



February 23, 2018

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# ENGROSSED HOUSE BILL No. 1130

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DIGEST OF HB 1130 (Updated February 22, 2018 11:45 am - DI 132)

**Citations Affected:** IC 25-2.5; IC 25-4; IC 25-14.5; IC 25-20; IC 25-21.8; IC 25-22.5; IC 25-26; IC 25-29.

**Synopsis:** Professional licensing agency matters. Amends provisions regarding the acupuncture courses and institutions that are approved to provide training to qualify for an acupuncture license. Allows a person who is enrolled in an architecture degree program to take the architect registration examination. Provides that the dietitians certification board is required to hold one regular meeting each year. (Current law requires two meetings.) Removes and repeals provisions concerning the application for and administration of the dietitian certification examination. Allows an individual to fit and dispense hearing aids while under the supervision and direction of a certified hearing aid dealer. Provides that certain duties of the medical licensing board are now duties of the committee of hearing aid dealer examiners. Requires that a person that applies for a massage therapist license must complete 625 hours of supervised classroom and hands on instruction on massage therapy. (Current law requires 500 hours.) Requires that a  
(Continued next page)

**Effective:** July 1, 2018.

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## Zent, Lehman, Bauer, Bacon

(SENATE SPONSOR — MESSMER)

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January 4, 2018, read first time and referred to Committee on Employment, Labor and Pensions.

January 16, 2018, amended, reported — Do Pass.

January 18, 2018, read second time, ordered engrossed. Engrossed.

January 22, 2018, read third time, passed. Yeas 93, nays 2.

SENATE ACTION

February 1, 2018, read first time and referred to Committee on Commerce and Technology.

February 22, 2018, amended, reported favorably — Do Pass.

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EH 1130—LS 6839/DI 77



## Digest Continued

person who applies for a massage therapist license must submit to a national criminal history background check. (Current law requires a limited criminal history.) Requires a massage therapist who applies for license renewal to submit proof of professional liability insurance. Removes provisions that: (1) permit a student in medical school to take the medical licensure examination; and (2) concern grading examinations and how often the exam is administered. Changes a reference to a postgraduate training program that allows a permit to be issued to a foreign medical graduate. Requires a physician to make a personal appearance before the medical licensing board to establish the physician's work history if the physician has been inactive for more than three years. (Current law requires an appearance if the inactivity period is more than four years.) Allows the board of pharmacy to issue a provisional wholesale drug distributor license to an applicant that is located in Indiana and is in the process of obtaining accreditation or certification. Repeals provisions: (1) concerning the administration of the podiatrist licensure examination; and (2) that allow licensing of podiatrist's assistants. Conforms the podiatrist license reinstatement provisions with statutory reinstatement requirements. Provides that certain information from the previous two years must be reported to renew a podiatrist license. (Current law requires information to be reported from the previous four years.) Makes technical and conforming changes.

**EH 1130—LS 6839/DI 77**



February 23, 2018

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1130

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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 25-2.5-2-3, AS AMENDED BY P.L.134-2008,  
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2018]: Sec. 3. (a) An applicant may, upon the payment of a  
4 fee established by the board, be granted a license if the applicant:  
5 (1) submits satisfactory evidence to the board that the applicant  
6 has been licensed to practice acupuncture in another state or  
7 authorized in another country to practice acupuncture;  
8 (2) meets the requirements of section 1(1) through 1(4) of this  
9 chapter; and  
10 (3) shows to the satisfaction of the board that the applicant has:  
11 (A) successfully completed a clean needle technique course  
12 substantially equivalent to a clean needle technique course  
13 approved by a national acupuncture association approved by  
14 the board;  
15 (B) successfully completed a three (3) year postsecondary

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1 training program or acupuncture college program that meets  
 2 the standards substantially equivalent to the standards for a  
 3 three (3) year postsecondary training program or acupuncture  
 4 college program approved by a national acupuncture  
 5 association approved by the board; and

6 (C) passed an examination substantially equivalent to the  
 7 examination required by a national acupuncture association  
 8 approved by the board.

9 (b) An applicant may, upon the payment of a fee established by the  
 10 board, be granted a professional's license to practice acupuncture if the  
 11 applicant submits satisfactory evidence to the board that the applicant  
 12 is a:

13 (1) chiropractor licensed under IC 25-10;

14 (2) dentist licensed under IC 25-14; or

15 (3) podiatrist licensed under IC 25-29;

16 with at least two hundred (200) hours of acupuncture training.

17 (c) ~~The board shall:~~

18 ~~(1) compile, at least once every two (2) years, a list of courses and~~  
 19 ~~institutions that provide training approved for the purpose of~~  
 20 ~~qualifying an individual for a professional's license under~~  
 21 ~~subsection (b) and must be approved by:~~

22 **(1) the National Certification Commission for Acupuncture**  
 23 **and Oriental Medicine; or**

24 ~~(2) adopt rules adopted by the board that set forth procedures for~~  
 25 ~~the provide for substantially equivalent training to the~~  
 26 ~~training approved under subdivision (1) and are approved on~~  
 27 ~~a case by case approval of training under subsection (b): basis.~~

28 (d) If an individual's license described in subsection (b)(1), (b)(2),  
 29 or (b)(3) is subject to any restrictions as the result of disciplinary action  
 30 taken against the individual by the board that regulates the individual's  
 31 profession, the same restrictions shall be applied to the individual's  
 32 professional's license to practice acupuncture.

33 (e) An individual's professional's license issued under subsection (b)  
 34 shall be suspended if the individual's license described under  
 35 subsection (b)(1), (b)(2), or (b)(3) is suspended.

36 (f) An individual's professional's license issued under subsection (b)  
 37 shall be revoked if the individual's license described under subsection  
 38 (b)(1), (b)(2), or (b)(3) is revoked.

39 (g) The practice of acupuncture by an individual issued a  
 40 professional's license under subsection (b) is limited to the scope of  
 41 practice of the individual's license described in subsection (b)(1),  
 42 (b)(2), or (b)(3).



1 SECTION 2. IC 25-2.5-2-5, AS AMENDED BY P.L.177-2015,  
 2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2018]: Sec. 5. (a) Subject to IC 25-1-2-6(e), a license issued  
 4 by the board expires on the date established by the agency under  
 5 IC 25-1-5-4 in each even-numbered year.

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

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

9 (2) submit proof of a current active ~~license~~ **certificate** in  
 10 acupuncture by the National Certification Commission for  
 11 Acupuncture and Oriental Medicine.

