



Reprinted
January 31, 2014

SENATE BILL No. 421

DIGEST OF SB 421 (Updated January 30, 2014 3:05 pm - DI 104)

Citations Affected: IC 6-1.1; IC 23-14; IC 25-1; IC 25-8; IC 25-15; IC 25-20.2; IC 25-21.8; IC 25-22.5; IC 25-23.4; IC 25-26; IC 25-28.5; IC 25-30; IC 25-38.1; IC 30-2; IC 35-48.

Synopsis: Professional licensing matters. Establishes assessor, appraiser, and tax representative standards of conduct. Removes provision specifying that a crematory authority may deliver cremated remains to a funeral director in person or by registered mail. Replaces
(Continued next page)

Effective: Upon passage; July 1, 2014.

Head, Kruse

January 14, 2014, read first time and referred to Committee on Commerce, Economic Development & Technology.
January 24, 2014, amended, reported favorably — Do Pass.
January 28, 2014, read second time, amended, ordered engrossed. Returned to second reading.
January 29, 2014, engrossed.
January 30, 2014, reread second time, amended, ordered engrossed.

SB 421—LS 6727/DI 77



Digest Continued

the regulated occupations evaluation committee with the jobs creation committee. Provides that the funds from certain professions may be used by that profession's board to pay for the administration expenses of the profession. Removes the 1,500 hours of course work that must be offered by a beauty culture school and provides that the school must meet the requirements set by the state board of cosmetology and barber examiners. Removes the requirements that a home inspector's, massage therapist's, private investigator firm's, or security guard agency's insurance list the state as an additional insured. Delays the expiration of certain provisions concerning a certified direct entry midwife and penalties concerning the practice of midwifery. Requires a nonresident pharmacy to submit an inspection report from the applicant's home state. Allows a graduate from a foreign college of veterinary medicine who has a Program for the Assessment of Veterinary Medical Education Equivalence certificate to meet the qualification of graduating from an accredited college of veterinary medicine for purposes of certain licensure exemptions and for applying for a veterinary license. Provides that the state board of funeral and cemetery service (board) has 180 days to investigate a verified complaint. (Current law provides for a 60 day investigation.) Gives the board discretion to order restitution from the preneed consumer protection fund. Provides money in the controlled substances data fund to be used for the administration of the INSPECT program. (Current law allows money to be used for the operation of the INSPECT program.) Makes a technical correction.

SB 421—LS 6727/DI 77



Reprinted
January 31, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 421

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 6-1.1-35.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]:
4 **Chapter 35.7. Assessor, Appraiser, and Tax Representative**
5 **Standards of Conduct**
6 **Sec. 1. As used in this chapter, "appraiser" has the meaning set**
7 **forth in IC 6-1.1-31.7-1.**
8 **Sec. 2. As used in this chapter, "tax representative" means a**
9 **person who represents another person at a proceeding before the**
10 **property tax assessment board of appeals or the department. The**
11 **term does not include:**
12 **(1) the owner of the property (or person liable for the taxes**
13 **under IC 6-1.1-2-4) that is the subject of the appeal;**
14 **(2) a permanent full-time employee of the owner of the**
15 **property (or person liable for the taxes under IC 6-1.1-2-4)**

SB 421—LS 6727/DI 77



1 who is the subject of the appeal;

2 (3) a representative of a local unit of government appearing
3 on behalf of the unit;

4 (4) a certified public accountant, when the certified public
5 accountant is representing a client in a matter that relates
6 only to personal property taxation; or

7 (5) an attorney who is a member in good standing of the
8 Indiana bar or any person who is a member in good standing
9 of any other state bar and who has been granted leave by the
10 department to appear pro hac vice.

11 **Sec. 3. (a) An individual who is a township assessor, a county**
12 **assessor, an employee of the township assessor or county assessor,**
13 **or an appraiser shall adhere to the Uniform Standards of**
14 **Professional Appraisal Practice in the performance of the**
15 **individual's duties.**

16 **(b) An individual who is a township assessor, a county assessor,**
17 **an employee of the township assessor or county assessor, or an**
18 **appraiser shall not do any of the following:**

19 (1) Conduct an assessment that includes the reporting of a
20 predetermined opinion or conclusion.

21 (2) Misrepresent the individual's role when providing
22 valuation services that are outside the practice of property
23 assessment.

24 (3) Communicate assessment results with the intent to mislead
25 or defraud.

26 (4) Communicate a report that the individual knows is
27 misleading or fraudulent.

28 (5) Knowingly permit an employee or other person to
29 communicate a misleading or fraudulent report.

30 (6) Engage in criminal conduct.

31 (7) Willfully or knowingly violate the requirements of
32 IC 6-1.1-35-9.

33 (8) Perform an assessment in a grossly negligent manner.

34 (9) Perform an assessment with bias.

35 (10) Advocate for an assessment. However, this subdivision
36 does not prevent a township assessor, a county assessor, an
37 employee of the county assessor or township assessor, or an
38 appraiser from defending or explaining the accuracy of an
39 assessment and any corresponding methodology used in the
40 assessment at a preliminary informal hearing, during
41 settlement discussions, at a public hearing, or at the appellate
42 level.



1 **Sec. 4. (a) A township assessor, a county assessor, an employee**
 2 **of the township assessor or county assessor, or an appraiser:**

- 3 **(1) must be competent to perform a particular assessment;**
 4 **(2) must acquire the necessary competency to perform the**
 5 **assessment; or**
 6 **(3) shall contract with an appraiser who demonstrates**
 7 **competency to do the assessment.**

8 **(b) The department may revoke the certification of a township**
 9 **assessor, a county assessor, an employee of the township assessor**
 10 **or county assessor, or an appraiser under 50 IAC 15 for gross**
 11 **incompetence in the performance of an assessment.**

12 **Sec. 5. (a) The department may revoke a certification issued**
 13 **under 50 IAC 15 for not more than three (3) years if the**
 14 **department determines by a preponderance of the evidence that**
 15 **the township assessor, county assessor, employee of the township**
 16 **assessor or county assessor, or appraiser violated any provision of**
 17 **this chapter.**

18 **(b) If an appraiser's certification is revoked:**

- 19 **(1) any contract for appraisal of property in Indiana that the**
 20 **appraiser has entered into is void; and**
 21 **(2) the appraiser may not receive any additional payments**
 22 **under the contract.**

23 **(c) A contract entered into by an appraiser for appraisal of**
 24 **property in Indiana must contain a provision specifying that the**
 25 **contract is void if the appraiser's certification is revoked under this**
 26 **chapter.**

27 **Sec. 6. A tax representative may not do any of the following:**

- 28 **(1) Use or participate in the use of any false, fraudulent,**
 29 **unduly influencing, coercive, unfair, misleading, or deceptive**
 30 **statement or claims with respect to any matter relating to the**
 31 **practice before the property tax assessment board of appeals**
 32 **or the department.**
 33 **(2) Knowingly misrepresent any information or act in a**
 34 **fraudulent manner.**
 35 **(3) Prepare documents or provide evidence in a property**
 36 **assessment appeal unless the representative is authorized by**
 37 **the property owner (or person liable for the taxes under**
 38 **IC 6-1.1-2-4) to do so and any required authorization form**
 39 **has been filed.**
 40 **(4) Knowingly submit false or erroneous information in a**
 41 **property assessment appeal.**
 42 **(5) Knowingly fail to use the appraisal standards and methods**



1 required by rules adopted by the department, Indiana board,
 2 or property tax assessment board of appeals when the
 3 representative submits appraisal information in a property
 4 assessment appeal.

