



April 10, 2015

ENGROSSED HOUSE BILL No. 1303

DIGEST OF HB 1303 (Updated April 9, 2015 12:59 pm - DI 55)

Citations Affected: IC 25-1.

Synopsis: State registration of privately certified individuals. Authorizes the appointment to the jobs creation committee of one additional member who is a licensed healthcare provider or represents a health related organization. Establishes a process under which individuals who practice a certain occupation that is not a regulated profession under Indiana law can become "state registered" and be listed as practitioners of their occupation on the electronic registry of professions (which currently lists only interior designers). Provides that an individual, to become state registered, must hold a certification or credential from a supporting organization (a national organization or Indiana chapter of a national organization that exists solely to serve practitioners of a particular occupation) that is accredited. Requires that an application for accreditation of a supporting organization be evaluated according to certain criteria by the jobs creation committee, which must hold a public hearing and make a recommendation to the
(Continued next page)

Effective: July 1, 2015.

McMillin, Torr, Mahan, Burton

(SENATE SPONSORS — MILLER PATRICIA, FORD)

January 13, 2015, read first time and referred to Committee on Employment, Labor and Pensions.

February 10, 2015, reported — Do Pass.

February 16, 2015, read second time, amended, ordered engrossed.

February 17, 2015, engrossed. Read third time, passed. Yeas 67, nays 26.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Commerce & Technology.

April 9, 2015, amended, reported favorably — Do Pass.

EH 1303—LS 7421/DI 77



Digest Continued

executive director of the professional licensing agency. Requires the executive director, after receiving the committee's recommendation, to decide whether to accredit the supporting organization. Prohibits the executive director from accrediting a supporting organization if any action performed within the scope of practice of individuals who have earned a certification or credential from the supporting organization is the same as or substantially similar to an action within the scope of practice of a profession licensed under Indiana law. Provides that, to be state registered and listed on the on the electronic registry of professions, an individual, in addition to holding a certification or credential from an accredited supporting organization, must meet certain requirements and conditions, including not being delinquent in paying taxes or child support, not having committed a crime having a direct bearing on the individual's ability to practice competently and lawfully, submitting to a national name based criminal history record check, and paying registration fees. Provides for the renewal of an individual's state registration every two years. Requires the professional licensing agency to adopt a process under which the agency will review changes in an accredited supporting organization's credentialing requirements or in the scope of practice of the occupation supported by the accredited supporting organization. Authorizes the professional licensing agency to remove an individual from the electronic registry of professions under certain circumstances. Provides that not being state registered does not prevent an individual from practicing the same occupation as individuals who are state registered.

EH 1303—LS 7421/DI 77



April 10, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1303

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 25-1-5.5-2, AS ADDED BY P.L.177-2009,
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 2. As used in the chapter:
4 (1) "Applicant" refers to a person who applies for a registration in
5 the electronic registry of professions.
6 (2) "Executive director" refers to the executive director of the
7 licensing agency appointed under IC 25-1-5-5.
8 (3) "Licensing agency" means the Indiana professional licensing
9 agency created by IC 25-1-5-3.
10 (4) "Registrant" means an individual who is registered in the
11 electronic registry of professions as:
12 (A) **an individual state registered under IC 25-1-18; or**
13 (B) **an interior designer under IC 25-20.7.**
14 (5) "Registry" refers to the electronic registry of professions
15 established by section 1 of this chapter.

EH 1303—LS 7421/DI 77



1 SECTION 2. IC 25-1-16-7, AS AMENDED BY P.L.112-2014,
 2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2015]: Sec. 7. (a) The committee consists of the following
 4 individuals:

5 (1) The executive director of the agency or the executive director's
 6 designee. The executive director or the executive director's
 7 designee shall serve as chairperson of the committee.

8 (2) The director of the office or the director's designee.

9 (3) The attorney general or the attorney general's designee, as a
 10 nonvoting member.

11 (4) An individual appointed by the governor who represents an
 12 association that has small businesses, small business owners, or
 13 licensed professionals as a majority of its members, as a
 14 nonvoting member. The member serves at the pleasure of the
 15 governor.