12 (c) If an individual fails to pay a renewal fee on or before the  
 13 expiration date of a license, the license becomes invalid without further  
 14 action by the board.

15 (d) If an individual holds a license that has been invalid for not more  
 16 than three (3) years, the board shall reinstate the license if the  
 17 individual meets the requirements of IC 25-1-8-6(c).

18 (e) If more than three (3) years have elapsed since the date a license  
 19 expired, the individual who holds the license may seek reinstatement  
 20 of the license by satisfying the requirements for reinstatement under  
 21 IC 25-1-8-6(d).

22 SECTION 3. IC 25-4-1-7, AS AMENDED BY P.L.105-2008,  
 23 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2018]: Sec. 7. Any person who is at least eighteen (18) years  
 25 of age shall be qualified for an examination for a certificate of  
 26 registration as a registered architect, if the individual:

27 **(1) is enrolled in a program leading to; or**

28 **(2) has graduated with;**

29 a professional degree from a school or college of architecture  
 30 accredited by the National Architectural Accrediting Board, Inc., or its  
 31 successor.

32 SECTION 4. IC 25-14.5-2-6 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) The board shall  
 34 hold meetings as follows:

35 (1) A meeting for the purpose of organization must be held not  
 36 more than thirty (30) days after the board members are appointed.

37 (2) The board shall hold at least ~~two (2)~~ **one (1)** regular ~~meetings~~  
 38 **meeting** each calendar year. At the first regular meeting each  
 39 year, the board shall elect a chairperson and vice chairperson.

40 (3) Special meetings may be held at the discretion of the  
 41 chairperson.

42 (4) Meetings may be held at such time as the board or chairperson



- 1 shall determine.
- 2 (b) A quorum of the board consists of four (4) members.
- 3 (c) A secretary of the board shall be elected by the board and shall  
4 hold office at the pleasure of the board.
- 5 SECTION 5. IC 25-14.5-4-1 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. To qualify for a  
7 certificate under this article, an individual must do the following:
- 8 (1) Satisfy the requirements of IC 25-14.5-3.
- 9 (2) Satisfactorily complete an application for certification,  
10 furnished by the board, in accordance with the rules adopted by  
11 the board. ~~The application must be verified by the applicant and~~  
12 ~~filed at least thirty (30) days before the administration of the~~  
13 ~~examination.~~
- 14 (3) Pay the application, examination, and certification fees  
15 established by the board.
- 16 (4) Except to the extent that section 4 of this chapter applies,  
17 successfully pass the qualifying examination adopted by the board  
18 as described in IC 25-14.5-5.
- 19 SECTION 6. IC 25-14.5-5-2 IS REPEALED [EFFECTIVE JULY  
20 1, 2018]. ~~Sec. 2: The board shall determine:~~
- 21 ~~(1) a date and time when;~~
- 22 ~~(2) a location in Indiana where; and~~
- 23 ~~(3) the supervision under which;~~
- 24 ~~applicants for certification shall be examined.~~
- 25 SECTION 7. IC 25-14.5-5-3 IS REPEALED [EFFECTIVE JULY  
26 1, 2018]. ~~Sec. 3: Examinations shall be given at least two (2) times~~  
27 ~~each year.~~
- 28 SECTION 8. IC 25-14.5-5-4 IS REPEALED [EFFECTIVE JULY  
29 1, 2018]. ~~Sec. 4: (a) The board shall give notice at least sixty (60) days~~  
30 ~~before the administration of each examination in a manner the board~~  
31 ~~considers appropriate.~~
- 32 ~~(b) The board shall notify each applicant for certification of the time~~  
33 ~~and place of the administration of the first examination for which the~~  
34 ~~applicant is eligible to sit.~~
- 35 SECTION 9. IC 25-20-1-2, AS AMENDED BY P.L.78-2017,  
36 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2018]: Sec. 2. (a) This section does not apply to:
- 38 (1) a person who is an audiologist licensed under IC 25-35.6; or  
39 (2) the sale of hearing aid batteries or cords.
- 40 (b) It is unlawful for a person to fit or dispense hearing aids in  
41 Indiana unless the person ~~holds:~~ **is:**
- 42 (1) **an individual who holds** a valid hearing aid dealer certificate



1 of registration; or

2 (2) **an individual who fits or dispenses hearing aids while**  
 3 **under the supervision and direction of an individual who**  
 4 **holds** a temporary or valid hearing aid dealer certificate of  
 5 registration;

6 issued by the ~~board~~ **committee**.

7 SECTION 10. IC 25-20-1-3, AS AMENDED BY P.L.78-2017,  
 8 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2018]: Sec. 3. The ~~board~~ **committee** shall issue a hearing aid  
 10 dealer certificate of registration to any person who makes application  
 11 on forms provided by the ~~board~~ **committee** if the ~~board~~ **committee** has  
 12 determined to its satisfaction that the applicant:

13 (1) is eighteen (18) years of age or older;

14 (2) if the applicant applies after June 29, 1992:

15 (A) is a high school graduate; or

16 (B) has a:

17 (i) high school equivalency certificate; or

18 (ii) state of Indiana general educational development (GED)  
 19 diploma issued under IC 20-20-6 (before its repeal) or  
 20 IC 22-4.1-18;

21 (3) has not been convicted of:

22 (A) an act which would constitute a ground for disciplinary  
 23 sanction under IC 25-1-9; or

24 (B) a crime that has a direct bearing on the applicant's ability  
 25 to practice competently; and

26 (4) has passed the examination prepared by the committee and  
 27 given by the board to determine that the applicant has the  
 28 qualifications to properly fit hearing aids.

29 SECTION 11. IC 25-20-1-6 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. When a person  
 31 applies for a hearing aid dealer certificate of registration or a temporary  
 32 hearing aid dealer certificate of registration, the person shall be  
 33 charged a nonrefundable fee established by the ~~board~~ **committee**.

34 SECTION 12. IC 25-20-1-11, AS AMENDED BY P.L.177-2009,  
 35 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2018]: Sec. 11. (a) Standards for licensing shall be determined  
 37 by the ~~board~~ **committee**. The ~~board~~ **committee** may require that an  
 38 applicant pass an examination in order to demonstrate that the  
 39 applicant is qualified to fit and dispense hearing aids. An examination  
 40 required under this section may not be conducted in such a manner that  
 41 college training is required in order to pass the examination.

