

# HOUSE BILL No. 1303

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-1.

**Synopsis:** Registry of certified professions. Establishes a procedure for individuals to apply to the professional licensing agency to allow qualified individuals to become state certified and be placed on the electronic registry of professions. Prohibits an individual who is not state certified from using the title "state certified".

**Effective:** July 1, 2015.

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## McMillin

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

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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.

## HOUSE BILL No. 1303

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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 certified 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.



1 SECTION 2. IC 25-1-18 IS ADDED TO THE INDIANA CODE AS  
 2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 2015]:

4 **Chapter 18. Private Certifying Organization Registry**

5 **Sec. 1. If a state or federal law requires a person to have a**  
 6 **license to perform certain acts or procedures, then nothing in this**  
 7 **chapter allows a person under this chapter to perform the acts or**  
 8 **procedures unless the person has the appropriate license.**

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

- 10 (1) IC 25-1-2;  
 11 (2) IC 25-1-5.5; and  
 12 (3) IC 25-1-8;

13 **apply to this chapter.**

14 **Sec. 3. As used in this article, "accredited organization" means**  
 15 **a supporting organization that has received accreditation from the**  
 16 **executive director.**

17 **Sec. 4. As used in this article, "agency" refers to the Indiana**  
 18 **professional licensing agency established by IC 25-1-5-3.**

19 **Sec. 5. As used in this chapter, "committee" means the jobs**  
 20 **creation committee established by IC 25-1-16-6.**

21 **Sec. 6. As used in this chapter, "executive director" refers to the**  
 22 **executive director of the agency.**

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

25 **Sec. 8. As used in this chapter, "supporting organization" means**  
 26 **an entity that exists solely to serve or benefit individuals who work**  
 27 **in an occupation. The term includes an entity that provides**  
 28 **professional certification, provides continuing education, or**  
 29 **facilitates the continued existence of the occupation.**

30 **Sec. 9. (a) Individuals who represent an occupation may apply**  
 31 **to the agency to allow qualified individuals to become state**  
 32 **certified and be placed on the registry. The application must be in**  
 33 **a form and contain the information required by the agency. The**  
 34 **application must contain at least one (1) supporting organization**  
 35 **that intends to seek accreditation.**

36 **(b) After the agency has received a completed application, the**  
 37 **committee shall hold a public meeting on the application that**  
 38 **allows public testimony and that evaluates the application on**  
 39 **criteria established by the agency. The criteria must include the**  
 40 **following:**

- 41 (1) **The supporting organization's ability to certify and**  
 42 **decertify individuals who are certified by the supporting**



- 1 organization.
- 2 (2) The supporting organization's ability to investigate
- 3 consumer complaints against the organization's members.
- 4 (3) The supporting organization's administrative
- 5 functionality, including monitoring the organization's
- 6 members.
- 7 (4) Continuing education services provided by the supporting
- 8 organization.
- 9 (5) The supporting organization's length of existence.
- 10 (6) The reputation of the supporting organization and its
- 11 members.
- 12 (c) After the committee has conducted a public meeting under
- 13 subsection (b), the committee shall issue the following
- 14 recommendations to the executive director:
- 15 (1) Whether the applicant's occupation should be added to the
- 16 registry.
- 17 (2) Which, if any, supporting organizations the agency should
- 18 accredit.
- 19 The executive director has the final authority to determine if the
- 20 applicant's occupation will be added to the registry and which
- 21 supporting organizations the agency accredits. However, the
- 22 executive director may not add an occupation to the registry unless
- 23 the executive director has selected and accredited at least one (1)
- 24 supporting organization for that occupation.
- 25 Sec. 10. (a) An individual who meets the following requirements
- 26 may be placed on the registry:
- 27 (1) Has earned a specific certification or credential offered by
- 28 an accredited organization.
- 29 (2) Does not have a conviction for a crime that has a direct
- 30 bearing on the individual's ability to practice competently.
- 31 (3) Does not have outstanding tax liabilities.
- 32 (4) Is not delinquent (as defined by IC 25-1-1.2-4) on the
- 33 payment of court ordered child support.
- 34 (5) Has submitted any documentation required by the agency.
- 35 (6) Has sworn or affirmed under penalty of perjury that the
- 36 individual meets the eligibility standards.
- 37 (7) Has paid the fee required by the agency.
- 38 (b) An individual who complies with the requirements under
- 39 subsection (a) shall be placed on the registry and is state certified.
- 40 (c) An individual who does not meet the requirements in
- 41 subsection (a)(2), (a)(3), or (a)(4) may submit a request to the
- 42 executive director to waive the requirement. After considering the



1 waiver request, the executive director may waive the requirements  
2 in subsection (a)(2), (a)(3), or (a)(4) for an individual.

3 **Sec. 11. An individual who is state certified may renew the**  
4 **individual's certification by doing the following:**

5 (1) Swear or affirm under penalty of perjury that the  
6 individual meets the eligibility standards.

7 (2) Pay the fee required by the agency.

8 **Sec. 12. An individual's certification under this chapter is valid**  
9 **for two (2) years.**

10 **Sec. 13. The agency may audit documents and other information**  
11 **submitted under this chapter. If the agency believes that**  
12 **documents and other information submitted under this chapter**  
13 **contain intentional misrepresentations, the agency may submit the**  
14 **information to the appropriate law enforcement agency or**  
15 **prosecutor for appropriate action.**

16 **Sec. 14. The agency shall adopt a process to do the following:**

17 (1) Cancel or remove a supporting organization's  
18 accreditation.

19 (2) Remove an individual from the registry if:

20 (A) the individual does not meet the eligibility  
21 requirements;

22 (B) the individual has certification from a supporting  
23 organization that has lost its accreditation; or

24 (C) the office of the attorney general requests the agency  
25 remove the individual because the individual poses a risk  
26 to the health, safety, or welfare of the public.

27 **Sec. 15. (a) An individual who is on the registry may use the title**  
28 **or designation "state certified" in conjunction with the occupation**  
29 **name as given by the supporting organization as part of the**  
30 **individual's professional title on any letters, signs, cards, or**  
31 **advertisements of the individual in connection with the individual's**  
32 **occupation.**

33 (b) An individual who is not state certified may not use the term  
34 "state certified" as part of a title, designation, or advertisement, or  
35 any words, letters, or abbreviations that tend to indicate that the  
36 individual is state certified.

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

39 **Sec. 16. The agency shall adopt rules under IC 4-22-2 to**  
40 **administer this chapter.**

