



Reprinted
February 24, 2022

ENGROSSED SENATE BILL No. 239

DIGEST OF SB 239 (Updated February 23, 2022 3:03 pm - DI 141)

Citations Affected: IC 25-1; IC 25-23.6.

Synopsis: Practitioner advertising and education. Provides that, beginning January 1, 2023, certain practitioners are subject to disciplinary sanctions if the practitioner communicates or disseminates to the general public an advertisement that includes deceptive or misleading information or does not prominently state the profession or license held by the practitioner. Establishes certain exceptions. Decreases the number of experiential practice hours required to obtain a license as a marriage and family therapist or a therapist associate. Specifies that the hours must be completed during at least 12 months.

Effective: July 1, 2022.

**Boehnlein, Brown L, Melton,
Leising, Becker, Yoder, Ford J.D.,
Randolph Lonnie M, Pol Jr.**

(HOUSE SPONSORS — ZENT, JORDAN, BARRETT)

January 10, 2022, read first time and referred to Committee on Health and Provider Services.

January 27, 2022, amended, reported favorably — Do Pass.

January 31, 2022, read second time, amended, ordered engrossed.

February 1, 2022, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 7, 2022, read first time and referred to Committee on Public Health.

February 17, 2022, amended, reported — Do Pass.

February 23, 2022, read second time, amended, ordered engrossed.

ES 239—LS 6908/DI 77



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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.

ENGROSSED SENATE BILL No. 239

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 25-1-10.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]:

4 **Chapter 10.3. Health Care Provider Advertising**
5 **Sec. 1. This chapter does not apply to an advertisement**
6 **communicated or disseminated before January 1, 2023. However,**
7 **an advertisement that was prepared or created before January 1,**
8 **2023, may not be disseminated after December 31, 2022, unless the**
9 **advertisement complies with the requirements set forth in section**
10 **7 of this chapter.**

11 **Sec. 2. (a) As used in this chapter, "advertisement" means any**
12 **printed, electronic, or oral statement:**

13 **(1) that is communicated or disseminated to the general**
14 **public;**

15 **(2) that:**
16 **(A) is intended to encourage a person to use a**
17 **practitioner's professional services; or**

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- 1 **(B) for commercial purposes, names a practitioner in**
 2 **connection with the practice, profession, or institution in**
 3 **which the practitioner is employed, volunteers, or provides**
 4 **health care services; and**
 5 **(3) that the practitioner or the practitioner's group practice**
 6 **has control over the preparation, communication, or**
 7 **dissemination of the statement.**
 8 **(b) The term includes the communication or dissemination as**
 9 **described in subsection (a) of any other communication or**
 10 **statement used in the course of business for the purpose of**
 11 **promoting a practitioner's services offered to the public.**
 12 **(c) The term does not include the following:**
 13 **(1) Office building placards.**
 14 **(2) Exterior building signage that was in place before January**
 15 **1, 2023.**
 16 **Sec. 3. As used in this chapter, "deceptive or misleading**
 17 **information" means any information that misrepresents or falsely**
 18 **describes a practitioner's:**
 19 **(1) profession;**
 20 **(2) skills;**
 21 **(3) training;**
 22 **(4) expertise;**
 23 **(5) educational degree;**
 24 **(6) board certification; or**
 25 **(7) license.**
 26 **Sec. 3.5. As used in this chapter, "educational degree" means**
 27 **the degree awarded to the practitioner by a college or university in**
 28 **the practitioner's profession, which may be used under the scope**
 29 **of the practitioner's license, including use of its acronym.**
 30 **Sec. 4. As used in this chapter, "license" has the meaning set**
 31 **forth in IC 25-1-2-6.**
 32 **Sec. 5. (a) As used in this chapter, except as provided in**
 33 **subsection (b), "practitioner" means an individual who holds a**
 34 **license issued by a board described in IC 25-0.5-11, including a**
 35 **certificate of registration issued under IC 25-20.**
 36 **(b) The term does not include a veterinarian licensed under**
 37 **IC 25-38.1.**
 38 **Sec. 6. As used in this chapter, "profession" means the name or**
 39 **title of the profession of which a practitioner is a member, as**
 40 **specifically allowed for use by individuals who hold a license,**
 41 **license by endorsement, certificate, or registration from a board**
 42 **described in IC 25-0.5-11 under the board's governing statute or**



1 rules. The term does not include the license or educational degree
2 of a practitioner.