42 (b) Nothing in this section shall imply that the applicant shall



1 possess the degree of medical competence normally expected by  
2 physicians.

3 (c) The committee shall propose rules to the board concerning the  
4 competent practice of hearing aid dealing.

5 (d) The board shall adopt rules, based on the committee's proposed  
6 rules, under IC 4-22-2 establishing standards for competent practice as  
7 a hearing aid dealer.

8 SECTION 13. IC 25-20-1-12, AS AMENDED BY P.L.177-2015,  
9 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2018]: Sec. 12. (a) The committee shall issue hearing aid  
11 dealer certificates of registration. Subject to IC 25-1-2-6(e), hearing aid  
12 dealer certificates of registration expire biennially on the date  
13 established by the licensing agency under IC 25-1-5-4. To renew a  
14 hearing aid dealer certificate of registration, the holder of the certificate  
15 must pay a renewal fee set by the committee on or before the date  
16 established by the licensing agency.

17 (b) Subject to IC 25-1-2-6(e), if the holder of a certificate does not  
18 renew the holder's hearing aid dealer certificate of registration on or  
19 before the date established by the licensing agency, the certificate  
20 expires without any action taken by the ~~board~~ **committee**.

21 (c) A holder of a hearing aid dealer certificate of registration that  
22 expires under this section may have the certificate reinstated by the  
23 committee if, not later than three (3) years after the license expires, the  
24 holder meets the requirements under IC 25-1-8-6(c).

25 (d) A person who applies for reinstatement of a certificate of  
26 registration under this section more than three (3) years after the date  
27 the registration expires and becomes invalid may apply for  
28 reinstatement by meeting the requirements for reinstatement under  
29 IC 25-1-8-6(d).

30 SECTION 14. IC 25-20-1-14 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. (a) If the registrant  
32 or temporary registrant changes a place of business of the registrant or  
33 temporary registrant, the registrant or temporary registrant shall notify  
34 the ~~board~~, **committee**, in writing, of the change of address within ten  
35 (10) days of the change. Failure to notify the ~~board~~ **committee** in  
36 writing shall be grounds for suspension or revocation of the  
37 registration.

38 (b) The ~~board~~ **committee** shall keep a record of all registrants and  
39 temporary registrants containing each registrant's and temporary  
40 registrant's last known addresses.

41 SECTION 15. IC 25-20-1-17.1 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17.1. (a) A complaint





1 against a person registered or temporarily registered under this chapter  
2 is subject to IC 25-1-7.

3 (b) The **board committee** may impose sanctions under IC 25-1-9  
4 against a person registered or temporarily registered under this chapter.

5 (c) An action taken by the **board committee** under this section must  
6 be approved by a majority of the quorum.

7 SECTION 16. IC 25-20-1-23 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 23. The board may  
9 adopt: ~~and promulgate in the manner prescribed by law,~~

10 (1) ~~rules and regulations;~~ **under IC 4-22-2;** and ~~adopt~~

11 (2) application forms and other forms and written materials;

12 as necessary in order for it to carry out the provisions and legislative  
13 intent of this chapter.

14 SECTION 17. IC 25-21.8-4-2, AS AMENDED BY P.L.267-2017,  
15 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2018]: Sec. 2. An individual who applies for licensure as a  
17 massage therapist must do the following:

18 (1) Complete and submit the licensure application in the form and  
19 manner provided by the board.

20 (2) Furnish evidence satisfactory to the board showing that the  
21 individual:

22 (A) is at least eighteen (18) years of age;

23 (B) has a high school diploma or the equivalent of a high  
24 school diploma;

25 (C) has successfully completed a massage therapy school or  
26 program that:

27 (i) requires at least ~~five hundred (500)~~ **six hundred**  
28 **twenty-five (625)** hours of supervised classroom and hands  
29 on instruction on massage therapy;

30 (ii) is in good standing with a state, regional, or national  
31 agency of government charged with regulating massage  
32 therapy schools or programs; and

33 (iii) is accredited by the state workforce innovation council  
34 under IC 22-4.1-21 or accredited by another state where the  
35 standards for massage therapy education are substantially  
36 the same as the standards in Indiana, or is a program at an  
37 institution of higher learning that is approved by the board;  
38 and

39 (D) has taken and passed a licensure examination approved by  
40 the board.

41 (3) Provide a history of any criminal convictions the individual  
42 has, including any convictions related to the practice of the



1 profession. The board shall deny an application for licensure if the  
2 applicant:

3 (A) has been convicted of:

4 (i) prostitution;

5 (ii) rape; or

6 (iii) sexual misconduct; or

7 (B) is a registered sex offender.

8 (4) Provide proof that the applicant currently has professional  
9 liability insurance with minimum coverage of two million dollars  
10 (\$2,000,000) per claim and six million dollars (\$6,000,000) in  
11 aggregate.

12 (5) Submit to a national criminal history background check as  
13 prescribed by IC 25-0.5-1-9.

14 (6) Verify the information submitted on the application form.

15 (7) Pay fees established by the board.

16 SECTION 18. IC 25-21.8-4-6, AS ADDED BY P.L.267-2017,  
17 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2018]: Sec. 6. (a) This subsection applies to an individual who  
19 holds a certification by the board as a massage therapist on the  
20 effective date of the rules adopted by the board for massage therapy  
21 licensure. An individual to whom this subsection applies is considered  
22 to be licensed from the effective date of the rules adopted by the board  
23 for massage therapy licensure, and the board shall thereafter renew the  
24 person's license in accordance with IC 25-21.8-6. If an individual to  
25 whom this subsection applies becomes licensed under this subsection,  
26 the expiration date of the license is the same as the expiration date of  
27 the certification that the individual held on the effective date of the  
28 rules adopted by the board for massage therapy licensure.

29 (b) This subsection applies to an individual who is not certified by  
30 the board as a massage therapist and who is practicing massage therapy  
31 for compensation in Indiana on the effective date of the rules adopted  
32 by the board for massage therapy licensure. An individual to whom this  
33 subsection applies may continue practicing massage therapy in Indiana  
34 without a massage therapy license until the date occurring one hundred  
35 eighty-three (183) days after the effective date of the rules adopted by  
36 the board for massage therapy licensure. On or after the date occurring  
37 one hundred eighty-three (183) days after the effective date of the rules  
38 adopted by the board for massage therapy licensure, an individual to  
39 whom this subsection applies may not practice massage therapy in  
40 Indiana unless the individual obtains a massage therapy license. A  
41 person to whom this subsection applies may obtain a massage therapy  
42 license by doing the following:



1 (1) ~~The individual must~~ Apply for licensure before the date  
 2 occurring one hundred eighty-three (183) days after the effective  
 3 date of the rules adopted by the board for massage therapy  
 4 licensure.