5 (6) Knowingly fail to notify the property owner (or person
 6 liable for the taxes under IC 6-1.1-2-4) of all matters relating
 7 to the review of the assessment of taxpayers' property before
 8 the property tax assessment board of appeals or the
 9 department, including, but not limited to, the following:

10 (A) The tax representative's filing of all necessary
 11 documents, correspondence, and communications with the
 12 property tax assessment board of appeals or department.

13 (B) The dates and substance of all hearings, onsite
 14 inspections, and meetings.

15 Sec. 7. The department may revoke the certification of a tax
 16 representative for the following:

17 (1) Violation of any rule applicable to certification or practice
 18 before the property tax assessment board of appeals, the
 19 department, or the Indiana board.

20 (2) Gross incompetence in the performance of practicing
 21 before the property tax assessment board of appeals, the
 22 department, or the Indiana board.

23 (3) Dishonesty, fraud, or material deception committed while
 24 practicing before the property tax assessment board of
 25 appeals, the department, or the Indiana board.

26 (4) Dishonesty, fraud, material deception, or breach of
 27 fiduciary duty committed against the tax representative's
 28 employer or business associates.

29 (5) Violation of the standards of ethics or rules of solicitation
 30 adopted by the department.

31 SECTION 2. IC 23-14-31-45 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 45. (a) After
 33 completion of the cremation process, if a crematory authority existing
 34 on cemetery property has not been instructed to arrange for the
 35 interment, entombment, inurnment, or scattering of the cremated
 36 remains, the crematory authority shall deliver the cremated remains to
 37 the funeral director of record not later than thirty (30) days after the
 38 date of cremation. ~~The delivery may be made in person or by registered~~
 39 ~~mail.~~ After delivery of the cremated remains, the crematory authority
 40 is discharged from any legal obligation or liability concerning the
 41 disposition of the cremated remains.

42 (b) A funeral director may hold remains returned by a crematory



1 authority for not longer than sixty (60) days from the date of cremation
 2 and may dispose of the remains as previously arranged, or if no
 3 arrangement has been made, at the end of sixty (60) days, in any legal
 4 manner.

5 (c) A funeral director and crematory authority shall observe
 6 religious practices or preferences specified by the authorizing agent.

7 SECTION 3. IC 25-1-16-3, AS ADDED BY P.L.84-2010,
 8 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 3. As used in this chapter, "committee" means the
 10 ~~regulated occupations evaluation jobs creation~~ committee established
 11 by section 6 of this chapter.

12 SECTION 4. IC 25-1-16-4, AS ADDED BY P.L.84-2010,
 13 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2014]: Sec. 4. As used in this chapter, "license" means:

15 (1) an unlimited license, ~~permit~~, certificate, or ~~certificate of~~
 16 registration;

17 (2) a ~~temporary~~, limited, or probationary license, ~~permit~~,
 18 certificate, or ~~certificate of~~ registration;

19 ~~(3) a temporary license, certificate, registration, or permit;~~

20 ~~(4) (3)~~ an intern permit; or

21 ~~(5) (4)~~ a provisional license;

22 issued by the board regulating the regulated occupation in question.
 23 **"Licensed" has a corresponding meaning.**

24 SECTION 5. IC 25-1-16-4.5 IS ADDED TO THE INDIANA CODE
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 26 1, 2014]: **Sec. 4.5. As used in this chapter, "office" refers to the**
 27 **office of management and budget.**

28 SECTION 6. IC 25-1-16-6, AS ADDED BY P.L.84-2010,
 29 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2014]: Sec. 6. The ~~regulated occupations evaluation jobs~~
 31 ~~creation~~ committee is established.

32 SECTION 7. IC 25-1-16-7, AS ADDED BY P.L.84-2010,
 33 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2014]: Sec. 7. (a) The committee consists of the following
 35 individuals:

36 (1) The ~~dean executive director~~ of the ~~Indiana University School~~
 37 ~~of Public and Environmental Affairs~~ agency or the ~~dean's~~
 38 ~~executive director's~~ designee. The ~~dean executive director~~ or
 39 the ~~dean's executive director's~~ designee shall serve as
 40 chairperson of the committee.

41 (2) The director of the ~~agency office~~ or the director's designee.

42 (3) The attorney general or the attorney general's designee, ~~as a~~



- 1 **nonvoting member.**
 2 **(4) An individual appointed by the governor who represents**
 3 **an association that has small businesses, small business**
 4 **owners, or licensed professionals as a majority of its**
 5 **members, as a nonvoting member. The member serves at the**
 6 **pleasure of the governor.**
 7 ~~(4)~~ **(5)** Two (2) individuals appointed by the governor who are
 8 licensed in a regulated occupation.
 9 ~~(5)~~ **(6)** Two (2) individuals appointed by the governor who are not
 10 licensed in a regulated occupation.
 11 (b) The term of a member appointed under subsection ~~(a)(4)~~ or
 12 ~~(a)(5)~~ or **(a)(6)** is three (3) years.
 13 (c) The affirmative votes of a majority of the voting members
 14 appointed to the committee are required for the committee to take
 15 action on any measure.
 16 **(d) Notwithstanding any other law, the term of a member**
 17 **appointed before July 1, 2014, under subsection (a)(5) or (a)(6)**
 18 **expires on July 1, 2014.**
 19 SECTION 8. IC 25-1-16-8, AS ADDED BY P.L.84-2010,
 20 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2014]: Sec. 8. (a) The committee shall review and evaluate
 22 each regulated occupation **and board**. The review and evaluation must
 23 include the following:
 24 (1) The functions, powers, and duties of the regulated occupation
 25 and the board, including any functions, powers, or duties that are
 26 inconsistent with current or projected practice of the occupation.
 27 (2) An assessment of the management efficiency of the board.
 28 (3) An assessment of the regulated occupation's and the board's
 29 ability to meet the objectives of the general assembly in licensing
 30 the regulated occupation.
 31 **(4) An assessment of the necessity, burden, and alternatives to**
 32 **the licenses issued by the board.**
 33 **(5) An assessment of the fees that the board charges for**
 34 **licenses.**
 35 ~~(4)~~ **(6)** Any other criteria identified by the committee.
 36 (b) The committee shall prepare a report concerning each regulated
 37 occupation **and board** that the committee reviews and evaluates. The
 38 report must contain the following:
 39 (1) The number of individuals who are licensed in the regulated
 40 occupation.
 41 (2) A summary of the board's functions and actions.
 42 (3) The budget and other fiscal factors of regulating the regulated



