

Indiana Social Worker, Marriage and Family Therapist and Mental Health Counselor Board

A compilation of the Indiana Code and Indiana Administrative Code

2008 Edition



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INDIANA SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST AND MENTAL HEALTH COUNSELOR BOARD

2008 Edition

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INDIANA CODE § 25-23.6

ARTICLE 23.6. SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS, AND MENTAL HEALTH COUNSELORS

INDIANA CODE § 25-23.6-1

Chapter 1. Definitions

IC 25-23.6-1-1 Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.186-1990, SEC.9.

IC 25-23.6-1-1.5 "Appraisal"

Sec. 1.5. "Appraisal" means the use or administration of career and occupational instruments, adaptive behavioral and symptoms screening checklists, and inventories of interests and preferences that are administered for the purpose of counseling persons to cope with or adapt to changing life situations that are due to problems in living. The term includes the use of marital, relational, communicational, parent and child, and family systems assessment instruments.
As added by P.L.147-1997, SEC.12. Amended by P.L.197-2007, SEC.84.

IC 25-23.6-1-2 "Board"

Sec. 2. "Board" refers to the social worker, marriage and family therapist, and mental health counselor board.
As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.13.

IC 25-23.6-1-2.5 Repealed

(Repealed by P.L.1-2006, SEC.588.)

IC 25-23.6-1-3 "Clinical social worker"

Sec. 3. "Clinical social worker" means an individual who is licensed under this article.
As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.15.

IC 25-23.6-1-3.3 "Clinical social work experience"

Sec. 3.3. "Clinical social work experience" means a period of time during which an applicant provides clinical services, including evaluation and treatment of clients, in which at least fifty percent (50%) of the time consists of providing counseling services directly to clients.
As added by P.L.147-1997, SEC.16.

IC 25-23.6-1-3.6 "Counseling"

Sec. 3.6. "Counseling" means techniques used to help individuals learn how to solve problems and make decisions related to personal growth, vocational, family, social, and other interpersonal concerns. *As added by P.L.147-1997, SEC.17.*

IC 25-23.6-1-3.8 "Counselor"

Sec. 3.8. Except as provided in IC 25-23.6-7-5, as used in this chapter, "counselor" refers to a social worker, clinical social worker, marriage and family therapist, or a mental health counselor who is licensed under this article.
As added by P.L.147-1997, SEC.18.

IC 25-23.6-1-3.9 "Governmental employee"

Sec. 3.9. "Governmental employee" means an individual employed by the office of the secretary of family and social services, the division of family resources, the division of mental health and addiction, the division of disability and rehabilitative services, the division of aging, the

department of correction, or the state department of health in one (1) of the following classifications:

- (1) 2AA3 Behavioral clinician 3.
- (2) 2AA4 Behavioral clinician 4.
- (3) 2AA5 Clinical associate 5.
- (4) 2FL1 Mental health administrator 1.
- (5) 2FL2 Mental health administrator 2.
- (6) 2FL3 Mental health administrator 3.
- (7) 2AN3 Substance abuse counselor 3.
- (8) 2AN4 Substance abuse counselor 4.
- (9) 2AN5 Substance abuse counselor 5.
- (10) 2AH2 Social services specialist 2.
- (11) 2AH3 Social services specialist 3.
- (12) 2AH4 Social services specialist 4.
- (13) 2AI1 Psychiatric services director 1.
- (14) 2AE2 Psychiatric social services specialist 2.
- (15) 2AE3 Psychiatric social services specialist 3.

As added by P.L.244-1999, SEC.1. Amended by P.L.215-2001, SEC.99; P.L.141-2006, SEC.108; P.L.145-2006, SEC.162; P.L.1-2007, SEC.177.

IC 25-23.6-1-4 "Eligible postsecondary educational institution"

Sec. 4. "Eligible postsecondary educational institution" means a postsecondary educational institution that:

- (1) awards a bachelor's or higher degree;
- (2) is located in:
 - (A) the United States; or
 - (B) Canada or another country, if permitted under IC 25-23.6-8-2.1, IC 25-23.6-8.5-2, or another provision of this article; and
- (3) is accredited by a regional accrediting body.

As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.34; P.L.2-2007, SEC.328.

IC 25-23.6-1-4.8 "Licensed social worker"

Sec. 4.8. "Licensed social worker" means an individual who is licensed under this article.
As added by P.L.147-1997, SEC.19.

IC 25-23.6-1-5 "Marriage and family therapist"

Sec. 5. "Marriage and family therapist" means an individual who is licensed under this article.
As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.20.

IC 25-23.6-1-5.5 "Mental health counselor"

Sec. 5.5. "Mental health counselor" means an individual licensed under this article.
As added by P.L.147-1997, SEC.21.

IC 25-23.6-1-6 "Practice of clinical social work"

Sec. 6. (a) "Practice of clinical social work" means professional services that are designed to help individuals, marriages, couples, families, groups, and communities to enhance or restore their capacity for functioning by:

- (1) assisting in the obtaining or improving of tangible social and health services;
- (2) providing psychosocial evaluations using accepted classifications, including classifications from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) as amended and supplemented, but only to the extent of the counselor's education, training, experience, and scope of practice as established by this article;
- (3) using appraisal instruments as an aid in treatment planning that the clinical social worker is qualified to employ by virtue of the counselor's education, training, and experience; and

(4) counseling and psychotherapeutic techniques, casework social work advocacy, and treatment in a variety of settings that include mental and physical health facilities, child and family service agencies, or private practice.

(b) The term does not include diagnosis (as defined in IC 25-22.5-1-1.1(c)).

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.22.

IC 25-23.6-1-7 "Practice of marriage and family therapy"

Sec. 7. "Practice of marriage and family therapy" means a specialty that:

- (1) uses an applied understanding of the dynamics of marital, relational, and family systems, and individual psychodynamics;
- (2) uses counseling and psychotherapeutic techniques;
- (3) evaluates and treats mental and emotional conditions, resolves intrapersonal and interpersonal conflict, and changes perceptions, attitudes, and behavior, all within the context of family, marital, and relational systems, including the use of accepted evaluation classifications, including classifications from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) as amended and supplemented, but only to the extent of the counselor's education, training, experience, and scope of practice as established by this article;
- (4) uses individual, group, couple, sexual, family, and divorce therapy; and
- (5) uses appraisal instruments that evaluate individual, marital, relational, communicational, parent and child, and family functioning that the marriage and family therapist is qualified to employ by virtue of the counselor's education, training, and experience.

The term does not include diagnosis (as defined in IC 25-22.5-1-1.1(c)).
As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.23.

IC 25-23.6-1-7.5 "Practice of mental health counseling"

Sec. 7.5. "Practice of mental health counseling" means a specialty that:

- (1) uses counseling and psychotherapeutic techniques based on principles, methods, and procedures of counseling that assist people in identifying and resolving personal, social, vocational, intrapersonal, and interpersonal concerns;
- (2) uses counseling to evaluate and treat emotional and mental problems and conditions in a variety of settings, including mental and physical health facilities, child and family service agencies, or private practice, and including the use of accepted evaluation classifications, including classifications from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) as amended and supplemented, but only to the extent of the counselor's education, training, experience, and scope of practice as established by this article;
- (3) administers and interprets appraisal instruments that the mental health counselor is qualified to employ by virtue of the counselor's education, training, and experience;
- (4) uses information and community resources for personal, social, or vocational development;
- (5) uses individual and group techniques for facilitating problem solving, decision making, and behavioral change;
- (6) uses functional assessment and vocational planning guidance for persons requesting assistance in adjustment to a disability or disabling condition;
- (7) uses referrals for individuals who request counseling services; and
- (8) uses and interprets counseling research.

The term does not include diagnosis (as defined in IC 25-22.5-1-1.1(c)).
As added by P.L.147-1997, SEC.24.

IC 25-23.6-1-8 "Practice of social work"

Sec. 8. (a) "Practice of social work" means professional services that are designed to effect change in human behavior, emotional responses, and social conditions of individuals, couples, families, groups, and communities and that involve specialized knowledge and skill related to human development, including an understanding of unconscious motivation, the potential for human growth, the availability of social resources, and knowledge of social systems. The term includes planning, administration, and research for community social services delivery systems.

(b) The term does not include the use of psychotherapy or diagnosis (as defined in IC 25-22.5-1-1.1(c)).

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.25.

IC 25-23.6-1-9 "Psychotherapy"

Sec. 9. "Psychotherapy" means the assessing and treating of mental and emotional disorders by any of the various means of communication between the social worker practitioner and the client.

As added by P.L.186-1990, SEC.9.

IC 25-23.6-1-10 "Social worker"

Sec. 10. "Social worker" means an individual who graduates from a program accredited by the Council on Social Work Education.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.26.

IC 25-23.6-1-11 "Social work experience"

Sec. 11. "Social work experience" means a period of time during which an applicant provides social worker services, including assessment and evaluation of clients, in which at least fifty percent (50%) of the time consists of providing services directly to clients. *As added by P.L.147-1997, SEC.27.*

INDIANA CODE § 25-23.6-2

Chapter 2. Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board

IC 25-23.6-2-1 Establishment of board

Sec. 1. The social worker, marriage and family therapist, and mental health counselor board is established.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.28.

IC 25-23.6-2-2 Membership of board; qualifications; political affiliation

Sec. 2. (a) The board consists of nine (9) members appointed by the governor for terms of three (3) years. The board must include the following:

- (1) Two (2) marriage and family therapists who:
 - (A) have at least a master's degree in marriage and family therapy or a related field from an eligible postsecondary educational institution;
 - (B) are licensed under this chapter; and
 - (C) have five (5) years of experience in marriage and family therapy.
- (2) One (1) social worker who:
 - (A) has at least a master's degree in social work from an eligible postsecondary educational institution accredited by the Council on Social Work Education;
 - (B) is licensed under this article; and
 - (C) has at least five (5) years of experience as a social worker.
- (3) One (1) social services director of a hospital with a social work degree who has at least three (3) years of experience in a hospital setting.

- (4) Two (2) mental health counselors who:
 - (A) have at least a master's degree in mental health counseling;
 - (B) are licensed under this article; and
 - (C) have at least five (5) years experience as a mental health counselor.
 - (5) Two (2) consumers who have never been credentialed under this article.
 - (6) One (1) physician licensed under IC 25-22.5 who has training in psychiatric medicine.
- (b) Not more than five (5) members of the board may be from the same political party.

As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.35; P.L.255-1996, SEC.17; P.L.147-1997, SEC.29; P.L.2-1998, SEC.67; P.L.2-2007, SEC.329.

IC 25-23.6-2-3 Per diem, travel, and other expenses

Sec. 3. Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

As added by P.L.186-1990, SEC.9. Amended by P.L.3-2008, SEC.188.

IC 25-23.6-2-4 Removal of governor-appointed member

Sec. 4. A member of the board who is appointed by the governor may not be removed from the board except by action of the governor.

As added by P.L.186-1990, SEC.9.

IC 25-23.6-2-5 Chairman; term

Sec. 5. The board shall elect a chairman from among the members of the board for a one (1) year term. An individual may not be elected as chairman for more than two (2) consecutive one (1) year terms. *As added by P.L.186-1990, SEC.9.*

IC 25-23.6-2-6 Meetings

Sec. 6. The board shall meet at least one (1) time each year.

As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.36.

IC 25-23.6-2-7 Duties of board

Sec. 7. The board shall consider matters that are of interest to all board sections.

As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.37.

IC 25-23.6-2-8 Adoption of standards; fees; duties of board

Sec. 8. (a) The board shall adopt rules under IC 4-22-2 establishing standards for the following:

- (1) The competent practice of marriage and family therapy, social work, clinical social work, and mental health counseling.
- (2) The renewal of licenses issued under this article.
- (3) Standards for the administration of this article.
- (4) Continuing education requirements for an individual seeking renewal of licensure as a social worker, clinical social worker, or marriage and family therapist.
- (5) The retention of patient records and reports by a counselor.
- (6) The approval of continuing education providers, programs, courses, fees, and proof of course completion.

(b) The board shall establish fees under IC 25-1-8-2.

(c) The board shall do the following:

- (1) Consider the qualifications of individuals who apply for a license under this article.
- (2) Provide for examinations required under this article.
- (3) Subject to IC 25-1-8-6, renew licenses under this article.

(4) Conduct proceedings under IC 25-1-9.
As added by P.L.186-1990, SEC.9. Amended by P.L.255-1996, SEC.18; P.L.147-1997, SEC.30; P.L.269-2001, SEC.20.

IC 25-23.6-2-9 Social worker section established

Sec. 9. (a) The social worker section of the board is established. The section consists of the following:

- (1) Two (2) social worker members of the board.
- (2) Two (2) consumer members of the board.
- (3) One (1) physician member of the board.

(b) Three (3) members of the social worker section, two (2) of whom must be social workers, constitute a quorum.

As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.38; P.L.255-1996, SEC.19; P.L.147-1997, SEC.31.

IC 25-23.6-2-10 Marriage and family therapist section established

Sec. 10. (a) The marriage and family therapist section of the board is established. The section consists of the following:

- (1) Two (2) marriage and family therapist members of the board.
- (2) Two (2) consumer members of the board.
- (3) One (1) physician member of the board.

(b) Three (3) members of the marriage and family therapist section, two (2) of whom must be marriage and family therapists, constitute a quorum. *As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.39; P.L.147-1997, SEC.32.*

IC 25-23.6-2-10.5 Mental health counselor section established

Sec. 10.5. (a) The mental health counselor section of the board is established. The section consists of the following:

- (1) Two (2) mental health counselor members of the board.
- (2) Two (2) consumer members of the board.
- (3) One (1) physician member of the board.

(b) Three (3) members of the mental health counselor section, two (2) of whom must be mental health counselors, constitute a quorum.

As added by P.L.147-1997, SEC.33.

IC 25-23.6-2-11 Duties of the social worker, marriage and family therapist; and mental health counselor sections

Sec. 11. The social worker, marriage and family therapist, and mental health counselor sections of the board shall do the following:

- (1) Approve continuing education courses authorized under this article.
- (2) Propose rules to the board concerning the practice of the profession regulated by each section.
- (3) Other duties as directed by the board.

As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.40; P.L.255-1996, SEC.20; P.L.147-1997, SEC.34.

IC 25-23.6-2-12 Examinations; testing company services

Sec. 12. The board may utilize the services of a testing company to prepare, conduct, and score examinations.

As added by P.L.186-1990, SEC.9.

INDIANA CODE § 25-23.6-3

Chapter 3. Marriage and Family Therapists; Unlawful Practices; Penalty

IC 25-23.6-3-1 Unlawful practices

Sec. 1. (a) An individual may not:

- (1) profess to be a licensed marriage and family therapist;
- (2) use the title:
 - (A) "licensed marriage and family therapist";

(B) "marriage and family therapist"; or

(C) "family therapist";

(3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed marriage and family therapist; or

(4) practice marriage and family therapy for compensation; unless the individual is licensed under IC 25-22.5, IC 25-23.6-8-1, or IC 25-33.

(b) An individual may not:

(1) profess to be a licensed marriage and family therapist associate;

(2) use the title:

(A) "licensed marriage and family therapist associate";

(B) "marriage and family therapist associate"; or

(C) "family therapist associate";

(3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed marriage and family therapist associate; or

(4) practice marriage and family therapy for compensation;

unless the individual is licensed under IC 25-22.5, IC 25-23.6-8-1.5, or IC 25-33.

(c) Subsections (a)(4) and (b)(4) do not apply to a person who is described in section 2(a) of this chapter.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.35; P.L.134-2008, SEC.36.

IC 25-23.6-3-2 Exemptions

Sec. 2. (a) This article may not be construed to limit the marriage and family therapy services performed by a person who does not use a title specified in this article and who is one (1) of the following:

(1) A licensed or certified health care professional acting within the scope of the person's license or certificate.

(2) A student, an intern, or a trainee pursuing a course of study in medicine or psychology or a course of study to gain licensure under this article in an accredited eligible postsecondary educational institution or training institution if:

(A) the activities are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and

(B) the student uses a title that contains the term "intern" or "trainee";

(3) Not a resident of Indiana if the person performed services in Indiana for not more than five (5) days in any one (1) month and not more than fifteen (15) days in any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.

(5) An employee of or a volunteer for a nonprofit corporation or an organization performing charitable, religious, or educational functions, providing pastoral counseling or other assistance.

(6) A person who provides school counseling or a person who is certified by a state or national organization that is recognized by the Indiana division of mental health and addiction and who provides counseling in the areas of alcohol or drug abuse addictions.

(b) Nothing in this section prohibits a person referred to in subsection (a) from qualifying for licensure under this article.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.36; P.L.215-2001, SEC.100; P.L.2-2007, SEC.330; P.L.134-2008, SEC.37.

IC 25-23.6-3-3 Violations; penalty

Sec. 3. An individual who violates this chapter after July 1, 1999, commits a Class A misdemeanor. *As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.37.*

IC 25-23.6-3-4 Display of license; contents of promotional Material

Sec. 4. (a) An individual who is licensed as a marriage and family therapist under IC 25-23.6-8-1 shall:

(1) display the license or a clear copy of the license at each location where the marriage and family therapist regularly practices; and
(2) include the words "licensed marriage and family therapist" or the letters "LMFT" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual.

(b) An individual who is licensed as a marriage and family therapist associate under IC 25-23.6-8-1.5 shall:

(1) display the license or a clear copy of the license at each location where the marriage and family therapist associate regularly practices; and
(2) include the words "licensed marriage and family therapist associate" or the letters "LMFTA" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual.

As added by P.L.147-1997, SEC.38. Amended by P.L.134-2008, SEC.38.

INDIANA CODE § 25-23.6-4

Chapter 4. Social Worker; Unlawful Practices; Penalty

IC 25-23.6-4-1 Unlawful practices

Sec. 1. An individual may not:

(1) profess to be a licensed social worker or licensed clinical social worker;

(2) use the title:

(A) "licensed social worker";

(B) "licensed clinical social worker";

(C) "clinical social worker";

(D) "psychiatric social worker"; or

(E) "psychosocial worker";

(3) use any other title containing the words "licensed social worker" or "licensed clinical social worker";

(4) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed social worker or licensed clinical social worker; or

(5) practice as a licensed social worker or clinical social worker for compensation;

unless the individual is licensed under this article.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.39.

IC 25-23.6-4-2 Exemptions

Sec. 2. (a) This article may not be construed to limit the social work or clinical social work services performed by a person who does not use a title specified in this article and who is one (1) of the following:

(1) A licensed or certified health care professional acting within the scope of the person's license or certificate.

(2) A student, an intern, or a trainee pursuing a course of study in medicine, psychology, or a course of study to gain licensure under this article in an accredited eligible postsecondary educational institution or training institution accredited by the Council on Social Work Education, or a graduate accumulating experience required for licensure if:

(A) the services are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and

(B) the student or graduate uses a title that contains the term "intern", "student", or "trainee".

(3) Not a resident of Indiana if the person performed social work in Indiana for not more than five (5) days in any one (1) month or more than fifteen (15) days in any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.

(5) An employee or a volunteer for an organization performing charitable, religious, or educational functions, providing pastoral counseling, or other assistance.

(6) A person who provides school counseling or a person who is certified by a state or national organization that is recognized by the Indiana division of mental health and addiction and who provides counseling in the areas of alcohol or drug abuse addictions.

(7) A governmental employee who remains in the same job classification or job family of that job classification.

(b) Nothing in this section prohibits a person referred to in subsection (a) from qualifying for licensure under this article.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.40; P.L.244-1999, SEC.2; P.L.215-2001, SEC.101; P.L.2-2007, SEC.331.

