduate
 45 possesses an unlimited license to practice medicine or osteopathic
 46 medicine in Indiana. Application for the permit must be made to the



1 board subject to this article. A temporary medical permit issued to a
 2 person under this subsection for purposes of postgraduate training is
 3 valid for a period of one (1) year and may be renewed for additional
 4 one (1) year periods at the discretion of the board.

5 (b) A medical educational institution located in Indiana which has
 6 standards satisfactory to the board may, in the board's discretion, secure
 7 from it a permit for a person in the active practice of medicine outside
 8 the state of Indiana or the United States, but who is not licensed in
 9 Indiana, to teach medicine in the institution for an annually renewable
 10 period not to exceed one (1) year by filing with the board an
 11 application by the institution and the person certifying:

- 12 (1) the person's professional qualifications;
- 13 (2) the term of the teaching appointment;
- 14 (3) the medical subjects to be taught; and
- 15 (4) other information and assurances as the board may require.

16 If the application is approved, the person is entitled to receive a
 17 "temporary medical teaching permit" which authorizes the person to
 18 teach medicine in the applicant institution for a stated period not to
 19 exceed one (1) year. This permit must be kept in the possession of the
 20 institution and surrendered by it to the board for cancellation within
 21 thirty (30) days after the person has ceased teaching in the institution.
 22 The permit authorizes the person to practice in the institution only and,
 23 in the course of teaching, to practice those medical or osteopathic
 24 medical acts as are usually and customarily performed by a physician
 25 teaching in a medical educational institution, but does not authorize the
 26 person to practice medicine or osteopathic medicine otherwise.

27 (c) Any medical educational institution in this state which
 28 authorizes or permits a physician to violate this article or which itself
 29 violates this section may, in the discretion of the board, be disqualified
 30 from further receiving the benefits of this section.

31 (d) The board may authorize the issuance of a temporary medical
 32 permit to a person who will be taking in Indiana for the first time the
 33 examination or portion of the examination required by the board. A
 34 temporary medical permit holder under this subsection shall work
 35 under the supervision of a licensed physician, who is in good standing
 36 with the board, until the results of the examination taken by the permit
 37 holder are published by the board. If the holder of a temporary medical
 38 permit under this subsection fails the examination, the board may
 39 reissue a temporary medical permit to the holder upon conditions, and
 40 for a period of time, that the board considers appropriate.

41 (e) A person who holds a valid license to practice medicine or
 42 osteopathic medicine in the United States, its possessions, or Canada,
 43 and who is seeking licensure by endorsement, may be issued a
 44 temporary medical permit by the ~~service bureau~~ **agency** upon the
 45 authorization of the board. A temporary medical permit issued under
 46 this subsection is valid for ninety (90) days or for a period considered



1 appropriate by the board.

2 (f) A person who is licensed to practice medicine or osteopathic
3 medicine by any board or licensing agency of another state or
4 jurisdiction, and who meets the requirements established by the board
5 under IC 25-22.5-2-7, may be issued a temporary medical permit
6 limited by terms and conditions considered appropriate by the board.
7 A temporary medical permit issued under this subsection is valid for a
8 nonrenewable period of no more than thirty (30) days.

9 SECTION 43. IC 25-22.5-5-4.5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) The board may
11 authorize the ~~service bureau~~ **agency** to issue temporary fellowship
12 permits for the practice of medicine. A temporary fellowship is subject
13 to any termination date specified by the board.

14 (b) The board may issue a temporary fellowship permit to a graduate
15 of a school located outside the United States, its possessions, or Canada
16 if the graduate:

- 17 (1) applies in the form and manner required by the board;
18 (2) pays a fee set by the board;
19 (3) has completed the academic requirements for the degree of
20 doctor of medicine from a medical school approved by the board;
21 (4) has been issued a valid permit by another state for
22 participation in a postgraduate medical education or training
23 program located in a state that has standards for postgraduate
24 medical education and training satisfactory to the board;
25 (5) has been accepted into a postgraduate medical fellowship
26 training program that:
27 (A) is affiliated with a medical school located in a state that
28 issued a permit under subdivision (4);
29 (B) has a training site located in Indiana; and
30 (C) has standards for postgraduate medical education and
31 training satisfactory to the board;
32 (6) provides the board with documentation of the areas of medical
33 practice for which the training is sought;
34 (7) provides the board with at least two (2) letters of reference
35 documenting the individual's character; and
36 (8) demonstrates to the board that the individual is a physician of
37 good character who is in good standing outside the United States,
38 its possessions, or Canada where the person normally would
39 practice.

40 (c) Applications for the temporary fellowship permit for graduates
41 of foreign medical schools must be made to the board subject to this
42 section.

43 (d) A permit issued under this section expires one (1) year after the
44 date it is issued and, at the discretion of the board, may be renewed for
45 additional one (1) year periods upon the payment of a renewal fee set
46 by the board by rule.



1 (e) An individual who applies for a temporary fellowship permit
2 under this section is not required to take any step of the United States
3 Medical Licensure Examination.

4 (f) A temporary fellowship permit must be kept in the possession of
5 the fellowship training institution and surrendered by it to the board
6 within thirty (30) days after the person ceases training in Indiana.

7 (g) A temporary fellowship permit authorizes a person to practice
8 in the training institution only and, in the course of training, to practice
9 only those medical acts approved by the board but does not authorize
10 the person to practice medicine otherwise.

11 (h) The board may deny an application for a temporary fellowship
12 permit if the training program that has accepted the applicant has:

13 (1) violated; or

14 (2) authorized or permitted a physician to violate;
15 this section.

16 (i) A person issued a temporary fellowship permit under this section
17 must file an affidavit that:

18 (1) is signed by a physician licensed in Indiana;

19 (2) includes the license number of the signing physician;

20 (3) attests that the physician will monitor the work of the
21 physician holding the temporary fellowship permit; and

22 (4) is notarized.

23 The affidavit must be filed with the ~~bureau~~ **agency** before the person
24 holding the temporary fellowship permit may provide medical services.

25 (j) This section expires July 1, 2008.

26 SECTION 44. IC 25-22.5-6-3 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The executive
28 director and staff of the ~~health professions service bureau,~~ **agency**,
29 counsel, investigators, hearing officers, and the board members are
30 immune from civil liability for damages for conduct within the scope
31 and arising out of the performance of their duties.

32 SECTION 45. IC 25-23-1-16.1 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16.1. (a) A license to
34 practice as a registered nurse expires on October 31 in each
35 odd-numbered year. Failure to renew the license on or before the
36 expiration date will automatically render the license invalid without
37 any action by the board.

38 (b) A license to practice as a licensed practical nurse expires on
39 October 31 in each even-numbered year. Failure to renew the license
40 on or before the expiration date will automatically render the license
41 invalid without any action by the board.

42 (c) The procedures and fee for renewal shall be set by the board.

43 (d) At the time of license renewal, each registered nurse and each
44 licensed practical nurse shall pay a renewal fee, a portion of which
45 shall be for the rehabilitation of impaired registered nurses and
46 impaired licensed practical nurses. The lesser of the following amounts



1 from fees collected under this subsection shall be deposited in the
 2 impaired nurses account of the state general fund established by section
 3 34 of this chapter:

4 (1) Sixteen percent (16%) of the license renewal fee per license
 5 renewed under this section.