- 1 occupation, **including the actual cost of administering license**
 2 **applications, renewals, and issuing licenses.**
 3 (4) An assessment of the effect of the regulated occupation on the
 4 state's economy, including consumers and businesses.
 5 (5) Any recommendations for legislation, including whether:
 6 **(A) the regulation of** a regulated occupation should be
 7 modified;
 8 **(B) the board should be** combined with another board; ~~or~~
 9 **(C) whether the board or the regulation of the regulated**
 10 **occupation should be** terminated;
 11 **(D) whether a license should be eliminated; or**
 12 **(E) whether multiple licenses should be consolidated into**
 13 **a single license.**
 14 (6) Any recommendations for administrative changes.
 15 (7) **Information that supports the committee's**
 16 **recommendations.**
 17 **(c) This section does not apply to fees that support dedicated**
 18 **funds. After the committee has reviewed and evaluated a regulated**
 19 **occupation and board, the committee shall provide the agency and**
 20 **the board that is the subject of the committee's evaluation with**
 21 **recommendations for fees that the board should charge for**
 22 **application fees, renewal fees, and fees to issue licenses. The**
 23 **recommendation for fees must comply with the requirements**
 24 **under IC 25-1-8-2. However, the recommendation must not exceed**
 25 **the lesser of either one hundred dollars (\$100) or the actual**
 26 **administrative cost to process the application, or renew or issue the**
 27 **license.**
 28 SECTION 9. IC 25-1-16-10, AS ADDED BY P.L.84-2010,
 29 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2014]: Sec. 10. The committee shall establish a schedule to
 31 review and evaluate each regulated occupation. Each regulated
 32 occupation must be reviewed and evaluated at least every ~~seven (7)~~
 33 **five (5)** years.
 34 SECTION 10. IC 25-1-16-11, AS ADDED BY P.L.84-2010,
 35 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2014]: Sec. 11. (a) The ~~agency office~~ shall provide staff and
 37 administrative support to the committee.
 38 (b) The committee may hire, with approval of the director of the
 39 ~~agency, office~~, an individual to assist the committee.
 40 (c) The expenditures of the committee shall be paid from
 41 appropriations to the ~~agency~~ **office.**
 42 SECTION 11. IC 25-1-16-13, AS ADDED BY P.L.84-2010,



1 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2014]: Sec. 13. The committee shall submit a report to the:

- 3 (1) governor; **and**
4 ~~(2) health finance commission; and~~
5 ~~(3) (2) legislative services agency;~~

6 not later than July 1 of each year. The report submitted to the
7 legislative services agency must be in an electronic format under
8 IC 5-14-6.

9 SECTION 12. IC 25-1-16-14 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2014]: **Sec. 14. The committee shall seek**
12 **public input when considering any proposals or reports concerning**
13 **the elimination of a license or change to a regulated occupation.**

14 SECTION 13. IC 25-1-16-15 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2014]: **Sec. 15. The committee shall review**
17 **and evaluate a proposal to license a new occupation upon the**
18 **request of any of the following:**

- 19 (1) **A member of the general assembly.**
20 (2) **A legislative staff member on behalf of a member of the**
21 **general assembly.**
22 (3) **A member of the legislative services agency on behalf of a**
23 **member of the general assembly.**

24 SECTION 14. IC 25-8-2-5, AS AMENDED BY P.L.170-2013,
25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2014]: Sec. 5. (a) "Cosmetology" means performing any of the
27 following acts on the head, face, neck, shoulders, torso, arms, hands,
28 legs, or feet of a person:

- 29 (1) Cutting, trimming, styling, arranging, dressing, curling,
30 waving, permanent waving, cleansing, bleaching, tinting,
31 coloring, or similarly treating hair.
32 (2) Applying oils, creams, antiseptics, clays, lotions, or other
33 preparations to massage, cleanse, stimulate, manipulate, exercise,
34 or beautify.
35 (3) Arching eyebrows.
36 (4) Using depilatories.
37 (5) Manicuring and pedicuring.

38 (b) "Cosmetology" does not include performing any of the acts
39 described in subsection (a):

- 40 (1) in treating illness or disease;
41 (2) as a student in a beauty culture school that complies with the
42 notice requirements set forth in IC 25-8-5-6;



1 (3) in performing shampooing operations; or

2 (4) without compensation.

3 (c) "Cosmetology" does not include performing the act of threading
4 **or braiding.**

5 SECTION 15. IC 25-8-3-30, AS ADDED BY P.L.170-2013,
6 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2014]: Sec. 30. (a) The board shall implement a program to
8 investigate and assess a civil penalty of not more than five hundred
9 dollars (\$500) against a licensee under this article for the following
10 violations:

11 (1) Violation of this article under IC 25-8-14-5.

12 (2) Failure to display a license required under IC 25-8-4-13.

13 (3) Failure to continue to meet the licensure requirements under
14 IC 25-8-4-29.

15 (4) Engaging in beauty culture outside a beauty culture salon
16 under IC 25-8-9-14.

17 (5) Operating a tanning facility without a license under
18 IC 25-8-15.4-5.

19 (b) An individual who is investigated by the board and found by the
20 board to have committed a violation specified in subsection (a) may
21 appeal the determination made by the board in accordance with
22 IC 4-21.5.

23 (c) The state board of cosmetology and barber examiners
24 compliance fund is established to provide funds for administering and
25 enforcing **the provisions of this article, including** the investigation of
26 violations specified in subsection (a). The fund shall be administered
27 by the Indiana professional licensing agency.

28 (d) The expenses of administering the state board of cosmetology
29 and barber examiners compliance fund shall be paid from the money
30 in the fund. The fund consists of penalties collected through
31 investigations and assessments by the board concerning violations
32 specified in subsection (a).

33 (e) The treasurer of state shall invest the money in the fund not
34 currently needed to meet the obligations of the fund in the same
35 manner as other public money may be invested. Interest that accrues
36 from these investments shall be deposited in the fund.

37 (f) Except as otherwise provided in this subsection, money in the
38 fund at the end of a state fiscal year does not revert to the state general
39 fund. If the total amount in the fund exceeds seven hundred fifty
40 thousand dollars (\$750,000) at the end of a state fiscal year after
41 payment of all claims and expenses, the amount that exceeds seven
42 hundred fifty thousand dollars (\$750,000) reverts to the state general



1 fund.

2 SECTION 16. IC 25-8-5-3, AS AMENDED BY P.L.170-2013,
3 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2014]: Sec. 3. The application described in section 2 of this
5 chapter must state that:

- 6 (1) as a requirement for graduation, the proposed school will
7 require its students to successfully complete ~~at least the one~~
8 ~~thousand five hundred (1,500) hours of course work the~~
9 ~~curriculum~~ required by **section 4 of this chapter** to be eligible
10 to sit for the licensing examination;
11 (2) no more than ten (10) hours of course work may be taken by
12 a student during one (1) day;
13 (3) the course work will instruct the students in all theories and
14 practical application of the students' specific course of study;
15 (4) the school will provide one (1) instructor for each twenty (20)
16 students or any fraction of that number;
17 (5) the school will be operated under the personal supervision of
18 a licensed beauty culture instructor;
19 (6) the person has obtained any building permit, certificate of
20 occupancy, or other planning approval required under IC 22-15-3
21 and IC 36-7-4 to operate the school;
22 (7) the school, if located in the same building as a residence, will:
23 (A) be separated from the residence by a substantial floor to
24 ceiling partition; and
25 (B) have a separate entry;
26 (8) as a requirement for graduation, the proposed school must
27 administer and require the student to pass:
28 (A) a final practical demonstration examination of the acts
29 permitted by the license; and
30 (B) the written examination required under IC 25-8-4-7(b);
31 **and**
32 (9) the applicant has paid the fee set forth in IC 25-8-13-3.

33 SECTION 17. IC 25-15-9-13 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) The funeral
35 service education fund is established for the following purposes:

- 36 (1) To supplement the funding for a program of inspection
37 administered by the funeral director, consumer, and state
38 department of health members of the board under section 9 of this
39 chapter.
40 (2) To fund educational projects of the funeral director, consumer,
41 and state department of health members of the board directed
42 toward funeral directors and embalmers.



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(3) To carry out the duties of the board.

(b) The fund shall be administered by the funeral director, consumer, and state department of health members of the board.

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

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the amount of money in the fund at the close of a fiscal year exceeds forty thousand dollars (\$40,000), the treasurer of state shall transfer the excess from the fund into the state general fund.