3 **Sec. 7. (a) An advertisement that includes a practitioner's name**
4 **must prominently state the profession or license held by the**
5 **practitioner.**

6 **(b) A written advertisement that includes a practitioner's name**
7 **must prominently set forth the profession or license held by the**
8 **practitioner in a font size and style that makes the information**
9 **readily apparent to the reader.**

10 **(c) An advertisement must not include any deceptive or**
11 **misleading information.**

12 **(d) Subject to subsection (e), a practitioner who communicates**
13 **or disseminates to the general public an advertisement that violates**
14 **this section is subject to disciplinary sanctions under IC 25-1-9 by**
15 **the board that issued the practitioner's license.**

16 **(e) Nothing in this section prevents an advertisement using the**
17 **practitioner's title or designation associated with the practitioner's**
18 **educational degree if the advertisement meets the requirements of**
19 **subsection (a).**

20 SECTION 2. IC 25-23.6-8-2.5, AS AMENDED BY P.L.49-2019,
21 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2022]: Sec. 2.5. (a) An applicant for a license as a marriage
23 and family therapist under section 1 of this chapter or an applicant for
24 a license as a marriage and family therapist associate under section 1.5
25 of this chapter must complete the following educational requirements:

26 (1) Except as provided in subsection (b), complete twenty-seven
27 (27) semester hours or forty-one (41) quarter hours of graduate
28 course work that must include graduate level course credits with
29 material in at least the following content areas:

30 (A) Theoretical foundations of marriage and family therapy.

31 (B) Major models of marriage and family therapy.

32 (C) Individual development.

33 (D) Family development and family relationships.

34 (E) Clinical problems.

35 (F) Collaboration with other disciplines.

36 (G) Sexuality.

37 (H) Gender and sexual orientation.

38 (I) Issues of ethnicity, race, socioeconomic status, and culture.

39 (J) Therapy techniques.

40 (K) Behavioral research that focuses on the interpretation and
41 application of research data as it applies to clinical practice.

42 The content areas may be combined into any one (1) graduate



- 1 level course, if the applicant can prove that the course work was
 2 devoted to each content area.
- 3 (2) Not less than one (1) graduate level course of two (2) semester
 4 hours or three (3) quarter hours in the following areas:
- 5 (A) Legal, ethical, and professional standards issues in the
 6 practice of marriage and family therapy or an equivalent
 7 course approved by the board.
- 8 (B) Appraisal and assessment for individual or interpersonal
 9 disorder or dysfunction.
- 10 (3) At least one (1) supervised clinical practicum, internship, or
 11 field experience in a marriage and family counseling setting that
 12 meets the following requirements:
- 13 (A) The applicant provided, ~~five hundred (500) hours of~~
 14 ~~marriage and family therapy services, including at least four~~
 15 ~~during at least twelve (12) months of clinical practice, at~~
 16 ~~least three hundred (400) (300) face to face client contact~~
 17 ~~hours, of which at least two one hundred (200) (100) hours~~
 18 ~~must be relational, under the supervision of a licensed~~
 19 ~~marriage and family therapist who has at least five (5) years of~~
 20 ~~experience or a qualified supervisor approved by the board.~~
- 21 (B) The applicant received one hundred (100) hours of
 22 supervision from a licensed marriage and family therapist who
 23 has at least five (5) years experience as a qualified supervisor.
- 24 The requirements under clauses (A) and (B) may be met by a
 25 supervised practice experience that took place away from an
 26 institution of higher education but that is certified by an official
 27 of the eligible postsecondary educational institution as being
 28 equivalent to a graduate level practicum or internship program at
 29 an institution accredited by an accrediting agency approved by the
 30 United States Department of Education Commission on
 31 Recognition of Postsecondary Education, the Association of
 32 Universities and Colleges of Canada, or the Commission on
 33 Accreditation for Marriage and Family Therapy Education.
- 34 (b) The following graduate work may not be used to satisfy the
 35 content area requirements under subsection (a):
- 36 (1) Thesis or dissertation work.
- 37 (2) Practicums, internships, or fieldwork.