IC 25-23.6-4-3 Social service designee

Sec. 3. A person who is not licensed under this article may use the title "social service designee" if the person:

(1) provides or assures provision of social services in:

(A) a health facility licensed under IC 16-28;

(B) a hospital licensed under IC 16-21 or IC 12-25;

(C) a substance abuse facility certified by the division of mental health and addiction;

(D) a home health agency licensed under IC 16-27-1; or

(E) a community health center; and

(2) does not profess to be:

(A) a licensed social worker; or

(B) licensed under this article.

As added by P.L.186-1990, SEC.9. Amended by P.L.2-1992, SEC.777; P.L.2-1993, SEC.143; P.L.219-1993, SEC.1; P.L.147-1997, SEC.41; P.L.215-2001, SEC.102.

IC 25-23.6-4-3.1 Use of case manager or discharge planner title by nonlicensed individuals

Sec. 3.1. An individual who is not licensed under this article may use the titles "case manager", "discharge planner", or a related title if the individual:

(1) provides services in a hospital licensed under IC 16-21 or IC 12-25 or a community mental health center; and

(2) does not profess to be licensed under this article.

As added by P.L.147-1997, SEC.42.

IC 25-23.6-4-4 Violations; penalty

Sec. 4. An individual who violates this chapter after July 1, 1999, commits a Class A misdemeanor. *As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.43.*

IC 25-23.6-4-5 Display of license; contents of promotional Material

Sec. 5. An individual who is licensed as a social worker or clinical social worker shall:

(1) display the license or a clear copy of the license at each location where the social worker or clinical social worker regularly practices; and

(2) include the words "licensed social worker" or "licensed clinical social worker" or the letters "LSW" or "LCSW" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual.

As added by P.L.147-1997, SEC.44.

IC 25-23.6-4-6 Permitted testimony

Sec. 6. A social worker licensed under this article may provide factual testimony but may not provide expert testimony.

As added by P.L.147-1997, SEC.45.

INDIANA CODE § 25-23.6-4.5

Chapter 4.5. Mental Health Counselors; Unlawful Practices

IC 25-23.6-4.5-1 Unlawful practices

Sec. 1. An individual may not:

(1) profess to be a licensed mental health counselor;

(2) use the title:

(A) "licensed mental health counselor";

(B) "mental health counselor"; or

(C) "mental health therapist";

(3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed mental health counselor; or

(4) practice mental health counseling for compensation; unless the individual is licensed under this article, IC 25-22.5, or IC 25-33.

As added by P.L.147-1997, SEC.46.

IC 25-23.6-4.5-2 Exemptions

Sec. 2. (a) This article may not be construed to limit the mental health counseling services performed by a person who does not use a title specified in this article and who is one (1) of the following:

(1) A licensed or certified health care professional acting within the scope of the person's license or certificate.

(2) A student, an intern, or a trainee pursuing a course of study in medicine, psychology, or a course of study to gain licensure under this article in an accredited eligible postsecondary educational institution or training institution, or is a graduate accumulating experience required for licensure if:

(A) the services are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and

(B) the student or graduate uses a title that contains the term "intern" or "trainee".

(3) Not a resident of Indiana if the person performed the services in Indiana for not more than five (5) days in any one (1) month or fifteen (15) days within any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.

(5) An employee or a volunteer for an organization performing charitable, religious, or educational functions, providing pastoral counseling, or providing other assistance.

(6) A person who provides school counseling or a person who is certified by a state or national organization that is recognized by the Indiana division of mental health and addiction and who provides counseling in the areas of alcohol or drug abuse addictions.

(7) A governmental employee who remains in the same job classification or job family of that job classification.

(b) Nothing in this section prohibits a person referred to in subsection (a) from qualifying for licensure under this article.

As added by P.L.147-1997, SEC.46. Amended by P.L.244-1999, SEC.3; P.L.215-2001, SEC.103; P.L.2-2007, SEC.332.

IC 25-23.6-4.5-3 Display of license; contents of promotional Material

Sec. 3. An individual who is licensed as a mental health counselor shall:

- (1) display the license or a clear copy of the license at each location where the mental health counselor regularly practices; and
- (2) include the words "licensed mental health counselor" or the letters "LMHC" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual.

As added by P.L.147-1997, SEC.46.

IC 25-23.6-4.5-4 Violations; penalty

Sec. 4. An individual who violates this chapter after July 1, 1999, commits a Class A misdemeanor. *As added by P.L.147-1997, SEC.46.*

INDIANA CODE § 25-23.6-5

Chapter 5. Social Workers; Certification; Examinations

IC 25-23.6-5-1 Social worker license requirements

Sec. 1. An individual who applies for a license as a social worker must meet the following requirements:

- (1) Furnish satisfactory evidence to the board that the individual:
 - (A) has received at least a bachelor's degree in social work from:
 - (i) an eligible postsecondary educational institution that is accredited or approved for candidacy by the Council on Social Work Education or approved by the board; or
 - (ii) a foreign school that has a program of study that is approved by the Foreign Equivalency Determination Service of the Council on Social Work Education; and has completed two (2) years of experience in the practice of social work under the supervision of a licensed social worker, a licensed clinical social worker, or an equivalent supervisor, as determined by the board, after receiving the bachelor's degree; or
 - (B) has a master's degree in social work from:
 - (i) an eligible postsecondary educational institution approved by the board; or
 - (ii) a foreign school that has a program of study that is approved by the Foreign Equivalency Determination Service of the Council on Social Work Education.
- (2) Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.
- (3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a social worker without endangering the public.
- (4) Pass an examination provided by the board.
- (5) Pay the fee established by the board.

As added by P.L.186-1990, SEC.9. Amended by P.L.1-1994, SEC.126; P.L.255-1996, SEC.21; P.L.147-1997, SEC.47; P.L.2-2007, SEC.333.

IC 25-23.6-5-2 Clinical social worker license requirements

Sec. 2. An individual who applies for a license as a clinical social worker must meet the following requirements:

- (1) Furnish satisfactory evidence to the board that the individual has received:
 - (A) a doctoral degree in social work from an eligible postsecondary educational institution that at the time of graduation was accredited by an accrediting agency recognized by the United States Department of Education; or
 - (B) at least a master's degree in social work from:

(i) an eligible postsecondary educational institution accredited or approved for candidacy by the Council on Social Work Education; or

(ii) a foreign school that has a program of study accredited by the Canadian Association of Schools of Social Work or a program equivalent to a program approved by the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education. The graduate program under this subdivision must have emphasized direct clinical or client health services as provided under section 3.1 of this chapter.

- (2) Meet the clinical social work experience requirements under section 3.5 of this chapter.
- (3) Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.
- (4) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a social worker or clinical social worker without endangering the public.
- (5) Pass an examination provided by the board.
- (6) Pay a fee established by the board.

As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.41; P.L.255-1996, SEC.22; P.L.147-1997, SEC.48; P.L.2-2007, SEC.334.

IC 25-23.6-5-3 Repealed

(Repealed by P.L.147-1997, SEC.75.)

IC 25-23.6-5-3.1 Graduate program providing clinical experience

Sec. 3.1. (a) Except as provided in subsection (b), a graduate program is considered to have emphasized direct clinical patient or clinic health care services if the graduate program meets the following requirements:

- (1) Required coursework in clinical social work and related areas such as psychiatric social work, medical social work, social case work, case management, psychotherapy, group therapy, and any other coursework accepted by the board.
- (2) Required a supervised field placement that was part of the applicant's advanced concentration in direct practice, during which the applicant provided clinical services directly to clients.
- (3) Required completion of twenty-four (24) semester hours or thirty-seven (37) quarter hours of clinically oriented services courses in the theory and research of human behavior and social environment and practice methods. However, if the graduate degree was obtained before October 1, 1990, and the applicant submitted an application under section 3 of this chapter (before its repeal) before July 1, 1999, twenty-one (21) semester hours or thirty-one (31) quarter hours in clinically oriented services are required. Not more than six (6) semester hours or nine (9) quarter hours of the clinically oriented services courses may be from independent study coursework. If the applicant's transcript does not clearly identify the content of the coursework, the applicant shall submit a syllabus, a course catalog description, or other documentation that describes the coursework.

(b) An applicant who graduated from a graduate program that did not emphasize direct patient or client services may complete the clinical curriculum requirement by returning to a graduate program allowed under section 2(1)(B) of this chapter to complete the education requirements.

(c) Coursework that was taken at a baccalaureate level does not meet the requirements under this section unless an official of the graduate program certifies that the specific course, which a student enrolled in the same graduate program was ordinarily required to complete at the graduate level, was waived or exempted based on completion of a similar course at the baccalaureate level.

As added by P.L.147-1997, SEC.49.

IC 25-23.6-5-3.5 Clinical social work; requirements

Sec. 3.5. (a) The applicant for a license as a clinical social worker must have at least three (3) years of clinical social work experience. Two (2) years of the clinical social work experience must take place after receiving the graduate degree in social work under the supervision of a licensed clinical social worker or an equivalent supervisor, as determined by the board.

(b) If the applicant's graduate program did not emphasize direct clinical patient care or client health care services, the supervised clinical social work experience requirement must take place after the applicant has completed at least fifteen (15) semester hours or twenty-two (22) quarter hours of the required coursework.

(c) A doctoral internship may be applied toward the supervised clinical social work experience requirement.

(d) Except as provided in subsection (e), the clinical social work experience requirement may be met by work performed at or away from the premises of the supervising clinical social worker.

(e) The clinical social work requirement may not be performed away from the supervising clinical social worker's premises if:

- (1) the work is the independent private practice of clinical social work; and
- (2) the work is not performed at a place with the supervision of a licensed clinical social worker or an equivalent supervisor available, as determined by the board.

As added by P.L.147-1997, SEC.50.

IC 25-23.6-5-4 Examination; minimum requirements

Sec. 4. An individual who satisfies the requirements of section 1 or 2 of this chapter and section 3 of this chapter may take the examination provided by the board.

As added by P.L.186-1990, SEC.9.

IC 25-23.6-5-5 Examinations; time and place

Sec. 5. The board shall provide for examinations to be given at least once annually at times and places established by the board.

As added by P.L.186-1990, SEC.9.

IC 25-23.6-5-6 Issuance of license

Sec. 6. The board shall issue a license to an individual who:

- (1) achieves a passing score, as determined by the board, on the examination provided under this chapter; and
- (2) is otherwise qualified under this article.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.51.

IC 25-23.6-5-7 Repealed

(Repealed by P.L.33-1993, SEC.74.)

IC 25-23.6-5-8 Repealed

(Repealed by P.L.33-1993, SEC.74.)

IC 25-23.6-5-9 Duration of license; renewal

Sec. 9. (a) A license issued by the board is valid for the remainder of the renewal period in effect on the date the license was issued.

(b) An individual may renew a license by:

- (1) paying a renewal fee on or before the expiration date of the license; and
- (2) completing not less than twenty (20) hours of continuing education per licensure year.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a license, the license becomes invalid. *As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.52.*

IC 25-23.6-5-10 Reinstatement of invalid license

Sec. 10. (a) The board may reinstate an invalid license up to three (3) years after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a license expired, the individual holding the license may renew the license by satisfying the requirements for renewal established by the board and meeting the requirements under IC 25-1-8-6.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.53; P.L.269-2001, SEC.21.

IC 25-23.6-5-11 Temporary permit; requirements; expiration; Renewal

Sec. 11. (a) The board may issue a temporary permit to an individual to profess to be a social worker or clinical social worker if the individual pays a fee and the individual:

- (1) has a valid license or certificate to practice from another state and the individual has passed an examination substantially equivalent to the level for which licensure is being requested;
- (2) is practicing in a state that does not license or certify social workers or clinical social workers, but is certified by a national association approved by the board and the individual has applied for a license from the board; or
- (3) has been approved by the board to take the examination and has graduated from a school or program approved by the board and the individual has completed any experience requirement.

(b) A temporary permit expires the earlier of:

- (1) the date the individual holding the permit is issued a license under this article;
- (2) the date the board disapproves the individual's license application; or
- (3) one hundred eighty (180) days after the initial permit is issued.

(c) The board may renew a temporary permit if the individual holding the permit was scheduled to take the next examination and the individual:

- (1) did not take the examination; and
- (2) shows good cause for not taking the examination.

(d) A permit renewed under subsection (c) expires on the date the individual holding the permit receives the results from the next examination given after the permit was issued, and may not be extended if the applicant has failed the examination. *As added by P.L.186-1990, SEC.9. Amended by P.L.255-1996, SEC.23; P.L.147-1997, SEC.54.*

IC 25-23.6-5-12 Notification of retirement from practice

Sec. 12. (a) An individual who is licensed under this article shall notify the board in writing when the individual retires from practice.

(b) Upon receipt of the notice, the board shall:

- (1) record the fact the individual is retired; and
- (2) release the individual from further payment of renewal fees and continuing education requirements.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.55.

IC 25-23.6-5-13 Repealed

(Repealed by P.L.33-1993, SEC.74.)

IC 25-23.6-5-14 Exemption from examination requirement

Sec. 14. An individual who applies for a license under this article may be exempted by the board from the examination requirement under this chapter if the individual:

- (1) is licensed or certified to practice as a social worker or clinical social worker in another state and has passed an examination substantially equivalent to the level for which the individual is requesting licensure;

- (2) has engaged in the practice of social work or the practice of clinical social work for not less than three (3) of the previous five (5) years;
- (3) has passed a licensing examination substantially equivalent to the licensing examination under this article;
- (4) has passed an examination pertaining to the social work and clinical social work laws and rules of this state; and
- (5) has not committed any act or is not under investigation for any act that constitutes a violation of this article; and is otherwise qualified under section 1 or 2 of this chapter and section 3 of this chapter and pays an additional fee.

As added by P.L.186-1990, SEC.9. Amended by P.L.255-1996, SEC.24; P.L.147-1997, SEC.56.

IC 25-23.6-5-15 Repealed
(Repealed by P.L.33-1993, SEC.74.)

INDIANA CODE § 25-23.6-6

Chapter 6. Social Workers; Privileged Communications

IC 25-23.6-6-1 Matters related in official capacity; exceptions to privilege

Sec. 1. Matters communicated to a counselor in the counselor's official capacity by a client are privileged information and may not be disclosed by the counselor to any person, except under the following circumstances:

- (1) In a criminal proceeding involving a homicide if the disclosure relates directly to the fact or immediate circumstances of the homicide.
- (2) If the communication reveals the contemplation or commission of a crime or a serious harmful act.
- (3) If:
 - (A) the client is an unemancipated minor or an adult adjudicated to be incompetent; and
 - (B) the information communicated to the counselor indicates the client was the victim of abuse or a crime.
- (4) In a proceeding to determine mental competency, or a proceeding in which a defense of mental incompetency is raised.
- (5) In a civil or criminal malpractice action against the counselor.
- (6) If the counselor has the express consent of:
 - (A) the client; or
 - (B) in the case of a client's death or disability, the express consent of the client's legal representative.
- (7) To a physician if the physician is licensed under IC 25-22.5 and has established a physician-patient relationship with the client.
- (8) Circumstances under which privileged communication is abrogated under Indiana law.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.57.

INDIANA CODE § 25-23.6-7

Chapter 7. Mandatory Disclosure by Social Workers and Clinical Social Workers

IC 25-23.6-7-1 Application of chapter

Sec. 1. (a) This chapter applies to an individual licensed under this article.

- (b) This chapter does not apply to:
 - (1) physicians licensed under IC 25-22.5;
 - (2) nurses licensed under IC 25-23;
 - (3) psychologists licensed under IC 25-33; or

- (4) attorneys licensed to practice law in Indiana; when providing counseling services within the scope of practice for which they are licensed.

As added by P.L.186-1990, SEC.9. Amended by P.L.140-1993, SEC.5; P.L.147-1997, SEC.58.

IC 25-23.6-7-2 School counselors; application of chapter

Sec. 2. This chapter does not apply to school counselors who provide counseling services at the following:

- (1) An elementary or secondary school accredited by the state board of education.
- (2) A state educational institution.

As added by P.L.186-1990, SEC.9. Amended by P.L.2-2007, SEC.335.

IC 25-23.6-7-3 Pastoral counseling; application of chapter

Sec. 3. This chapter does not apply to a minister, a volunteer, or an employee of a nonprofit organization performing charitable, religious, or educational assistance or giving pastoral counseling.

As added by P.L.186-1990, SEC.9.

IC 25-23.6-7-4 "Counseling services" defined

Sec. 4. As used in this chapter, "counseling services" means evaluating, treating, or giving advice to, on a fee-for-services, prepaid, or other compensatory basis:

- (1) an individual with a mental, an emotional, or a substance abuse problem; or
- (2) an individual who seeks instruction in behavior modification, advice concerning interpersonal relationships, or advice concerning problems of daily living, including smoking habits, weight loss, and nutrition.

As added by P.L.186-1990, SEC.9.

IC 25-23.6-7-5 "Counselor" defined

Sec. 5. As used in this chapter, "counselor" means an individual licensed under this article who provides counseling services on a fee-for-services, prepaid, or other compensatory basis.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.59.

IC 25-23.6-7-6 Disclosure of counselor's educational background

Sec. 6. Before providing counseling services, a counselor shall disclose to the person to whom counseling services are provided the counselor's educational background in the field of counseling, including the following:

- (1) Whether the counselor has a degree in counseling or a related field.
- (2) The type of degree issued and the eligible postsecondary educational institution that issued the degree.

As added by P.L.186-1990, SEC.9. Amended by P.L.2-2007, SEC.336.

IC 25-23.6-7-7 Violations; penalty

Sec. 7. A person who violates section 6 of this chapter or who provides false information or documents under this chapter commits a Class A misdemeanor.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.60.

INDIANA CODE § 25-23.6-8

Chapter 8. Certification; Examinations

IC 25-23.6-8-1 Application; requirements

Sec. 1. An individual who applies for a license as a marriage and family therapist must meet the following requirements:

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

(A) received a master's or doctor's degree in marriage and family therapy, or in a related area as determined by the board from an eligible postsecondary educational institution that meets the requirements under section 2.1(a)(1) of this chapter or from a foreign school that has a program of study that meets the requirements under section 2.1(a)(2) or (2.1)(a)(3) of this chapter; and

(B) completed the educational requirements under section 2.5 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual has met the clinical experience requirements under section 2.7 of this chapter.

(3) Furnish satisfactory evidence to the board that the individual:

(A) holds a marriage and family therapist associate license, in good standing, issued under section 5 of this chapter; or

(B) is licensed or certified to practice as a marriage and family therapist in another state and is otherwise qualified under this chapter.

(4) Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

(5) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a marriage and family therapist without endangering the public.

(6) Pay the fee established by the board.

As added by P.L.186-1990, SEC.9. Amended by P.L.33-1993, SEC.42; P.L.147-1997, SEC.61; P.L.2-2007, SEC.337; P.L.134-2008, SEC.39.

IC 25-23.6-8-1.5

Sec. 1.5. An individual who applies for a license as a marriage and family therapist associate must meet the following requirements:

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

(A) received a master's or doctor's degree in marriage and family therapy, or in a related area as determined by the board from an institution of higher education that meets the requirements under section 2.1(a)(1) of this chapter or from a foreign school that has a program of study that meets the requirements under section 2.1(a)(2) or 2.1(a)(3) of this chapter; and

(B) completed the educational requirements under section 2.5 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a marriage and family therapist associate without endangering the public.

(4) Pay the fee established by the board.

(5) Pass an examination provided by the board.

As added by P.L.134-2008, SEC.40.

IC 25-23.6-8-2 Repealed

(Repealed by P.L.147-1997, SEC.75.)

