



April 5, 2019

ENGROSSED
SENATE BILL No. 436

DIGEST OF SB 436 (Updated April 3, 2019 5:08 pm - DI 92)

Citations Affected: IC 9-21; IC 12-7; IC 12-15; IC 25-23; IC 25-42; IC 34-30; IC 36-7; IC 36-12; noncode.

Synopsis: State and local administration. Changes the terminology used in the statute governing the posting of signs to promote attractions and services for the traveling public. Provides that the office of the secretary of family and social services may apply for: (1) a Medicaid state plan amendment to provide Medicaid reimbursement for health care services and school based services to specified individuals provided by a school based health center; and (2) supplemental Medicaid reimbursement payments to qualified school based health
(Continued next page)

Effective: Upon passage; July 1, 2019.

**Zay, Charbonneau, Merritt, Mrvan,
Melton, Niezgodski, Stoops,
Randolph Lonnie M, Bohacek, Garten,
Kruse**

(HOUSE SPONSORS — CLERE, BACON, ZENT, FLEMING)

January 14, 2019, read first time and referred to Committee on Health and Provider Services.

January 17, 2019, amended, reported favorably — Do Pass.

January 22, 2019, read second time, ordered engrossed. Engrossed.

January 24, 2019, reassigned to Committee on Appropriations pursuant to Rule 68(b).

February 18, 2019, amended, reported favorably — Do Pass.

February 21, 2019, re-read second time, re-ordered engrossed. Re-engrossed.

February 25, 2019, read third time, passed. Yeas 48, nays 1.

HOUSE ACTION

March 5, 2019, read first time and referred to Statutory Committee on Interstate and International Cooperation.

April 4, 2019, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

ES 436—LS 6515/DI 77



Digest Continued

centers under the fee for service Medicaid program and an alternate fee schedule for the Medicaid risk based managed care program. Establishes criteria and qualifications concerning school based health centers. Provides that state expenditures and local school expenditures for funding for Medicaid covered school based services and other health care services provided to a Medicaid recipient by a school based health center may be made only if: (1) the state plan amendment is approved; and (2) intergovernmental transfer funding for the nonfederal share of supplemental Medicaid payments for Medicaid fee for services program is continuously made. Allows the office of the secretary of family and social services (office) to apply for a state plan amendment that would require Medicaid reimbursement for eligible Medicaid rehabilitation option services provided in a school setting to a Medicaid recipient. Requires the office to review the Medicaid rehabilitation option services provided under Medicaid, determine whether additional services are appropriate, and submit the office's findings to the general assembly. Specifies requirements for participation by the state in a multistate nurse licensure compact, including provisions concerning: (1) nurse qualifications, practice, and participation; (2) a compact commission; (3) interstate commission and state board of nursing authority and rulemaking; (4) a coordinated licensure information system; (5) oversight and enforcement; and (6) termination or withdrawal from the compact. Provides that an additional fee of \$25 must be paid at the time of application and renewal of a license from the Indiana state board of nursing if the license is a multistate license. Authorizes Muncie to designate a facility used as a training institute and teaching hotel as a workforce investment and training area after June 30, 2021. Allows the capture of state income taxes, local income taxes, food and beverage taxes, and innkeeper's taxes earned or collected in the area. Provides that the captured taxes must be used for the financing or refinancing of the facility. Requires a public library to adopt a criminal history check policy for employees and volunteers. Requires the board of veterinary medical examiners to study the regulation of veterinary technicians.

ES 436—LS 6515/DI 77



April 5, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 436

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 9-21-4-5, AS AMENDED BY HEA 1115-2019,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 5. (a) Except as provided in subsection (b), a
4 person may not place or maintain upon a highway a traffic sign or
5 signal bearing commercial advertising. A public authority may not
6 permit the placement of a traffic sign or signal that bears a commercial
7 message.

8 (b) Under **section 1 of this chapter and** criteria to be jointly
9 established by the Indiana department of transportation and the office
10 of tourism development (before July 1, 2020) or the Indiana destination
11 development corporation (after June 30, 2020), the Indiana department
12 of transportation may authorize the posting of any of the following:

13 (1) ~~Limited tourist attraction signage.~~ **Tourist oriented**
14 **directional signs.**

15 (2) ~~Business signs on specific information panels~~ **Specific service**
16 **or logo signs** on the interstate system of highways, **and other**
17 **freeways, and expressway interchanges.**

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1 All costs of manufacturing, installation, and maintenance to the Indiana
2 department of transportation for a business sign posted under this
3 subsection shall be paid by the business.

4 (c) Criteria established under subsection (b) for tourist ~~attraction~~
5 ~~signage oriented directional signs~~ must include a category for a
6 tourist attraction that:

- 7 (1) is a trademarked destination brand; and
8 (2) encompasses buildings, structures, sites, or other facilities that
9 are:

10 (A) listed on the National Register of Historic Places
11 established under 16 U.S.C. 470 et seq.; or

12 (B) listed on the register of Indiana historic sites and historic
13 structures established under IC 14-21-1;

14 regardless of the distance of the tourist attraction from the highway on
15 which the tourist ~~attraction signage oriented directional sign~~ is
16 placed.

17 (d) Criteria established under subsection (b) for tourist ~~attraction~~
18 ~~signage oriented directional signs~~ must include a category for a
19 tourist attraction that is an establishment issued a brewer's permit under
20 IC 7.1-3-2-2(b).

21 (e) A person may not place, maintain, or display a flashing, a
22 rotating, or an alternating light, beacon, or other lighted device that:

- 23 (1) is visible from a highway; and
24 (2) may be mistaken for or confused with a traffic control device
25 or for an authorized warning device on an emergency vehicle.

26 (f) This section does not prohibit the erection, upon private property
27 adjacent to highways, of signs giving useful directional information and
28 of a type that cannot be mistaken for official signs.

29 SECTION 2. IC 12-7-2-170.5 IS ADDED TO THE INDIANA
30 CODE AS A NEW SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2019]: **Sec. 170.5. "School based health**
32 **center", for purposes of IC 12-15, means a clinic operated on**
33 **behalf of a public school (as defined in IC 20-18-2-15(1)), including**
34 **a charter school, that provides health care services either:**

- 35 (1) by qualified health care providers employed by the school;
36 or
37 (2) through a contract with a health care provider, including
38 any of the following:

39 (A) A hospital licensed under IC 16-21.

40 (B) A physician group practice.

41 (C) A federally qualified health center (as defined in 42
42 U.S.C. 1396d(l)(2)(B)).



1 **(D) A rural health clinic (as defined in 42 U.S.C.**
 2 **1396d(l)(1)).**

3 **(E) A community mental health center.**

4 SECTION 3. IC 12-7-2-170.7 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2019]: **Sec. 170.7. "School based services",**
 7 **for purposes of IC 12-15, means any covered Medicaid service**
 8 **provided to any Medicaid recipient at a school based health center.**

9 SECTION 4. IC 12-15-1.3-20 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2019]: **Sec. 20. (a) This section applies to a**
 12 **Medicaid recipient who:**

- 13 **(1) is less than eighteen (18) years of age;**
 14 **(2) is the parent of a recipient described in subdivision (1); or**
 15 **(3) is a teacher or staff member of the public school for which**
 16 **the school based health center is operated.**

17 **(b) The office may apply to the United States Department of**
 18 **Health and Human Services for a state plan amendment to require**
 19 **Medicaid reimbursement by:**

- 20 **(1) the office;**
 21 **(2) a managed care organization that has contracted with the**
 22 **office; or**
 23 **(3) a contractor of the office;**

24 **for Medicaid covered school based services and other health care**
 25 **services provided to a Medicaid recipient described in subsection**
 26 **(a) by a school based health center.**

27 **(c) The office may apply to the United States Department of**
 28 **Health and Human Services for a state plan amendment to provide**
 29 **supplemental Medicaid reimbursement under the Medicaid fee for**
 30 **service program and an alternate fee schedule for the Medicaid**
 31 **risk based managed care program as set forth in subsections (d)**
 32 **and (e) to a school based health center that:**

- 33 **(1) is qualified to make; and**
 34 **(2) has entered into an agreement with the office to make, or**
 35 **has made on the school based health center's behalf;**

36 **an intergovernmental transfer to cover the nonfederal share of**
 37 **supplemental Medicaid payments for Medicaid fee for service**
 38 **program claims and alternate fee schedule payments under the**
 39 **Medicaid risk based managed care program.**

40 **(d) For purposes of the fee for service program, a supplemental**
 41 **Medicaid payment to a qualified school based health center under**
 42 **this section by the office must be equal to either:**



1 (1) the difference between the Medicaid fee for service rate
2 and the rate that Medicare pays for the same service; or

3 (2) if there is not a Medicare rate for the service, an amount
4 determined by the office.

5 (e) For purposes of the risk based managed care program, an
6 alternate fee schedule to a qualified school based health center
7 under this section by the office must be equal to either:

8 (1) the Medicare rate for the same service; or

9 (2) an amount determined by the office if there is not a
10 Medicare rate for the service.

11 (f) A school based health center must obtain consent under
12 IC 16-36-1 for each health care service provided at a school based
13 health center to an individual who is less than eighteen (18) years
14 of age, including reproductive health services or referral for any
15 services.

16 (g) An employee or volunteer of a school based health center or
17 school Medicaid provider may not dispense abortifacients or refer
18 an individual to any entity that:

19 (1) performs abortions; or

20 (2) maintains or operates a facility where abortions are
21 performed.

22 (h) Any individual employed at the school based health center
23 must have had a national criminal history background check in
24 accordance with IC 20-26-5-10 and IC 20-26-5-11.

25 (i) State expenditures and local school expenditures for funding
26 for Medicaid covered school based services and other health care
27 services provided to a Medicaid recipient by a school based health
28 center under this section may be made only if:

29 (1) the state plan amendment authorized in subsection (c) is
30 approved by the United States Department of Health and
31 Human Services; and

32 (2) intergovernmental transfer funding for the nonfederal
33 share of supplemental Medicaid payments for the Medicaid
34 fee for services program and the nonfederal share of the
35 difference between Medicaid fee for service payments and
36 alternate fee schedule payments under the risk based
37 managed care program is continuously made.

38 School based services shall not be provided under this article if
39 intergovernmental transfer funding for the nonfederal share of
40 supplemental Medicaid payments for the Medicaid fee for services
41 program or intergovernmental transfer funding for the nonfederal
42 share of the difference between Medicaid fee for service payments



1 **and alternate fee schedule payments under the risk based managed**
 2 **care program ceases to be made.**

3 SECTION 5. IC 12-15-1.3-21 IS ADDED TO THE INDIANA
 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2019]: **Sec. 21. (a) As used in this section,**
 6 **"Medicaid rehabilitation option services" means clinical**
 7 **behavioral health services provided to recipients and families of**
 8 **recipients living in the community who need aid intermittently for**
 9 **emotional disturbances, mental illness, and addiction as part of the**
 10 **Medicaid rehabilitation option program.**

11 **(b) Before December 1, 2019, the office may apply to the United**
 12 **States Department of Health and Human Services for a state plan**
 13 **amendment that would require Medicaid reimbursement by:**

14 **(1) the office;**

15 **(2) a managed care organization that has contracted with the**
 16 **office; or**

17 **(3) a contractor of the office;**

18 **for eligible Medicaid rehabilitation option services in a school**
 19 **setting for any Medicaid recipient who qualifies for Medicaid**
 20 **rehabilitation option services by meeting specific diagnosis and**
 21 **level of need criteria under an assessment tool approved by the**
 22 **division of mental health and addiction or who submits prior**
 23 **authorization for Medicaid rehabilitation option services.**

24 **(c) If the office receives approval for the state plan amendment**
 25 **applied for under this section, the office shall comply with**
 26 **IC 12-15-5-19.**

27 SECTION 6. IC 12-15-5-1, AS AMENDED BY P.L.210-2015,
 28 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 1. Except as provided in IC 12-15-2-12,
 30 IC 12-15-6, and IC 12-15-21, the following services and supplies are
 31 provided under Medicaid:

32 (1) Inpatient hospital services.

