



Reprinted  
January 21, 2022

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## SENATE BILL No. 5

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DIGEST OF SB 5 (Updated January 20, 2022 2:17 pm - DI 104)

**Citations Affected:** IC 25-0.5; IC 25-1; IC 25-35.6.

**Synopsis:** Reciprocity. Establishes a procedure to grant licenses and certificates to practice certain health care professions in Indiana. Requires the applicant to hold a current license or certificate from another state or jurisdiction and meet other requirements. Allows the applicant who meets certain requirements to apply for a provisional license or provisional certificate. Requires the provisional license or provisional certificate to be issued within 30 days. Provides for penalties for submitting false information on an application for a provisional license or provisional certificate. Provides that if a board has a pending application for initial licensure or certification that requires final approval by the board, the board shall meet not more 31 days after the application is ready for approval. Provides that the medical licensing board may not issue a physician's license to an applicant using the reciprocity law beginning July 1, 2026. Requires the speech-language pathology and audiology board to, before January 1, 2023, initiate and make every effort to enter into reciprocity agreements with contiguous states to enter into a reciprocity agreement for individuals licensed as: (1) a speech-language pathologist; and (2) an audiologist; to practice the individual's profession under the license from one state in the other state.

**Effective:** Upon passage.

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**Brown L, Charbonneau, Yoder,  
Kruse**

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January 6, 2022, read first time and referred to Committee on Health and Provider Services.

January 12, 2022, amended, reported favorably — Do Pass.

January 20, 2022, read second time, amended, ordered engrossed.

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January 21, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## SENATE BILL No. 5

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

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

- 1 SECTION 1. IC 25-0.5-11-1, AS ADDED BY P.L.3-2014,  
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 1. As used in IC 25-1-9 **and IC 25-1-21**,  
4 "board" means any of the entities described in this chapter.  
5 SECTION 2. IC 25-1-21 IS ADDED TO THE INDIANA CODE AS  
6 A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE UPON  
7 PASSAGE]:  
8 **Chapter 21. Reciprocity for Health Care Professionals**  
9 **Sec. 1. (a) This chapter does not apply to any of the following**  
10 **licenses:**  
11 (1) Any type of social work license issued under IC 25-23.6-5.  
12 (2) Any type of marriage and family therapist license issued  
13 under IC 25-23.6-8.  
14 (3) Any type of mental health counselor license issued under  
15 IC 25-23.6-8.5.  
16 (4) Any type of addiction counselor or clinical addiction  
17 counselor license issued under IC 25-23.6-10.5.

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- 1           **(5) Any type of respiratory care practitioner license issued**  
 2           **under IC 25-34.5.**
- 3           **(b) This chapter does not prohibit an applicant from proceeding**  
 4           **under other licensure, certification, registration, or permit**  
 5           **requirements established by a board or another law.**
- 6           **Sec. 2. As used in this chapter, "board" means any of the**  
 7           **entities described in IC 25-0.5-11.**
- 8           **Sec. 3. As used in this chapter, "jurisdiction" means the District**  
 9           **of Columbia, Puerto Rico, the United States Virgin Islands, or any**  
 10           **territory or insular possession subject to the jurisdiction of the**  
 11           **United States.**
- 12           **Sec. 4. As used in this chapter, "license" means an unlimited**  
 13           **license regulating the occupation in question.**
- 14           **Sec. 4.5. As used in this chapter, "provisional license or**  
 15           **provisional certificate" means a temporary license or certificate**  
 16           **issued under this chapter that allows the holder to practice the**  
 17           **occupation that was applied for and at the same practice level until**  
 18           **the license or certificate expires under section 7(c) of this chapter.**
- 19           **Sec. 5. Notwithstanding any other law, subject to section 11 of**  
 20           **this chapter, a board shall issue a license or certificate to an**  
 21           **applicant to allow the individual to practice the applicant's**  
 22           **occupation in Indiana if, upon application to the board, the**  
 23           **applicant satisfies the following conditions:**
- 24           **(1) Holds a current license or certificate from another state or**  
 25           **jurisdiction; and**
- 26                   **(A) that state's or jurisdiction's requirements for a license**  
 27                   **or certificate are substantially equivalent to or exceed the**  
 28                   **requirements for a license or certificate of the board from**  
 29                   **which the applicant is seeking licensure or certification; or**  
 30                   **(B) when the person was licensed or certified by another**  
 31                   **state:**
- 32                           **(i) there were minimum education requirements in the**  
 33                           **other state;**
- 34                           **(ii) if there were applicable work experience and clinical**  
 35                           **supervision requirements in effect, the person met those**  
 36                           **requirements in order to be licensed or certified in that**  
 37                           **state; and**
- 38                           **(iii) if required by the other state, the person previously**  
 39                           **passed an examination required for the license or**  
 40                           **certification.**
- 41           **(2) Has not committed any act in any state or jurisdiction that**  
 42           **would have constituted grounds for refusal, suspension, or**



1 revocation of a license, certificate, registration, or permit to  
 2 practice that occupation in Indiana at the time the act was  
 3 committed.

