



Reprinted
April 15, 2015

ENGROSSED HOUSE BILL No. 1303

DIGEST OF HB 1303 (Updated April 14, 2015 6:05 pm - DI 55)

Citations Affected: IC 25-1.

Synopsis: State registration of privately certified individuals. Establishes a pilot project 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. However, provides that an individual may not be state registered in connection with any health care occupation. Provides that an individual, to become state registered, must hold a certification or credential from a supporting
(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.

April 14, 2015, read second time, amended, ordered engrossed.

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Digest Continued

organization (a national organization or Indiana chapter of a national organization that exists solely to serve practitioners of a particular occupation) that is approved by the executive director of the professional licensing agency (agency). Requires the jobs creation committee to evaluate an application for the approval of a supporting organization, hold a public hearing, and make a recommendation to the executive director of the agency. Requires the executive director, after receiving the recommendation, to decide whether to approve the supporting organization. Provides that the executive director can approve no more than five supporting organizations. Prohibits the executive director from approving a supporting organization if any action performed within the scope of practice of individuals who have earned a certification 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 an individual must meet certain additional requirements and conditions to be state registered, including not being delinquent in paying taxes or child support and not having committed a crime having a direct bearing on the individual's ability to practice competently and lawfully. Requires the agency to review changes in an approved supporting organization's credentialing requirements or in the scope of practice of the occupation supported by an approved supporting organization. Authorizes the agency to remove an individual from the electronic registry 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. Requires the executive director to report to the legislative council on the pilot project not later than November 1, 2017. Provides for the pilot project to expire April 1, 2018.



Reprinted
April 15, 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.

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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. Pilot Program for State Registration of Privately**
 5 **Certified Individuals**

6 **Sec. 1. (a) Under this chapter:**

- 7 (1) a supporting organization may not be approved;
 8 (2) an individual may not be state registered; and
 9 (3) information about an individual may not be placed on the
 10 register;

11 in connection with any health care service occupation.

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

17 (c) Nothing in this chapter affects a license or certificate issued
 18 to a person under IC 25.

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

- 20 (1) IC 25-1-2;
 21 (2) IC 25-1-5.5; and
 22 (3) IC 25-1-8;

23 apply to this chapter.

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

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

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

30 **Sec. 6. (a) As used in this chapter, "health care service**
 31 **occupation" means an occupation in which the practitioner**
 32 **provides, or assists in providing, care for the human body that is**
 33 **intended to prevent, treat, or manage:**

- 34 (1) an illness, injury, physical deterioration, or physical
 35 defect; or
 36 (2) the physical consequences of an illness, injury, physical
 37 deterioration, or physical defect;

38 of the human body.

39 (b) The term includes:

- 40 (1) health care service occupations for which a license or
 41 certificate is issued under IC 25; and
 42 (2) health care service occupations for which no license or



- 1 certificate is issued under IC 25.
- 2 Sec. 7. For purposes of this chapter, an individual being "placed
3 on the registry" means that the types of information about the
4 individual that are set forth in IC 25-1-5.5-3(b)(4) are posted on the
5 registry and made available to the public under IC 25-1-5.5.
- 6 Sec. 8. As used in this chapter, "registry" refers to the electronic
7 registry of professions established by IC 25-1-5.5-1.
- 8 Sec. 9. For purposes of this chapter, an individual being
9 "removed from the registry" means that the information about the
10 individual that was posted on the registry when the individual was
11 placed on the registry is removed from the registry.
- 12 Sec. 10. As used in this chapter, "scope of practice" refers to the
13 lawful procedures, actions, processes, or services that an individual
14 who has obtained:
- 15 (1) a license or certificate under IC 25; or
 - 16 (2) another certification or credential;
- 17 is specially qualified by training or skill to perform.
- 18 Sec. 11. (a) As used in this chapter, "supporting organization"
19 means:
- 20 (1) a national organization; or
 - 21 (2) the Indiana chapter of a national organization;
- 22 that exists solely to serve or benefit individuals who work in one (1)
23 or more particular occupations.
- 24 (b) The term includes an entity that provides professional
25 certification, provides continuing education, or facilitates the
26 continued existence of the occupation or occupations.
- 27 Sec. 12. (a) An application for a supporting organization to be
28 approved under this chapter must be submitted before July 1,
29 2017. An application must be submitted by the supporting
30 organization on its own behalf.
- 31 (1) The name of the supporting organization.
 - 32 (2) The disclosure of each occupation that the supporting
33 organization certifies.
 - 34 (3) Information about how approving the supporting
35 organization will provide consumers additional protection.
 - 36 (4) The following information about the scope of practice of
37 each occupation to which the supporting organization relates:
 - 38 (A) The extent to which the scope of practice is similar to
39 the scope of practice of a profession or occupation for
40 which a license or certificate is issued under IC 25.
 - 41 (B) The extent to which the services provided by
42 individuals practicing the occupation include fiduciary