SECTION 18. IC 25-20.2-5-2, AS AMENDED BY P.L.216-2007, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) An individual who applies for a license as a home inspector must do the following:

(1) Furnish evidence satisfactory to the board showing that the individual:

- (A) is at least eighteen (18) years of age;
- (B) has graduated from high school or earned an Indiana general educational development (GED) diploma; and
- (C) has not been:
 - (i) convicted of an act that would constitute a ground for disciplinary sanction under IC 25-1-11;
 - (ii) convicted of a crime that has a direct bearing on the individual's ability to perform competently and fully as a licensee;
 - (iii) listed on a national or state registry of sex or violent offenders; or
 - (iv) the subject of a disciplinary or enforcement action by another state or a local jurisdiction in connection with the performance of home inspections or the licensing or certification of home inspectors.

(2) Verify the information submitted on the application form.

(3) Complete a board approved training program or course of study involving the performance of home inspections and the preparation of home inspection reports and pass an examination prescribed or approved by the board.

(4) Submit to the board a certificate of insurance or other evidence of financial responsibility that is acceptable to the board and that:

- (A) is issued by an insurance company or other legal entity authorized to transact business in Indiana;



- 1 (B) provides for general liability coverage of at least one
- 2 hundred thousand dollars (\$100,000);
- 3 ~~(C)~~ lists the state as an additional insured;
- 4 ~~(D)~~ (C) states that cancellation and nonrenewal of the
- 5 underlying policy or other evidence of financial responsibility
- 6 is not effective until the board receives at least ten (10) days
- 7 prior written notice of the cancellation or nonrenewal; and
- 8 ~~(E)~~ (D) contains any other terms and conditions established by
- 9 the board.
- 10 (5) Pay a licensing fee established by the board.
- 11 (b) An individual applying for a license as a home inspector must
- 12 apply on a form prescribed and provided by the board.
- 13 SECTION 19. IC 25-21.8-4-2, AS AMENDED BY P.L.107-2012,
- 14 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2014]: Sec. 2. An individual who applies for certification as
- 16 a massage therapist must do the following:
- 17 (1) Furnish evidence satisfactory to the board showing that the
- 18 individual:
- 19 (A) is at least eighteen (18) years of age;
- 20 (B) has a high school diploma or the equivalent of a high
- 21 school diploma;
- 22 (C) has successfully completed a massage therapy school or
- 23 program that:
- 24 (i) requires at least five hundred (500) hours of supervised
- 25 classroom and hands on instruction on massage therapy;
- 26 (ii) is in good standing with a state, regional, or national
- 27 agency of government charged with regulating massage
- 28 therapy schools or programs; and
- 29 (iii) is accredited by the state workforce innovation council
- 30 under IC 22-4.1-21 or accredited by another state where the
- 31 standards for massage therapy education are substantially
- 32 the same as the standards in Indiana, or is a program at an
- 33 institution of higher learning that is approved by the board;
- 34 and
- 35 (D) has taken and passed a certification examination approved
- 36 by the board.
- 37 (2) Provide a history of any criminal convictions the individual
- 38 has, including any convictions related to the practice of the
- 39 profession. The board shall deny an application for certification
- 40 if the applicant:
- 41 (A) has been convicted of:
- 42 (i) prostitution;



- 1 (ii) rape; or
- 2 (iii) sexual misconduct; or
- 3 (B) is a registered sex offender.
- 4 (3) Provide proof that the applicant **currently** has professional
- 5 liability insurance. ~~in force that lists the state as an additional~~
- 6 ~~insured.~~
- 7 (4) Verify the information submitted on the application form.
- 8 (5) Pay fees established by the board.
- 9 SECTION 20. IC 25-22.5-8-2, AS AMENDED BY P.L.232-2013,
- 10 SECTION 17, AND AS AMENDED BY P.L.158-2013, SECTION
- 11 284, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 12 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A person who *knowingly*
- 13 *or intentionally* violates this article by unlawfully practicing medicine
- 14 or osteopathic medicine commits a **Class C felony (for a crime**
- 15 **committed before July 1, 2014) or a Level 5 felony (for a crime**
- 16 **committed after June 30, 2014).**
- 17 (b) A person who, *before January 1, 2014*, ~~2015~~, practices
- 18 midwifery without the license required under this article commits a
- 19 **Class D felony (for a crime committed before July 1, 2014) or a**
- 20 **Level 6 felony (for a crime committed after June 30, 2014).**
- 21 (c) A person who *knowingly or intentionally* acts as a physician
- 22 assistant without the license required under IC 25-27.5 commits a
- 23 **Class D felony (for a crime committed before July 1, 2014) or a**
- 24 **Level 6 felony (for a crime committed after June 30, 2014).**
- 25 SECTION 21. IC 25-23.4-3-1, AS ADDED BY P.L.232-2013,
- 26 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 UPON PASSAGE]: Sec. 1. (a) This section does not apply to an
- 28 individual who has a license under IC 25-23-1-13.1 to practice
- 29 midwifery as a certified nurse midwife and is practicing within the
- 30 scope of that license.
- 31 (b) After July 1, 2014, an individual may not engage in the practice
- 32 of midwifery unless:
- 33 (1) the individual is issued a certificate by a board under
- 34 IC 25-1-5 and is acting within the scope of the person's license; or
- 35 (2) the individual has a certified direct entry midwife certificate
- 36 under this article and has a collaborative agreement with a
- 37 physician as set forth in this article.
- 38 (c) To become certified as a certified direct entry midwife, an
- 39 applicant must satisfy the following requirements:
- 40 (1) Be at least twenty-one (21) years of age.
- 41 (2) Possess at least:
- 42 (A) an associate degree in nursing, associate degree in



- 1 midwifery accredited by the Midwifery Education
 2 Accreditation Council (MEAC), or other similar science
 3 related associate degree; or
 4 (B) a bachelor's degree;
 5 from a postsecondary educational institution.
- 6 (3) Satisfactorily complete educational curriculum approved by:
 7 (A) the Midwifery Education Accreditation Council (MEAC)
 8 or a successor organization; or
 9 (B) the educational equivalent of a Midwifery Education
 10 Accreditation Council curriculum approved by the board.
- 11 (4) Acquire and document practical experience as outlined in the
 12 Certified Professional Midwife credentialing process in
 13 accordance with the standards of the North American Registry of
 14 Midwives or a successor organization.
- 15 (5) Obtain certification by an accredited association in adult
 16 cardiopulmonary resuscitation that is approved by the board.
- 17 (6) Complete the program sponsored by the American Academy
 18 of Pediatrics in neonatal resuscitation, excluding endotracheal
 19 intubation and the administration of drugs.
- 20 (7) Comply with the birth requirements of the Certified
 21 Professional Midwife credentialing process, observe an additional
 22 twenty (20) births, be directly supervised by a physician for
 23 twenty (20) births, assist with an additional twenty (20) births,
 24 and act as the primary attendant for an additional twenty (20)
 25 births.
- 26 (8) Provide proof to the board that the applicant has obtained the
 27 Certified Professional Midwife credential as administered by the
 28 North American Registry of Midwives or a successor
 29 organization.
- 30 (9) Present additional documentation or certifications required by
 31 the board. The board may adopt standards that require more
 32 training than required by the North American Registry of
 33 Midwives.
- 34 (10) Maintain sufficient liability insurance.
- 35 (d) The board may exempt an applicant from the following:
- 36 (1) The education requirements in subsection (c)(2) if the
 37 applicant provides proof to the board that the applicant is enrolled
 38 in a program that will satisfy the requirements of subsection
 39 (c)(2). An exemption under this subdivision applies for an
 40 individual for not more than two (2) years. This subdivision
 41 expires June 30, 2016.
- 42 (2) The education requirements in subsection (c)(3) if the