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 239, 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 1, line 6, after "." insert "**However, an advertisement that was prepared or created before January 1, 2023, may not be disseminated after December 31, 2022, unless the advertisement complies with the requirements set forth in section 7 of this chapter.**".

Page 2, between lines 14 and 15, begin a new line block indented and insert:

"(13) A newspaper or magazine."

Page 2, line 15, delete "(13)" and insert "**(14)**".

Page 2, line 20, delete "signage." and insert "**signage that was in place before January 1, 2023.**".

Page 3, delete lines 7 through 9.

Page 3, line 10, delete "(c)" and insert "**(b)**".

Page 3, delete lines 27 through 42.

Delete page 4.

Page 5, delete lines 1 through 4.

Page 6, delete line 6.

Page 6, line 7, delete "(P)" and insert "**(O)**".

Page 6, line 8, delete "(Q)" and insert "**(P)**".

Page 6, line 9, delete "(R)" and insert "**(Q)**".

Page 6, line 10, delete "(S)" and insert "**(R)**".

Page 6, line 11, delete "(T)" and insert "**(S)**".

Page 6, line 12, delete "(U)" and insert "**(T)**".

Page 6, line 13, delete "(V)" and insert "**(U)**".

Page 6, line 14, delete "(W)" and insert "**(V)**".

Page 6, line 15, delete "(X)" and insert "**(W)**".

Page 6, line 16, delete "(Y)" and insert "**(X)**".

Page 6, line 17, delete "(Z)" and insert "**(Y)**".

Page 6, line 18, delete "(AA)" and insert "**(Z)**".

Page 6, line 19, delete "(BB)" and insert "**(AA)**".

Page 6, line 20, delete "(CC)" and insert "**(BB)**".

Page 6, line 21, delete "(DD)" and insert "**(CC)**".

Page 6, line 22, delete "(EE)" and insert "**(DD)**".

Page 6, line 23, delete "(FF)" and insert "**(EE)**".

Page 6, line 24, delete "(GG)" and insert "**(FF)**".



Page 6, line 25, delete "(HH)" and insert "(GG)".

Page 6, line 26, delete "(II)" and insert "(HH)".

Page 6, line 27, delete "(JJ)" and insert "(II)".

Page 6, line 28, delete "(KK)" and insert "(JJ)".

Page 6, line 29, delete "(LL)" and insert "(KK)".

Page 6, line 29, delete "or".

Page 6, delete line 30, begin a new line double block indented and insert:

"(LL) "medical doctor";

(MM) "family practice physician"; or

(NN) "physiatrist".

This subdivision does not prevent a practitioner from using the name or title of the practitioner's profession that is allowed under the practitioner's practice act."

Page 6, strike line 31.

Page 6, line 32, strike "inducing others to believe that the".

Page 6, line 32, delete "named".

Page 6, line 32, strike "person is engaged in"

Page 6, strike line 33.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 239 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 9, Nays 1.

SENATE MOTION

Madam President: I move that Senate Bill 239 be amended to read as follows:

Page 1, line 14, delete "and".

Page 2, line 4, delete "services." and insert "**services; and**

(3) that the practitioner or the practitioner's group practice has control over the preparation, communication, or dissemination of the statement."

Page 2, line 6, delete "of the following:".

Page 2, delete lines 7 through 19.

Page 2, line 20, delete "(14) Any".

Page 2, run in lines 6 through 20.

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Page 2, line 21, after "promoting" insert **"a practitioner's"**.

Page 2, line 34, delete "education;" and insert **"educational degree;"**.

Page 2, delete lines 37 through 42, begin a new paragraph and insert:

"Sec. 3.5. As used in this chapter, "educational degree" means the degree awarded to the practitioner by a college or university in the practitioner's profession, which may be used under the scope of the practitioner's license, including use of its acronym.

Sec. 4. As used in this chapter, "license" has the meaning set forth in IC 25-1-2-6."

Page 3, delete lines 1 through 2.