6 (2) The cost per license to operate the impaired nurses program,
 7 as determined by the ~~health professions bureau~~ **Indiana**
 8 **professional licensing agency**.

9 SECTION 46. IC 25-23-1-19.7 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19.7. (a) This
 11 subsection applies to an applicant for renewal who has never received
 12 a renewal of prescriptive authority under section 19.5 of this chapter
 13 and whose prescriptive authority has never lapsed. If the applicant was
 14 initially granted prescriptive authority:

15 (1) less than twelve (12) months before the expiration date of the
 16 prescriptive authority, no continuing education is required; or

17 (2) at least twelve (12) months before the expiration date of the
 18 prescriptive authority, the applicant shall, subject to IC 25-1-4-3,
 19 attest to the board that the applicant has successfully completed
 20 at least fifteen (15) contact hours of continuing education. The
 21 hours must:

22 (A) be completed after the prescriptive authority was granted
 23 and before the expiration of the prescriptive authority;

24 (B) include at least four (4) contact hours of pharmacology;
 25 and

26 (C) be approved by a nationally approved sponsor of
 27 continuing education for nurses, approved by the board, and
 28 listed by the ~~health professions bureau~~ **Indiana professional**
 29 **licensing agency** as approved hours.

30 (b) This subsection applies to an applicant for renewal of
 31 prescriptive authority under section 19.5 of this chapter who is not
 32 described in subsection (a). The applicant shall, subject to IC 25-1-4-3,
 33 attest to the board that the applicant has successfully completed at least
 34 thirty (30) contact hours of continuing education. The hours must:

35 (1) be completed within the two (2) years immediately preceding
 36 the renewal;

37 (2) include at least eight (8) contact hours of pharmacology; and

38 (3) be approved by a nationally approved sponsor of continuing
 39 education for nurses, be approved by the board, and be listed by
 40 the ~~health professions bureau~~ **Indiana professional licensing**
 41 **agency** as approved hours.

42 SECTION 47. IC 25-23-1-19.8 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19.8. (a) Before
 44 December 31 of an even-numbered year, the ~~bureau~~ **Indiana**
 45 **professional licensing agency** or the ~~bureau's~~ **agency's** designee shall
 46 randomly audit at least one percent (1%) but not more than ten percent



1 (10%) of the practice agreements of advanced practice nurses with
 2 authority to prescribe legend drugs under section 19.5 of this chapter
 3 to determine whether the practice agreement meets the requirements of
 4 this chapter or rules adopted by the board.

5 (b) The ~~bureau~~ **Indiana professional licensing agency** shall
 6 establish an audit procedure, which may include the following:

7 (1) Requiring the advanced practice nurse to provide the ~~bureau~~
 8 **agency** with a copy of verification of attendance at or completion
 9 of a continuing education course or program the advanced
 10 practice nurse attended during the previous two (2) years.

11 (2) Requiring the advanced practice nurse and the licensed
 12 practitioner who have entered into a practice agreement to submit
 13 information on a form prescribed by the ~~bureau~~ **agency** that must
 14 include a sworn statement signed by the advanced practice nurse
 15 and the licensed practitioner that the parties are operating within
 16 the terms of the practice agreement and the requirements under
 17 this chapter or rules adopted by the board.

18 (3) Reviewing patient health records and other patient information
 19 at the practice location or by requiring the submission of accurate
 20 copies to determine if the parties are operating within the terms
 21 of the practice agreement and the requirements under this chapter
 22 or rules adopted by the board.

23 (4) After a reasonable determination that the advanced practice
 24 nurse and the licensed practitioner who have entered into a
 25 practice agreement are not operating within the terms of the
 26 practice agreement, requiring the parties to appear before the
 27 ~~bureau~~ **agency** or the ~~bureau's~~ **agency's** designee to provide
 28 evidence of compliance with the practice agreement.

29 (c) Not more than sixty (60) days after the completion of the audit
 30 required in subsection (a), the ~~bureau~~ **Indiana professional licensing**
 31 **agency** shall provide the board with the following:

32 (1) A summary of the information obtained in the audit.

33 (2) A statement regarding whether an advanced practice nurse
 34 and a licensed practitioner who have entered into a practice
 35 agreement that is audited under subsection (a) are operating
 36 within the terms of the practice agreement.

37 The ~~bureau~~ **agency** shall also provide a copy of the information
 38 described in this subsection to the board that regulates the licensed
 39 practitioner.

40 (d) The ~~bureau~~ **Indiana professional licensing agency** may cause
 41 to be served upon the advanced practice nurse an order to show cause
 42 to the board as to why the board should not impose disciplinary
 43 sanctions under IC 25-1-9-9 on the advanced practice nurse for the
 44 advanced practice nurse's failure to comply with:

45 (1) an audit conducted under this section; or

46 (2) the requirements of a practice agreement under this chapter.



1 (e) The board shall hold a hearing in accordance with IC 4-21.5 and
 2 state the date, time, and location of the hearing in the order served
 3 under subsection (d).

4 (f) The board that regulates the licensed practitioner may cause to
 5 be served upon the licensed practitioner an order to show cause to the
 6 board as to why the board should not impose disciplinary sanctions
 7 under IC 25-1-9-9 on the licensed practitioner for the licensed
 8 practitioner's failure to comply with:

9 (1) an audit conducted under this section; or

10 (2) the requirements of a practice agreement under this chapter.

11 (g) The board that regulates the licensed practitioner shall hold a
 12 hearing in accordance with IC 4-21.5 and state the date, time, and
 13 location of the hearing in the order served under subsection (f).

14 (h) An order to show cause issued under this section must comply
 15 with the notice requirements of IC 4-21.5.

16 (i) The licensed practitioner may divulge health records and other
 17 patient information to the ~~bureau~~ **Indiana professional licensing**
 18 **agency** or the ~~bureau's agency's~~ designee. The licensed practitioner is
 19 immune from civil liability for any action based upon release of the
 20 patient information under this section.

21 SECTION 48. IC 25-23-1-34 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) The impaired
 23 nurses account is established within the state general fund for the
 24 purpose of providing money for providing rehabilitation of impaired
 25 registered nurses or licensed practical nurses under this article. The
 26 account shall be administered by the ~~health professions bureau~~
 27 **Indiana professional licensing agency**.

28 (b) Expenses of administering the account shall be paid from money
 29 in the account. The account consists of the following:

30 (1) Funds collected for the rehabilitation of impaired registered
 31 nurses and impaired licensed practical nurses under section
 32 16.1(d) of this chapter.

33 (2) Funds collected under section 31(c)(2) of this chapter.

34 (3) Funds collected for the rehabilitation of impaired registered
 35 nurses and impaired licensed practical nurses under
 36 IC 25-23.2-3-5.

37 (4) Fines collected from registered nurses or licensed practical
 38 nurses under IC 25-1-9-9(a)(6).

39 (c) The treasurer of state shall invest the money in the account not
 40 currently needed to meet the obligations of the account in the same
 41 manner as other public money may be invested.

42 (d) Money in the account is appropriated to the board for the
 43 purpose stated in subsection (a).