33 (2) Nursing facility services.

34 (3) Physician's services, including services provided under
 35 IC 25-10-1 and IC 25-22.5-1.

36 (4) Outpatient hospital or clinic services.

37 (5) Home health care services.

38 (6) Private duty nursing services.

39 (7) Physical therapy and related services.

40 (8) Dental services.

41 (9) Prescribed laboratory and x-ray services.

42 (10) Prescribed drugs and pharmacist services.



- 1 (11) Eyeglasses and prosthetic devices.
 2 (12) Optometric services.
 3 (13) Diagnostic, screening, preventive, and rehabilitative services.
 4 (14) Podiatric medicine services.
 5 (15) Hospice services.
 6 (16) Services or supplies recognized under Indiana law and
 7 specified under rules adopted by the office.
 8 (17) Family planning services except the performance of
 9 abortions.
 10 (18) Nonmedical nursing care given in accordance with the tenets
 11 and practices of a recognized church or religious denomination to
 12 an individual qualified for Medicaid who depends upon healing
 13 by prayer and spiritual means alone in accordance with the tenets
 14 and practices of the individual's church or religious denomination.
 15 (19) Services provided to individuals described in IC 12-15-2-8.
 16 (20) Services provided under IC 12-15-34 and IC 12-15-32.
 17 (21) Case management services provided to individuals described
 18 in IC 12-15-2-11 and IC 12-15-2-13.
 19 (22) Any other type of remedial care recognized under Indiana
 20 law and specified by the United States Secretary of Health and
 21 Human Services.
 22 (23) Examinations required under IC 16-41-17-2(a)(10).
 23 (24) Inpatient substance abuse detoxification services.
 24 **(25) Subject to approval of the state plan amendment applied**
 25 **for under IC 12-15-1.3-20, school based services.**
 26 SECTION 7. IC 12-15-5-19 IS ADDED TO THE INDIANA CODE
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 2019]: **Sec. 19. (a) Not later than one (1) year from the date the**
 29 **office receives approval for the state plan amendment described in**
 30 **IC 12-15-1.3-21 concerning Medicaid rehabilitation option**
 31 **services, the office shall do the following:**
 32 **(1) Review the current services included in the Medicaid**
 33 **rehabilitation option services program in the school setting.**
 34 **(2) Determine whether additional appropriate services,**
 35 **including:**
 36 **(A) family engagement services; and**
 37 **(B) additional comprehensive behavioral health services,**
 38 **including addiction services;**
 39 **should be included as part of the program.**
 40 **(3) Report the office's findings under this subsection to the**
 41 **general assembly in an electronic format under IC 5-14-6.**
 42 **(b) Not later than three (3) months from the date the office**



1 receives approval for the state plan amendment described in
 2 IC 12-15-1.3-21 concerning Medicaid rehabilitation option
 3 services, the office shall notify each school corporation that the
 4 United States Department of Health and Human Services has
 5 approved the state plan amendment applied for under
 6 IC 12-15-1.3-21.

7 (c) Each school corporation shall, not later than one (1) year
 8 from the date the office receives approval for the state plan
 9 amendment described in IC 12-15-1.3-21 concerning Medicaid
 10 rehabilitation option services, contract with a community mental
 11 health center to provide Medicaid rehabilitation option services
 12 for:

13 (1) a student of the school corporation who is a Medicaid
 14 recipient; and

15 (2) the student's family.

16 SECTION 8. IC 25-23-1-7, AS AMENDED BY P.L.129-2018,
 17 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2019]: Sec. 7. (a) The board shall do the following:

19 (1) Adopt under IC 4-22-2 rules necessary to enable it to carry
 20 into effect this chapter.

21 (2) Prescribe standards and approve curricula for nursing
 22 education programs preparing persons for licensure under this
 23 chapter.

24 (3) Provide for surveys of such programs at such times as it
 25 considers necessary.

26 (4) Accredite such programs as meet the requirements of this
 27 chapter and of the board.

28 (5) Deny or withdraw accreditation from nursing education
 29 programs for failure to meet prescribed curricula or other
 30 standards.

31 (6) Examine, license, and renew the license of qualified
 32 applicants.

33 (7) Issue subpoenas, compel the attendance of witnesses, and
 34 administer oaths to persons giving testimony at hearings.

35 (8) Cause the prosecution of all persons violating this chapter and
 36 have power to incur necessary expenses for these prosecutions.

37 (9) Adopt rules under IC 4-22-2 that do the following:

38 (A) Prescribe standards for the competent practice of
 39 registered, practical, and advanced practice registered nursing.

40 (B) Establish with the approval of the medical licensing board
 41 created by IC 25-22.5-2-1 requirements that advanced practice
 42 registered nurses must meet to be granted authority to



- 1 prescribe legend drugs and to retain that authority.
 2 (C) Establish, with the approval of the medical licensing board
 3 created by IC 25-22.5-2-1, requirements for the renewal of a
 4 practice agreement under section 19.4 of this chapter, which
 5 shall expire on October 31 in each odd-numbered year.
 6 (10) Keep a record of all its proceedings.
 7 (11) Collect and distribute annually demographic information on
 8 the number and type of registered nurses and licensed practical
 9 nurses employed in Indiana.
 10 **(12) Adopt rules and administer the interstate nurse licensure**
 11 **compact under IC 25-42.**
 12 (b) The board may do the following:
 13 (1) Create ad hoc subcommittees representing the various nursing
 14 specialties and interests of the profession of nursing. Persons
 15 appointed to a subcommittee serve for terms as determined by the
 16 board.
 17 (2) Utilize the appropriate subcommittees so as to assist the board
 18 with its responsibilities. The assistance provided by the
 19 subcommittees may include the following:
 20 (A) Recommendation of rules necessary to carry out the duties
 21 of the board.
 22 (B) Recommendations concerning educational programs and
 23 requirements.
 24 (C) Recommendations regarding examinations and licensure
 25 of applicants.
 26 (3) Appoint nurses to serve on each of the ad hoc subcommittees.
 27 ~~(4) Withdraw from the interstate nurse licensure compact under~~
 28 ~~IC 25-23.2 (repeated).~~
 29 (c) Nurses appointed under subsection (b) must:
 30 (1) be committed to advancing and safeguarding the nursing
 31 profession as a whole; and
 32 (2) represent nurses who practice in the field directly affected by
 33 a subcommittee's actions.
 34 SECTION 9. IC 25-23-1-11, AS AMENDED BY P.L.134-2008,
 35 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2019]: Sec. 11. (a) Any person who applies to the board for a
 37 license to practice as a registered nurse must:
 38 (1) not have:
 39 (A) been convicted of a crime that has a direct bearing on the
 40 person's ability to practice competently; or
 41 (B) committed an act that would constitute a ground for a
 42 disciplinary sanction under IC 25-1-9;



- 1 (2) have completed:
- 2 (A) the prescribed curriculum and met the graduation
- 3 requirements of a state accredited program of registered
- 4 nursing that only accepts students who have a high school
- 5 diploma or its equivalent as determined by the board; or
- 6 (B) the prescribed curriculum and graduation requirements of
- 7 a nursing education program in a foreign country that is
- 8 substantially equivalent to a board approved program as
- 9 determined by the board. The board may by rule adopted under
- 10 IC 4-22-2 require an applicant under this subsection to
- 11 successfully complete an examination approved by the board
- 12 to measure the applicant's qualifications and background in the
- 13 practice of nursing and proficiency in the English language;
- 14 and
- 15 (3) be physically and mentally capable of and professionally
- 16 competent to safely engage in the practice of nursing as
- 17 determined by the board.
- 18 The board may not require a person to have a baccalaureate degree in
- 19 nursing as a prerequisite for licensure.
- 20 (b) The applicant must pass an examination in such subjects as the
- 21 board may determine.
- 22 (c) The board may issue by endorsement a license to practice as a
- 23 registered nurse to an applicant who has been licensed as a registered
- 24 nurse, by examination, under the laws of another state if the applicant
- 25 presents proof satisfactory to the board that, at the time that the
- 26 applicant applies for an Indiana license by endorsement, the applicant
- 27 holds a current license in another state and possesses credentials and
- 28 qualifications that are substantially equivalent to requirements in
- 29 Indiana for licensure by examination. The board may specify by rule
- 30 what constitutes substantial equivalence under this subsection.
- 31 (d) The board may issue by endorsement a license to practice as a
- 32 registered nurse to an applicant who:
- 33 (1) has completed the English version of the:
- 34 (A) Canadian Nurse Association Testing Service Examination
- 35 (CNAT); or
- 36 (B) Canadian Registered Nurse Examination (CRNE);
- 37 (2) achieved the passing score required on the examination at the
- 38 time the examination was taken;
- 39 (3) is currently licensed in a Canadian province or in another
- 40 state; and
- 41 (4) meets the other requirements under this section.
- 42 (e) Each applicant for examination and registration to practice as a



- 1 registered nurse shall pay:
- 2 (1) a fee set by the board; **and**
- 3 (2) **if the applicant is applying for a multistate license (as**
- 4 **defined in IC 25-42-1-11) under IC 25-42 (Nurse Licensure**
- 5 **Compact), a fee of twenty-five dollars (\$25) in addition to the**
- 6 **fee under subdivision (1);**
- 7 a part of which must be used for the rehabilitation of impaired
- 8 registered nurses and impaired licensed practical nurses. Payment of
- 9 the fee or fees shall be made by the applicant prior to the date of
- 10 examination. The lesser of the following amounts from fees collected
- 11 under this subsection shall be deposited in the impaired nurses account
- 12 of the state general fund established by section 34 of this chapter:
- 13 (1) Twenty-five percent (25%) of the license application fee per
- 14 license applied for under this section.
- 15 (2) The cost per license to operate the impaired nurses program,
- 16 as determined by the Indiana professional licensing agency.
- 17 (f) Any person who holds a license to practice as a registered nurse
- 18 in:
- 19 (1) Indiana; or
- 20 (2) a party state (as defined in IC 25-23.3-2-11);
- 21 may use the title "Registered Nurse" and the abbreviation "R.N.". No
- 22 other person shall practice or advertise as or assume the title of
- 23 registered nurse or use the abbreviation of "R.N." or any other words,
- 24 letters, signs, or figures to indicate that the person using same is a
- 25 registered nurse.
- 26 SECTION 10. IC 25-23-1-12, AS AMENDED BY P.L.134-2008,
- 27 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2019]: Sec. 12. (a) A person who applies to the board for a
- 29 license to practice as a licensed practical nurse must:
- 30 (1) not have been convicted of:
- 31 (A) an act which would constitute a ground for disciplinary
- 32 sanction under IC 25-1-9; or
- 33 (B) a crime that has a direct bearing on the person's ability to
- 34 practice competently;
- 35 (2) have completed:
- 36 (A) the prescribed curriculum and met the graduation
- 37 requirements of a state accredited program of practical nursing
- 38 that only accepts students who have a high school diploma or
- 39 its equivalent, as determined by the board; or
- 40 (B) the prescribed curriculum and graduation requirements of
- 41 a nursing education program in a foreign country that is
- 42 substantially equivalent to a board approved program as



- 1 determined by the board. The board may by rule adopted under
 2 IC 4-22-2 require an applicant under this subsection to
 3 successfully complete an examination approved by the board
 4 to measure the applicant's qualifications and background in the
 5 practice of nursing and proficiency in the English language;
 6 and
- 7 (3) be physically and mentally capable of, and professionally
 8 competent to, safely engage in the practice of practical nursing as
 9 determined by the board.
- 10 (b) The applicant must pass an examination in such subjects as the
 11 board may determine.
- 12 (c) The board may issue by endorsement a license to practice as a
 13 licensed practical nurse to an applicant who has been licensed as a
 14 licensed practical nurse, by examination, under the laws of another
 15 state if the applicant presents proof satisfactory to the board that, at the
 16 time of application for an Indiana license by endorsement, the applicant
 17 possesses credentials and qualifications that are substantially
 18 equivalent to requirements in Indiana for licensure by examination. The
 19 board may specify by rule what shall constitute substantial equivalence
 20 under this subsection.
- 21 (d) Each applicant for examination and registration to practice as a
 22 practical nurse shall pay:
- 23 (1) a fee set by the board; **and**
- 24 (2) **if the applicant is applying for a multistate license (as**
 25 **defined in IC 25-42-1-11) under IC 25-42 (Nurse Licensure**
 26 **Compact), a fee of twenty-five dollars (\$25) in addition to the**
 27 **fee under subdivision (1);**
- 28 a part of which must be used for the rehabilitation of impaired
 29 registered nurses and impaired licensed practical nurses. Payment of
 30 the fees shall be made by the applicant before the date of examination.
 31 The lesser of the following amounts from fees collected under this
 32 subsection shall be deposited in the impaired nurses account of the
 33 state general fund established by section 34 of this chapter:
- 34 (1) Twenty-five percent (25%) of the license application fee per
 35 license applied for under this section.
- 36 (2) The cost per license to operate the impaired nurses program,
 37 as determined by the Indiana professional licensing agency.
- 38 (e) Any person who holds a license to practice as a licensed
 39 practical nurse in:
- 40 (1) Indiana; or
- 41 (2) a party state (as defined in IC 25-23.3-2-11);
- 42 may use the title "Licensed Practical Nurse" and the abbreviation



1 "L.P.N.". No other person shall practice or advertise as or assume the
 2 title of licensed practical nurse or use the abbreviation of "L.P.N." or
 3 any other words, letters, signs, or figures to indicate that the person
 4 using them is a licensed practical nurse.