16 **(5) An individual appointed by the governor who is a licensed**
 17 **healthcare provider or who represents a health related**
 18 **organization. The member appointed under this subdivision**
 19 **serves at the pleasure of the governor.**

20 ~~(5)~~ (6) Two (2) individuals appointed by the governor who are
 21 licensed in a regulated occupation.

22 ~~(6)~~ (7) Two (2) individuals appointed by the governor who are not
 23 licensed in a regulated occupation.

24 (b) The term of a member appointed under subsection ~~(a)(5)~~ or
 25 ~~(a)(6)~~ or **(a)(7)** is three (3) years.

26 (c) The affirmative votes of a majority of the voting members
 27 appointed to the committee are required for the committee to take
 28 action on any measure.

29 (d) Notwithstanding any other law, the term of a member appointed
 30 before July 1, 2014, under subsection ~~(a)(5)~~ or ~~(a)(6)~~ or **(a)(7)** expires
 31 on July 1, 2014.

32 SECTION 3. IC 25-1-18 IS ADDED TO THE INDIANA CODE AS
 33 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2015]:

35 **Chapter 18. State Registration of Privately Certified Individuals**

36 **Sec. 1. (a) If state or federal law provides that a certain act or**
 37 **procedure can be performed only by the holder of a particular**
 38 **occupational license, nothing in this chapter allows a person who**
 39 **does not hold that occupational license to perform the act or**
 40 **procedure.**

41 **(b) Nothing in this chapter affects a license or certificate issued**
 42 **to a person under IC 25.**



1 **Sec. 2. The requirements of:**

- 2 (1) IC 25-1-2;
3 (2) IC 25-1-5.5; and
4 (3) IC 25-1-8;

5 apply to this chapter.

6 **Sec. 3. As used in this chapter, "agency" refers to the Indiana**
7 **professional licensing agency established by IC 25-1-5-3.**

8 **Sec. 4. As used in this chapter, "committee" means the jobs**
9 **creation committee established by IC 25-1-16-6.**

10 **Sec. 5. As used in this chapter, "executive director" refers to the**
11 **executive director of the agency.**

12 **Sec. 6. For purposes of this chapter, an individual being "placed**
13 **on the registry" means that the types of information about the**
14 **individual that are set forth in IC 25-1-5.5-3(b)(4) are posted on the**
15 **registry and made available to the public under IC 25-1-5.5.**

16 **Sec. 7. As used in this chapter, "registry" refers to the electronic**
17 **registry of professions established by IC 25-1-5.5-1.**

18 **Sec. 8. For purposes of this chapter, an individual being**
19 **"removed from the registry" means that the information about the**
20 **individual that was posted on the registry when the individual was**
21 **placed on the registry is removed from the registry.**

22 **Sec. 9. As used in this chapter, "scope of practice" refers to the**
23 **lawful procedures, actions, processes, or services that an individual**
24 **who has obtained:**

- 25 (1) a license or certificate under IC 25; or
26 (2) another certification or credential;

27 is specially qualified by training or skill to perform.

28 **Sec. 10. (a) As used in this chapter, "supporting organization"**
29 **means:**

- 30 (1) a national organization; or
31 (2) the Indiana chapter of a national organization;

32 that exists solely to serve or benefit individuals who work in one (1)
33 or more particular occupations.

34 (b) The term includes an entity that provides professional
35 certification, provides continuing education, or facilitates the
36 continued existence of the occupation or occupations.

37 **Sec. 11. (a) The agency may consider and grant an application**
38 **for a supporting organization to be accredited under this chapter.**
39 **An application for accreditation may be submitted:**

- 40 (1) by a supporting organization on its own behalf; or
41 (2) by two (2) or more individuals who are authorized in
42 writing to seek accreditation for the supporting organization



