

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1360

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

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

SECTION 1. IC 25-1-4-3, AS AMENDED BY P.L.157-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:

(1) The practitioner shall provide the board with a sworn statement executed by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board.

(2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

(b) **This subsection does not apply to an individual licensed under IC 25-34.1.** Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take

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continuing education courses.

**(c) This subsection applies only to individuals licensed under IC 25-34.1. Following every license renewal period for a broker's license issued under IC 25-34.1, the agency in consultation with the board may randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.**

SECTION 2. IC 25-34.1-9-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. **(a)** A continuing education sponsor that has received approval under section 12 of this chapter must maintain records for five (5) years of the participants who successfully complete and pass the course. If the sponsor ceases operations, the owner shall place the records in the care of a custodian that is approved by the commission.

**(b) A continuing education sponsor shall, not later than ten (10) days after a continuing education course is offered, submit the following to the commission:**

- (1) A completed continuing education attendance roster of all participants. The roster must include the full legal name, address of residence, and any other identifying information required by the commission of each participant. The names must be submitted to the commission in alphabetical order.**
- (2) A completed continuing education evaluation transmittal form for each of the participants.**

SECTION 3. IC 25-34.1-9-15.5, AS ADDED BY P.L.200-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15.5. **(a)** The commission may deny, suspend, or revoke approval of any course or course sponsor if the commission determines that the course sponsor, by the act of an employee or agent, has failed to comply with the standards established in this chapter and the rules of the commission.

**(b)** The commission may deny, suspend, or revoke approval of any course instructor permit issued under this article if the commission determines that the instructor has failed to comply with the standards established in this chapter and the rules of the commission.

**(c) The commission may deny, suspend, or revoke approval of any course sponsor if the commission determines the course sponsor:**

- (1) falsifies attendance information for continuing education courses submitted to the commission; or**
- (2) fails to provide the commission with attendance information required under section 13(b) of this chapter.**



SECTION 4. IC 25-34.1-9-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 23. The commission may enter into an agreement with an entity that is not a state agency or the federal government to provide through electronic means a continuing education tracking system. The system must provide an electronic record of the continuing education courses, classes, or programs completed by all individuals who are licensed under this article. All the following apply to an electronic system provided under this section:**

- (1) All continuing education tracking performed by the system must accurately reflect the continuing education requirements under this chapter.**
- (2) A confirmation of completed continuing education courses required under this chapter generated by the system is considered verification of completion for renewal of a license or registration and for purposes of any audit of licensees or registrants conducted by the commission.**
- (3) The system must provide access to an individual who is licensed or registered under this article and to the commission access to continuing education information about the individual.**
- (4) The commission shall adopt rules under IC 4-22-2 it considers appropriate or necessary to implement this section.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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