IC 25-23.6-8-2.1 Requirements for institution attended by Applicant

(a) An applicant for a license as a marriage and family therapist under section 1 of this chapter or an applicant for a license as a marriage and family therapist associate under section 1.5 of this chapter must have received a master's or doctor's degree in marriage and family therapy, or in a related area as determined by the board, from an eligible

postsecondary educational institution that meets the following requirements:

(1) If the institution was located in the United States or a territory of the United States, at the time of the applicant's graduation the institution was accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

(2) If the institution was located in Canada, at the time of the applicant's graduation the institution was a member in good standing with the Association of Universities and Colleges of Canada.

(3) If the institution was located in a foreign country other than Canada, at the time of the applicant's graduation the institution:

(A) was recognized by the government of the country where the school was located as a program to train in the practice of marriage and family therapy or psychotherapy; and

(B) maintained a standard of training substantially equivalent to the standards of institutions accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

(b) An applicant for a license as a marriage and family therapist under section 1 of this chapter or an applicant for a license as a marriage and family therapist associate under section 1.5 of this chapter who has a master's or doctoral degree from a program that did not emphasize marriage and family therapy may complete the course work requirement from an institution that is:

(1) accredited by the Commission on Accreditation for Marriage and Family Therapy Education; and

(2) recognized by the United States Department of Education.

As added by P.L.147-1997, SEC.62. Amended by P.L.2-2007, SEC.338; P.L.134-2008, SEC.41.

IC 25-23.6-8-2.5 Educational requirements

Sec. 2.5. (a) An applicant for a license as a marriage and family therapist under section 1 of this chapter or an applicant for a license as a marriage and family therapist associate under section 1.5 of this chapter must complete the following educational requirements:

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

(A) Theoretical foundations of marriage and family therapy.

(B) Major models of marriage and family therapy.

(C) Individual development.

(D) Family development and family relationships.

(E) Clinical problems.

(F) Collaboration with other disciplines.

(G) Sexuality.

(H) Gender and sexual orientation.

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

(J) Therapy techniques.

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

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

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

(A) Legal, ethical, and professional standards issues in the practice of marriage and family therapy or an equivalent course approved by the board.

(B) Appraisal and assessment for individual or interpersonal disorder or dysfunction.

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

(A) The applicant provided five hundred (500) face to face client contact hours of marriage and family therapy services under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or a qualified supervisor approved by the board.

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

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

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

(1) Thesis or dissertation work.

(2) Practicums, internships, or fieldwork.

As added by P.L.147-1997, SEC.63. Amended by P.L.2-2007, SEC.339; P.L.134-2008, SEC.42.

IC 25-23.6-8-2.7 Clinical experience requirement

Sec. 2.7. (a) An applicant for a license as a marriage and family therapist under section 1 of this chapter must have at least two (2) years of clinical experience, during which at least fifty percent (50%) of the applicant's clients were receiving marriage and family therapy services. The applicant's clinical experience must include one thousand (1,000) hours of post degree clinical experience and two hundred (200) hours of post degree clinical supervision, of which one hundred (100) hours must be individual supervision, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or an equivalent supervisor, as determined by the board.

(b) Before an individual obtains any post degree clinical experience, the individual must be licensed as a marriage and family therapist associate under this chapter. When obtaining the clinical experience required under subsection (a), the applicant must provide direct individual, group, and family therapy and counseling to the following categories of cases:

(1) Unmarried couples.

(2) Married couples.

(3) Separating or divorcing couples.

(4) Family groups, including children.

(c) A doctoral internship may be applied toward the supervised work experience requirement.

(d) Except as provided in subsection (e), the experience requirement may be met by work performed at or away from the premises of the supervising marriage and family therapist.

(e) The work requirement may not be performed away from the supervising marriage and family therapist's premises if:

(1) the work is the independent private practice of marriage and family therapy; and

(2) the work is not performed at a place that has the supervision of a licensed marriage and family therapist or an equivalent supervisor, as determined by the board.

As added by P.L.147-1997, SEC.64. Amended by P.L.197-2007, SEC.85; P.L.134-2008, SEC.43.

IC 25-23.6-8-3 Examination; minimum requirements

Sec. 3. An individual who satisfies the requirements of sections 1.5(1) and 1.5(4) of this chapter may take the examination provided by the board.

As added by P.L.186-1990, SEC.9. Amended by P.L.134-2008, SEC.44.

IC 25-23.6-8-4 Examinations; times and places

Sec. 4. The board shall provide for examinations to be given at least once annually at times and places established by the board.

As added by P.L.186-1990, SEC.9.

IC 25-23.6-8-5 Issuance of license

Sec. 5. The board shall issue a marriage and family therapist license or marriage and family therapist associate license, as appropriate, to an individual who:

(1) achieves a passing score, as determined by the board, on the examination provided under this chapter; and

(2) is otherwise qualified under this article.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.65; P.L.134-2008, SEC.45.

IC 25-23.6-8-6 Repealed

(Repealed by P.L.33-1993, SEC.74.)

IC 25-23.6-8-7 Repealed

(Repealed by P.L.33-1993, SEC.74.)

IC 25-23.6-8-8 Duration of license; renewal

Sec. 8. (a) A marriage and family therapist license issued by the board is valid for the remainder of the renewal period in effect on the date the license was issued.

(b) An individual may renew a marriage and family therapist license by:

(1) paying a renewal fee on or before the expiration date of the license; and

(2) completing not less than fifteen (15) hours of continuing education each licensure year.

(c) If an individual fails to pay a renewal on or before the expiration date of a license, the license becomes invalid.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.66; P.L.134-2008, SEC.46.

IC 25-23.6-8-8.5

Sec. 8.5. (a) A marriage and family therapist associate license issued by the board is valid for the remainder of the renewal period in effect on the date the license was issued.

(b) An individual may renew a marriage and family therapist associate license two (2) times by:

(1) paying a renewal fee on or before the expiration date of the license; and

(2) completing at least fifteen (15) hours of continuing education each licensure year.

(c) The board may renew a marriage and family therapist associate license for additional periods based on circumstances determined by the board.

(d) If an individual fails to pay a renewal fee on or before the expiration date of a license, the license becomes invalid.

As added by P.L.134-2008, SEC.47.

IC 25-23.6-8-9 Reinstatement of invalid license

Sec. 9. (a) The board may reinstate an invalid marriage and family therapist license issued under section 5 of this chapter up to three (3) years after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a marriage and family therapist license expired, the individual holding the license may renew the license by satisfying the requirements for renewal established by the board and meeting the requirements under IC 25-1-8-6.

(c) The board may reinstate an invalid marriage and family therapist associate license issued under section 5 of this chapter up to one (1) year after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6. An associate license that has been expired for more than one (1) year may not be reinstated under IC 25-1-8-6.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.67; P.L.2-1998, SEC.68; P.L.269-2001, SEC.22; P.L.134-2008, SEC.48.

IC 25-23.6-8-10 Temporary permit; requirements; expiration; renewal

Sec. 10. (a) The board may issue a temporary permit to an individual to profess to be a marriage and family therapist if the individual pays a fee and the individual:

- (1) has a valid license or certificate to practice from another state and the individual has applied for a license from the board;
- (2) is practicing in a state that does not license or certify marriage and family therapists, but is certified by a national association approved by the board and the individual has applied for a license from the board; or
- (3) has been approved by the board to take the examination and has graduated from a school or program approved by the board and the individual has completed any experience requirement.

(b) A temporary permit expires the earlier of:

- (1) the date the individual holding the permit is issued a license under this article;
- (2) the date the board disapproves the individual's license application; or
- (3) one hundred eighty (180) days after the initial permit is issued.

(c) The board may renew a temporary permit if the individual holding the permit was scheduled to take the next examination and the individual:

- (1) did not take the examination; and
- (2) shows good cause for not taking the examination.

(d) A permit renewed under subsection (c) expires on the date the individual holding the permit receives the results from the next examination given after the permit was issued.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.68.

IC 25-23.6-8-11 Notification of retirement from practice

Sec. 11. (a) An individual who is licensed as a marriage and family therapist under this chapter shall notify the board in writing when the individual retires from practice.

(b) Upon receipt of the notice, the board shall:

- (1) record the fact the individual is retired; and
- (2) release the individual from further payment of renewal fees and continuing education requirements.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.69; P.L.134-2008, SEC. 49.

IC 25-23.6-8-12 Repealed

(Repealed by P.L.33-1993, SEC.74.)

IC 25-23.6-8-13 Exemption from examination requirement

Sec. 13. (a) An individual who applies for a marriage and family therapist license under section 1 of this chapter may be exempted by the board from the examination requirement under this chapter if the individual:

- (1) complies with subsection (b); and

(2) is licensed or certified to practice as a marriage and family therapist in another state or has engaged in the practice of marriage and family therapy for at least three (3) of the previous five (5) years.
(b) An individual may be exempted under subsection (a) if the individual:

- (1) has passed a licensing examination substantially equivalent to the licensing examination required under this article;
- (2) has passed an examination pertaining to the marriage and family therapy laws and rules of this state; and
- (3) has not committed any act or is not under investigation for any act that constitutes a violation of this article;

and is otherwise qualified under section 1 of this chapter and pays an additional fee.

As added by P.L.186-1990, SEC.9. Amended by P.L.147-1997, SEC.70; P.L.134-2008, SEC.50.

IC 25-23.6-8-14 Repealed

(Repealed by P.L.33-1993, SEC.74.)

INDIANA CODE § 25-23.6-8.5

Chapter 8.5. Mental Health Counselors

IC 25-23.6-8.5-1 Application; requirements

Sec. 1. An individual who applies for a license as a mental health counselor must meet the following requirements:

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

- (A) received a master's or doctor's degree in an area related to mental health counseling from:
 - (i) an eligible postsecondary educational institution that meets the requirements under section 2 of this chapter; or
 - (ii) a foreign school that has a program of study that meets the requirements under section 2 of this chapter;
- (B) completed the educational requirements under section 3 of this chapter; and
- (C) completed the experience requirements under section 4 of this chapter.

(2) Furnish satisfactory evidence to the board that the individual does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently.

(3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a mental health counselor without endangering the public.

(4) Pass an examination provided by the board.

(5) Pay the fee established by the board.

As added by P.L.147-1997, SEC.71. Amended by P.L.2-2007, SEC.340.

IC 25-23.6-8.5-2 Requirements for institution attended by applicant

Sec. 2. An applicant under section 1 of this chapter must have received a master's or doctor's degree in an area related to mental health counseling from an eligible postsecondary educational institution that meets the following requirements:

- (1) If the institution was located in the United States or a territory of the United States, at the time of the applicant's graduation the institution was accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.
- (2) If the institution was located in Canada, at the time of the applicant's graduation the institution was a member in good standing with the Association of Universities and Colleges of Canada.
- (3) If the institution was located in a foreign country other than Canada, at the time of the applicant's graduation the institution:

- (A) was recognized by the government of the country where the school was located as a program to train in the practice of mental health counseling or psychotherapy counseling; and
- (B) maintained a standard of training substantially equivalent to the standards of institutions accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

As added by P.L.147-1997, SEC.71. Amended by P.L.2-2007, SEC.341.

IC 25-23.6-8.5-3 Educational requirements

Sec. 3. An applicant under section 1 of this chapter must complete the following educational requirements:

- (1) Complete sixty (60) semester hours of graduate course work in counseling that must include either a master's degree that required not less than forty-eight (48) semester hours or a doctor's degree in counseling. The graduate course work must include the following content areas:

- (A) Human growth and development.
- (B) Social and cultural foundations of counseling.
- (C) Helping relationship, including counseling theory and practice.
- (D) Group dynamics, processes, counseling, and consultation.
- (E) Lifestyle and career development.
- (F) Assessment and appraisal of individuals.
- (G) Research and program evaluation.
- (H) Professional orientation and ethics.
- (I) Foundations of mental health counseling.
- (J) Contextual dimensions of mental health counseling.
- (K) Knowledge and skills for the practice of mental health counseling and psychotherapy.
- (L) Clinical instruction.

- (2) Not less than one (1) supervised clinical practicum, internship, or field experience in a counseling setting, which must include a minimum of one thousand (1,000) clock hours consisting of one (1) practicum of one hundred (100) hours, one (1) internship of six hundred (600) hours, and one (1) advanced internship of three hundred (300) hours with at least one hundred (100) hours of face to face supervision. This requirement may be met by a supervised practice experience that took place away from an eligible postsecondary educational institution but that is certified by an official of the eligible postsecondary educational institution as being equivalent to a clinical mental health graduate level practicum or internship program at an institution accredited by an accrediting agency approved by the United States Department of Education or the Association of Universities and Colleges of Canada.

As added by P.L.147-1997, SEC.71. Amended by P.L.2-2007, SEC.342.

IC 25-23.6-8.5-4 Clinical experience requirements

Sec. 4. (a) The applicant must have at least three thousand (3,000) hours of post-graduate clinical experience over a two (2) year period. The clinical experience must consist of one hundred (100) hours of face to face supervision under the supervision of a licensed mental health counselor or an equivalent supervisor, as determined by the board.

(b) A doctoral internship may be applied toward the supervised work experience requirement.

(c) Except as provided in subsection (d), the clinical experience requirement may be met by work performed at or away from the premises of the supervising mental health counselor.

(d) The clinical work requirement may not be performed away from the supervising mental health counselor's premises if:

- (1) the work is the independent private practice of mental health counseling; and
- (2) the work is not performed at a place that has the supervision of a licensed mental health counselor or an equivalent supervisor, as determined by the board.

As added by P.L.147-1997, SEC.71.

IC 25-23.6-8.5-5 Eligibility for examination

Sec. 5. An individual who satisfies the requirements of sections 1 and 2 of this chapter may take the examination provided by the board.

As added by P.L.147-1997, SEC.71.

IC 25-23.6-8.5-6 Examination; times and places

Sec. 6. The board shall provide for examinations to be given at least once each year at times and places established by the board. *As added by P.L.147-1997, SEC.71.*

IC 25-23.6-8.5-7 Issuance of license

Sec. 7. The board shall issue a license to an individual who:

- (1) achieves a passing score, as determined by the board, on the examination provided under this chapter; and
- (2) is otherwise qualified under this article.

As added by P.L.147-1997, SEC.71.

IC 25-23.6-8.5-8 Duration of license; renewal

Sec. 8. (a) A license issued by the board is valid for the remainder of the renewal period in effect on the date the certificate was issued.

(b) An individual may renew a license by:

- (1) paying a renewal fee on or before the expiration date of the license; and
- (2) completing at least twenty (20) hours of continuing education per licensure year.

(c) If an individual fails to pay a renewal on or before the expiration date of a license, the license becomes invalid.

As added by P.L.147-1997, SEC.71.

IC 25-23.6-8.5-9 Reinstatement of invalid license

Sec. 9. (a) The board may reinstate an invalid license up to three (3) years after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a license expired, the individual holding the license may reinstate the invalid license by satisfying the requirements for reinstatement established by the board and meeting the requirements under IC 25-1-8-6.

As added by P.L.147-1997, SEC.71. Amended by P.L.269-2001, SEC.23.

IC 25-23.6-8.5-10 Temporary permit

Sec. 10. (a) The board may issue a temporary permit to an individual to profess to be a mental health counselor if the individual pays a fee and the individual:

- (1) has a valid license or certificate to practice from another state and the individual has applied for a license from the board;
- (2) is practicing in a state that does not license or certify mental health counselors, but is certified by a national association approved by the board and the individual has applied for a license from the board; or
- (3) has been approved by the board to take the examination and has graduated from a school or program approved by the board and the individual has completed any experience requirement.

(b) A temporary permit expires the earlier of:

- (1) the date the individual holding the permit is issued a license under this article; or
- (2) the date the board disapproves the individual's license application.

(c) The board may renew a temporary permit if the individual holding the permit was scheduled to take the next examination and the individual:

- (1) did not take the examination; and
- (2) shows good cause for not taking the examination.

(d) A permit renewed under subsection (c) expires on the date the individual holding the permit receives the results from the next examination given after the permit was issued.

As added by P.L.147-1997, SEC.71.

IC 25-23.6-8.5-11 Notification of retirement from practice

Sec. 11. (a) An individual who is licensed under this article shall notify the board in writing when the individual retires from practice.

(b) Upon receipt of the notice, the board shall:

- (1) record the fact the individual is retired; and
- (2) release the individual from further payment of renewal fees and continuing education requirements.

As added by P.L.147-1997, SEC.71.

IC 25-23.6-8.5-12 Exemption from examination requirement

Sec. 12. An individual who applies for a license under this article may be exempted by the board from the examination requirement under this chapter if the individual:

- (1) is licensed or certified to practice as a mental health counselor in another state; or
- (2) has engaged in the practice of mental health counseling for not less than three (3) of the previous five (5) years;
- (3) has passed a licensing examination substantially equivalent to the licensing examination required under this article;
- (4) has passed an examination pertaining to the mental health counseling laws and rules of this state; and
- (5) has not committed any act or is not under investigation for any act that constitutes a violation of this article;

and is otherwise qualified under sections 1 and 2 of this chapter and pays an additional fee.

As added by P.L.147-1997, SEC.71.

INDIANA CODE § 25-23.6-9

Chapter 9. Marriage and Family Therapist; Privileged Communications (*Repealed*)

INDIANA CODE § 25-23.6-10

Chapter 10. Repealed

INDIANA CODE § 25-23.6-11

Chapter 11. Prohibited Practices

IC 25-23.6-11-1 Description of services

Sec. 1. (a) Except for an individual who is licensed under IC 25-22.5, licensed under IC 25-33, is an advanced practice nurse (as defined by IC 25-23-1-1(b)), or licensed under this article, and who uses the terms within the scope of the individual's education, training, and licensure, an individual may not knowingly describe services the individual performs using the following terms:

- (A) "Psychotherapy".
- (B) "Clinical psychology".

(b) An individual who violates this section commits a Class A misdemeanor.

As added by P.L.147-1997, SEC.72.

IC 25-23.6-11-2 Use of license

Sec. 2. (a) An individual may not knowingly use a license issued under this article unless:

(1) the license was issued to the individual; and

(2) the license is valid.

(b) An individual who violates this section commits a Class A misdemeanor.

As added by P.L.147-1997, SEC.72.

IC 25-23.6-11-3 False or forge information to obtain license

Sec. 3. (a) An individual may not knowingly present false or forged information or documents to the board for the purpose of obtaining a license under this article.

(b) An individual who violates this section commits a Class A misdemeanor.

As added by P.L.147-1997, SEC.72.

Non-Code Provision

P.L.134-2008, SECTION 52

(a) The social worker, marriage and family therapist, and mental health counselor board established by IC 25-23.6-2-1 shall adopt emergency rules under IC 4-22-2-37.1 to implement the provisions of the marriage and family therapist associate license provisions added to IC 25-23.6 by this act.

(b) This SECTION expires July 1, 2009.

INDIANA CODE § 25-1

ARTICLE 1. GENERAL PROVISIONS

INDIANA CODE § 25-1-1

Chapter 1. Evidence of License Applicant's Payment of Personal Property Taxes Required

IC 25-1-1-1 Issuance of license; evidence of payment of personal property tax

Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana.

(Formerly: Acts 1931, c.124, s.1; Acts 1941, c.61, s.1; Acts 1943, c.124, s.1; Acts 1953, c.208, s.1.) As amended by Acts 1978, P.L.2, SEC.2501.

IC 25-1-1-2 License defined

Sec. 2. The term "license" as used in this chapter shall be construed to mean and include motor vehicle registration licenses, certificates of title showing the ownership of any motor vehicle, except those classed as passenger vehicles.

(Formerly: Acts 1931, c.124, s.2; Acts 1972, P.L.183, SEC.1.)

IC 25-1-1-3 Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

IC 25-1-1-4 Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

INDIANA CODE § 25-1-1.1

Chapter 1.1. Effect of Criminal Convictions on Licensed or Registered Persons

IC 25-1-1.1-1 Denial, revocation, or suspension of license or certificate of registration; conviction of crime

Sec. 1. Except as provided under sections 2 through 3 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(Formerly: Acts 1973, P.L.249, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2502; P.L.67-1990, SEC.6.