- 1 on the supporting organization's behalf.
- 2 **(b) An application submitted under this section must contain the**
- 3 **name of the supporting organization and must include at least the**
- 4 **following information about the scope of practice of each**
- 5 **occupation to which the supporting organization relates:**
- 6 **(1) The extent to which the scope of practice is similar to the**
- 7 **scope of practice of a profession or occupation for which a**
- 8 **license or certificate is issued under IC 25.**
- 9 **(2) The extent to which customers are informed about the**
- 10 **services provided by individuals practicing the occupation**
- 11 **before they purchase the services.**
- 12 **(3) The extent to which the services provided by individuals**
- 13 **practicing the occupation include fiduciary responsibilities.**
- 14 **(4) The extent to which:**
- 15 **(A) the services provided by individuals practicing the**
- 16 **occupation; or**
- 17 **(B) the powers with which the individuals practicing the**
- 18 **occupation are legally vested;**
- 19 **can be misused for unscrupulous reasons.**
- 20 **(5) The extent to which the services provided by individuals**
- 21 **practicing the occupation pose a health or safety risk to the**
- 22 **recipients of the services or the public at large.**
- 23 **(6) The extent to which the recipients of the services provided**
- 24 **by individuals practicing the occupation are underage,**
- 25 **disabled, illiterate, incompetent, or otherwise unable to make**
- 26 **informed decisions before purchasing the services.**
- 27 **(c) After the agency has received a completed application, the**
- 28 **committee shall hold a public meeting on the application at which**
- 29 **public testimony on the application may be presented, and the**
- 30 **committee shall evaluate the application according to criteria**
- 31 **established by the agency. The criteria must include the following:**
- 32 **(1) The supporting organization's ability to certify and**
- 33 **decertify individuals who have earned a specific certification**
- 34 **or credential from the supporting organization.**
- 35 **(2) The supporting organization's ability to investigate**
- 36 **consumer complaints against the individuals who have earned**
- 37 **a specific certification or credential from the supporting**
- 38 **organization.**
- 39 **(3) The supporting organization's administrative**
- 40 **functionality, including monitoring the individuals who have**
- 41 **earned a specific certification or credential from the**
- 42 **supporting organization.**



- 1 **(4) Continuing education services provided by the supporting**
 2 **organization.**
- 3 **(5) The supporting organization's length of existence.**
- 4 **(6) The collective reputation of individuals who have earned**
 5 **a specific certification or credential offered by the supporting**
 6 **organization.**
- 7 **(7) The scope of practice of the occupation to which the**
 8 **supporting organization relates and the risks to the public**
 9 **associated with that scope of practice.**
- 10 **(d) After the committee has conducted a public meeting under**
 11 **subsection (c), the committee shall make recommendations to the**
 12 **executive director as to:**
- 13 **(1) whether the occupation or occupations of the individuals**
 14 **served by the supporting organization should be added to the**
 15 **registry; and**
- 16 **(2) whether the supporting organization should be accredited**
 17 **for purposes of this chapter.**
- 18 **Sec. 12. (a) After receiving the recommendations of the**
 19 **committee concerning an application under section 11 of this**
 20 **chapter, the executive director shall determine:**
- 21 **(1) whether the occupation or occupations of the individuals**
 22 **served by the supporting organization should be added to the**
 23 **registry; and**
- 24 **(2) whether the supporting organization should be accredited**
 25 **for purposes of this chapter.**
- 26 **(b) The executive director may decide whether to accredit a**
 27 **supporting organization for purposes of this chapter only after**
 28 **evaluating the supporting organization according to:**
- 29 **(1) the criteria set forth in section 11(c)(1) through 11(c)(7) of**
 30 **this chapter; and**
- 31 **(2) other criteria established by the agency.**
- 32 **(c) The executive director may not accredit a supporting**
 33 **organization for purposes of this chapter if any action performed**
 34 **within the scope of practice of individuals who have earned a**
 35 **certification or credential from the supporting organization is the**
 36 **same as or substantially similar to an action within the scope of**
 37 **practice of a profession or occupation that can be undertaken only**
 38 **by an individual who holds a license or certificate issued under**
 39 **IC 25.**
- 40 **(d) If the executive director decides against accrediting a**
 41 **supporting organization, the supporting organization may appeal**
 42 **the executive director's determination to the committee. The**



1 committee, by an affirmative vote of two-thirds (2/3) of the
 2 members, may reverse a determination made by the executive
 3 director under subsection (b). An action of the committee reversing
 4 a determination of the executive director under this subsection is
 5 a final agency action for purposes of IC 4-21.5.