44 SECTION 49. IC 25-23.2-3-5 IS AMENDED TO READ AS
 45 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A nurse who is
 46 licensed in a party state and who obtains employment as a nurse in



1 Indiana shall file a multistate licensure privilege form with the ~~health~~
 2 ~~professions bureau~~ **Indiana professional licensing agency** and pay the
 3 fee established by the licensing board. Before commencing
 4 employment the nurse shall obtain approval from the licensing board.

5 (b) Each registered nurse and each licensed practical nurse who
 6 holds a multistate licensure privilege in Indiana shall notify the
 7 licensing board of a change of address within thirty (30) days after the
 8 change.

9 (c) Notification of multistate licensure privilege as a registered
 10 nurse expires on October 31 in each odd-numbered year. Failure to
 11 update the notification of multistate licensure privilege on or before the
 12 expiration date automatically renders the multistate licensure privilege
 13 invalid without any action by the licensing board.

14 (d) Notification of multistate licensure privilege to practice as a
 15 licensed practical nurse expires October 31 in each even-numbered
 16 year. Failure to update the notification of multistate licensure privilege
 17 on or before the expiration date automatically renders the multistate
 18 licensure privilege invalid without any action by the licensing board.

19 (e) Multistate licensure privileges invalidated under this section may
 20 not be reinstated.

21 (f) A nurse whose privileges have been invalidated under this
 22 section may obtain new multistate licensure privileges by complying
 23 with subsection (a).

24 (g) The procedures and fee for updating the multistate licensure
 25 privilege shall be set by the licensing board.

26 (h) At the time of updating the notification of multistate licensure
 27 privilege, each registered nurse and each licensed practical nurse shall
 28 pay the fee for updating the multistate licensure privilege.

29 (i) Sixteen percent (16%) of the amount of fees collected under this
 30 section shall be deposited in the impaired nurses account of the state
 31 general fund established by IC 25-23-1-34.

32 SECTION 50. IC 25-23.2-7-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The executive
 34 director of the ~~health professions bureau~~ **professional licensing**
 35 **agency** of each party state, or that person's designee, shall be the
 36 administrator of this compact for that person's state.

37 SECTION 51. IC 25-23.5-5-9 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A certificate
 39 issued by the committee expires on a date established by the ~~health~~
 40 ~~professions bureau~~ **Indiana professional licensing agency** under
 41 IC 25-1-5-4 in the next even-numbered year following the year in
 42 which the certificate was issued.

43 (b) A person may renew a certificate by paying a renewal fee on or
 44 before the expiration date of the certificate.

45 (c) If a person fails to pay a renewal on or before the expiration date
 46 of a certificate, the certificate becomes invalid.



1 SECTION 52. IC 25-23.7-2-6 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. "Licensing agency"
 3 refers to the Indiana professional licensing agency established by
 4 ~~IC 25-1-6-3~~. **IC 25-1-5-3.**

5 SECTION 53. IC 25-24-1-14 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) In each
 7 even-numbered year, the ~~bureau~~ **Indiana professional licensing**
 8 **agency** shall issue a sixty (60) day notice of expiration and a license
 9 renewal application in accordance with IC 25-1-5-4 to each optometrist
 10 licensed in Indiana. The application shall be mailed to the last known
 11 address of the optometrist and shall contain spaces for the insertion of
 12 the licensee's name, address, date, and number of the license, and such
 13 other information and questions as the board considers necessary. The
 14 licensee shall complete, sign, and return the application for license
 15 renewal, together with a fee set by the board under section 1 of this
 16 chapter, before April 1 of each even-numbered year.

17 (b) Upon the receipt of the application and fee, and upon the same
 18 being properly verified, the board shall issue a renewal of license.

19 (c) The payment of the renewal fee must be made on or before April
 20 1 of each even-numbered year. The applicant's license expires and
 21 becomes invalid if the applicant has not paid the renewal fee by April
 22 1 of each even-numbered year. The license shall be reinstated by the
 23 board up to three (3) years after its expiration if the applicant for
 24 reinstatement meets the requirements under IC 25-1-8-6.

25 (d) Reinstatement of an expired license after the expiration of the
 26 three (3) year period provided in subsection (c) is dependent upon
 27 reexamination of the applicant by the board.

28 (e) The board may classify a license as inactive if the board receives
 29 written notification from a licensee stating that the licensee will not
 30 maintain an office or practice optometry in Indiana. The renewal fee for
 31 an inactive license is one-half (1/2) the license renewal fee set by the
 32 board under section 1 of this chapter.

33 (f) The holder of an inactive license is not required to fulfill
 34 continuing education requirements set by the board. The board may
 35 issue a license to the holder of an inactive license if the applicant:

- 36 (1) pays the renewal fee set by the board under section 1 of this
 37 chapter;
- 38 (2) pays the reinstatement fee set by the board under section 1 of
 39 this chapter; and
- 40 (3) subject to IC 25-1-4-3, attests that the applicant obtained the
 41 continuing education required by the board under section 1 of this
 42 chapter for each year, or portion of a year during which the
 43 applicant's license has been classified as inactive.

44 SECTION 54. IC 25-24-2-3 IS AMENDED TO READ AS
 45 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. In addition to the
 46 biennial licensure fee provided for by IC 25-24-1-1, each licensed



1 optometrist, at the time of payment of the biennial licensure fee each
 2 even-numbered year, shall pay to the ~~health professions bureau~~
 3 **Indiana professional licensing agency** an additional fee of thirty-four
 4 dollars (\$34), which shall be deposited in an optometry school account
 5 of the state general fund, and all such fees so deposited shall, before the
 6 following July 2, be paid to Indiana University to be used by it for the
 7 advancement of optometrical research and the maintenance and support
 8 of the department in which the science of optometry is taught at the
 9 university. A sufficient amount to pay the same is appropriated
 10 annually out of such account in the general fund of the state treasury
 11 not otherwise appropriated.

12 SECTION 55. IC 25-26-13-5 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The executive
 14 director shall keep a record of the proceedings of the board. The record
 15 shall contain the names and addresses of all persons who apply to the
 16 board for a license or permit and the action taken on each.

17 (b) The board shall hire and supervise a sufficient number of
 18 inspector-investigators to enforce the controlled substances law
 19 (IC 35-48). Inspector-investigators hired by the board are employees of
 20 the ~~health professions bureau~~ **Indiana professional licensing agency**.

21 SECTION 56. IC 25-26-13-10 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) An applicant for
 23 registration as a pharmacist intern or pharmacist extern must furnish
 24 proof satisfactory to the board that the applicant is a high school
 25 graduate or its equivalent, has obtained a general educational
 26 development (GED) diploma, or is enrolled in a pre-pharmacy or
 27 pharmacy curriculum at an accredited school of pharmacy. The board
 28 may require the applicant to successfully complete an examination
 29 prior to registering the applicant as a pharmacist intern or pharmacist
 30 extern.

31 (b) A registration issued under subsection (a) of this section is valid
 32 for one (1) year and may be renewed by the board for an additional year
 33 until the expiration date established by the ~~health professions bureau~~
 34 **Indiana professional licensing agency** under IC 25-1-5-4.

35 (c) An application for registration or renewal must be accompanied
 36 by the appropriate fee.

37 SECTION 57. IC 25-26-13-23 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. (a) The board shall
 39 establish appropriate fees to carry out this chapter.

