

HOUSE BILL No. 1269

DIGEST OF INTRODUCED BILL

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Boards. Provides that members appointed to boards staffed by the professional licensing agency: (1) have four year term limits; (2) may serve multiple terms; (3) serve at the pleasure of the governor; (4) must be removed in certain instances; and (5) in certain instances, may not have more than two members from the same congressional district. Removes members from the following boards: (1) Indiana board of accountancy. (2) Indiana board of optometry. (3) Speech-language pathology and audiology board. (4) Board of registration for architects and landscape architects. (5) Indiana plumbing commission. (6) Home inspectors licensing board. (7) Board of chiropractic examiners. (8) State board of registration for professional surveyors. (9) Indiana athletic trainers board. (10) State psychology board. (11) State board of funeral and cemetery service. (12) Board of podiatric medicine. (13) Indiana state board of health facility administrators. (14) Manufactured home installers. Repeals the following boards: (1) Committee of hearing aid dealer examiners. (2) Indiana auctioneer commission. (3) Private investigator and security guard licensing board. Repeals the midwifery committee and transfers all duties performed by the medical licensing board of Indiana to the Indiana state board of nursing. Repeals the Indiana dietitians certification board and transfers the duties to the medical licensing board of Indiana. Repeals the boiler and pressure vessel rules board and regulated amusement device safety board and transfers all duties to the fire prevention and building safety commission. Provides that the department of homeland security may grant variances to rules adopted by the fire prevention and building safety commission, the Indiana emergency medical services
(Continued next page)

Effective: July 1, 2019.

Gutwein

January 10, 2019, read first time and referred to Select Committee on Government Reduction.



Digest Continued

commission, and the board of firefighting personnel standards and education. Repeals the counterterrorism and security council and the emergency alert system advisory committee. Establishes the governor's security council.



Introduced

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1269

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

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

1 SECTION 1. IC 4-20.5-7-14 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. ~~(a) As used in this~~
3 ~~section, "auctioneer" refers to an auctioneer licensed under IC 25-6-1.~~
4 ~~(b)~~ (a) Instead of taking bids, the department may engage an
5 auctioneer to advertise the sale and to conduct a public auction of the
6 property.
7 ~~(c)~~ (b) The advertising by an auctioneer under this section must
8 include a detailed description of the property to be sold.
9 ~~(d)~~ (c) In addition to advertising given to the sale by an auctioneer,
10 notice of the sale must be given as required by section 12 of this
11 chapter.
12 ~~(e)~~ (d) The transferring agency shall pay the costs of an auction
13 conducted under this section.
14 SECTION 2. IC 5-14-3-4.4, AS ADDED BY P.L.248-2013,
15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

2019

IN 1269—LS 7133/DI 132



1 JULY 1, 2019]: Sec. 4.4. (a) This section applies to a request for a
 2 record that the public agency considers to be excepted from disclosure
 3 under section 4(b)(1) or 4(b)(25) of this chapter. The public agency
 4 may do either of the following:

5 (1) Deny disclosure of the record or a part of the record. The
 6 person requesting the information may appeal the denial under
 7 section 9 of this chapter.

8 (2) Refuse to confirm or deny the existence of the record,
 9 regardless of whether the record exists or does not exist, if the fact
 10 of the record's existence or nonexistence would reveal information
 11 that would:

12 (A) impede or compromise an ongoing law enforcement
 13 investigation or result in danger to an individual's safety,
 14 including the safety of a law enforcement officer or a
 15 confidential source; or

16 (B) reveal information that would have a reasonable likelihood
 17 of threatening public safety.

18 (b) This subsection applies to a request for a record that the public
 19 agency considers to be excepted from disclosure under section 4(b)(19)
 20 of this chapter. The agency may consult with the ~~counterterrorism and~~
 21 ~~security council established by IC 10-19-8-1~~ **governor's security**
 22 **council established by IC 10-19-8.1-2** in formulating a response. The
 23 public agency may do either of the following:

24 (1) Deny disclosure of the record or a part of the record. The
 25 agency or the counterterrorism and security council shall provide
 26 a general description of the record being withheld and of how
 27 disclosure of the record would have a reasonable likelihood of
 28 threatening public safety by exposing a vulnerability to terrorist
 29 attack. The person requesting the information may appeal the
 30 denial under section 9 of this chapter.

31 (2) Refuse to confirm or deny the existence of the record
 32 regardless of whether the record exists or does not exist, if the fact
 33 of the record's existence or nonexistence would reveal information
 34 that would have a reasonable likelihood of threatening public
 35 safety.

36 (c) If a public agency does not respond to a request for a record
 37 under this section:

38 (1) within twenty-four (24) hours of receiving the request for a
 39 record from a person who:

40 (A) is physically present in the agency office;

41 (B) makes the request by telephone; or

42 (C) requests enhanced access to a document; or



- 1 (2) within seven (7) days of receiving the request for a record
 2 made by mail or facsimile;
 3 the request for the record is deemed denied. The person requesting the
 4 information may appeal the denial under section 9 of this chapter.
- 5 (d) If a public agency refuses to confirm or deny the existence of a
 6 record under this section, the name and title or position of the person
 7 responsible for the refusal shall be given to the person making the
 8 records request.
- 9 (e) A person who has received a refusal from an agency to confirm
 10 or deny the existence of a record may file an action in the circuit or
 11 superior court of the county in which the response was received:
- 12 (1) to compel the public agency to confirm whether the record
 13 exists or does not exist; and
 14 (2) if the public agency confirms that the record exists, to compel
 15 the agency to permit the person to inspect and copy the record.
- 16 (f) The court shall determine the matter de novo, with the burden of
 17 proof on the public agency to sustain its refusal to confirm or deny the
 18 existence of the record. The public agency meets its burden of proof by
 19 filing a public affidavit with the court that provides with reasonable
 20 specificity of detail, and not simply conclusory statements, the basis of
 21 the agency's claim that it cannot be required to confirm or deny the
 22 existence of the requested record. If the public agency meets its burden
 23 of proof, the burden of proof shifts to the person requesting access to
 24 the record. The person requesting access to the record meets the
 25 person's burden of proof by proving any of the following:
- 26 (1) The agency's justifications for not confirming the existence of
 27 the record contradict other evidence in the trial record.
 28 (2) The agency is withholding the record in bad faith.
 29 (3) An official with authority to speak for the agency has
 30 acknowledged to the public in a documented disclosure that the
 31 record exists. The person requesting the record must prove that
 32 the information requested:
- 33 (A) is as specific as the information previously disclosed; and
 34 (B) matches the previously disclosed information.
- 35 (g) Either party may make an interlocutory appeal of the trial court's
 36 determination on whether the agency's refusal to confirm or deny the
 37 existence of the record was proper.
- 38 (h) If the court, after the disposition of any interlocutory appeals,
 39 finds that the agency's refusal to confirm or deny was improper, the
 40 court shall order the agency to disclose whether the record exists or
 41 does not exist. If the record exists and the agency claims that the record
 42 is exempt from disclosure under this chapter, the court may review the



1 public record in camera to determine whether any part of the record
2 may be withheld.

3 (i) In an action filed under this section, the court shall award
4 reasonable attorney's fees, court costs, and other reasonable expenses
5 of litigation to the prevailing party if:

6 (1) the plaintiff substantially prevails; or

7 (2) the defendant substantially prevails and the court finds the
8 action was frivolous or vexatious.

9 A plaintiff is eligible for the awarding of attorney's fees, court costs,
10 and other reasonable expenses regardless of whether the plaintiff filed
11 the action without first seeking and receiving an informal inquiry
12 response or advisory opinion from the public access counselor.

13 (j) A court that hears an action under this section may not assess a
14 civil penalty under section 9.5 of this chapter in connection with the
15 action.

16 SECTION 3. IC 5-22-10-4, AS AMENDED BY P.L.22-2005,
17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2019]: Sec. 4. (a) A purchasing agent may make a special
19 purchase when there exists, under emergency conditions, a threat to
20 public health, welfare, or safety.

21 (b) The ~~counterterrorism and security council established by~~
22 ~~IC 10-19-8-1~~ **governor's security council established by**
23 **IC 10-19-8.1-2** may make a purchase under this section to preserve
24 security or act in an emergency as determined by the governor.

25 SECTION 4. IC 5-22-22-4, AS AMENDED BY P.L.58-2018,
26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2019]: Sec. 4. (a) Except as provided in subsection (b), if the
28 property to be sold is:

29 (1) one (1) item, with an estimated value of one thousand dollars
30 (\$1,000) or more; or

31 (2) more than one (1) item, with an estimated total value of five
32 thousand dollars (\$5,000) or more;

33 the purchasing agency may engage an auctioneer ~~licensed under~~
34 ~~IC 25-6-1~~ to advertise the sale and conduct a public auction.

35 (b) This subsection applies if the property to be sold is property that
36 belongs to a state agency. If the property is not to be sold under section
37 4.5 of this chapter, the commissioner of the Indiana department of
38 administration shall sell the property under this section. In engaging an
39 auctioneer under this section, the commissioner shall give preference
40 to an auctioneer to conduct the public auction who is also a resident of
41 Indiana.

42 (c) The advertising by an auctioneer under this section must include



1 a detailed description of the property to be sold.

2 (d) The purchasing agency shall pay an auctioneer who conducts a
3 sale under this section from the gross proceeds of the sale received
4 before other expenses and liens are paid.

5 SECTION 5. IC 5-22-22-4.7, AS ADDED BY P.L.58-2018,
6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2019]: Sec. 4.7. ~~(a)~~ This section applies only if both of the
8 following apply:

9 (1) The property to be sold is property that belongs to a state
10 agency.

11 (2) The property will be sold under section 4.5 of this chapter.

12 ~~(b) If the purchasing agency sells surplus property using an Internet
13 auction site, in addition to the requirements for an Internet auction site
14 under section 4.5 of this chapter, the purchasing agency shall give
15 preference in selection of the Internet auction site to Internet auction
16 sites owned or operated by a person licensed under IC 25-6-1.~~

17 SECTION 6. IC 6-8.1-8-3, AS AMENDED BY P.L.99-2011,
18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2019]: Sec. 3. (a) The county sheriff of a county shall attempt
20 to levy on and collect a judgment arising from a tax warrant in that
21 county for a period of one hundred twenty (120) days from the date the
22 judgment lien is entered, unless the sheriff is relieved of that duty at an
23 earlier time by the department. The sheriff shall also have authority to
24 attempt to levy on and collect the outstanding tax liability if the
25 taxpayer does not pay the amount demanded under section 2(b) of this
26 chapter and the taxpayer has taken an action under section 2(n) of this
27 chapter to foreclose the lien. The sheriff's authority to collect the
28 warrant exists only while the sheriff holds the tax warrant, and if the
29 sheriff surrenders the warrant to the department for any reason the
30 sheriff's authority to collect that tax warrant ceases. During the period
31 that the sheriff has the duty to collect a tax warrant, the sheriff shall
32 collect from the person owing the tax, an amount equal to the amount
33 of the judgment lien plus the accrued interest to the date of the
34 payment. Subject to subsection (b), the sheriff shall make the collection
35 by garnisheeing the person's wages and by levying on and selling any
36 interest in property or rights in any chose in action that the person has
37 in the county. The Indiana laws which provide relief for debtors by
38 exempting certain property from levy by creditors do not apply to levy
39 and sale proceedings for judgments arising from tax warrants.

40 (b) A sheriff shall sell property to satisfy a tax warrant in a manner
41 that is reasonably likely to bring the highest net proceeds from the sale
42 after deducting the expenses of the offer to sell and sale. A sheriff may



1 engage an auctioneer to advertise a sale and to conduct a public
 2 auction, unless the person being levied files an objection with the clerk
 3 of the circuit or superior court having the tax warrant within five (5)
 4 days of the day that the sheriff informs the person of the person's right
 5 to object. The advertising conducted by the auctioneer is in addition to
 6 any other notice required by law, and shall include a detailed
 7 description of the property to be sold. When an auctioneer is engaged
 8 under this subsection and the auctioneer files a verified claim with the
 9 clerk of the circuit or superior court with whom the tax warrant is filed,
 10 the sheriff may pay the reasonable fee and reasonable expenses of the
 11 auctioneer from the gross proceeds of the sale before other expenses
 12 and the judgment arising from the tax warrant are paid. ~~As used in this~~
 13 ~~section, "auctioneer" means an auctioneer licensed under IC 25-6.1.~~

14 (c) The sheriff shall deposit all amounts that the sheriff collects
 15 under this section, including partial payments, into a special trust
 16 account for judgments collected that arose from tax warrants. On or
 17 before the fifth day of each month, the sheriff shall disburse the money
 18 in the tax warrant judgment lien trust account in the following order:

19 (1) The sheriff shall pay the department the part of the collections
 20 that represents taxes, interest, and penalties.

21 (2) The sheriff shall pay the county treasurer and the clerk of the
 22 circuit or superior court the part of the collections that represents
 23 their assessed costs.

24 (3) Except as provided in subdivisions (4) and (5), the sheriff
 25 shall keep the part of the collections that represents the ten
 26 percent (10%) collection fee added under section 2(b) of this
 27 chapter.

28 (4) If the sheriff has entered a salary contract under
 29 IC 36-2-13-2.5, the sheriff shall deposit in the county general fund
 30 the part of the collections that represents the ten percent (10%)
 31 collection fee added under section 2(b) of this chapter.

32 (5) If the sheriff has not entered into a salary contract under
 33 IC 36-2-13-2.5, the sheriff shall deposit in the county general fund
 34 the part of the collections that:

35 (A) represents the ten percent (10%) collection fee added
 36 under section 2(b) of this chapter; and

37 (B) would, if kept by the sheriff, result in the total amount of
 38 the sheriff's annual compensation exceeding the maximum
 39 amount allowed under IC 36-2-13-17.

40 The department shall establish the procedure for the disbursement of
 41 partial payments so that the intent of this section is carried out.

42 (d) After the period described in subsection (a) has passed, the



1 sheriff shall return the tax warrant to the department. However, if the
2 department determines that:

3 (1) at the end of this period the sheriff is in the process of
4 collecting the judgment arising from a tax warrant in periodic
5 payments of sufficient size that the judgment will be fully paid
6 within one (1) year after the date the judgment was filed; and

7 (2) the sheriff's electronic data base regarding tax warrants is
8 compatible with the department's data base;

9 the sheriff may keep the tax warrant and continue collections.

10 (e) Notwithstanding any other provision of this chapter, the
11 department may order a sheriff to return a tax warrant at any time, if the
12 department feels that action is necessary to protect the interests of the
13 state.

14 (f) This subsection applies only to the sheriff of a county having a
15 consolidated city or a second class city. In such a county, the ten
16 percent (10%) collection fee added under section 2(b) of this chapter
17 shall be divided as follows:

18 (1) Subject to subsection (g), the sheriff may retain forty thousand
19 dollars (\$40,000), plus one-fifth (1/5) of any fees exceeding that
20 forty thousand dollar (\$40,000) amount.

21 (2) Two-fifths (2/5) of any fees exceeding that forty thousand
22 dollar (\$40,000) amount shall be deposited in the sheriff's
23 department's pension trust fund.

24 (3) Two-fifths (2/5) of any fees exceeding that forty thousand
25 dollar (\$40,000) amount shall be deposited in the county general
26 fund.

27 (g) If an amount of the collection fee added under section 2(b) of
28 this chapter would, if retained by the sheriff under subsection (f)(1),
29 cause the total amount of the sheriff's annual compensation to exceed
30 the maximum amount allowed under IC 36-2-13-17, the sheriff shall
31 instead deposit the amount in the county general fund.

32 (h) Money deposited into a county general fund under subsections
33 (c)(5) and (g) must be used as follows:

34 (1) To reduce any unfunded liability of a sheriff's pension trust
35 plan established for the county's sheriff's department.

36 (2) Any amounts remaining after complying with subdivision (1)
37 must be applied to the costs incurred to operate the county's
38 sheriff's department.

39 SECTION 7. IC 9-32-2-4, AS AMENDED BY P.L.179-2017,
40 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2019]: Sec. 4. "Automobile auction" means a person whose
42 primary business consists of arranging, managing, sponsoring,



1 advertising, hosting, carrying out, or otherwise facilitating the auction
 2 of more than three (3) motor vehicles or watercraft on the basis of bids
 3 by persons acting for themselves or others, within a twelve (12) month
 4 period. The term includes a place of business or facilities provided by
 5 an auctioneer as part of the business of the auctioneer for the purchase
 6 and sale of motor vehicles or watercraft on the basis of bids by persons
 7 acting for themselves or others. ~~The term does not include a person~~
 8 ~~acting only as an auctioneer under IC 25-6.1-1.~~

9 SECTION 8. IC 9-32-11-11.5, AS AMENDED BY P.L.174-2016,
 10 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2019]: Sec. 11.5. (a) A person that is a licensed dealer in a
 12 state other than Indiana may apply for an out-of-state dealer special
 13 event permit from the secretary for a special event auction if the
 14 following conditions are met:

15 (1) The event is a motor vehicle auction conducted by an
 16 auctioneer. ~~licensed under IC 25-6.1-3.~~

17 (2) The motor vehicles to be auctioned are:

18 (A) at least fifteen (15) years old; or

19 (B) classified as classic, collector, or antique motor vehicles
 20 under rules adopted by the secretary.

21 (3) At least two hundred (200) motor vehicles will be auctioned
 22 during the special event.

23 (4) The person submits an application for a special event permit
 24 to the secretary not later than thirty (30) days prior to the
 25 beginning date of the special event auction.

26 (5) The application for the special event permit includes the
 27 following:

28 (A) Copies of licenses for all auctioneers for the special event
 29 auction.

30 (B) A copy of a valid dealer's license from the other state.

31 (C) An affidavit from:

32 (i) the person charged with enforcing a zoning ordinance, if
 33 the person exists; or

34 (ii) the zoning enforcement officer under IC 36-7-4, if a
 35 zoning enforcement officer exists;

36 who has jurisdiction over the real property where the applicant
 37 wants to operate the special event auction. If there is no person
 38 or officer that has jurisdiction over the real property as
 39 described in this clause, the application must be accompanied
 40 by a statement to that effect from the executive of the unit in
 41 which the real property is located. The affidavit must state that
 42 the proposed location is zoned for the operation of a special



1 event auction. The applicant may file the affidavit at any time
 2 after the filing of the application. However, the secretary may
 3 not issue a special event auction permit until the applicant files
 4 the affidavit or the statement.

5 (b) Not more than one (1) special event auction permit may be
 6 issued by the secretary to the same applicant within a twelve (12)
 7 month period.

8 (c) If the application for the special event permit is approved, the
 9 dealer must submit a fee of five hundred dollars (\$500). The secretary
 10 shall retain the fee.

11 SECTION 9. IC 9-32-11-18, AS AMENDED BY P.L.179-2017,
 12 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]: Sec. 18. (a) A person licensed under this article shall
 14 be issued a special event permit from the secretary for a special event
 15 that meets the following conditions:

16 (1) The event is a motor vehicle auction conducted by
 17 auctioneers. ~~licensed under IC 25-6-1-3.~~

18 (2) The motor vehicles to be auctioned are:

19 (A) at least fifteen (15) years old; or

20 (B) classified as classic, collector, or antique motor vehicles
 21 under rules adopted by the secretary.

22 (3) At least one hundred (100) motor vehicles will be auctioned
 23 during the special event.

24 (4) The licensee submits to the secretary an application for a
 25 special event permit not later than thirty (30) days before the
 26 beginning date of the special event.

27 (5) The application under subdivision (4) includes the following:

28 (A) An affidavit from:

29 (i) the person charged with enforcing a zoning ordinance; or

30 (ii) a zoning enforcement officer under IC 36-7-4;

31 who has jurisdiction over the real property where the applicant
 32 wants to operate the special event auction.

33 (B) A fee of two hundred fifty dollars (\$250). The fee shall be
 34 deposited as set forth in IC 9-32-7-3.

35 (b) If there is no person or officer that has jurisdiction over the real
 36 property as described in subsection (a)(5)(A), the application must be
 37 accompanied by a statement to that effect from the executive of the unit
 38 in which the real property is located. The affidavit must state that the
 39 proposed location is zoned for the operation of a special event auction.

40 (c) The applicant may file the affidavit at any time after the filing of
 41 the application. However, the secretary may not issue a special event
 42 auction permit until the applicant files the affidavit or statement.



1 (d) Not more than two (2) special event permits may be issued by
2 the secretary to the same applicant within a twelve (12) month period.

3 SECTION 10. IC 10-13-7 IS REPEALED [EFFECTIVE JULY 1,
4 2019]. (Emergency Alert System Advisory Committee).

5 SECTION 11. IC 10-19-1-2, AS ADDED BY P.L.22-2005,
6 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2019]: Sec. 2. "Council" refers to the ~~counterterrorism and~~
8 ~~security council established by IC 10-19-8-1.~~ **governor's security**
9 **council established by IC 10-19-8.1-2.**

10 SECTION 12. IC 10-19-3-7, AS AMENDED BY P.L.142-2013,
11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2019]: Sec. 7. (a) Except as provided in this section, for
13 purposes of IC 4-22-2, the executive director is the authority that
14 adopts rules for the department.

15 (b) The Indiana emergency medical services commission is the
16 authority that adopts rules under IC 16-31.

17 (c) ~~Except as provided in subsection (e) or (f),~~ The fire prevention
18 and building safety commission is the authority that adopts rules under
19 any of the following:

20 (1) IC 22-11.

21 (2) IC 22-12.

22 (3) IC 22-13.

23 (4) IC 22-14.

24 (5) IC 22-15.

25 (d) The board of firefighting personnel standards and education is
26 the authority that adopts rules under IC 22-14-2-7(c)(7) and
27 IC 36-8-10.5.

28 (e) ~~The boiler and pressure vessel rules board established by~~
29 ~~IC 22-12-4-1 is the authority that adopts:~~

30 (1) ~~emergency rules under IC 22-13-2-8(c); and~~

31 (2) ~~rules under IC 22-15-6.~~

32 (f) ~~The regulated amusement device safety board established by~~
33 ~~IC 22-12-4.5-2 is the authority that adopts rules under IC 22-15-7.~~

34 (g) (e) The executive director may adopt rules governing:

35 (1) emergency action plans; or

36 (2) emergency response plans;

37 for outdoor performances (as defined in IC 22-12-1-17.5) where
38 outdoor event equipment (as defined in IC 22-12-1-17.7) is used.