IC 25-1-1.1-2 Suspension or revocation of license or certificate; conviction for drug related offense

Sec. 2. A board, a commission, or a committee may suspend or revoke a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- (9) Maintaining a common nuisance under IC 35-48-4-13.
- (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
- (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

As added by P.L.67-1990, SEC.7. Amended by P.L.1-1991, SEC.162; P.L.17-2001, SEC.5; P.L.151-2006, SEC.10.

IC 25-1-1.1-3 Suspension or revocation of license or certificate; conviction for additional drug related offenses

Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
- (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
- (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).
- (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).
- (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

INDIANA CODE § 25-1-1.2

Chapter 1.2. Effect of Delinquency in Child Support Payments on Licensed or Registered Persons

IC 25-1-1.2-1 "Applicant" defined

Sec. 1. As used in this chapter, "applicant" means a person who applies for:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L.133-1995, SEC.19.

IC 25-1-1.2-2 "Board" defined

Sec. 2. As used in this chapter, "board" means an entity that regulates occupations or professions under this title and the department of education established by IC 20-19-3-1.

As added by P.L.133-1995, SEC.19. Amended by P.L. 1-2005, SEC. 191; P.L. 246-2005, SEC. 210.

IC 25-1-1.2-3 "Bureau" defined

Sec. 3. As used in this chapter, "bureau" means the child support bureau established by IC 31-25-3-1.

As added by P.L.133-1995, SEC.19. Amended by P.L.145-2006, SEC.157.

IC 25-1-1.2-4 "Delinquent" defined

Sec. 4. As used in this chapter, "delinquent" means at least:

- (1) two thousand dollars (\$2,000); or
- (2) three (3) months;

past due on payment of court ordered child support.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.18.

IC 25-1-1.2-5 "License" defined

Sec. 5. As used in this chapter, "license" has the meaning set forth in IC 25-1-2-6.

As added by P.L.133-1995, SEC.19.

IC 25-1-1.2-6 "Practitioner" defined

Sec. 6. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L.133-1995, SEC.19.

IC 25-1-1.2-7 Order for suspension or denial of license; notice to practitioner; contents; reinstatement

Sec. 7. (a) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall:

- (1) suspend the license of the practitioner; or
- (2) deny the application of the applicant;

who is the subject of the order.

(b) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.

(2) That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.

(c) The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.19; P.L.1-1997, SEC.109.

IC 25-1-1.2-8 Notice of delinquency; contents; delinquency finding; probationary status; suspension; reinstatement

Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 31-25-4-32(e), send a notice to the practitioner identified by the bureau that includes the following:

(1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.

(2) Describes the amount of child support that the practitioner is in arrears.

(3) Explains that unless the practitioner contacts the bureau and:

(A) pays the practitioner's child support arrearage in full;

(B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under

IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.

(4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.

(6) Explains the procedures to:

(A) pay the practitioner's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

(C) request a hearing under IC 31-25-4-33.

(7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:

(A) paid the practitioner's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

(1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is

mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:

- (A) paid the person's child support arrearage in full; or
- (B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

- (A) pay the person's child support arrearage in full; or
- (B) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

- (1) pay the person's child support arrearage in full; or
- (2) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

- (1) paid the person's child support arrearage in full; or
- (2) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.20; P.L.1-1997, SEC.110; P.L.145-2006, SEC.158; P.L.103-2007, SEC.7.

IC 25-1-1.2-9 Repealed

(Repealed by P.L.23-1996, SEC.33.)

IC 25-1-1.2-10 Repealed

(Repealed by P.L.23-1996, SEC.33.)

INDIANA CODE § 25-1-2

Chapter 2. Renewal of Licenses Granted by State Agencies. Notice of Expiration

IC 25-1-2-1 Declaration of intent

Sec. 1. It is the declared intent of the general assembly by the enactment of this law to require those agencies which are authorized to issue the licenses designated in section 2.1 of this chapter, in the interests of efficiency and economy in the administration of government, to issue such designated permits, licenses, certificates of registration, and other evidences of compliance with statute or regulation, and renewals thereof, for periods of two (2) years duration rather than upon an annual basis, and at the time of issuance or reissuance, or at the time designated by law for the collection of fees therefore, to require the payment of such fees for a period of two (2) years rather than for one (1) year.

(Formerly: Acts 1961, c.79, s.1.) As amended by P.L.1-1990, SEC.246.

IC 25-1-2-2 Repealed

(Repealed by P.L.1-1990, SEC.247.)

IC 25-1-2-2.1 Two year or longer period for certain licenses

Sec. 2.1. Rather than being issued annually, the following permits,

licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Hypnotists.
- (28) Athlete agents.
- (29) Manufactured home installers.
- (30) Home inspectors.
- (31) Massage therapists.

As added by P.L.1-1990, SEC.248. Amended by P.L.186-1990, SEC.1; P.L.183-1991, SEC.1; P.L.182-1991, SEC.2; P.L.25-1992, SEC.26; P.L.227-1993, SEC.2; P.L.124-1994, SEC.1; P.L.234-1995, SEC.1; P.L.175-1997, SEC.2; P.L.147-1997, SEC.5; P.L.84-1998, SEC.1; P.L.54-2001, SEC.3; P.L.162-2002, SEC.1; P.L.145-2003, SEC.1; P.L.87-2005, SEC.31; P.L.200-2007, SEC.2; P.L.3-2008, SEC.175.

IC 25-1-2-3 Authorization to issue and reissue two year licenses

Sec. 3. Effective October 1, 1961, such licensing agencies as are authorized to issue any of the foregoing shall issue and reissue such licenses and collect the fees for the same on the basis of two (2) years and the dates by month and day which govern the issuance or reissuance of licenses for one (1) year shall govern the issuance or reissuance of licenses for two (2) years; provided, that entire fees for a two (2) year period shall be payable before issuance thereof on the day and month designated for payment of fees for one (1) year licenses. *(Formerly: Acts 1961, c.79, s.3.) As amended by Acts 1982, P.L.154, SEC.1.*

IC 25-1-2-4 Rebates and proration of fees

Sec. 4. Rebates and proration of fees for fractions of a biennium shall be allowed only with respect to the second year of such license if claim be made therefor before the expiration of the first year for which the license was issued.

(Formerly: Acts 1961, c.79, s.4.)

IC 25-1-2-5 Rules and regulations

Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem necessary in the manner prescribed by law.

(Formerly: Acts 1961, c.79, s.5.) As amended by Acts 1982, P.L.154, SEC.2.

IC 25-1-2-6 Definitions; application of section; notice to licensee of need to renew

Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private investigator and security guard licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State boxing commission.
- (27) Board of chiropractic examiners.
- (28) Mining board.
- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.
- (32) Respiratory care committee.
- (33) Occupational therapy committee.
- (34) Social worker, marriage and family therapist, and mental health counselor board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.
- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) Attorney general (only for the regulation of athlete agents).
- (41) Manufactured home installer licensing board.
- (42) Home inspectors licensing board.
- (43) State board of massage therapy.

(44) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

As added by Acts 1981, P.L.221, SEC.1. Amended by P.L.137-1985, SEC.5; P.L.246-1985, SEC.13; P.L.169-1985, SEC.22; P.L.149-1987, SEC.17; P.L.5-1988, SEC.132; P.L.28-1988, SEC.73; P.L.242-1989, SEC.4; P.L.234-1989, SEC.1; P.L.238-1989, SEC.4; P.L.186-1990, SEC.2; P.L.183-1991, SEC.2; P.L.23-1991, SEC.7; P.L.48-1991, SEC.12; P.L.2-1992, SEC.765; P.L.227-1993, SEC.3; P.L.33-1993, SEC.9; P.L.124-1994, SEC.2; P.L.175-1997, SEC.3; P.L.125-1997, SEC.17; P.L.147-1997, SEC.6; P.L.253-1997(ss), SEC.22; P.L.24-1999, SEC.2; P.L.82-2000, SEC.2; P.L.54-2001, SEC.4; P.L.162-2002, SEC.2; P.L.145-2003, SEC.2; P.L.185-2007, SEC.1; P.L.200-2007, SEC.3; P.L.3-2008, SEC.176.

IC 25-1-2-7 Application of IC 25-1-2-6

Sec. 7. Section 6 of this chapter applies to the mining board (IC 22-10-1.5-2).

As added by P.L.37-1985, SEC.56.

IC 25-1-2-8 Application of chapter; fees

Sec. 8. This chapter applies to the imposition and collection of fees under the following:

- IC 14-24-10
- IC 16-19-5-2
- IC 25-30-1-17
- IC 33-42-2-1.

As added by P.L.5-1988, SEC.133. Amended by P.L.2-1993, SEC.135; P.L.1-1995, SEC.69; P.L.98-2004, SEC.98.

IC 25-1-2-9 Repealed

(Repealed by P.L. 194-2005, SEC. 87.)

INDIANA CODE § 25-1-3

Chapter 3. Civil Immunity of Regulatory Agencies

IC 25-1-3-1 Definitions

Sec. 1. (a) As used in this chapter, the term "regulatory board" means any state board, commission, or state agency which licenses persons in order to regulate the practice of a particular profession or professions.

(b) As used in this chapter, the term "board members" means members of a regulatory board.

(c) As used in this chapter, the term "secretary" means the executive secretary or other person charged with the administration of the affairs of a regulatory board.

(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-2 Extent of immunity from civil liability

Sec. 2. The board members, the secretary, his staff, counsel, investigators and hearing officer of every regulatory board, except as provided in section 4 of this chapter, shall be immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties. This section shall not be construed to include civil actions for damages not directly related to the investigative process and shall

apply only to the process for the finding of fact of the regulatory board.
(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-3 Immunity from civil liability; statements in course of investigatory hearing or review proceedings

Sec. 3. Any person shall be immune from civil liability for damages for any sworn or written statements, made without malice, and transmitted to the regulatory board, executive secretary, or his staff, or made in the course of investigatory, hearing or review proceedings.
(Formerly: Acts 1975, P.L.268, SEC.1.)

IC 25-1-3-4 Regulatory boards covered

Sec. 4. The provisions of this chapter extend to every regulatory board of the state except the disciplinary commission of the supreme court of Indiana which is protected under IC 1971, 33-2-3-1.
(Formerly: Acts 1975, P.L.268, SEC.1.)

INDIANA CODE § 25-1-4

Chapter 4. Continuing Education

IC 25-1-4-0.2 "Approved organization" defined

Sec. 0.2. As used in this chapter, "approved organization" refers to the following:

- (1) United States Department of Education.
- (2) Council on Post-Secondary Education.
- (3) Joint Commission on Accreditation of Hospitals.
- (4) Joint Commission on Healthcare Organizations.
- (5) Federal, state, and local government agencies.
- (6) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.
- (7) A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title.
- (8) A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (7).
- (9) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).
- (10) Any other organization or individual approved by the board.

As added by P.L.157-2006, SEC.10. Amended by P.L.2-2008, SEC.51.

IC 25-1-4-0.3 "Board" defined

Sec. 0.3. As used in section 3 of this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32).
- (13) State board of funeral and cemetery service (IC 25-15-9).

- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27-1).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 25-38.1-2).

As added by P.L.269-2001, SEC.2. Amended by P.L.157-2006, SEC.11; P.L.185-2007, SEC.2; P.L.2-2008, SEC.52.

IC 25-1-4-0.5 "Continuing education" defined

Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction:

- (1) that is approved by:
 - (A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or
 - (B) for a real estate appraiser:
 - (i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or
 - (ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and
- (2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

As added by P.L.157-2006, SEC.12. Amended by P.L.57-2007, SEC.1.

IC 25-1-4-0.6 "Practitioner" defined

Sec. 0.6. As used in section 3 of this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the profession in question.

As added by P.L.269-2001, SEC.3.

IC 25-1-4-1 Requirement

Sec. 1. No board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may require continuing education

as a condition of certification, registration, or licensure unless so specifically authorized or mandated by statute.

As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.53.

IC 25-1-4-2 Promotion

Sec. 2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 may cooperate with members of the profession or occupation it regulates to promote continuing education within the profession or occupation.

As added by Acts 1981, P.L.222, SEC.1. Amended by P.L.2-2008, SEC.54.

IC 25-1-4-3 Sworn statements of compliance; retention of copies of certificates of completion; audits

Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:

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

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

(b) Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

As added by P.L.269-2001, SEC.4. Amended by P.L.157-2006, SEC.13.

IC 25-1-4-3.2 Distance learning methods

Sec. 3.2. A board or agency regulating a profession or occupation under this title or under IC 16 or IC 22 shall require that at least one-half (1/2) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses, chiropractors, optometrists and dentists.

As added by P.L.227-2001, SEC.1. Amended by P.L.2-2008, SEC.55.

IC 25-1-4-4 Hardship waiver

Sec. 4. A board, a commission, a committee, or an agency regulating a profession or an occupation under this title or under IC 16 or IC 22 may grant an applicant a waiver from all or part of the continuing education requirement for a renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following:

(1) Service in the armed forces of the United States during a substantial part of the renewal period.

(2) An incapacitating illness or injury.

(3) Other circumstances determined by the board or agency.

As added by P.L.88-2004, SEC.1. Amended by P.L.2-2008, SEC.56.

IC 25-1-4-5 Failure to comply; license suspension; penalties; reinstatement requirements

Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter or IC 25-1-8-6 at the time that the practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board shall do the following:

(1) Send the practitioner notice of noncompliance by certified mail.

(2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).

(3) For license renewal, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon receipt of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

(1) If the practitioner believes that the practitioner has complied with this chapter or IC 25-1-8-6, if applicable, within twenty-one (21) days of receipt of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.

(2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of receipt of the notice.

(B) Acquire, within six (6) months after receiving the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend or refuse to reinstate the license of the practitioner and send notice of the suspension or refusal to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).

(e) The board shall:

(1) reinstate a practitioner's license; or

(2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) or IC 25-1-8-6, if applicable.

As added by P.L.157-2006, SEC.14. Amended by P.L.197-2007, SEC.17.

IC 25-1-4-6 Failure to comply; denial of license renewal; penalties

Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter or IC 25-1-8-6, if applicable, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

(1) Provide the practitioner notice of noncompliance by certified mail.

(2) Deny the practitioner's application for license renewal or reinstatement.

(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

(1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars (\$1,000).

(2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.

(3) The practitioner otherwise complies with this chapter.

As added by P.L.157-2006, SEC.15. Amended by P.L.197-2007, SEC.18.

IC 25-1-4-7 Credit Hours

Sec. 7. Credit hours acquired by a practitioner under section 5(b)(2) or 6(b)(2) of this chapter may not apply to the practitioner's credit hour requirement for the license period in which the credit hours are acquired.

As added by P.L.157-2006, SEC.16.

IC 25-1-4-8 Rules

Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.157-2006, SEC.17.

INDIANA CODE § 25-1-5

Chapter 5. Professional Licensing Agency

IC 25-1-5-1 Centralization of staff, functions, and services; purpose

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the Indiana professional licensing agency's ability to:

- (1) make maximum use of data processing as a means of more efficient operation; and
- (2) provide more services and carry out functions of superior quality.

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.23; P.L. 206-2005, SEC. 1.

IC 25-1-5-2 Definitions

Sec. 2. As used in this chapter:

- (1) "Agency" means the Indiana professional licensing agency established by section 3 of this chapter.
- (2) "Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

As added by Acts 1981, P.L. 222, SEC. 2. Amended by P.L. 206-2005, SEC. 2.

IC 25-1-5-3 Indiana professional licensing agency; functions, duties, and responsibilities

Sec. 3. (a) There is established the Indiana professional licensing agency. The agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 25-38.1-2).
- (13) Controlled substances advisory committee (IC 35-48-2-1).
- (14) Committee of hearing aid dealer examiners (IC 25-20).
- (15) Indiana physical therapy committee (IC 25-27).
- (16) Respiratory care committee (IC 25-34.5).
- (17) Occupational therapy committee (IC 25-23.5).
- (18) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (19) Physician assistant committee (IC 25-27.5).
- (20) Indiana athletic trainers board (IC 25-5.1-2-1).
- (21) Indiana dietitians certification board (IC 25-14.5-2-1).
- (22) Indiana hypnotist committee (IC 25-20.5-1-7).

(b) Nothing in this chapter may be construed to give the agency policy making authority, which authority remains with each board.

As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.8; P.L.137-1985, SEC.6; P.L.169-1985, SEC.24; P.L.149-1987, SEC.18; P.L.242-1989, SEC.5; P.L.238-1989, SEC.5; P.L.186-

1990, SEC.3; P.L.48-1991, SEC.13; P.L.227-1993, SEC.4; P.L.213-1993, SEC.1; P.L.33-1993, SEC.10; P.L.124-1994, SEC.3; P.L.175-1997, SEC.4; P.L.147-1997, SEC.7; P.L.84-1998, SEC.2; P.L.24-1999, SEC.3; P.L. 206-2005, SEC. 3; P.L.2-2008, SEC.57.

IC 25-1-5-4 Additional duties and functions; staff

Sec. 4. (a) The agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal.

(b) In addition the agency:

- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
- (3) may consolidate, where feasible, office space, recordkeeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the agency shall send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the agency, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the agency, the license or certificate is renewed within forty-five (45) days after receipt of the notice.

(d) In administering an examination for licensure or certification, the agency shall make the appropriate application forms available at least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

(e) The agency may require an applicant for license renewal to submit evidence proving that:

- (1) the applicant continues to meet the minimum requirements for licensure; and
- (2) the applicant is not in violation of:
 - (A) the statute regulating the applicant's profession; or
 - (B) rules adopted by the board regulating the applicant's profession.

(f) The agency shall process an application for renewal of a license or certificate:

- (1) not later than ten (10) days after the agency receives all required forms and evidence; or
- (2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the agency with all required forms and evidence.

This subsection does not require the agency to issue a renewal license or certificate to an applicant if subsection (g) applies.

(g) The agency may delay issuing a license renewal for up to ninety (90) days after the renewal date for the purpose of permitting the board to investigate information received by the agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the agency delays issuing a license renewal, the agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (h), before the end of the ninety (90) day period, the board shall do one (1) of the following:

(1) Deny the license renewal following a personal appearance by the applicant before the board.

(2) Issue the license renewal upon satisfaction of all other conditions for renewal.

(3) Issue the license renewal and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of IC 25-1-9-4 by the applicant.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under IC 25-1-9-9.

(h) If an individual fails to appear before the board under subsection (g), the board may take action on the applicant's license allowed under subsection (g)(1), (g)(2) or (g)(3).

(i) If the board makes a request under subsection (g)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4. If the office of the attorney general files a petition, the board shall set the matter for a hearing. If, after the hearing, the board finds the practitioner violated IC 25-1-9-4, the board may impose sanctions under IC 25-1-9-9. The board may delay issuing the renewal beyond the ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under IC 25-1-9-10.

(j) The license of the applicant for a license renewal remains valid during the ninety (90) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license shall be automatically renewed at the end of the ninety (90) day period.

(k) Notwithstanding any other statute, the agency may stagger license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the agency must obtain the approval of the affected board or committee.

(l) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.
As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.25; P.L.149-1987, SEC.19; P.L.22-1999, SEC.1; P.L.44-2000, SEC.1; P.L.75-2002, SEC.1; P.L. 206-2005, SEC. 4.

IC 25-1-5-5 Executive Director

Sec. 5. (a) The agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the agency and is responsible for hiring of all staff, and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the agency are subject to IC 4-15-1.8 but are not under

IC 4-15-2. The executive director may appoint not to exceed three (3) deputy directors, who must be qualified to work for the boards which are served by the agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the agency. The costs of any such bonds shall be paid from funds available to the agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) The executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of a board or committee when requested to do so by the board or committee.