Page 3, delete lines 9 through 17, begin a new paragraph and insert:

"Sec. 6. As used in this chapter, "profession" means the name or title of the profession of which a practitioner is a member, including any term specifically allowed for use by individuals who hold a license, certificate, or registration from a board described in IC 25-0.5-11 under the board's governing statute or rules. The term does not include the license or educational degree of a practitioner."

Page 3, line 19, delete "type of " and insert **"profession or"**.

Page 3, line 21, delete "type of" and insert **"profession or"**.

Page 3, line 26, delete "A" and insert **"Subject to subsection (e), a"**.

Page 3, between lines 29 and 30, begin a new paragraph and insert:

"(e) Nothing in this section prevents an advertisement using the practitioner's title or designation associated with the practitioner's educational degree if the advertisement meets the requirements of subsection (a)."

Page 5, line 17, delete "act." and insert **"act or under a law in the Indiana Code. This subdivision does not apply to a practitioner if the practitioner has a special area of practice and the practitioner uses the following format: "[The name or title of the practitioner's profession] specializing in [name of specialty]"**.

Page 6, line 20, strike "is supervised by" and insert **"has a collaborative agreement with"**.

(Reference is to SB 239 as printed January 28, 2022.)

BOEHNLEIN



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 239, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 20 through 42, begin a new paragraph and insert:

"SECTION 3. IC 25-23.6-8-2.5, AS AMENDED BY P.L.49-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2.5. (a) An applicant for a license as a marriage and family therapist under section 1 of this chapter or an applicant for a license as a marriage and family therapist associate under section 1.5 of this chapter must complete the following educational requirements:

(1) Except as provided in subsection (b), complete twenty-seven (27) semester hours or forty-one (41) quarter hours of graduate course work that must include graduate level course credits with material in at least the following content areas:

- (A) Theoretical foundations of marriage and family therapy.
- (B) Major models of marriage and family therapy.
- (C) Individual development.
- (D) Family development and family relationships.
- (E) Clinical problems.
- (F) Collaboration with other disciplines.
- (G) Sexuality.
- (H) Gender and sexual orientation.
- (I) Issues of ethnicity, race, socioeconomic status, and culture.
- (J) Therapy techniques.
- (K) Behavioral research that focuses on the interpretation and application of research data as it applies to clinical practice.

The content areas may be combined into any one (1) graduate level course, if the applicant can prove that the course work was devoted to each content area.

(2) Not less than one (1) graduate level course of two (2) semester hours or three (3) quarter hours in the following areas:

- (A) Legal, ethical, and professional standards issues in the practice of marriage and family therapy or an equivalent course approved by the board.
- (B) Appraisal and assessment for individual or interpersonal disorder or dysfunction.

(3) At least one (1) supervised clinical practicum, internship, or field experience in a marriage and family counseling setting that



meets the following requirements:

(A) The applicant provided, ~~five hundred (500) hours of marriage and family therapy services, including at least four~~ **during at least twelve (12) months of clinical practice, at least three hundred (300)** ~~(400)~~ face to face client contact hours, of which at least ~~two one hundred (200)~~ **(100)** hours must be relational, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or a qualified supervisor approved by the board.

(B) The applicant received one hundred (100) hours of supervision from a licensed marriage and family therapist who has at least five (5) years experience as a qualified supervisor.

The requirements under clauses (A) and (B) may be met by a supervised practice experience that took place away from an institution of higher education but that is certified by an official of the eligible postsecondary educational institution as being equivalent to a graduate level practicum or internship program at an institution accredited by an accrediting agency approved by the United States Department of Education Commission on Recognition of Postsecondary Education, the Association of Universities and Colleges of Canada, or the Commission on Accreditation for Marriage and Family Therapy Education.

(b) The following graduate work may not be used to satisfy the content area requirements under subsection (a):

- (1) Thesis or dissertation work.
- (2) Practicums, internships, or fieldwork."

Delete pages 4 through 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 239 as reprinted February 1, 2022.)

BARRETT

Committee Vote: yeas 9, nays 0.



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 239 be amended to read as follows:

Page 2, line 40, delete "including any term" and insert "as".

Page 2, line 41, after "license," insert "**license by endorsement**".

(Reference is to ESB 239 as printed February 17, 2022.)

ZENT