1 applicant provides:
2 (A) proof to the board that the applicant has delivered over one
3 hundred (100) births as a primary attendant; and
4 (B) a letter of reference from a licensed physician with whom
5 the applicant has informally collaborated.
6 This subdivision expires ~~June 30, 2014~~. **December 31, 2014.**
7 (3) The requirement that a physician directly supervise twenty
8 (20) births in subsection (c)(7) if the applicant provides:
9 (A) proof to the board that the applicant has delivered over one
10 hundred (100) births as a primary attendant; and
11 (B) a letter of reference from a licensed physician with whom
12 the applicant has informally collaborated.
13 This subdivision expires ~~June 30, 2014~~. **December 31, 2014.**
14 SECTION 22. IC 25-23.4-3-7, AS ADDED BY P.L.232-2013,
15 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 7. (a) This section does not apply to an
17 individual who has a license under IC 25-23-1-13.1 to practice
18 midwifery as a certified nurse midwife.
19 (b) After ~~July 1, 2014~~, **December 31, 2014**, an individual who
20 knowingly or intentionally practices midwifery without a certificate
21 required under this article commits a ~~Class D felony~~ **Level 6 felony**
22 **(for a crime committed after June 30, 2014).**
23 SECTION 23. IC 25-26-13-30, AS AMENDED BY P.L.1-2006,
24 SECTION 464, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2014]: Sec. 30. (a) The impaired pharmacists
26 account is established within the state general fund to provide money
27 for:
28 (1) the rehabilitation of impaired pharmacists under this article;
29 **and**
30 **(2) carrying out the duties of the board.**
31 The account shall be administered by the Indiana professional licensing
32 agency.
33 (b) Expenses of administering the account shall be paid from money
34 in the account. The account consists of money collected under section
35 4.5(b) of this chapter.
36 (c) The treasurer of state shall invest the money in the account not
37 currently needed to meet the obligations of the account in the same
38 manner as other public money may be invested. Money remaining in
39 the account at the end of a state fiscal year does not revert to the state
40 general fund.
41 (d) There is appropriated to the board from the account an amount
42 sufficient to carry out the purpose described in subsection (a).



1 SECTION 24. IC 25-26-17-3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A nonresident
 3 pharmacy must register with the board. To register with the board, a
 4 nonresident pharmacy must submit the following to the board:

5 (1) A verified statement that the nonresident pharmacy is
 6 licensed, certified, or registered to operate in the state in which
 7 the pharmacy is located.

8 (2) The location, names, and titles of all principal corporate
 9 officers and pharmacists who are dispensing drugs to residents of
 10 Indiana. This disclosure must be made on an annual basis. The
 11 nonresident pharmacy must notify the board within thirty (30)
 12 days after any change of office location, corporate officer, or
 13 pharmacist in charge.

14 (3) A verified statement that the nonresident pharmacy complies
 15 with all lawful requests for information from the regulatory or
 16 licensing agency of all states in which it is licensed.

17 **(4) The latest inspection report or an equivalent document**
 18 **approved by the board, from the licensing authority of the**
 19 **state in which the nonresident pharmacy is located. However,**
 20 **if the nonresident pharmacy has not been inspected within the**
 21 **last three hundred sixty-five (365) days by the state in which**
 22 **the nonresident pharmacy and licensing authority are**
 23 **domiciled, or if the board determines that the home state**
 24 **inspection is not substantially equivalent to an Indiana**
 25 **inspection or is not available, an inspection report from a:**

26 (A) third party;

27 (B) healthcare accreditation body; or

28 (C) pharmacy accreditation body;

29 **that is approved by the board, must be obtained and**
 30 **submitted by the nonresident pharmacy.**

31 ~~(4)~~ (5) Information requested and deemed necessary by the board
 32 to carry out this chapter.

33 ~~(5)~~ (6) The fee required by IC 25-1-8 which shall be reasonable
 34 and not exceed the costs to the board.

35 SECTION 25. IC 25-28.5-2-1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The plumbers
 37 recovery fund is established for:

38 (1) the purpose set out in this chapter; **and**

39 (2) **carrying out the duties of the Indiana plumbing**
 40 **commission.**

41 The fund shall be administered by the **Indiana** plumbing commission.

42 (b) The treasurer of state shall invest the money in the fund not



1 currently needed to meet the obligations of the fund in the same
 2 manner as other public funds may be invested. Interest that accrues
 3 from these investments shall be deposited in the fund.

4 (c) Money in the fund at the end of a state fiscal year does not revert
 5 to the state general fund, except as provided in section 2.2 of this
 6 chapter.

7 SECTION 26. IC 25-30-1-15, AS AMENDED BY P.L.185-2007,
 8 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 15. (a) An applicant for a private investigator firm
 10 license shall submit to the board a certificate of insurance or other
 11 evidence of financial responsibility that:

12 (1) is approved by the board; and

13 (2) meets the following requirements:

14 (A) Is issued by an insurance company or other legal entity
 15 authorized to transact business in Indiana.

16 (B) Provides for general liability coverage of at least one
 17 hundred thousand dollars (\$100,000).

18 ~~(C) Lists the state as an additional insured.~~

19 ~~(D)~~ (C) States that cancellation and nonrenewal of the
 20 underlying policy or other evidence of financial responsibility
 21 is not effective until the board receives written notice at least
 22 ten (10) days before the cancellation or nonrenewal of the
 23 policy.

24 ~~(E)~~ (D) Contains any other terms and conditions established by
 25 the board.

26 (b) The insurance referred to in subsection (a):

27 (1) must cover damages that the insured becomes legally
 28 obligated to pay for bodily injury or property damage proximately
 29 caused to a person by the insured in conducting business as a
 30 private investigator firm;

31 (2) must include coverage for:

32 (A) false arrest, detention, or imprisonment;

33 (B) malicious prosecution; and

34 (C) wrongful entry or eviction, or other invasion of the right of
 35 private occupancy; and

36 (3) may not exclude coverage for an intentional act taken by or at
 37 the direction of the insured that results in bodily injury, if such
 38 injury arises solely from the use of reasonable force for the
 39 purpose of protecting persons or property.

40 (c) If a licensee fails to comply with the insurance requirements of
 41 this section, the license of the licensee shall be suspended. A license
 42 suspended under this subsection may not be reinstated until an



1 application for reinstatement of the license, in the form prescribed by
 2 the board, is filed with the board, together with proper proof of
 3 insurance.

4 (d) The board may deny an application for the reinstatement of a
 5 license suspended under this section, notwithstanding the applicant's
 6 compliance with the insurance requirements of this section for any of
 7 the following:

8 (1) Any reason that would justify a refusal to issue, a suspension,
 9 or a revocation of a license.

10 (2) The performance by the applicant, while the applicant's
 11 license was suspended under this section, of any practice for
 12 which a license under this chapter is required.

13 SECTION 27. IC 25-30-1.3-16, AS ADDED BY P.L.185-2007,
 14 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2014]: Sec. 16. (a) An applicant for a security guard agency
 16 license must submit to the board a certificate of insurance or other
 17 evidence of financial responsibility that:

18 (1) is approved by the board; and

19 (2) meets the following requirements:

20 (A) Is issued by an insurance company or other legal entity
 21 authorized to transact business in Indiana.

22 (B) Provides for general liability coverage of at least one
 23 hundred thousand dollars (\$100,000).