39 SECTION 13. IC 10-19-8 IS REPEALED [EFFECTIVE JULY 1,
40 2019]. (Counterterrorism and Security Council).

41 SECTION 14. IC 10-19-8.1 IS ADDED TO THE INDIANA CODE
42 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]:

2 **Chapter 8.1. Governor's Security Council**

3 **Sec. 1. As used in this chapter, "fusion center" means the**
 4 **Indiana intelligence fusion center established by IC 10-11-9-2.**

5 **Sec. 2. The governor's security council is established.**

6 **Sec. 3. (a) The council consists of the following members:**

7 (1) **The governor or the governor's designee.**

8 (2) **The executive director.**

9 (3) **The superintendent of the state police department.**

10 (4) **The adjutant general.**

11 (5) **The state health commissioner.**

12 (6) **The commissioner of the department of environmental**
 13 **management.**

14 (7) **The chairman of the Indiana utility regulatory**
 15 **commission.**

16 (8) **The speaker of the house of representatives or the**
 17 **speaker's designee.**

18 (9) **The president pro tempore of the senate or the president**
 19 **pro tempore's designee.**

20 (10) **The director of the department of natural resources or,**
 21 **if designated by the director, the deputy director who**
 22 **manages the bureau of law enforcement and administration.**

23 (11) **The chief information officer of the office of technology.**

24 (b) **The members of the council under subsection (a)(8) and**
 25 **(a)(9) are nonvoting members.**

26 **Sec. 4. (a) The expenses of the council shall be paid from**
 27 **appropriations made by the general assembly.**

28 (b) **Money received by the council as a grant or a gift is**
 29 **appropriated for the purposes of the grant or the gift.**

30 **Sec. 5. (a) Each member of the council who is not a state**
 31 **employee is not entitled to the minimum salary per diem provided**
 32 **by IC 4-10-11-2.1(b). The member is, however, entitled to**
 33 **reimbursement for travel expenses as provided in IC 4-13-1-4 and**
 34 **other expenses actually incurred in connection with the member's**
 35 **duties as provided in the state policies and procedures established**
 36 **by the Indiana department of administration and approved by the**
 37 **budget agency.**

38 (b) **Each member of the council who is a state employee but who**
 39 **is not a member of the general assembly is entitled to**
 40 **reimbursement for travel expenses as provided under IC 4-13-1-4**
 41 **and other expenses actually incurred in connection with the**
 42 **member's duties as provided in the state policies and procedures**



1 established by the Indiana department of administration and
2 approved by the budget agency.

3 (c) Each member of the council who is a member of the general
4 assembly is entitled to receive the same per diem, mileage, and
5 travel allowances paid to legislative members of interim study
6 committees established by the legislative council. Per diem,
7 mileage, and travel allowances paid under this subsection shall be
8 paid from appropriations made to the legislative council or the
9 legislative services agency.

10 Sec. 6. The council may meet as often as is necessary upon the
11 call of the chairperson, but meetings shall be held at least once per
12 calendar year.

13 Sec. 7. The affirmative votes of a majority of the voting
14 members of the council are required for the council to take action
15 on any measure, including final reports.

16 Sec. 8. The governor or governor's designee shall serve as the
17 chairperson of the council.

18 Sec. 9. (a) The council shall do the following:

19 (1) Meet, as often as necessary, to discuss immediate or
20 emerging threats that could impact the safety and security of
21 the state and its residents.

22 (2) Review the state's counterterrorism plan developed by the
23 department and provide recommendations to enhance the
24 state's capacity to prevent and respond to terrorism.

25 (3) Review the state's hazard mitigation plan developed by the
26 department and provide recommendations to enhance the
27 state's resiliency for manmade and natural disasters.

28 (b) The council may create ad hoc advisory groups, task forces,
29 or subcommittees to assist the council with its responsibilities.
30 Persons appointed to advisory groups, task forces, or
31 subcommittees serve for terms as determined by the council.

32 Sec. 10. (a) The council may receive confidential law
33 enforcement information from the state police department, the
34 Federal Bureau of Investigation, or other federal, state, or local
35 law enforcement agencies.

36 (b) For purposes of IC 5-14-1.5 and IC 5-14-3, information
37 received under subsection (a) is confidential.

38 Sec. 11. All state agencies shall cooperate to the fullest extent
39 possible with the council and the executive director to implement
40 this chapter.

41 Sec. 12. (a) On July 1, 2019, all powers, duties, agreements, and
42 liabilities of the counterterrorism and security council are



1 transferred to the council, as the successor agency.

2 (b) On July 1, 2019, all records and property of the
3 counterterrorism and security council, including appropriations
4 and other funds under the control or supervision of the
5 counterterrorism and security council, are transferred to the
6 council, as the successor agency.

7 (c) After June 30, 2019, any amounts owed to the
8 counterterrorism and security council before July 1, 2019, are
9 considered to be owed to the council, as the successor agency.

10 (d) After June 30, 2019, a reference to the counterterrorism and
11 security council in a statute, rule, or other document is considered
12 a reference to the council, as the successor agency.

13 SECTION 15. IC 16-31-3-5, AS AMENDED BY P.L.77-2012,
14 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2019]: Sec. 5. (a) The ~~commission~~ **department of homeland**
16 **security** shall waive any rule **adopted by the commission under this**
17 **article** for a person who provides emergency ambulance service, an
18 emergency medical technician, an advanced emergency medical
19 technician, a paramedic, or an ambulance when operating from a
20 location in an adjoining state by contract with an Indiana unit of
21 government to provide emergency ambulance or medical services to
22 patients who are picked up or treated in Indiana.

23 (b) The ~~commission~~ **department of homeland security** may waive
24 any rule, including a rule establishing a fee **adopted by the**
25 **commission under this article**, for a person who submits facts
26 demonstrating that:

27 (1) compliance with the rule will impose an undue hardship on
28 the person; and

29 (2) either:

30 (A) noncompliance with the rule; or

31 (B) compliance with an alternative requirement approved by
32 the ~~commission~~; **department of homeland security**;

33 will not jeopardize the quality of patient care. However, the
34 ~~commission~~ **department of homeland security** may not waive a
35 rule that sets forth educational requirements for a person
36 regulated under this article.

37 (c) A waiver granted under subsection (b)(2)(B) is conditioned upon
38 compliance with the alternative requirement approved under subsection
39 (b).

40 (d) The ~~commission~~ **department of homeland security** shall
41 establish an expiration date for any waiver that is granted.

42 (e) The ~~commission~~ **department of homeland security** may renew



1 a waiver if the person makes the same demonstration required for the
2 original waiver.

3 **(f) The commission is the ultimate authority for orders issued**
4 **under this section.**

5 SECTION 16. IC 22-12-1-25 IS REPEALED [EFFECTIVE JULY
6 1, 2019]. ~~Sec. 25. "Rules board" refers to the boiler and pressure vessel~~
7 ~~rules board.~~

8 SECTION 17. IC 22-12-2-2, AS AMENDED BY P.L.22-2005,
9 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2019]: Sec. 2. (a) The commission consists of eleven (11)
11 members, nine (9) of whom shall be appointed by the governor.

12 (b) The term of a commission member is four (4) years.

13 (c) The state health commissioner or the commissioner's designee
14 shall serve as a member of the commission, and the commissioner of
15 labor or the commissioner's designee shall serve as a member of the
16 commission.

17 (d) Each appointed member of the commission must have a
18 recognized interest, knowledge, and experience in the field of fire
19 prevention, fire protection, building safety, or other related matters.
20 The governor shall consider appointing individuals to the commission
21 with experience in the following:

22 (1) A paid fire department.

23 (2) A volunteer fire department.

24 (3) The field of fire insurance.

25 (4) The fire service industry.

26 (5) The manufactured housing industry.

27 (6) The field of fire protection engineering.

28 (7) As a professionally licensed engineer.

29 (8) Building contracting.

30 (9) The field of building one (1) and two (2) family dwellings.

31 (10) As a professionally licensed architect.

32 (11) The design or construction of heating, ventilating, air
33 conditioning, or plumbing systems.

34 (12) The design or construction of regulated lifting devices.

35 (13) City, town, or county building inspection.

36 (14) Regulated amusement devices.

37 (15) Accessibility requirements and personal experience with a
38 disability.

39 (16) Underground and aboveground motor fuel storage tanks and
40 dispensing systems.

41 (17) The masonry trades.

42 (18) Energy conservation codes and standards, including the



1 manner in which energy conservation codes and standards apply
2 to:

- 3 (A) residential;
4 (B) single and multiple family dwelling; or
5 (C) commercial;
6 building codes.

7 **(19) The boiler and pressure vessel industry.**

8 (e) Not more than five (5) of the appointed members of the
9 commission may be affiliated with the same political party.

10 SECTION 18. IC 22-12-2-9 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2019]: **Sec. 9. (a) On July 1, 2019, all powers, duties, agreements,
13 and liabilities of the boiler and pressure vessel rules board are
14 transferred to the commission, as the successor agency.**

15 **(b) On July 1, 2019, all records and property of the boiler and
16 pressure vessel rules board, including appropriations and other
17 funds under the control or supervision of the boiler and pressure
18 vessel rules board, are transferred to the commission, as the
19 successor agency.**

20 **(c) After June 30, 2019, any amounts owed to the boiler and
21 pressure vessel rules board before July 1, 2019, are considered to
22 be owed to the commission as the successor agency.**

23 **(d) After June 30, 2019, a reference to the boiler and pressure
24 vessel rules board in a statute, rule, or other document is
25 considered a reference to the commission, as the successor agency.**

26 **(e) Proceedings pending before the boiler and pressure vessel
27 rules board on July 1, 2019, shall be transferred from the boiler
28 and pressure vessel rules board to the commission and treated as
29 if initiated by the commission.**

30 **(f) A license or permit issued by the boiler and pressure vessel
31 rules board before July 1, 2019, shall be treated after June 30,
32 2019, as a certification issued by the commission.**

33 **(g) The rules adopted by the boiler and pressure vessel rules
34 board before July 1, 2019, concerning the boiler and pressure
35 vessel industry are considered, after June 30, 2019, rules of the
36 commission.**

37 SECTION 19. IC 22-12-2-10 IS ADDED TO THE INDIANA
38 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 10. (a) On July 1, 2019, all
39 powers, duties, agreements, and liabilities of the regulated
40 amusement device safety board are transferred to the commission,
41 as the successor agency.**
42



1 **(b) On July 1, 2019, all records and property of the regulated**
 2 **amusement device safety board, including appropriations and**
 3 **other funds under the control or supervision of the regulated**
 4 **amusement device safety board, are transferred to the commission,**
 5 **as the successor agency.**

6 **(c) After June 30, 2019, any amounts owed to the regulated**
 7 **amusement device safety board before July 1, 2019, are considered**
 8 **to be owed to the commission as the successor agency.**

9 **(d) After June 30, 2019, a reference to the regulated amusement**
 10 **device safety board in a statute, rule, or other document is**
 11 **considered a reference to the commission, as the successor agency.**

12 **(e) Proceedings pending before the regulated amusement device**
 13 **safety board on July 1, 2019, shall be transferred from the**
 14 **regulated amusement device safety board to the commission and**
 15 **treated as if initiated by the commission.**

16 **(f) The rules adopted by the regulated amusement device safety**
 17 **board before July 1, 2019, concerning regulated amusement device**
 18 **safety are considered, after June 30, 2019, rules of the commission.**

19 SECTION 20. IC 22-12-4 IS REPEALED [EFFECTIVE JULY 1,
 20 2019]. (Boiler and Pressure Vessel Rules Board).

21 SECTION 21. IC 22-12-4.5 IS REPEALED [EFFECTIVE JULY 1,
 22 2019]. (Regulated Amusement Device Safety Board).

23 SECTION 22. IC 22-12-6-1, AS AMENDED BY P.L.101-2006,
 24 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2019]: Sec. 1. (a) The fire and building services fund is
 26 established for the purpose of defraying the personal services, other
 27 operating expense, and capital outlay of the following:

- 28 (1) The department.
- 29 (2) The education board. ~~and the rules board.~~
- 30 (3) The commission.

31 (b) The fund shall be administered by the department. Money
 32 collected for deposit in the fund shall be deposited at least monthly
 33 with the treasurer of state.

34 (c) The treasurer of state shall deposit the following collected
 35 amounts in the fund:

- 36 (1) Fire insurance policy premium taxes assessed under section 5
 37 of this chapter.
- 38 (2) Except as provided in section 6(d) of this chapter, all fees
 39 collected under this chapter.
- 40 (3) Any money not otherwise described in this subsection but
 41 collected by the division of fire and building safety.
- 42 (4) Any money not otherwise described in this subsection but



1 collected by the department, commission, ~~or~~ education board ~~or~~
 2 ~~rules board~~ and designated for distribution to the fund by statute
 3 or the executive director of the department.

4 (5) A fee collected by the education board for the issuance of a
 5 certification under IC 22-14-2-7.

6 (d) The treasurer of state shall invest the money in the fund not
 7 currently needed to meet the obligations of the fund in the same
 8 manner as other public funds may be invested.

9 (e) Money in the fund at the end of a fiscal year does not revert to
 10 the state general fund.

11 SECTION 23. IC 22-12-6-15, AS AMENDED BY P.L.1-2010,
 12 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]: Sec. 15. (a) As used in this section, "credit card" means
 14 a bank card, debit card, charge card, prepaid card, or other similar
 15 device used for payment.

16 (b) In addition to other methods of payment allowed by law, the
 17 department may accept payment by credit card for certifications,
 18 licenses, and fees, and other amounts payable to the following:

- 19 (1) The department.
- 20 (2) The division of preparedness and training.
- 21 (3) The fire prevention and building safety commission.
- 22 ~~(4) The regulated amusement device safety board.~~
- 23 ~~(5) The boiler and pressure vessel rules board.~~
- 24 ~~(6) (4) The Indiana homeland security foundation.~~
- 25 ~~(7) (5) The division of fire and building safety.~~

26 (c) The department may enter into appropriate agreements with
 27 banks or other organizations authorized to do business in Indiana to
 28 enable the department to accept payment by credit card.

29 (d) The department may recognize net amounts remitted by the bank
 30 or other organization as payment in full of amounts due the department.

31 (e) The department may pay any applicable credit card service
 32 charge or fee.

33 SECTION 24. IC 22-12-7-1 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. This chapter applies
 35 to the commission, the education board, ~~the rules board~~, and every
 36 officer, employee, and agent of an office or division within the
 37 department whenever the person has authority to administer or enforce
 38 a law.

39 SECTION 25. IC 22-12-7-11 IS REPEALED [EFFECTIVE JULY
 40 1, 2019]. Sec. 11. (a) ~~An order issued by the rules board may be~~
 41 ~~appealed to the commission under IC 4-21.5-3-7.~~

42 ~~(b) If an order is appealed, the commission or its designee shall~~



1 conduct all administrative proceedings under IC 4-21.5. In its
 2 proceedings, the commission may modify the order or reverse the
 3 order.

4 SECTION 26. IC 22-13-2-8, AS AMENDED BY P.L.123-2006,
 5 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 8. (a) The commission shall adopt rules under
 7 IC 4-22-2 to create equipment laws applicable to regulated lifting
 8 devices.

9 (b) ~~Except as provided in subsection (c), subject to the approval of~~
 10 ~~the commission, the rules board~~ **The commission** shall adopt rules
 11 under IC 4-22-2 to create equipment laws applicable to regulated
 12 boilers and pressure vessels.

13 (c) ~~Subject to the approval of the commission, the rules board~~ **The**
 14 **commission** may adopt emergency rules under IC 4-22-2-37.1 only to
 15 adopt by reference all or part of the following national boiler and
 16 pressure vessel codes:

17 (1) The American Society of Mechanical Engineers Boiler and
 18 Pressure Vessel Code.

19 (2) The National Board of Boiler and Pressure Vessel Inspectors
 20 Inspection Code.

21 (3) The American Petroleum Institute 510 Pressure Vessel
 22 Inspection Code.

23 (4) Any subsequent editions of the codes listed in subdivisions (1)
 24 through (3).

25 (d) An emergency rule adopted under subsection (c) expires on the
 26 earlier of the following dates:

27 (1) Not more than two (2) years after the emergency rule is
 28 accepted for filing with the publisher of the Indiana Register.

29 (2) The date a permanent rule is adopted under IC 4-22-2.

30 (e) ~~Subject to the approval of the commission, the regulated~~
 31 ~~amusement device safety board established under IC 22-12-4.5~~ **The**
 32 **commission** shall adopt rules under IC 4-22-2 to create equipment laws
 33 applicable to regulated amusement devices.

34 SECTION 27. IC 22-13-2-11 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) The
 36 ~~commission, the rules board, or the regulated amusement device safety~~
 37 ~~board established by IC 22-12-4.5-2~~ **department** may grant a variance
 38 to a **any rule that it has adopted: adopted by the commission.**

39 (b) To qualify for a variance, an applicant must pay the fee set under
 40 IC 22-12-6-6 and ~~submit file an application, on a form approved by~~
 41 **the department, that contains** facts demonstrating that:

42 (1) compliance with the rule will impose an undue hardship upon



1 the applicant or prevent the preservation of an architecturally
 2 significant or historically significant part of a building or other
 3 structure; and

4 (2) either:

5 (A) noncompliance with the rule; or

6 (B) compliance with an alternative requirement approved by
 7 ~~the body adopting the rule; by the department;~~

8 will not be adverse to the public health, safety, or welfare.

9 **(c) If the department fails to issue an order granting or denying**
 10 **a variance request within ten (10) business days of receiving a**
 11 **completed application and fee, the request is deemed denied.**

12 ~~(c)~~ **(d)** A variance granted under this section is conditioned upon
 13 compliance with an alternative standard approved under subsection
 14 (b)(2)(B).

15 ~~(d)~~ **(e)** A variance granted under this section takes precedence over
 16 conflicting rules adopted by a state agency and conflicting ordinances
 17 and other regulations adopted by a political subdivision.

18 **(f) Variances granted by the commission, the boiler and**
 19 **pressure vessel rules board, and the regulated amusement device**
 20 **safety board prior to July 1, 2019, are valid and remain in full**
 21 **force and effect.**

22 SECTION 28. IC 22-13-2-11.5, AS ADDED BY P.L.107-2014,
 23 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: Sec. 11.5. (a) As used in this section, "NFPA 72" refers
 25 to NFPA 72, National Fire Alarm and Signaling Code, 2010 Edition,
 26 published by the National Fire Protection Association, 1 Batterymarch
 27 Park, Quincy, Massachusetts 02169-7471.

28 (b) It is the intent of the general assembly that NFPA 72, as may be
 29 amended by the commission under subsection (c), be incorporated into
 30 the Indiana Administrative Code. Not later than July 1, 2014, the
 31 commission shall adopt rules under IC 4-22-2 to amend 675
 32 IAC 28-1-28 to incorporate NFPA 72 into the Indiana Administrative
 33 Code, subject to subsection (c)(1) and (c)(2). The commission may
 34 adopt emergency rules in the manner provided under IC 4-22-2-37.1 to
 35 comply with this subsection. An emergency rule adopted by the
 36 commission under IC 4-22-2-37.1 to comply with this subsection
 37 expires on the date a rule that supersedes the emergency rule is adopted
 38 by the commission under IC 4-22-2-24 through IC 4-22-2-36.

39 (c) In adopting rules to incorporate NFPA 72 into the Indiana
 40 Administrative Code, as required by subsection (b), the commission
 41 may amend NFPA 72 as the commission considers appropriate.
 42 However, the rules finally adopted by the commission to comply with



- 1 this section must do the following:
- 2 (1) Incorporate the definition of, and associated requirements for:
- 3 (A) a managed facilities-based voice network (MFVN); and
- 4 (B) a public switched telephone network (PSTN);
- 5 as set forth in NFPA 72.
- 6 (2) Allow digital alarm communicator systems that make use of
- 7 a managed facilities-based voice network (MFVN) to transmit
- 8 signals from a fire alarm system to an offsite monitoring facility,
- 9 subject to the requirements for those systems set forth in NFPA
- 10 72.
- 11 (d) If the commission does not comply with subsection (b), the
- 12 following apply on July 1, 2014:
- 13 (1) The definition of, and associated requirements for:
- 14 (A) a managed facilities-based voice network (MFVN); and
- 15 (B) a public switched telephone network (PSTN);
- 16 as set forth in NFPA 72, are considered incorporated into the
- 17 Indiana Administrative Code. Any provisions of 675 IAC 28-1-28
- 18 (or any rules adopted by a state agency, or any ordinances or other
- 19 regulations adopted by a political subdivision) that conflict with
- 20 the definitions and requirements described in this subdivision are
- 21 superseded by the definitions and requirements described in this
- 22 subdivision. This subdivision continues to apply until the
- 23 commission adopts rules that amend 675 IAC 28-1-28 to
- 24 incorporate NFPA 72 into the Indiana Administrative Code and
- 25 that comply with subsection (c)(1) and (c)(2).
- 26 (2) A person that after June 30, 2014, installs or uses a digital
- 27 alarm communicator system that:
- 28 (A) makes use of a managed facilities-based voice network
- 29 (MFVN) to transmit signals from a fire alarm system to an
- 30 offsite monitoring facility; and
- 31 (B) meets the requirements for such a system set forth in
- 32 NFPA 72;
- 33 is not required to obtain a variance ~~from the commission~~ under
- 34 section 11 of this chapter for the installation or use.
- 35 SECTION 29. IC 22-13-4-1 IS AMENDED TO READ AS
- 36 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The building
- 37 rules adopted by the commission to govern new construction must
- 38 promote the following:
- 39 (1) Safety.
- 40 (2) Sanitary conditions.
- 41 (3) Energy conservation.
- 42 (4) Access by a person with a physical disability to Class 1



- 1 structures.
- 2 (b) Rules that:
- 3 (1) are adopted by the commission; ~~or the rules board under this~~
- 4 ~~article;~~ and
- 5 (2) are not covered by subsection (a);
- 6 must promote safety.
- 7 SECTION 30. IC 22-13-5-4, AS AMENDED BY P.L.218-2014,
- 8 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2019]: Sec. 4. (a) A written interpretation of a building law or
- 10 fire safety law binds all counties and municipalities if the state building
- 11 commissioner publishes the written interpretation of the building law
- 12 or fire safety law in the Indiana Register under IC 4-22-7-7(b). For
- 13 purposes of IC 4-22-7-7, a written interpretation of a building law or
- 14 fire safety law published by the state building commissioner is
- 15 considered adopted by an agency.
- 16 (b) A written interpretation of a building law or fire safety law
- 17 published under subsection (a) binds all counties and municipalities
- 18 until the earlier of the following:
- 19 (1) The general assembly enacts a statute that substantively
- 20 changes the building law or fire safety law interpreted or voids the
- 21 written interpretation.
- 22 (2) The commission adopts a rule under IC 4-22-2 to state a
- 23 different interpretation of the building law or fire safety law.
- 24 (3) The written interpretation is found to be an erroneous
- 25 interpretation of the building law or fire safety law in a judicial
- 26 proceeding.
- 27 (4) The state building commissioner publishes a different written
- 28 interpretation of the building law or fire safety law.
- 29 (c) The department or the state building commissioner may create
- 30 an electronic data base for the purpose of cataloging all available
- 31 variance rulings ~~by the commission~~ for the purpose of making the
- 32 information available to the public on the Internet web site of the
- 33 department or the state building commissioner.
- 34 SECTION 31. IC 22-14-2-7, AS AMENDED BY P.L.78-2013,
- 35 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2019]: Sec. 7. (a) This section does not limit the powers,
- 37 rights, duties, and other responsibilities of municipal or county
- 38 governments or impose requirements affecting pension laws or any
- 39 other laws.
- 40 (b) This section does not require a member of a fire department to
- 41 be certified.
- 42 (c) The education board may:



- 1 (1) certify firefighting training and education programs that meet
 2 the standards set by the education board;
 3 (2) certify fire department instructors who meet the qualifications
 4 set by the education board;
 5 (3) direct research in the field of firefighting and fire prevention
 6 and accept gifts and grants to direct this research;
 7 (4) recommend curricula for advanced training courses and
 8 seminars in fire science or fire engineering training to public and
 9 private postsecondary educational institutions;
 10 (5) certify fire service personnel and nonfire service personnel
 11 who meet the qualifications set by the education board;
 12 (6) require fire service personnel certified at any level to fulfill
 13 continuing education requirements in order to maintain
 14 certification; **or**
 15 (7) contract or cooperate with any person and adopt rules under
 16 IC 4-22-2, including emergency rules in the manner provided
 17 under IC 4-22-2-37.1 and as authorized under IC 36-8-10.5-7, to
 18 carry out its responsibilities under this section. ~~or~~
 19 ~~(8) grant a variance to a rule the education board has adopted.~~

20 (d) The education board may impose a reasonable fee for the
 21 issuance of a certification described in subsection (c). The board shall
 22 deposit the fee in the fire and building services fund established by
 23 IC 22-12-6-1.