4 (3) Does not have a complaint or an investigation pending  
 5 before the regulating agency in another state or jurisdiction  
 6 that relates to unprofessional conduct.

7 (4) Is in good standing and has not been disciplined by the  
 8 agency that has authority to issue the license or certification.

9 (5) If a law regulating the applicant's occupation requires the  
 10 board to administer an examination on the relevant laws of  
 11 Indiana, the board may require the applicant to take and pass  
 12 an examination specific to the laws of Indiana.

13 (6) Pays any fees required by the board for which the  
 14 applicant is seeking licensure or certification.

15 Sec. 6. If a national criminal history background check (as  
 16 defined in IC 25-1-1.1-4) is required under IC 25-1-1.1-4 for the  
 17 occupation for which the applicant seeks a license or certificate,  
 18 not more than five (5) business days after the:

19 (1) professional licensing agency received the individual's  
 20 application for a license or certificate under this chapter; and

21 (2) individual has paid any fees required by the board for  
 22 which the applicant is seeking licensure or certification;

23 the professional licensing agency shall notify the applicant that the  
 24 applicant is eligible to submit a national criminal history  
 25 background check to the professional licensing agency.

26 Sec. 7. (a) Notwithstanding any other law, an applicant for a  
 27 license or certificate is entitled to a provisional license or  
 28 provisional certificate in the occupation applied for and at the  
 29 same practice level as determined by the board, without an  
 30 examination, if all of the following conditions are met:

31 (1) The individual submits a signed affidavit affirming, under  
 32 the penalties for perjury, the following:

33 (A) The individual is in good standing in all states and  
 34 jurisdictions in which the individual holds a license or  
 35 certificate for the occupation applied for.

36 (B) The individual has not had a license revoked and has  
 37 not voluntarily surrendered a license in another state or  
 38 jurisdiction while under investigation for unprofessional  
 39 conduct.

40 (C) The individual has not had discipline imposed by the  
 41 regulating agency for the occupation in another state or  
 42 jurisdiction.



- 1           **(D) The individual does not have a complaint or an**  
 2           **investigation pending before the regulating agency in**  
 3           **another state or jurisdiction that relates to unprofessional**  
 4           **conduct.**
- 5           **(2) The individual does not have a disqualifying criminal**  
 6           **history, as determined by the board, if a national criminal**  
 7           **history background check (as defined in IC 25-1-1.1-4) is**  
 8           **required under IC 25-1-1.1-4 for the occupation for which the**  
 9           **applicant seeks a license or certificate.**
- 10          **(3) The individual submits verification that the individual is**  
 11          **currently licensed or certified in at least one (1) other state or**  
 12          **jurisdiction in the occupation applied for.**
- 13          **(4) The individual has submitted an application for a license**  
 14          **or certificate under this chapter with the board and has paid**  
 15          **any application fee.**
- 16          **(b) An applicant who has met the requirements in subsection (a)**  
 17          **shall be issued a provisional license or provisional certificate not**  
 18          **more than thirty (30) days after the requirements are met.**
- 19          **(c) A provisional license or provisional certificate expires on the**  
 20          **earlier of the following:**
- 21               **(1) Three hundred sixty-five (365) days after it is issued.**  
 22               **(2) The date on which the board approves and issues the**  
 23               **individual a license or certificate for the occupation.**  
 24               **(3) The date on which the board denies the individual's**  
 25               **application for a license or certificate for the occupation.**
- 26          **(d) In addition to any other penalties for perjury, an individual**  
 27          **who violates this section commits a Class A infraction.**
- 28          **(e) If the board discovers that any of the information submitted**  
 29          **under this section is false, the board may immediately revoke the**  
 30          **individual's provisional license or provisional certificate.**
- 31          **(f) This section does not apply to a license or certificate that is**  
 32          **established by or recognized through an interstate compact, a**  
 33          **reciprocity agreement, or a comity agreement that is established by**  
 34          **a board or a law.**
- 35          **Sec. 8. A nonresident who is issued a license or certificate under**  
 36          **this chapter is entitled to the same rights and subject to the same**  
 37          **obligations as required of a resident who is issued a license or**  
 38          **certificate by a board.**
- 39          **Sec. 9. Notwithstanding any other law, if a board has a pending**  
 40          **application for initial licensure or certification that requires final**  
 41          **approval by the board, the board shall meet not more thirty-one**  
 42          **(31) days after the application is ready for approval.**



1           **Sec. 10. A board may adopt rules under IC 4-22-2 necessary to**  
 2 **implement this chapter.**

3           **Sec. 11. Beginning July 1, 2026, the medical licensing board of**  
 4 **Indiana may not issue a license under this chapter to an applicant**  
 5 **seeking a license as a physician under IC 25-22.5.**

6           SECTION 3. IC 25-35.6-1-5.5, AS ADDED BY P.L.216-2021,  
 7 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 UPON PASSAGE]: Sec. 5.5. **(a)** An individual may practice  
 9 speech-language pathology in Indiana under a license to practice  
 10 speech-language pathology issued by a state that has entered into a  
 11 reciprocity agreement with the board under which an individual  
 12 licensed to practice speech-language pathology in Indiana is authorized  
 13 to practice speech-language pathology in the other state under the  
 14 individual's Indiana speech-language pathology license.