6 **Sec. 13. (a) To be placed on the registry, an individual must:**

7 **(1) submit to the agency:**

8 **(A) any documentation required by the agency; and**

9 **(B) the information about the individual that will be posted
 10 on the registry; and**

11 **(2) meet the following requirements:**

12 **(A) Have earned a specific certification or credential
 13 offered by an accredited supporting organization.**

14 **(B) Not have a conviction for a crime that has a direct
 15 bearing on the individual's ability to practice competently
 16 and lawfully.**

17 **(C) Submit to a national name based criminal history
 18 record check, as defined in IC 10-13-3-12.5.**

19 **(D) Not have outstanding tax liabilities.**

20 **(E) Not be delinquent (as defined by IC 25-1-1.2-4) on the
 21 payment of court ordered child support.**

22 **(F) Swear or affirm under penalty of perjury that the
 23 individual meets the eligibility standards set forth in
 24 clauses (A) through (E).**

25 **(G) Pay the fee required by the agency, as set by the
 26 committee.**

27 **(b) An individual who complies with subsection (a) shall be
 28 placed on the registry and is state registered.**

29 **(c) An individual who does not meet a requirement set forth in
 30 subsection (a)(2)(B), (a)(2)(D), or (a)(2)(E) may submit a request to
 31 the executive director to waive the requirement. After considering
 32 the waiver request, the executive director may waive the
 33 requirement for an individual if the executive director determines
 34 that the individual, in practicing the individual's occupation, would
 35 not present an unreasonable risk of harm to the health, safety, or
 36 welfare of the public.**

37 **Sec. 14. (a) An individual's registration under this chapter is
 38 valid for not more than two (2) years and may be renewed for
 39 successive periods that end on June 30 of odd-numbered years. If
 40 an individual becomes state registered under this chapter not more
 41 than one hundred eighty (180) days before June 30 of an
 42 odd-numbered year, the individual's state registration is not due**



1 for renewal until June 30 of the next odd-numbered year.

2 (b) An individual who is state registered may renew the
3 individual's registration by doing the following:

4 (1) Swearing or affirming under penalty of perjury that the
5 individual meets the eligibility standards set forth in section
6 13(a)(2) of this chapter.

7 (2) Paying the fee required by the agency, as set by the
8 committee.

9 (c) The information about a state registered individual that is
10 posted on the registry shall remain on the registry as long as the
11 individual remains state registered, unless the individual is
12 removed from the registry:

13 (1) by voluntary action of the individual; or

14 (2) by the agency under section 16(a)(3) of this chapter.

15 Sec. 15. (a) The agency may audit documents and other
16 information submitted under this chapter. If the agency believes
17 that a document or other information submitted under this chapter
18 contains any intentional misrepresentation, the agency may submit
19 the information to the appropriate law enforcement agency or
20 prosecutor for appropriate action.

21 (b) An accredited supporting organization may:

22 (1) audit the information on the registry concerning
23 individuals who are identified as having earned a certification
24 or credential from the supporting organization; and

25 (2) notify the agency of any information that is incorrect.

26 Sec. 16. The agency shall adopt a process under which the
27 agency may do the following:

28 (1) Receive notice of and review any change in:

29 (A) an accredited supporting organization's requirements
30 for the certification or credentialing of individuals; or

31 (B) the scope of practice of the occupation to which the
32 accredited supporting organization relates.

33 (2) Cancel a supporting organization's accreditation for any
34 reason for which a supporting organization seeking
35 accreditation may be denied accreditation under this chapter.

36 (3) Remove an individual from the registry if:

37 (A) the individual does not meet the eligibility
38 requirements set forth in section 13(a) of this chapter;

39 (B) the supporting organization that awarded the
40 certification or credential to the individual has lost its
41 accreditation; or

42 (C) the office of the attorney general submits a written



- 1 request to the agency to remove the individual from the
2 registry because the individual poses a risk to the health,
3 safety, or welfare of the public.
- 4 **Sec. 17. (a) An individual who is placed on the registry may use**
5 **the title or designation "state registered" in conjunction with the**
6 **occupation name as given by the supporting organization as part**
7 **of the individual's professional title on any letters, signs, cards, or**
8 **advertisements in connection with the individual's occupation.**
- 9 **(b) An individual who is not state registered or who has been**
10 **removed from the registry:**
- 11 **(1) is not prohibited from performing for compensation an**
12 **occupation of state registered individuals; but**
- 13 **(2) shall not use:**
- 14 **(A) the term "state registered"; or**
- 15 **(B) any words, letters, or abbreviations that tend to**
16 **indicate that the individual is state registered;**
17 **as part of the individual's professional title on any letters,**
18 **signs, cards, or advertisements in connection with the**
19 **individual's occupation.**
- 20 **(c) A person who violates this section commits a Class B**
21 **infraction.**
- 22 **Sec. 18. The agency shall adopt rules under IC 4-22-2 to**
23 **administer this chapter.**
- 24 **Sec. 19. An individual or supporting organization that is**
25 **aggrieved by an action taken under this chapter has a right of**
26 **review of the action under the procedure provided in IC 4-21.5.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1303, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1303 as introduced.)