(h) The executive director or the executive director's designee may, upon request of a board or committee, provide advice and technical assistance on issues that may be presented to the boards or committees.
As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.9; P.L.169-1985, SEC.26; P.L.149-1987, SEC.20; P.L.48-1991, SEC.14; P.L.49-1997, SEC.63; P.L. 206-2005, SEC. 5.

IC 25-1-5-6 Executive director; representatives; staff placement

Sec. 6. (a) The executive director may designate certain employees of the agency to represent the executive director of the agency at the board meetings, proceedings, or other activities of the board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.27; P.L. 206-2005, SEC. 6.

IC 25-1-5-7 Repealed

(Repealed by P.L.186-1990, SEC.17.)

IC 25-1-5-8 Repealed

(Repealed by P.L. 206-2005, SEC. 15)

IC 25-1-5-9 Submission of certified document as proof of required diploma

Sec. 9. If a board or committee requires an applicant for a certificate or license to submit a certified copy of a diploma showing that the applicant graduated from a school or program as a condition for certification or licensure, the applicant may satisfy this requirement by submitting another certified document that shows that the applicant graduated from or received the required diploma from the applicable school or program.
As added by P.L.177-1996, SEC.1.

IC 25-1-5-10 Provider profiles

Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).

- (9) Board of environmental health specialists (IC 25-32-1).
 - (10) Speech-language pathology and audiology board (IC 25-35.6-2).
 - (11) State psychology board (IC 25-33).
 - (12) Indiana board of veterinary medical examiners (IC 25-38.1-2).
 - (13) Indiana physical therapy committee (IC 25-27).
 - (14) Respiratory care committee (IC 25-34.5).
 - (15) Occupational therapy committee (IC 25-23.5).
 - (16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
 - (17) Physician assistant committee (IC 25-27.5).
 - (18) Indiana athletic trainers board (IC 25-5.1-2-1).
 - (19) Indiana dietitians certification board (IC 25-14.5-2-1).
 - (20) Indiana hypnotist committee (IC 25-20.5-1-7).
- (b) The agency shall create and maintain a provider profile for each provider described in subsection (a).
- (c) A provider profile must contain the following information:
- (1) The provider's name.
 - (2) The provider's license, certification, registration, or permit number.
 - (3) The provider's license, certification, registration, or permit type.
 - (4) The date the provider's license, certification, registration, or permit was issued.
 - (5) The date the provider's license, certification, registration, or permit expires.
 - (6) The current status of the provider's license, certification, registration, or permit.
 - (7) The provider's city and state of record.
 - (8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or committee described in subsection (a).
- (d) The agency shall make provider profiles available to the public.
- (e) The computer gateway administered by the office of technology established by IC 4-13.1-2-1 shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally available to the public on the Internet.
- (f) The agency may adopt rules under IC 4-22-2 to implement this section.
- As added by P.L.211-2001, SEC.1. Amended by P.L. 177-2005, SEC. 45; P.L.206-2005, SEC. 7; P.L.2-2008, SEC.58.*

IC 25-1-5-11 Provision of Social Security number; access to numbers

- Sec. 11. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the agency.
- (b) The agency and the boards shall collect and release the applicant's or licensee's Social Security number as provided in state or federal law.
- (c) Notwithstanding IC 4-1-10-3, the agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:
- (1) a testing service that provides the examination for licensure to the agency or the boards; or
 - (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.
- As added by P.L.157-2006, SEC.18.*

INDIANA CODE § 25-1-7

Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations

IC 25-1-7-1 Definitions

Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 25-38.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).

- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) State department of health, for out-of-state mobile health care facilities.
- (38) State board of massage therapy (IC 25-21.8-2-1)
- (39) Any other occupational or professional agency created after June 30, 1981.

As added by Acts 1981, P.L.222, SEC.4. Amended by Acts 1982, P.L.113, SEC.12; P.L.137-1985, SEC.7; P.L.246-1985, SEC.15; P.L.169-1985, SEC.29; P.L.149-1987, SEC.21; P.L.257-1987, SEC.15; P.L.242-1989, SEC.6; P.L.234-1989, SEC.3; P.L.238-1989, SEC.6; P.L.1-1990, SEC.249; P.L.186-1990, SEC.5; P.L.183-1991, SEC.3; P.L.23-1991, SEC.9; P.L.48-1991, SEC.16; P.L.1-1992, SEC.130; P.L.30-1993, SEC.5; P.L.227-1993, SEC.5; P.L.213-1993, SEC.2; P.L.8-1993, SEC.371; P.L.33-1993, SEC.11; P.L.1-1994, SEC.120; P.L.124-1994, SEC.4; P.L.234-1995, SEC.3; P.L.175-1997, SEC.5; P.L.147-1997, SEC.8; P.L.84-1998, SEC.3; P.L.24-1999, SEC.4; P.L.82-2000, SEC.4; P.L.162-2002, SEC.4; P.L.145-2003, SEC.4; P.L.185-2007, SEC.4; P.L.193-2007, SEC.4; P.L.200-2007, SEC.5; P.L.3-2008, SEC.178; P.L.134, SEC.16.

IC 25-1-7-2 Duties of attorney general

Sec. 2. The office of the attorney general, under the conditions specified in this chapter, may receive, investigate, and prosecute complaints concerning regulated occupations.
As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-3 Investigation of complaints

Sec. 3. The division is responsible for the investigation of complaints concerning licensees.
As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-4 Complaints; requisites; standing

Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general's office acting in their official capacity, a complaint may be filed by any person, including members of any of the boards listed in section 1 of this chapter.
As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-5 Duties and powers of director

Sec. 5. (a) Subsection (b)(1) does not apply to:

- (1) a complaint filed by:
 - (A) a member of any of the boards listed in section 1 of this chapter; or
 - (B) the Indiana professional licensing agency; or
- (2) a complaint filed under IC 25-1-5-4.

(b) The director has the following duties and powers:

- (1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.
- (2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.
- (3) The director shall report any pertinent information regarding the status of the complaint to the complainant.
- (4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.
- (5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and

documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.2; P.L.14-2000, SEC.55; P.L. 206-2005, SEC. 11.

IC 25-1-7-6 Statement of settlement; period of time to resolve

Sec. 6. (a) This section does not apply to:

- (1) a complaint filed by:
 - (A) a member of any of the boards listed in section 1 of this chapter; or
 - (B) the Indiana professional licensing agency; or
- (2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director's recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day time period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.
As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.3; P.L. 206-2005, SEC. 12.

IC 25-1-7-7 Disciplinary sanctions; report to attorney general; prosecution; hearing officer

Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.

(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-8 Witnesses

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.

As added by Acts 1981, P.L.222, SEC.4.

IC 25-1-7-9 Disqualification of board member

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5 (Repealed)).

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.1; P.L.1-2007, SEC.166.

IC 25-1-7-10 Confidentiality of complaints and information

Sec. 10. (a) All complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not disclose or further a disclosure of information concerning the complaint unless the disclosure is required:

- (1) under law; or
- (2) for the advancement of an investigation.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.2; P.L.1-2007, SEC.167.

IC 25-1-7-11 Administrative orders and procedures

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.

As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.7-1987, SEC.110.

IC 25-1-7-12 Reimbursement of attorney general

Sec. 12. (a) If:

- (1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and
- (2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

the office of the attorney general is entitled to reimbursement for the costs incurred in providing the services described in subdivision (2).

(b) If:

- (1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and
- (2) the office of the attorney general is entitled to reimbursement under subsection (a);

the funds for reimbursement shall be taken in equal amounts from each of the funds described in subdivision (1).

As added by P.L.255-1987, SEC.1.

IC 25-1-7-13 Reports; contents

Sec. 13. The office of the attorney general shall submit to each board, at the request of the board, a report that includes the following information concerning that regulated occupation:

- (1) The number of complaints filed.
- (2) The number of cases currently under investigation.
- (3) The number of cases closed.
- (4) The number of cases resolved.
- (5) The age of the complaints.

As added by P.L.177-1997, SEC.1.

INDIANA CODE § 25-1-8**Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees****IC 25-1-8-1 "Board" defined**

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).

- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).
- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2-1).
- (22) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (23) Department of insurance (IC 27-1).
- (24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (26) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (27) Occupational therapy committee (IC 25-23.5-2-1).
- (28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
- (29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (30) State board of registration for land surveyors (IC 25-21.5-2-1).
- (31) Physician assistant committee (IC 25-27.5).
- (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- (33) Board of podiatric medicine (IC 25-29-2-1).
- (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana physical therapy committee (IC 25-27).
- (36) Manufactured home installer licensing board (IC 25-23.7).
- (37) Home inspectors licensing board (IC 25-20.2-3-1).
- (38) State board of massage therapy (IC 25-21.8-2-1)
- (39) Any other occupational or professional agency created after June 30, 1981.

As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6; P.L.33-1993, SEC.12; P.L.213-1993, SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998, SEC.4; P.L.24-1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5; P.L.185-2007, SEC.5; P.L.200-2007, SEC.6; P.L.3-2008, SEC.179.

IC 25-1-8-1.1 Repealed

(Repealed by P.L.19-1986, SEC.43.)

IC 25-1-8-2 Fees; establishment and collection

Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for licensure, registration, or certification.
- (2) Issuance, renewal, or transfer of a license, registration, or certificate.

(3) Restoration of an expired license, registration, or certificate when such action is authorized by law.

(4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.

(5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than twenty-five dollars (\$25) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ten dollars (\$10) for the issuance of a duplicate license, registration, or certificate.

As added by Acts 1981, P.L.223, SEC.1. Amended by Acts 1982, P.L.113, SEC.13; P.L.169-1985, SEC.31; P.L.48-1991, SEC.18; P.L.33-1993, SEC.13; P.L.235-1995, SEC.1; P.L.197-2007, SEC.19.

IC 25-1-8-3 Quadrennial license or registration cycle; refunds

Sec. 3. (a) A board, operating on a quadrennial license, registration, or certificate renewal cycle, shall refund one-half (1/2) of the amount of the license, registration, or certificate fee if the holder of the license, registration, or certificate surrenders it at least two (2) years before it expires.

(b) This section does not apply to the holder of a license, registration, or certificate revoked or suspended by the board.

As added by Acts 1982, P.L.113, SEC.14.

IC 25-1-8-4 Quadrennial license renewal system

Sec. 4. (a) Notwithstanding any law establishing a biennial license renewal system, a board operating on such a system may by rule establish a quadrennial license renewal system.

(b) If a board establishes a quadrennial license renewal system, it may provide for a reduction in the fees for the four (4) year license.

As added by P.L.234-1983, SEC.3.

IC 25-1-8-5 Employment of professionals for testing; examination on statutes, rules, and regulations; standards of review

Sec. 5. (a) Notwithstanding any statutory provisions regarding the administration of examinations, a board or committee may employ organizations or additional professionals to assist in the preparation, administration, and scoring of licensing examinations.

(b) A board or committee may require applicants for licensure, certification, or registration by examination, endorsement, or reciprocity to pass a test on the state or federal statutes, state rules, and federal regulations that the board or committee determines by rule to be relevant to the practice of a regulated profession.

(c) A board or committee may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for licensure, certification, or registration. The standards of review may include:

- (1) setting fees for review;
- (2) requiring that an examination remain confidential; and
- (3) prohibiting the release of the examination or copies of the examination.

As added by P.L.169-1985, SEC.32. Amended by P.L.152-1988, SEC.5; P.L.48-1991, SEC.19.

IC 25-1-8-6 Reinstatement of delinquent or lapsed licenses

Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 25-38.1).
- (37) State board of massage therapy (IC 25-21.8-2-1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

- (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
- (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
 - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
 - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

As added by P.L.269-2001, SEC.5. Amended by P.L. 206-2005, SEC. 13; P.L.157-2006, SEC.20; P.L.185-2007, SEC.6; P.L.197-2007, SEC.20; P.L.3-2008, SEC.180; P.L.105-2008, SEC.2.

IC 25-1-8-7 Repealed

(Repealed by P.L.157-2006, SEC.76.)

IC 25-1-8-8 License reinstatement; grounds for denial

Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

- (1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.
- (2) Reinstate the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.
- (3) Reinstate the license and file a complaint under IC 25-1-7.
- (4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.
- (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the

license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.

(c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).

(d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.

(e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless:

- (1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period;
- (2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or
- (3) the reinstatement is denied.

If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.

As added by P.L.197-2007, SEC.21.

INDIANA CODE § 25-1-9

Chapter 9. Health Professions Standards of Practice

IC 25-1-9-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 25-38.1-2).
- (13) Indiana physical therapy committee (IC 25-27-1).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (17) Physician assistant committee (IC 25-27.5).
- (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- (20) Indiana hypnotist committee (IC 25-20.5-1-7).

As added by P.L.152-1988, SEC.1. Amended by P.L.242-1989, SEC.7; P.L.238-1989, SEC.7; P.L.186-1990, SEC.7; P.L.48-1991, SEC.20; P.L.227-1993, SEC.7; P.L.33-1993, SEC.14; P.L.213-1993, SEC.4; P.L.1-1994, SEC.122; P.L.124-1994, SEC.6; P.L.175-1997,

IC 25-1-9-2 "Practitioner" defined

Sec. 2. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the profession in question, including a certificate of registration issued under IC 25-20.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-3 "License" defined

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-3.5 "Sexual contact" defined

Sec. 3.5. As used in this chapter, "sexual contact" means:

- (1) sexual intercourse (as defined in IC 35-41-1-26);
- (2) deviate sexual conduct (as defined in IC 35-41-1-9); or
- (3) any fondling or touching intended to arouse or satisfy the sexual desires of either the individual performing the fondling or touching or the individual being fondled or touched.

As added by P.L.200-2001, SEC.1.

IC 25-1-9-4 Standards of professional practice; findings required for sanctions; evidence of foreign discipline

Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:

- (1) a practitioner has:
 - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a license examination;
 - (B) engaged in fraud or material deception in the course of professional services or activities;
 - (C) advertised services in a false or misleading manner; or
 - (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices, including fraud under:
 - (i) Medicaid (42 U.S.C. 1396 et seq.);
 - (ii) Medicare (42 U.S.C. 1395 et seq.);
 - (iii) the children's health insurance program under IC 12-17.6; or
 - (iv) insurance claims;
- (2) a practitioner has been convicted of a crime that
 - (A) has a direct bearing on the practitioner's ability to continue to practice competently; or
 - (B) is harmful to the public;
- (3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
 - (A) professional incompetence that:
 - (i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and
 - (ii) does not include activities performed under IC 16-21-2-9;
 - (B) failure to keep abreast of current professional theory or practice;

- (C) physical or mental disability; or
- (D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

- (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence;
- (7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;
- (8) a practitioner has diverted:

- (A) a legend drug (as defined in IC 16-18-2-199); or
- (B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;

- (9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to a habitue or addict;
- (10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter;
- (11) a practitioner has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care;
- (12) a practitioner who is a participating provider of a health maintenance organization has knowingly collected or attempted to collect from a subscriber or enrollee of the health maintenance organization any sums that are owed by the health maintenance organization; or
- (13) a practitioner has assisted another person in committing an act that would be grounds for disciplinary sanctions under this chapter.

(b) A practitioner who provides health care services to the practitioner's spouse is not subject to disciplinary action under subsection (a)(11).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

As added by P.L.152-1988, SEC.1. Amended by P.L.2-1993, SEC.136; P.L.149-1997, SEC.7; P.L.22-1999, SEC.4; P.L.200-2001, SEC.2; P.L.203-2001, SEC.3; P.L.1-2002, SEC.96; P.L.197-2007, SEC.22.

IC 25-1-9-5 Optometry employment practice

Sec. 5. In addition to section 4 of this chapter, a practitioner licensed to practice optometry is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has accepted employment to practice optometry from a person other than:

- (1) a corporation formed by an optometrist under IC 23-1.5; or
- (2) an individual who is licensed as an optometrist under this article and whose legal residence is in Indiana.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-6 Veterinary practitioners; cruelty to animals

Sec. 6. In addition to section 4 of this chapter, a practitioner licensed to practice veterinary medicine or registered as a veterinary technician is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has engaged in cruelty to animals.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-6.5 Chiropractors; waiver of deductible or copayment

Sec. 6.5. (a) In addition to section 4 of this chapter, a practitioner licensed to practice chiropractic is subject to the exercise of the

disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds a practitioner has:

- (1) waived a payment of a deductible or a copayment required to be made to the practitioner by a patient under the patient's insurance or health care plan; and
 - (2) advertised the waiver of a payment described in subdivision (1).
- (b) This section does not apply to the waiver of a deductible or a copayment by a practitioner if:
- (1) the practitioner determines chiropractic service is necessary for the immediate health and welfare of a patient;
 - (2) the practitioner determines the payment of a deductible or a copayment would create a substantial financial hardship for the patient; and
 - (3) the waiver is based on the evaluation of the individual patient and is not a regular business practice of the practitioner.

As added by P.L.151-1989, SEC.9.

IC 25-1-9-6.7 Marriage and family therapists; disciplinary sanctions

Sec. 6.7. In addition to the actions listed under section 4 of this chapter that subject a practitioner to the exercise of disciplinary sanctions, a practitioner who is licensed under IC 25-23.6 is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds that the practitioner has:

- (1) performed any therapy that, by the prevailing standards of the mental health professions in the community where the services were provided, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent;
- (2) failed to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance in professional activities, including the undertaking of activities that the practitioner is not qualified by training or experience to undertake;
- (3) performed services, including any duties required of the individual under IC 31, in reckless disregard of the best interests of a patient, a client, or the public;
- (4) without the consent of the child's parent, guardian, or custodian, knowingly participated in the child's removal or precipitated others to remove a child from the child's home unless:
 - (A) the child's physical health was endangered due to injury as a result of the act or omission of the child's parent, guardian, or custodian;
 - (B) the child had been or was in danger of being a victim of an offense under IC 35-42-4, IC 35-45-4-1, IC 35-45-4-2, IC 35-46-1-3, IC 35-49-2-2, or IC 35-49-3-2; or
 - (C) the child was in danger of serious bodily harm as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, shelter, or medical care, and a court order was first obtained;
- (5) willfully made or filed a false report or record, failed to file a report or record required by law, willfully impeded or obstructed the filing of a report or record, or induced another individual to:
 - (A) make or file a false report or record; or
 - (B) impede or obstruct the filing of a report or record; or
- (6) performed a diagnosis (as defined in IC 25-22.5-1-1.1(c));
- (7) provided evidence in an administrative or judicial proceeding that had insufficient factual basis for the conclusions rendered by the practitioner;
- (8) willfully planted in the mind of the patient suggestions that are not based in facts known to the practitioner; or
- (9) performed services outside of the scope of practice of the license issued under IC 25-23.6.

As added by P.L.147-1997, SEC.11. Amended by P.L.2-1998, SEC.65.

IC 25-1-9-6.8 Practitioner guidelines before prescribing stimulant medication for a child for treatment of certain disorders

Sec. 6.8. (a) This section applies to a practitioner who is:

- (1) licensed to practice medicine or osteopathic medicine under IC 25-22.5; or
- (2) an advanced practice nurse granted prescriptive authority under IC 25-23, and whose practice agreement with a collaborating physician reflects the conditions specified in subsection (b).

(b) Before prescribing a stimulant medication for a child for the treatment of attention deficit disorder or attention deficit hyperactivity disorder, a practitioner described in subsection (a) shall follow the most recent guidelines adopted by the American Academy of Pediatrics or the American Academy of Child and Adolescent Psychiatry for the diagnosis and evaluation of a child with attention deficit disorder or attention deficit hyperactivity disorder.

As added by P.L.107-2002, SEC.28.