15           **(b) Before January 1, 2023, the board shall initiate and make**  
 16 **every effort to enter into a reciprocity agreement with another**  
 17 **state that:**

18                   **(1) is contiguous to Indiana; and**

19                   **(2) is not a member of an interstate compact with Indiana**  
 20 **concerning speech-language pathology;**

21 **that would allow an individual licensed to practice speech-language**  
 22 **pathology in Indiana or the other state to practice in the other state**  
 23 **under the individual's speech-language pathology license.**

24           SECTION 4. IC 25-35.6-1-6.5, AS ADDED BY P.L.216-2021,  
 25 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 UPON PASSAGE]: Sec. 6.5. **(a)** An individual may practice audiology  
 27 in Indiana under a license to practice audiology issued by a state that  
 28 has entered into a reciprocity agreement with the board under which an  
 29 individual licensed to practice audiology in Indiana is authorized to  
 30 practice audiology in the other state under the individual's Indiana  
 31 audiology license.

32           **(b) Before January 1, 2023, the board shall initiate and make**  
 33 **every effort to enter into a reciprocity agreement with another**  
 34 **state that:**

35                   **(1) is contiguous to Indiana; and**

36                   **(2) is not a member of an interstate compact with Indiana**  
 37 **concerning audiology;**

38 **that would allow an individual licensed to practice audiology in**  
 39 **Indiana or the other state to practice in the other state under the**  
 40 **individual's audiology license.**

41           SECTION 5. An emergency is declared for this act.



## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 5, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 2 and 3, begin a new paragraph and insert:

**"Sec. 4.5. As used in this chapter, "provisional license or provisional certificate" means a temporary license or certificate issued under this chapter that allows the holder to practice the occupation that was applied for and at the same practice level until the license or certificate expires under section 7(c) of this chapter."**

and when so amended that said bill do pass.

(Reference is to SB 5 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 10, Nays 0.

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 SENATE MOTION

Madam President: I move that Senate Bill 5 be amended to read as follows:

Page 1, line 9, after "1." insert **"(a) This chapter does not apply to any of the following licenses:**

- (1) Any type of social work license issued under IC 25-23.6-5.**
- (2) Any type of marriage and family therapist license issued under IC 25-23.6-8.**
- (3) Any type of mental health counselor license issued under IC 25-23.6-8.5.**
- (4) Any type of addiction counselor or clinical addiction counselor license issued under IC 25-23.6-10.5.**
- (5) Any type of respiratory care practitioner license issued under IC 25-34.5.**

**(b)".**

Page 4, between lines 36 and 37, begin a new paragraph and insert:  
**"SECTION 3. IC 25-35.6-1-5.5, AS ADDED BY P.L.216-2021, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) An individual may practice**

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speech-language pathology in Indiana under a license to practice speech-language pathology issued by a state that has entered into a reciprocity agreement with the board under which an individual licensed to practice speech-language pathology in Indiana is authorized to practice speech-language pathology in the other state under the individual's Indiana speech-language pathology license.

**(b) Before January 1, 2023, the board shall initiate and make every effort to enter into a reciprocity agreement with another state that:**

**(1) is contiguous to Indiana; and**

**(2) is not a member of an interstate compact with Indiana concerning speech-language pathology;**

**that would allow an individual licensed to practice speech-language pathology in Indiana or the other state to practice in the other state under the individual's speech-language pathology license.**

SECTION 4. IC 25-35.6-1-6.5, AS ADDED BY P.L.216-2021, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. **(a)** An individual may practice audiology in Indiana under a license to practice audiology issued by a state that has entered into a reciprocity agreement with the board under which an individual licensed to practice audiology in Indiana is authorized to practice audiology in the other state under the individual's Indiana audiology license.

**(b) Before January 1, 2023, the board shall initiate and make every effort to enter into a reciprocity agreement with another state that:**

**(1) is contiguous to Indiana; and**

**(2) is not a member of an interstate compact with Indiana concerning audiology;**

**that would allow an individual licensed to practice audiology in Indiana or the other state to practice in the other state under the individual's audiology license."**

Renumber all SECTIONS consecutively.

(Reference is to SB 5 as printed January 13, 2022.)

BROWN L