24 SECTION 32. IC 22-14-2-7.5 IS ADDED TO THE INDIANA
 25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2019]: **Sec. 7.5. (a) The department may**
 27 **grant a variance to a rule the education board has adopted.**

28 **(b) The education board is the ultimate authority for orders**
 29 **issued under this section.**

30 SECTION 33. IC 22-15-6-0.5 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 0.5. This chapter
 32 applies to a regulated boiler and pressure vessel as set forth in rules
 33 adopted by the ~~rules board~~ **commission** under IC 4-22-2.

34 SECTION 34. IC 22-15-6-1 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. Sections 2 through
 36 3 of this chapter do not apply to any regulated boiler or pressure vessel
 37 exempted by a rule adopted by the ~~rules board~~ **commission** under
 38 IC 4-22-2.

39 SECTION 35. IC 22-15-6-2, AS AMENDED BY P.L.86-2015,
 40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2019]: Sec. 2. (a) The division shall conduct a program of
 42 periodic inspections of regulated boilers and pressure vessels.



1 (b) The division or a boiler and pressure vessel inspector acting
 2 under section 4 of this chapter shall issue a regulated boiler and
 3 pressure vessel operating permit to an applicant who qualifies under
 4 this section.

5 (c) Except as provided in subsection (f), a permit issued under this
 6 section expires one (1) year after it is issued. The permit terminates if
 7 it was issued by an insurance company acting under section 4 of this
 8 chapter and the applicant ceases to insure the boiler or pressure vessel
 9 covered by the permit against loss by explosion with an insurance
 10 company authorized to do business in Indiana.

11 (d) To qualify for a permit or to renew a permit under this section,
 12 an applicant must do the following:

13 (1) Demonstrate through an inspection that the regulated boiler or
 14 pressure vessel covered by the application complies with the rules
 15 adopted by the ~~rules board~~ **commission**.

16 (2) Pay the fee set under IC 22-12-6-6(a)(8).

17 (e) An inspection under subsection ~~(d)(2)~~ **(d)(1)** shall be conducted
 18 as follows:

19 (1) An inspection for an initial permit shall be conducted by:

20 (A) the division; or

21 (B) an owner or user inspection agency.

22 (2) An inspection for a renewal permit shall be conducted by one

23 (1) of the following:

24 (A) An insurance company inspection agency, if the vessel is
 25 insured under a boiler and pressure vessel insurance policy
 26 and the renewal inspection is not conducted by an owner or
 27 user inspection agency.

28 (B) An owner or user inspection agency.

29 (C) The division, if:

30 (i) the owner or user of a vessel is not licensed as an owner
 31 or user inspection agency and the vessel is not insured under
 32 a boiler and pressure vessel insurance policy; or

33 (ii) the regulated boiler or pressure vessel operating permit
 34 has lapsed.

35 (f) The ~~rules board~~ **commission** may, by rule adopted under
 36 IC 4-22-2, specify a period between inspections of more than one (1)
 37 year. However, the ~~rules board~~ **commission** may not set an inspection
 38 period of greater than five (5) years for regulated pressure vessels or
 39 steam generating equipment that is an integral part of a continuous
 40 processing unit.

41 (g) For any inspection conducted by the division under this section,
 42 the division may designate:



1 (1) a third party inspector that satisfies the requirements of
2 section 5 of this chapter; or

3 (2) an inspection agency that satisfies the requirements of section
4 6 of this chapter;

5 to act as the division's agent for purposes of the inspection.

6 SECTION 36. IC 22-15-6-4, AS AMENDED BY P.L.218-2014,
7 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2019]: Sec. 4. (a) As used in this chapter, "inspection agency"
9 means:

10 (1) an insurance company inspection agency; or

11 (2) an owner or user inspection agency licensed under section 6
12 of this chapter.

13 (b) A boiler and pressure vessel inspector licensed under section 5
14 of this chapter and employed by an inspection agency may perform any
15 of the following:

16 (1) An inspection required by section 2 of this chapter.

17 (2) The issuance of a permit under section 2 of this chapter.

18 (3) The issuance of an appropriate order under IC 22-12-7 when
19 an equipment law has been violated.

20 (c) The authority of an inspector acting under this chapter is limited
21 to enforcement related to regulated boilers or pressure vessels insured,
22 owned, or operated by the inspection agency employing the inspector.

23 (d) Unless an annual report is substituted under subsection (e), an
24 inspection agency shall, within thirty (30) days after the completion of
25 an inspection, submit to the office the report required by the ~~rules~~
26 ~~board~~ **commission**. In addition to any other information required by
27 the ~~rules board~~ **commission**, the inspector conducting the inspection
28 shall cite on the report any violation of the equipment law applicable
29 to the regulated boiler or pressure vessel.

30 (e) In the case of boilers or pressure vessels inspected by an owner
31 or user inspection agency, an annual report filed on or before the
32 annual date as the ~~rules board~~ **commission** may prescribe for each
33 report may be substituted. An annual report of an owner or user
34 inspection agency must list, by number and abbreviated description
35 necessary for identification, each boiler and pressure vessel inspected
36 during the covered period, the date of the last inspection of each unit,
37 and for each pressure vessel the approximate date for its next
38 inspection under the rules of the ~~rules board~~ **commission**. Each annual
39 report of an owner or user inspection must also contain the certificate
40 of a professional engineer registered under IC 25-31 and having
41 supervision over the inspections reported, swearing or affirming under
42 penalty of perjury that each inspection was conducted in conformity



1 with the equipment laws.

2 (f) An owner or user inspection agency shall pay the fee set under
3 IC 22-12-6 with a report under subsection (e).

4 (g) In addition to the reports required by subsections (d) and (e), an
5 owner, a user, or an inspection agency shall immediately notify the
6 division when an incident occurs to render a boiler or pressure vessel
7 inoperative.

8 (h) An inspection agency, an owner, or a user that violates this
9 section is subject to a disciplinary action under IC 22-12-7.

10 SECTION 37. IC 22-15-6-5, AS AMENDED BY P.L.1-2006,
11 SECTION 399, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The division shall issue a
13 boiler and pressure vessel inspector license to an applicant who
14 qualifies under this section.

15 (b) To qualify for a license under this section an applicant must:

16 (1) meet the qualifications set by the ~~rules board~~ **commission** in
17 its rules;

18 (2) pass an examination approved by the ~~rules board~~ **commission**
19 and conducted, supervised, and graded as prescribed by the ~~rules~~
20 ~~board;~~ **commission;** and

21 (3) pay the fee set under IC 22-12-6-6(a)(9).

22 (c) The ~~rules board~~ **commission** may exempt an applicant from any
23 part of the examination required by subsection (b) if the applicant has:

24 (1) a boiler and pressure vessel inspector's license issued by
25 another state with qualifications substantially equal to the
26 qualifications for a license under this section; or

27 (2) a commission as a boiler and pressure vessel inspector issued
28 by the National Board of Boiler and Pressure Vessel Inspectors.

29 SECTION 38. IC 22-15-6-6, AS AMENDED BY P.L.1-2006,
30 SECTION 400, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The division shall issue a
32 license to act as an owner or user boiler and pressure vessel inspection
33 agency to an applicant who qualifies under this section.

34 (b) A license issued under this section expires if the bond required
35 by subsection (c)(3) becomes invalid.

36 (c) To qualify for a license under this section an applicant must:

37 (1) submit the name and address of the applicant;

38 (2) submit proof that inspections will be supervised by one (1) or
39 more professional engineers licensed under IC 25-31 and
40 regularly employed by the applicant;

41 (3) provide a surety bond issued by a surety qualified to do
42 business in Indiana for one hundred thousand dollars (\$100,000),



1 made payable to the division and conditioned upon compliance
 2 with the equipment laws applicable to inspections and the true
 3 accounting for all funds due to the division; and

4 (4) pay the fee set under IC 22-12-6-6(a)(9).

5 (d) An owner or user boiler and pressure vessel inspection agency
 6 licensee under this section shall maintain with the division the most
 7 current name and address of the licensee and the name of the
 8 professional engineer supervising the licensee's inspections and notify
 9 the division of any changes within thirty (30) days after the change
 10 occurs. An inspection agency that violates this subsection is subject to
 11 a disciplinary action under IC 22-12-7.

12 (e) The ~~rules board~~ **commission** may establish standards for the
 13 operation of inspection agencies.

14 (f) An inspection agency that violates this section is subject to a
 15 disciplinary action under IC 22-12-7.

16 SECTION 39. IC 25-0.5-4-5 IS REPEALED [EFFECTIVE JULY
 17 1, 2019]. ~~Sec. 5: The Indiana auctioneer commission (IC 25-6.1-2-1)~~
 18 ~~is a board under IC 25-1-4.~~

19 SECTION 40. IC 25-0.5-4-9 IS REPEALED [EFFECTIVE JULY
 20 1, 2019]. ~~Sec. 9: The Indiana dietitians certification board~~
 21 ~~(IC 25-14.5-2-1) is a board under IC 25-1-4.~~

22 SECTION 41. IC 25-0.5-4-13 IS REPEALED [EFFECTIVE JULY
 23 1, 2019]. ~~Sec. 13: The committee of hearing aid dealer examiners~~
 24 ~~(IC 25-20-1-1.5) is a board under IC 25-1-4.~~

25 SECTION 42. IC 25-0.5-4-26 IS REPEALED [EFFECTIVE JULY
 26 1, 2019]. ~~Sec. 26: The private investigator and security guard licensing~~
 27 ~~board (IC 25-30-1-5.2) is a board under IC 25-1-4.~~

28 SECTION 43. IC 25-0.5-5-13 IS REPEALED [EFFECTIVE JULY
 29 1, 2019]. ~~Sec. 13: The Indiana professional licensing agency shall~~
 30 ~~perform administrative functions; duties; and responsibilities for the~~
 31 ~~committee of hearing aid dealer examiners (IC 25-20) under~~
 32 ~~IC 25-1-5-3(a).~~

33 SECTION 44. IC 25-0.5-5-20 IS REPEALED [EFFECTIVE JULY
 34 1, 2019]. ~~Sec. 20: The Indiana professional licensing agency shall~~
 35 ~~perform administrative functions; duties; and responsibilities for the~~
 36 ~~Indiana dietitians certification board (IC 25-14.5-2-1) under~~
 37 ~~IC 25-1-5-3(a).~~

38 SECTION 45. IC 25-0.5-5-21 IS REPEALED [EFFECTIVE JULY
 39 1, 2019]. ~~Sec. 21: The Indiana professional licensing agency shall~~
 40 ~~perform administrative functions; duties; and responsibilities for the~~
 41 ~~midwifery committee (IC 25-23.4-2-1) under IC 25-1-5-3(a).~~

42 SECTION 46. IC 25-0.5-6-19 IS REPEALED [EFFECTIVE JULY



1 1, 2019]. Sec. 19: An individual licensed, certified, registered, or
 2 permitted by the Indiana dietitians certification board (IC 25-14.5-2-1)
 3 is a provider under IC 25-1-5-10.

4 SECTION 47. IC 25-0.5-6-20 IS REPEALED [EFFECTIVE JULY
 5 1, 2019]. Sec. 20: An individual licensed, certified, registered, or
 6 permitted by the midwifery committee (IC 25-23.4-2-1) is a provider
 7 under IC 25-1-5-10.

8 SECTION 48. IC 25-0.5-7-4 IS REPEALED [EFFECTIVE JULY
 9 1, 2019]. Sec. 4: The Indiana professional licensing agency shall
 10 perform administrative functions, duties, and responsibilities for the
 11 Indiana auctioneer commission (IC 25-6.1-2-1) under IC 25-1-6-3(a).

12 SECTION 49. IC 25-0.5-7-11 IS REPEALED [EFFECTIVE JULY
 13 1, 2019]. Sec. 11: The Indiana professional licensing agency shall
 14 perform administrative functions, duties, and responsibilities for the
 15 private investigator and security guard licensing board (IC 25-30-1-5.2)
 16 under IC 25-1-6-3(a).

17 SECTION 50. IC 25-0.5-8-4 IS REPEALED [EFFECTIVE JULY
 18 1, 2019]. Sec. 4: An occupation for which a person is licensed,
 19 certified, or registered by the Indiana auctioneer commission
 20 (IC 25-6.1-2-1) is a regulated occupation under IC 25-1-7.

21 SECTION 51. IC 25-0.5-8-23 IS REPEALED [EFFECTIVE JULY
 22 1, 2019]. Sec. 23: An occupation for which a person is licensed,
 23 certified, or registered by the private investigator and security guard
 24 licensing board (IC 25-30-1-5.2) is a regulated occupation under
 25 IC 25-1-7.

26 SECTION 52. IC 25-0.5-8-30 IS REPEALED [EFFECTIVE JULY
 27 1, 2019]. Sec. 30: An occupation for which a person is licensed,
 28 certified, or registered by the Indiana dietitians certification board
 29 (IC 25-14.5-2-1) is a regulated occupation under IC 25-1-7.

30 SECTION 53. IC 25-0.5-8-36 IS REPEALED [EFFECTIVE JULY
 31 1, 2019]. Sec. 36: An occupation for which a person is licensed,
 32 certified, or registered by the midwifery committee (IC 25-23.4-2-1) is
 33 a regulated occupation under IC 25-1-7.

34 SECTION 54. IC 25-0.5-9-4 IS REPEALED [EFFECTIVE JULY
 35 1, 2019]. Sec. 4: The Indiana auctioneer commission (IC 25-6.1-2-1)
 36 is a board under IC 25-1-8.

37 SECTION 55. IC 25-0.5-9-24 IS REPEALED [EFFECTIVE JULY
 38 1, 2019]. Sec. 24: The private investigator and security guard licensing
 39 board (IC 25-30-1-5.2) is a board under IC 25-1-8.

40 SECTION 56. IC 25-0.5-9-32 IS REPEALED [EFFECTIVE JULY
 41 1, 2019]. Sec. 32: The Indiana dietitians certification board
 42 (IC 25-14.5-2-1) is a board under IC 25-1-8.



1 SECTION 57. IC 25-0.5-10-5 IS REPEALED [EFFECTIVE JULY
2 1, 2019]. Sec. 5: The Indiana auctioneer commission (IC 25-6.1-2-1)
3 is a board under IC 25-1-8-6.

4 SECTION 58. IC 25-0.5-10-9 IS REPEALED [EFFECTIVE JULY
5 1, 2019]. Sec. 9: The Indiana dietitians certification board
6 (IC 25-14.5-2-1) is a board under IC 25-1-8-6.

7 SECTION 59. IC 25-0.5-10-13 IS REPEALED [EFFECTIVE JULY
8 1, 2019]. Sec. 13: The committee of hearing aid dealer examiners
9 (IC 25-20-1-1.5) is a board under IC 25-1-8-6.

10 SECTION 60. IC 25-0.5-10-26 IS REPEALED [EFFECTIVE JULY
11 1, 2019]. Sec. 26: The private investigator and security guard licensing
12 board (IC 25-30-1-5.2) is a board under IC 25-1-8-6.

13 SECTION 61. IC 25-0.5-11-19 IS REPEALED [EFFECTIVE JULY
14 1, 2019]. Sec. 19: The Indiana dietitians certification board
15 (IC 25-14.5-2-1) is a board under IC 25-1-9.

16 SECTION 62. IC 25-0.5-12-4 IS REPEALED [EFFECTIVE JULY
17 1, 2019]. Sec. 4: The Indiana auctioneer commission (IC 25-6.1-2) is
18 a board under IC 25-1-11.

19 SECTION 63. IC 25-0.5-12-12 IS REPEALED [EFFECTIVE JULY
20 1, 2019]. Sec. 12: The private investigator and security guard licensing
21 board (IC 25-30-1-5.2) is a board under IC 25-1-11.

22 SECTION 64. IC 25-1-2-8, AS AMENDED BY P.L.128-2017,
23 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2019]: Sec. 8. This chapter applies to the imposition and
25 collection of fees under the following:

26 IC 14-24-10.

27 IC 16-19-5-2.

28 IC 25-30-1-17.

29 SECTION 65. IC 25-1-6.5 IS ADDED TO THE INDIANA CODE
30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2019]:

32 **Chapter 6.5. Board Administration**

33 **Sec. 1. As used in this chapter, "board" refers to any of the**
34 **entities described in IC 25-0.5-5 or IC 25-0.5-7 and the board of**
35 **licensure for professional geologists established by IC 25-17.6-2-1.**

36 **Sec. 2. (a) A member who was appointed to serve on a board**
37 **under this title before July 1, 2019, shall serve the remainder of the**
38 **appointed member's unexpired term and continue until:**

39 **(1) the member is removed under section 4 of this chapter; or**

40 **(2) a successor is appointed and qualified.**

41 **(b) Notwithstanding any other law, a member appointed to a**
42 **board under this chapter after June 30, 2019, serves a term of four**



1 (4) years, beginning on the date of appointment and continuing
2 until:

- 3 (1) the member is removed under section 4 of this chapter; or
4 (2) a successor is appointed and qualified.

5 (c) Notwithstanding any other law, a member appointed to a
6 board under this chapter may serve multiple terms.

7 Sec. 3. Except as provided in IC 25-14-1-2 and IC 25-34.1-2-1
8 and notwithstanding any other law, not more than two (2) board
9 members may be appointed from the same congressional district.

10 Sec. 4. (a) Notwithstanding any other law, a member who is
11 appointed to a board under this chapter serves at the will and
12 pleasure of the governor.

13 (b) Notwithstanding any other law, a member who is appointed
14 to a board under this chapter may be removed by the governor
15 without cause.

16 (c) Notwithstanding any other law, a member who is appointed
17 to a board under this chapter must be removed if:

- 18 (1) the member's license is suspended or revoked under this
19 title;
20 (2) the member has violated a rule or law under
21 IC 4-2-6-4(a)(2) as determined by the state ethics commission
22 created by IC 4-2-6-2; or
23 (3) the member has been convicted of a crime (as defined
24 under IC 33-23-1-4).

25 (d) Notwithstanding any other law, a vacancy in the
26 membership of a board under this chapter shall be filled by the
27 governor for the unexpired term in the same manner as the
28 original appointment.

29 SECTION 66. IC 25-1-9-2 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. As used in this
31 chapter, "practitioner" means an individual who holds:

- 32 (1) an unlimited license, certificate, or registration;
33 (2) a limited or probationary license, certificate, or registration;
34 (3) a temporary license, certificate, registration, or permit;
35 (4) an intern permit; or
36 (5) a provisional license;

37 issued by the board regulating the profession in question, including a
38 certificate of registration issued under IC 25-20 (**before its repeal**).

39 SECTION 67. IC 25-1-11-7 IS REPEALED [EFFECTIVE JULY 1,
40 2019]. Sec. 7. A practitioner licensed to practice auctioneering is
41 subject to the disciplinary sanctions under section 12 of this chapter if,
42 after a hearing, the board finds that the practitioner has failed to:



1 (1) account and to make payment under IC 25-6.1-6-2; or
 2 (2) keep the funds of others separate from the practitioner's own
 3 private accounts.

4 SECTION 68. IC 25-2.1-2-3, AS AMENDED BY P.L.105-2008,
 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2019]: Sec. 3. (a) The board consists of ~~six (6)~~ **five (5)**
 7 members appointed by the governor.

8 (b) ~~Five (5)~~ **Subject to IC 25-1-6.5-3, four (4)** members must meet
 9 the following conditions:

10 (1) Be a resident of Indiana.

11 (2) Be a certified public accountant under IC 25-2.1-3 or
 12 IC 25-2.1-4.

13 (c) **Subject to IC 25-1-6.5-3**, one (1) member must meet the
 14 following conditions:

15 (1) Be a resident of Indiana.

16 (2) Be a consumer who is not certified under this article but has
 17 professional or practical experience in the use of accounting
 18 services and financial statements that qualify the individual to
 19 make judgments about the qualifications and conduct of
 20 individuals and firms under this article.