5 (2) Provide the board with either:

6 (A) documentation that the applicant has completed and  
 7 passed a nationally recognized competency examination in the  
 8 practice of massage therapy and an affidavit of at least five (5)  
 9 years of work experience in the state; or

10 (B) a certificate and transcript of completion from a massage  
 11 therapy program or school with at least five hundred (500)  
 12 hours of education.

13 (3) ~~Provide the board with a limited~~ **Submit to a national**  
 14 **criminal history (as defined in IC 10-13-3-11): background**  
 15 **check as prescribed by IC 25-0.5-1-9.**

16 (c) Notwithstanding any other law, the board shall continue to issue  
 17 massage therapy certifications under this article until the effective date  
 18 of the rules adopted by the board for massage therapy licensure.

19 SECTION 19. IC 25-21.8-6-2, AS AMENDED BY P.L.267-2017,  
 20 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2018]: Sec. 2. An individual who applies to renew a license  
 22 as a massage therapist must:

23 (1) apply for renewal in the manner required by the board;

24 (2) furnish evidence of successful completion of twenty-four (24)  
 25 hours of continuing education within the most recent four (4) year  
 26 period, as approved by the board; ~~and~~

27 (3) pay a renewal fee established by the board; ~~and~~

28 (4) **provide proof that the applicant currently has professional**  
 29 **liability insurance with minimum coverage of two million**  
 30 **dollars (\$2,000,000) per claim and six million dollars**  
 31 **(\$6,000,000) in aggregate.**

32 SECTION 20. IC 25-22.5-1-2, AS AMENDED BY P.L.232-2013,  
 33 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2018]: Sec. 2. (a) This article, as it relates to the unlawful or  
 35 unauthorized practice of medicine or osteopathic medicine, does not  
 36 apply to any of the following:

37 (1) A student in training in a medical school approved by the  
 38 board, or while performing duties as an intern or a resident in a  
 39 hospital under the supervision of the hospital's staff or in a  
 40 program approved by the medical school.

41 (2) A person who renders service in case of emergency where no  
 42 fee or other consideration is contemplated, charged, or received.



- 1 (3) A paramedic (as defined in IC 16-18-2-266), an advanced  
 2 emergency medical technician (as defined in IC 16-18-2-6.5), an  
 3 emergency medical technician (as defined in IC 16-18-2-112), or  
 4 a person with equivalent certification from another state who  
 5 renders advanced life support (as defined in IC 16-18-2-7), or  
 6 basic life support (as defined in IC 16-18-2-33.5):  
 7 (A) during a disaster emergency declared by the governor  
 8 under IC 10-14-3-12 in response to an act that the governor in  
 9 good faith believes to be an act of terrorism (as defined in  
 10 IC 35-31.5-2-329); and  
 11 (B) in accordance with the rules adopted by the Indiana  
 12 emergency medical services commission or the disaster  
 13 emergency declaration of the governor.  
 14 (4) Commissioned medical officers or medical service officers of  
 15 the armed forces of the United States, the United States Public  
 16 Health Service, and medical officers of the United States  
 17 Department of Veterans Affairs in the discharge of their official  
 18 duties in Indiana.  
 19 (5) An individual who is not a licensee who resides in another  
 20 state or country and is authorized to practice medicine or  
 21 osteopathic medicine there, who is called in for consultation by an  
 22 individual licensed to practice medicine or osteopathic medicine  
 23 in Indiana.  
 24 (6) A person administering a domestic or family remedy to a  
 25 member of the person's family.  
 26 (7) A member of a church practicing the religious tenets of the  
 27 church if the member does not make a medical diagnosis,  
 28 prescribe or administer drugs or medicines, perform surgical or  
 29 physical operations, or assume the title of or profess to be a  
 30 physician.  
 31 (8) A school corporation and a school employee who acts under  
 32 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).  
 33 (9) A chiropractor practicing the chiropractor's profession under  
 34 IC 25-10 or to an employee of a chiropractor acting under the  
 35 direction and supervision of the chiropractor under IC 25-10-1-13.  
 36 (10) A dental hygienist practicing the dental hygienist's profession  
 37 under IC 25-13.  
 38 (11) A dentist practicing the dentist's profession under IC 25-14.  
 39 (12) A hearing aid dealer practicing the hearing aid dealer's  
 40 profession under IC 25-20.  
 41 (13) A nurse practicing the nurse's profession under IC 25-23.  
 42 However, a certified registered nurse anesthetist (as defined in



- 1 IC 25-23-1-1.4) may administer anesthesia if the certified  
 2 registered nurse anesthetist acts under the direction of and in the  
 3 immediate presence of a physician.
- 4 (14) An optometrist practicing the optometrist's profession under  
 5 IC 25-24.
- 6 (15) A pharmacist practicing the pharmacist's profession under  
 7 IC 25-26.
- 8 (16) A physical therapist practicing the physical therapist's  
 9 profession under IC 25-27.
- 10 (17) A podiatrist practicing the podiatrist's profession under  
 11 IC 25-29.
- 12 (18) A psychologist practicing the psychologist's profession under  
 13 IC 25-33.
- 14 (19) A speech-language pathologist or audiologist practicing the  
 15 pathologist's or audiologist's profession under IC 25-35.6.
- 16 (20) An employee of a physician or group of physicians who  
 17 performs an act, a duty, or a function that is customarily within  
 18 the specific area of practice of the employing physician or group  
 19 of physicians, if the act, duty, or function is performed under the  
 20 direction and supervision of the employing physician or a  
 21 physician of the employing group within whose area of practice  
 22 the act, duty, or function falls. An employee may not make a  
 23 diagnosis or prescribe a treatment and must report the results of  
 24 an examination of a patient conducted by the employee to the  
 25 employing physician or the physician of the employing group  
 26 under whose supervision the employee is working. An employee  
 27 may not administer medication without the specific order of the  
 28 employing physician or a physician of the employing group.  
 29 Unless an employee is licensed or registered to independently  
 30 practice in a profession described in subdivisions (9) through  
 31 (18), nothing in this subsection grants the employee independent  
 32 practitioner status or the authority to perform patient services in  
 33 an independent practice in a profession.
- 34 (21) A hospital licensed under IC 16-21 or IC 12-25.
- 35 (22) A health care organization whose members, shareholders, or  
 36 partners are individuals, partnerships, corporations, facilities, or  
 37 institutions licensed or legally authorized by this state to provide  
 38 health care or professional services as:
- 39 (A) a physician;  
 40 (B) a psychiatric hospital;  
 41 (C) a hospital;  
 42 (D) a health maintenance organization or limited service