5 SECTION 11. IC 25-23-1-16.1, AS AMENDED BY P.L.177-2015,
 6 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2019]: Sec. 16.1. (a) Subject to IC 25-1-2-6(e), a license to
 8 practice as a registered nurse expires on October 31 in each
 9 odd-numbered year. Failure to renew the license on or before the
 10 expiration date will automatically render the license invalid without
 11 any action by the board.

12 (b) Subject to IC 25-1-2-6(e), a license to practice as a licensed
 13 practical nurse expires on October 31 in each even-numbered year.
 14 Failure to renew the license on or before the expiration date will
 15 automatically render the license invalid without any action by the
 16 board.

17 (c) The procedures and fee for renewal shall be set by the board. **If**
 18 **the license being renewed is a multistate license (as defined in**
 19 **IC 25-42-1-11) under IC 25-42 (Nurse Licensure Compact), a fee**
 20 **of twenty-five dollars (\$25) must be paid in addition to the fee for**
 21 **renewal set by the board.**

22 (d) At the time of license renewal, each registered nurse and each
 23 licensed practical nurse shall pay a renewal fee, a portion of which
 24 shall be for the rehabilitation of impaired registered nurses and
 25 impaired licensed practical nurses. The lesser of the following amounts
 26 from fees collected under this subsection shall be deposited in the
 27 impaired nurses account of the state general fund established by section
 28 34 of this chapter:

29 (1) Twenty-five percent (25%) of the license renewal fee per
 30 license renewed under this section.

31 (2) The cost per license to operate the impaired nurses program,
 32 as determined by the Indiana professional licensing agency.

33 SECTION 12. IC 25-42 IS ADDED TO THE INDIANA CODE AS
 34 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 35 2019]:

36 **ARTICLE 42. NURSE LICENSURE COMPACT**

37 **Chapter 1. Definitions**

38 **Sec. 1. The definitions in this chapter apply throughout this**
 39 **article.**

40 **Sec. 2. "Adverse action" means any administrative, civil,**
 41 **equitable, or criminal action permitted by a state's laws that is**
 42 **imposed by a licensing board or other authority against a nurse,**



1 including any of the following actions against the nurse's license or
2 multistate licensure privilege:

- 3 (1) Revocation.
4 (2) Suspension.
5 (3) Probation.
6 (4) Monitoring of the nurse.
7 (5) Limitation on the nurse's practice.
8 (6) Another encumbrance on licensure affecting the nurse's
9 authorization to practice, including a cease and desist order.

10 Sec. 3. "Alternative program" means a nondisciplinary
11 monitoring program approved by a licensing board.

12 Sec. 4. "Commission" refers to the interstate commission of
13 nurse licensure compact administrators established by
14 IC 25-42-7-1.

15 Sec. 5. "Coordinated licensure information system" means:

- 16 (1) an integrated process for collecting, storing, and sharing
17 information concerning nurse licensure and enforcement
18 activities related to nurse licensure laws; and
19 (2) a system that is administered by a nonprofit organization
20 composed of and controlled by licensing boards.

21 Sec. 6. "Current significant investigative information" means
22 either of the following:

- 23 (1) Investigative information that, following a preliminary
24 inquiry that includes notice to the nurse and an opportunity
25 for the nurse to respond as required by state law:
26 (A) a licensing board has reason to believe is not
27 groundless; and
28 (B) if proved true, would indicate more than a minor
29 infraction.
30 (2) Investigative information that, regardless of whether the
31 nurse has received notice and has had an opportunity to
32 respond, indicates that the nurse represents an immediate
33 threat to public health and safety.

34 Sec. 7. "Encumbrance" means:

- 35 (1) a revocation or suspension of; or
36 (2) a limitation on;

37 the full and unrestricted practice of nursing imposed by a licensing
38 board.

39 Sec. 8. "Home state" means the party state that is a nurse's
40 primary state of residence.

41 Sec. 9. "Licensed nurse" means a:

- 42 (1) registered nurse;



1 (2) licensed practical nurse; or
2 (3) licensed vocational nurse;
3 as those terms are defined by each party state's practice laws.
4 Sec. 10. "Licensing board" means a party state's regulatory
5 body responsible for issuing nurse licenses.
6 Sec. 11. "Multistate license" means a license to practice as a
7 licensed nurse that:
8 (1) is issued by a home state licensing board; and
9 (2) authorizes the nurse to practice in all party states under a
10 multistate licensure privilege.
11 Sec. 12. "Multistate licensure privilege" means a legal
12 authorization associated with a multistate license permitting the
13 practice of nursing as a licensed nurse in a remote state.
14 Sec. 13. "NCLEX" refers to the National Council Licensure
15 Examination.
16 Sec. 14. "Nurse license" refers to any of the following issued by
17 a state's regulatory body responsible for issuing nurse licenses:
18 (1) A registered nurse license.
19 (2) A licensed practical nurse license.
20 (3) A licensed vocational nurse license.
21 Sec. 15. "Party state" means a state that has adopted this
22 compact.
23 Sec. 16. "Remote state" means a party state other than the home
24 state.
25 Sec. 17. "Single state license" means a nurse license issued by a
26 party state that:
27 (1) authorizes practice only within the issuing state; and
28 (2) does not include a multistate licensure privilege to practice
29 in another party state.
30 Sec. 18. "State" means a state, territory, or possession of the
31 United States, and the District of Columbia.
32 Sec. 19. "State board of nursing" refers to the Indiana state
33 board of nursing established by IC 25-23-1-2.
34 Sec. 20. (a) "State practice laws" means a party state's laws,
35 rules, and regulations that:
36 (1) govern the practice of nursing;
37 (2) define the scope of nursing practice; and
38 (3) create the methods and grounds for imposing discipline on
39 licensed nurses.
40 (b) "State practice laws" does not include requirements
41 necessary to obtain and retain a license, other than qualifications
42 or requirements of a home state.



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Chapter 2. Findings and Purpose

Sec. 1. The nurse licensure compact is enacted and entered into with all other jurisdictions that legally join the compact, which is, in form, substantially the same as this article.

Sec. 2. The party states find the following:

- (1) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws.**
- (2) Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public.**
- (3) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation.**
- (4) New practice modalities and technologies make compliance with individual state nurse licensure laws difficult and complex.**
- (5) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for nurses and states.**
- (6) Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.**

Sec. 3. The general purposes of this compact are to do the following:

- (1) Facilitate the states' responsibility to protect the public's health and safety.**
- (2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation.**
- (3) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions.**
- (4) Promote compliance with laws governing the practice of nursing in each jurisdiction.**
- (5) Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses.**
- (6) Decrease redundancies in the consideration and issuance of nurse licenses.**
- (7) Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.**



- 1 **Chapter 3. General Provisions and Jurisdiction**
- 2 **Sec. 1. A multistate license issued by a home state to a resident**
- 3 **in that state will be recognized by each party state as authorizing**
- 4 **the resident to practice as a nurse under a multistate licensure**
- 5 **privilege in each party state.**
- 6 **Sec. 2. A state must implement procedures for considering the**
- 7 **criminal history records of applicants for initial multistate**
- 8 **licensure or licensure by endorsement, including the submission of**
- 9 **fingerprints or other biometric based information by applicants for**
- 10 **the purpose of obtaining an applicant's criminal history record**
- 11 **information from the Federal Bureau of Investigation and the**
- 12 **agency responsible for retaining that state's criminal records.**
- 13 **Sec. 3. Each party state shall require the following for an**
- 14 **applicant to obtain or retain a multistate license in the home state:**
- 15 **(1) The applicant meets the home state's qualifications for**
- 16 **licensure or renewal of licensure, as well as all other**
- 17 **applicable state laws.**
- 18 **(2) The applicant has either:**
- 19 **(A) graduated or is eligible to graduate from a licensing**
- 20 **board approved licensed nurse prelicensure education**
- 21 **program; or**
- 22 **(B) graduated from a foreign licensed nurse prelicensure**
- 23 **education program that has been:**
- 24 **(i) approved by the authorized accrediting body in the**
- 25 **applicable country; and**
- 26 **(ii) verified by an independent credentials review agency**
- 27 **to be comparable to a licensing board approved**
- 28 **prelicensure education program.**
- 29 **(3) If:**
- 30 **(A) English is not the applicant's native language; or**
- 31 **(B) the applicant graduated from a foreign prelicensure**
- 32 **education program that was not taught in English;**
- 33 **the applicant has successfully passed an English proficiency**
- 34 **examination that includes the components of reading,**
- 35 **speaking, writing, and listening.**
- 36 **(4) The applicant has successfully passed an NCLEX for**
- 37 **registered nurses or NCLEX for practical nurses or**
- 38 **recognized predecessor examination, as applicable.**
- 39 **(5) The applicant is eligible for or holds an active license**
- 40 **without encumbrance.**
- 41 **(6) The applicant has submitted, in connection with an**
- 42 **application for initial licensure or licensure by endorsement,**



1 fingerprints or other biometric data for the purpose of
2 obtaining criminal history record information from the
3 Federal Bureau of Investigation and the agency responsible
4 for retaining that state's criminal records.

5 (7) The applicant has:

6 (A) not been convicted or found guilty; or
7 (B) entered into an agreed disposition;
8 of a felony offense under applicable state or federal criminal
9 law.

10 (8) The applicant has:

11 (A) not been convicted or found guilty; or
12 (B) entered into an agreed disposition;
13 of a misdemeanor offense related to the practice of nursing, as
14 determined on a case by case basis.

15 (9) The applicant is not currently enrolled in an alternative
16 program.

17 (10) The applicant is subject to self-disclosure requirements
18 regarding current participation in an alternative program.

19 (11) The applicant has a valid Social Security number.

20 Sec. 4. (a) All party states are authorized, in accordance with
21 existing state due process law, to take adverse action against a
22 nurse's multistate licensure privilege.

23 (b) If a party state takes an adverse action under subsection (a):

24 (1) the party state shall promptly notify the administrator of
25 the coordinated licensure information system; and

26 (2) the administrator of the coordinated licensure information
27 system shall promptly notify the home state of any adverse
28 actions taken by remote states.

29 Sec. 5. (a) A nurse practicing in a party state shall comply with
30 the state practice laws of the state in which the client is located at
31 the time service is provided.