GUTWEIN

Committee Vote: Yeas 7, Nays 4

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1303 be amended to read as follows:

Page 2, line 5, after "have" delete "a" and insert "**an occupational**".

Page 2, line 8, after "appropriate" insert "**occupational**".

Page 2, line 16, delete "." and insert "**or the director's designee.**".

Page 4, line 24, delete "requests the agency" and insert "**submits a written request to the agency to**".

Page 4, between lines 26 and 27, begin a new line block indented and insert:

"(3) Permit an existing board or commission to apply to use the registry as a means to offer additional credentialing opportunities to qualified licensed professionals."

Page 4, line 33, after "certified" insert "**is not prohibited from performing the occupation for compensation but**".

(Reference is to HB 1303 as printed February 10, 2015.)

MCMILLIN

 COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred House Bill No. 1303, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 12, delete "certified" and insert "**registered**".

EH 1303—LS 7421/DI 77



Page 1, after line 15, begin a new paragraph and insert:

"SECTION 2. IC 25-1-16-7, AS AMENDED BY P.L.112-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) The committee consists of the following individuals:

(1) The executive director of the agency or the executive director's designee. The executive director or the executive director's designee shall serve as chairperson of the committee.

(2) The director of the office or the director's designee.

(3) The attorney general or the attorney general's designee, as a nonvoting member.

(4) An individual appointed by the governor who represents an association that has small businesses, small business owners, or licensed professionals as a majority of its members, as a nonvoting member. The member serves at the pleasure of the governor.

(5) An individual appointed by the governor who is a licensed healthcare provider or who represents a health related organization. The member appointed under this subdivision serves at the pleasure of the governor.

~~(5)~~ **(6)** Two (2) individuals appointed by the governor who are licensed in a regulated occupation.

~~(6)~~ **(7)** Two (2) individuals appointed by the governor who are not licensed in a regulated occupation.

(b) The term of a member appointed under subsection ~~(a)(5)~~ or **(a)(6)** or **(a)(7)** is three (3) years.

(c) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

(d) Notwithstanding any other law, the term of a member appointed before July 1, 2014, under subsection ~~(a)(5)~~ or **(a)(6)** or **(a)(7)** expires on July 1, 2014."

Page 2, line 4, delete "Private Certifying Organization Registry" and insert "**State Registration of Privately Certified Individuals**".

Page 2, delete lines 5 through 9, begin a new paragraph and insert:

"Sec. 1. (a) If state or federal law provides that a certain act or procedure can be performed only by the holder of a particular occupational license, nothing in this chapter allows a person who does not hold that occupational license to perform the act or procedure.

(b) Nothing in this chapter affects a license or certificate issued to a person under IC 25."



Page 2, delete lines 15 through 17.

Page 2, line 18, delete "Sec. 4." and insert "**Sec. 3.**".

Page 2, line 18, delete "article," and insert "**chapter,**".

Page 2, line 20, delete "Sec. 5." and insert "**Sec. 4.**".

Page 2, line 22, delete "Sec. 6." and insert "**Sec. 5.**".

Page 2, between lines 23 and 24, begin a new paragraph and insert:

"Sec. 6. For purposes of this chapter, an individual being "placed on the registry" means that the types of information about the individual that are set forth in IC 25-1-5.5-3(b)(4) are posted on the registry and made available to the public under IC 25-1-5.5."

Page 2, between lines 25 and 26, begin a new paragraph and insert:

"Sec. 8. For purposes of this chapter, an individual being "removed from the registry" means that the information about the individual that was posted on the registry when the individual was placed on the registry is removed from the registry.