- 1 health maintenance organization;  
 2 (E) a health facility;  
 3 (F) a dentist;  
 4 (G) a registered or licensed practical nurse;  
 5 (H) a certified nurse midwife or a certified direct entry  
 6 midwife;  
 7 (I) an optometrist;  
 8 (J) a podiatrist;  
 9 (K) a chiropractor;  
 10 (L) a physical therapist; or  
 11 (M) a psychologist.
- 12 (23) A physician assistant practicing the physician assistant  
 13 profession under IC 25-27.5.
- 14 (24) A physician providing medical treatment under section 2.1  
 15 of this chapter.
- 16 (25) An attendant who provides attendant care services (as  
 17 defined in IC 16-18-2-28.5).
- 18 (26) A personal services attendant providing authorized attendant  
 19 care services under IC 12-10-17.1.
- 20 (27) A respiratory care practitioner practicing the practitioner's  
 21 profession under IC 25-34.5.
- 22 (b) A person described in subsection (a)(9) through (a)(18) is not  
 23 excluded from the application of this article if:
- 24 (1) the person performs an act that an Indiana statute does not  
 25 authorize the person to perform; and
- 26 (2) the act qualifies in whole or in part as the practice of medicine  
 27 or osteopathic medicine.
- 28 (c) An employment or other contractual relationship between an  
 29 entity described in subsection (a)(21) through (a)(22) and a licensed  
 30 physician does not constitute the unlawful practice of medicine **or**  
 31 **osteopathic medicine** under this article if the entity does not direct or  
 32 control independent medical acts, decisions, or judgment of the  
 33 licensed physician. However, if the direction or control is done by the  
 34 entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity  
 35 is excluded from the application of this article as it relates to the  
 36 unlawful practice of medicine or osteopathic medicine.
- 37 (d) This subsection does not apply to a prescription or drug order for  
 38 a legend drug that is filled or refilled in a pharmacy owned or operated  
 39 by a hospital licensed under IC 16-21. A physician licensed in Indiana  
 40 who permits or authorizes a person to fill or refill a prescription or drug  
 41 order for a legend drug except as authorized in IC 16-42-19-11 through  
 42 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A



1 person who violates this subsection commits the unlawful practice of  
2 medicine **or osteopathic medicine** under this chapter.

3 (e) A person described in subsection (a)(8) shall not be authorized  
4 to dispense contraceptives or birth control devices.

5 SECTION 21. IC 25-22.5-4-1 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The board shall:

7 (1) adopt rules concerning examinations; **and**

8 (2) prepare and give, or approve the preparation and giving of, an  
9 examination which covers those general subjects and topics, a  
10 knowledge of which is commonly and generally required, in the  
11 opinion of the board, to practice medicine or osteopathic medicine  
12 in Indiana. **and**

13 ~~(3) permit a student of an accredited school of medicine to take  
14 the examination for licensure if:~~

15 ~~(A) the student submits an application to the board to take the  
16 examination before the application deadline set by the board;  
17 and~~

18 ~~(B) the dean of the school certifies that the student is expected  
19 to graduate before the results of the examination are published  
20 by the board.~~

21 ~~(b) Examinations must be:~~

22 ~~(1) given in a way that persons grading the papers will have no  
23 knowledge of the identity of an individual being examined; and~~

24 ~~(2) conducted at least semiannually; if there are applicants.~~

25 ~~(c) (b) An applicant must achieve a passing score on the  
26 examination to qualify for licensure.~~

27 SECTION 22. IC 25-22.5-5-4.6, AS AMENDED BY P.L.78-2017,  
28 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2018]: Sec. 4.6. (a) The board may authorize the agency to  
30 issue noneducational commission for foreign medical graduates  
31 certified graduate permits for the practice of medicine **or osteopathic  
32 medicine**. A noneducational commission for foreign medical graduates  
33 certified graduate permit is subject to any termination date specified by  
34 the board.

35 (b) The board may issue a noneducational commission for foreign  
36 medical graduates certified graduate permit to a graduate of a school  
37 located outside the United States, its possessions, or Canada if the  
38 graduate:

39 (1) applies in the form and manner required by the board;

40 (2) pays a fee set by the board;

41 (3) has completed the academic requirements for the degree of  
42 doctor of medicine **or doctor of osteopathic medicine** from a



- 1 medical school approved by the board;
- 2 (4) has been issued a valid permit by another state for
- 3 participation in a postgraduate medical education or training
- 4 program located in a state that has standards for postgraduate
- 5 medical education and training satisfactory to the board;
- 6 (5) has been accepted into a postgraduate medical ~~fellowship~~
- 7 training program that:
- 8 (A) is affiliated with a medical school located in a state that
- 9 issued a permit under subdivision (4);
- 10 (B) has a training site located in Indiana; and
- 11 (C) has standards for postgraduate medical education and
- 12 training satisfactory to the board;
- 13 (6) provides the board with documentation of the areas of medical
- 14 practice for which the training is sought;
- 15 (7) provides the board with at least two (2) letters of reference
- 16 documenting the individual's character; and
- 17 (8) demonstrates to the board that the individual is a physician of
- 18 good character who is in good standing outside the United States,
- 19 its possessions, or Canada where the person normally would
- 20 practice.
- 21 (c) Applications for a noneducational commission for foreign
- 22 medical graduates certified graduate permit for graduates of foreign
- 23 medical schools must be made to the board subject to this section.
- 24 (d) A permit issued under this section expires one (1) year after the
- 25 date it is issued and, at the discretion of the board, may be renewed for
- 26 additional one (1) year periods upon the payment of a renewal fee set
- 27 by the board by rule.
- 28 (e) An individual who applies for a noneducational commission for
- 29 foreign medical graduates certified graduate permit under this section
- 30 is not required to take any step of the United States Medical Licensure
- 31 Examination.
- 32 (f) A noneducational commission for foreign medical graduates
- 33 certified graduate permit must be kept in the possession of the
- 34 fellowship training institution and surrendered by the institution to the
- 35 board within thirty (30) days after the person ceases training in Indiana.
- 36 (g) A noneducational commission for foreign medical graduates
- 37 certified graduate permit authorizes a person to practice in the training
- 38 institution only and, in the course of training, to practice only those
- 39 medical acts approved by the board but does not authorize the person
- 40 to practice medicine **or osteopathic medicine** otherwise.
- 41 (h) The board may deny an application for a noneducational
- 42 commission for foreign medical graduates certified graduate permit if





1 the training program that has accepted the applicant has:

2 (1) violated; or

3 (2) authorized or permitted a physician to violate;

4 this section.