40 (b) All fees are nonrefundable. A receipt shall be issued for all fees
 41 and fines submitted.

42 (c) All fees collected under this section shall be transferred to the
 43 treasurer of state and deposited in the general fund of the state.

44 (d) The board shall adopt rules to establish fines for violation of an
 45 article listed in IC 25-26 or a rule adopted under IC 25-26-13-4,
 46 IC 25-26-14-13 or IC 35-48-3-1.



1 (e) A fine collected by the board shall be transferred to the treasurer
2 of state and deposited in the state general fund.

3 (f) No fine established under subsection (d) shall be less than
4 twenty-five dollars (\$25).

5 (g) At the time of license renewal, each licensed pharmacist shall
6 pay a renewal fee, a part of which shall be used for the rehabilitation of
7 impaired pharmacists. Notwithstanding subsection (c), the lesser of the
8 following amounts from fees collected under this subsection shall be
9 deposited in the impaired pharmacists account of the state general fund
10 established by section 30 of this chapter:

11 (1) Sixteen percent (16%) of the license renewal fee for each
12 license renewed under this section.

13 (2) The amount per license needed to operate the impaired
14 pharmacists program, as determined by the ~~health professions~~
15 ~~bureau~~ **Indiana professional licensing agency**.

16 SECTION 58. IC 25-26-13-30 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) The impaired
18 pharmacists account is established within the state general fund to
19 provide money for the rehabilitation of impaired pharmacists under this
20 article. The account shall be administered by the ~~health professions~~
21 ~~bureau~~ **Indiana professional licensing agency**.

22 (b) Expenses of administering the account shall be paid from money
23 in the account. The account consists of money collected under section
24 4.5(b) of this chapter.

25 (c) The treasurer of state shall invest the money in the account not
26 currently needed to meet the obligations of the account in the same
27 manner as other public money may be invested. Money remaining in
28 the account at the end of a state fiscal year does not revert to the state
29 general fund.

30 (d) There is appropriated to the board from the account an amount
31 sufficient to carry out the purpose described in subsection (a).

32 SECTION 59. IC 25-26-14-21 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. (a) A wholesale
34 drug distributor license expires at midnight of the renewal date
35 specified by the ~~health professions bureau~~ **Indiana professional**
36 **licensing agency** under IC 25-1-5-4 in each even-numbered year.

37 (b) The board shall mail renewal application forms to each licensed
38 wholesale drug distributor before the first day of the month before the
39 month in which the license expires. If an application for renewal has
40 not been filed and the required fee paid before the license expiration
41 date, the wholesale drug distributor license shall lapse and become
42 void.

43 (c) A lapsed license may be reinstated only by meeting the
44 requirements under IC 25-1-8-6.

45 (d) A wholesale drug distributor may not be open for business after
46 the license has lapsed, until the renewal is completed.



1 SECTION 60. IC 25-26-19-7 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A pharmacy
 3 technician certificate expires on a date set by the ~~health professions~~
 4 ~~bureau~~ **Indiana professional licensing agency** in each even-numbered
 5 year.

6 (b) An application for renewal of a pharmacy technician certificate
 7 must be accompanied by the appropriate fee.

8 (c) If a person fails to renew a pharmacy technician certificate, the
 9 certificate may be reinstated by meeting the requirements under
 10 IC 25-1-8-6.

11 (d) The board may require a person who applies for a certificate
 12 under subsection (c) to appear before the board and explain the reason
 13 why the person failed to renew a pharmacy technician certificate.

14 SECTION 61. IC 25-27-1-8 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The committee
 16 shall license as a physical therapist each applicant who:

17 (1) successfully passes the examination provided for in this
 18 chapter; and

19 (2) is otherwise qualified as required by this chapter.

20 (b) All licenses and certificates issued by the committee expire on
 21 the date of each even-numbered year specified by the ~~health~~
 22 ~~professions bureau~~ **Indiana professional licensing agency** under
 23 IC 25-1-5-4. A renewal fee established by the board after consideration
 24 of any recommendation of the committee must be paid biennially on or
 25 before the date specified by the ~~health professions bureau,~~ **Indiana**
 26 **professional licensing agency**, and if not paid on or before that date,
 27 the license or certificate becomes invalid, without further action by the
 28 committee. A penalty fee set by the board after consideration of any
 29 recommendation of the committee shall be in effect for any
 30 reinstatement within three (3) years from the original date of
 31 expiration.

32 (c) An expired license or certificate may be reinstated by the
 33 committee up to three (3) years after the expiration date if the holder
 34 of the expired license or certificate:

35 (1) pays a penalty fee set by the board after consideration of any
 36 recommendation of the committee; and

37 (2) pays the renewal fees for the biennium.

38 If more than three (3) years have elapsed since expiration of the license
 39 or certificate, the holder may be reexamined by the committee. The
 40 board may adopt, after consideration of any recommendation of the
 41 committee, rules setting requirements for reinstatement of an expired
 42 license.

43 (d) The committee may issue not more than two (2) temporary
 44 permits to a physical therapist or physical therapist's assistant. A person
 45 with a temporary permit issued under this subsection may practice
 46 physical therapy only under the direct supervision of a licensed



1 physical therapist who is responsible for the patient. A temporary
 2 permit may be issued to any person who has paid a fee set by the board
 3 after consideration of any recommendation of the committee and who:

4 (1) has a valid license from another state to practice physical
 5 therapy, or has a valid certificate from another state to act as a
 6 physical therapist's assistant; or

7 (2) has applied for and been approved by the committee to take
 8 the examination for licensure or certification, has not previously
 9 failed the licensure or certification examination in Indiana or any
 10 other state, and has:

11 (A) graduated from a school or program of physical therapy;
 12 or

13 (B) graduated from a two (2) year college level education
 14 program for physical therapist's assistants that meets the
 15 standards set by the committee.

16 The applicant must take the examination within the time limits set by
 17 the committee.

18 (e) A temporary permit issued under subsection (d) expires when
 19 the applicant becomes licensed or certified, or approved for
 20 endorsement licensing or certification by the committee, or when the
 21 application for licensure has been disapproved, whichever occurs first.
 22 An application for licensure or certification is disapproved and any
 23 temporary permit based upon the application expires when the
 24 applicant fails to take the examination within the time limits set by the
 25 committee or when the committee receives notification of the
 26 applicant's failure to pass any required examination in Indiana or any
 27 other state.

28 (f) A holder of a license or certificate under this chapter who intends
 29 to retire from practice shall notify the committee in writing. Upon
 30 receipt of the notice, the committee shall record the fact that the holder
 31 of the license or certificate is retired and release the person from
 32 further payment of renewal fees. If a holder of the license or certificate
 33 surrenders a license or certificate, reinstatement of the license or
 34 certificate may be considered by the committee upon written request.
 35 The committee may impose conditions it considers appropriate to the
 36 surrender or reinstatement of a surrendered license or certificate. A
 37 license or certificate may not be surrendered to the committee without
 38 the written consent of the committee if any disciplinary proceedings are
 39 pending against a holder of a license or certificate under this chapter.

40 SECTION 62. IC 25-27.5-4-5 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A certificate
 42 issued by the committee expires on a date established by the ~~health~~
 43 ~~professions bureau~~ **Indiana professional licensing agency** under
 44 IC 25-1-5-4 in the next even-numbered year following the year in
 45 which the certificate was issued.