Sec. 9. As used in this chapter, "scope of practice" refers to the lawful procedures, actions, processes, or services that an individual who has obtained:

(1) a license or certificate under IC 25; or

(2) another certification or credential;

is specially qualified by training or skill to perform."

Page 2, delete lines 26 through 42, begin a new paragraph and insert:

"Sec. 10. (a) As used in this chapter, "supporting organization" means:

(1) a national organization; or

(2) the Indiana chapter of a national organization;

that exists solely to serve or benefit individuals who work in one (1) or more particular occupations.

(b) The term includes an entity that provides professional certification, provides continuing education, or facilitates the continued existence of the occupation or occupations.

Sec. 11. (a) The agency may consider and grant an application for a supporting organization to be accredited under this chapter. An application for accreditation may be submitted:

(1) by a supporting organization on its own behalf; or

(2) by two (2) or more individuals who are authorized in writing to seek accreditation for the supporting organization on the supporting organization's behalf.

(b) An application submitted under this section must contain the name of the supporting organization and must include at least the following information about the scope of practice of each



occupation to which the supporting organization relates:

(1) The extent to which the scope of practice is similar to the scope of practice of a profession or occupation for which a license or certificate is issued under IC 25.

(2) The extent to which customers are informed about the services provided by individuals practicing the occupation before they purchase the services.

(3) The extent to which the services provided by individuals practicing the occupation include fiduciary responsibilities.

(4) The extent to which:

(A) the services provided by individuals practicing the occupation; or

(B) the powers with which the individuals practicing the occupation are legally vested;

can be misused for unscrupulous reasons.

(5) The extent to which the services provided by individuals practicing the occupation pose a health or safety risk to the recipients of the services or the public at large.

(6) The extent to which the recipients of the services provided by individuals practicing the occupation are underage, disabled, illiterate, incompetent, or otherwise unable to make informed decisions before purchasing the services.

(c) After the agency has received a completed application, the committee shall hold a public meeting on the application at which public testimony on the application may be presented, and the committee shall evaluate the application according to criteria established by the agency. The criteria must include the following:

(1) The supporting organization's ability to certify and decertify individuals who have earned a specific certification or credential from the supporting organization.

(2) The supporting organization's ability to investigate consumer complaints against the individuals who have earned a specific certification or credential from the supporting organization.

(3) The supporting organization's administrative functionality, including monitoring the individuals who have earned a specific certification or credential from the supporting organization.

(4) Continuing education services provided by the supporting organization.

(5) The supporting organization's length of existence.

(6) The collective reputation of individuals who have earned



a specific certification or credential offered by the supporting organization.

(7) The scope of practice of the occupation to which the supporting organization relates and the risks to the public associated with that scope of practice.

(d) After the committee has conducted a public meeting under subsection (c), the committee shall make recommendations to the executive director as to:

(1) whether the occupation or occupations of the individuals served by the supporting organization should be added to the registry; and

(2) whether the supporting organization should be accredited for purposes of this chapter.

Sec. 12. (a) After receiving the recommendations of the committee concerning an application under section 11 of this chapter, the executive director shall determine:

(1) whether the occupation or occupations of the individuals served by the supporting organization should be added to the registry; and

(2) whether the supporting organization should be accredited for purposes of this chapter.

(b) The executive director may decide whether to accredit a supporting organization for purposes of this chapter only after evaluating the supporting organization according to:

(1) the criteria set forth in section 11(c)(1) through 11(c)(7) of this chapter; and

(2) other criteria established by the agency.

(c) The executive director may not accredit a supporting organization for purposes of this chapter if any action performed within the scope of practice of individuals who have earned a certification or credential from the supporting organization is the same as or substantially similar to an action within the scope of practice of a profession or occupation that can be undertaken only by an individual who holds a license or certificate issued under IC 25.

(d) If the executive director decides against accrediting a supporting organization, the supporting organization may appeal the executive director's determination to the committee. The committee, by an affirmative vote of two-thirds (2/3) of the members, may reverse a determination made by the executive director under subsection (b). An action of the committee reversing a determination of the executive director under this subsection is



a final agency action for purposes of IC 4-21.5.