- 1 responsibilities.
- 2 **(C) The extent to which:**
- 3 (i) the services provided by individuals practicing the
- 4 occupation; or
- 5 (ii) the powers with which the individuals practicing the
- 6 occupation are legally vested;
- 7 can be misused for unscrupulous reasons.
- 8 **(5) The supporting organization's ability to certify and**
- 9 **decertify individuals who have earned a specific certification**
- 10 **or credential from the supporting organization.**
- 11 **(6) The supporting organization's ability to investigate**
- 12 **consumer complaints against the individuals who have earned**
- 13 **a specific certification or credential from the supporting**
- 14 **organization.**
- 15 **(7) The supporting organization's administrative**
- 16 **functionality, including monitoring the individuals who have**
- 17 **earned a specific certification or credential from the**
- 18 **supporting organization.**
- 19 **(8) Continuing education services provided by the supporting**
- 20 **organization.**
- 21 **(9) The supporting organization's length of existence.**
- 22 **(10) The collective reputation of individuals who have earned**
- 23 **a specific certification or credential offered by the supporting**
- 24 **organization.**
- 25 **(11) Any other information requested by the agency.**
- 26 **(c) After the agency has received a completed application, the**
- 27 **committee shall evaluate the information included in the**
- 28 **application under subsection (b) and hold a public meeting on the**
- 29 **application at which public testimony on the application may be**
- 30 **presented.**
- 31 **organization.**
- 32 **(7) The scope of practice of the occupation to which the**
- 33 **supporting organization relates and the risks to the public**
- 34 **associated with that scope of practice.**
- 35 **(d) After the committee has conducted a public meeting under**
- 36 **subsection (c), the committee shall make recommendations to the**
- 37 **executive director as to whether the supporting organization**
- 38 **should be approved for purposes of this chapter.**
- 39 **Sec. 13. (a) After receiving the recommendations of the**
- 40 **committee concerning an application under section 12 of this**
- 41 **chapter, the executive director shall determine whether to approve**
- 42 **the supporting organization for purposes of this chapter.**



1 (b) The executive director may not approve more than five (5)
2 supporting organizations under this chapter.

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

11 (d) If the executive director decides against accrediting a
12 supporting organization, the supporting organization may appeal
13 the executive director's determination to the committee. The
14 committee, by an affirmative vote of two-thirds (2/3) of the
15 members, may reverse a determination made by the executive
16 director under subsection (b). An action of the committee reversing
17 a determination of the executive director under this subsection is
18 a final agency action for purposes of IC 4-21.5.

19 Sec. 14. (a) To be placed on the registry, an individual must
20 satisfy the requirements set forth in subsection (b) before July 1,
21 2017.

22 (b) An individual who wishes to be placed on the registry must:

23 (1) submit to the agency:

24 (A) any documentation required by the agency; and

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

27 (2) meet the following requirements:

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

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

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

35 (D) Not have outstanding tax liabilities.

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

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

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



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

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

11 Sec. 15. (a) Subject to subsection (d), an individual's registration
12 under this chapter is valid for not more than two (2) years and may
13 be renewed for successive periods that end on June 30 of
14 odd-numbered years.

15 (b) Subject to subsection (d), an individual who is state
16 registered may renew the individual's registration by doing the
17 following:

18 (1) Swearing or affirming under penalty of perjury that the
19 individual meets the eligibility standards set forth in section
20 13(a)(2) of this chapter.

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

23 (c) Subject to subsection (d), the information about a state
24 registered individual that is posted on the registry shall remain on
25 the registry as long as the individual remains state registered,
26 unless the individual is removed from the registry:

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

28 (2) by the agency under section 17(3) of this chapter.

29 (d) After 2017, the state registration of an individual and the
30 continued presence of information about the individual on the
31 registry is contingent upon the enactment of legislation concerning
32 the pilot program established by this chapter.

33 Sec. 16. (a) The agency may audit documents and other
34 information submitted under this chapter. If the agency believes
35 that a document or other information submitted under this chapter
36 contains any intentional misrepresentation, the agency may submit
37 the information to the appropriate law enforcement agency or
38 prosecutor for appropriate action.