IC 25-1-9-6.9 Failing to provide or providing false information to agency

Sec. 6.9. In addition to the actions listed under section 4 of this chapter that subject a practitioner to disciplinary sanctions, a practitioner is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds that the practitioner has:

- (1) failed to provide information requested by the Indiana professional licensing agency; or
- (2) knowingly provided false information to the Indiana professional licensing agency;

for a provider profile required under IC 25-1-5-10.

As added by P.L.211-2001, SEC.2. Amended by P.L. 206-2005, SEC. 14.

IC 25-1-9-7 Physical or mental examination; power to require

Sec. 7. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's own expense, if the practitioner's physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

As added by P.L.152-1988, SEC.1. Amended by P.L.158-2003, SEC.2.

IC 25-1-9-8 Failure to submit to physical or mental examination; sanctions

Sec. 8. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 10 of this chapter.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-9 Disciplinary sanctions

Sec. 9. (a) The board may impose any of the following sanctions, singly or in combination, if it finds that a practitioner is subject to disciplinary sanctions under section 4, 5, 6, 6.7, or 6.9 of this chapter or IC 25-1-5-4:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:

- (A) report regularly to the board upon the matters that are the basis of probation;
- (B) limit practice to those areas prescribed by the board;
- (C) continue or renew professional education under a preceptor, or as otherwise directed or approved by the board, until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

(6) Assess a fine against the practitioner in an amount not to exceed one thousand dollars (\$1,000) for each violation listed in section 4 of this chapter, except for a finding of incompetency due to a physical or mental disability. When imposing a fine, the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the fine within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a fine.

(b) The board may withdraw or modify the probation under subsection (a)(5) if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order.

As added by P.L.152-1988, SEC.1. Amended by P.L.48-1991, SEC.21; P.L.22-1999, SEC.5; P.L.32-2000, SEC.10; P.L.211-2001, SEC.3.

IC 25-1-9-10 Summary license suspension pending final adjudication; notice; opportunity to be heard

Sec. 10. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public health and safety if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for ninety (90) days or less.

(b) Before the board may summarily suspend a license that has been issued under IC 25-22.5, IC 25-38.1, or IC 25-14, the consumer protection division of the attorney general's office shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to reach the practitioner is made if the consumer protection division of the attorney general's office attempts to reach the practitioner by telephone or facsimile at the last telephone number of the practitioner on file with the board.

(c) After a reasonable attempt is made to notify a practitioner under subsection (b):

(1) a court may not stay or vacate a summary suspension of a practitioner's license for the sole reason that the practitioner was not notified; and

(2) the practitioner may not petition the board for a delay of the summary suspension proceedings.

As added by P.L.152-1988, SEC.1. Amended by P.L.43-1995, SEC.2; P.L.71-2000, SEC.18; P.L.2-2008, SEC.60.

IC 25-1-9-10.1 Retention of clinical consultants and experts to advise on suspension

Sec. 10.1. The attorney general may retain the services of a clinical consultant or an expert to provide the attorney general with advice concerning the acts that are the subject of a suspension under this chapter.

As added by P.L.43-1995, SEC.3.

IC 25-1-9-11 Reinstatement of suspended licenses

Sec. 11. The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public.

As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-12 Reinstatement of revoked license

Sec. 12. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-13 Consistency of sanctions prescribed

Sec. 13. The board shall seek to achieve consistency in the application of the sanctions authorized in this section. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-14 Surrender of practitioners license instead of hearing; approval

Sec. 14. A practitioner may petition the board to accept the surrender of the practitioner's license instead of a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-15 Costs in disciplinary proceedings

Sec. 15. Practitioners who have been subjected to disciplinary sanctions may be required by a board to pay for the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photoduplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.

As added by P.L.152-1988, SEC.1. Amended by P.L.158-2003, SEC.3.

IC 25-1-9-16 Refusal of licensure or grant of probationary license

Sec. 16. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has been disciplined by a licensing entity of any state or jurisdiction, or has committed an act that would have subjected the applicant to the disciplinary process had the applicant been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was, or could have been, disciplined has a direct bearing on the applicant's ability to competently practice in Indiana.

(b) The board may:

- (1) refuse to issue a license; or
- (2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may impose one (1) or more of the following conditions:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to those areas prescribed by the board.
- (3) Continue or renew professional education.
- (4) Engage in community restitution or service without compensation for a number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.
As added by P.L.33-1993, SEC.15. Amended by P.L.32-2000, SEC.11; P.L.197-2007, SEC.23.

IC 25-1-9-17 Applicant appearance before board or controlled substances advisory committee

Sec. 17. The board and the controlled substances advisory committee (IC 35-48-2-1) may require an applicant for licensure to appear before the board or committee before issuing a license.
As added by P.L.33-1993, SEC.16.

IC 25-1-9-18 Fitness determination of health care provider; filing complaint

Sec. 18. (a) If the insurance commissioner forwards to the board the name of a practitioner under IC 34-18-9-4(a) (or IC 27-12-9-4(a) before its repeal), the board shall consider whether:

- (1) the practitioner has become unfit to practice under section 4 of this chapter; and
- (2) a complaint should be filed under IC 25-1-7-4.

(b) If the board determines that a complaint should be filed under subsection (a), the board must report to the consumer protection division whether the board will schedule the matter:

- (1) for informal negotiation under IC 25-1-7-6;
- (2) on the board's agenda for a vote requesting that the attorney general prosecute the matter before the board under IC 25-1-7-7; or
- (3) on the board's agenda for a vote on summary suspension of the practitioner's license pending prosecution of the matter before the board under IC 25-1-7-7.

(c) A board may designate a board member or staff member to act on behalf of the board under this section.

As added by P.L.43-1995, SEC.4. Amended by P.L.1-1998, SEC.131.

IC 25-1-9-19 Third party billing notice

Sec. 19. A practitioner that provides to a patient notice concerning a third party billing for a health care service provided to the patient shall ensure that the notice:

- (1) conspicuously states that the notice is not a bill;
- (2) does not include a tear-off portion; and
- (3) is not accompanied by a return mailing envelope.

As added by P.L.178-2003, SEC.12.

IC 25-1-9-20 Adoption of rules; spouses of active duty military personnel

Sec. 20. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

- (1) license;
- (2) certificate;
- (3) registration; or
- (4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.

As added by P.L.144-2007, SEC.25.

INDIANA CODE § 25-1-10

Chapter 10. Reserved

INDIANA CODE § 25-1-12

Chapter 12. Renewal of Licenses Held by Individuals in Military Service

IC 25-1-12-1 Applicability of chapter

Sec. 1. This chapter applies to an individual who:

- (1) holds a license, certificate, registration, or permit under this title, IC 16, or IC 22; and
- (2) is called to active duty.

As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.61.

IC 25-1-12-2 "Active duty" defined

Sec. 2. As used in this chapter, "active duty" means full-time service in the:

- (1) armed forces of the United States; or
- (2) national guard;

for a period that exceeds thirty (30) consecutive days in a calendar year.

As added by P.L.88-2004, SEC.2.

IC 25-1-12-3 "Armed forces of the United States" defined

Sec. 3. As used in this chapter, "armed forces of the United States" means the active or reserve components of:

- (1) the army;
- (2) the navy;
- (3) the air force;
- (4) the coast guard;
- (5) the marine corps; or
- (6) the merchant marine.

As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 64.

IC 25-1-12-4 "National guard" defined

Sec. 4. As used in this chapter, "national guard" means:

- (1) the Indiana army national guard; or
- (2) the Indiana air national guard.

As added by P.L.88-2004, SEC.2.

IC 25-1-12-5 "Practitioner" defined

Sec. 5. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued under this title, IC 16, or IC 22.

As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.62.

IC 25-1-12-6 Extension to renew license or complete continuing education; requirements for extension; additional extensions

Sec. 6. (a) Notwithstanding any other law, a practitioner who is called to active duty out-of-state and meets the requirements of subsection (b) is entitled to an extension of time described in subsection (c) to:

- (1) renew; and
- (2) complete the continuing education required by;

the practitioner's license, certificate, registration, or permit.

(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):

(1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7.

(2) The practitioner's license, certificate, registration, or permit must expire while the practitioner is out-of-state on active duty and the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.

(3) The practitioner shall provide proof of out-of-state active duty by providing a copy of the practitioner's:

(A) discharge; or

(B) government movement orders;

to the agency, board, commission, or committee issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit under this chapter.

(c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.

(d) The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.

As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 65.

IC 25-1-12-7 Waiver of late fees

Sec. 7. Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.

As added by P.L.88-2004, SEC.2.

IC 25-1-12-8 Construction with federal law

Sec. 8. This chapter may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

(1) the armed forces of the United States; or

(2) the national guard;

under federal law.

As added by P.L.88-2004, SEC.2.

INDIANA CODE § 25-1-14

Chapter 14. Meetings

IC 25-1-14-1 Applicability

Sec. 1. This section applies to a meeting of a board, committee, or commission listed in IC 25-1-5-3 or IC 25-1-6-3.

As added by P.L.179-2007, SEC.14.

IC 25-1-14-2 Participation by member not physically present at meeting

Sec. 2. (a) A member of a board, committee, or commission may participate in a meeting of the board, committee, or commission:

(1) except as provided in subsections (b) and (c), at which at least a quorum is physically present at the place where the meeting is conducted; and

(2) by using a means of communication that permits:

(A) all other members participating in the meeting; and

(B) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(b) A member of a board, committee, or commission may participate in an emergency meeting of the board, committee, or commission to consider disciplinary sanctions under IC 25-1-9-10 or IC 25-1-11-13 by using a means of communication that permits:

(1) all other members participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member of the state boxing commission may participate in meetings of the commission to consider the final approval of a permit for a particular boxing or sparring match or exhibition under IC 25-9-1-6(b) by using a means of communication that permits:

(1) all other members participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(d) A member who participates in a meeting under subsection (b) or (c):

(1) is considered to be present at the meeting;

(2) shall be counted for purposes of establishing a quorum; and

(3) may vote at the meeting.

As added by P.L.179-2007, SEC.14. Amended by P.L.105-2008, SEC.3.

IC 25-1-14-3 Member considered present

Sec. 3. A member who participates in a meeting under section 2 of this chapter:

(1) is considered to be present at the meeting;

(2) shall be counted for purposes of establishing a quorum; and

(3) may vote at the meeting.

As added by P.L.179-2007, SEC.14.

IC 25-1-14-4 Meeting memoranda requirements

Sec. 4. The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:

(1) each member who was physically present at the place where the meeting was conducted;

(2) each member who participated in the meeting by using a means of communication described in section 2 of this chapter; and

(3) each member who was absent.

As added by P.L.179-2007, SEC.14.

Non-Code Provision under Public Law 206-2005

P.L. 206-2005, SECTION 16

(a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the Indiana professional licensing agency.

(b) On July 1, 2005, the Indiana professional licensing agency becomes the owner of all of the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the Indiana professional licensing agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the Indiana professional licensing agency.

INDIANA CODE § 16-18

ARTICLE 18. HEALTH - GENERAL PROVISIONS AND DEFINITIONS

INDIANA CODE § 16-18-1

Chapter 1. General Provisions

IC 16-18-1-1 Application of definitions

Sec. 1. Except as otherwise provided, the definitions in this article apply throughout this title.

As added by P.L.2-1993, SEC.1.

IC 16-18-1-2 References to federal statutes or regulations

Sec. 2. Except as otherwise provided in this title, a reference to a federal statute or regulation in this title is a reference to the statute or regulation as in effect on January 1, 1993.

As added by P.L.2-1993, SEC.1.

INDIANA CODE § 16-18-2

Chapter 2. Definitions

IC 16-18-2-5 Adult

Sec. 5. "Adult" means an individual who is at least eighteen (18) years of age.

As added by P.L.2-1993, SEC.1.

IC 16-18-2-12 Alcohol and drug abuse records

Sec. 12. "Alcohol and drug abuse records", for purposes of IC 16-39, means recorded or unrecorded information concerning the diagnosis, treatment, or prognosis of a patient receiving alcohol or drug abuse treatment services.

As added by P.L.2-1993, SEC.1.

IC 16-18-2-26.5 Association

Sec. 26.5. "Association", for purposes of IC 16-39-5-3, has the meaning set forth in IC 16-39-5-3(a).

As added by P.L.231-1999, SEC.10.

IC 16-18-2-168 Health records

Sec. 168. (a) "Health records", for purposes of IC 16-39, means written, electronic, or printed information possessed or maintained by a provider concerning any diagnosis, treatment, or prognosis of the patient, including such information possessed or maintained on microfiche, microfilm, or in a digital format. The term includes mental health records and alcohol and drug abuse records.

(b) For purposes of IC 16-39-5-3(e), the term includes information that describes services provided to a patient and a provider's charges for services provided to a patient.

(c) The term does not include information concerning emergency ambulance services described in IC 16-31-2-11(d).

As added by P.L.2-1993, SEC.1. Amended by P.L.231-1999, SEC.11; P.L.127-2001, SEC.1; P.L.44-2002, SEC.2; P.L.255-2003, SEC.45.

IC 16-18-2-202 Licensed physician

Sec. 202. "Licensed physician" means an individual who holds an unlimited license to practice medicine in Indiana under IC 25-22.5.

As added by P.L.2-1993, SEC.1.

IC 16-18-2-226 Mental health records

Sec. 226. "Mental health records", for purposes of IC 16-39, means recorded or unrecorded information concerning the diagnosis, treatment, or prognosis of a patient receiving mental health services or developmental disability training. The term does not include alcohol and drug abuse records.

As added by P.L.2-1993, SEC.1. Amended by P.L.4-1997, SEC.2.

IC 16-18-2-272 Patient

Sec. 272. (a) "Patient", for purposes of IC 16-27-1, has the meaning set forth in IC 16-27-1-6.

(b) "Patient", for the purposes of IC 16-28 and IC 16-29, means an individual who has been accepted and assured care by a health facility.

(c) "Patient", for purposes of IC 16-36-1.5, has the meaning set forth in IC 16-36-1.5-3.

(d) "Patient", for purposes of IC 16-39, means an individual who has received health care services from a provider for the examination, treatment, diagnosis, or prevention of a physical or mental condition.

As added by P.L.2-1993, SEC.1. Amended by P.L.145-1996, SEC.2.

IC 16-18-2-274 Person

Sec. 274. (a) "Person" means, except as provided in subsections (b), (c), and (d), an individual, a firm, a partnership, an association, a fiduciary, an executor or administrator, a governmental entity, or a corporation.

(b) "Person", for purposes of IC 16-25, has the meaning set forth in IC 16-25-1.1-8.

(c) "Person", for purposes of IC 16-31, means an individual, a partnership, a corporation, an association, a joint stock association, or a governmental entity other than an agency or instrumentality of the United States.

(d) "Person", for purposes of IC 16-42-10, has the meaning set forth in IC 16-42-10-3.

As added by P.L.2-1993, SEC.1. Amended by P.L.256-1999, SEC.9.

IC 16-18-2-281 Pharmacist

Sec. 281. "Pharmacist" means a person licensed by law to practice pharmacy in Indiana.

As added by P.L.2-1993, SEC.1.

IC 16-18-2-282 Physician

Sec. 282. (a) "Physician", except as provided in subsection (b), means a licensed physician (as defined in section 202 of this chapter).

(b) "Physician", for purposes of IC 16-41-12, has the meaning set forth in IC 16-41-12-7.

As added by P.L.2-1993, SEC.1.

IC 16-18-2-292.5 Primary caregiver

Sec. 292.5. "Primary caregiver", for purposes of IC 16-39-4-2, has the meaning set forth in IC 16-39-4-2(a).

As added by P.L.189-1995, SEC.1.

IC 16-18-2-295 Provider

Sec. 295. (a) "Provider", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.5.

(b) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for IC 16-39-7) and IC 16-41-1 through IC 16-41-9 and IC 16-41-37, means any of the following:

- (1) An individual (other than an individual who is an employee or a contractor of a hospital, a facility, or an agency described in subdivision (2) or (3)) who is licensed, registered, or certified as a health care professional, including the following:
 - (A) A physician.

- (B) A psychotherapist.
- (C) A dentist.
- (D) A registered nurse.
- (E) A licensed practical nurse.
- (F) An optometrist.
- (G) A podiatrist.
- (H) A chiropractor.
- (I) A physical therapist.
- (J) A psychologist.
- (K) An audiologist.
- (L) A speech-language pathologist.
- (M) A dietitian.
- (N) An occupational therapist.
- (O) A respiratory therapist.
- (P) A pharmacist.
- (Q) A sexual assault nurse examiner.

(2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24-1 or IC 12-29.

(3) A health facility licensed under IC 16-28-2.

(4) A home health agency licensed under IC 16-27-1.

(5) An employer of a certified emergency medical technician, a certified emergency medical technician-basic advanced, a certified emergency medical technician-intermediate, or a certified paramedic.

(6) The state department or a local health department or an employee, agent, designee, or contractor of the state department or local health department.

(c) "Provider", for purposes of IC 16-39-7-1, has the meaning set forth in IC 16-39-7-1(a).

As added by P.L.2-1993, SEC.1. Amended by P.L.188-1995, SEC.2; P.L.20-1998, SEC.1; P.L.231-1999, SEC.12; P.L.256-1999, SEC.10; P.L.205-2003, SEC.19; P.L.90-2005, SEC.2; P.L.41-2007, SEC.4.

IC 16-18-2-379 X-ray film

Sec. 379. "X-ray film", for purposes of IC 16-39, has the meaning set forth in IC 16-39-7-2.

As added by P.L.2-1993, SEC.1.

INDIANA CODE § 16-39

ARTICLE 39. HEALTH RECORDS

INDIANA CODE § 16-39-1

Chapter 1. Release of Health Records to Patient and Authorized Persons

IC 16-39-1-1 Right of access; written requests; effective duration

Sec. 1. (a) This section applies to all health records except mental health records, which are governed by IC 16-39-2, IC 16-39-3, and IC 16-39-4.

(b) This article applies to all health records, except:

- (1) records regarding communicable diseases, which are governed by IC 16-41-8-1; or
- (2) records regarding alcohol and other drug abuse patient records, which are governed by 42 CFR, Part 2.

(c) On written request and reasonable notice, a provider shall supply to a patient the health records possessed by the provider concerning the patient. Subject to 15 U.S.C. 7601 et seq. and 16 CFR Part 315, information regarding contact lenses must be given using the following guidelines:

- (1) After the release of a patient from an initial fitting and follow-up period of not more than six (6) months, the contact lens prescription must be released to the patient at the patient's request.
- (2) A prescription released under subdivision (1) must contain all information required to properly duplicate the contact lenses.
- (3) A contact lens prescription must include the following:
 - (A) An expiration date of one (1) year.
 - (B) The number of refills permitted.
- (4) Instructions for use must be consistent with:
 - (A) recommendations of the contact lens manufacturer;
 - (B) clinical practice guidelines; and
 - (C) the professional judgment of the prescribing optometrist or physician licensed under IC 25-22.5.

After the release of a contact lens prescription under this subsection, liability for future fittings or dispensing of contact lenses under the original prescription lies with the dispensing company or practitioner.

(d) On a patient's written request and reasonable notice, a provider shall furnish to the patient or the patient's designee the following:

- (1) A copy of the patient's health record used in assessing the patient's health condition.
- (2) At the option of the patient, the pertinent part of the patient's health record relating to a specific condition, as requested by the patient.

(e) A request made under this section is valid for sixty (60) days after the date the request is made.

As added by P.L.2-1993, SEC.22. Amended by P.L.40-1994, SEC.66; P.L.102-1994, SEC.1; P.L.2-1995, SEC.72; P.L.108-1996, SEC.4; P.L.157-2006, SEC.4.

IC 16-39-1-2 X-rays

Sec. 2. Upon a patient's written request and reasonable notice, a provider shall, at the provider's actual costs, provide to the patient or the patient's designee:

- (1) access to; or
- (2) a copy of;

the patient's x-ray film possessed by the provider.