32 (b) The practice of nursing is not limited to patient care, but
33 includes all nursing practices as defined by the state practice laws
34 of the party state in which the client is located.

35 (c) The practice of nursing in a party state under a multistate
36 licensure privilege subjects a nurse to the jurisdiction of the
37 licensing board, the courts, and the laws of the party state in which
38 the client is located at the time service is provided.

39 Sec. 6. (a) Individuals not residing in a party state may apply for
40 a party state's single state license as provided under the laws of
41 each party state. However, a single state license granted to the
42 individual will not be recognized as granting the privilege to



1 practice nursing in any other party state.

2 (b) This compact does not affect the requirements established by
3 a party state for the issuance of a single state license.

4 Sec. 7. A nurse who holds a home state multistate license on the
5 effective date of this compact may retain and renew the multistate
6 license issued by the nurse's current home state. However, the
7 following apply:

8 (1) A nurse who changes primary state of residence after the
9 effective date of this compact shall meet all applicable
10 requirements of section 3 of this chapter to obtain a multistate
11 license from a new home state.

12 (2) If the nurse fails to satisfy the multistate licensure
13 requirements of section 3 of this chapter due to a
14 disqualifying event occurring after the effective date of this
15 compact:

16 (A) the nurse is ineligible to retain or renew a multistate
17 license; and

18 (B) the nurse's multistate license must be revoked or
19 deactivated in accordance with applicable rules adopted by
20 the commission.

21 Chapter 4. Application for Nurse Licensure in a Party State

22 Sec. 1. Upon receipt of an application for a multistate license,
23 the licensing board in the issuing party state shall ascertain,
24 through the coordinated licensure information system, whether:

25 (1) the applicant has ever held, or is the holder of, a license
26 issued by any other state;

27 (2) there are any encumbrances on any license or multistate
28 licensure privilege held by the applicant;

29 (3) any adverse action has been taken against any license or
30 multistate licensure privilege held by the applicant; and

31 (4) the applicant is currently participating in an alternative
32 program.

33 Sec. 2. A nurse may hold a multistate license, issued by the home
34 state, in only one (1) party state at a time.

35 Sec. 3. If a nurse changes primary state of residence by moving
36 between two (2) party states, the nurse must apply for licensure in
37 the new home state, and the multistate license issued by the prior
38 home state will be deactivated in accordance with applicable rules
39 adopted by the commission, including the following:

40 (1) The nurse may apply for licensure in advance of a change
41 in primary state of residence.

42 (2) A multistate license must not be issued by the new home



1 state until the nurse:

2 (A) provides satisfactory evidence of a change in primary
3 state of residence to the new home state; and

4 (B) satisfies all applicable requirements to obtain a
5 multistate license from the new home state.

6 Sec. 4. If a nurse changes primary state of residence by moving
7 from a party state to a nonparty state, the multistate license issued
8 by the prior home state will convert to a single state license, valid
9 only in the former home state.

10 Chapter 5. Additional Authorities Invested in Party State
11 Licensing Boards

12 Sec. 1. (a) In addition to the other powers conferred by state
13 law, a licensing board may do any of the following:

14 (1) Take adverse action against a nurse's multistate licensure
15 privilege to practice within that party state, as follows:

16 (A) Only the home state may take adverse action against a
17 nurse's license issued by the home state.

18 (B) For purposes of taking adverse action, the home state
19 licensing board shall:

20 (i) give the same priority and effect to reported conduct
21 received from a remote state as it would if the conduct
22 had occurred within the home state; and

23 (ii) apply the home state's laws to determine appropriate
24 action.

25 (2) Issue cease and desist orders or impose other
26 encumbrances on a nurse's authority to practice within that
27 party state.

28 (3) With respect to pending investigations of a nurse who
29 changes primary state of residence during the course of the
30 investigations, the following:

31 (A) Complete the investigations.

32 (B) Take appropriate action.

33 (4) Issue subpoenas for hearings and investigations that
34 require the attendance and testimony of witnesses and for the
35 production of evidence.

36 (5) For each nurse licensure applicant:

37 (A) obtain and submit fingerprints or other biometric
38 based information to the Federal Bureau of Investigation
39 for criminal background checks;

40 (B) receive the results of the Federal Bureau of
41 Investigation record search on criminal background
42 checks; and



- 1 **(C) use the results in making licensure decisions.**
- 2 **(6) If otherwise permitted by state law, recover from the**
- 3 **affected nurse the costs of investigations and disposition of**
- 4 **cases resulting from any adverse action taken against the**
- 5 **nurse.**
- 6 **(7) Take adverse action based on the factual findings of a**
- 7 **remote state, according to the licensing board's own**
- 8 **procedures for the adverse action.**
- 9 **(b) With respect to investigations described in subsection (a)(3):**
- 10 **(1) the licensing board shall promptly report the conclusions**
- 11 **of the investigations to the administrator of the coordinated**
- 12 **licensure information system; and**
- 13 **(2) the administrator of the coordinated licensure information**
- 14 **system shall promptly notify the new home state of any**
- 15 **actions taken under subsection (a)(3).**
- 16 **(c) Subpoenas issued by a licensing board in a party state for the**
- 17 **attendance and testimony of witnesses or the production of**
- 18 **evidence from another party state as described in subsection (a)(4)**
- 19 **must be enforced in the other party state:**
- 20 **(1) by a court of competent jurisdiction; and**
- 21 **(2) according to the practice and procedure of the court**
- 22 **applicable to subpoenas issued in proceedings pending before**
- 23 **the court.**
- 24 **The issuing authority shall pay any witness fees, travel expenses,**
- 25 **mileage, and other fees required by the service statutes of the state**
- 26 **in which the witnesses or evidence are located.**
- 27 **Sec. 2. (a) If adverse action is taken by the home state against a**
- 28 **nurse's multistate license, the nurse's multistate licensure privilege**
- 29 **to practice in all other party states must be deactivated until all**
- 30 **encumbrances have been removed from the multistate license.**
- 31 **(b) All home state disciplinary orders that impose adverse**
- 32 **action against a nurse's multistate license must include a statement**
- 33 **that the nurse's multistate licensure privilege is deactivated in all**
- 34 **party states during the pendency of the order.**
- 35 **Sec. 3. (a) This compact does not override a party state's**
- 36 **decision that participation in an alternative program may be used**
- 37 **in lieu of adverse action.**
- 38 **(b) In the case of a party state decision described in subsection**
- 39 **(a), the home state licensing board shall deactivate the multistate**
- 40 **licensure privilege under the multistate license of the nurse for the**
- 41 **duration of the nurse's participation in the alternative program.**
- 42 **Chapter 6. Coordinated Licensure Information System and**



1 **Exchange of Information**

2 **Sec. 1. (a) All party states shall participate in a coordinated**
3 **licensure information system of all licensed nurses.**

4 **(b) The coordinated licensure information system must include**
5 **information submitted by party states:**

6 **(1) concerning the licensure and disciplinary history of each**
7 **nurse; and**

8 **(2) to assist in the coordination of nurse licensure and**
9 **enforcement.**

10 **Sec. 2. The commission, in consultation with the administrator**
11 **of the coordinated licensure information system, shall formulate**
12 **necessary and proper procedures for the identification, collection,**
13 **and exchange of information under this compact.**

14 **Sec. 3. All licensing boards shall promptly report to the**
15 **coordinated licensure information system any:**

16 **(1) adverse action;**

17 **(2) current significant investigative information;**

18 **(3) denials of applications and reasons for the denials; and**

19 **(4) nurse participation in alternative programs known to the**
20 **licensing board, regardless of whether the participation is**
21 **considered to be nonpublic or confidential under state law.**

22 **Sec. 4. Current significant investigative information and**
23 **participation in nonpublic or confidential alternative programs**
24 **must be transmitted through the coordinated licensure information**
25 **system only to party state licensing boards.**

26 **Sec. 5. Notwithstanding any other law, all party state licensing**
27 **boards contributing information to the coordinated licensure**
28 **information system may designate information that may not be**
29 **shared with nonparty states or disclosed to other entities or**
30 **individuals without the express permission of the contributing**
31 **state.**

32 **Sec. 6. Any personally identifiable information obtained from**
33 **the coordinated licensure information system by a party state**
34 **licensing board must not be shared with nonparty states or**
35 **disclosed to other entities or individuals except to the extent**
36 **permitted by the laws of the party state contributing the**
37 **information.**

38 **Sec. 7. Information contributed to the coordinated licensure**
39 **information system that is subsequently required to be expunged**
40 **by the laws of the party state contributing that information must**
41 **also be expunged from the coordinated licensure information**
42 **system.**



1 **Sec. 8. The compact administrator of each party state shall**
 2 **furnish a uniform data set to the compact administrator of each**
 3 **other party state, which must include, at a minimum, the following:**

4 **(1) Identifying information.**

5 **(2) Licensure data.**

6 **(3) Information related to alternative program participation.**

7 **(4) Other information that may facilitate the administration**
 8 **of this compact, as determined by commission rules.**

9 **Sec. 9. The compact administrator of a party state shall provide**
 10 **all investigative documents and information requested by another**
 11 **party state.**

12 **Chapter 7. Establishment of the Interstate Commission of Nurse**
 13 **Licensure Compact Administrators**

14 **Sec. 1. (a) The party states create and establish a joint public**
 15 **entity known as the interstate commission of nurse licensure**
 16 **compact administrators.**

17 **(b) The commission is an instrumentality of the party states.**

18 **(c) Venue is proper, and judicial proceedings by or against the**
 19 **commission must be brought solely and exclusively in a court of**
 20 **competent jurisdiction where the principal office of the commission**
 21 **is located.**

22 **(d) The commission may waive venue and jurisdictional**
 23 **defenses to the extent the commission adopts or consents to**
 24 **participate in alternative dispute resolution proceedings.**

25 **Sec. 2. This compact does not waive sovereign immunity.**

26 **Sec. 3. (a) Each party state has and is limited to one (1)**
 27 **administrator. The head of the state licensing board of each party**
 28 **state, or designee, is the administrator of this compact for each**
 29 **party state. An administrator may be removed or suspended from**
 30 **office as provided by the law of the state from which the**
 31 **administrator is appointed.**

32 **(b) A vacancy occurring in the commission must be filled in**
 33 **accordance with the laws of the party state in which the vacancy**
 34 **exists.**

35 **(c) Each administrator is entitled to one (1) vote with regard to**
 36 **the promulgation of rules and creation of bylaws and shall**
 37 **otherwise have an opportunity to participate in the business and**
 38 **affairs of the commission. An administrator shall vote in person or**
 39 **by other means provided in the bylaws. The bylaws may provide**
 40 **for an administrator's participation in meetings by telephone or**
 41 **other means of communication.**

42 **Sec. 4. The commission shall meet at least one (1) time during**



1 each calendar year. Additional meetings must be held as set forth
2 in the bylaws or rules of the commission.

