

# HOUSE BILL No. 1285

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Private certifying organizations. Establishes a procedure for individuals to apply to the professional licensing agency (agency) to allow qualified individuals to become state certified and be placed on the electronic registry of professions. Requires a private certifying organization be certified by the agency. Prohibits an individual who is not state certified from using the title "state certified".

**Effective:** July 1, 2015.

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

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

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

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

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

# HOUSE BILL No. 1285

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

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

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



1 established by section 1 of this chapter.

2 SECTION 2. IC 25-1-18 IS ADDED TO THE INDIANA CODE AS  
3 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
4 1, 2015]:

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

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

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

- 11 (1) IC 25-1-1.1;  
12 (2) IC 25-1-1.2;  
13 (3) IC 25-1-2;  
14 (4) IC 25-1-5.5; and  
15 (5) IC 25-1-8;

16 apply to this chapter.

17 **Sec. 2. As used in this article, "agency" refers to the Indiana**  
18 **professional licensing agency established by IC 25-1-5-3.**

19 **Sec. 3. As used in this chapter, "certified organization" means**  
20 **a private certifying organization that has been approved by the**  
21 **agency under this chapter.**

22 **Sec. 4. As used in this chapter, "lawful occupation" means a**  
23 **course of conduct or a profession that may include the sale of goods**  
24 **or services that is not illegal, notwithstanding an occupational**  
25 **regulation.**

26 **Sec. 5. As used in this chapter, "occupational regulation" means**  
27 **a law, ordinance, rule, or other legal requirement that requires an**  
28 **individual to possess certain personal qualifications to work in a**  
29 **lawful occupation.**

30 **Sec. 6. As used in this chapter, "personal qualifications" means**  
31 **the criteria related to an individual's personal background,**  
32 **including completion of an approved educational program,**  
33 **satisfactory performance on a national examination, work**  
34 **experience, the individual's criminal history, and completion of**  
35 **continuing education.**

36 **Sec. 7. As used in this chapter, "private certification" means a**  
37 **voluntary program in which a private certifying organization**  
38 **grants recognition to an individual to perform a lawful occupation**  
39 **within the scope of practice established by the private certifying**  
40 **organization and that is based on the individual possessing certain**  
41 **personal qualifications that are established by the private**  
42 **certifying organization.**



1           **Sec. 8.** As used in this chapter, "private certifying organization"  
 2 means a nongovernmental organization that allows any qualified  
 3 individual to apply for private certification.

4           **Sec. 9.** As used in this chapter, "state certified" means a title  
 5 that an individual may use if the individual has private  
 6 certification by a certified organization and meets the  
 7 requirements of this chapter.

8           **Sec. 10. (a)** A private certifying organization that meets the  
 9 following requirements may apply to be registered as a certified  
 10 organization:

11           (1) The organization publishes on a publicly accessible  
 12 Internet web site the following:

13           (A) The scope of practice for each lawful occupation that  
 14 the organization certifies.

15           (B) The personal qualifications that an individual must  
 16 possess to become certified by the private certifying  
 17 organization.

18           (C) Other factors the private certifying organization uses  
 19 to certify individuals, which may include consumer  
 20 comments and other factors determined by the private  
 21 certifying organization.

22           (D) The names, business addresses, and Internet web site  
 23 addresses of each individual certified by the private  
 24 certifying organization.

25           (E) Each state in which the private certifying organization  
 26 is registered.

27           (2) The organization requires personal qualifications,  
 28 including specific educational requirements and passing an  
 29 examination, that are related to the lawful occupation for  
 30 which an individual is certified.

31           (3) The organization verifies an individual's personal  
 32 qualifications before certification and periodically verifies  
 33 that the certified individual remains eligible for certification.

34           (4) The organization requires that a privately certified  
 35 individual:

36           (A) prominently display the private certification;

37           (B) make available materials about the personal  
 38 qualifications; and

39           (C) on request, provide any other information concerning  
 40 requirements for private certification.

41           (5) The organization has a code of conduct and standards of  
 42 practice that individuals who are certified by the private



1 certifying organization must follow.

2 (6) The organization has at least fifty (50) individuals who are  
3 certified by the private certifying organization.

4 (7) The organization has submitted an application to the  
5 agency that contains information required by the agency.

6 (b) After the agency receives a completed application, the  
7 agency shall schedule a public hearing to determine if:

8 (1) the private certifying organization meets the requirements  
9 under subsection (a); and

10 (2) individuals who are privately certified will engage in a  
11 lawful occupation.

12 The agency shall allow public testimony at the public hearing.

13 (c) If after the public hearing required in subsection (b), the  
14 agency shall determine if the private certifying organization meets  
15 the requirements under this chapter. If the agency determines that  
16 the private certifying organization meets the requirements, the  
17 agency shall classify the private certifying organization as a  
18 certified organization for a period of five (5) years. A certified  
19 organization must apply for renewal every five (5) years.

20 (d) The agency must maintain a registry of individuals who:

21 (1) apply to the agency;

22 (2) have private certification by a certified organization; and

23 (3) pay a fee established by the agency.

24 An individual's registration is valid for a period of two (2) years.

25 Sec. 11. (a) An individual who is registered under section 10 of  
26 this chapter may use the title or designation "state certified" and  
27 the name of the private certifying organization on any letters,  
28 signs, cards, or advertisements of the individual in connection with  
29 the individual's state recognized occupation.

30 (b) An individual who is not state certified may not use the term  
31 "state certified" as part of a title, designation, or advertisement, or  
32 any words, letters, or abbreviation that tends to indicate that the  
33 individual is state certified.

34 (c) An individual who violates this section commits a Class B  
35 infraction. However, if a person knowingly or intentionally violates  
36 this section, the individual commits a Class A infraction.

37 Sec. 12. (a) A certified organization must inform the agency of  
38 an individual who no longer has private certification from the  
39 private certifying organization.

40 (b) The agency shall forward any complaints against an  
41 individual who has private certification to the certified  
42 organization.



1           **Sec. 13. (a) The agency may revoke an individual's registry if**  
2 **the individual no longer complies with this chapter.**

3           **(b) The agency may revoke a certified organization's**  
4 **registration if the certified organization no longer complies with**  
5 **this chapter.**

6           **Sec. 14. The agency shall adopt rules under IC 4-22-2 to**  
7 **administer this chapter.**