As added by P.L.2-1993, SEC.22.

IC 16-39-1-3 Persons entitled to request records

Sec. 3. (a) Health records may be requested by a competent patient if the patient is:

- (1) emancipated and less than eighteen (18) years of age; or
- (2) at least eighteen (18) years of age.

(b) If a patient is incompetent, the request for health records may be made by the parent, guardian, or custodian of the patient.

(c) Health records of a deceased patient may be requested by a coroner under IC 36-2-14-21 or by the personal representative of the patient's estate. If the deceased does not have a personal representative, the spouse of the deceased patient may make a request. If there is no spouse:

- (1) a child of the deceased patient; or
- (2) the parent, guardian, or custodian of the child if the child is incompetent;

may make a request.

As added by P.L.2-1993, SEC.22. Amended by P.L.28-2002, SEC.1.

IC 16-39-1-4 Patient's written consent for release of records; contents

Sec. 4. Except as provided in IC 16-39-5, a patient's written consent for release of the patient's health record must include the following:

- (1) The name and address of the patient.
- (2) The name of the person requested to release the patient's record.
- (3) The name of the person or provider to whom the patient's health record is to be released.
- (4) The purpose of the release.
- (5) A description of the information to be released from the health record.
- (6) The signature of the patient, or the signature of the patient's legal representative if the patient is incompetent.
- (7) The date on which the consent is signed.
- (8) A statement that the consent is subject to revocation at any time, except to the extent that action has been taken in reliance on the consent.
- (9) The date, event, or condition on which the consent will expire if not previously revoked.

As added by P.L.2-1993, SEC.22.

IC 16-39-1-5 Withholding requested information

Sec. 5. If a provider who is a health care professional reasonably determines that the information requested under section 1 of this chapter is:

- (1) detrimental to the physical or mental health of the patient; or
- (2) likely to cause the patient to harm the patient or another;

the provider may withhold the information from the patient.

As added by P.L.2-1993, SEC.22.

IC 16-39-1-6 Inpatient requests

Sec. 6. This chapter does not authorize a patient to obtain a copy of the patient's health records while the patient is an inpatient of a hospital, health facility, or facility licensed under IC 12-24 or IC 12-29. However, if the inpatient is:

- (1) unemancipated and less than eighteen (18) years of age, a parent, guardian, or next of kin (if the patient does not have a parent or guardian) is entitled to obtain a copy of the health records of the inpatient;
- (2) incompetent to request the patient's own health records, a spouse, parent, guardian, or next of kin (if the patient does not have a parent, spouse, or guardian) is entitled to obtain a copy of the health records of the inpatient; or
- (3) competent, a spouse, parent or next of kin (if the patient does not have a parent or spouse) is entitled to obtain a copy of the health

records of the inpatient if the inpatient requests that the records be released.

As added by P.L.2-1993, SEC.22.

IC 16-39-1-7 Child's health records; access to custodial and noncustodial parents

Sec. 7. (a) Except as provided in subsection (b), a custodial parent and a noncustodial parent of a child have equal access to the parents' child's health records.

(b) A provider may not allow a noncustodial parent access to the child's health records if:

- (1) a court has issued an order that limits the noncustodial parent's access to the child's health records; and
- (2) the provider has received a copy of the court order or has actual knowledge of the court order.

(c) If a provider incurs additional expense by allowing a parent equal access to health records under this section, the provider may require the parent requesting the equal access to pay a fee to cover the cost of the additional expense.

As added by P.L.2-1993, SEC.22.

IC 16-39-1-8 Copying fees

Sec. 8. Except as provided in section 2 of this chapter, IC 16-39-9 governs the fees that may be charged for making and providing copies of records under this chapter.

As added by P.L.102-1994, SEC.2.

IC 16-39-1-9 Alcohol and drug abuse records

Sec. 9. Alcohol and drug abuse records described in 42 U.S.C. 290dd-3 and 42 U.S.C. 290ee-3 may not be disclosed unless authorized in accordance with 42 U.S.C. 290dd-3 and 42 U.S.C. 290ee-3.

As added by P.L.4-1997, SEC.3.

INDIANA CODE § 16-39-2

Chapter 2. Release of Mental Health Records to Patient and Authorized Persons

IC 16-39-2-1 Application of chapter

Sec. 1. This chapter applies only to mental health records.

As added by P.L.2-1993, SEC.22.

IC 16-39-2-2 Maintenance of records by provider; contents; dominion; time limits

Sec. 2. A record for each patient receiving mental health services shall be maintained by the provider. The mental health record must contain the information that the division of mental health and addiction, the division of disability and rehabilitative services, or the state department requires by rule. The provider is:

- (1) the owner of the mental health record;
- (2) responsible for the record's safekeeping; and
- (3) entitled to retain possession of the record.

The information contained in the mental health record belongs to the patient involved as well as to the provider. The provider shall maintain the original mental health record or a microfilm of the mental health record for at least seven (7) years.

As added by P.L.2-1993, SEC.22. Amended by P.L.40-1994, SEC.67; P.L.4-1997, SEC.4; P.L.215-2001, SEC.84; P.L.141-2006, SEC.90.

IC 16-39-2-3 Confidentiality

Sec. 3. A patient's mental health record is confidential and shall be disclosed only with the consent of the patient unless otherwise provided in the following:

- (1) This chapter.
- (2) IC 16-39-3.
- (3) IC 16-39-4.
- (4) IC 16-39-5-3.

As added by P.L.2-1993, SEC.22.

IC 16-39-2-4 Patient access; restrictions; appeal

Sec. 4. A patient is entitled to inspect and copy the patient's own mental health record. However, if the provider that is responsible for the patient's mental health records determines for good medical cause, upon the advice of a physician, that the information requested under this section is detrimental to the physical or mental health of the patient, or is likely to cause the patient to harm the patient or another person, the provider may withhold the information from the patient. If the provider is a state institution or agency, the patient may appeal the provider's refusal to permit the patient to inspect and copy the patient's own record under IC 4-21.5.

As added by P.L.2-1993, SEC.22.

IC 16-39-2-5 Access to patient's designee or legal representative; written request

Sec. 5. (a) This section applies to private and public treating providers.

(b) Upon a patient's written request and reasonable notice, a patient's mental health record shall be made available for inspection and copying by the provider at any time to an individual or organization designated by the patient or to the patient's legal representative.

(c) A patient's written request for the release of the patient's mental health record under this section must include the following:

- (1) The name of the patient.
- (2) The name of the person requested to release the patient's mental health record.
- (3) The name of the person, provider, or organization to whom the patient's mental health record is to be released.
- (4) The purpose of the release.
- (5) A description of the information to be released from the mental health record.
- (6) The signature of the patient.
- (7) The date the request is signed.
- (8) A statement that the patient's consent to release of mental health records is subject to revocation at any time, except to the extent that action has been taken in reliance on the patient's consent.
- (9) The date, event, or condition on which the patient's consent to release of mental health records will expire if not previously revoked.

(d) Unless otherwise specified in a written request under this section, a request for release of records is valid for one hundred eighty (180) days after the date the request is made.

(e) A request for release of records under this section may be revoked by the patient at any time, except to the extent that action has been taken in reliance on the consent.

(f) Mental health records requested by the patient to be released under this section may be released by the provider receiving the request, regardless of whether the patient is still receiving services from the provider.

As added by P.L.2-1993, SEC.22. Amended by P.L.4-1997, SEC.5.

IC 16-39-2-6 Disclosure without patient's consent; interpretation of records; immunities

Sec. 6. (a) Without the consent of the patient, the patient's mental health record may only be disclosed as follows:

(1) To individuals who meet the following conditions:

(A) Are employed by:

- (i) the provider at the same facility or agency;
- (ii) a managed care provider (as defined in IC 12-7-2-127(b)); or

- (iii) a health care provider or mental health care provider, if the mental health records are needed to provide health care or mental health services to the patient.
 - (B) Are involved in the planning, provision, and monitoring of services.
 - (2) To the extent necessary to obtain payment for services rendered or other benefits to which the patient may be entitled, as provided in IC 16-39-5-3.
 - (3) To the patient's court appointed counsel and to the Indiana protection and advocacy services commission.
 - (4) For research conducted in accordance with IC 16-39-5-3 and the rules of the division of mental health and addiction, the rules of the division of disability and rehabilitative services, or the rules of the provider.
 - (5) To the division of mental health and addiction for the purpose of data collection, research, and monitoring managed care providers (as defined in IC 12-7-2-127(b)) who are operating under a contract with the division of mental health and addiction.
 - (6) To the extent necessary to make reports or give testimony required by the statutes pertaining to admissions, transfers, discharges, and guardianship proceedings.
 - (7) To a law enforcement agency if any of the following conditions are met:
 - (A) A patient escapes from a facility to which the patient is committed under IC 12-26.
 - (B) The superintendent of the facility determines that failure to provide the information may result in bodily harm to the patient or another individual.
 - (C) A patient commits or threatens to commit a crime on facility premises or against facility personnel.
 - (D) A patient is in the custody of a law enforcement officer or agency for any reason and:
 - (i) the information to be released is limited to medications currently prescribed for the patient or to the patient's history of adverse medication reactions; and
 - (ii) the provider determines that the release of the medication information will assist in protecting the health, safety, or welfare of the patient.
- Mental health records released under this clause must be maintained in confidence by the law enforcement agency receiving them.
- (8) To a coroner or medical examiner, in the performance of the individual's duties.
 - (9) To a school in which the patient is enrolled if the superintendent of the facility determines that the information will assist the school in meeting educational needs of a person with a disability under 20 U.S.C. 1400 et seq.
 - (10) To the extent necessary to satisfy reporting requirements under the following statutes:
 - (A) IC 12-10-3-10.
 - (B) IC 12-24-17-5.
 - (C) IC 16-41-2-3.
 - (D) IC 31-25-3-2.
 - (E) IC 31-33-5-4.
 - (F) IC 34-30-16-2.
 - (G) IC 35-46-1-13.
 - (11) To the extent necessary to satisfy release of information requirements under the following statutes:
 - (A) IC 12-24-11-2.
 - (B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.
 - (C) IC 12-26-11.
 - (12) To another health care provider in a health care emergency.
 - (13) For legitimate business purposes as described in IC 16-39-5-3.
 - (14) Under a court order under IC 16-39-3.

- (15) With respect to records from a mental health or developmental disability facility, to the United States Secret Service if the following conditions are met:
 - (A) The request does not apply to alcohol or drug abuse records described in 42 U.S.C. 290dd-2 unless authorized by a court order under 42 U.S.C. 290dd-2(b)(2)(c).
 - (B) The request relates to the United States Secret Service's protective responsibility and investigative authority under 18 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.
 - (C) The request specifies an individual patient.
 - (D) The director or superintendent of the facility determines that disclosure of the mental health record may be necessary to protect a person under the protection of the United States Secret Service from serious bodily injury or death.
 - (E) The United States Secret Service agrees to only use the mental health record information for investigative purposes and not disclose the information publicly.
 - (F) The mental health record information disclosed to the United States Secret Service includes only:
 - (i) the patient's name, age, and address;
 - (ii) the date of the patient's admission to or discharge from the facility; and
 - (iii) any information that indicates whether or not the patient has a history of violence or presents a danger to the person under protection.
 - (16) To the statewide waiver ombudsman established under IC 12-11-13, in the performance of the ombudsman's duties.
 - (b) After information is disclosed under subsection (a)(15) and if the patient is evaluated to be dangerous, the records shall be interpreted in consultation with a licensed mental health professional on the staff of the United States Secret Service.
 - (c) A person who discloses information under subsection (a)(7) or (a)(15) in good faith is immune from civil and criminal liability.
- As added by P.L.2-1993, SEC.22. Amended by P.L.23-1993, SEC.77; P.L.40-1994, SEC.68; P.L.6-1995, SEC.37; P.L.149-1996, SEC.1; P.L.1-1997, SEC.95; P.L.4-1997, SEC.6; P.L.111-1997, SEC.8; P.L.253-1997(ss), SEC.20; P.L.1-1998, SEC.120; P.L.1-1999, SEC.46; P.L.272-1999, SEC.53; P.L.215-2001, SEC.85; P.L.141-2006, SEC.91; P.L.145-2006, SEC.141; P.L.1-2007, SEC.136.*
- IC 16-39-2-7 Discovery or admissibility without patient's consent**
 Sec. 7. Except as provided in section 8 of this chapter, the mental health record is not discoverable or admissible in any legal proceeding without the consent of the patient.
As added by P.L.2-1993, SEC.22.
- IC 16-39-2-8 Court ordered release**
 Sec. 8. The court may order the release of the patient's mental health record without the patient's consent upon the showing of good cause following a hearing under IC 16-39-3 or in a proceeding under IC 31-30 through IC 31-40 following a hearing held under the Indiana Rules of Trial Procedure.
As added by P.L.2-1993, SEC.22. Amended by P.L.1-1997, SEC.96.
- IC 16-39-2-9 Exercise of patient's rights by others; equal access to records; fees**
 Sec. 9. (a) For the purposes of this chapter, the following persons are entitled to exercise the patient's rights on the patient's behalf:
 - (1) If the patient is a minor, the parent, guardian, or other court appointed representative of the patient.
 - (2) If the provider determines that the patient is incapable of giving or withholding consent, the patient's guardian, a court appointed representative of the patient, a person possessing a health care

power of attorney for the patient, or the patient's health care representative.

(b) A custodial parent and a noncustodial parent of a child have equal access to the child's mental health records unless:

- (1) a court has issued an order that limits the noncustodial parent's access to the child's mental health records; and
- (2) the provider has received a copy of the court order or has actual knowledge of the court order.

If the provider incurs an additional expense by allowing a parent equal access to a child's mental health records, the provider may require the parent requesting the equal access to pay a fee under IC 16-39-9 to cover the cost of the additional expense.

As added by P.L.2-1993, SEC.22. Amended by P.L.4-1997, SEC.7.

IC 16-39-2-10 Decedents' records; consent to release

Sec. 10. For the purposes of this chapter, consent to the release of a deceased patient's record may be given by the personal representative of the patient's estate. If there is no appointment of a personal representative, consent may be given by:

- (1) the patient's spouse; or
- (2) if there is no spouse, any responsible member of the patient's family, including a parent, guardian, or custodian of the deceased patient's minor child.

As added by P.L.2-1993, SEC.22. Amended by P.L.4-1997, SEC.8.

IC 16-39-2-11 Copying fees

Sec. 11. IC 16-39-9 governs the fees that may be charged for making and providing copies of records under this chapter.

As added by P.L.2-1993, SEC.22. Amended by P.L.102-1994, SEC.3.

IC 16-39-2-12 Application to other mental health records laws

Sec. 12. This chapter does not prohibit the application to mental health records of any law concerning health records that is not addressed by this chapter.

As added by P.L.4-1997, SEC.9.

INDIANA CODE § 16-39-3

Chapter 3. Release of Mental Health Records in Investigations and Legal Proceedings

IC 16-39-3-1 Application of chapter

Sec. 1. This chapter applies only to mental health records.

As added by P.L.2-1993, SEC.22.

IC 16-39-3-2 Repealed

(Repealed by P.L.4-1997, SEC.14.)

IC 16-39-3-3 Petition for release of patient's records

Sec. 3. A person:

- (1) seeking access to a patient's mental health record without the patient's written consent in an investigation or prosecution resulting from a report filed under IC 16-39-2-6(10); or
- (2) who has filed or is a party to a legal proceeding and who seeks access to a patient's mental health record without the patient's written consent;

may file a petition in a circuit or superior court requesting a release of the patient's mental health record.

As added by P.L.2-1993, SEC.22. Amended by P.L.108-1996, SEC.5.

IC 16-39-3-4 Notice of hearing

Sec. 4. Except as provided in section 8 of this chapter, notice of a hearing to be conducted under this chapter shall be served at least fifteen (15) days in advance on the following:

- (1) The patient.
- (2) The guardian, guardian ad litem or court appointed special advocate appointed for a minor, parent, or custodian of a patient who is incompetent.
- (3) The provider that maintains the record or the attorney general if the provider is a state institution.

As added by P.L.2-1993, SEC.22.

IC 16-39-3-5 Right to counsel

Sec. 5. If a patient has an attorney, the patient has the right to have an attorney present at a hearing conducted under this chapter. The notice served under section 4 of this chapter must state the patient's right to have an attorney present if the patient has an attorney. If the patient is under an inpatient commitment to a mental health facility at the time a petition under section 3 of this chapter is filed and the patient is unable to afford an attorney, the court shall appoint an attorney for the patient.

As added by P.L.2-1993, SEC.22.

IC 16-39-3-6 Confidential hearing record

Sec. 6. A hearing under this chapter shall be conducted in a manner that preserves the confidentiality of the record of the hearing.

As added by P.L.2-1993, SEC.22.

IC 16-39-3-7 Release of records; necessary findings

Sec. 7. At the conclusion of the hearing, the court may order the release of the patient's mental health record if the court finds by a preponderance of the evidence that:

- (1) other reasonable methods of obtaining the information are not available or would not be effective; and
- (2) the need for disclosure outweighs the potential harm to the patient. In weighing the potential harm to the patient, the court shall consider the impact of disclosure on the provider-patient privilege and the patient's rehabilitative process.

As added by P.L.2-1993, SEC.22.

IC 16-39-3-8 Child in need of services; petition for emergency hearing on request for records of parent, guardian, or custodian

Sec. 8. If an emergency exists in which a child is alleged to be a child in need of services under IC 31-34-1 and the department of child services seeks access to the mental health records of the parent, guardian, or custodian of the child as a part of a preliminary inquiry under IC 31-34-7, the department of child services may file a verified petition, which sets forth the facts the department of child services alleges constitute an emergency, seeking an emergency hearing under this section. A request for access to a patient's mental health record under this section shall be heard by the juvenile court having jurisdiction under IC 31-30 through IC 31-40. Notice of a hearing to be conducted under this section shall be served not later than twenty-four (24) hours before the hearing to all persons entitled to receive notice under section 4 of this chapter. If actual notice cannot be given, the department of child services shall file with the court an affidavit stating that verbal notice or written notice left at the last known address of the respondent was attempted not less than twenty-four (24) hours before the hearing. A hearing under this section shall be held not later than forty-eight (48) hours after the petition for an emergency hearing is filed. The juvenile court shall enter written findings concerning the release or denial of the release of the mental health records of the parent, guardian, or custodian. The juvenile court shall order the release of the mental health records if the court finds the following by a preponderance of the evidence:

(1) Other reasonable methods of obtaining the information sought are not available or would not be effective.

(2) The need for disclosure in the best interests of the child outweighs the potential harm to the patient caused by a necessary disclosure. In weighing the potential harm to the patient, the juvenile court shall consider the impact of disclosure on the provider-patient relationship and the patient's rehabilitative process.

As added by P.L.2-1993, SEC.22. Amended by P.L.4-1993, SEC.245; P.L.5-1993, SEC.258; P.L.1-1997, SEC.97; P.L.146-2008, SEC.448.

IC 16-39-3-9 Court order authorizing release of records; requisites

Sec. 9. A court order authorizing release of a patient's mental health record under this chapter must do the following:

- (1) Limit disclosure to those parts of the patient's record that are essential to fulfill the objective of the order.
- (2) Limit disclosure to those persons whose need for information is the basis of the order.
- (3) Include other measures necessary to limit disclosure for the protection of the patient, the provider-patient privilege, and the rehabilitative process.

As added by P.L.2-1993, SEC.22.

IC 16-39-3-10 Admission of record or related testimony in evidence; confidentiality

Sec. 10. If a patient's mental health record or testimony related to a patient's mental health is offered or admitted into evidence in a legal proceeding, the court shall maintain the record or transcript of the testimony as a confidential court record. The record or transcript may not be used in any other proceeding or for any other purpose.