21 SECTION 69. IC 25-2.1-2-4, AS AMENDED BY P.L.112-2014,
 22 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2019]: Sec. 4. (a) A member of the board **appointed before**
 24 **July 1, 2019**, serves a term of three (3) years and until the member's
 25 successor is appointed and qualified.

26 (b) ~~An individual may not serve more than three (3) complete terms.~~
 27 ~~An appointment to fill an unexpired term is not a complete term. A~~
 28 **member of the board appointed after June 30, 2019, serves a term**
 29 **under IC 25-1-6.5.**

30 (c) ~~All terms expire on June 30.~~

31 SECTION 70. IC 25-2.1-2-5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A member of the
 33 board is automatically removed from the board if the member's
 34 certificate is suspended or revoked under this article: **may be removed**
 35 **under IC 25-1-6.5-4.**

36 (b) ~~The governor may remove a member for neglect of duty;~~
 37 ~~incompetency; or unprofessional conduct.~~

38 (c) ~~A vacancy in the membership of the board shall be filled by~~
 39 ~~appointment by the governor for the unexpired term.~~

40 SECTION 71. IC 25-4-1-2 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) There is hereby
 42 created and established a board of registration for architects and



1 landscape architects, which shall consist of ~~eight (8)~~ **five (5)** members,
 2 who shall be appointed by the governor. ~~and who shall serve at the will~~
 3 ~~and pleasure of the governor.~~

4 **(b)** All appointments:

5 **(1) before July 1, 2019**, shall be made for terms of three (3)
 6 years, ending on December 31, ~~in any case, each member shall~~
 7 ~~serve for serving~~ the term for which the member shall have been
 8 appointed and until the member's successor shall have been
 9 appointed and shall have qualified; **and**

10 **(2) after June 30, 2019, shall be made according to**
 11 **IC 25-1-6.5.**

12 Any vacancy which may occur in membership of the board for any
 13 cause shall be filled by appointment by the governor for the unexpired
 14 term.

15 **(c) A member of the board may be removed under**
 16 **IC 25-1-6.5-4.**

17 **(d)** Each member of the board shall be entitled to receive as
 18 compensation for the member's services a salary per diem for each and
 19 every day the member may be engaged in attending the meetings or
 20 transacting the business of the board; in addition thereto each member
 21 shall be entitled to receive as reimbursement all traveling and other
 22 necessary expenses incurred in the performance of the member's duties
 23 as a member of the board in accordance with travel policies and
 24 procedures established by the department of administration and the
 25 state budget agency.

26 ~~(b)~~ **(e) Subject to 25-1-6.5-3**, each member of the board shall be a
 27 citizen of the United States of America and a resident of the state of
 28 Indiana.

29 ~~(f)~~ **Five (5) Three (3)** of the members must be registered architects
 30 under this chapter. ~~and shall have had at least ten (10) years of active~~
 31 ~~architectural practice preceding the member's appointment.~~

32 ~~(c)~~ **(g) Two (2) members One (1) member** of the board must be
 33 registered ~~as a landscape architects architect~~ under this chapter. ~~and~~
 34 ~~must have at least ten (10) years of active landscape architectural~~
 35 ~~practice preceding the member's appointment.~~

36 ~~(d)~~ **(h)** One (1) member of the board, to represent the general public,
 37 shall be a resident of this state who has never been associated with the
 38 architecture or landscape architecture profession in any way other than
 39 as a consumer.

40 SECTION 72. IC 25-4-1-3, AS AMENDED BY P.L.194-2005,
 41 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2019]: Sec. 3. The board shall organize by the election of a



1 chairman and vice chairman, each of whom shall serve for a term of
 2 one (1) year. The first meeting of the board shall be held within thirty
 3 (30) days after the members thereof shall have been appointed, on call
 4 of the chairman of the board. Thereafter, the board shall hold at least
 5 two (2) regular meetings each year and may hold such special
 6 meetings, as the board in its discretion considers necessary or
 7 advisable. The time for holding the regular meetings, the method of
 8 calling special meetings and the manner of giving notice of all
 9 meetings shall be prescribed in the bylaws of the board. ~~Five (5)~~
 10 ~~members of the board shall constitute a quorum for the transaction of~~
 11 ~~any and all business which may come before the board. A quorum of~~
 12 **the board consists of a majority of the appointed members.**
 13 Approval by a majority of all members of the board shall be required
 14 for action to be taken. The board shall adopt official seals representing
 15 the different professions that shall be affixed to all certificates of
 16 registration granted and issued as provided in this chapter. Subject to
 17 the approval of the governor, the board is hereby authorized to make
 18 bylaws and prescribe and promulgate rules as considered necessary in
 19 the performance of its duty. The board shall adopt rules establishing
 20 standards for the competent practice of architecture and landscape
 21 architecture, and for the administration of the registered architects and
 22 registered landscape architects investigative fund established by
 23 section 32 of this chapter. Suitable office quarters shall be provided for
 24 the use of the board in the city of Indianapolis.

25 SECTION 73. IC 25-5.1-2-2 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The board
 27 consists of ~~seven (7)~~ **five (5)** members appointed by the governor as
 28 follows:

29 (1) ~~Two (2) members~~ **One (1) member** who ~~are~~ **is** a medical
 30 ~~doctors; osteopaths; podiatrists; or chiropractors;~~ **at least one (1)**
 31 ~~of whom is~~ **doctor, osteopath, podiatrist, or chiropractor,**
 32 involved in the practice of sports medicine.

33 (2) ~~Four (4)~~ **Three (3)** members who are athletic trainers engaged
 34 in the practice of athletic training in Indiana for at least two (2)
 35 years immediately preceding their appointment. ~~and consisting of~~
 36 ~~the following:~~

37 (A) ~~One (1) member~~ who is at the time of appointment an
 38 athletic trainer employed by a college or a university in
 39 Indiana.

40 (B) ~~One (1) member~~ who is at the time of appointment an
 41 athletic trainer employed by a secondary school in Indiana.

42 (C) ~~One (1) member~~ who is at the time of appointment an



1 athletic trainer employed by a professional athletic team or by
2 a health care or an athletic facility in Indiana.

3 ~~(D) One (1) member who is an athletic trainer at large.~~

4 (3) One (1) member representing the public who is a resident of
5 Indiana and who is not associated with athletic training.

6 (b) In making the appointments described in subsection (a), the
7 governor shall ~~consider achieving equal geographic representation of~~
8 ~~the appointees.~~ **make appointments according to IC 25-1-6.5-3.**

9 SECTION 74. IC 25-5.1-2-4 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The term of
11 office for each member of the board is ~~four (4) years.~~ ~~However, a~~
12 ~~member of the board may be removed by the governor without cause.~~
13 **made under IC 25-1-6.5.**

14 ~~(b) A member may not be appointed to the board for more than two~~
15 ~~(2) consecutive terms.~~ **A member of the board may be removed**
16 **under IC 25-1-6.5-4.**

17 SECTION 75. IC 25-5.1-2-5 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. A vacancy on the
19 board shall be filled ~~for the unexpired term in the same manner as the~~
20 ~~original appointment.~~ **under IC 25-1-6.5.**

21 SECTION 76. IC 25-6.1 IS REPEALED [EFFECTIVE JULY 1,
22 2019]. (Auctioneers and Auctions).

23 SECTION 77. IC 25-8-3-5, AS AMENDED BY P.L.158-2016,
24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2019]: Sec. 5. (a) Each of the members of the board must
26 reside in Indiana.

27 (b) **Subject to IC 25-1-6.5-3,** the members of the board must meet
28 the following qualifications:

29 (1) Two (2) of the members must:

30 (A) possess a current cosmetologist license; and

31 (B) have practiced cosmetology in Indiana continuously for at
32 least five (5) years immediately before appointment.

33 (2) Two (2) of the members of the board must:

34 (A) possess a current barber license; and

35 (B) have practiced barbering in Indiana continuously for at
36 least five (5) years immediately before appointment.

37 (3) One (1) of the members must be an owner or operator of a
38 beauty culture school. However, the member may not be a
39 licensed barber or cosmetologist.

40 (4) One (1) of the members must be licensed as an electrologist,
41 an esthetician, or a manicurist.

42 (5) One (1) of the members must not have any association with



1 the practice of beauty culture, except as a consumer.

2 SECTION 78. IC 25-8-3-7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) Each board
4 member **appointed before July 1, 2019**, serves a term of three (3)
5 years, beginning on the date of appointment and continuing until:

- 6 (1) the member is removed under section 8 of this chapter; or
7 (2) a successor is appointed.

8 **(b) Each board member appointed after June 30, 2019, serves**
9 **a term under IC 25-1-6.5.**

10 SECTION 79. IC 25-8-3-8 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. The governor may
12 remove a board member for ~~incompetency or failure to perform the~~
13 ~~member's duties under this chapter.~~ **under IC 25-1-6.5-4.**

14 SECTION 80. IC 25-8-3-9 IS REPEALED [EFFECTIVE JULY 1,
15 2019]. ~~Sec. 9: If a member of the board is removed under section 8 of~~
16 ~~this chapter, the governor shall appoint a successor to serve for the~~
17 ~~remainder of the unexpired term.~~

18 SECTION 81. IC 25-10-1-1.5, AS AMENDED BY P.L.85-2018,
19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2019]: Sec. 1.5. (a) There is created a board of chiropractic
21 examiners. The board shall consist of ~~seven (7)~~ **five (5)** members
22 appointed by the governor, not more than ~~four (4)~~ **three (3)** of whom
23 may be affiliated with the same political party. ~~Six (6)~~ **Subject to**
24 **IC 25-1-6.5-3, four (4)** of the board members must be licensed under
25 this chapter and must have had at least five (5) years of experience as
26 a chiropractor prior to their appointment. **Subject to IC 25-1-6.5-3,**
27 one (1) member is to represent the general public and must be:

- 28 (1) a resident of this state; and
29 (2) in no way associated with the profession of chiropractic other
30 than as a consumer.

31 (b) All members **appointed before July 1, 2019**, shall be appointed
32 for a term of three (3) years and serve until their successors are
33 appointed and qualified. ~~A vacancy occurring on the board shall be~~
34 ~~filled by the governor by appointment.~~ Each appointed member shall
35 serve for the unexpired term of the vacating member.

36 **(c) Members appointed after June 30, 2019, are appointed under**
37 **IC 25-1-6.5.**

38 **(d) A member of the board may be removed under**
39 **IC 25-1-6.5-4.**

40 ~~(c)~~ **(e)** The members of the board are entitled to the minimum salary
41 per diem provided by IC 4-10-11-2.1(b). Members are also entitled to
42 reimbursement for traveling expenses as provided under IC 4-13-1-4



1 and other expenses actually incurred in connection with the member's
 2 duties as provided in the state policies and procedures established by
 3 the Indiana department of administration and approved by the budget
 4 agency.

5 ~~(d)~~ **(f)** The members of the board shall organize by the election of
 6 a chairman and a vice chairman from among its membership. The
 7 officers serve for a term of one (1) year. The board shall meet at least
 8 once each year and on other occasions as it considers necessary and
 9 advisable. A meeting of the board may be called by its chairman or by
 10 a majority of the members on the board. ~~Four (4)~~ **Three (3)** members
 11 of the board constitute a quorum for the transaction of business. All
 12 decisions are required to be made by a majority vote of the quorum.

13 ~~(e)~~ **(g)** The agency shall provide a secretary of the board and other
 14 personnel necessary for the proper performance of the board's duties
 15 and responsibilities under this chapter. The board, through the agency,
 16 shall receive and account for all money collected under this chapter and
 17 pay the money to the treasurer of state to be deposited by the treasurer
 18 in the general fund of the state.

19 ~~(f)~~ **(h)** The board may do the following:

- 20 (1) Establish reasonable application, examination, and renewal
 21 procedures for certification under this chapter.
- 22 (2) Use an examination under this chapter that is designed by the
 23 board, designed by another person, or designed in part by the
 24 board and in part by another person.
- 25 (3) Conduct in the manner prescribed by the board examinations
 26 of applicants for certification under this chapter. The board may
 27 conduct any part of the examinations through a person other than
 28 the agency who is approved by the board. The agency may
 29 conduct any part of the examinations under IC 25-1-5-4.
- 30 (4) Issue, deny, suspend, revoke, and renew certificates.
- 31 (5) Subject to IC 25-1-7, investigate and conduct hearings, upon
 32 complaint against individuals certified or not certified under this
 33 chapter, concerning alleged violation of this chapter with hearings
 34 to be conducted in accordance with IC 4-21.5.
- 35 (6) Initiate the prosecution and enjoinder of a person violating this
 36 chapter.
- 37 (7) Adopt rules necessary for the proper performance of the
 38 board's duties, in accordance with IC 4-22-2.
- 39 (8) Maintain a current list of individuals certified under this
 40 chapter.
- 41 (9) Establish a code of professional conduct.
- 42 (10) Adopt rules under IC 4-22-2 to allow chiropractors licensed



1 under this chapter to delegate the manual manipulation, manual
 2 adjustment, or manual mobilization of the spinal column or the
 3 vertebral column under section 14(c)(4) of this chapter.

4 (11) Adopt rules under IC 4-22-2 establishing standards for the
 5 registration and regulation of chiropractic management
 6 consultants (as defined by the board under IC 25-10-2).

7 (12) Set fees for the annual registration of a chiropractic
 8 management consultant under IC 25-10-2.

9 (13) Adopt rules under IC 4-22-2 establishing health and
 10 sanitation standards that conform to public health standards for
 11 dry needling.

12 ~~(g)~~ (i) The board shall adopt rules establishing standards for the
 13 competent practice of the science of the chiropractic in accordance
 14 with IC 4-22-2.

15 ~~(h)~~ (j) All expenses incurred in the administration of this chapter
 16 shall be paid from the state general fund upon appropriation being
 17 made in the manner provided by law for the making of appropriations.

18 SECTION 82. IC 25-14-1-2, AS AMENDED BY P.L.103-2011,
 19 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2019]: Sec. 2. (a) The state board of dentistry is established
 21 and consists of:

22 (1) nine (9) practicing dentists licensed under IC 25-14 who must
 23 have been in practice in Indiana for not less than the five (5)
 24 years;

25 (2) one (1) practicing dental hygienist who:

26 (A) has been practicing in Indiana as a dental hygienist:

27 (i) in 2011 and 2012, for at least three (3) years; and

28 (ii) after 2012, for at least five (5) years; and

29 (B) is licensed under IC 25-13-1; and

30 (3) one (1) member to represent the general public who must be
 31 a resident to this state and in no way associated with the
 32 profession of dentistry other than as a consumer.

33 (b) All eleven (11) members of the board **appointed before July 1,**
 34 **2019,** shall be appointed by the governor for a term of three (3) years
 35 each. ~~Any member of the board may serve until the member's successor~~
 36 ~~is appointed and qualified under this chapter. A member may serve~~
 37 ~~consecutive terms; but no member may serve more than three (3) terms~~
 38 ~~or a total of nine (9) years.~~

39 (c) **All eleven (11) members of the board appointed after June**
 40 **30, 2019, shall be appointed under IC 25-1-6.5.**

41 (d) **A member of the board may be removed under**
 42 **IC 25-1-6.5-4.**



1 ~~(b)~~ (e) The appointment of the dentist members shall be made in a
 2 manner that, at all times, each dentist member on the board represents
 3 and is a resident of one (1) of nine (9) examiner districts set forth in
 4 this subsection. Each dentist member shall be chiefly responsible in the
 5 performance of his or her duties with regard to the district from which
 6 he or she is appointed. The nine (9) dentist members' districts consist
 7 of the following counties:

8 (1) District 1. Tipton, Hamilton, Hendricks, Marion, Hancock,
 9 Morgan, Johnson, and Shelby.

10 (2) District 2. Lake, Porter, LaPorte, and Jasper.

11 (3) District 3. St. Joseph, Elkhart, Starke, Marshall, Kosciusko,
 12 and Fulton.

13 (4) District 4. LaGrange, Steuben, Jay, Noble, Whitley, Allen,
 14 Huntington, Wells, DeKalb, and Adams.

15 (5) District 5. Knox, Daviess, Gibson, Pike, Dubois, Posey,
 16 Vanderburgh, Warrick, Spencer, and Perry.

17 (6) District 6. Newton, Benton, White, Pulaski, Cass, Miami,
 18 Wabash, Grant, Howard, Carroll, Warren, Tippecanoe, and
 19 Clinton.

20 (7) District 7. Vermillion, Parke, Fountain, Montgomery, Boone,
 21 Putnam, Vigo, Clay, Sullivan, Owen, Greene, and Martin.

22 (8) District 8. Madison, Delaware, Blackford, Randolph, Rush,
 23 Fayette, Union, Henry, and Wayne.

24 (9) District 9. Monroe, Brown, Bartholomew, Decatur, Franklin,
 25 Lawrence, Jackson, Jennings, Ripley, Dearborn, Orange,
 26 Washington, Scott, Jefferson, Switzerland, Ohio, Crawford,
 27 Harrison, Floyd, and Clark.

28 ~~(e)~~ (f) The board may issue licenses to applicants who pass an
 29 examination administered by an entity that has been approved by the
 30 board.

31 SECTION 83. IC 25-14-1-11 IS REPEALED [EFFECTIVE JULY
 32 1, 2019]. ~~Sec. 11. The governor shall have the power to remove any~~
 33 ~~member of the board for incompetency, gross immorality, for any abuse~~
 34 ~~of his official power or for any other good cause and may fill any~~
 35 ~~vacancy occasioned by removal, death, resignation or otherwise, by~~
 36 ~~appointment. Any person appointed to fill any vacancy of such board,~~
 37 ~~whether caused by death, resignation, removal or otherwise, shall hold~~
 38 ~~for the unexpired term of the member whose place he is appointed to~~
 39 ~~fill and all vacancies shall be filled in the manner prescribed for the~~
 40 ~~regular appointments to said board.~~

41 SECTION 84. IC 25-14.5-1-2 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. "Board" refers to the



1 Indiana dietitians certification board established by IC 25-14.5-2-1.
 2 **medical licensing board of Indiana created by IC 25-22.5-2-1.**

3 SECTION 85. IC 25-14.5-2-1 IS REPEALED [EFFECTIVE JULY
 4 1, 2019]. Sec. 1: The Indiana dietitians certification board is
 5 established:

6 SECTION 86. IC 25-14.5-2-2 IS REPEALED [EFFECTIVE JULY
 7 1, 2019]. Sec. 2: The board consists of seven (7) members appointed by
 8 the governor as follows:

9 (1) Four (4) members who are certified under this article and
 10 currently provide and have provided services in the practice of
 11 dietetics in Indiana for a minimum of three (3) years:

12 (2) One (1) member who is a physician licensed under IC 25-22.5-

13 (3) One (1) member who is a registered nurse licensed under
 14 IC 25-23:

15 (4) One (1) member representing the public who is a resident of
 16 Indiana and has never been associated with dietetics in any way
 17 other than as a consumer:

18 SECTION 87. IC 25-14.5-2-3 IS REPEALED [EFFECTIVE JULY
 19 1, 2019]. Sec. 3: (a) Except as provided in subsection (b), the term of
 20 office for each member of the board is three (3) years:

21 (b) A member shall hold office until a successor has been appointed:

22 SECTION 88. IC 25-14.5-2-4 IS REPEALED [EFFECTIVE JULY
 23 1, 2019]. Sec. 4: A vacancy on the board shall be filled for the
 24 unexpired term in the same manner as the original appointment:

25 SECTION 89. IC 25-14.5-2-4.5 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2019]: Sec. 4.5. (a) On July 1, 2019, all
 28 powers, duties, agreements, and liabilities of the Indiana dietitians
 29 certification board are transferred to the board, as the successor
 30 agency.

31 (b) On July 1, 2019, all records and property of the Indiana
 32 dietitians certification board, including appropriations and other
 33 funds under the control or supervision of the Indiana dietitians
 34 certification board, are transferred to the board, as the successor
 35 agency.

36 (c) After June 30, 2019, any amounts owed to the Indiana
 37 dietitians certification board before July 1, 2019, are considered to
 38 be owed to the board as the successor agency.

39 (d) After June 30, 2019, a reference to the Indiana dietitians
 40 certification board in a statute, rule, or other document is
 41 considered a reference to the board, as the successor agency.

42 (e) Proceedings pending before the Indiana dietitians



1 certification board on July 1, 2019, shall be transferred from the
 2 Indiana dietitians certification board to the board and treated as
 3 if initiated by the board.

4 (f) A certificate issued by the Indiana dietitians certification
 5 board before July 1, 2019, shall be treated after June 30, 2019, as
 6 a certification issued by the board.

7 (g) The rules adopted by the Indiana dietitians certification
 8 board before July 1, 2019, concerning standards and certification
 9 for dietitians are considered, after June 30, 2019, rules of the
 10 board.

11 SECTION 90. IC 25-14.5-2-6 IS REPEALED [EFFECTIVE JULY
 12 1, 2019]. Sec. 6: (a) The board shall hold meetings as follows:

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

15 (2) The board shall hold at least one (1) regular meeting each
 16 calendar year. At the first regular meeting each year, the board
 17 shall elect a chairperson and vice chairperson.

18 (3) Special meetings may be held at the discretion of the
 19 chairperson:

20 (4) Meetings may be held at such time as the board or chairperson
 21 shall determine:

22 (b) A quorum of the board consists of four (4) members:

23 (c) A secretary of the board shall be elected by the board and shall
 24 hold office at the pleasure of the board:

25 SECTION 91. IC 25-14.5-2-7 IS REPEALED [EFFECTIVE JULY
 26 1, 2019]. Sec. 7: (a) Each member of the board who is not a state
 27 employee is entitled to the minimum salary per diem provided by
 28 IC 4-10-11-2.1(b). The member is also entitled to reimbursement for
 29 traveling expenses as provided under IC 4-13-1-4 and other expenses
 30 actually incurred in connection with the member's duties as provided
 31 in the state policies and procedures established by the Indiana
 32 department of administration and approved by the budget agency:

33 (b) Each member of the board who is a state employee is entitled to
 34 reimbursement for traveling expenses as provided under IC 4-13-1-4
 35 and other expenses actually incurred in connection with the member's
 36 duties as provided in the state policies and procedures established by
 37 the Indiana department of administration and approved by the budget
 38 agency:

39 SECTION 92. IC 25-15-9-2 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The board
 41 consists of eleven (11) **five (5)** members as follows:

42 (1) ~~Ten (10)~~ **Four (4)** members appointed by the governor. ~~for~~



1 terms of four (4) years:

2 (2) The commissioner of the state department of health or the
3 commissioner's designee: **Subject to IC 25-1-6.5-3, one (1)**
4 **member who must:**

5 (A) be a resident of Indiana; and

6 (B) not be associated with the practice of funeral service or
7 cemetery operation other than as a consumer.