24 ~~(C) Lists the state as an additional insured:~~

25 ~~(D)~~ (C) States that cancellation and nonrenewal of the
 26 underlying policy or other evidence of financial responsibility
 27 is not effective until the board receives at least ten (10) days
 28 prior written notice of the cancellation or nonrenewal of the
 29 policy.

30 ~~(E)~~ (D) Contains any other terms and conditions established by
 31 the board.

32 (b) The insurance referred to in subsection (a):

33 (1) must cover damages that the insured becomes legally
 34 obligated to pay for bodily injury or property damage proximately
 35 caused to a person by the insured in conducting business as a
 36 security guard agency;

37 (2) must include coverage for:

38 (A) false arrest, detention, or imprisonment;

39 (B) malicious prosecution; and

40 (C) wrongful entry or eviction or other invasion of the right of
 41 private occupancy; and

42 (3) may not exclude coverage for an intentional act taken by or at



1 the direction of the insured that results in bodily injury, if the
 2 injury arises solely from the use of reasonable force to protect
 3 persons or property.

4 (c) If a licensee fails to comply with the insurance requirements of
 5 this section, the license of the licensee shall be suspended. A license
 6 suspended under this subsection may not be reinstated until an
 7 application for reinstatement of the license, in the form prescribed by
 8 the board, is filed with the board, together with proper proof of
 9 insurance.

10 (d) The board may deny an application for the reinstatement of a
 11 license suspended under this section, notwithstanding the applicant's
 12 compliance with the insurance requirements of this section for any of
 13 the following:

14 (1) Any reason that would justify a refusal to issue, a suspension,
 15 or a revocation of a license.

16 (2) The performance by the applicant, while the applicant's
 17 license was suspended under this section, of any practice for
 18 which a license under this chapter is required.

19 SECTION 28. IC 25-38.1-1-10.7 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2014]: **Sec. 10.7. "PAVE certificate" means**
 22 **a certificate issued by the Program for the Assessment of**
 23 **Veterinary Medical Education Equivalence, indicating that the**
 24 **holder has demonstrated knowledge and skill equivalent to that**
 25 **possessed by a graduate of an accredited college of veterinary**
 26 **medicine.**

27 SECTION 29. IC 25-38.1-3-1, AS AMENDED BY P.L.177-2009,
 28 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2014]: Sec. 1. (a) A person may not practice veterinary
 30 medicine in Indiana unless the person:

31 (1) is licensed as a veterinarian in Indiana; or

32 (2) holds a special permit issued by the board.

33 (b) The following persons are exempt from the licensing or special
 34 permit requirements of this chapter:

35 (1) A veterinarian on the faculty of the School of Veterinary
 36 Medicine at Purdue University performing regular duties, or a
 37 veterinarian employed by the animal disease diagnostic laboratory
 38 established by IC 21-46-3-1 performing regular duties.

39 (2) A veterinary medical officer serving in the United States
 40 armed forces or veterinarian employed by a federal, state, or local
 41 government agency performing veterinary medical services that
 42 are within the scope of official duties and are performed during



- 1 the period of the person's service.
- 2 (3) An individual who is a regular student in an accredited college
- 3 of veterinary medicine performing duties or actions assigned by
- 4 the faculty of the School of Veterinary Medicine at Purdue
- 5 University or working under the direct supervision of a licensed
- 6 veterinarian.
- 7 (4) An extern.
- 8 (5) A veterinarian who is licensed and is a resident in another
- 9 state or country and consults with a veterinarian licensed under
- 10 this article.
- 11 (6) An owner or a contract operator of an animal or a regular
- 12 employee of the owner or a contract operator caring for and
- 13 treating an animal, except where the ownership of the animal was
- 14 transferred for purposes of circumventing this chapter.
- 15 (7) A guest lecturing or giving instructions or demonstrations at
- 16 the School of Veterinary Medicine at Purdue University, or
- 17 elsewhere, in connection with a continuing education program.
- 18 (8) An individual while engaged in bona fide scientific research
- 19 that:
- 20 (A) reasonably requires experimentation involving animals;
- 21 and
- 22 (B) is conducted in a facility or with a company that complies
- 23 with federal regulations regarding animal welfare.
- 24 (9) A graduate of a foreign college of veterinary medicine who is
- 25 in the process of obtaining an ECFVG certificate **or a PAVE**
- 26 **certificate** and who is under the direct supervision of:
- 27 (A) the faculty of the School of Veterinary Medicine at Purdue
- 28 University; or
- 29 (B) a veterinarian licensed under this article.
- 30 (10) A veterinarian who is enrolled in a postgraduate instructional
- 31 program in an accredited college of veterinary medicine
- 32 performing duties or actions assigned by the faculty of the School
- 33 of Veterinary Medicine at Purdue University.
- 34 (11) A member in good standing of another licensed or regulated
- 35 profession within Indiana who:
- 36 (A) provides assistance requested by a veterinarian licensed
- 37 under this article;
- 38 (B) acts with the consent of the client;
- 39 (C) acts within a veterinarian-client-patient relationship; and
- 40 (D) acts under the direct or indirect supervision of the licensed
- 41 veterinarian.
- 42 SECTION 30. IC 25-38.1-3-3, AS ADDED BY P.L.2-2008,



1 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2014]: Sec. 3. (a) As used in this subsection, "term" refers to
3 an academic semester, trimester, or quarter. A person desiring a license
4 to practice veterinary medicine shall make written application to the
5 board. The application must state that the applicant is:

- 6 (1) a graduate of an accredited college of veterinary medicine; or
7 (2) enrolled in the last term of the last year of the veterinary
8 medical curriculum of an accredited school of veterinary
9 medicine.

10 If the applicant is enrolled as a last term student as described in
11 subdivision (2), a letter from the dean of the student's veterinary school
12 confirming that the applicant is a last term student, attesting to the
13 satisfactory academic standing of the student, and stating the date on
14 which the degree is expected to be conferred upon the student must
15 accompany the application. A license to practice veterinary medicine
16 in Indiana may not be issued until satisfactory proof has been furnished
17 to the board either that the applicant has graduated from an accredited
18 college of veterinary medicine, or that the applicant is the holder of an
19 Educational Commission for Foreign Veterinary Graduates (ECFVG)
20 certificate **or a PAVE certificate**. The application must show
21 reasonable information and proof required by the board by rule. The
22 application must be accompanied by the required fee.

23 (b) If the board determines that the applicant possesses the proper
24 qualifications, the board may grant the applicant a license. If the board
25 determines that the applicant is not qualified to take the examination
26 or that the applicant does not qualify for a license without examination,
27 the executive secretary of the board shall immediately notify the
28 applicant in writing of the finding and the grounds for the finding.
29 Applicants found unqualified may request a hearing on the question of
30 their qualifications.

31 SECTION 31. IC 25-38.1-3-5, AS ADDED BY P.L.2-2008,
32 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2014]: Sec. 5. The board may issue a license without an
34 examination to a qualified applicant who:

- 35 (1) furnishes satisfactory proof that the applicant:
36 (A) is a graduate of an accredited college of veterinary
37 medicine; **or**
38 (B) holds an Educational Commission for Foreign Veterinary
39 Graduates (ECFVG) certificate; **or**
40 (C) **holds a PAVE certificate;**
41 (2) for the five (5) years immediately preceding filing an
42 application has been a practicing veterinarian licensed in a state,



1 territory, or district of the United States that has license
2 requirements substantially equivalent to the requirements of this
3 chapter; and

4 (3) otherwise meets the requirements of this chapter.