46 (b) An individual may renew a certificate by paying a renewal fee



1 on or before the expiration date of the certificate.

2 (c) If an individual fails to pay a renewal on or before the expiration
3 date of a certificate, the certificate becomes invalid.

4 SECTION 63. IC 25-28.5-1-2 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this
6 chapter:

7 (1) "Plumbing" means the practice of and the materials and fixtures
8 used in the installation, maintenance, extension, and alteration of all
9 piping, fixtures, appliances, and appurtenances in connection with any
10 of the following:

11 (A) Sanitary drainage or storm drainage facilities, the venting
12 system, and the public or private water supply systems, within or
13 adjacent to any building or structure.

14 (B) The practice and materials used in the installation,
15 maintenance, extension, or alteration of the stormwater, liquid
16 waste, or sewerage, and water supply systems of any premises to
17 the private property line or to their connection with any point of
18 public disposal or other acceptable terminal.

19 The term does not include the planning, designing, and installation of
20 sanitation and water systems in vehicles commonly known as mobile
21 homes, the drilling of wells, the installation of pumps, pressure tanks,
22 and piping incidental to the drilling or repair of a well system, the sale
23 or installation of water softening equipment and apparatuses and
24 services of the same, or the business of manufacturing or selling
25 plumbing fixtures; appliances, equipment, or hardware; the installation
26 of automatic sprinklers, the overhead or underground water supplies or
27 standpipes when connected to an automatic sprinkler system or to their
28 related devices or appurtenances connecting thereto; nor does the term
29 include the work referred to in section 32(i) of this chapter; nor does
30 the term include the planning or design of water supply or sewage
31 systems which would ordinarily be performed as "the practice of
32 engineering", as defined in IC 25-31-1, or the "practice of architecture",
33 as defined in IC 25-4-1.

34 (2) "Plumbing contractor" means any person who, for compensation,
35 undertakes to, or submits a bid to, or does himself **or herself** or by
36 others, construct, repair, alter, remodel, add to, subtract from, or
37 improve plumbing and who is responsible for substantially all the
38 plumbing within the entire project, or one who fabricates units or
39 plumbing substantially completed and ready for installation.

40 (3) "Journeyman plumber" means a person who engages or offers to
41 engage in, as an occupation or trade, the construction, installation,
42 alteration, maintenance, repair, remodeling, or removal and
43 replacement of plumbing under the supervision, direction, and
44 responsibility of a licensed plumbing contractor.

45 (4) "Maintenance man" means a person who is employed on a
46 permanent basis to keep the premises of a business establishment in



- 1 good repair.
- 2 (5) "Contracting" means, except as exempted in this chapter,
3 engaging in a business as a contractor.
- 4 (6) "Person" means a natural person, except in the case of a
5 plumbing contractor, in which case it may mean the partners or
6 members of a partnership, limited partnership, or any form of
7 unincorporated enterprise, owned by two (2) or more persons, and as
8 applied to "corporation" in addition to the corporate entity means the
9 officers or directors and employees thereof.
- 10 (7) "Commission" means the Indiana plumbing commission created
11 by this chapter.
- 12 (8) "License" means a certificate issued by the commission
13 established by this chapter which confers upon the holder the privilege
14 to act as a plumbing contractor or a journeyman plumber as defined in
15 this chapter.
- 16 (9) "Farmstead" means a farm dwelling together with other
17 buildings, structures, equipment, piping, and other plumbing materials
18 and supplies, located upon a parcel of real estate used primarily for
19 agricultural purposes located outside the corporate limits of a
20 municipality and not connected to a public water supply.
- 21 (10) "Licensing agency" means the Indiana professional licensing
22 agency established under ~~IC 25-1-6~~. **IC 25-1-5-3.**
- 23 (11) "Apprentice plumber" means an individual who:
24 (A) is learning the plumbing trade; and
25 (B) is under the direction and immediate supervision of a licensed
26 plumbing contractor or a licensed journeyman plumber.
- 27 (12) "Registration" means the granting of a certificate by the
28 commission that authorizes an individual to act as an apprentice
29 plumber.
- 30 SECTION 64. IC 25-29-1-9.5 IS ADDED TO THE INDIANA
31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2006]: **Sec. 9.5. "Agency" refers to the**
33 **Indiana professional licensing agency established by IC 25-1-5-3.**
- 34 SECTION 65. IC 25-29-2-9 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. The ~~bureau~~ **agency**
36 shall keep a record of all licenses and applications for licensure. The
37 record must contain all the facts in the application, including the action
38 of the board on the application.
- 39 SECTION 66. IC 25-29-2-10 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. The ~~bureau~~ **agency**
41 shall receive and account for all money collected under this article and
42 deposit the money in the state general fund with the treasurer of state.
- 43 SECTION 67. IC 25-29-6-1 IS AMENDED TO READ AS
44 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A license to practice
45 podiatric medicine expires on a date established by the ~~bureau~~ **agency**
46 under IC 25-1-5-4 in each odd-numbered year.



1 SECTION 68. IC 25-30-1-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this
 3 chapter:

4 (1) "Person" means an individual, a firm, a company, an
 5 association, an organization, a partnership, or a corporation.

6 (2) "Licensee" means a person licensed under this chapter.

7 (3) "Private detective" means a person who conducts a private
 8 detective business with or without the assistance of an employee.

9 (4) "Private detective business" means the business of:

10 (A) making, for hire or reward, investigation or investigations
 11 for the purpose of obtaining information with reference to:

12 (i) a crime against the state or wrongs done or threatened;

13 (ii) the habits, conduct, movements, whereabouts,
 14 association, transactions, reputation, or character of a
 15 person;

16 (iii) credibility of witnesses or other persons;

17 (iv) the location or recovery of lost or stolen property;

18 (v) the causes, origin, or responsibility for fires or accidents
 19 or injuries to real or personal property; or

20 (vi) the truth or falsity of a statement or representation;

21 (B) securing, for hire or reward, evidence to be used for
 22 authorized investigation committees or boards of award or
 23 arbitration or in the trial of civil or criminal cases; or

24 (C) furnishing, for hire or reward, a guard or guards or other
 25 persons to protect persons or property or to prevent the
 26 misappropriation or concealment of goods, wares and
 27 merchandise, money, bonds, stocks, choses in action, notes, or
 28 other valuable documents or papers.

29 (5) "Industrial plant" means a factory, business, or concern that is
 30 engaged primarily in the manufacture or assembly of goods or the
 31 processing of raw materials, or both.

32 (6) "Board" refers to the private detectives licensing board
 33 established under section 5.1 of this chapter.

34 (7) "Licensing agency" refers to the Indiana professional licensing
 35 agency established under ~~IC 25-1-6~~ **IC 25-1-5-3**.

36 (8) "Resident" means a person who has established an actual
 37 domicile in Indiana.

38 SECTION 69. IC 25-31-1-2 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this
 40 chapter:

41 (a) "Board" means the state board of registration for professional
 42 engineers.

43 (b) "Professional engineer" means an individual who, by reason of
 44 that individual's special knowledge of the mathematical and physical
 45 sciences and the principles and methods of engineering analysis and
 46 design which are acquired by education and practical experience, is



1 qualified to engage in the practice of engineering as attested by that
2 individual's registration as a professional engineer.