3 **Sec. 5. All meetings must be open to the public, and public notice**
4 **of meetings must be given in the same manner as required under**
5 **the rulemaking provisions in IC 25-42-8.**

6 **Sec. 6. The commission may convene in a closed, nonpublic**
7 **meeting if the commission must discuss any of the following:**

8 **(1) Noncompliance of a party state with the party state's**
9 **obligations under this compact.**

10 **(2) The employment, compensation, discipline, or other**
11 **personnel matters, practices, or procedures related to specific**
12 **employees or other matters related to the commission's**
13 **internal personnel practices and procedures.**

14 **(3) Current, threatened, or reasonably anticipated litigation.**

15 **(4) Negotiation of contracts for the purchase or sale of goods,**
16 **services, or real estate.**

17 **(5) Accusing a person of a crime or formally censuring a**
18 **person.**

19 **(6) Disclosure of trade secrets or commercial or financial**
20 **information that is privileged or confidential.**

21 **(7) Disclosure of information of a personal nature where**
22 **disclosure would constitute a clearly unwarranted invasion of**
23 **personal privacy.**

24 **(8) Disclosure of investigatory records compiled for law**
25 **enforcement purposes.**

26 **(9) Disclosure of information related to reports prepared by**
27 **or on behalf of the commission for the purpose of**
28 **investigation of compliance with this compact.**

29 **(10) Matters specifically exempted from disclosure by federal**
30 **or state statute.**

31 **Sec. 7. (a) If a meeting or part of a meeting is closed under**
32 **section 6 of this chapter, the commission's legal counsel or designee**
33 **shall certify that the meeting may be closed and shall reference**
34 **each relevant exempting provision.**

35 **(b) The commission shall keep minutes that fully and clearly**
36 **describe all matters discussed in a meeting and shall provide a full**
37 **and accurate summary of actions taken, and the reasons for the**
38 **actions, including a description of the views expressed.**

39 **(c) All documents considered in connection with an action must**
40 **be identified in the minutes of the meeting.**

41 **(d) All minutes and documents of a closed meeting must remain**
42 **under seal, subject to release by a majority vote of the commission**



1 or order of a court of competent jurisdiction.

2 **Sec. 8. (a) The commission shall, by a majority vote of the**
 3 **administrators, prescribe bylaws or rules to govern the**
 4 **commission's conduct to carry out the purposes and exercise the**
 5 **powers of this compact, including the following:**

6 (1) Establishing the fiscal year of the commission.

7 (2) Providing reasonable standards and procedures:

8 (A) for the establishment and meetings of other
 9 committees; and

10 (B) governing general or specific delegation of any
 11 authority or function of the commission.

12 (3) Providing reasonable procedures for calling and
 13 conducting meetings of the commission, ensuring reasonable
 14 advance notice of all meetings and providing an opportunity
 15 for attendance of the meetings by interested parties, including
 16 the following:

17 (A) Enumerated exceptions designed to protect the public's
 18 interest, the privacy of individuals, and proprietary
 19 information, including trade secrets.

20 (B) A provision:

21 (i) allowing the commission to meet in closed session only
 22 after a majority of the administrators vote with no proxy
 23 voting to close a meeting in whole or in part; and

24 (ii) if the commission meets in closed session as described
 25 in item (i), requiring the commission to, as soon as
 26 practicable, make public a copy of the vote to close the
 27 meeting and revealing the vote of each administrator.

28 (4) Establishing the titles, duties, and authority and
 29 reasonable procedures for the election of the officers of the
 30 commission.

31 (5) Providing reasonable standards and procedures for the
 32 establishment of the personnel policies and programs of the
 33 commission.

34 (6) Providing a mechanism for winding up the operations of
 35 the commission and the equitable disposition of any surplus
 36 funds that may exist after the termination of this compact
 37 after the payment or reserving of all of the commission's debts
 38 and obligations.

39 (b) Notwithstanding any civil service or other similar laws of
 40 any party state, the bylaws prescribed under this section
 41 exclusively govern the personnel policies and programs of the
 42 commission.



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Sec. 9. The commission shall do all of the following:

- (1) Publish the commission's bylaws and rules and any amendments to the bylaws and rules in a convenient form on the Internet web site of the commission.**
- (2) Maintain the commission's financial records in accordance with the bylaws.**
- (3) Meet and take actions consistent with the provisions of this compact and the bylaws.**

Sec. 10. The commission has the following powers:

- (1) To promulgate uniform rules:
 - (A) having the force and effect of law; and**
 - (B) binding in all party states;**to facilitate and coordinate implementation and administration of this compact.**
- (2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected.**
- (3) To purchase and maintain insurance and bonds.**
- (4) To borrow, accept, or contract for services of personnel, including employees of a party state or nonprofit organizations.**
- (5) To cooperate with other organizations that administer state compacts related to the regulation of nursing, including sharing administrative or staff expenses, office space, or other resources.**
- (6) To hire employees, elect or appoint officers, fix compensation, define duties, grant the employees and officers appropriate authority to carry out the purposes of this compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and related personnel matters.**
- (7) To accept, receive, use, and dispose of appropriate donations, grants, and gifts of money, equipment, supplies, materials, and services while avoiding any appearance of impropriety or conflict of interest.**
- (8) To lease, purchase, and accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any real, personal, or mixed property while avoiding any appearance of impropriety.**
- (9) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of real, personal, or mixed**



- 1 **property.**
- 2 **(10) To establish a budget and make expenditures.**
- 3 **(11) To borrow money.**
- 4 **(12) To appoint committees, including advisory committees**
5 **comprised of administrators, state nursing regulators, state**
6 **legislators or their representatives, consumer representatives,**
7 **and other interested persons.**
- 8 **(13) To provide and receive information from, and to**
9 **cooperate with, law enforcement agencies.**
- 10 **(14) To adopt and use an official seal.**
- 11 **(15) To perform other necessary or appropriate functions to**
12 **achieve the purposes of this compact consistent with the state**
13 **regulation of nurse licensure and practice.**
- 14 **Sec. 11. (a) The commission shall pay, or provide for the**
15 **payment of, the reasonable expenses of the commission's**
16 **establishment, organization, and ongoing activities.**
- 17 **(b) The commission may also levy on and collect an annual**
18 **assessment from each party state to cover the cost of the**
19 **commission's operations, activities, and staff in the commission's**
20 **annual budget as approved each year. The aggregate annual**
21 **assessment amount, if any, must be allocated based on a formula**
22 **determined by the commission by promulgation of a rule that is**
23 **binding on all party states.**
- 24 **(c) The commission shall not:**
- 25 **(1) incur an obligation of any kind before securing funds**
26 **adequate to meet the obligation; or**
- 27 **(2) pledge the credit of any party state, except by and with the**
28 **authority of, the party state.**
- 29 **(d) The commission shall keep accurate accounts of all receipts**
30 **and disbursements. The receipts and disbursements of the**
31 **commission are subject to the audit and accounting procedures**
32 **established under the commission's bylaws. However, all receipts**
33 **and disbursements of funds handled by the commission must be**
34 **audited annually by a certified or licensed public accountant, and**
35 **the report of the audit must be included in and be part of the**
36 **annual report of the commission.**
- 37 **Sec. 12. (a) The administrators, officers, executive director,**
38 **employees, and representatives of the commission are immune**
39 **from suit and liability, either personally or in their official**
40 **capacity, for any claim for damage to or loss of property, personal**
41 **injury, or another civil liability caused by or arising out of an**
42 **actual or alleged act, error, or omission that occurred, or that the**



1 person against whom the claim is made had a reasonable basis for
2 believing occurred within the scope of commission employment,
3 duties, or responsibilities.

4 (b) Subsection (a) does not protect an administrator, officer,
5 executive director, employee, or representative of the commission
6 from suit or liability for any damage, loss, injury, or liability
7 caused by the intentional, willful, or wanton misconduct of that
8 person.

9 (c) The commission shall defend an administrator, officer,
10 executive director, employee, or representative of the commission
11 in a civil action seeking to impose liability arising out of an actual
12 or alleged act, error, or omission that occurred within the scope of
13 commission employment, duties, or responsibilities, or that the
14 person against whom the claim is made had a reasonable basis for
15 believing occurred within the scope of commission employment,
16 duties, or responsibilities.

17 (d) Subsection (c) does not do the following:

18 (1) Prohibit the administrator, officer, executive director,
19 employee, or representative of the commission from retaining
20 that person's own counsel.

21 (2) Require the commission to defend the administrator,
22 officer, executive director, employee, or representative of the
23 commission if the actual or alleged act, error, or omission
24 resulted from that person's intentional, willful, or wanton
25 misconduct.

26 (e) The commission shall indemnify and hold harmless an
27 administrator, officer, executive director, employee, or
28 representative of the commission for the amount of any settlement
29 or judgment obtained against that person arising out of an actual
30 or alleged act, error, or omission that occurred within the scope of
31 commission employment, duties, or responsibilities, or that the
32 person had a reasonable basis for believing occurred within the
33 scope of commission employment, duties, or responsibilities.

34 (f) Subsection (e) does not require the commission to indemnify
35 or hold harmless an administrator, officer, executive director,
36 employee, or representative of the commission if the actual or
37 alleged act, error, or omission resulted from the intentional, willful,
38 or wanton misconduct of that person.

39 **Chapter 8. Rulemaking**

40 **Sec. 1.** The commission shall exercise the commission's
41 rulemaking powers according to the criteria set forth in, and the
42 rules adopted under, this chapter. Rules and amendments are



1 binding as of the date specified in each rule or amendment and
2 have the same force and effect as provisions of this compact.

3 **Sec. 2. Rules or amendments to the rules must be adopted at a**
4 **regular or special meeting of the commission.**

5 **Sec. 3. Before promulgation and adoption of a final rule by the**
6 **commission, and at least sixty (60) days before the meeting at**
7 **which the rule will be considered and voted on is held, the**
8 **commission shall file a notice of proposed rulemaking:**

- 9 (1) on the Internet web site of the commission; and
10 (2) on the Internet web site of each licensing board or in the
11 publication in which each state would otherwise publish
12 proposed administrative rules.

13 **Sec. 4. The notice of proposed rulemaking must include all of**
14 **the following:**

- 15 (1) The proposed time, date, and location of the meeting at
16 which the rule will be considered and voted on.
17 (2) The text of the proposed rule or amendment and the
18 reason for the proposed rule.
19 (3) A request for comments on the proposed rule from any
20 interested person.
21 (4) The manner in which an interested person may submit:
22 (A) notice to the commission of the interested person's
23 intention to attend the public hearing; and
24 (B) written comments.

25 **Sec. 5. (a) Before adoption of a proposed rule, the commission**
26 **shall allow persons to submit written data, facts, opinions, and**
27 **arguments.**

28 (b) Submitted information and documents described in
29 subsection (a) must be made available to the public.

30 **Sec. 6. (a) The commission shall grant an opportunity for a**
31 **public hearing before the commission adopts a rule or amendment.**

32 (b) The commission shall publish the place, time, and date of the
33 scheduled public hearing.

34 (c) A public hearing must be conducted in a manner providing
35 each person who wishes to comment a fair and reasonable
36 opportunity to comment orally or in writing. All hearings must be
37 recorded and a copy of the record must be made available to the
38 public upon request.

39 (d) This section does not require a separate hearing on each
40 rule. Rules may be grouped for the convenience of the commission
41 at hearings required by this section.

42 (e) If no one appears at a public hearing, the commission may



1 proceed with promulgation of the proposed rule.

2 Sec. 7. (a) Following the scheduled hearing date, or by the close
3 of business on the scheduled hearing date if the hearing was not
4 held, the commission shall consider all written and oral comments
5 received.

6 (b) The commission shall, by majority vote of all administrators,
7 take final action on the proposed rule and determine the effective
8 date of the rule, if any, based on the rulemaking record and the full
9 text of the rule.

10 Sec. 8. (a) For purposes of this section, an emergency rule is a
11 rule that must be adopted immediately to do at least one (1) of the
12 following:

13 (1) Meet an imminent threat to public health, safety, or
14 welfare.

15 (2) Prevent a loss of commission or party state funds.

16 (3) Meet a deadline for the promulgation of an administrative
17 rule that is required by federal law or rule.

18 (b) Upon determination that an emergency exists, the
19 commission may consider and adopt an emergency rule without
20 prior notice, opportunity for comment, or hearing. However, the
21 usual rulemaking procedures provided in this compact and in this
22 chapter must be retroactively applied to the rule as soon as
23 reasonably possible, and in no event later than ninety (90) days
24 after the effective date of the rule.

25 Sec. 9. (a) The commission may direct revisions to a previously
26 adopted rule or amendment for purposes of correcting
27 typographical errors, errors in format, errors in consistency, or
28 grammatical errors.