8 (b) Members are appointed under IC 25-1-6.5.

9 (c) A member of the board may be removed under
10 IC 25-1-6.5-4.

11 ~~(b)~~ (d) The board shall elect a chairman from the board's own
12 membership every two (2) years to serve a term of two (2) years. The
13 chairman shall be elected alternately from those board members
14 appointed under sections 3 and 4 of this chapter.

15 SECTION 93. IC 25-15-9-3 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. ~~Four (4)~~ **Subject to**
17 **IC 25-1-6.5-3, two (2)** of the board's appointed members must be
18 licensed funeral directors, in good standing, without any association
19 with a school of mortuary science other than as a preceptor or
20 supervisor of a funeral service intern.

21 SECTION 94. IC 25-15-9-4 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. ~~Four (4)~~ **Subject to**
23 **IC 25-1-6.5-3, two (2)** of the board's appointed members must be
24 active in the cemetery industry in Indiana, either as an owner or a
25 manager of an operating cemetery property.

26 SECTION 95. IC 25-15-9-5 IS REPEALED [EFFECTIVE JULY 1,
27 2019]. Sec. 5. ~~Two (2) of the board's appointed members must be~~
28 ~~residents of Indiana who are not associated with the practice of funeral~~
29 ~~service or a cemetery operation other than as consumers:~~

30 SECTION 96. IC 25-15-9-6 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. Not more than ~~five~~
32 ~~(5)~~ **three (3)** of the board's appointed members may be affiliated with
33 the same political party.

34 SECTION 97. IC 25-15-9-7 IS REPEALED [EFFECTIVE JULY 1,
35 2019]. Sec. 7. ~~The board's appointed members may serve not more than~~
36 ~~two (2) consecutive terms on the board as a member of the state board~~
37 ~~of funeral and cemetery service: A member of the board may serve~~
38 ~~until the member's successor is appointed and qualified under this~~
39 ~~chapter:~~

40 SECTION 98. IC 25-15-9-9 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. ~~The funeral director,~~
42 ~~consumer, and the state department of health members of the board~~



- 1 shall do the following:
- 2 (1) Adopt rules under IC 4-22-2 to do the following:
- 3 (A) Establish standards for the competent practice of funeral
- 4 service.
- 5 (B) Establish sanitation standards for the construction and
- 6 equipping of funeral homes.
- 7 (C) Establish standards for the operation of funeral homes.
- 8 (D) Set fees under IC 25-1-8.
- 9 (E) Carry out this article.
- 10 (2) Establish a program of inspection to administer this article.
- 11 (3) Pass upon the qualifications of each applicant for a license
- 12 under this article.
- 13 (4) Provide all examinations under this article.
- 14 (5) License all applicants who meet the requirements of
- 15 IC 25-15-4.
- 16 (6) Investigate a complaint alleging a violation of this article.
- 17 (7) For a violation of this article by a person who is licensed
- 18 under this article, if necessary, take any combination of the
- 19 following actions:
- 20 (A) Issue an appropriate order to correct the violation.
- 21 (B) Suspend the seller's certificate of authority issued under
- 22 IC 30-2-13.
- 23 (C) Permanently revoke the licensee's license.
- 24 (D) Censure the licensee.
- 25 (E) Issue a letter of reprimand.
- 26 (F) Place the licensee on probation.
- 27 (G) Assess a civil penalty against the licensee in an amount
- 28 not to exceed one thousand dollars (\$1,000) for each violation,
- 29 except for a finding of incompetency due to a physical or
- 30 mental disability. When imposing a civil penalty, the board
- 31 shall consider a licensee's ability to pay the amount assessed.
- 32 If the licensee fails to pay the civil penalty within the time
- 33 specified by the board, the board may suspend the licensee's
- 34 license without additional proceedings. However, a suspension
- 35 may not be imposed if the sole basis for the suspension is the
- 36 licensee's inability to pay a civil penalty.
- 37 (H) Refer the matter to the attorney general or the prosecuting
- 38 attorney for enforcement.
- 39 (8) The board shall suspend the license of a funeral home licensee
- 40 who employs a person who:
- 41 (A) holds an inactive funeral director license (as described in
- 42 IC 25-15-4-6); and



1 (B) engages in the practice of funeral services or provides
 2 funeral services to the public (as described in IC 25-15-2-17
 3 or IC 25-15-2-22).

4 SECTION 99. IC 25-15-9-10 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. The ~~cemetery;~~
 6 ~~consumer; and the state department of health members of the board~~
 7 shall do the following:

- 8 (1) Determine compliance with IC 23-14 by cemetery owners.
 9 (2) Investigate a complaint alleging a violation of IC 23-14.
 10 (3) For a violation of IC 23-14 by a cemetery owner, if necessary,
 11 take any combination of the following actions:
 12 (A) Issue an appropriate order to correct the violation.
 13 (B) Suspend the seller's certificate of authority issued under
 14 IC 30-2-13.
 15 (C) Censure the cemetery owner.
 16 (D) Issue a letter of reprimand.
 17 (E) Assess a civil penalty against the cemetery owner in an
 18 amount not to exceed one thousand dollars (\$1,000) for each
 19 violation, except for a finding of incompetency due to a
 20 physical or mental disability. When imposing a civil penalty,
 21 the board shall consider a cemetery owner's ability to pay the
 22 amount assessed.
 23 (F) Refer the matter to the attorney general or prosecuting
 24 attorney for enforcement.

25 SECTION 100. IC 25-15-9-11 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. An official action
 27 of the board is valid only if the action is adopted by ~~at least six (6) of~~
 28 ~~the board's members; a majority of the appointed members.~~
 29 ~~However, cemetery members may not vote on any matter involving~~
 30 ~~section 9 of this chapter; and funeral director members may not vote on~~
 31 ~~any matter involving section 10 of this chapter. When either cemetery~~
 32 ~~or funeral director members are ineligible to vote, an official action of~~
 33 ~~the board is valid if the action is adopted by at least four (4) of the~~
 34 ~~board's members.~~

35 SECTION 101. IC 25-17.6-2-2 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. **Subject to**
 37 **IC 25-1-6.5**, each member of the board shall be:

- 38 (1) a resident of Indiana; and
 39 (2) appointed by the governor;
 40 with the exception of the state geologist.

41 SECTION 102. IC 25-17.6-2-4 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. ~~(a)~~ Each board



1 member shall serve a term of ~~four (4)~~ years: **under IC 25-1-6.5.**

2 (b) ~~A board member may serve until the member's successor is~~
3 ~~appointed and qualified under this chapter.~~

4 (c) ~~A board member may not serve more than two (2) consecutive~~
5 ~~terms.~~

6 SECTION 103. IC 25-17.6-2-5 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The governor
8 may remove a board member ~~for cause~~: **under IC 25-1-6.5-4.**

9 (b) ~~A vacancy in the membership of the board shall be filled for the~~
10 ~~unexpired term by the governor.~~

11 SECTION 104. IC 25-17.6-2-9 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) At least thirty
13 (30) days before ~~making the annual an~~ appointment to the board, the
14 governor shall receive a list of not more than three (3) nominations for
15 the appointment from a joint committee of the survey and
16 representatives of professional organizations representing professional
17 geologists in Indiana.

18 (b) Members appointed to the board shall be selected from the list
19 submitted to the governor by the joint committee under subsection (a).

20 SECTION 105. IC 25-19-1-2, AS AMENDED BY P.L.105-2008,
21 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2019]: Sec. 2. (a) **Subject to IC 25-1-6.5-3**, there is created
23 the Indiana state board of health facility administrators composed of
24 ~~thirteen (13)~~ **five (5)** members as follows:

25 (1) ~~The state health commissioner or the commissioner's~~
26 ~~designee.~~

27 (2) ~~The director of the division of family resources or the~~
28 ~~director's designee.~~

29 (3) ~~The state long term care ombudsman or the state long term~~
30 ~~care ombudsman's designee.~~

31 (4) ~~The chief administrative officer of the Indiana University~~
32 ~~medical center at Indianapolis or the chief administrative officer's~~
33 ~~designee.~~

34 (5) ~~One (1) member of the medical profession holding an~~
35 ~~unlimited license to practice medicine in Indiana.~~

36 (6) ~~(1) Four (4) Two (2)~~ administrators of licensed proprietary
37 health facilities.

38 (7) ~~(2) Two (2)~~ administrators of licensed nonproprietary health
39 facilities.

40 (8) ~~(3) Two (2) members One (1) member~~ representing the
41 public at large, who:

42 (A) ~~are residents is a resident~~ of Indiana; and



1 (B) ~~have has~~ never been associated with health facility
 2 services or administration in any way other than as a resident
 3 or a family member of a resident of a health facility.

4 (b) ~~Those members of the board other than the representatives of~~
 5 ~~state agencies and institutions shall be appointed by the governor after~~
 6 ~~consultation with the associations and societies appropriate to the~~
 7 ~~disciplines and professions representative of the position to be filled:~~
 8 ~~The original and all subsequent physician and hospital administrator~~
 9 ~~appointments shall be for terms of four (4) years. All appointments~~
 10 ~~shall be for four (4) year terms; except that in case of a vacancy prior~~
 11 ~~to term completion; the appointment shall be for the remainder of the~~
 12 ~~unexpired term. Any vacancy; either prior to or at term completion;~~
 13 ~~shall be filled by the governor after consultation with the associations~~
 14 ~~and societies appropriate to the discipline or professions representative~~
 15 ~~of the vacancy. In all cases; the appointees shall serve until their~~
 16 ~~successors are appointed and qualified. **Members are appointed**~~
 17 ~~**under IC 25-1-6.5.**~~

18 (c) ~~The governor may remove any member of the board other than~~
 19 ~~the representative of a state agency or institution for misconduct;~~
 20 ~~incapacity, incompetence; or neglect of duty after the member has been~~
 21 ~~served with a written statement of charges and has been given an~~
 22 ~~opportunity to be heard. Designated representatives of the state~~
 23 ~~agencies or institutions may be removed by the original appointing~~
 24 ~~authority for any of those causes. **A member of the board may be**~~
 25 ~~**removed under IC 25-1-6.5-4.**~~

26 SECTION 106. IC 25-19-1-6, AS AMENDED BY P.L.105-2008,
 27 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2019]: Sec. 6. (a) The board shall elect from its membership
 29 annually a chairperson and vice chairperson and shall adopt rules to
 30 govern its proceedings.

31 (b) Each member of the board who is not a state employee is entitled
 32 to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such
 33 a member is also entitled to reimbursement for traveling expenses and
 34 other expenses actually incurred in connection with the member's
 35 duties, as provided in the state travel policies and procedures
 36 established by the department of administration and approved by the
 37 state budget agency.

38 (c) The Indiana professional licensing agency shall supply necessary
 39 personnel to assist the board in the performance of its duties.

40 (d) ~~Seven (7) members of the board constitute a quorum for~~
 41 ~~consideration of all matters before the board. **A quorum of the board**~~
 42 ~~**consists of a majority of the appointed members.** A majority vote of~~



1 the quorum is required for action of the board.

2 SECTION 107. IC 25-20 IS REPEALED [EFFECTIVE JULY 1,
3 2019]. (Hearing Aid Dealers).

4 SECTION 108. IC 25-20.2-3-2, AS AMENDED BY P.L.177-2015,
5 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2019]: Sec. 2. (a) The board is composed of ~~seven (7)~~ **five (5)**
7 members appointed by the governor as follows:

8 (1) ~~Four (4)~~ **Subject to IC 25-1-6.5-3, three (3)** members, each
9 of whom:

10 (A) is licensed in Indiana as a home inspector; and

11 (B) has been actively engaged in performing home inspections
12 in Indiana for at least five (5) years immediately before the
13 member's appointment to the board.

14 (2) **Subject to IC 25-1-6.5-3**, one (1) member who:

15 (A) is a home builder; and

16 (B) has been actively engaged in home building in Indiana for
17 at least five (5) years immediately before the member's
18 appointment to the board.

19 (3) ~~One (1)~~ **member who:**

20 (A) is a licensed real estate broker under IC 25-34.1-3-4.1; and

21 (B) ~~has been actively engaged in selling, trading, exchanging,
22 optioning, leasing, renting, managing, listing, or appraising
23 residential real estate in Indiana for at least five (5) years
24 immediately before the member's appointment to the board.~~

25 ~~(4)~~ **(3) Subject to IC 25-1-6.5-3**, one (1) member who represents
26 the public at large and is not associated with the home inspection,
27 home building, or real estate business other than as a consumer.

28 (b) The members of the board must be residents of Indiana.

29 (c) ~~All members of the board serve at the will and pleasure of the~~
30 **governor.**

31 SECTION 109. IC 25-20.2-3-3 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) Each member of
33 the board **appointed before July 1, 2019**, serves a term of three (3)
34 years and until a successor is appointed and qualified.

35 **(b) Each member of the board appointed after June 30, 2019,**
36 **serves under IC 25-1-6.5.**

37 ~~(b)~~ (c) The governor may remove a board member at any time for
38 incompetency, neglect of duty, or unprofessional conduct. **under**
39 **IC 25-1-6.5-4.**

40 (c) ~~If a vacancy occurs in the membership of the board, the governor~~
41 ~~shall appoint an individual to serve for the remainder of the unexpired~~
42 ~~term.~~



1 (d) A member may not serve on the board for more than six (6)
2 consecutive years:

3 SECTION 110. IC 25-21.5-2-2, AS AMENDED BY P.L.57-2013,
4 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2019]: Sec. 2. (a) The board consists of ~~seven (7)~~ **five (5)**
6 members appointed by the governor.

7 (b) **Subject to IC 25-1-6.5-3**, one (1) member must be appointed to
8 represent the general public who is:

- 9 (1) a resident of Indiana; and
10 (2) not associated with surveying other than as a consumer.

11 (c) ~~Six (6)~~ **Subject to IC 25-1-6.5-3**, **four (4)** members must be
12 registered professional surveyors who engage in the practice of
13 surveying and who each meet the following conditions:

- 14 (1) Is a citizen of the United States.
15 (2) Has been a resident of Indiana for at least five (5) years
16 immediately before the member's appointment.
17 (3) Is registered in Indiana as a professional surveyor.
18 (4) Has been engaged in the lawful practice of surveying for at
19 least eight (8) years.
20 (5) Has been in charge of surveying work or surveying teaching
21 for at least five (5) years.

22 ~~(d) Of the registered professional surveyors appointed under~~
23 ~~subsection (c); three (3) must be engaged in the practice of surveying~~
24 ~~on a full-time basis; and at least two (2) must be engaged in the~~
25 ~~practice of surveying on a part-time basis:~~

26 SECTION 111. IC 25-21.5-2-3 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. A member of the
28 board serves a term of ~~four (4) years and until the member's successor~~
29 ~~is appointed and qualified: under IC 25-1-6.5.~~

30 SECTION 112. IC 25-21.5-2-6 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. ~~(a) The governor~~
32 ~~may remove a member of the board at any time for incompetency;~~
33 ~~neglect of duty; or for unprofessional conduct: under IC 25-1-6.5-4.~~

34 (b) A vacancy in the membership of the board shall be filled by
35 appointment by the governor for the unexpired term:

36 SECTION 113. IC 25-21.5-2-12 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. A quorum of the
38 board consists of ~~four (4) members. a majority of the appointed~~
39 ~~members. Except as provided in this article; at least four (4) votes are~~
40 ~~necessary for the board to take official action:~~

41 SECTION 114. IC 25-21.8-2-2, AS AMENDED BY P.L.267-2017,
42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]: Sec. 2. The board consists of five (5) members
2 appointed by the governor as follows:

3 (1) ~~Three (3)~~ **Subject to IC 25-1-6.5-3, four (4)** massage
4 therapists, each of whom:

5 (A) is licensed under this article;

6 (B) has been actively practicing massage therapy for at least
7 three (3) of the five (5) years immediately preceding the
8 individual's appointment; and

9 (C) does not have a pending disciplinary or suspension
10 proceeding against the individual.

11 (2) ~~Two (2) members~~ **Subject to IC 25-1-6.5-3, one (1) member**
12 of the general public. A board member appointed under this
13 subdivision must not:

14 (A) be licensed under this article;

15 (B) be the spouse of an individual who is licensed or intends
16 to be licensed under this article; or

17 (C) have a direct or an indirect financial interest in the
18 profession regulated under this article.

19 SECTION 115. IC 25-21.8-2-3, AS ADDED BY P.L.200-2007,
20 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2019]: Sec. 3. (a) Each member of the board **appointed**
22 **before July 1, 2019**, shall serve a term of three (3) years and until the
23 member's successor is appointed and qualified.

24 (b) **Each member of the board appointed after June 30, 2019,**
25 **shall be appointed under IC 25-1-6.5.**

26 SECTION 116. IC 25-21.8-2-4, AS AMENDED BY P.L.267-2017,
27 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2019]: Sec. 4. (a) A vacancy in the membership of the board
29 shall be filled by an individual appointed by the governor for the
30 unexpired term in the same manner as the original appointment was
31 made.

32 (b) A member may not serve more than two (2) consecutive terms
33 in addition to any unexpired term to which the individual was
34 appointed. A member may serve until a successor has been appointed
35 and qualified under this chapter.

36 (c) A member of the board may be removed for cause by the
37 governor. **under IC 25-1-6.5.**

38 SECTION 117. IC 25-22.5-1-2, AS AMENDED BY P.L.180-2018,
39 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2019]: Sec. 2. (a) This article, as it relates to the unlawful or
41 unauthorized practice of medicine or osteopathic medicine, does not
42 apply to any of the following:



- 1 (1) A student in training in a medical school approved by the
 2 board, or while performing duties as an intern or a resident in a
 3 hospital under the supervision of the hospital's staff or in a
 4 program approved by the medical school.
- 5 (2) A person who renders service in case of emergency where no
 6 fee or other consideration is contemplated, charged, or received.
- 7 (3) A paramedic (as defined in IC 16-18-2-266), an advanced
 8 emergency medical technician (as defined in IC 16-18-2-6.5), an
 9 emergency medical technician (as defined in IC 16-18-2-112), or
 10 a person with equivalent certification from another state who
 11 renders advanced life support (as defined in IC 16-18-2-7), or
 12 basic life support (as defined in IC 16-18-2-33.5):
- 13 (A) during a disaster emergency declared by the governor
 14 under IC 10-14-3-12 in response to an act that the governor in
 15 good faith believes to be an act of terrorism (as defined in
 16 IC 35-31.5-2-329); and
- 17 (B) in accordance with the rules adopted by the Indiana
 18 emergency medical services commission or the disaster
 19 emergency declaration of the governor.
- 20 (4) Commissioned medical officers or medical service officers of
 21 the armed forces of the United States, the United States Public
 22 Health Service, and medical officers of the United States
 23 Department of Veterans Affairs in the discharge of their official
 24 duties in Indiana.
- 25 (5) An individual who is not a licensee who resides in another
 26 state or country and is authorized to practice medicine or
 27 osteopathic medicine there, who is called in for consultation by an
 28 individual licensed to practice medicine or osteopathic medicine
 29 in Indiana.
- 30 (6) A person administering a domestic or family remedy to a
 31 member of the person's family.
- 32 (7) A member of a church practicing the religious tenets of the
 33 church if the member does not make a medical diagnosis,
 34 prescribe or administer drugs or medicines, perform surgical or
 35 physical operations, or assume the title of or profess to be a
 36 physician.
- 37 (8) A school corporation and a school employee who acts under
 38 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 39 (9) A chiropractor practicing the chiropractor's profession under
 40 IC 25-10 or to an employee of a chiropractor acting under the
 41 direction and supervision of the chiropractor under IC 25-10-1-13.
- 42 (10) A dental hygienist practicing the dental hygienist's profession



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



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



1 (d) This subsection does not apply to a prescription or drug order for
 2 a legend drug that is filled or refilled in a pharmacy owned or operated
 3 by a hospital licensed under IC 16-21. A physician licensed in Indiana
 4 who permits or authorizes a person to fill or refill a prescription or drug
 5 order for a legend drug except as authorized in IC 16-42-19-11 through
 6 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A
 7 person who violates this subsection commits the unlawful practice of
 8 medicine or osteopathic medicine under this chapter.

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

11 SECTION 118. IC 25-22.5-2-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The medical
 13 licensing board of Indiana is created. It shall consist of seven (7)
 14 members, not more than four (4) of whom shall be members of the
 15 same political party. The members shall be appointed by the governor,
 16 and all vacancies occurring on the board shall be filled by the governor.
 17 **Subject to IC 25-1-6.5-3**, the membership of the board shall consist of
 18 the following:

19 (1) Five (5) reputable physicians who:

20 (A) are graduates of a medical school;

21 (B) hold the degree of doctor of medicine or its equivalent;
 22 and

23 (C) hold valid unlimited licenses to practice medicine in
 24 Indiana.

25 ~~shall serve for terms of four (4) years each.~~

26 (2) One (1) reputable osteopathic physician who:

27 (A) is a graduate of an accredited osteopathic medical school;

28 (B) holds the degree of doctor of osteopathy or its equivalent;
 29 and

30 (C) holds a valid unlimited license to practice osteopathic
 31 medicine in Indiana.

32 ~~shall serve for a term of four (4) years.~~

33 (3) One (1) member to ~~serve a term of four (4) years~~ who:

34 (A) will represent the general public;

35 (B) is a resident of this state; and

36 (C) is in no way associated with the medical profession other
 37 than as a consumer.