3 (c) "Engineering intern" means an individual who:

4 (1) is a graduate from an approved engineering curriculum of four
5 (4) years or more or who has acquired, through engineering
6 education and experience in engineering work, knowledge and
7 skill approximating that obtained by graduation in an approved
8 engineering curriculum of four (4) years or more;

9 (2) has successfully passed an examination as prescribed in
10 section 14 of this chapter; and

11 (3) has been issued by the board an appropriate certificate of
12 enrollment as an engineering intern.

13 (d) "Practice of engineering" means any service or creative work
14 that the adequate performance of requires engineering education,
15 training, and experience in the application of special knowledge of the
16 mathematical, physical, and engineering sciences to services or
17 creative work that includes the following:

18 (1) Consultation.

19 (2) Investigation.

20 (3) Evaluation.

21 (4) Planning, including planning the use of land and water.

22 (5) The design of or the supervision of the design of engineering
23 works and systems.

24 (6) Engineering surveys and studies or the supervision of
25 engineering surveys and studies, including all surveying activities
26 required to support the sound conception, planning, design,
27 construction, maintenance, and operation of engineered projects,
28 but not including the surveying of real property for the
29 establishment of land boundaries, subdivisions, rights-of-way,
30 easements, and the dependent or independent surveys or
31 resurveys of the public land survey system.

32 (7) Evaluation of construction for the purpose of assuring
33 compliance with specifications, plans, and designs, in connection
34 with any public or private utilities, structures, buildings,
35 machines, equipment, processes, work systems, or projects.

36 The term "practice of engineering" does not include the work ordinarily
37 performed by persons who operate or maintain machinery or
38 equipment.

39 (e) "Approved engineering curriculum" means an engineering
40 curriculum of four (4) years or more that has been approved by the
41 board. In approving the engineering curriculum, the board may take
42 into consideration the standards of accreditation adopted by the
43 Accreditation Board for Engineering and Technology.

44 (f) "Practice or offer to practice engineering" means the act of an
45 individual or a business who by verbal claim, sign, advertisement,
46 letterhead, card, telephone listing, or in any other way represents the



1 individual or the business to be a professional engineer or who
 2 performs, or offers to perform, any acts or work involving the practice
 3 of engineering.

4 (g) "Licensing agency" means the Indiana professional licensing
 5 agency established ~~under IC 25-1-6~~ by **IC 25-1-5-3**.

6 SECTION 70. IC 25-32-1-8 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The members of
 8 the board shall annually elect from their number a chairman and vice
 9 chairman.

10 (b) The board shall supervise the enforcement of the provisions of
 11 this chapter and possess the necessary authority to fulfill its duties as
 12 prescribed in this chapter. The board may utilize on a full or part-time
 13 basis such employees as are necessary to maintain records, pertinent to
 14 the examination and registration of environmental health specialists or
 15 to assist in any manner in the performance of duties as required under
 16 the chapter. The board may also utilize the staff of the ~~health~~
 17 ~~professions bureau~~. **Indiana professional licensing agency**.

18 (c) Subject to IC 25-1-7, the board may hold hearings for the
 19 purpose of administrative adjudication of such matters as may properly
 20 come before it, make the necessary determinations, and issue such
 21 orders as may be consistent with the findings.

22 (d) The board may establish the procedures for conducting
 23 examinations and for obtaining the certificates and permits required by
 24 this chapter and methods by which the qualifications of an applicant
 25 shall be evaluated.

26 (e) The board may adopt reasonable rules to carry out and enforce
 27 the provisions of this chapter. The board shall adopt rules establishing
 28 standards for the competent practice of an environmental health
 29 specialist.

30 (f) The board shall issue a certificate of registration, upon the
 31 payment of the registration fee set by the board, to any applicant, who,
 32 in the opinion of the board, has satisfactorily met all requirements of
 33 this chapter.

34 (g) The board shall meet at least once a year to transact necessary
 35 business. Four (4) members of the board constitute a quorum. Special
 36 meetings of the board may be called by the chairman or shall be called
 37 upon written request of any three (3) members of the board. A majority
 38 of a quorum may transact business.

39 (h) Each member of the board who is not a state employee is entitled
 40 to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such
 41 a member is also entitled to reimbursement for traveling expenses and
 42 other expenses actually incurred in connection with the member's
 43 duties, as provided in the state travel policies and procedures
 44 established by the Indiana department of administration and approved
 45 by the budget agency.

46 (i) Each member of the board who is a state employee but who is not



1 a member of the general assembly is entitled to reimbursement for
 2 traveling expenses and other expenses actually incurred in connection
 3 with the member's duties, as provided in the state travel policies and
 4 procedures established by the Indiana department of administration and
 5 approved by the budget agency.

6 SECTION 71. IC 25-33-1-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) As used in this
 8 article:

9 "Appraisal instrument" means:

- 10 (1) a career and occupational instrument;
- 11 (2) an adaptive behavioral and symptom screening checklist; or
- 12 (3) an inventory of interests and preferences;

13 that is administered for the purpose of counseling individuals to cope
 14 with or adapt to changing life situations or to situations that are due to
 15 problems in living. The term includes marital, relational,
 16 communicational, parent and child, family system assessment
 17 instruments, and employment counseling.

18 "Board" means the state psychology board.

19 "Person" means an individual, firm, partnership, association, or
 20 corporation.

21 "Practice of psychology" includes the following:

- 22 (1) Construction, administration, and interpretation of tests of
- 23 intellectual and cognitive abilities, aptitudes, skills, interests,
- 24 attitudes, personality characteristics, perception, emotion,
- 25 motivation, and opinion.
- 26 (2) Diagnosis and treatment of mental and behavioral disorders by
- 27 a health service provider in psychology.
- 28 (3) Educational and vocational planning and guidance.
- 29 (4) Personnel selection and management.
- 30 (5) Arrangement of effective work and learning situations.
- 31 (6) Resolution of interpersonal and social conflicts.
- 32 (7) Techniques used in interviewing, counseling, psychotherapy,
- 33 and behavior modification of individuals or groups.
- 34 (8) Supervision of psychological services.
- 35 (9) Teaching of any of the practices listed in this subsection.
- 36 (10) The planning and conduct of research on human behavior.

37 "Psychological services" means acts or behaviors coming within the
 38 purview of the practice of psychology (as defined in this article).

39 "Recognized institution of higher learning" means any college,
 40 university, school, or similar educational establishment approved by
 41 the board for the purposes of this article.

42 ~~"Bureau"~~ **"Agency"** means the ~~health professions bureau~~ **Indiana**
 43 **professional licensing agency** under IC 25-1-5.

44 "Approved organization" means any organization or individual
 45 approved by the board.

46 "Continuing education course" means an orderly process of



1 instruction that is designed to directly enhance the practicing
2 psychologist's knowledge and skill in providing relevant psychological
3 services, and that is approved by an approved organization.

4 (b) Nothing in this article shall be construed as permitting
5 individuals licensed as psychologists to engage in any manner in the
6 practice of medicine or optometry (as defined in the laws of this state).

7 (c) Nothing in this article shall be construed as permitting a
8 psychologist to prescribe medication, unless a psychologist is
9 participating in a federal government sponsored training or treatment
10 program. An individual licensed as a psychologist may not prescribe
11 medication unless the individual is a practitioner (as defined under
12 IC 16-42-19-5).