39 (b) An accredited supporting organization may:

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



- 1 (2) notify the agency of any information that is incorrect.
- 2 **Sec. 17. The agency shall adopt a process under which the**
- 3 **agency may do the following:**
- 4 (1) Receive notice of and review any change in:
- 5 (A) an accredited supporting organization's requirements
- 6 for the certification or credentialing of individuals; or
- 7 (B) the scope of practice of the occupation to which the
- 8 accredited supporting organization relates.
- 9 (2) Cancel a supporting organization's accreditation for any
- 10 reason for which a supporting organization seeking
- 11 accreditation may be denied accreditation under this chapter.
- 12 (3) Remove an individual from the registry if:
- 13 (A) the individual does not meet the eligibility
- 14 requirements set forth in section 14(a) of this chapter;
- 15 (B) the supporting organization that awarded the
- 16 certification or credential to the individual has lost its
- 17 accreditation; or
- 18 (C) the office of the attorney general submits a written
- 19 request to the agency to remove the individual from the
- 20 registry because the individual poses a risk to the health,
- 21 safety, or welfare of the public.
- 22 **Sec. 18. (a) An individual who is placed on the registry may use**
- 23 **the title or designation "state registered" in conjunction with the**
- 24 **occupation name as given by the supporting organization as part**
- 25 **of the individual's professional title on any letters, signs, cards, or**
- 26 **advertisements in connection with the individual's occupation.**
- 27 (b) An individual who is not state registered or who has been
- 28 removed from the registry:
- 29 (1) is not prohibited from performing for compensation an
- 30 occupation of state registered individuals; but
- 31 (2) shall not use:
- 32 (A) the term "state registered"; or
- 33 (B) any words, letters, or abbreviations that tend to
- 34 indicate that the individual is state registered;
- 35 as part of the individual's professional title on any letters,
- 36 signs, cards, or advertisements in connection with the
- 37 individual's occupation.
- 38 (c) A person who violates this section commits a Class B
- 39 infraction.
- 40 **Sec. 19. The agency shall adopt rules under IC 4-22-2 to**
- 41 **administer this chapter.**
- 42 **Sec. 20. An individual or supporting organization that is**



1 aggrieved by an action taken under this chapter has a right of
2 review of the action under the procedure provided in IC 4-21.5.

3 **Sec. 21. Not later than November 1, 2017, the executive director**
4 **shall provide a report to the legislative council in an electronic**
5 **format under IC 5-14-6 concerning the pilot program conducted**
6 **under this chapter. The report must include the following:**

7 (1) **The names of the supporting organizations that were**
8 **approved under the pilot program.**

9 (2) **The names of the supporting organizations that were not**
10 **approved under the pilot program.**

11 (3) **The number of individuals were state registered under the**
12 **pilot program.**

13 (4) **Information about how state registration under the pilot**
14 **program provided additional consumer protection to the**
15 **residents of Indiana.**

16 (5) **The recommendations of the executive director about**
17 **whether the pilot program established by this chapter should**
18 **be continued and expanded.**

19 **Sec. 22. This chapter expires April 1, 2018.**



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**".

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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.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1303 be amended to read as follows:

Page 2, delete lines 1 through 31.

Page 2, line 35, after "Chapter 18." insert "**Pilot Program for**".

Page 2, line 36, after "(a)" insert "**Under this chapter:**

(1) a supporting organization may not be approved;

(2) an individual may not be state registered; and

(3) information about an individual may not be placed on the register;

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in connection with any health care service occupation.

(b)".

Page 2, line 41, delete "(b)" and insert "(c)".

Page 3, between lines 11 and 12, begin a new paragraph and insert:

"Sec. 6. (a) As used in this chapter, "health care service occupation" means an occupation in which the practitioner provides, or assists in providing, care for the human body that is intended to prevent, treat, or manage:

(1) an illness, injury, physical deterioration, or physical defect; or

(2) the physical consequences of an illness, injury, physical deterioration, or physical defect;

of the human body.

(b) The term includes:

(1) health care service occupations for which a license or certificate is issued under IC 25; and

(2) health care service occupations for which no license or certificate is issued under IC 25."

Page 3, line 12, delete "Sec. 6." and insert "Sec. 7.".

Page 3, line 16, delete "Sec. 7." and insert "Sec. 8.".

Page 3, line 18, delete "Sec. 8." and insert "Sec. 9.".

Page 3, line 22, delete "Sec. 9." and insert "Sec. 10.".

Page 3, line 28, delete "Sec. 10." and insert "Sec. 11.".