5 (i) A person issued a noneducational commission for foreign  
6 medical graduates certified graduate permit under this section must file  
7 an affidavit that:

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

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

10 (3) attests that the physician will monitor the work of the  
11 physician holding the noneducational commission for foreign  
12 medical graduates certified graduate permit; and

13 (4) is notarized.

14 The affidavit must be filed with the agency before the person holding  
15 the noneducational commission for foreign medical graduates certified  
16 graduate permit may provide medical services.

17 SECTION 23. IC 25-22.5-6-1, AS AMENDED BY P.L.157-2006,  
18 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2018]: Sec. 1. (a) Any physician licensed to practice medicine  
20 or osteopathic medicine in this state who intends to retire from practice  
21 shall notify the board in writing of the physician's intention to retire.  
22 Upon receipt of this notice, the board shall record the fact that the  
23 physician is retired and excuse the person from further payment of  
24 registration fees. If any physician retires the physician's license to  
25 practice medicine or osteopathic medicine in this state, reinstatement  
26 of the license may be considered by the board upon written request.  
27 The board may impose any conditions it considers appropriate to the  
28 retirement or to the reinstatement of a retired license. If any  
29 disciplinary proceedings under this chapter are pending against a  
30 physician, the physician may not surrender or retire the physician's  
31 license to practice without the written approval of the board.

32 (b) Any physician licensed to practice medicine or osteopathic  
33 medicine in this state who intends to become inactive in the practice of  
34 medicine **or osteopathic medicine** shall notify the board in writing  
35 that:

36 (1) the physician will not maintain an office or practice; and

37 (2) if the physician does render a service that constitutes the  
38 practice of medicine **or osteopathic medicine**, the physician will  
39 not charge a fee for that service.

40 The board shall then classify the physician's license as inactive. The  
41 renewal fee of the inactive license is one-half (1/2) of the registration  
42 fee.



1 (c) If a physician holding an inactive license intends to maintain an  
 2 office or practice or charge a fee for the physician's medical services,  
 3 the physician shall notify the board of the intent to reactivate a license  
 4 to practice medicine or osteopathy. As a condition of reactivation, the  
 5 board may require the physician to appear before the board. This  
 6 personal appearance shall be to establish the physician's work history  
 7 if the physician's license has been inactive for more than ~~four (4)~~ **three**  
 8 **(3)** years and the physician cannot verify active practice history in  
 9 another jurisdiction during the period in which the physician's Indiana  
 10 license has been under inactive status. Upon:

11 (1) notification;

12 (2) receipt of the regular registration fee for a physician's license,  
 13 less the amount paid for the current inactive license; and

14 (3) either:

15 (A) verification of active licensure in another jurisdiction; or

16 (B) completion of other reasonable requirements imposed by  
 17 the board, after the physician's work history has been  
 18 established;

19 the board shall reinstate that physician's license.

20 SECTION 24. IC 25-22.5-6-4 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. ~~Injunctions:~~ In cases  
 22 where the continued practice of medicine **or osteopathic medicine** by  
 23 an accused is considered harmful to the public or ~~himself~~, **the accused**,  
 24 the board may sue to enjoin the accused from practicing medicine or  
 25 osteopathic medicine until the hearing, provided in section 3 of this  
 26 chapter, is completed and a decision rendered.

27 SECTION 25. IC 25-26-14-14, AS AMENDED BY P.L.212-2005,  
 28 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2018]: Sec. 14. (a) **Subject to subsection (h)**, a person may  
 30 not engage in wholesale distributions of legend drugs without:

31 (1) ~~after December 31, 2005~~, obtaining and maintaining  
 32 accreditation or certification from the National Association of  
 33 Boards of Pharmacy's Verified Accredited Wholesale Distributor  
 34 or an accreditation body approved by the board under subsection  
 35 (g);

36 (2) obtaining and maintaining a license issued by the board; and

37 (3) paying any reasonable fee required by the board.

38 (b) The board may not issue or renew the license of a wholesale  
 39 drug distributor that does not comply with this chapter.

40 (c) The board shall require a separate license for each facility or  
 41 location where wholesale distribution operations are conducted.

42 (d) An agent or employee of any licensed wholesale drug distributor



1 does not need a license and may lawfully possess pharmaceutical drugs  
2 when acting in the usual course of business or employment.

3 (e) The issuance of a license under this chapter does not affect tax  
4 liability imposed by the department of state revenue or the department  
5 of local government finance on any wholesale drug distributor.

6 (f) The board may adopt rules that permit out-of-state wholesale  
7 drug distributors to obtain a license on the basis of reciprocity if:

8 (1) an out-of-state wholesale drug distributor possesses a valid  
9 license granted by another state and the legal standards for  
10 licensure in the other state are comparable to the standards under  
11 this chapter; and

12 (2) the other state extends reciprocity to wholesale drug  
13 distributors licensed in Indiana.

14 However, if the requirements for licensure under this chapter are more  
15 restrictive than the standards of the other state, the out-of-state  
16 wholesale drug distributor must comply with the additional  
17 requirements of this chapter to obtain a license under this chapter.

18 (g) The board may adopt rules under IC 4-22-2 to approve an  
19 accreditation body to:

20 (1) evaluate a wholesale drug distributor's operations to determine  
21 compliance with:

22 (A) professional standards;

23 (B) this chapter; and

24 (C) any other applicable law; and

25 (2) perform inspections of each facility and location where  
26 wholesale distribution operations are conducted by the wholesale  
27 drug distributor.