5 SECTION 32. IC 30-2-13-29, AS AMENDED BY P.L.65-2007,
6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2014]: Sec. 29. (a) Money in the fund may be used to provide
8 restitution to a seller who performs a defaulted contract, to a purchaser,
9 or to a purchaser's estate for pecuniary loss arising from a trust or an
10 escrow required by:

11 (1) this chapter;

12 (2) IC 23-14-49-1;

13 (3) IC 30-2-9; or

14 (4) IC 30-2-10.

15 The repeal of a statute cited in this subsection does not terminate the
16 ability of a party to a contract made under the repealed statute to
17 receive restitution under this chapter.

18 (b) The purchaser, seller, or other interested person must request
19 restitution by filing a verified complaint with the board.

20 (c) The board may investigate any verified complaint. Within ~~sixty~~
21 ~~(60)~~ **one hundred eighty (180)** days after a verified complaint is filed,
22 the board shall determine if a seller has defaulted on a contract. If the
23 seller's obligation to perform under the contract cannot be collected
24 from the seller, the board ~~shall~~ **may** order the auditor of state to make
25 restitution from the fund.

26 (d) The amount of restitution may not exceed the gross amount of
27 the original contract plus interest, compounded annually, on the gross
28 amount that is figured, for each year or part of a year for which
29 restitution is owed, using the lesser of:

30 (1) the rate set forth in IC 24-4.6-1-101 in effect on January 1 of
31 each year; or

32 (2) the monthly average yield on United States Treasury
33 Securities for the month of January of each year, adjusted to a
34 constant maturity of one (1) year, as published by the Federal
35 Reserve.

36 (e) The fund may not be charged with court costs or the payment of
37 legal or other fees. In computing the amount of restitution, the board
38 shall give credit for:

39 (1) merchandise delivered; and

40 (2) resources still existing in trust.

41 ~~(e)~~ (f) When restitution is paid from the fund, the fund is subrogated
42 to the amount of the restitution, and the board shall ask the attorney



1 general to take all reasonable steps to collect the subrogated amount
 2 from the seller. Any amount collected shall be deposited in the fund.

3 ~~(f)~~ (g) Money in the fund may only be used for a purpose that is
 4 specified in this section.

5 ~~(g)~~ (h) The payment of restitution from the fund is not a right, and
 6 a purchaser does not have a vested right in the fund as a beneficiary of
 7 the fund.

8 ~~(h)~~ (i) The status of the fund shall be annually reviewed by the
 9 board. If the board determines during its annual review that the fund
 10 balance equals or exceeds two million five hundred thousand dollars
 11 (\$2,500,000), the board shall suspend payments to the fund until after
 12 the next annual review that the board determines that the fund balance
 13 is less than two million five hundred thousand dollars (\$2,500,000).

14 SECTION 33. IC 35-48-7-13.1, AS AMENDED BY P.L. 114-2013,
 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2014]: Sec. 13.1. (a) The controlled substances data fund is
 17 established to fund the ~~operation~~ **administration** of the INSPECT
 18 program. The fund shall be administered by the Indiana professional
 19 licensing agency.

20 (b) Expenses of administering the fund shall be paid from money in
 21 the fund. The fund consists of grants, public and private financial
 22 assistance, and the controlled substances registration fees imposed
 23 under rules adopted under IC 35-48-3-1.

24 (c) The treasurer of state shall invest the money in the fund not
 25 currently needed to meet the obligations of the fund in the same
 26 manner as other public money may be invested.

27 (d) Money in the fund at the end of a state fiscal year does not revert
 28 to the state general fund.

29 SECTION 34. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Economic Development and Technology, to which was referred Senate Bill No. 421, 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, delete lines 1 through 15, begin a new paragraph and insert:
 "SECTION 1. IC 6-1.1-35.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 35.7. Assessor, Appraiser, and Tax Representative Standards of Conduct

Sec. 1. As used in this chapter, "appraiser" has the meaning set forth in IC 6-1.1-31.7-1.

Sec. 2. As used in this chapter, "tax representative" means a person who represents another person at a proceeding before the property tax assessment board of appeals or the department. The term does not include:

- (1) the owner of the property (or person liable for the taxes under IC 6-1.1-2-4) that is the subject of the appeal;
- (2) a permanent full-time employee of the owner of the property (or person liable for the taxes under IC 6-1.1-2-4) who is the subject of the appeal;
- (3) a representative of a local unit of government appearing on behalf of the unit;
- (4) a certified public accountant, when the certified public accountant is representing a client in a matter that relates only to personal property taxation; or
- (5) an attorney who is a member in good standing of the Indiana bar or any person who is a member in good standing of any other state bar and who has been granted leave by the department to appear pro hac vice.

Sec. 3. (a) An individual who is a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser shall adhere to the Uniform Standards of Professional Appraisal Practice in the performance of the individual's duties.

(b) An individual who is a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser shall not do any of the following:

- (1) Conduct an assessment that includes the reporting of a predetermined opinion or conclusion.

SB 421—LS 6727/DI 77



- (2) Misrepresent the individual's role when providing valuation services that are outside the practice of property assessment.
- (3) Communicate assessment results with the intent to mislead or defraud.
- (4) Communicate a report that the individual knows is misleading or fraudulent.
- (5) Knowingly permit an employee or other person to communicate a misleading or fraudulent report.
- (6) Engage in criminal conduct.
- (7) Willfully or knowingly violate the requirements of IC 6-1.1-35-9.
- (8) Perform an assessment in a grossly negligent manner.
- (9) Perform an assessment with bias.
- (10) Advocate for an assessment. However, this subdivision does not prevent a township assessor, a county assessor, an employee of the county assessor or township assessor, or an appraiser from defending or explaining the accuracy of an assessment and any corresponding methodology used in the assessment at a preliminary informal hearing, during settlement discussions, at a public hearing, or at the appellate level.

Sec. 4. (a) A township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser:

- (1) must be competent to perform a particular assessment;
- (2) must acquire the necessary competency to perform the assessment; or
- (3) shall contract with an appraiser who demonstrates competency to do the assessment.

(b) The department may revoke the certification of a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser under 50 IAC 15 for gross incompetence in the performance of an assessment.

Sec. 5. (a) The department may revoke a certification issued under 50 IAC 15 for not more than three (3) years if the department determines by a preponderance of the evidence that the township assessor, county assessor, employee of the township assessor or county assessor, or appraiser violated any provision of this chapter.

(b) If an appraiser's certification is revoked:

- (1) any contract for appraisal of property in Indiana that the appraiser has entered into is void; and



(2) the appraiser may not receive any additional payments under the contract.

(c) A contract entered into by an appraiser for appraisal of property in Indiana must contain a provision specifying that the contract is void if the appraiser's certification is revoked under this chapter.

Sec. 6. A tax representative may not do any of the following:

(1) Use or participate in the use of any false, fraudulent, unduly influencing, coercive, unfair, misleading, or deceptive statement or claims with respect to any matter relating to the practice before the property tax assessment board of appeals or the department.

(2) Knowingly misrepresent any information or act in a fraudulent manner.

(3) Prepare documents or provide evidence in a property assessment appeal unless the representative is authorized by the property owner (or person liable for the taxes under IC 6-1.1-2-4) to do so and any required authorization form has been filed.

(4) Knowingly submit false or erroneous information in a property assessment appeal.

(5) Knowingly fail to use the appraisal standards and methods required by rules adopted by the department, Indiana board, or property tax assessment board of appeals when the representative submits appraisal information in a property assessment appeal.