13 SECTION 72. IC 25-33-1-3, AS AMENDED BY P.L.246-2005,
14 SECTION 211, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) There is created a board to be
16 known as the "state psychology board". The board shall consist of
17 seven (7) members appointed by the governor. Six (6) of the board
18 members shall be licensed under this article and shall have had at least
19 five (5) years of experience as a professional psychologist prior to their
20 appointment. The seventh member shall be appointed to represent the
21 general public, must be a resident of this state, must never have been
22 credentialed in a mental health profession, and must in no way be
23 associated with the profession of psychology other than as a consumer.
24 All members shall be appointed for a term of three (3) years. All
25 members may serve until their successors are duly appointed and
26 qualified. A vacancy occurring on the board shall be filled by the
27 governor by appointment. The member so appointed shall serve for the
28 unexpired term of the vacating member. Each member of the board is
29 entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).
30 Such a member is also entitled to reimbursement for traveling expenses
31 and other expenses actually incurred in connection with the member's
32 duties, as provided in the state travel policies and procedures
33 established by the Indiana department of administration and approved
34 by the state budget agency.

35 (b) The members of the board shall organize by the election of a
36 chairman and a vice chairman from among its membership. Such
37 officers shall serve for a term of one (1) year. The board shall meet at
38 least once in each calendar year and on such other occasions as it
39 considers necessary and advisable. A meeting of the board may be
40 called by its chairman or by a majority of the members on the board.
41 Four (4) members of the board constitute a quorum. A majority of the
42 quorum may transact business.

43 (c) The board is empowered to do the following:

44 (1) Establish reasonable application, examination, and renewal
45 procedures and set fees for licensure under this article. However,
46 no fee collected under this article shall, under any circumstances,



- 1 be refunded.
- 2 (2) Adopt and enforce rules concerning assessment of costs in
3 disciplinary proceedings before the board.
- 4 (3) Establish examinations of applicants for licensure under this
5 article and issue, deny, suspend, revoke, and renew licenses.
- 6 (4) Subject to IC 25-1-7, investigate and conduct hearings, upon
7 complaint against individuals licensed or not licensed under this
8 article, concerning alleged violation of this article, under
9 procedures conducted in accordance with IC 4-21.5.
- 10 (5) Initiate the prosecution and enjoinder of any person violating
11 this article.
- 12 (6) Adopt rules which are necessary for the proper performance
13 of its duties, in accordance with IC 4-22-2.
- 14 (7) Establish a code of professional conduct.
- 15 (d) The board shall adopt rules establishing standards for the
16 competent practice of psychology.
- 17 (e) All expenses incurred in the administration of this article shall
18 be paid from the general fund upon appropriation being made in the
19 manner provided by law for the making of such appropriations.
- 20 (f) The ~~bureau~~ **agency** shall do the following:
- 21 (1) Carry out the administrative functions of the board.
- 22 (2) Provide necessary personnel to carry out the duties of this
23 article.
- 24 (3) Receive and account for all fees required under this article.
- 25 (4) Deposit fees collected with the treasurer of state for deposit in
26 the state general fund.
- 27 (g) The board shall adopt rules under IC 4-22-2 to establish,
28 maintain, and update a list of restricted psychology tests and
29 instruments (as defined in section 14(b) of this chapter) containing
30 those psychology tests and instruments that, because of their design or
31 complexity, create a danger to the public by being improperly
32 administered and interpreted by an individual other than:
- 33 (1) a psychologist licensed under IC 25-33-1-5.1;
- 34 (2) an appropriately trained mental health provider under the
35 direct supervision of a health service provider endorsed under
36 IC 25-33-1-5.1(c);
- 37 (3) a qualified physician licensed under IC 25-22.5;
- 38 (4) a school psychologist who holds a valid:
- 39 (A) license issued by the department of education under
40 IC 20-28-2; or
- 41 (B) endorsement under ~~IC 20-20-28-12~~; **IC 20-28-12**;
- 42 practicing within the scope of the school psychologist's license or
43 endorsement; or
- 44 (5) a minister, priest, rabbi, or other member of the clergy
45 providing pastoral counseling or other assistance.
- 46 (h) The board shall provide to:



- 1 (1) the social work certification and marriage and family
 2 therapists credentialing board; and
 3 (2) any other interested party upon receiving the request of the
 4 interested party;

5 a list of the names of tests and instruments proposed for inclusion on
 6 the list of restricted psychological tests and instruments under
 7 subsection (g) at least sixty (60) days before publishing notice of intent
 8 under IC 4-22-2-23 to adopt a rule regarding restricted tests and
 9 instruments.

10 (i) The social work certification and marriage and family therapists
 11 credentialing board and any other interested party that receives the list
 12 under subsection (h) may offer written comments or objections
 13 regarding a test or instrument proposed for inclusion on the list of
 14 restricted tests and instruments within sixty (60) days after receiving
 15 the list. If:

16 (1) the comments or objections provide evidence indicating that
 17 a proposed test or instrument does not meet the criteria
 18 established for restricted tests and instruments, the board may
 19 delete that test from the list of restricted tests; and

20 (2) the board determines that a proposed test or instrument meets
 21 the criteria for restriction after reviewing objections to the test or
 22 instrument, the board shall respond in writing to justify its
 23 decision to include the proposed test or instrument on the list of
 24 restricted tests and instruments.

25 (j) This section may not be interpreted to prevent a licensed or
 26 certified health care professional from practicing within the scope of
 27 the health care professional's:

- 28 (1) license or certification; and
 29 (2) training or credentials.

30 SECTION 73. IC 25-34.1-1-2, AS AMENDED BY P.L.2-2005,
 31 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2006]: Sec. 2. As used in this article:

33 (1) "Person" means an individual, a partnership, a corporation, or
 34 a limited liability company.

35 (2) "Commission" means the Indiana real estate commission.

36 (3) "Real estate" means any right, title, or interest in real property.

37 (4) "Broker" means a person who, for consideration, sells, buys,
 38 trades, exchanges, options, leases, rents, manages, lists, or
 39 appraises real estate or negotiates or offers to perform any of
 40 those acts.

41 (5) "Salesperson" means an individual, other than a broker, who,
 42 for consideration and in association with and under the auspices
 43 of a broker, sells, buys, trades, exchanges, options, leases, rents,
 44 manages, or lists real estate or negotiates or offers to perform any
 45 of those acts.