Page 3, line 37, delete "Sec. 11." and insert "Sec. 12.".

Page 3, line 37, delete "The agency may consider and grant an application" and insert **"An application for a supporting organization to be approved under this chapter must be submitted before July 1, 2017. An application must be submitted by the supporting organization on its own behalf."**

Page 3, delete lines 38 through 42.

Page 4, delete line 1.

Page 4, line 2, delete "contain the" and insert **"contain the following:"**.

Page 4, delete lines 2 through 26, begin a new line block indented and insert:

"(1) The name of the supporting organization.

(2) The disclosure of each occupation that the supporting organization certifies.

(3) Information about how approving the supporting organization will provide consumers additional protection.

(4) The following information about the scope of practice of each occupation to which the supporting organization relates:



(A) 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.

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

(C) The extent to which:

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

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

can be misused for unscrupulous reasons.

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

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

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

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

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

(10) The collective reputation of individuals who have earned a specific certification or credential offered by the supporting organization.

(11) Any other information requested by the agency."

Page 4, line 28, after "shall" insert "evaluate the information included in the application under subsection (b) and".

Page 4, line 29, delete "presented, and the" and insert "presented."

Page 4, delete lines 30 through 42.

Page 5, delete lines 1 through 5.

Page 5, line 12, delete "to:" and insert "to whether the supporting organization should be approved for purposes of this chapter."

Page 5, delete lines 13 through 17.

Page 5, line 18, delete "Sec. 12." and insert "Sec. 13."

Page 5, line 19, delete "11" and insert "12".

Page 5, line 20, delete "determine:" and insert "determine whether to approve the supporting organization for purposes of this



chapter."

Page 5, delete lines 21 through 31, begin a new paragraph and insert:

"(b) The executive director may not approve more than five (5) supporting organizations under this chapter."

Page 6, line 6, delete "Sec. 13." and insert "Sec. 14."

Page 6, line 6, delete "must:" and insert **"must satisfy the requirements set forth in subsection (b) before July 1, 2017.**

(b) An individual who wishes to be placed on the registry must:"

Page 6, line 13, delete "accredited" and insert **"approved"**.

Page 6, line 27, delete "(b)" and insert **"(c)"**.

Page 6, line 29, delete "(c)" and insert **"(d)"**.

Page 6, line 30, delete "(a)(2)(B), (a)(2)(D), or (a)(2)(E)" and insert **"(b)(2)(B), (b)(2)(D), or (b)(2)(E)"**.

Page 6, line 37, delete "Sec. 14." and insert **"Sec. 15."**

Page 6, line 37, delete "An" and insert **"Subject to subsection (d), an"**.

Page 6, line 39, delete "If".

Page 6, delete lines 40 through 42.

Page 7, delete line 1.

Page 7, line 2, delete "An" and insert **"Subject to subsection (d), an"**.

Page 7, line 9, delete "The" and insert **"Subject to subsection (d), the"**.

Page 7, line 14, delete "16(a)(3)" and insert **"17(3)"**.

Page 7, between lines 14 and 15, begin a new paragraph and insert:

"(d) After 2017, the state registration of an individual and the continued presence of information about the individual on the registry is contingent upon the enactment of legislation concerning the pilot program established by this chapter."

Page 7, line 15, delete "Sec. 15." and insert **"Sec. 16."**

Page 7, line 26, delete "Sec. 16." and insert **"Sec. 17."**

Page 7, line 38, delete "13(a)" and insert **"14(a)"**.

Page 8, line 4, delete "Sec. 17." and insert **"Sec. 18."**

Page 8, line 22, delete "Sec. 18." and insert **"Sec. 19."**

Page 8, line 24, delete "Sec. 19." and insert **"Sec. 20."**

Page 8, after line 26, begin a new paragraph and insert:

"Sec. 21. Not later than November 1, 2017, the executive director shall provide a report to the legislative council in an electronic format under IC 5-14-6 concerning the pilot program conducted under this chapter. The report must include the following:



- (1) The names of the supporting organizations that were approved under the pilot program.**
- (2) The names of the supporting organizations that were not approved under the pilot program.**
- (3) The number of individuals were state registered under the pilot program.**
- (4) Information about how state registration under the pilot program provided additional consumer protection to the residents of Indiana.**
- (5) The recommendations of the executive director about whether the pilot program established by this chapter should be continued and expanded.**

Sec. 22. This chapter expires April 1, 2018."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1303 as printed April 10, 2015.)

MILLER PATRICIA