28 **(h) The board may issue a provisional wholesale drug**  
29 **distributor license to an applicant that is located in Indiana and in**  
30 **the process of obtaining accreditation or certification from:**

31 **(1) the National Association of Boards of Pharmacy's Verified**  
32 **Accredited Wholesale Distributor; or**

33 **(2) an accreditation body approved by the board under**  
34 **subsection (g).**

35 SECTION 26. IC 25-29-1-0.5, AS AMENDED BY P.L.42-2011,  
36 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2018]: Sec. 0.5. (a) This article, as it relates to the unlawful or  
38 unauthorized practice of podiatric medicine, does not apply to any of  
39 the following:

40 (1) A student in training in a podiatric medical school approved  
41 by the board, or while performing duties as an intern or a resident  
42 in a hospital under the supervision of the hospital's podiatric staff



- 1 or in a program approved by the board.
- 2 (2) An individual who renders service in case of emergency when
- 3 no fee or other consideration is contemplated, charged, or
- 4 received.
- 5 (3) Commissioned podiatric medical officers or podiatric medical
- 6 service officers of the armed forces of the United States, the
- 7 United States Public Health Service, and podiatric medical
- 8 officers of the United States Department of Veterans Affairs in
- 9 the discharge of their official duties in Indiana who are also
- 10 licensed to practice podiatric medicine in another jurisdiction in
- 11 the United States.
- 12 (4) An individual who is licensed to practice podiatric medicine
- 13 in another jurisdiction, and is called in for consultation by an
- 14 individual licensed to practice podiatric medicine in Indiana.
- 15 (5) An individual administering a domestic or family remedy to
- 16 a member of the individual's family.
- 17 (6) A member of a church practicing the religious tenets of the
- 18 church if the member does not make a medical diagnosis,
- 19 prescribe or administer drugs or medicines, perform surgical or
- 20 physical operations, or assume the title of or profess to be a
- 21 podiatrist.
- 22 (7) A school corporation and a school employee who acts under
- 23 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 24 (8) A chiropractor practicing the chiropractor's profession under
- 25 IC 25-10 or to an employee of a chiropractor acting under the
- 26 direction and supervision of the chiropractor under IC 25-10-1-13.
- 27 (9) A nurse practicing the nurse's profession under IC 25-23.
- 28 (10) A pharmacist practicing the pharmacist's profession under
- 29 IC 25-26.
- 30 (11) A physical therapist practicing the physical therapist's
- 31 profession under IC 25-27.
- 32 (12) A physician or an osteopath practicing the physician's or
- 33 osteopath's profession under IC 25-22.5.
- 34 (13) An employee ~~including a licensed podiatrist's assistant~~, of a
- 35 podiatrist or group of podiatrists who performs an act, a duty, or
- 36 a function that is customarily within the specific area of practice
- 37 of the employing podiatrist or group of podiatrists, if the act, duty,
- 38 or function is performed under the direction and supervision of
- 39 the employing podiatrist or a podiatrist of the employing group
- 40 within whose area of practice the act, duty, or function falls. An
- 41 employee may not make a diagnosis or prescribe a treatment and
- 42 must report the results of an examination of a patient conducted



1 by the employee to the employing podiatrist or the podiatrist of  
 2 the employing group under whose supervision the employee is  
 3 working. An employee may not administer medication without the  
 4 specific order of the employing podiatrist or a podiatrist of the  
 5 employing group. Unless an employee is licensed or registered to  
 6 independently practice in a profession described in subdivisions  
 7 (8) through (12), nothing in this subsection grants the employee  
 8 independent practitioner status or the authority to perform patient  
 9 services in an independent practice in a profession.

10 (14) A hospital licensed under IC 16-21 or IC 12-25.

11 (15) A health care organization whose members, shareholders, or  
 12 partners are individuals, partnerships, corporations, facilities, or  
 13 institutions licensed or legally authorized by this state to provide  
 14 health care or professional services as:

- 15 (A) a podiatrist;
- 16 (B) a psychiatric hospital;
- 17 (C) a hospital;
- 18 (D) a health facility;
- 19 (E) a registered or licensed practical nurse;
- 20 (F) a physician;
- 21 (G) a chiropractor; or
- 22 (H) a physical therapist.

23 (b) A person described in subsection (a)(8) through (a)(12) is not  
 24 excluded from the application of this article if:

- 25 (1) the person performs an act that an Indiana statute does not  
 26 authorize the person to perform; and
- 27 (2) the act qualifies in whole or in part as the practice of podiatric  
 28 medicine.

29 (c) An employment or other contractual relationship between an  
 30 entity described in subsection (a)(14) through (a)(15) and a licensed  
 31 podiatrist does not constitute the unlawful practice of podiatric  
 32 medicine under this article if the entity does not direct or control  
 33 independent medical acts, decisions, or judgment of the licensed  
 34 podiatrist. However, if the direction or control is done by the entity  
 35 under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is  
 36 excluded from the application of this article as it relates to the unlawful  
 37 practice of podiatric medicine.

38 (d) This subsection does not apply to a prescription or drug order for  
 39 a legend drug that is filled or refilled in a pharmacy owned or operated  
 40 by a hospital licensed under IC 16-21-2. A podiatrist licensed in  
 41 Indiana who permits or authorizes a person to fill or refill a prescription  
 42 or drug order for a legend drug except as authorized in IC 16-42-19 is



1 subject to disciplinary action under IC 25-1-9. A person who violates  
 2 this subsection commits the unlawful practice of podiatric medicine  
 3 under this chapter.

4 SECTION 27. IC 25-29-1-14 IS REPEALED [EFFECTIVE JULY  
 5 1, 2018]. Sec. 14. "Podiatrist's assistant" means an individual who is  
 6 certified under IC 25-29-8.

7 SECTION 28. IC 25-29-1-15 IS REPEALED [EFFECTIVE JULY  
 8 1, 2018]. Sec. 15. "Supervising podiatrist" means a licensed podiatrist  
 9 who has been certified by the board under IC 25-29-8 to supervise a  
 10 podiatrist's assistant.

11 SECTION 29. IC 25-29-2-11 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) The board may  
 13 adopt rules under IC 4-22-2 concerning the following:

- 14 (1) Forms necessary for applications.  
 15 ~~(2) Creation of a committee to assist the board with the~~  
 16 ~~administration of podiatrist's assistants and supervising podiatrists~~  
 17 ~~under IC 25-29-8.~~  
 18 ~~(3)~~ **(2)** Areas that are necessary to implement this act.

19 (b) The board shall adopt rules under IC 4-22-2 concerning the  
 20 following:

- 21 (1) The establishment of fees under IC 25-1-8-2.  
 22 (2) The retirement or surrender of a license.  
 23 (3) Granting an inactive license and procedures for reinstatement  
 24 of an inactive license.