46 (6) "Broker-salesperson" means an individual broker who is



- 1 acting in association with and under the auspices of another
 2 broker.
- 3 (7) "Principal broker" means a broker who is not acting as a
 4 broker-salesperson.
- 5 (8) "License" means a broker or salesperson license issued under
 6 this article and which is not expired, suspended, or revoked.
- 7 (9) "Licensee" means a person who holds a license issued under
 8 this article. The term does not include a person who holds a real
 9 estate appraiser license or certificate issued under the real estate
 10 appraiser licensure and certification program established under
 11 IC 25-34.1-3-8.
- 12 (10) "Course approval" means approval of a broker or salesperson
 13 course granted under this article which is not expired, suspended,
 14 or revoked.
- 15 (11) "Licensing agency" means the Indiana professional licensing
 16 agency established by ~~IC 25-1-6-3~~ **IC 25-1-5-3**.
- 17 (12) "Board" refers to the real estate appraiser licensure and
 18 certification board established under IC 25-34.1-8-1.
- 19 (13) "Commercial real estate" means a parcel of real estate other
 20 than real estate containing one (1) to four (4) residential units.
 21 This term does not include single family residential units such as:
 22 (A) condominiums;
 23 (B) townhouses;
 24 (C) manufactured homes; or
 25 (D) homes in a subdivision;
 26 when sold, leased, or otherwise conveyed on a unit-by-unit basis,
 27 even if those units are part of a larger building or parcel of real
 28 estate containing more than four (4) residential units.
- 29 (14) "Out-of-state commercial broker" includes a person, a
 30 partnership, an association, a limited liability company, a limited
 31 liability partnership, or a corporation that is licensed to do
 32 business as a broker in a jurisdiction other than Indiana.
- 33 (15) "Out-of-state commercial salesperson" includes a person
 34 affiliated with an out-of-state commercial broker who is not
 35 licensed as a salesperson under this article.
- 36 SECTION 74. IC 25-35.6-1-7, AS ADDED BY P.L.212-2005,
 37 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2006]: Sec. 7. (a) The professional standards board may issue
 39 an initial license as a speech-language pathologist only to an individual
 40 who is licensed as a speech-language pathologist under this article. The
 41 professional standards board shall issue a license as a speech-language
 42 pathologist to an individual who:
 43 (1) is licensed as a speech-language pathologist under this article;
 44 and
 45 (2) requests licensure.
 46 (b) A speech-language pathologist licensed by the professional



1 standards board shall register with the ~~health professions bureau~~
 2 **Indiana professional licensing agency** all speech-language pathology
 3 support personnel that the speech-language pathologist supervises.

4 (c) The professional standards board may not impose different or
 5 additional supervision requirements upon speech-language pathology
 6 support personnel than the supervision requirements that are imposed
 7 under this article.

8 (d) The professional standards board may not impose continuing
 9 education requirements upon an individual who receives a license
 10 under this section that are different from or in addition to the
 11 continuing education requirements imposed under this article.

12 (e) An individual who:

13 (1) if:

14 (A) the individual is a speech-language pathologist, receives
 15 a license under this section or received a license as a
 16 speech-language pathologist issued by the professional
 17 standards board before July 1, 2005; or

18 (B) the individual is an audiologist, works in an educational
 19 setting;

20 (2) has been the holder of a certificate of clinical competence in
 21 speech-language pathology or audiology or its equivalent issued
 22 by a nationally recognized association for speech-language
 23 pathology and audiology for at least three (3) consecutive years;
 24 and

25 (3) has professional experience as a licensed speech-language
 26 pathologist or audiologist in a school setting that is equivalent to
 27 the experience required for a teacher seeking national certification
 28 by the National Board of Professional Teaching Standards;

29 is considered to have the equivalent of and is entitled to the same
 30 benefits that accrue to a holder of a national certification issued by the
 31 National Board for Professional Teaching Standards.

32 SECTION 75. IC 25-35.6-3-7 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. Any fees required by
 34 this article shall be established by the board by rule and collected by
 35 the ~~health professions bureau~~ **Indiana professional licensing agency**
 36 under IC 25-1-8-2.

37 SECTION 76. IC 34-30-2-99 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 99. IC 25-22.5-6-3
 39 (Concerning the executive director, employees, hearing officers, and
 40 board members of the ~~health professions service bureau~~): **Indiana**
 41 **professional licensing agency**).

42 SECTION 77. IC 34-30-2-99.4 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 99.4.
 44 IC 25-23-1-19.8(i) (Concerning licensed practitioners who release
 45 health records and patient information to the ~~health professions~~
 46 ~~bureau~~): **Indiana professional licensing agency**).



1 SECTION 78. IC 35-48-2-1.5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) The advisory
 3 committee shall annually elect a chairperson and any other officers that
 4 the advisory committee determines necessary from among its members.

5 (b) Meetings of the advisory committee may be called by:

6 (1) the advisory committee chairperson; or

7 (2) a majority of the members of the advisory committee.

8 (c) Seven (7) members of the committee constitute a quorum.

9 (d) Notwithstanding IC 1-1-4-1, if at least a quorum of its members
 10 are present at a meeting, the committee may take an action by an
 11 affirmative vote of at least a majority of the members present and
 12 voting.

13 (e) The advisory committee shall adopt rules under IC 4-22-2 to:

14 (1) set standards related to the registration and control of the
 15 manufacture, distribution, and dispensing of controlled
 16 substances, including record keeping requirements;

17 (2) set fees described in IC 25-1-8; and

18 (3) carry out its responsibilities under IC 35-48-2 through
 19 IC 35-48-3. ~~and IC 35-48-6.~~

20 (f) The ~~health professions bureau~~ **Indiana professional licensing**
 21 **agency** shall provide staff and facilities to the advisory committee
 22 under IC 25-1-5.

23 (g) Each member of the committee who is not a state employee is
 24 entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).
 25 Such a member is also entitled to reimbursement for traveling expenses
 26 and other expenses actually incurred in connection with the member's
 27 duties, as provided in the state travel policies and procedures
 28 established by the department of administration and approved by the
 29 state budget agency.

30 (h) Each member of the committee who is a state employee is
 31 entitled to reimbursement for traveling expenses and other expenses
 32 actually incurred in connection with the member's duties, as provided
 33 in the state travel policies and procedures established by the
 34 department of administration and approved by the budget agency.

35 SECTION 79. IC 35-48-7-9 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The ~~health~~
 37 ~~professions bureau~~ **Indiana professional licensing agency** or the
 38 central repository is responsible for the costs of the program, including
 39 the following costs:

40 (1) Telephone access charges, line charges, and switch charges
 41 for transmission of data by dispensers to the central repository.

42 (2) Purchase of modems and other hardware required for program
 43 participation.

44 (3) Software and software modifications to allow dispensers to
 45 participate in the program.

46 (b) A dispenser may not be penalized for failure to comply with the



1 program if the ~~health professions bureau~~ **Indiana professional**
2 **licensing agency** or the central repository cannot secure adequate
3 funding to implement the program and cover the costs under subsection
4 (a).

5 SECTION 80. IC 35-48-7-13 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The controlled
7 substances data fund is established to fund the operation of the central
8 repository. The fund shall be administered by the ~~health professions~~
9 ~~bureau~~ **Indiana professional licensing agency**.

10 (b) Expenses of administering the fund shall be paid from money in
11 the fund. The fund consists of grants, public and private financial
12 assistance, and sixteen percent (16%) of the controlled substances
13 registration fees imposed under IC 35-48-3-1.

14 (c) The treasurer of state shall invest the money in the fund not
15 currently needed to meet the obligations of the fund in the same
16 manner as other public money may be invested.

17 (d) Money in the fund at the end of a state fiscal year does not revert
18 to the state general fund.

19 SECTION 81. THE FOLLOWING ARE REPEALED [EFFECTIVE
20 JULY 1, 2006]: IC 25-2.5-1-4; IC 25-5.1-1-6; IC 25-23.6-1-2.5;
21 IC 25-29-1-11.