Sec. 13. (a) To be placed on the registry, an individual must:

(1) submit to the agency:

(A) any documentation required by the agency; and

(B) the information about the individual that will be posted on the registry; and

(2) meet the following requirements:

(A) Have earned a specific certification or credential offered by an accredited supporting organization.

(B) Not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently and lawfully.

(C) Submit to a national name based criminal history record check, as defined in IC 10-13-3-12.5.

(D) Not have outstanding tax liabilities.

(E) Not be delinquent (as defined by IC 25-1-1.2-4) on the payment of court ordered child support.

(F) Swear or affirm under penalty of perjury that the individual meets the eligibility standards set forth in clauses (A) through (E).

(G) Pay the fee required by the agency, as set by the committee.

(b) An individual who complies with subsection (a) shall be placed on the registry and is state registered.

(c) An individual who does not meet a requirement set forth in subsection (a)(2)(B), (a)(2)(D), or (a)(2)(E) may submit a request to the executive director to waive the requirement. After considering the waiver request, the executive director may waive the requirement for an individual if the executive director determines that the individual, in practicing the individual's occupation, would not present an unreasonable risk of harm to the health, safety, or welfare of the public.

Sec. 14. (a) An individual's registration under this chapter is valid for not more than two (2) years and may be renewed for successive periods that end on June 30 of odd-numbered years. If an individual becomes state registered under this chapter not more than one hundred eighty (180) days before June 30 of an odd-numbered year, the individual's state registration is not due for renewal until June 30 of the next odd-numbered year.

(b) An individual who is state registered may renew the individual's registration by doing the following:

(1) Swearing or affirming under penalty of perjury that the



individual meets the eligibility standards set forth in section 13(a)(2) of this chapter.

(2) Paying the fee required by the agency, as set by the committee.

(c) The information about a state registered individual that is posted on the registry shall remain on the registry as long as the individual remains state registered, unless the individual is removed from the registry:

(1) by voluntary action of the individual; or

(2) by the agency under section 16(a)(3) of this chapter.

Sec. 15. (a) The agency may audit documents and other information submitted under this chapter. If the agency believes that a document or other information submitted under this chapter contains any intentional misrepresentation, the agency may submit the information to the appropriate law enforcement agency or prosecutor for appropriate action.

(b) An accredited supporting organization may:

(1) audit the information on the registry concerning individuals who are identified as having earned a certification or credential from the supporting organization; and

(2) notify the agency of any information that is incorrect.

Sec. 16. The agency shall adopt a process under which the agency may do the following:

(1) Receive notice of and review any change in:

(A) an accredited supporting organization's requirements for the certification or credentialing of individuals; or

(B) the scope of practice of the occupation to which the accredited supporting organization relates.

(2) Cancel a supporting organization's accreditation for any reason for which a supporting organization seeking accreditation may be denied accreditation under this chapter.

(3) Remove an individual from the registry if:

(A) the individual does not meet the eligibility requirements set forth in section 13(a) of this chapter;

(B) the supporting organization that awarded the certification or credential to the individual has lost its accreditation; or

(C) the office of the attorney general submits a written request to the agency to remove the individual from the registry because the individual poses a risk to the health, safety, or welfare of the public.

Sec. 17. (a) An individual who is placed on the registry may use



the title or designation "state registered" in conjunction with the occupation name as given by the supporting organization as part of the individual's professional title on any letters, signs, cards, or advertisements in connection with the individual's occupation.

(b) An individual who is not state registered or who has been removed from the registry:

(1) is not prohibited from performing for compensation an occupation of state registered individuals; but

(2) shall not use:

(A) the term "state registered"; or

(B) any words, letters, or abbreviations that tend to indicate that the individual is state registered;

as part of the individual's professional title on any letters, signs, cards, or advertisements in connection with the individual's occupation.

(c) A person who violates this section commits a Class B infraction.

Sec. 18. The agency shall adopt rules under IC 4-22-2 to administer this chapter.

Sec. 19. An individual or supporting organization that is aggrieved by an action taken under this chapter has a right of review of the action under the procedure provided in IC 4-21.5."

Delete pages 3 through 5.

and when so amended that said bill do pass.

(Reference is to HB 1303 as reprinted February 17, 2015.)

BUCK, Chairperson

Committee Vote: Yeas 6, Nays 4.