29 (b) Public notice of any revisions must be posted on the Internet
30 web site of the commission. A revision is subject to challenge by
31 any person for thirty (30) days after posting. A revision may be
32 challenged only on grounds that the revision results in a material
33 change to a rule. A challenge must be made in writing and
34 delivered to the commission prior to the end of the notice period.
35 If no challenge is made, the revision will take effect without further
36 action. If the revision is challenged, the revision may not take effect
37 without the approval of the commission.

38 **Chapter 9. Oversight, Dispute Resolution, and Enforcement**

39 Sec. 1. Each party state shall enforce this compact and take all
40 actions necessary and appropriate to effectuate this compact's
41 purposes and intent.

42 Sec. 2. The commission:



1 (1) is entitled to receive service of process in a proceeding that
 2 may affect the powers, responsibilities, or actions of the
 3 commission; and

4 (2) has standing to intervene in a proceeding described in
 5 subdivision (1) for all purposes.

6 Failure to provide service of process in a proceeding to the
 7 commission renders a judgment or order void as to the
 8 commission, this compact, or promulgated rules.

9 Sec. 3. If the commission determines that a party state has
 10 defaulted in the performance of the party state's obligations or
 11 responsibilities under this compact or the promulgated rules, the
 12 commission shall:

13 (1) provide written notice to the defaulting state and other
 14 party states of the nature of the default, the proposed means
 15 of curing the default, or another action to be taken by the
 16 commission; and

17 (2) provide remedial training and specific technical assistance
 18 regarding the default.

19 Sec. 4. (a) If a state in default fails to cure the default, the
 20 defaulting state's membership in this compact may be terminated
 21 upon an affirmative vote of a majority of the administrators, and
 22 all rights, privileges, and benefits conferred by this compact may
 23 be terminated on the effective date of termination.

24 (b) A cure of the default does not relieve the offending state of
 25 obligations or liabilities incurred during the period of default.

26 Sec. 5. Termination of membership in this compact must be
 27 imposed only after all other means of securing compliance have
 28 been exhausted. Notice of intent to suspend or terminate must be
 29 given by the commission to the governor of the defaulting state and
 30 to the executive officer of the defaulting state's licensing board and
 31 each of the party states.

32 Sec. 6. A state whose membership in this compact has been
 33 terminated is responsible for all assessments, obligations, and
 34 liabilities incurred through the effective date of termination,
 35 including obligations that extend beyond the effective date of
 36 termination.

37 Sec. 7. The commission does not bear any costs related to a state
 38 that is found to be in default or whose membership in this compact
 39 has been terminated, unless agreed upon in writing between the
 40 commission and the defaulting state.

41 Sec. 8. The defaulting state may appeal the action of the
 42 commission by petitioning the United States District Court for the



1 District of Columbia or the federal district in which the
 2 commission has the commission's principal offices. The prevailing
 3 party must be awarded all costs of the litigation, including
 4 reasonable attorney's fees.

5 Sec. 9. (a) Upon request by a party state, the commission shall
 6 attempt to resolve disputes related to this compact that arise
 7 among party states and between party and nonparty states.

8 (b) The commission shall promulgate a rule providing for both
 9 mediation and binding dispute resolution for disputes, as
 10 appropriate.

11 (c) If the commission cannot resolve disputes among party states
 12 arising under this compact:

13 (1) the party states may submit the issues in dispute to an
 14 arbitration panel, which must be comprised of individuals
 15 appointed by the compact administrator in each of the
 16 affected party states and an individual mutually agreed upon
 17 by the compact administrators of all the party states involved
 18 in the dispute; and

19 (2) the decision of a majority of the arbitrators is final and
 20 binding.

21 Sec. 10. (a) The commission, in the reasonable exercise of the
 22 commission's discretion, shall enforce the provisions and rules of
 23 this compact.

24 (b) By majority vote, the commission may initiate legal action
 25 in the United States District Court for the District of Columbia or
 26 the federal district in which the commission has the commission's
 27 principal offices against a party state that is in default to enforce
 28 compliance with the provisions of this compact and the
 29 commission's promulgated rules and bylaws. The relief sought may
 30 include both injunctive relief and damages. In the event judicial
 31 enforcement is necessary, the prevailing party must be awarded all
 32 costs of the litigation, including reasonable attorney's fees.

33 (c) The remedies described in this section are not the exclusive
 34 remedies of the commission. The commission may pursue any other
 35 remedies available under federal or state law.

36 Chapter 10. Withdrawal and Amendment

37 Sec. 1. (a) Any party state may withdraw from this compact by
 38 enacting a statute repealing the compact. A party state's
 39 withdrawal does not take effect until six (6) months after
 40 enactment of the repealing statute.

41 (b) A party state's withdrawal or termination does not affect the
 42 continuing requirement of the withdrawing or terminated state's



1 licensing board to report adverse actions and significant
 2 investigations occurring before the effective date of the withdrawal
 3 or termination.

4 (c) This compact does not invalidate or prevent any nurse
 5 licensure agreement or other cooperative arrangement between a
 6 party state and a nonparty state that is made in accordance with
 7 the other provisions of this compact.

8 (d) This compact may be amended by the party states. An
 9 amendment to this compact is not effective and binding on the
 10 party states until the amendment is enacted into the laws of all
 11 party states.

12 (e) Representatives of nonparty states to this compact must be
 13 invited to participate in the activities of the commission, on a
 14 nonvoting basis, before the adoption of this compact by all states.

15 **Chapter 11. Construction and Severability**

16 **Sec. 1.** This compact must be liberally construed so as to
 17 effectuate the purposes of the compact. The provisions of this
 18 compact are severable, and if any phrase, clause, sentence, or
 19 provision of the compact is declared to be contrary to the
 20 constitution of any party state or of the United States, or if the
 21 applicability of the compact to any government, agency, person, or
 22 circumstance is held invalid, the validity of the remainder of the
 23 compact and the applicability of the compact to any government,
 24 agency, person, or circumstance is not affected.

25 **Sec. 2.** If this compact is held to be contrary to the constitution
 26 of any party state, the compact remains in full force and effect as
 27 to the:

28 (1) remaining party states; and

29 (2) party state affected;

30 as to all severable matters.

31 **Sec. 3.** This compact takes effect on July 1, 2019.

32 SECTION 13. IC 34-30-2-101.6 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2019]: **Sec. 101.6. IC 25-42-7-12 (Concerning**
 35 **acts and omissions under the interstate nurse licensure compact).**

36 SECTION 14. IC 36-7-39 IS ADDED TO THE INDIANA CODE
 37 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2019]:

39 **Chapter 39. Workforce Investment Training Area**

40 **Sec. 1.** This chapter applies only to Muncie.

41 **Sec. 2.** As used in this chapter, "budget agency" means the
 42 budget agency established by IC 4-12-1.



1 **Sec. 3.** As used in this chapter, "budget committee" has the
2 meaning set forth in IC 4-12-1-3.

3 **Sec. 4.** As used in this chapter, "covered taxes" means the part
4 of the following taxes attributable to the operation of a facility
5 designated as part of a tax area under section 8 of this chapter:

6 (1) The state gross retail tax imposed under IC 6-2.5-2-1 or
7 use tax imposed under IC 6-2.5-3-2.

8 (2) An adjusted gross income tax imposed under IC 6-3-2-1 on
9 an individual.

10 (3) The local income tax imposed under IC 6-3.6.

11 (4) A food and beverage tax imposed under IC 6-9.

12 (5) An innkeeper's tax imposed under IC 6-9.

13 **Sec. 5.** As used in this chapter, "department" refers to the
14 department of state revenue.

15 **Sec. 6.** As used in this chapter, "tax area" means a geographic
16 area established as a workforce investment training area under
17 section 10 of this chapter.

18 **Sec. 7.** As used in this chapter, "taxpayer" means a person that
19 is liable for a covered tax.

20 **Sec. 8. (a)** After June 30, 2021, the city fiscal body may designate
21 as a workforce investment training area any facility that is:

22 (1) located within the city;

23 (2) owned by a nonprofit corporation; and

24 (3) used as a training institute and teaching hotel.

25 **(b)** Only one (1) tax area may be created in the city.

26 **Sec. 9. (a)** A tax area must be initially established:

27 (1) by resolution after June 30, 2021, and before July 1, 2023;
28 and

29 (2) according to the procedures set forth for the establishment
30 of an economic development area under IC 36-7-14.

31 **(b)** In establishing the tax area, the designating body must make
32 the following findings instead of the findings required for the
33 establishment of economic development areas:

34 (1) That the use of covered taxes under this chapter will
35 benefit the public health and welfare and will be of public
36 utility and benefit.

37 (2) That the use of covered taxes under this chapter will
38 protect or increase state and local tax bases and tax revenues.

39 **(c)** The tax area established under this chapter is a special
40 taxing district authorized by the general assembly to enable the
41 designating body to provide special benefits to taxpayers in the tax
42 area by promoting workforce investment and training that is of



- 1 public use and benefit.
- 2 **Sec. 10. (a)** A tax area must be established by resolution. A
 3 resolution establishing a tax area must provide for the allocation
 4 of covered taxes earned or collected in the tax area to the
 5 workforce investment training area fund established for the city.
 6 The allocation provision must apply to the entire tax area.
- 7 **(b)** The resolution establishing the tax area must designate the
 8 facility and the facility site for which the tax area is established.
- 9 **(c)** The department may adopt rules under IC 4-22-2 and
 10 guidelines to govern the allocation of covered taxes to a tax area.
- 11 **Sec. 11. (a)** Upon adoption of a resolution establishing a tax area
 12 under section 10 of this chapter, the city fiscal officer shall submit
 13 the resolution to the budget committee for review and
 14 recommendation to the budget agency.
- 15 **(b)** The budget committee shall meet not later than sixty (60)
 16 days after receipt of a resolution and shall make a recommendation
 17 on the resolution to the budget agency.
- 18 **Sec. 12. (a)** The budget agency must approve the resolution
 19 before covered taxes may be allocated under section 10 of this
 20 chapter.
- 21 **(b)** When considering a resolution, the budget committee and
 22 the budget agency must find that the use of covered taxes from the
 23 tax area designated under the resolution is economically sound and
 24 will benefit the people of Indiana by protecting or increasing state
 25 and local tax bases and tax revenues for at least the duration of the
 26 tax area established under this chapter.
- 27 **Sec. 13. (a)** When the city fiscal body adopts an allocation
 28 provision, the city fiscal officer shall notify the department by
 29 certified mail of the adoption of the provision and shall include
 30 with the notification a complete list of the following:
- 31 **(1)** Employers in the tax area.
- 32 **(2)** Street names and the range of street numbers of each
 33 street in the tax area.
- 34 The city fiscal officer shall update the list before July 1 of each
 35 year.
- 36 **(b)** Each taxpayer operating in the tax area shall report
 37 annually, in the manner and in the form prescribed by the
 38 department, information that the department determines necessary
 39 to calculate the salary, wages, bonuses, and other compensation
 40 that are earned in the tax area.
- 41 **(c)** A taxpayer operating in the tax area that files a consolidated
 42 tax return with the department also shall file annually an



1 informational return with the department for each business
2 location of the taxpayer within the tax area.

3 (d) If a taxpayer fails to report the information required by this
4 section or file an informational return required by this section, the
5 department shall use the best information available in calculating
6 the amount of covered taxes attributable to a taxable event in a tax
7 area or covered taxes from income earned in a tax area.

8 Sec. 14. If a tax area is established under section 10 of this
9 chapter, a state fund known as the workforce investment training
10 area fund is established for that tax area. The fund shall be
11 administered by the department. Money in the fund does not revert
12 to the state general fund at the end of a state fiscal year.

13 Sec. 15. The department shall deposit covered taxes attributable
14 to a taxing area under section 10 of this chapter in the workforce
15 investment training area fund.

16 Sec. 16. On or before the twentieth day of each month, all
17 amounts held in the workforce investment training area fund shall
18 be distributed to the city fiscal officer.

19 Sec. 17. The department shall notify the county auditor of the
20 amount of taxes to be distributed to the city fiscal officer. The
21 notice must specify the distribution and uses of covered taxes to be
22 allocated under this chapter.