38 (b) **Members are appointed under IC 25-1-6.5.**

39 (c) **A member of the board may be removed under**
 40 **IC 25-1-6.5-4.**

41 SECTION 119. IC 25-22.5-2-7, AS AMENDED BY P.L.78-2016,
 42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2019]: Sec. 7. (a) The board shall do the following:
2 (1) Adopt rules and forms necessary to implement this article that
3 concern, but are not limited to, the following areas:
4 (A) Qualification by education, residence, citizenship,
5 training, and character for admission to an examination for
6 licensure or by endorsement for licensure.
7 (B) The examination for licensure.
8 (C) The license or permit.
9 (D) Fees for examination, permit, licensure, and registration.
10 (E) Reinstatement of licenses and permits.
11 (F) Payment of costs in disciplinary proceedings conducted by
12 the board.
13 (2) Administer oaths in matters relating to the discharge of the
14 board's official duties.
15 (3) Enforce this article and assign to the personnel of the agency
16 duties as may be necessary in the discharge of the board's duty.
17 (4) Maintain, through the agency, full and complete records of all
18 applicants for licensure or permit and of all licenses and permits
19 issued.
20 (5) Make available, upon request, the complete schedule of
21 minimum requirements for licensure or permit.
22 (6) Issue, at the board's discretion, a temporary permit to an
23 applicant for the interim from the date of application until the
24 next regular meeting of the board.
25 (7) Issue an unlimited license, a limited license, or a temporary
26 medical permit, depending upon the qualifications of the
27 applicant, to any applicant who successfully fulfills all of the
28 requirements of this article.
29 (8) Adopt rules establishing standards for the competent practice
30 of medicine, osteopathic medicine, or any other form of practice
31 regulated by a limited license or permit issued under this article.
32 (9) Adopt rules regarding the appropriate prescribing of Schedule
33 III or Schedule IV controlled substances for the purpose of weight
34 reduction or to control obesity.
35 (10) Adopt rules establishing standards for office based
36 procedures that require moderate sedation, deep sedation, or
37 general anesthesia.
38 (11) Adopt rules or protocol establishing the following:
39 (A) An education program to be used to educate women with
40 high breast density.
41 (B) Standards for providing an annual screening or diagnostic
42 test for a woman who is at least forty (40) years of age and



- 1 who has been determined to have high breast density.
 2 As used in this subdivision, "high breast density" means a
 3 condition in which there is a greater amount of breast and
 4 connective tissue in comparison to fat in the breast.
 5 (12) Adopt rules establishing standards and protocols for the
 6 prescribing of controlled substances.
 7 ~~(13) Adopt rules as set forth in IC 25-23-4 concerning the~~
 8 ~~certification of certified direct entry midwives.~~
 9 **(13) Adopt rules as set forth in IC 25-14.5 concerning the**
 10 **certification of certified dietitians.**
 11 (b) The board may adopt rules that establish:
 12 (1) certification requirements for child death pathologists;
 13 (2) an annual training program for child death pathologists under
 14 IC 16-35-7-3(b)(2); and
 15 (3) a process to certify a qualified child death pathologist.
 16 (c) The board may adopt rules under IC 4-22-2 establishing
 17 guidelines for the practice of telemedicine in Indiana. Adoption of rules
 18 under this subsection may not delay the implementation and provision
 19 of telemedicine services by a provider under IC 25-1-9.5.
 20 SECTION 120. IC 25-23-1-2 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) There is
 22 established the Indiana state board of nursing consisting of nine (9)
 23 members appointed by the governor, each to serve a term of ~~four (4)~~
 24 ~~years subject to death, resignation, or removal by the governor.~~ **under**
 25 **IC 25-1-6.5.**
 26 (b) **Subject to IC 25-1-6.5-3**, six (6) of the board members must be
 27 registered nurses who are committed to advancing and safeguarding the
 28 nursing profession as a whole. Two (2) of the board's members must be
 29 licensed practical nurses. One (1) member of the board, to represent the
 30 general public, must be a resident of this state and not be associated
 31 with nursing in any way other than as a consumer.
 32 (c) ~~Each appointed board member may serve until the member's~~
 33 ~~successor has been appointed and qualified. Any vacancy occurring in~~
 34 ~~the membership of the board for any cause shall be filled by~~
 35 ~~appointment by the governor for the unexpired term. Members of the~~
 36 ~~board may be appointed for more than one (1) term. However, no~~
 37 ~~person who has served as a member of the board for more than six (6)~~
 38 ~~consecutive years may be reappointed. Reappointments of persons who~~
 39 ~~have served six (6) consecutive years as a member of the board may be~~
 40 ~~made after three (3) years have elapsed.~~ **A member of the board may**
 41 **be removed under IC 25-1-6.5-4.**
 42 SECTION 121. IC 25-23-1-3 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. ~~(a) On or before~~
 2 ~~December 1 of each year and~~ At any time there is a vacancy, the
 3 Indiana State Nurses' Association shall recommend to the governor a
 4 list of qualified registered nurses for appointment to the board in the
 5 number of not less than twice the number of registered nurse vacancies
 6 to be filled.

7 ~~(b) On or before December 1 of each year and~~ At any time there is
 8 a vacancy, the Indiana Federation of Licensed Practical Nurses' shall
 9 recommend to the governor a list of qualified licensed practical nurses
 10 and nurse educators of Practical Nurse Programs for appointment to the
 11 board in the number of not less than twice the number of vacancies to
 12 be filled. ~~The Governor may remove any member from the Board for~~
 13 ~~neglect of any duty required by law or for incompetency or~~
 14 ~~unprofessional or dishonorable conduct.~~

15 SECTION 122. IC 25-23-1-7, AS AMENDED BY P.L.129-2018,
 16 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 7. (a) The board shall do the following:

- 18 (1) Adopt under IC 4-22-2 rules necessary to enable it to carry
 19 into effect this chapter.
 20 (2) Prescribe standards and approve curricula for nursing
 21 education programs preparing persons for licensure under this
 22 chapter.
 23 (3) Provide for surveys of such programs at such times as it
 24 considers necessary.
 25 (4) Accredite such programs as meet the requirements of this
 26 chapter and of the board.
 27 (5) Deny or withdraw accreditation from nursing education
 28 programs for failure to meet prescribed curricula or other
 29 standards.
 30 (6) Examine, license, and renew the license of qualified
 31 applicants.
 32 (7) Issue subpoenas, compel the attendance of witnesses, and
 33 administer oaths to persons giving testimony at hearings.
 34 (8) Cause the prosecution of all persons violating this chapter and
 35 have power to incur necessary expenses for these prosecutions.
 36 (9) Adopt rules under IC 4-22-2 that do the following:
 37 (A) Prescribe standards for the competent practice of
 38 registered, practical, and advanced practice registered nursing.
 39 (B) Establish with the approval of the medical licensing board
 40 created by IC 25-22.5-2-1 requirements that advanced practice
 41 registered nurses must meet to be granted authority to
 42 prescribe legend drugs and to retain that authority.



- 1 (C) Establish, with the approval of the medical licensing board
 2 created by IC 25-22.5-2-1, requirements for the renewal of a
 3 practice agreement under section 19.4 of this chapter, which
 4 shall expire on October 31 in each odd-numbered year.
- 5 **(D) Prescribe standards for the certification of certified**
 6 **direct entry midwives as set forth in IC 25-23.4.**
- 7 (10) Keep a record of all its proceedings.
- 8 (11) Collect and distribute annually demographic information on
 9 the number and type of registered nurses and licensed practical
 10 nurses employed in Indiana.
- 11 (b) The board may do the following:
- 12 (1) Create ad hoc subcommittees representing the various nursing
 13 specialties and interests of the profession of nursing. Persons
 14 appointed to a subcommittee serve for terms as determined by the
 15 board.
- 16 (2) Utilize the appropriate subcommittees so as to assist the board
 17 with its responsibilities. The assistance provided by the
 18 subcommittees may include the following:
- 19 (A) Recommendation of rules necessary to carry out the duties
 20 of the board.
- 21 (B) Recommendations concerning educational programs and
 22 requirements.
- 23 (C) Recommendations regarding examinations and licensure
 24 of applicants.
- 25 (3) Appoint nurses to serve on each of the ad hoc subcommittees.
- 26 (4) Withdraw from the interstate nurse licensure compact under
 27 IC 25-23.2 (repealed).
- 28 (c) Nurses appointed under subsection (b) must:
- 29 (1) be committed to advancing and safeguarding the nursing
 30 profession as a whole; and
- 31 (2) represent nurses who practice in the field directly affected by
 32 a subcommittee's actions.
- 33 SECTION 123. IC 25-23.4-1-5 IS REPEALED [EFFECTIVE JULY
 34 1, 2019]. Sec. 5: "Committee" refers to the midwifery committee
 35 established by IC 25-23.4-2.
- 36 SECTION 124. IC 25-23.4-2-1 IS REPEALED [EFFECTIVE JULY
 37 1, 2019]. Sec. 4: The midwifery committee is established to provide
 38 recommendations and information to the board:
- 39 SECTION 125. IC 25-23.4-2-2 IS REPEALED [EFFECTIVE JULY
 40 1, 2019]. Sec. 2: (a) The committee consists of nine (9) members
 41 appointed by the governor as follows:
- 42 (4) Three (3) members who are certified direct entry midwives.



1 (2) Two (2) members who are licensed under IC 25-22.5 and who
 2 practice in the area of obstetrics; one (1) of whom has experience
 3 acting as a collaborative home birth physician with a midwife.

4 (3) One (1) certified nurse midwife with experience in the
 5 practice of home births.

6 (4) One (1) member who is licensed under IC 25-22.5 and
 7 practices in the area of family practice.

8 (5) One (1) member who is licensed under IC 25-22.5; who
 9 practices in the area of pediatrics; and who has experience acting
 10 as a collaborative home birth physician with a midwife.

11 (6) One (1) member representing the public who is not associated
 12 with the profession of midwifery or obstetrics other than as a
 13 consumer.

14 (b) Notwithstanding subsection (a)(1); a certified direct entry
 15 midwife appointed to the committee under subsection (a)(1) after June
 16 30, 2013; and before September 2, 2014; is not required to be certified
 17 under this article. However, a certified direct entry midwife appointed
 18 to the committee after June 30, 2013; and before September 2, 2014;
 19 under subsection (a) must be designated as a Certified Professional
 20 Midwife (CPM) by the North American Registry of Midwives.

21 SECTION 126. IC 25-23.4-2-3 IS REPEALED [EFFECTIVE JULY
 22 1, 2019]. Sec. 3: (a) The term of each committee member is four (4)
 23 years:

24 (b) A committee member may be reappointed for not more than
 25 three (3) consecutive terms:

26 (c) A committee member serves until the committee member's
 27 successor is appointed. A vacancy occurring in the membership of the
 28 committee for any cause shall be filled by appointment by the governor
 29 for the unexpired term:

30 (d) Committee members annually shall select a chairperson and a
 31 vice chairperson from among the committee's members:

32 SECTION 127. IC 25-23.4-2-4 IS REPEALED [EFFECTIVE JULY
 33 1, 2019]. Sec. 4: (a) The committee shall meet at least one (1) time
 34 each year at the call of the chairperson. However, the first meeting of
 35 the committee shall be called by the licensing agency:

36 (b) With the approval of the executive director of the licensing
 37 agency; the committee may meet upon:

38 (1) the call of the chairperson; or

39 (2) the request of a majority of the members of the committee:

40 (c) Five (5) members of the committee constitute a quorum:

41 (d) The affirmative vote of five (5) members of the committee is
 42 required for the committee to take action:



1 SECTION 128. IC 25-23.4-2-5 IS REPEALED [EFFECTIVE JULY
2 1, 2019]. **Sec. 5:** The licensing agency shall provide staff support for
3 the committee.

4 SECTION 129. IC 25-23.4-2-5.5 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2019]: **Sec. 5.5. (a)** On July 1, 2019, all
7 powers, duties, agreements, and liabilities of the midwifery
8 committee are transferred to the board, as the successor agency.

9 (b) On July 1, 2019, all records and property of the midwifery
10 committee, including appropriations and other funds under the
11 control or supervision of the midwifery committee, are transferred
12 to the board, as the successor agency.

13 (c) After June 30, 2019, any amounts owed to the midwifery
14 committee before July 1, 2019, are considered to be owed to the
15 board as the successor agency.

16 (d) After June 30, 2019, a reference to the midwifery committee
17 in a statute, rule, or other document is considered a reference to
18 the board, as the successor agency.

19 SECTION 130. IC 25-23.4-2-5.6 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2019]: **Sec. 5.6. (a)** This section applies to all
22 powers and duties of the medical licensing board of Indiana
23 (IC 25-22.5-2) to regulate and certify direct entry midwives under
24 IC 25-23.4.

25 (b) On July 1, 2019, all powers, duties, agreements, and
26 liabilities of the medical licensing board of Indiana are transferred
27 to the board, as the successor agency.

28 (c) On July 1, 2019, all records and property of the medical
29 licensing board of Indiana, including appropriations and other
30 funds under the control or supervision of the medical licensing
31 board of Indiana, are transferred to the board, as the successor
32 agency.

33 (d) After June 30, 2019, any amounts owed to the medical
34 licensing board of Indiana before July 1, 2019, are considered to be
35 owed to the board as the successor agency.

36 (e) After June 30, 2019, a reference to the medical licensing
37 board of Indiana in a statute, rule, or other document is considered
38 a reference to the board, as the successor agency.

39 (f) Proceedings pending before the medical licensing board of
40 Indiana on July 1, 2019, shall be transferred from the medical
41 licensing board of Indiana to the board and treated as if initiated
42 by the board.



1 **(g) A certificate issued by the medical licensing board of Indiana**
 2 **before July 1, 2019, shall be treated after June 30, 2019, as a**
 3 **certification issued by the board.**

4 **(h) The rules adopted by the medical licensing board of Indiana**
 5 **before July 1, 2019, concerning standards and certification for**
 6 **direct entry midwives are considered, after June 30, 2019, rules of**
 7 **the board.**

8 SECTION 131. IC 25-23.4-2-6, AS ADDED BY P.L.232-2013,
 9 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2019]: Sec. 6. (a) The board shall ~~after receiving information;~~
 11 ~~proposals; or recommendations from the committee;~~ do the following:

12 (1) Establish as a requirement for certification as a certified direct
 13 entry midwife the Certified Professional Midwife credentials
 14 developed by the North American Registry of Midwives or a
 15 successor organization.

16 (2) Subject to IC 25-1-8-2, establish fees to administer this article.

17 (3) Establish annual continuing education requirements to renew
 18 a certified direct entry midwife's certificate, which must include
 19 continuing education in pharmacology. The requirements
 20 established under this subdivision must provide for at least fifteen
 21 (15) hours of continuing education every twelve (12) months.

22 (4) Develop a peer review procedure, using as guidelines the peer
 23 review procedures established by:

24 (A) the Indiana Midwives Association or a successor
 25 organization; and

26 (B) the North American Registry of Midwives or a successor
 27 organization.

28 (b) The board shall ~~after receiving recommendations from the~~
 29 ~~committee;~~ do the following:

30 (1) In addition to the requirements under IC 25-23.4-5, adopt
 31 rules under IC 4-22-2 to provide for adequate collaboration
 32 between a certified direct entry midwife and a collaborating
 33 physician.

34 (2) Adopt rules under IC 4-22-2 that define the competent
 35 practice for certified direct entry midwives. Rules adopted under
 36 this subdivision must limit the practice of certified direct entry
 37 midwives to nonhospital settings.

38 (3) Adopt rules under IC 4-22-2 that establish standards for an
 39 emergency plan of care, including that a plan must allow for the
 40 timely provision of emergency care at a hospital.

41 (4) In addition to the requirements under IC 25-23.4-4-1(a)(6),
 42 adopt rules under IC 4-22-2 to set standards for determining the



1 geographic area close enough to the planned location of the
 2 delivery to make the collaborating physician a reasonable choice
 3 to provide backup care.

4 (5) In addition to the requirements under IC 25-23.4-5-1(b), adopt
 5 rules under IC 4-22-2 to establish standards or conditions that
 6 require additional review of a certified direct entry midwife's
 7 client encounters by the collaborating physician.

8 (6) Adopt rules under IC 4-22-2 to determine the number of
 9 certified direct entry midwives with whom a physician may
 10 collaborate.

11 (7) In addition to the requirements under IC 25-23.4-6-1(b),
 12 establish the conditions that require a certified direct entry
 13 midwife to refer a client for an examination by a physician.

14 (8) Adopt rules under IC 4-22-2, establishing the health
 15 conditions that require a referral to a physician under
 16 IC 25-23.4-6-1(c).

17 (c) The board may not adopt rules to grant a certified direct entry
 18 midwife prescriptive authority other than the authority specified in
 19 IC 25-23.4-4-5.

20 SECTION 132. IC 25-23.4-2-7, AS ADDED BY P.L.232-2013,
 21 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2019]: Sec. 7. ~~The committee may propose rules to the board~~
 23 ~~for adoption.~~ The board shall adopt rules under IC 4-22-2 to administer
 24 this article.

25 SECTION 133. IC 25-23.4-3-2, AS ADDED BY P.L.232-2013,
 26 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2019]: Sec. 2. The board shall ~~after receiving~~
 28 ~~recommendations from the committee~~; do the following:

29 (1) Determine the education that satisfies the requirements in
 30 section 1 of this chapter.

31 (2) Establish formal education requirements in addition to those
 32 required in section 1 of this chapter. The requirements must
 33 include course material on:

34 (A) emergency life support procedures;

35 (B) identification of high risk births for mothers;

36 (C) identification of potential complications during labor; and

37 (D) other material the board specifies.

38 SECTION 134. IC 25-23.5-2-2, AS AMENDED BY P.L.197-2007,
 39 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 2. The committee consists of five (5) members
 41 appointed by the governor for ~~terms of three (3) years.~~ **a term under**
 42 **IC 25-1-6.5.** **Subject to IC 25-1-6.5,** the committee must include the



1 following:

- 2 (1) At least two (2) occupational therapists who:
 3 (A) are residents of Indiana;
 4 (B) have at least three (3) years experience as occupational
 5 therapists; and
 6 (C) are licensed under this article.
 7 (2) At least one (1) physician licensed under IC 25-22.5 who is
 8 familiar with the practice of occupational therapy.
 9 (3) At least one (1) person who:
 10 (A) is a resident of Indiana; and
 11 (B) is not associated with occupational therapy in any way
 12 other than as a consumer.

13 SECTION 135. IC 25-23.5-2-4 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A member of the
 15 committee may be removed by the board ~~without cause.~~ **under**
 16 **IC 25-1-6.5-4.**

17 SECTION 136. IC 25-23.6-2-2, AS AMENDED BY P.L.122-2009,
 18 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2019]: Sec. 2. (a) The board consists of eleven (11) members
 20 appointed by the governor. ~~for terms of three (3) years.~~ **Subject to**
 21 **IC 25-1-6.5-3**, the board must include the following:

- 22 (1) Two (2) marriage and family therapists who:
 23 (A) have at least a master's degree in marriage and family
 24 therapy or a related field from an eligible postsecondary
 25 educational institution;
 26 (B) are licensed under this chapter; and
 27 (C) have five (5) years of experience in marriage and family
 28 therapy.
 29 (2) One (1) social worker who:
 30 (A) has at least a master's degree in social work from an
 31 eligible postsecondary educational institution accredited by the
 32 Council on Social Work Education;
 33 (B) is licensed under this article; and
 34 (C) has at least five (5) years of experience as a social worker.
 35 (3) One (1) social services director of a hospital with a social
 36 work degree who has at least three (3) years of experience in a
 37 hospital setting.
 38 (4) ~~Two (2)~~ **Three (3)** mental health counselors who:
 39 (A) have at least a master's degree in mental health counseling;
 40 (B) are licensed under this article; and
 41 (C) have at least five (5) years experience as a mental health
 42 counselor.



- 1 (5) ~~Two (2) consumers~~ **One (1) consumer** who ~~have~~ **has** never
 2 been credentialed under this article.
- 3 (6) One (1) physician licensed under IC 25-22.5 who has training
 4 in psychiatric medicine.
- 5 (7) Two (2) licensed clinical addiction counselors who:
 6 (A) are licensed under IC 25-23.6-10.5; and
 7 (B) have at least five (5) years experience in clinical addiction
 8 counseling.
- 9 (b) Not more than six (6) members of the board may be from the
 10 same political party.
- 11 **(c) A member appointed:**
 12 **(1) before July 1, 2019, serves a three (3) year term; and**
 13 **(2) after June 30, 2019, serves a term under IC 25-1-6.5.**
- 14 SECTION 137. IC 25-23.6-2-4 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A member of the
 16 board who is appointed by the governor may ~~not be removed from the~~
 17 ~~board except by action of the governor.~~ **be removed under**
 18 **IC 25-1-6.5-4.**
- 19 SECTION 138. IC 25-23.7-3-2, AS AMENDED BY P.L.177-2015,
 20 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2019]: Sec. 2. (a) **Subject to IC 25-1-6.5-3**, the board consists
 22 of ~~nine (9)~~ **five (5)** members appointed by the governor as follows:
 23 (1) ~~Four (4)~~ **Three (3)** members who are installers, each of whom:
 24 (A) is licensed in Indiana as an installer; and
 25 (B) has been actively engaged in the installation of
 26 manufactured homes for at least five (5) years immediately
 27 before the member's appointment to the board.
- 28 (2) ~~One (1) member who represents manufactured home~~
 29 ~~manufacturers with production facilities in Indiana:~~
- 30 (3) ~~One (1) member who represents manufactured home dealers:~~
- 31 (4) ~~One (1) member who is an operator or who is employed by an~~
 32 ~~operator of a mobile home community licensed under~~
 33 ~~IC 16-41-27:~~
- 34 (5) ~~(2)~~ **One (1)** member who is an owner of or who is employed
 35 by a primary inspection agency, a designation issued under 24
 36 CFR 3282 by the United States Department of Housing and Urban
 37 Development.
- 38 (6) ~~(3)~~ **One (1)** member who represents the general public and
 39 who is not associated with the manufactured home industry other
 40 than as a consumer.
- 41 (b) The members of the board must be residents of Indiana.
- 42 (c) All members of the board serve at the will and pleasure of the



1 governor.

2 SECTION 139. IC 25-23.7-3-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. ~~(a)~~ Each member of
4 the board shall serve a term of ~~four (4) years and until the member's~~
5 ~~successor is appointed and qualified:~~ **under IC 25-1-6.5.**

6 ~~(b) A board member may not serve more than two (2) consecutive~~
7 ~~terms.~~

8 SECTION 140. IC 25-23.7-3-4 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. ~~(a)~~ The governor
10 may remove a board member at ~~any time for incompetency, neglect of~~
11 ~~duty, or unprofessional conduct.~~ **under IC 25-1-6.5-4.**

12 ~~(b) A vacancy in the membership of the board shall be filled by~~
13 ~~appointment by the governor for the unexpired term.~~

14 SECTION 141. IC 25-23.7-3-5 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The board shall
16 meet at least two (2) times each calendar year upon the call of the
17 chairperson or the written request of a majority of the members of the
18 board.