25 SECTION 30. IC 25-29-3-1 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. An individual who  
 27 applies for a license to practice podiatric medicine must present  
 28 satisfactory evidence to the board that the individual:

- 29 (1) does not have a conviction for a crime that has a direct bearing  
 30 on the applicant's ability to practice competently;  
 31 (2) has not been the subject of a disciplinary action by a licensing  
 32 or certification agency of another state or jurisdiction on the  
 33 grounds that the applicant was not able to practice podiatric  
 34 medicine without endangering the public;  
 35 (3) has graduated with a degree of doctor of podiatric medicine  
 36 from a college or school of podiatric medicine approved by the  
 37 Council on Podiatric Medical Education;  
 38 (4) has satisfactorily completed at least twelve (12) months of  
 39 progressive graduate podiatric medical training that meets the  
 40 requirements of the Council on Podiatric Medical Education; ~~and~~  
 41 (5) has proper medical malpractice insurance; **and**  
 42 **(6) has taken and successfully completed an examination**



1           **approved by the board.**

2           SECTION 31. IC 25-29-3-4, AS AMENDED BY P.L.2-2005,  
3           SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2018]: Sec. 4. An applicant who satisfies the requirements  
5           under this chapter may take the examination ~~under IC 25-29-4.~~  
6           **approved by the board.**

7           SECTION 32. IC 25-29-4 IS REPEALED [EFFECTIVE JULY 1,  
8           2018]. (Examinations).

9           SECTION 33. IC 25-29-6-3, AS AMENDED BY P.L.105-2008,  
10          SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11          JULY 1, 2018]: Sec. 3. (a) The failure on the part of a podiatrist to  
12          renew a license as required does not deprive the individual of the right  
13          of renewal of the individual's license.

14          (b) The board ~~may~~ **shall** reinstate a license to a podiatrist who ~~has~~  
15          ~~not renewed the individual's license not later than four (4) is three (3)~~  
16          ~~years after the expiration or less delinquent~~ if the individual meets the  
17          requirements under IC 25-1-8-6(c).

18          (c) If a license has been expired for more than ~~four (4) three (3)~~  
19          years, the license may be reinstated by the board if the holder of the  
20          license meets the requirements for reinstatement under IC 25-1-8-6(d).

21          SECTION 34. IC 25-29-6-4 IS AMENDED TO READ AS  
22          FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. An application for  
23          renewal must be verified by the applicant and include the following  
24          information:

25               (1) Any action taken against the podiatrist for conduct that would  
26               be a ground for disciplinary action.

27               (2) Any awards, judgments, or settlements against the podiatrist  
28               that total at least twenty thousand dollars (\$20,000) in a calendar  
29               year.

30               (3) The podiatrist's voluntary surrender or voluntary limitation on  
31               a license or authorization to practice podiatric medicine in another  
32               jurisdiction.

33               (4) Any denial to issue the podiatrist a license or authorization to  
34               practice medicine in another jurisdiction.

35               (5) The podiatrist's voluntary resignation from the medical staff  
36               of a health care institution or voluntary limitation of the  
37               podiatrist's staff privileges at the health care institution if the  
38               action occurred while the podiatrist was under investigation by  
39               the health care institution for possible medical incompetence,  
40               unprofessional conduct, or a mental or physical impairment.

41               (6) The podiatrist's voluntary resignation or withdrawal from a  
42               podiatric medical society, an association, or an organization if the



1 action occurred while the podiatrist was under investigation or  
2 review by the medical body for possible medical incompetence,  
3 unprofessional conduct, or a mental or physical impairment.  
4 (7) Any addiction or treatment for addiction to alcohol or a  
5 chemical substance during the preceding ~~four (4)~~ **two (2)** years.  
6 (8) Any physical injury or disease or mental illness during the  
7 preceding ~~four (4)~~ **two (2)** years that affected or may affect the  
8 podiatrist's ability to practice podiatric medicine.  
9 (9) Except for a showing of good cause that is acceptable to the  
10 board, evidence of the podiatrist's maintenance of professional  
11 medical competence, which may include continuing podiatric  
12 medical education, postgraduate studies, institutes, seminars,  
13 lectures, conferences, work shops, professional evaluation, and  
14 specialty board certification or recertification during the  
15 preceding four (4) years.  
16 SECTION 35. IC 25-29-8 IS REPEALED [EFFECTIVE JULY 1,  
17 2018]. (Podiatrist's Assistants).





## COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1130, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 20, delete lines 7 through 22.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1130 as introduced.)

VANNATTER

Committee Vote: yeas 11, nays 0.

## COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred House Bill No. 1130, 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 7, between lines 13 and 14, begin a new paragraph and insert:  
"SECTION 17. IC 25-21.8-4-2, AS AMENDED BY P.L.267-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. An individual who applies for licensure as a massage therapist must do the following:

- (1) Complete and submit the licensure application in the form and manner provided by the board.
- (2) Furnish evidence satisfactory to the board showing that the individual:
  - (A) is at least eighteen (18) years of age;
  - (B) has a high school diploma or the equivalent of a high school diploma;
  - (C) has successfully completed a massage therapy school or program that:
    - (i) requires at least ~~five hundred (500)~~ **six hundred twenty-five (625)** hours of supervised classroom and hands on instruction on massage therapy;
    - (ii) is in good standing with a state, regional, or national

EH 1130—LS 6839/DI 77



agency of government charged with regulating massage therapy schools or programs; and

(iii) is accredited by the state workforce innovation council under IC 22-4.1-21 or accredited by another state where the standards for massage therapy education are substantially the same as the standards in Indiana, or is a program at an institution of higher learning that is approved by the board; and

(D) has taken and passed a licensure examination approved by the board.

(3) Provide a history of any criminal convictions the individual has, including any convictions related to the practice of the profession. The board shall deny an application for licensure if the applicant:

(A) has been convicted of:

- (i) prostitution;
- (ii) rape; or
- (iii) sexual misconduct; or

(B) is a registered sex offender.

(4) Provide proof that the applicant currently has professional liability insurance with minimum coverage of two million dollars (\$2,000,000) per claim and six million dollars (\$6,000,000) in aggregate.

(5) Submit to a national criminal history background check as prescribed by IC 25-0.5-1-9.

(6) Verify the information submitted on the application form.

(7) Pay fees established by the board."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1130 as printed January 16, 2018.)

MESSMER, Chairperson

Committee Vote: Yeas 8, Nays 0.