23 Sec. 18. All distributions from the workforce investment
24 training area fund for the city must be made by warrants issued by
25 the auditor of state to the treasurer of state ordering those
26 payments to the city fiscal officer.

27 Sec. 19. The resolution establishing the tax area must designate
28 the use of the funds. The funds may be used only for the financing
29 or refinancing of a facility described in section 8(a) of this chapter.

30 Sec. 20. The city fiscal body shall repay to the workforce
31 investment training area fund any amount that is distributed to the
32 designating body and used for:

- 33 (1) a purpose that is not described in this chapter; or
34 (2) a facility or facility site other than the facility and facility
35 site to which covered taxes are designated under the
36 resolution described in section 10 of this chapter.

37 The department shall distribute the covered taxes repaid to the
38 workforce investment training area fund under this section
39 proportionately to the funds and the political subdivisions that
40 would have received the covered taxes if the covered taxes had not
41 been allocated to the tax area under this chapter.

42 Sec. 21. This chapter expires June 30, 2033.



1 SECTION 15. IC 36-12-3-19 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 19. A public library shall adopt**
4 **a criminal history check policy for employees and volunteers.**
5 SECTION 16. [EFFECTIVE UPON PASSAGE] (a) **The Indiana**
6 **board of veterinary medical examiners shall study the regulation**
7 **of veterinary technicians and submit a report to the legislative**
8 **council in an electronic format under IC 5-14-6 before November**
9 **1, 2019.**
10 (b) **This SECTION expires January 1, 2020.**
11 SECTION 17. **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. 436, 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 6, line 17, delete "Each party" and insert "A".

Page 6, line 20, delete "data" and insert "**based information**".

Page 10, line 6, delete "data" and insert "**based information**".

and when so amended that said bill do pass.

(Reference is to SB 436 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 11, Nays 0.

 REPORT OF THE PRESIDENT
 PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that, Engrossed Senate Bill 436 which was ordered to engrossment on January 22, 2019 has been returned from engrossment and reassigned to the Committee on Appropriations.

BRAY

 COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 436, 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 3, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 2. IC 25-23-1-11, AS AMENDED BY P.L.134-2008, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) Any person who applies to the board for a license to practice as a registered nurse must:

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- (1) not have:
 - (A) been convicted of a crime that has a direct bearing on the person's ability to practice competently; or
 - (B) committed an act that would constitute a ground for a disciplinary sanction under IC 25-1-9;
- (2) have completed:
 - (A) the prescribed curriculum and met the graduation requirements of a state accredited program of registered nursing that only accepts students who have a high school diploma or its equivalent as determined by the board; or
 - (B) the prescribed curriculum and graduation requirements of a nursing education program in a foreign country that is substantially equivalent to a board approved program as determined by the board. The board may by rule adopted under IC 4-22-2 require an applicant under this subsection to successfully complete an examination approved by the board to measure the applicant's qualifications and background in the practice of nursing and proficiency in the English language; and
- (3) be physically and mentally capable of and professionally competent to safely engage in the practice of nursing as determined by the board.

The board may not require a person to have a baccalaureate degree in nursing as a prerequisite for licensure.

(b) The applicant must pass an examination in such subjects as the board may determine.

(c) The board may issue by endorsement a license to practice as a registered nurse to an applicant who has been licensed as a registered nurse, by examination, under the laws of another state if the applicant presents proof satisfactory to the board that, at the time that the applicant applies for an Indiana license by endorsement, the applicant holds a current license in another state and possesses credentials and qualifications that are substantially equivalent to requirements in Indiana for licensure by examination. The board may specify by rule what constitutes substantial equivalence under this subsection.

(d) The board may issue by endorsement a license to practice as a registered nurse to an applicant who:

- (1) has completed the English version of the:
 - (A) Canadian Nurse Association Testing Service Examination (CNAT); or
 - (B) Canadian Registered Nurse Examination (CRNE);
- (2) achieved the passing score required on the examination at the



time the examination was taken;

(3) is currently licensed in a Canadian province or in another state; and

(4) meets the other requirements under this section.

(e) Each applicant for examination and registration to practice as a registered nurse shall pay:

(1) a fee set by the board; **and**

(2) if the applicant is applying for a multistate license (as defined in IC 25-42-1-11) under IC 25-42 (Nurse Licensure Compact), a fee of twenty-five dollars (\$25) in addition to the fee under subdivision (1);

a part of which must be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. Payment of the fee or fees shall be made by the applicant prior to the date of examination. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

(1) Twenty-five percent (25%) of the license application fee per license applied for under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.

(f) Any person who holds a license to practice as a registered nurse in:

(1) Indiana; or

(2) a party state (as defined in IC 25-23.3-2-11);

may use the title "Registered Nurse" and the abbreviation "R.N.". No other person shall practice or advertise as or assume the title of registered nurse or use the abbreviation of "R.N." or any other words, letters, signs, or figures to indicate that the person using same is a registered nurse.

SECTION 3. IC 25-23-1-12, AS AMENDED BY P.L.134-2008, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) A person who applies to the board for a license to practice as a licensed practical nurse must:

(1) not have been convicted of:

(A) an act which would constitute a ground for disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the person's ability to practice competently;

(2) have completed:

(A) the prescribed curriculum and met the graduation requirements of a state accredited program of practical nursing



that only accepts students who have a high school diploma or its equivalent, as determined by the board; or

(B) the prescribed curriculum and graduation requirements of a nursing education program in a foreign country that is substantially equivalent to a board approved program as determined by the board. The board may by rule adopted under IC 4-22-2 require an applicant under this subsection to successfully complete an examination approved by the board to measure the applicant's qualifications and background in the practice of nursing and proficiency in the English language; and

(3) be physically and mentally capable of, and professionally competent to, safely engage in the practice of practical nursing as determined by the board.

(b) The applicant must pass an examination in such subjects as the board may determine.

(c) The board may issue by endorsement a license to practice as a licensed practical nurse to an applicant who has been licensed as a licensed practical nurse, by examination, under the laws of another state if the applicant presents proof satisfactory to the board that, at the time of application for an Indiana license by endorsement, the applicant possesses credentials and qualifications that are substantially equivalent to requirements in Indiana for licensure by examination. The board may specify by rule what shall constitute substantial equivalence under this subsection.

(d) Each applicant for examination and registration to practice as a practical nurse shall pay:

(1) a fee set by the board; **and**

(2) if the applicant is applying for a multistate license (as defined in IC 25-42-1-11) under IC 25-42 (Nurse Licensure Compact), a fee of twenty-five dollars (\$25) in addition to the fee under subdivision (1);

a part of which must be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. Payment of the fees shall be made by the applicant before the date of examination. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

(1) Twenty-five percent (25%) of the license application fee per license applied for under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency.



(e) Any person who holds a license to practice as a licensed practical nurse in:

- (1) Indiana; or
- (2) a party state (as defined in IC 25-23.3-2-11);

may use the title "Licensed Practical Nurse" and the abbreviation "L.P.N.". No other person shall practice or advertise as or assume the title of licensed practical nurse or use the abbreviation of "L.P.N." or any other words, letters, signs, or figures to indicate that the person using them is a licensed practical nurse.

SECTION 4. IC 25-23-1-16.1, AS AMENDED BY P.L.177-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16.1. (a) Subject to IC 25-1-2-6(e), a license to practice as a registered nurse expires on October 31 in each odd-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(b) Subject to IC 25-1-2-6(e), a license to practice as a licensed practical nurse expires on October 31 in each even-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(c) The procedures and fee for renewal shall be set by the board. **If the license being renewed is a multistate license (as defined in IC 25-42-1-11) under IC 25-42 (Nurse Licensure Compact), a fee of twenty-five dollars (\$25) must be paid in addition to the fee for renewal set by the board.**

(d) At the time of license renewal, each registered nurse and each licensed practical nurse shall pay a renewal fee, a portion of which shall be for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

- (1) Twenty-five percent (25%) of the license renewal fee per license renewed under this section.



(2) The cost per license to operate the impaired nurses program, as determined by the Indiana professional licensing agency."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 436 as printed January 18, 2019.)

MISHLER, Chairperson

Committee Vote: Yeas 13, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Statutory Committee on Interstate and International Cooperation, to which was referred Senate Bill 436, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-21-4-5, AS AMENDED BY HEA 1115-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as provided in subsection (b), a person may not place or maintain upon a highway a traffic sign or signal bearing commercial advertising. A public authority may not permit the placement of a traffic sign or signal that bears a commercial message.

(b) Under **section 1 of this chapter and** criteria to be jointly established by the Indiana department of transportation and the office of tourism development (before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020), the Indiana department of transportation may authorize the posting of any of the following:

(1) ~~Limited tourist attraction signage.~~ **Tourist oriented directional signs.**

(2) ~~Business signs on specific information panels~~ **Specific service or logo signs** on the interstate system of highways, ~~and other~~ **freeways, and expressway interchanges.**

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All costs of manufacturing, installation, and maintenance to the Indiana department of transportation for a business sign posted under this subsection shall be paid by the business.

(c) Criteria established under subsection (b) for tourist ~~attraction signage~~ **oriented directional signs** must include a category for a tourist attraction that:

- (1) is a trademarked destination brand; and
- (2) encompasses buildings, structures, sites, or other facilities that are:
 - (A) listed on the National Register of Historic Places established under 16 U.S.C. 470 et seq.; or
 - (B) listed on the register of Indiana historic sites and historic structures established under IC 14-21-1;

regardless of the distance of the tourist attraction from the highway on which the tourist ~~attraction signage~~ **oriented directional sign** is placed.

(d) Criteria established under subsection (b) for tourist ~~attraction signage~~ **oriented directional signs** must include a category for a tourist attraction that is an establishment issued a brewer's permit under IC 7.1-3-2-2(b).

(e) A person may not place, maintain, or display a flashing, a rotating, or an alternating light, beacon, or other lighted device that:

- (1) is visible from a highway; and
- (2) may be mistaken for or confused with a traffic control device or for an authorized warning device on an emergency vehicle.

(f) This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

SECTION 2. IC 12-7-2-170.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 170.5. "School based health center", for purposes of IC 12-15, means a clinic operated on behalf of a public school (as defined in IC 20-18-2-15(1)), including a charter school, that provides health care services either:**

- (1) by qualified health care providers employed by the school;**
- or**
- (2) through a contract with a health care provider, including any of the following:**
 - (A) A hospital licensed under IC 16-21.**
 - (B) A physician group practice.**
 - (C) A federally qualified health center (as defined in 42 U.S.C. 1396d(l)(2)(B)).**



(D) A rural health clinic (as defined in 42 U.S.C. 1396d(l)(1)).

(E) A community mental health center.

SECTION 3. IC 12-7-2-170.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 170.7. "School based services", for purposes of IC 12-15, means any covered Medicaid service provided to any Medicaid recipient at a school based health center.**

SECTION 4. IC 12-15-1.3-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 20. (a) This section applies to a Medicaid recipient who:**

- (1) is less than eighteen (18) years of age;**
- (2) is the parent of a recipient described in subdivision (1); or**
- (3) is a teacher or staff member of the public school for which the school based health center is operated.**

(b) The office may apply to the United States Department of Health and Human Services for a state plan amendment to require Medicaid reimbursement by:

- (1) the office;**
- (2) a managed care organization that has contracted with the office; or**
- (3) a contractor of the office;**

for Medicaid covered school based services and other health care services provided to a Medicaid recipient described in subsection (a) by a school based health center.

(c) The office may apply to the United States Department of Health and Human Services for a state plan amendment to provide supplemental Medicaid reimbursement under the Medicaid fee for service program and an alternate fee schedule for the Medicaid risk based managed care program as set forth in subsections (d) and (e) to a school based health center that:

- (1) is qualified to make; and**
- (2) has entered into an agreement with the office to make, or has made on the school based health center's behalf;**

an intergovernmental transfer to cover the nonfederal share of supplemental Medicaid payments for Medicaid fee for service program claims and alternate fee schedule payments under the Medicaid risk based managed care program.