19 (b) The chairperson shall establish the time and place for each
20 meeting.

21 (c) ~~Five (5) members of the board constitute a quorum.~~ **A quorum**
22 **of the board consists of a majority of the appointed members.**

23 (d) Except as otherwise provided in this article, at least ~~five (5)~~
24 **three (3)** votes are necessary for the board to take official action.

25 SECTION 142. IC 25-24-1-1 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) There is created
27 the Indiana optometry board (referred to in this chapter as the board),
28 whose duty it shall be to carry out this chapter. The board shall consist
29 of ~~six (6) five (5)~~ members appointed by the governor. ~~Five (5)~~ **Subject**
30 **to IC 25-1-6.5-3, four (4)** of these members must have been resident
31 optometrists, licensed under this chapter, engaged in the actual practice
32 of optometry in Indiana for a period of five (5) years prior to their
33 appointment, and not more than three (3) of the optometrist members
34 may belong to the same political party. **Subject to IC 25-1-6.5-3,** the
35 ~~sixth fifth~~ member of the board, to represent the general public, shall
36 be a resident of this state who has never been associated with
37 optometry in any way other than as a consumer. The appointed
38 members **appointed before July 1, 2019,** shall serve for a term of
39 three (3) years each, and each shall hold ~~his~~ office until ~~his~~ a successor
40 is appointed. ~~Appointment to fill vacancies from any cause shall be~~
41 ~~made by the governor for the residue of the term.~~ **The appointed**
42 **members appointed after June 30, 2019, shall serve a term under**



1 **IC 25-1-6.5. A member may be removed under IC 25-1-6.5-4.** The
2 members of the board, before entering on their duties, shall each take
3 and subscribe to the oath required to be taken by other state officers,
4 which shall be administered by the secretary of state and filed in ~~his~~ **the**
5 **office of the secretary of state**, and the board shall have a common
6 seal. The board:

7 (1) shall administer oaths and take affidavits as required by this
8 chapter, certified under the hand and the seal of the board;

9 (2) shall require the attendance of witnesses and the production
10 of books, records, and papers pertinent to any matters coming
11 before the board; and

12 (3) for that purpose may issue a subpoena for any witness or a
13 subpoena duces tecum to compel the production of any books,
14 records, papers, or documents, directed to the sheriff of the county
15 where the witness resides or is to be found, which shall be served
16 and returned in the same manner as subpoenas in civil actions in
17 the circuit court are served and returned.

18 (b) The board shall adopt rules, and do any and all things not
19 inconsistent with this chapter which may be necessary or expedient for
20 the effective enforcement of this chapter, for the full and efficient
21 performance of its duties under this chapter, and for the reasonable
22 regulation of the profession and practice thereof by persons licensed
23 under this chapter.

24 (c) The board shall adopt rules, not inconsistent with this chapter,
25 governing applicants and applications for license under this chapter
26 and governing the examination of applicants before beginning the
27 practice of optometry in this state, and shall establish a schedule of
28 qualifications of applicants, and a schedule of the minimum
29 requirements with which applicants for examination must comply
30 before they can be examined or receive a license, which schedules of
31 qualifications of applicants and of minimum requirements shall be kept
32 in a record for that purpose by the board.

33 (d) The board shall establish and record, in a record kept for that
34 purpose, a schedule of the minimum requirements and rules for the
35 recognition of schools of optometry, so as to keep the requirements of
36 proficiency up to the average standard of other states.

37 (e) The board shall adopt rules establishing standards for the
38 competent practice of optometry.

39 (f) The board shall assist in the prosecution of any violation of this
40 chapter and assist in the enforcement of this chapter.

41 (g) The board shall utilize, when expedient, an agent whose title
42 shall be inspector of the board, who shall hold office during the



1 pleasure of the board and who shall, while in office, serve and execute
 2 any process or order issued by the board under this chapter. Such
 3 agents may enter any optometrist's establishment or any place where
 4 the optometrist is located for the purpose of practicing the optometry
 5 profession to inspect the premises and the licenses of all optometrists
 6 operating therein, and the inspector may inspect all instruments and
 7 patient records used in the conduct of the profession and all ophthalmic
 8 materials which are to be delivered to the public.

9 (h) The board shall utilize the services of attorneys and other
 10 necessary assistants in carrying out this chapter.

11 (i) The board may:

12 (1) grant or refuse to grant licenses as provided in this chapter;

13 (2) place any licensee on probation; and

14 (3) revoke or suspend the license, as provided in this chapter, of
 15 any optometrist for any violation of this chapter or for a violation
 16 of any rule of the board.

17 (j) The board has such other powers and duties as may be provided
 18 in this chapter.

19 SECTION 143. IC 25-26-13-3, AS AMENDED BY P.L.202-2017,
 20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2019]: Sec. 3. (a) The Indiana board of pharmacy is created.
 22 The board consists of seven (7) members appointed by the governor for
 23 terms of four (4) years: **under IC 25-1-6.5.**

24 **(b) Subject to IC 25-1-6.5-3, the board consists of the following:**

25 **(1)** One (1) member of the board, to represent the general public,
 26 **must be a who is a** resident of this state who has never been
 27 associated with pharmacy in any way other than as a consumer.

28 **(2) Except for the member representing the general public, the**
 29 **members must be Six (6) members who are** pharmacists in good
 30 standing of recognized experience and ability from varied practice
 31 settings who hold a current license to practice pharmacy in
 32 Indiana, **including** one (1) member of the board **who** must be a
 33 practicing hospital pharmacist. **If a member leaves the board for**
 34 **any reason before the end of the member's term, the member's**
 35 **successor shall serve for the unexpired portion of the term.**

36 **(c) A member may be removed under IC 25-1-6.5-4.**

37 ~~(b)~~ **(d)** Not later than ten (10) days after a member's appointment,
 38 the member must subscribe by oath or affirmation to faithfully uphold
 39 the duties of the member's office. If a member fails to qualify as
 40 provided, a new member shall be appointed in the member's place.

41 ~~(c)~~ **(e)** At the first meeting of each year the board shall elect from
 42 among its members a president and vice president who shall perform



1 duties and have powers as the board prescribes.

2 ~~(d)~~ **(f)** The board shall meet at least eight (8) times per year at such
3 times and places as the board selects. At each meeting the board shall
4 continue in session from day to day, for not more than five (5) days,
5 until the business of the meeting is complete. Four (4) members of the
6 board shall constitute a quorum.

7 ~~(e)~~ **(g)** Each member of the board is entitled to compensation as
8 determined by the rules of the budget agency for each day the member
9 is actually engaged in business of the board, together with necessary
10 travel and other expenses incurred in the performance of the member's
11 duties.

12 ~~(f)~~ **(h)** Approval by a majority of the quorum is required for any
13 action to be taken by the board.

14 SECTION 144. IC 25-27-1-4 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) There is created
16 a five (5) member Indiana physical therapy committee to assist the
17 board in carrying out this chapter regarding the qualifications and
18 examinations of physical therapists and physical therapist's assistants.

19 **Subject to IC 25-1-6.5-3**, the committee is comprised of:

- 20 (1) three (3) physical therapists;
21 (2) a licensed physician; and
22 (3) one (1) member who is a resident of the state and who is not
23 associated with physical therapy in any way, other than as a
24 consumer.

25 (b) The governor shall make each appointment **before July 1, 2019**,
26 for a term of three (3) years.

27 **(c) The governor shall make each appointment after June 30,**
28 **2019, under IC 25-1-6.5.**

29 **(d)** Each physical therapist appointed must:

- 30 (1) be a licensed physical therapist meeting the requirements of
31 this chapter;
32 (2) have had not less than three (3) years experience in the actual
33 practice of physical therapy immediately preceding appointment;
34 and
35 (3) be a resident of the state and actively engaged in this state in
36 the practice of physical therapy during incumbency as a member
37 of the committee.

38 **(e) A member may be removed under IC 25-1-6.5-4.**

39 SECTION 145. IC 25-27.5-3-2, AS AMENDED BY P.L.90-2007,
40 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2019]: Sec. 2. (a) The committee consists of five (5) members
42 appointed by the governor. ~~for terms of three (3) years:~~



1 (b) **Subject to IC 25-1-6.5-3**, the committee must include the
2 following:

3 (1) Three (3) physician assistants who:

4 (A) are residents of Indiana;

5 (B) have at least three (3) years experience as physician
6 assistants; and

7 (C) are licensed under this article.

8 (2) A physician licensed under IC 25-22.5 who is familiar with
9 the practice of physician assistants.

10 (3) An individual who:

11 (A) is a resident of Indiana; and

12 (B) is not associated with physician assistants in any way other
13 than as a consumer.

14 **(c) A member who is appointed:**

15 **(1) before July 1, 2019, serves a term of three (3) years; and**

16 **(2) after June 30, 2019, serves a term under IC 25-1-6.5.**

17 SECTION 146. IC 25-27.5-3-4 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A member of the
19 committee may be removed by the governor ~~for cause.~~ **under**
20 **IC 25-1-6.5-4.**

21 SECTION 147. IC 25-28.5-1-4 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The commission
23 shall consist of ~~six (6)~~ **five (5)** members to be appointed by the
24 governor.

25 **(b) Subject to IC 25-1-6.5-3**, each member appointed shall be a
26 citizen and resident of this state **and include the following:**

27 **(1)** Two (2) of the members shall be actively engaged in the
28 plumbing contracting business for not less than five (5) years
29 immediately prior to ~~his~~ **their** appointment or shall have had ten
30 (10) years experience in the plumbing contracting business.

31 **(2)** Two (2) of the members shall be persons who for not less than
32 five (5) years immediately prior to their appointment have been
33 employed as journeymen plumbers. ~~One (1) member shall be the~~
34 ~~commissioner of the state department of health or a member of~~
35 ~~the commissioner's professional staff.~~

36 **(3)** One (1) member, appointed to represent the general public,
37 may never have been associated with plumbing in any way other
38 than as a consumer.

39 **(c) The term of all members of the commission appointed:**

40 **(1) before July 1, 2019**, shall be for three (3) years and until their
41 successors are appointed and qualified; **and**

42 **(2) after June 30, 2019, shall be under IC 25-1-6.5.**



1 (b) ~~(d)~~ Members appointed by the governor to fill vacancies shall
 2 hold office for the unexpired term. At no time shall there be more than
 3 four (4) members of the same political faith party on the commission.
 4 No person, other than the representative of the state department of
 5 health, shall act as a member of the commission while holding another
 6 elective or appointive office either state or federal:

7 (e) **A member may be removed under IC 25-1-6.5-4.**

8 SECTION 148. IC 25-28.5-1-9 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. The secretary shall
 10 call all meetings of the commission as directed by the chairman or
 11 upon request in writing by two (2) members, and at such time and
 12 places, within the state of Indiana as the commission business may
 13 require. Sufficient notice shall be given to permit members to attend all
 14 meetings. ~~The presence of four (4) members of the commission in~~
 15 ~~attendance at a commission meeting subject to notice as herein~~
 16 ~~required, shall constitute a quorum for the transaction of commission~~
 17 ~~business. A quorum of the board consists of a majority of the~~
 18 **appointed members.** Meetings of the commission may be held
 19 pursuant to written waiver of notice signed by all the members of the
 20 commission. A record shall be kept of all proceedings at meetings and
 21 of the vote taken on each act or transaction of the commission, and a
 22 majority vote of all members shall be required to bind the commission.

23 SECTION 149. IC 25-29-2-2 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The board
 25 consists of ~~six (6)~~ **five (5)** members appointed by the governor.

26 (b) **Subject to IC 25-1-6.5-3**, four (4) members must be licensed
 27 podiatrists who actively practice podiatric medicine and who meet the
 28 following conditions:

- 29 (1) Be licensed in Indiana as a podiatrist under this article.
- 30 (2) Be a resident of Indiana.
- 31 (3) Have practiced podiatric medicine for at least five (5) years.

32 (c) ~~Two (2) members~~ **Subject to IC 25-1-6.5-3, one (1) member** of
 33 the board must meet the following conditions:

- 34 (1) Be a resident of Indiana.
- 35 (2) Not be associated with the practice of podiatry other than as
 36 a consumer.

37 SECTION 150. IC 25-29-2-3 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. A member of the
 39 board serves a term:

- 40 (1) **if appointed before July 1, 2019**, of three (3) years and until
 41 the member's successor is appointed and qualified; **and**
- 42 (2) **if appointed after June 30, 2019, a term under IC 25-1-6.5.**



1 SECTION 151. IC 25-29-2-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. ~~(a)~~ The governor
 3 may remove a member of the board after a hearing conducted under
 4 ~~IC 4-21.5-3 for incompetency, neglect of duty, or for unprofessional~~
 5 ~~conduct. under IC 25-1-6.5-4.~~

6 (b) ~~A vacancy in the membership of the board shall be filled by~~
 7 ~~appointment by the governor for the unexpired term.~~

8 SECTION 152. IC 25-29-2-5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. ~~A quorum of the~~
 10 ~~board consists of four (4) members. A quorum of the board consists~~
 11 ~~of a majority of the appointed members.~~ At least ~~four (4)~~ **three (3)**
 12 votes are necessary for the board to take official action.

13 SECTION 153. IC 25-30-1 IS REPEALED [EFFECTIVE JULY 1,
 14 2019]. (Private Investigator Firm Licensing).

15 SECTION 154. IC 25-30-1.3 IS REPEALED [EFFECTIVE JULY
 16 1, 2019]. (Security Guard Agency Licensing).

17 SECTION 155. IC 25-31-1-3 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The state board
 19 of registration for professional engineers is created.

20 (b) The board consists of seven (7) members, six (6) of whom shall
 21 be registered professional engineers.

22 (c) **Subject to IC 25-1-6.5-3**, one (1) member must be appointed to
 23 represent the general public who is:

- 24 (1) a resident of this state; and
- 25 (2) not associated with professional engineering other than as a
 26 consumer.

27 (d) All members of the board shall be appointed by the governor.

28 (e) **Subject to IC 25-1-6.5-3**, six (6) professional engineer members
 29 shall be appointed to the board. ~~and shall at the time of appointment~~
 30 ~~consist of:~~

- 31 ~~(1) one (1) member from industry;~~
- 32 ~~(2) one (1) member from government;~~
- 33 ~~(3) one (1) member from education;~~
- 34 ~~(4) two (2) members from private practice; and~~
- 35 ~~(5) one (1) member at large.~~

36 (f) A person appointed as a professional engineer member of the
 37 board must:

- 38 (1) be a citizen of the United States;
- 39 (2) have been a resident of this state for a period of at least five
 40 (5) years immediately before the time of the member's
 41 appointment;
- 42 (3) be registered as a professional engineer and must have been



1 engaged in the lawful practice of engineering for at least twelve
2 (12) years; and

3 (4) have been in responsible charge of engineering work or
4 engineering teaching for at least five (5) years.

5 (g) Every member of the board shall be appointed ~~for a term of four~~
6 ~~(4) years and shall serve until the member's successor is appointed and~~
7 ~~qualified.~~ **under IC 25-1-6.5.**

8 (h) Every member of the board shall receive a certificate of
9 appointment from the governor, and, before beginning the member's
10 term of office, file with the secretary of the board a written oath or
11 affirmation for the faithful discharge of the member's official duties.

12 (i) The governor may remove any member of the board ~~at any time~~
13 ~~for incompetency, neglect of duty, or for unprofessional conduct.~~
14 **under IC 25-1-6.5-4.**

15 (j) ~~Any vacancy which may occur in the membership of the board;~~
16 ~~at any time; shall be filled by appointment by the governor for the~~
17 ~~unexpired term.~~

18 SECTION 156. IC 25-33-1-3, AS AMENDED BY P.L.197-2007,
19 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2019]: Sec. 3. (a) There is created a board to be known as the
21 "state psychology board". The board shall consist of ~~seven (7)~~ **five (5)**
22 members appointed by the governor.

23 (b) ~~Six (6)~~ **Subject to IC 25-1-6.5-3, four (4)** of the board members
24 shall be licensed under this article and shall have had at least five (5)
25 years of experience as a professional psychologist prior to their
26 appointment.

27 (c) **Subject to IC 25-1-6.5-3,** the ~~seventh~~ **fifth** member shall be
28 appointed to represent the general public, must be a resident of this
29 state, must never have been credentialed in a mental health profession,
30 and must in no way be associated with the profession of psychology
31 other than as a consumer.

32 (d) All members shall:

33 (1) **if appointed before July 1, 2019,** be appointed for a term of
34 three (3) years; **and**

35 (2) **if appointed after June 30, 2019, be appointed under**
36 **IC 25-1-6.5.** ~~All members may serve until their successors are~~
37 ~~duly appointed and qualified. A vacancy occurring on the board~~
38 ~~shall be filled by the governor by appointment. The member so~~
39 ~~appointed shall serve for the unexpired term of the vacating~~
40 ~~member.~~

41 (e) **A member may be removed under IC 25-1-6.5-4.**

42 (f) Each member of the board is entitled to the minimum salary per



1 diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to
 2 reimbursement for traveling expenses and other expenses actually
 3 incurred in connection with the member's duties, as provided in the
 4 state travel policies and procedures established by the Indiana
 5 department of administration and approved by the state budget agency.

6 ~~(b)~~ **(g)** The members of the board shall organize by the election of
 7 a chairman and a vice chairman from among its membership. Such
 8 officers shall serve for a term of one (1) year. The board shall meet at
 9 least once in each calendar year and on such other occasions as it
 10 considers necessary and advisable. A meeting of the board may be
 11 called by its chairman or by a majority of the members on the board.
 12 ~~Four (4) members of the board constitute a quorum. A quorum of the~~
 13 **board consists of a majority of the appointed members.** A majority
 14 of the quorum may transact business.

15 ~~(c)~~ **(h)** The board is empowered to do the following:

16 (1) Establish reasonable application, examination, and renewal
 17 procedures and set fees for licensure under this article. However,
 18 no fee collected under this article shall, under any circumstances,
 19 be refunded.

20 (2) Adopt and enforce rules concerning assessment of costs in
 21 disciplinary proceedings before the board.

22 (3) Establish examinations of applicants for licensure under this
 23 article and issue, deny, suspend, revoke, and renew licenses.

24 (4) Subject to IC 25-1-7, investigate and conduct hearings, upon
 25 complaint against individuals licensed or not licensed under this
 26 article, concerning alleged violation of this article, under
 27 procedures conducted in accordance with IC 4-21.5.

28 (5) Initiate the prosecution and enjoinder of any person violating
 29 this article.

30 (6) Adopt rules which are necessary for the proper performance
 31 of its duties, in accordance with IC 4-22-2.

32 (7) Establish a code of professional conduct.

33 ~~(d)~~ **(i)** The board shall adopt rules establishing standards for the
 34 competent practice of psychology.

35 ~~(e)~~ **(j)** All expenses incurred in the administration of this article
 36 shall be paid from the general fund upon appropriation being made in
 37 the manner provided by law for the making of such appropriations.

38 ~~(f)~~ **(k)** The ~~bureau~~ **agency** shall do the following:

39 (1) Carry out the administrative functions of the board.

40 (2) Provide necessary personnel to carry out the duties of this
 41 article.

42 (3) Receive and account for all fees required under this article.



- 1 (4) Deposit fees collected with the treasurer of state for deposit in
 2 the state general fund.
- 3 ~~(g)~~ **(l)** This section may not be interpreted to prevent a licensed or
 4 certified health care professional from practicing within the scope of
 5 the health care professional's:
 6 (1) license or certification; and
 7 (2) training or credentials.
- 8 SECTION 157. IC 25-34.1-2-1 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The Indiana real
 10 estate commission is created.
 11 (b) The commission consists of the following:
 12 (1) Nine (9) district members. Each Indiana congressional district
 13 must be represented by one (1) individual appointed under this
 14 subdivision.
 15 (2) One (1) real estate member at large.
 16 (3) Two (2) citizen members at large.
- 17 A member described in subdivision (1) must be a resident of the
 18 represented district for not less than one (1) year. A member described
 19 in subdivision (1) or (2) must have engaged in business as a license
 20 broker for not less than five (5) years. Citizen members at large shall
 21 be appointed to represent the general public, must be residents of
 22 Indiana, and must have never been associated with the real estate
 23 business in any way other than as a consumer.
- 24 (c) Each member of the commission shall be appointed by the
 25 governor ~~and shall serve a four (4) year term. If a successor has not~~
 26 ~~been appointed, the current member shall serve until a successor is~~
 27 ~~appointed and qualified. If a vacancy occurs on the commission, the~~
 28 ~~governor shall appoint an individual to serve the unexpired term of the~~
 29 ~~previous member and until a successor is appointed and qualified.~~
 30 **under IC 25-1-6.5.**
- 31 (d) A member of the commission may not hold a state or federal
 32 elective office.
- 33 **(e) A member may be removed under IC 25-1-6.5-4.**
- 34 SECTION 158. IC 25-34.1-3-2, AS AMENDED BY P.L.45-2016,
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2019]: Sec. 2. (a) Except as provided in:
 37 (1) subsection (b);
 38 (2) section 8(i) of this chapter; and
 39 (3) section 11 of this chapter;
 40 no person shall, for consideration, sell, buy, trade, exchange, option,
 41 lease, rent, manage, list, or appraise real estate or negotiate or offer to
 42 perform any of those acts in Indiana or with respect to real estate



1 situated in Indiana, without a license.