(6) Knowingly fail to notify the property owner (or person liable for the taxes under IC 6-1.1-2-4) of all matters relating to the review of the assessment of taxpayers' property before the property tax assessment board of appeals or the department, including, but not limited to, the following:

(A) The tax representative's filing of all necessary documents, correspondence, and communications with the property tax assessment board of appeals or department.

(B) The dates and substance of all hearings, onsite inspections, and meetings.

Sec. 7. The department may revoke the certification of a tax representative for the following:

(1) Violation of any rule applicable to certification or practice before the property tax assessment board of appeals, the department, or the Indiana board.

(2) Gross incompetence in the performance of practicing



before the property tax assessment board of appeals, the department, or the Indiana board.

(3) Dishonesty, fraud, or material deception committed while practicing before the property tax assessment board of appeals, the department, or the Indiana board.

(4) Dishonesty, fraud, material deception, or breach of fiduciary duty committed against the tax representative's employer or business associates.

(5) Violation of the standards of ethics or rules of solicitation adopted by the department."

Delete page 2.

Page 3, delete lines 1 through 30.

Page 4, line 24, reset in roman "The attorney general or the attorney general's designee,".

Page 4, line 24, after "designee," insert "**as a nonvoting member.**".

Page 4, line 24, delete "An", begin a new line block indented and insert:

"(4) An".

Page 4, line 30, strike "(4)" and insert "**(5)**".

Page 4, line 32, strike "(5)" and insert "**(6)**".

Page 4, line 34, strike "(a)(4) or".

Page 4, line 35, after "(a)(5)" insert "**or (a)(6)**".

Page 4, line 40, delete "(a)(4) or (a)(5)" and insert "**(a)(5) or (a)(6)**".

Page 6, line 5, after "must" insert "**not**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 421 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 7, Nays 0.



SENATE MOTION

Madam President: I move that Engrossed Senate Bill 421, which is eligible for third reading, be returned to second reading for purposes of amendment.

HEAD

 SENATE MOTION

Madam President: I move that Senate Bill 421 be amended to read as follows:

Page 4, between lines 30 and 31, begin a new paragraph and insert: "SECTION 2. IC 23-14-31-45 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 45. (a) After completion of the cremation process, if a crematory authority existing on cemetery property has not been instructed to arrange for the interment, entombment, inurnment, or scattering of the cremated remains, the crematory authority shall deliver the cremated remains to the funeral director of record not later than thirty (30) days after the date of cremation. ~~The delivery may be made in person or by registered mail.~~ After delivery of the cremated remains, the crematory authority is discharged from any legal obligation or liability concerning the disposition of the cremated remains.

(b) A funeral director may hold remains returned by a crematory authority for not longer than sixty (60) days from the date of cremation and may dispose of the remains as previously arranged, or if no arrangement has been made, at the end of sixty (60) days, in any legal manner.

(c) A funeral director and crematory authority shall observe religious practices or preferences specified by the authorizing agent."

Renumber all SECTIONS consecutively.

(Reference is to SB 421 as printed January 24, 2014.)

HEAD



SENATE MOTION

Madam President: I move that Senate Bill 421 be amended to read as follows:

Page 13, between lines 8 and 9, begin a new paragraph and insert: "SECTION 20. IC 25-22.5-8-2, AS AMENDED BY P.L.232-2013, SECTION 17, AND AS AMENDED BY P.L.158-2013, SECTION 284, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A person who *knowingly or intentionally* violates this article by unlawfully practicing medicine or osteopathic medicine commits a **Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).**

(b) A person who, *before January 1, ~~2014~~ 2015*, practices midwifery without the license required under this article commits a **Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014).**

(c) A person who *knowingly or intentionally* acts as a physician assistant without the license required under IC 25-27.5 commits a **Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014).**

SECTION 21. IC 25-23.4-3-1, AS ADDED BY P.L.232-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section does not apply to an individual who has a license under IC 25-23-1-13.1 to practice midwifery as a certified nurse midwife and is practicing within the scope of that license.

(b) After July 1, 2014, an individual may not engage in the practice of midwifery unless:

- (1) the individual is issued a certificate by a board under IC 25-1-5 and is acting within the scope of the person's license; or
- (2) the individual has a certified direct entry midwife certificate under this article and has a collaborative agreement with a physician as set forth in this article.

(c) To become certified as a certified direct entry midwife, an applicant must satisfy the following requirements:

- (1) Be at least twenty-one (21) years of age.
- (2) Possess at least:
 - (A) an associate degree in nursing, associate degree in midwifery accredited by the Midwifery Education Accreditation Council (MEAC), or other similar science related associate degree; or



- (B) a bachelor's degree;
from a postsecondary educational institution.
- (3) Satisfactorily complete educational curriculum approved by:
 - (A) the Midwifery Education Accreditation Council (MEAC) or a successor organization; or
 - (B) the educational equivalent of a Midwifery Education Accreditation Council curriculum approved by the board.
- (4) Acquire and document practical experience as outlined in the Certified Professional Midwife credentialing process in accordance with the standards of the North American Registry of Midwives or a successor organization.
- (5) Obtain certification by an accredited association in adult cardiopulmonary resuscitation that is approved by the board.
- (6) Complete the program sponsored by the American Academy of Pediatrics in neonatal resuscitation, excluding endotracheal intubation and the administration of drugs.
- (7) Comply with the birth requirements of the Certified Professional Midwife credentialing process, observe an additional twenty (20) births, be directly supervised by a physician for twenty (20) births, assist with an additional twenty (20) births, and act as the primary attendant for an additional twenty (20) births.
- (8) Provide proof to the board that the applicant has obtained the Certified Professional Midwife credential as administered by the North American Registry of Midwives or a successor organization.
- (9) Present additional documentation or certifications required by the board. The board may adopt standards that require more training than required by the North American Registry of Midwives.
- (10) Maintain sufficient liability insurance.
- (d) The board may exempt an applicant from the following:
 - (1) The education requirements in subsection (c)(2) if the applicant provides proof to the board that the applicant is enrolled in a program that will satisfy the requirements of subsection (c)(2). An exemption under this subdivision applies for an individual for not more than two (2) years. This subdivision expires June 30, 2016.
 - (2) The education requirements in subsection (c)(3) if the applicant provides:
 - (A) proof to the board that the applicant has delivered over one hundred (100) births as a primary attendant; and



(B) a letter of reference from a licensed physician with whom the applicant has informally collaborated.

This subdivision expires ~~June 30, 2014~~; **December 31, 2014**.

(3) The requirement that a physician directly supervise twenty (20) births in subsection (c)(7) if the applicant provides:

(A) proof to the board that the applicant has delivered over one hundred (100) births as a primary attendant; and

(B) a letter of reference from a licensed physician with whom the applicant has informally collaborated.

This subdivision expires ~~June 30, 2014~~; **December 31, 2014**.

SECTION 22. IC 25-23.4-3-7, AS ADDED BY P.L.232-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section does not apply to an individual who has a license under IC 25-23-1-13.1 to practice midwifery as a certified nurse midwife.

(b) After ~~July 1, 2014~~, **December 31, 2014**, an individual who knowingly or intentionally practices midwifery without a certificate required under this article commits a ~~Class D felony~~ **Level 6 felony (for a crime committed after June 30, 2014)**."

Page 21, after line 40, begin a new paragraph and insert:

"SECTION 34. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to SB 421 as printed January 29, 2014.)

MILLER PATRICIA

SENATE MOTION

Madam President: I move that Senate Bill 421 be amended to read as follows:

Page 17, delete lines 5 through 30.

Renumber all SECTIONS consecutively.

(Reference is to SB 421 as printed January 29, 2014.)

MERRITT