(d) For purposes of the fee for service program, a supplemental Medicaid payment to a qualified school based health center under this section by the office must be equal to either:



- (1) the difference between the Medicaid fee for service rate and the rate that Medicare pays for the same service; or
- (2) if there is not a Medicare rate for the service, an amount determined by the office.

(e) For purposes of the risk based managed care program, an alternate fee schedule to a qualified school based health center under this section by the office must be equal to either:

- (1) the Medicare rate for the same service; or
- (2) an amount determined by the office if there is not a Medicare rate for the service.

(f) A school based health center must obtain consent under IC 16-36-1 for each health care service provided at a school based health center to an individual who is less than eighteen (18) years of age, including reproductive health services or referral for any services.

(g) An employee or volunteer of a school based health center or school Medicaid provider may not dispense abortifacients or refer an individual to any entity that:

- (1) performs abortions; or
- (2) maintains or operates a facility where abortions are performed.

(h) Any individual employed at the school based health center must have had a national criminal history background check in accordance with IC 20-26-5-10 and IC 20-26-5-11.

(i) State expenditures and local school expenditures for funding for Medicaid covered school based services and other health care services provided to a Medicaid recipient by a school based health center under this section may be made only if:

- (1) the state plan amendment authorized in subsection (c) is approved by the United States Department of Health and Human Services; and
- (2) intergovernmental transfer funding for the nonfederal share of supplemental Medicaid payments for the Medicaid fee for services program and the nonfederal share of the difference between Medicaid fee for service payments and alternate fee schedule payments under the risk based managed care program is continuously made.

School based services shall not be provided under this article if intergovernmental transfer funding for the nonfederal share of supplemental Medicaid payments for the Medicaid fee for services program or intergovernmental transfer funding for the nonfederal share of the difference between Medicaid fee for service payments



and alternate fee schedule payments under the risk based managed care program ceases to be made.

SECTION 5. IC 12-15-1.3-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 21. (a) As used in this section, "Medicaid rehabilitation option services" means clinical behavioral health services provided to recipients and families of recipients living in the community who need aid intermittently for emotional disturbances, mental illness, and addiction as part of the Medicaid rehabilitation option program.**

(b) Before December 1, 2019, the office may apply to the United States Department of Health and Human Services for a state plan amendment that would require Medicaid reimbursement by:

- (1) the office;**
- (2) a managed care organization that has contracted with the office; or**
- (3) a contractor of the office;**

for eligible Medicaid rehabilitation option services in a school setting for any Medicaid recipient who qualifies for Medicaid rehabilitation option services by meeting specific diagnosis and level of need criteria under an assessment tool approved by the division of mental health and addiction or who submits prior authorization for Medicaid rehabilitation option services.

(c) If the office receives approval for the state plan amendment applied for under this section, the office shall comply with IC 12-15-5-19.

SECTION 6. IC 12-15-5-1, AS AMENDED BY P.L.210-2015, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1. Except as provided in IC 12-15-2-12, IC 12-15-6, and IC 12-15-21, the following services and supplies are provided under Medicaid:**

- (1) Inpatient hospital services.**
- (2) Nursing facility services.**
- (3) Physician's services, including services provided under IC 25-10-1 and IC 25-22.5-1.**
- (4) Outpatient hospital or clinic services.**
- (5) Home health care services.**
- (6) Private duty nursing services.**
- (7) Physical therapy and related services.**
- (8) Dental services.**
- (9) Prescribed laboratory and x-ray services.**
- (10) Prescribed drugs and pharmacist services.**



- (11) Eyeglasses and prosthetic devices.
- (12) Optometric services.
- (13) Diagnostic, screening, preventive, and rehabilitative services.
- (14) Podiatric medicine services.
- (15) Hospice services.
- (16) Services or supplies recognized under Indiana law and specified under rules adopted by the office.
- (17) Family planning services except the performance of abortions.
- (18) Nonmedical nursing care given in accordance with the tenets and practices of a recognized church or religious denomination to an individual qualified for Medicaid who depends upon healing by prayer and spiritual means alone in accordance with the tenets and practices of the individual's church or religious denomination.
- (19) Services provided to individuals described in IC 12-15-2-8.
- (20) Services provided under IC 12-15-34 and IC 12-15-32.
- (21) Case management services provided to individuals described in IC 12-15-2-11 and IC 12-15-2-13.
- (22) Any other type of remedial care recognized under Indiana law and specified by the United States Secretary of Health and Human Services.
- (23) Examinations required under IC 16-41-17-2(a)(10).
- (24) Inpatient substance abuse detoxification services.
- (25) Subject to approval of the state plan amendment applied for under IC 12-15-1.3-20, school based services.**

SECTION 7. IC 12-15-5-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 19. (a) Not later than one (1) year from the date the office receives approval for the state plan amendment described in IC 12-15-1.3-21 concerning Medicaid rehabilitation option services, the office shall do the following:**

- (1) Review the current services included in the Medicaid rehabilitation option services program in the school setting.**
 - (2) Determine whether additional appropriate services, including:**
 - (A) family engagement services; and**
 - (B) additional comprehensive behavioral health services, including addiction services;****should be included as part of the program.**
 - (3) Report the office's findings under this subsection to the general assembly in an electronic format under IC 5-14-6.**
- (b) Not later than three (3) months from the date the office**



receives approval for the state plan amendment described in IC 12-15-1.3-21 concerning Medicaid rehabilitation option services, the office shall notify each school corporation that the United States Department of Health and Human Services has approved the state plan amendment applied for under IC 12-15-1.3-21.

(c) Each school corporation shall, not later than one (1) year from the date the office receives approval for the state plan amendment described in IC 12-15-1.3-21 concerning Medicaid rehabilitation option services, contract with a community mental health center to provide Medicaid rehabilitation option services for:

- (1) a student of the school corporation who is a Medicaid recipient; and
- (2) the student's family."

Page 27, after line 3, begin a new paragraph and insert:

"SECTION 14. IC 36-7-39 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 39. Workforce Investment Training Area

Sec. 1. This chapter applies only to Muncie.

Sec. 2. As used in this chapter, "budget agency" means the budget agency established by IC 4-12-1.

Sec. 3. As used in this chapter, "budget committee" has the meaning set forth in IC 4-12-1-3.

Sec. 4. As used in this chapter, "covered taxes" means the part of the following taxes attributable to the operation of a facility designated as part of a tax area under section 8 of this chapter:

- (1) The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.
- (2) An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.
- (3) The local income tax imposed under IC 6-3.6.
- (4) A food and beverage tax imposed under IC 6-9.
- (5) An innkeeper's tax imposed under IC 6-9.

Sec. 5. As used in this chapter, "department" refers to the department of state revenue.

Sec. 6. As used in this chapter, "tax area" means a geographic area established as a workforce investment training area under section 10 of this chapter.

Sec. 7. As used in this chapter, "taxpayer" means a person that is liable for a covered tax.



Sec. 8. (a) After June 30, 2021, the city fiscal body may designate as a workforce investment training area any facility that is:

- (1) located within the city;**
- (2) owned by a nonprofit corporation; and**
- (3) used as a training institute and teaching hotel.**

(b) Only one (1) tax area may be created in the city.

Sec. 9. (a) A tax area must be initially established:

- (1) by resolution after June 30, 2021, and before July 1, 2023; and**
- (2) according to the procedures set forth for the establishment of an economic development area under IC 36-7-14.**

(b) In establishing the tax area, the designating body must make the following findings instead of the findings required for the establishment of economic development areas:

- (1) That the use of covered taxes under this chapter will benefit the public health and welfare and will be of public utility and benefit.**
- (2) That the use of covered taxes under this chapter will protect or increase state and local tax bases and tax revenues.**

(c) The tax area established under this chapter is a special taxing district authorized by the general assembly to enable the designating body to provide special benefits to taxpayers in the tax area by promoting workforce investment and training that is of public use and benefit.

Sec. 10. (a) A tax area must be established by resolution. A resolution establishing a tax area must provide for the allocation of covered taxes earned or collected in the tax area to the workforce investment training area fund established for the city. The allocation provision must apply to the entire tax area.

(b) The resolution establishing the tax area must designate the facility and the facility site for which the tax area is established.

(c) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a tax area.

Sec. 11. (a) Upon adoption of a resolution establishing a tax area under section 10 of this chapter, the city fiscal officer shall submit the resolution to the budget committee for review and recommendation to the budget agency.

(b) The budget committee shall meet not later than sixty (60) days after receipt of a resolution and shall make a recommendation on the resolution to the budget agency.

Sec. 12. (a) The budget agency must approve the resolution before covered taxes may be allocated under section 10 of this



chapter.

(b) When considering a resolution, the budget committee and the budget agency must find that the use of covered taxes from the tax area designated under the resolution is economically sound and will benefit the people of Indiana by protecting or increasing state and local tax bases and tax revenues for at least the duration of the tax area established under this chapter.

Sec. 13. (a) When the city fiscal body adopts an allocation provision, the city fiscal officer shall notify the department by certified mail of the adoption of the provision and shall include with the notification a complete list of the following:

- (1) Employers in the tax area.
- (2) Street names and the range of street numbers of each street in the tax area.

The city fiscal officer shall update the list before July 1 of each year.

(b) Each taxpayer operating in the tax area shall report annually, in the manner and in the form prescribed by the department, information that the department determines necessary to calculate the salary, wages, bonuses, and other compensation that are earned in the tax area.

(c) A taxpayer operating in the tax area that files a consolidated tax return with the department also shall file annually an informational return with the department for each business location of the taxpayer within the tax area.

(d) If a taxpayer fails to report the information required by this section or file an informational return required by this section, the department shall use the best information available in calculating the amount of covered taxes attributable to a taxable event in a tax area or covered taxes from income earned in a tax area.

Sec. 14. If a tax area is established under section 10 of this chapter, a state fund known as the workforce investment training area fund is established for that tax area. The fund shall be administered by the department. Money in the fund does not revert to the state general fund at the end of a state fiscal year.

Sec. 15. The department shall deposit covered taxes attributable to a taxing area under section 10 of this chapter in the workforce investment training area fund.

Sec. 16. On or before the twentieth day of each month, all amounts held in the workforce investment training area fund shall be distributed to the city fiscal officer.

Sec. 17. The department shall notify the county auditor of the



amount of taxes to be distributed to the city fiscal officer. The notice must specify the distribution and uses of covered taxes to be allocated under this chapter.

Sec. 18. All distributions from the workforce investment training area fund for the city must be made by warrants issued by the auditor of state to the treasurer of state ordering those payments to the city fiscal officer.

Sec. 19. The resolution establishing the tax area must designate the use of the funds. The funds may be used only for the financing or refinancing of a facility described in section 8(a) of this chapter.

Sec. 20. The city fiscal body shall repay to the workforce investment training area fund any amount that is distributed to the designating body and used for:

- (1) a purpose that is not described in this chapter; or
- (2) a facility or facility site other than the facility and facility site to which covered taxes are designated under the resolution described in section 10 of this chapter.

The department shall distribute the covered taxes repaid to the workforce investment training area fund under this section proportionately to the funds and the political subdivisions that would have received the covered taxes if the covered taxes had not been allocated to the tax area under this chapter.

Sec. 21. This chapter expires June 30, 2033.

SECTION 15. IC 36-12-3-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 19.** A public library shall adopt a criminal history check policy for employees and volunteers.

SECTION 16. [EFFECTIVE UPON PASSAGE] (a) The Indiana board of veterinary medical examiners shall study the regulation of veterinary technicians and submit a report to the legislative council in an electronic format under IC 5-14-6 before November 1, 2019.

(b) This SECTION expires January 1, 2020.

SECTION 17. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 436 as printed February 19, 2019.)

BACON

Committee Vote: yeas 7, nays 2.

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