2 (b) This article does not apply to:

3 (1) acts of an attorney which constitute the practice of law;

4 (2) performance by a public official of acts authorized by law;

5 (3) acts of a receiver, executor, administrator, commissioner,
6 trustee, or guardian, respecting real estate owned or leased by the
7 person represented, performed pursuant to court order or a will;

8 (4) rental, for periods of less than thirty (30) days, of rooms,
9 lodging, or other accommodations, by any commercial hotel,
10 motel, tourist facility, or similar establishment which regularly
11 furnishes such accommodations for consideration;

12 (5) rental of residential apartment units by an individual
13 employed or supervised by a licensed broker;

14 (6) rental of apartment units which are owned and managed by a
15 person whose only activities regulated by this article are in
16 relation to a maximum of twelve (12) apartment units which are
17 located on a single parcel of real estate or on contiguous parcels
18 of real estate;

19 (7) referral of real estate business by a broker or referral company
20 which is licensed under the laws of another state, to or from
21 brokers licensed by this state;

22 (8) acts performed by a person in relation to real estate owned by
23 that person unless that person is licensed under this article, in
24 which case the article does apply to that person;

25 (9) acts performed by a regular, full-time, salaried employee of a
26 person in relation to real estate owned or leased by that person
27 unless the employee is licensed under this article, in which case
28 the article does apply to that person;

29 (10) conduct of a sale at public auction by a ~~licensed an~~
30 auctioneer. ~~pursuant to IC 25-6.1;~~

31 (11) sale, lease, or other transfer of interests in cemetery lots;

32 (12) acts of a broker, who is licensed under the laws of another
33 state, which are performed pursuant to, and under restrictions
34 provided by, written permission that is granted by the commission
35 in its sole discretion, except that such a person shall comply with
36 the requirements of section 5(c) of this chapter; and

37 (13) the performance of an evaluation of real property by an
38 employee, an officer, a director, or a member of a credit or loan
39 committee of a financial institution, or by any other person
40 engaged by a financial institution, in a transaction for which the
41 financial institution would not be required to use the services of
42 a state licensed appraiser under regulations adopted under Title



1 XI of the Financial Institutions Reform, Recovery, and
2 Enforcement Act of 1989 (12 U.S.C. 3331 et seq.).

3 SECTION 159. IC 25-34.1-8-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The board
5 consists of ~~seven (7)~~ **five (5)** members appointed by the governor as
6 follows:

7 (1) ~~Five (5)~~ **Subject to IC 25-1-6.5-3, three (3)** members who are
8 real estate appraisers:

9 (A) who are licensed or certified under this article;

10 (B) who have at least five (5) years experience as real estate
11 appraisers; and

12 (C) at least ~~three (3)~~ **one (1)** of whom ~~are is a~~ certified
13 ~~appraisers. appraiser.~~

14 (2) **Subject to IC 25-1-6.5-3**, one (1) representative who
15 represents lenders qualified to:

16 (A) make Federal Housing Administration insured loans and
17 Veterans Administration guaranteed loans; and

18 (B) sell loans to the Federal National Mortgage Association
19 and the Federal Home Loan Mortgage Corporation.

20 (3) **Subject to IC 25-1-6.5-3**, one (1) member who is not
21 associated with the real estate business in any way other than as
22 a consumer.

23 (b) ~~When making appointments under subsection (a); the governor~~
24 ~~shall consider the geographic areas represented on the board. A~~
25 **member may be removed under IC 25-1-6.5-4.**

26 SECTION 160. IC 25-34.1-8-3 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. Each board member
28 serves for a term of ~~four (4)~~ **years. under IC 25-1-6.5.**

29 SECTION 161. IC 25-34.1-8-4 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The board must
31 have a quorum to transact business.

32 (b) ~~Four (4) members of the board constitute a quorum. A quorum~~
33 **of the board consists of a majority of the appointed members.**

34 SECTION 162. IC 25-34.1-8-5 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. The affirmative vote
36 of ~~four (4)~~ **three (3)** members of the board is required for the board to
37 take action.

38 SECTION 163. IC 25-34.5-2-2 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) **Subject to**
40 **IC 25-1-6.5-3**, the committee consists of five (5) members to be
41 appointed by the governor as follows:

42 (1) At least two (2) practitioners.



- 1 (2) At least one (1) physician licensed under IC 25-22.5 who is
 2 familiar with the practice of respiratory care.
 3 (3) At least one (1) member who:
 4 (A) is a resident of Indiana; and
 5 (B) is not associated with the practice of respiratory care in
 6 any way, other than as a consumer.
 7 (b) Each practitioner appointed to the committee must:
 8 (1) be a practitioner meeting the requirements of this article;
 9 (2) have had not less than three (3) years experience in the actual
 10 practice of respiratory care immediately preceding appointment;
 11 and
 12 (3) be a resident of Indiana and actively engaged in Indiana in the
 13 practice of respiratory care while serving as a member of the
 14 committee.
- 15 SECTION 164. IC 25-34.5-2-3 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The governor shall
 17 make each appointment to the committee **as follows:**
 18 (1) **For an appointment before July 1, 2019**, for a term of three
 19 (3) years.
 20 (2) **For an appointment after June 30, 2019, for a term under**
 21 **IC 25-1-6.5.**
- 22 SECTION 165. IC 25-34.5-2-4 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A member of the
 24 committee may be removed ~~by the governor without cause.~~ **under**
 25 **IC 25-1-6.5-4.**
- 26 SECTION 166. IC 25-35.6-1-4, AS AMENDED BY P.L.2-2007,
 27 SECTION 348, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2019]: Sec. 4. Nothing in this article shall be
 29 construed as preventing or restricting the following:
 30 (1) A physician or surgeon from engaging in the practice of
 31 medicine in this state, or a person under the supervision and
 32 control of a physician or surgeon from conducting hearing testing,
 33 provided such a person is not called an audiologist.
 34 (2) ~~Any hearing aid dealer from:~~
 35 (A) ~~engaging in the testing of hearing and other practices and~~
 36 ~~procedures necessary for the business for which the dealer is~~
 37 ~~registered in this state under IC 25-20-1; and~~
 38 (B) ~~using the title hearing aid specialist or any similar title or~~
 39 ~~description of service.~~
 40 (3) ~~(2)~~ (2) Any person licensed or registered in this state by any other
 41 law from engaging in the profession or occupation for which the
 42 person is licensed or registered.



- 1 ~~(4)~~ **(3)** A person employed as a speech-language pathologist or
 2 audiologist by the government of the United States, if such person
 3 performs speech-language pathology or audiology services solely
 4 within the confines or under the jurisdiction of the governmental
 5 organization by which the person is employed. However, such
 6 person may, without obtaining a license under this article, consult
 7 with or disseminate the person's research findings and other
 8 scientific information to speech-language pathologists and
 9 audiologists outside the jurisdiction of the organization by which
 10 the person is employed. Such person may also offer instruction
 11 and lectures to the public without being licensed under this
 12 article. Such person may additionally elect to be subject to this
 13 article.
- 14 ~~(5)~~ **(4)** The activities and services of persons pursuing a course of
 15 study leading to a degree in speech-language pathology or
 16 audiology at a postsecondary educational institution, if:
- 17 (A) such activities and services constitute a part of a
 18 supervised course of study;
- 19 (B) such person is designated speech-language pathology or
 20 audiology intern, speech-language pathology or audiology
 21 trainee, or by other such titles clearly indicating the training
 22 status appropriate to the person's level of training; and
- 23 (C) the person works only under the supervision of a
 24 speech-language pathologist or audiologist licensed under this
 25 article.
- 26 ~~(6)~~ **(5)** The activities and services of persons fulfilling the clinical
 27 experience requirement of section 5(2)(B)(ii) or 6(3)(B) of this
 28 chapter, if such activities and services constitute a part of the
 29 experience required for that section's fulfillment.
- 30 ~~(7)~~ **(6)** The performance of pure tone air conduction testing by an
 31 industrial audiometric technician, as defined by federal law, who
 32 is working in an industrial hearing conservation program directed
 33 by a physician or an audiologist.
- 34 ~~(8)~~ **(7)** The performance of speech-language pathology or
 35 audiology services in this state by any person not a resident of this
 36 state who is not licensed under this article, if such services are
 37 performed for no more than five (5) days in any calendar year and
 38 in cooperation with a speech-language pathologist or audiologist
 39 licensed under this article, and if such person meets the
 40 qualifications and requirements for application for licensure
 41 described in sections 5(1) and 5(2) or 6(1) and 6(2) of this
 42 chapter. However, a person not a resident of this state who is not



1 licensed under this article, but who is licensed under the law of
 2 another state which has established licensure requirements at least
 3 equivalent to those established by section 5 or 6 of this chapter or
 4 who is the holder of a certificate of clinical competence in
 5 speech-language pathology or audiology or its equivalent issued
 6 by a nationally recognized association for speech-language or
 7 hearing, may offer speech-language pathology or audiology
 8 services in this state for no more than thirty (30) days in any
 9 calendar year, if such services are performed in cooperation with
 10 a speech-language pathologist or audiologist licensed under this
 11 article.

12 SECTION 167. IC 25-35.6-2-1, AS AMENDED BY P.L.168-2016,
 13 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2019]: Sec. 1. (a) There is established the speech-language
 15 pathology and audiology board.

16 (b) The board shall be comprised of ~~six (6)~~ **five (5)** members, who
 17 shall be appointed by the governor. ~~Five (5)~~ **Subject to IC 25-1-6.5-3,**
 18 **four (4)** board members shall have been residents of this state for at
 19 least one (1) year immediately preceding their appointment and shall
 20 have been engaged in rendering services to the public, teaching, or
 21 research in speech-language pathology or audiology for at least five (5)
 22 years immediately preceding their appointment. At least two (2) board
 23 members shall be speech-language pathologists and at least two (2)
 24 shall be audiologists. ~~with the fifth member being either a~~
 25 ~~speech-language pathologist or audiologist.~~ At least one (1) of these
 26 ~~five (5) members must be engaged in an active private practice of~~
 27 ~~speech-language pathology or audiology.~~ **Subject to IC 25-1-6.5-3,** the
 28 ~~sixth~~ **fifth** member of the board, to represent the general public, shall
 29 be a resident of this state who has never been associated with
 30 speech-language pathology or audiology in any way other than as a
 31 consumer. Except for the member representing the general public, all
 32 board members shall at all times be holders of active and valid licenses
 33 for the practice of speech-language pathology or audiology in this state.

34 (c) ~~The governor shall also appoint one (1) nonvoting advisor, who~~
 35 ~~must be a licensed physician and board certified in otolaryngology, to~~
 36 ~~serve a four (4) year term of office on the board. A member may be~~
 37 ~~removed under IC 25-1-6.5-4.~~

38 (d) Appointments shall be: ~~for three (3) year terms; with no person~~
 39 ~~being eligible to serve more than two (2) full consecutive terms. Terms~~
 40 ~~shall begin on the first day of the calendar year and end on the last day~~
 41 ~~of the calendar year; except for the first appointed members, who shall~~
 42 ~~serve through the last calendar day of the year in which they are~~



1 appointed before commencing the terms prescribed by this subsection.
 2 Any member of the board may serve until the member's successor is
 3 appointed and qualified under this chapter:

4 **(1) for members appointed before July 1, 2019, for a three**
 5 **year term; and**

6 **(2) for members appointed after June 30, 2019, for a term**
 7 **under IC 25-1-6.5.**

8 (e) The governor may consider, but shall not be bound to accept,
 9 recommendations for board membership made by a statewide
 10 association for speech-language and hearing. A statewide association
 11 for speech-language and hearing may submit to the governor its
 12 recommendations for board membership not less than sixty (60) days
 13 ~~before the end of each calendar year.~~ **after a vacancy.** In the event of
 14 a mid-term vacancy, such association may make recommendations for
 15 filling such vacancy.

16 (f) At the first meeting of the board each year, members shall elect
 17 a chairperson for the subsequent twelve (12) month period. Further
 18 meetings may be convened at the call of the chairperson or the written
 19 request of any two (2) board members. All meetings of the board shall
 20 be open to the public, except that the board may hold closed sessions
 21 to prepare, approve, grade, or administer examinations or, upon request
 22 of an applicant who fails an examination, to prepare a response
 23 indicating any reason for the applicant's failure. All meetings of the
 24 board must be held in Indiana.

25 (g) ~~Four (4) members of the board constitute a quorum.~~ **A quorum**
 26 **of the board consists of a majority of the appointed members.** A
 27 majority of the quorum may transact business.

28 SECTION 168. IC 25-35.6-2-3 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The board may
 30 utilize employees provided by the ~~health professions bureau~~ **Indiana**
 31 **professional licensing agency** as necessary.

32 (b) The board shall adopt a seal by which it shall authenticate its
 33 proceedings. Copies of the proceedings, records, and acts of the board,
 34 and certificates purporting to relate the facts concerning such
 35 proceedings, records, and acts, that are signed by the chairman or the
 36 executive secretary and authenticated by the seal, shall be prima facie
 37 evidence in all courts of this state.

38 (c) Under no circumstances shall the total amount of expenditures
 39 incurred by the board exceed the amount of the fees collected as
 40 provided in this chapter.

41 SECTION 169. IC 25-35.6-4-1 IS REPEALED [EFFECTIVE JULY
 42 1, 2019]. ~~Sec. 1: (a) This section does not apply to a prescription or~~



1 order by a person who:

2 (1) is licensed, certified, registered, or regulated by a board listed
3 in IC 25-1-9-1; and

4 (2) has authority to issue a prescription or order for a hearing aid.

5 (b) A person may not sell, lease, or rent a hearing aid (as defined in
6 IC 25-20-1-1) in Indiana unless the hearing aid has been fitted in
7 person by any of the following:

8 (1) A hearing aid dealer who has been issued a certificate of
9 registration under IC 25-20-

10 (2) An audiologist who is licensed under this article.

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

12 SECTION 170. IC 25-37-1-2 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. "Transient
14 merchant", when used in this chapter, includes all persons, firms,
15 limited liability companies, and corporations, both as principals and
16 agents, who engage in, do, or transact any temporary or transient
17 business in this state, either in one (1) locality or in traveling from
18 place to place in this state, offering for sale or selling goods, wares, or
19 merchandise, and those who, for the purpose of carrying on such
20 business, hire, lease, or occupy any permanent or mobile building,
21 structure, or real estate for the exhibition by means of samples,
22 catalogues, photographs, and price lists or sale of such goods, wares,
23 or merchandise. The term does not include the following:

24 (1) any person, individual, copartner, limited liability company,
25 or corporation which grows the goods, wares, or merchandise that
26 is sold or offered for sale;

27 (2) a person who makes crafts or items by hand and sells them or
28 offers them for sale;

29 (3) an auctioneer; ~~who is licensed under IC 25-6.1;~~

30 (4) a resident of the county in which the sale takes place who
31 conducts a sale of tangible personal property for no more than
32 four (4) days per calendar year;

33 (5) an organization that is exempt from the Indiana gross retail tax
34 under IC 6-2.5-5-26;

35 (6) a person who:

36 (A) sells merchandise;

37 (B) offers to sell merchandise; and

38 (C) provides proof that the sale is being conducted as part of
39 an activity sponsored by an organization described in
40 subdivision (5);

41 (7) a person who:

42 (A) organizes;



- 1 (B) sells merchandise at;
 2 (C) offers to sell merchandise at; or
 3 (D) exhibits at;
 4 a trade show or convention;
 5 (8) except as provided in section 15 of this chapter, a person who
 6 holds a registered retail merchant's certificate under IC 6-2.5-8.
- 7 SECTION 171. IC 25-38.1-2-1, AS AMENDED BY P.L.78-2017,
 8 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]: Sec. 1. (a) The Indiana board of veterinary medical
 10 examiners is established.
- 11 (b) **Subject to IC 25-1-6.5-3**, the board consists of seven (7)
 12 members appointed by the governor.
- 13 (c) One (1) of the board members must be a registered veterinary
 14 technician.
- 15 (d) One (1) of the board members must be appointed to represent
 16 the general public.
- 17 (e) Not more than four (4) board members may be affiliated with the
 18 same political party.
- 19 (f) **If there is a vacancy on the board, the governor shall appoint a**
 20 **successor to complete the unexpired term. A board member may be**
 21 **removed under IC 25-1-6.5-4.**
- 22 SECTION 172. IC 25-38.1-2-2, AS AMENDED BY P.L.78-2017,
 23 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: Sec. 2. The term of each member of the board is four
 25 (4) years beginning on September 1 of the appropriate year of the
 26 member's appointment. Each member shall serve until the member's
 27 successor is appointed and qualified. Members of the board may be
 28 appointed for more than one (1) term; but an individual may not be a
 29 member of the board for more than eight (8) years out of any twelve
 30 (12) year period. **established under IC 25-1-6.5.**
- 31 SECTION 173. IC 32-29-7-1 IS REPEALED [EFFECTIVE JULY
 32 1, 2019]. Sec. 1. As used in this chapter, "auctioneer" means an
 33 auctioneer licensed under IC 25-6.1.
- 34 SECTION 174. IC 32-30-10-1 IS REPEALED [EFFECTIVE JULY
 35 1, 2019]. Sec. 1. As used in this chapter, "auctioneer" means an
 36 auctioneer licensed under IC 25-6.1.
- 37 SECTION 175. IC 34-6-2-13 IS REPEALED [EFFECTIVE JULY
 38 1, 2019]. Sec. 13. "Auctioneer", for purposes of IC 34-55-6, means an
 39 auctioneer licensed under IC 25-6.1.
- 40 SECTION 176. IC 35-52-25-5 IS REPEALED [EFFECTIVE JULY
 41 1, 2019]. Sec. 5. IC 25-6.1-7-1 defines a crime concerning auctioneers
 42 and auctions.



1 SECTION 177. IC 35-52-25-6 IS REPEALED [EFFECTIVE JULY
2 1, 2019]. ~~Sec. 6: IC 25-6-1-7-2 defines a crime concerning auctioneers~~
3 ~~and auctions:~~

4 SECTION 178. IC 35-52-25-19 IS REPEALED [EFFECTIVE JULY
5 1, 2019]. ~~Sec. 19: IC 25-20-1-21 defines a crime concerning hearing~~
6 ~~aid dealers:~~

7 SECTION 179. IC 35-52-25-51 IS REPEALED [EFFECTIVE JULY
8 1, 2019]. ~~Sec. 51: IC 25-30-1-21 defines a crime concerning private~~
9 ~~investigator firms, security guards, and polygraph examiners:~~

10 SECTION 180. IC 35-52-25-52 IS REPEALED [EFFECTIVE JULY
11 1, 2019]. ~~Sec. 52: IC 25-30-1.3-23 defines a crime concerning private~~
12 ~~investigator firms, security guards, and polygraph examiners:~~

13 SECTION 181. IC 36-1-11-4, AS AMENDED BY P.L.251-2015,
14 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2019]: Sec. 4. (a) A disposing agent who wants to sell or
16 transfer real property must comply with this section, except as
17 permitted by section 4.1, 4.2, 5, 5.5, 5.7, 5.9, 8, 14, 15, or 18 of this
18 chapter.

19 (b) The disposing agent shall first have the property appraised by
20 two (2) appraisers. The appraisers must be:

- 21 (1) professionally engaged in making appraisals;
- 22 (2) licensed under IC 25-34.1; or
- 23 (3) employees of the political subdivision familiar with the value
24 of the property.

25 (c) After the property is appraised, the disposing agent shall
26 determine a minimum bid for the property based on the appraisals and
27 the disposing agent's knowledge of the property, publish a notice in
28 accordance with IC 5-3-1 setting forth the terms and conditions of the
29 sale, including the minimum bid, and, when subsection (e) is
30 employed, may engage an auctioneer licensed under IC 25-6.1 (**before**
31 **its repeal**) to advertise the sale and to conduct a public auction. The
32 advertising conducted by the auctioneer is in addition to any other
33 notice required by law and shall include a detailed description of the
34 property to be sold stating the key numbers, if any, of the tracts within
35 that property. If the disposing agent determines that the best sale of the
36 property can be made by letting the bidders determine certain
37 conditions of the sale (such as required zoning or soil or drainage
38 conditions) as a prerequisite to purchasing the property, the disposing
39 agent may permit the bidders to specify those conditions. The notice
40 must state the following:

- 41 (1) Bids will be received beginning on a specific date.
- 42 (2) The sale will continue from day to day for a period determined



1 by the disposing agent of not more than sixty (60) days.

2 (3) The property may not be sold to a person who is ineligible
3 under section 16 of this chapter.

4 (4) A bid submitted by a trust (as defined in IC 30-4-1-1(a)) must
5 identify each:

6 (A) beneficiary of the trust; and

7 (B) settlor empowered to revoke or modify the trust.

8 (d) A bid must be open to public inspection. A bidder may raise the
9 bidder's bid, and subject to subsection (e), that raise takes effect after
10 the board has given written notice of that raise to the other bidders.

11 (e) The disposing agent may also engage an auctioneer ~~licensed~~
12 ~~under IC 25-6-1~~ to conduct a sale by public auction. The auction may
13 be conducted either at the time for beginning the sale in accordance
14 with the public notice or after the beginning of the sale. The disposing
15 agent shall give each bidder who has submitted a bid written notice of
16 the time and place of the auction.

17 (f) The disposing agent may, before expiration of the time set out in
18 the notice, sell the property to the highest and best bidder. The highest
19 and best bidder must have complied with any requirement under
20 subsection (c)(4). The disposing agent may reject all bids. If the
21 disposing agent rejects all bids, the disposing agent must make a
22 written determination to reject all bids explaining why all bids were
23 rejected.

24 (g) If the disposing agent determines that, in the exercise of good
25 business judgment, the disposing agent should hire a broker or
26 auctioneer to sell the property, the disposing agent may do so and pay
27 the broker or auctioneer a reasonable compensation out of the gross
28 proceeds of the sale. A disposing agent may hire a broker to sell real
29 property directly rather than using the bid process under subsections (c)
30 through (f) if:

31 (1) in the case of a political subdivision other than a school
32 corporation:

33 (A) the disposing agent publishes a notice of the determination
34 to hire the broker in accordance with IC 5-3-1; and

35 (B) the property has been up for bid for at least sixty (60) days
36 before the broker is hired, and either no bids were received or
37 the disposing agent has rejected all bids that were received; or

38 (2) in the case of a school corporation, the disposing agent
39 publishes a notice of the determination to hire the broker in
40 accordance with IC 5-3-1.

41 The disposing agent may hire one (1) of the appraisers as the broker or
42 auctioneer.



- 1 (h) The following apply if a broker is hired under subsection (g):
- 2 (1) The property may not be sold to a person who is ineligible
- 3 under section 16 of this chapter.
- 4 (2) If the property is sold to a trust (as defined in IC 30-4-1-1(a)),
- 5 the following information must be placed in the public record
- 6 relating to the sale:
- 7 (A) Each beneficiary of the trust.
- 8 (B) Each settlor empowered to revoke or modify the trust.
- 9 (i) A disposing agent may conduct a public auction under this
- 10 section solely by electronic means, referred to in this subsection as an
- 11 electronic sale. A disposing agent that elects to conduct an electronic
- 12 sale may receive electronic payments and establish policies necessary
- 13 to secure the payments in a timely fashion. The disposing agent may
- 14 not charge an additional fee for conducting an electronic sale. If a
- 15 disposing agent chooses to conduct a public auction as an electronic
- 16 sale, the notice required by subsection (c) must include a statement
- 17 declaring this fact.