As added by P.L.2-1993, SEC.22.

IC 16-39-3-11 Proceedings under IC 31-6; exception

Sec. 11. Except as provided in section 8 of this chapter:

- (1) this chapter;
- (2) the hearing process described in this chapter; and
- (3) the standards described in this chapter;

do not apply to proceedings under IC 31-30 through IC 31-40. A proceeding for access to a patient's mental health records under IC 31-30 through IC 31-40 is subject to the Indiana Rules of Trial Procedure.
As added by P.L.2-1993, SEC.22. Amended by P.L.1-1997, SEC.98.

IC 16-39-3-12 Copying fees

Sec. 12. IC 16-39-9 governs the fees that may be charged for making and providing copies of records under this chapter.

As added by P.L.102-1994, SEC.4.

IC 16-39-3-13 Application to other mental health records laws

Sec. 13. This chapter does not prohibit the application to mental health records of any law concerning health records that is not addressed by this chapter.

As added by P.L.4-1997, SEC.10.

INDIANA CODE § 16-39-4

Chapter 4. Provision of Mental Health Information

IC 16-39-4-1 Application of chapter

Sec. 1. This chapter applies only to patients receiving mental health services.

As added by P.L.2-1993, SEC.22.

IC 16-39-4-2 "Primary caregiver" defined; written request from relative or guardian for information

Sec. 2. (a) As used in this section, "primary caregiver" means an individual who provides for the physical, emotional, and social needs of another individual who cannot provide for the other individual's own needs.

(b) Upon the written request of a patient's:

- (1) spouse;
- (2) parent if:
 - (A) the patient does not have a spouse; or
 - (B) the parent is the primary caregiver to the patient;
- (3) adult child if the patient has neither a spouse nor a parent;
- (4) sibling if the patient has neither a spouse, a parent, nor an adult child; or
- (5) guardian, guardian ad litem, or court appointed special guardian;

who is involved in the planning, provision, and monitoring of mental health services delivered to the patient and the written consent of the treating physician for the patient, the provider shall provide the individual described in subdivision (1), (2), (3), (4), or (5) with the information described in section 3 of this chapter.

As added by P.L.2-1993, SEC.22. Amended by P.L.189-1995, SEC.2.

IC 16-39-4-3 Summary response from provider

Sec. 3. If a provider has received a written request under section 2 of this chapter, the provider shall provide the individual who made the request with the following information:

- (1) A summary of the patient's diagnosis.
- (2) A summary of the information required to be given to the patient under IC 12-27-6-2 and IC 12-27-6-3.
- (3) The types of medication that have been prescribed for the patient.
- (4) A summary of the patient's prognosis.

As added by P.L.2-1993, SEC.22.

IC 16-39-4-4 Copying fees

Sec. 4. IC 16-39-9 governs the fees that may be charged for making and providing copies of records under this chapter.

As added by P.L.2-1993, SEC.22. Amended by P.L.102-1994, SEC.5.

IC 16-39-4-5 Information subject to disclosure; exempt institutions; failure of patient to authorize release of information

Sec. 5. (a) This section does not apply to the following:

- (1) An institution licensed under IC 12-25.
- (2) A hospital licensed under IC 16-21.
- (3) A treatment facility certified under IC 12-23-1-6.
- (4) A state institution listed under IC 12-24-1.

(b) This section applies only to a patient's mental health records.

(c) A patient, or the patient's legal representative if the patient is incompetent, who consents in writing to the release of information to an insurer that has issued a policy of accident and sickness insurance (as defined in IC 27-8-5-1) covering the patient, authorizes the provider to disclose the following information to the insurer:

- (1) The patient's name and the policy or contract number.
- (2) The date the patient was admitted to a treatment facility or the date the patient began receiving mental health, mental retardation, or substance abuse (as defined in IC 27-8-5-15.5) services.
- (3) The date of the beginning of the patient's illness.
- (4) The date the patient was discharged from the treatment facility or the date the services were terminated, if known.
- (5) The diagnosis for the patient with concise information substantiating the diagnosis.
- (6) A brief description of the services provided to the patient, including the type of therapy used, medications ordered and

administered, the total number of hours spent in individual, group, or family treatment, recreational therapy, or rehabilitation activities.

(7) The patient's status as either an inpatient or outpatient.

(8) The patient's relationship to the policyholder or contract subscriber.

(9) The patient's prognosis and plan of treatment.

An insurer's request for the release of additional mental health information relating to subdivisions (1) through (9) does not require a further release in order for the provider to submit the additional information to the insurer. The provider may release to the insurer mental health information in addition to that reasonably related to subdivisions (1) through (9) if an additional written consent is obtained from the patient or the patient's representative authorizing the release of all information necessary for the insurer to adjudicate a claim made by the patient or the patient's representative. If such a release is obtained, no further releases are required in order for the provider to submit additional information in response to subsequent requests for information by the insurer to complete its review of the claim.

(d) Nothing in this section removes the obligation of a patient to pay for services if the patient's failure to authorize the release of information under this section results in the limitation or denial of insurance benefits. *As added by P.L. 102-1994, SEC. 6.*

IC 16-39-4-6 Application to other mental health records laws

Sec. 6. This chapter does not prohibit the application to mental health records of any law concerning health records that is not addressed by this chapter.

As added by P.L. 4-1997, SEC. 11.

INDIANA CODE § 16-39-5

Chapter 5. Release of Health Records to Third Parties and for Legitimate Business Purposes

IC 16-39-5-1 Interprovider exchange of records without patient's consent

Sec. 1. This article does not prohibit a provider from obtaining a patient's health records from another provider without the patient's consent if the health records are needed to provide health care services to the patient.

As added by P.L. 2-1993, SEC. 22. Amended by P.L. 6-1995, SEC. 38.

IC 16-39-5-2 Patient's written consent to insurer to obtain records or medical information

Sec. 2. (a) Except as provided in IC 16-39-2, IC 16-39-3, IC 16-39-4, and subsection (d), this article does not prohibit an accident and sickness insurance company (as defined in IC 27-8-5-1) from obtaining health records or medical information with a written consent executed at the time of receiving an application for insurance or at any other time. Such consent may be used at any time for legitimate accident and sickness insurance purposes.

(b) A written consent to obtain health records or medical information obtained at the time of application by an insurance company making any of the types of insurance not defined in IC 27-8-5 may be used for any legitimate insurance purposes for up to two (2) years from the date the contract is issued. A written consent obtained at any other time by an insurance company not defined in IC 27-8-5 may be used for up to one (1) year after the date the consent was signed. A copy of all health records or medical information obtained by an insurance company, other than a life insurance company (as defined in IC 27-1-2-3(s)), by means of the written consent of the patient under this subsection shall be furnished to the patient by the insurance company upon the written request of the patient.

(c) Consents obtained by any insurance company need only contain the following:

(1) Name of the insured.

(2) Date the consent is granted.

(3) Name of the company to which consent is given to receive information.

(4) General nature of the information that may be secured by use of the consent.

(d) Except as provided in subsection (e), an insurance company other than a life insurance company (as defined in IC 27-1-2-3(s)) may not obtain the results of any genetic screening or testing (as defined in IC 27-8-26-2) without a separate written consent by an individual at the time of application for insurance or at any other time. The form on which an individual indicates written consent must:

(1) indicate in at least 10 point boldface type that the individual need not consent to releasing the results of any genetic testing or screening; and

(2) be approved by the commissioner before use.

(e) An insurance company other than a life insurance company (as defined in IC 27-1-2-3(s)) is not liable if the insurance company:

(1) inadvertently receives the results of any genetic testing or screening (as defined in IC 27-8-26-2); and

(2) has not obtained a separate written consent as required under subsection (d).

An insurance company that inadvertently receives testing or screening results may not use the genetic testing or screening results in violation of IC 27-8-26.

As added by P.L. 2-1993, SEC. 22. Amended by P.L. 1-1994, SEC. 89; P.L. 150-1997, SEC. 1.

IC 16-39-5-3 Provider's use of records; confidentiality; violations

Sec. 3. (a) As used in this section, "association" refers to an Indiana hospital trade association founded in 1921.

(b) As used in this section, "data aggregation" means a combination of information obtained from the health records of a provider with information obtained from the health records of one (1) or more other providers to permit data analysis that relates to the health care operations of the providers.

(c) Except as provided in IC 16-39-4-5, the original health record of the patient is the property of the provider and as such may be used by the provider without specific written authorization for legitimate business purposes, including the following:

(1) Submission of claims for payment from third parties.

(2) Collection of accounts.

(3) Litigation defense.

(4) Quality assurance.

(5) Peer review.

(6) Scientific, statistical, and educational purposes.

(d) In use under subsection (c), the provider shall at all times protect the confidentiality of the health record and may disclose the identity of the patient only when disclosure is essential to the provider's business use or to quality assurance and peer review.

(e) A provider may disclose a health record to another provider or to a nonprofit medical research organization to be used in connection with a joint scientific, statistical, or educational project. Each party that receives information from a health record in connection with the joint project shall protect the confidentiality of the health record and may not disclose the patient's identity except as allowed under this article.

(f) A provider may disclose a health record or information obtained from a health record to the association for use in connection with a data aggregation project undertaken by the association. However, the provider may disclose the identity of a patient to the association only when the disclosure is essential to the project. The association may disclose the information it receives from a provider under this subsection to the state

department to be used in connection with a public health activity or data aggregation of inpatient and outpatient discharge information submitted under IC 16-21-6-6. The information disclosed by:

- (1) a provider to the association; or
- (2) the association to the state department;

under this subsection is confidential.

(g) Information contained in final results obtained by the state department for a public health activity that:

- (1) is based on information disclosed under subsection (f); and
- (2) identifies or could be used to determine the identity of a patient;

is confidential. All other information contained in the final results is not confidential.

(h) Information that is:

- (1) advisory or deliberative material of a speculative nature; or
- (2) an expression of opinion;

including preliminary reports produced in connection with a public health activity using information disclosed under subsection (f), is confidential and may only be disclosed by the state department to the association and to the provider who disclosed the information to the association.

(i) The association shall, upon the request of a provider that contracts with the association to perform data aggregation, make available information contained in the final results of data aggregation activities performed by the association in compliance with subsection (f).

(j) A person who recklessly violates or fails to comply with subsections (e) through (h) commits a Class C infraction. Each day a violation continues constitutes a separate offense.

(k) This chapter does not do any of the following:

- (1) Repeal, modify, or amend any statute requiring or authorizing the disclosure of information about any person.
- (2) Prevent disclosure or confirmation of information about patients involved in incidents that are reported or required to be reported to governmental agencies and not required to be kept confidential by the governmental agencies.

As added by P.L.2-1993, SEC.22. Amended by P.L.102-1994, SEC.7; P.L.103-1994, SEC.1; P.L.2-1995, SEC.73; P.L.231-1999, SEC.15; P.L.44-2002, SEC.5; P.L.78-2004, SEC.23.

IC 16-39-5-4 Copying fees

Sec. 4. IC 16-39-9 governs the fees that may be charged for making and providing copies of records under this chapter.

As added by P.L.102-1994, SEC.8.

INDIANA CODE § 16-39-6

Chapter 6. Access to Hospital Records by Hospital Medical Staff Committees

IC 16-39-6-1 Purposes

Sec. 1. It is in the interest of public health and patient medical care that hospital medical staff committees have access to the records and other information concerning the condition and treatment of hospital patients to evaluate the care and treatment of patients as follows:

- (1) For research purposes.
- (2) For the purpose of gathering statistics and other information concerning the prevention and treatment of diseases, illnesses, and injuries.
- (3) For the purpose of reducing morbidity or mortality.

As added by P.L.2-1993, SEC.22.

IC 16-39-6-2 Right of hospital to provide records to medical staff committee

Sec. 2. To carry out the purposes described in section 1 of this chapter, a hospital or agents or employees of the hospital may provide

medical records or other information concerning the condition or treatment of a hospital patient to a hospital medical staff committee.

As added by P.L.2-1993, SEC.22.

IC 16-39-6-3 Confidentiality; production on court order

Sec. 3. (a) Except as provided in subsection (b):

- (1) records or other information furnished a hospital medical staff committee under this chapter concerning the care and treatment of a hospital patient;
- (2) proceedings of a hospital medical staff committee; and
- (3) other records or reports of a hospital medical staff committee;

are confidential.

(b) The confidential records and proceedings described in subsection (a) may be produced on court order in a cause in which the records and proceedings are relevant or material.

As added by P.L.2-1993, SEC.22.

IC 16-39-6-4 Use or publication of obtained information; restrictions

Sec. 4. A hospital medical staff committee shall use or publish information the committee obtains from records or other information submitted to the committee concerning the care or treatment of a patient only as follows:

- (1) To evaluate matters of medical care, therapy, and treatment.
- (2) For research and statistical purposes.

As added by P.L.2-1993, SEC.22.

IC 16-39-6-5 Protection of patient's identity

Sec. 5. (a) The members, agents, or employees of a hospital medical staff committee may not disclose the identity of any patient whose records have been studied in a report or publication of the committee.

(b) The members, agents, and employees of the medical staff committee shall protect the identity of a patient whose condition or treatment has been studied and may not disclose or reveal the identity of any patient.

As added by P.L.2-1993, SEC.22.

INDIANA CODE § 16-39-7

Chapter 7. Maintenance of Health Records, X-rays, and Other Tests

IC 16-39-7-1 Maintenance of health records by providers; violations

Sec. 1. (a) As used in this section, "provider" means the following:

- (1) A physician.
- (2) A dentist.
- (3) A registered nurse.
- (4) A licensed practical nurse.
- (5) An optometrist.
- (6) A podiatrist.
- (7) A chiropractor.
- (8) A physical therapist.
- (9) A psychologist.
- (10) An audiologist.
- (11) A speech-language pathologist.
- (12) A home health agency licensed under IC 16-27.
- (13) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24 or IC 12-29.

(b) A provider shall maintain the original health records or microfilms of the records for at least seven (7) years.

(c) A provider who violates subsection (b) commits an offense for which a board may impose disciplinary sanctions against the provider under the law that governs the provider's licensure, registration, or certification under this title or IC 25.

As added by P.L.2-1993, SEC.22.

IC 16-39-7-2 Maintenance of x-rays by providers; mammograms; violations; civil liability

Sec. 2. (a) This section does not apply to original mammograms, which are governed by section 3 of this chapter.

(b) As used in this section, "x-ray film" includes a microfilm copy of the x-ray film.

(c) A provider shall maintain a patient's x-ray film for at least five (5) years.

(d) At the time an x-ray film is taken, the provider shall do one (1) of the following:

(1) Inform the patient in writing of the following:

(A) The patient's x-ray film will be kept on file by the provider for at least five (5) years.

(B) If the patient would like a copy of the x-ray film during that period, the provider will provide the patient with a copy of the x-ray film at the actual cost to the provider, as provided in IC 16-39-1-2.

(2) Have posted conspicuously in the x-ray examination area a sign informing patients of the following:

(A) All x-ray films will be kept on file by a provider for at least five (5) years.

(B) On request during that time, the provider will provide the patient a copy of the patient's x-ray film at the actual cost to the provider.

(e) A provider is immune from civil liability for destroying or otherwise failing to maintain an x-ray film in violation of this section if the destruction or failure to maintain the x-ray film is inadvertent and not done in bad faith. However, this subsection does not prevent the imposition of disciplinary sanctions against the provider, as described in subsection (f).

(f) A provider who violates this section commits an offense for which a board may impose disciplinary sanctions against the provider under the statute that governs the provider's licensure, registration, or certification under this title or IC 25.

As added by P.L.2-1993, SEC.22. Amended by P.L.86-2001, SEC.1.

IC 16-39-7-3 Original mammogram films; maintenance; transfer

Sec. 3. (a) Except as provided in subsection (b), a provider shall maintain a patient's original mammogram films and reports concerning the mammogram films in a permanent medical record of the patient for not less than:

(1) five (5) years; or

(2) if the provider performs no additional mammograms of the patient, ten (10) years; after the date the original mammogram films were taken.

(b) Upon request by or on behalf of a patient, a provider shall permanently or temporarily transfer a patient's original mammogram films and copies of any reports concerning the mammogram films to:

(1) a medical institution;

(2) a physician or other health care provider of the patient; or

(3) the patient.

(c) Any fee charged to a patient for providing mammogram films and copies of reports under subsection (b) may not exceed the provider's actual cost in providing the films and reports.

(d) At the time a mammogram is taken, the provider shall inform the patient in writing of:

(1) the length of time that the patient's original mammogram films will be maintained; and

(2) the procedure for obtaining the original mammogram films and copies of reports concerning the mammogram films as described in subsection (b).

(e) A provider is immune from civil liability for destroying or otherwise failing to maintain a patient's original mammogram films or reports concerning the mammogram films in violation of this section if the

destruction or failure to maintain the original mammogram films or reports is inadvertent and not done in bad faith. However, this subsection does not prevent the imposition of disciplinary sanctions against the provider, as described in subsection

(f).

(f) A provider who violates this section commits an offense for which a board may impose disciplinary sanctions against the provider under the statute that governs the provider's licensure, registration, or certification under this title or IC 25.

(g) Upon receiving written notice of a change in federal regulations regarding the maintenance and storage of x-ray film taken as a supplemental medical diagnostic tool to mammography, the state department shall make reasonable attempts to promptly notify all x-ray facilities providing mammographic x-ray services regarding the change. *As added by P.L.86-2001, SEC.2.*

INDIANA CODE § 16-39-7.1

Chapter 7.1. Autopsy Records

IC 16-39-7.1-1 Applicability of chapter

Sec. 1. This chapter applies to a physician.

As added by P.L.271-2001, SEC.3.

IC 16-39-7.1-1.5 "Training or educational purposes"

Sec. 1.5. As used in this chapter, "training or educational purposes" means for the purpose of:

(1) teaching or giving lectures to:

(A) medical students;

(B) physicians;

(C) coroners;

(D) law enforcement personnel;

(E) public safety personnel;

(F) attorneys; or

(G) an individual who relies upon information or records regulated under this chapter in the course of the individual's profession or occupation;

(2) publication in professional medical:

(A) books; or

(B) periodicals; or

(3) use in:

(A) training videos; or

(B) computer programs.

As added by P.L.179-2003, SEC.2.

IC 16-39-7.1-2 Confidentiality of records

Sec. 2. Except as provided in section 3 of this chapter, a photograph, a video recording, or an audio recording of an autopsy in the custody of a physician is confidential.

As added by P.L.271-2001, SEC.3.

IC 16-39-7.1-3 Access to records; confidentiality

Sec. 3. (a) A surviving spouse may:

(1) view and copy a photograph or video recording; and

(2) listen to and copy an audio recording;

of the deceased spouse's autopsy. If there is no surviving spouse, the surviving parents shall have access to the records under this subsection. If there is no surviving spouse or parent, an adult child shall have access to the records.

(b) Upon making a written request, a unit (as defined in IC 36-1-2-23), the state, an agency of the state, the federal government, or an agency of the federal government, while in performance of their official duty, may:

(1) view and copy a photograph or video recording; and
(2) listen to and copy an audio recording;
of an autopsy. Unless otherwise required in the performance of their duties, the identity of the deceased must remain confidential.

(c) The physician having custody of a photograph, a video recording, or an audio recording of an autopsy may use or allow the use of the photograph, video recording, or audio recording of the autopsy for case consultation with a pathologist or forensic scientist. The physician having custody of a photograph, a video recording, or an audio recording of an autopsy may also use or allow the use of the photograph, video recording, or audio recording of the autopsy for training or educational purposes if all information that identifies the individual on whom the autopsy was performed is masked or removed from the photograph, video recording, or audio recording. For purposes of this subsection, information that identifies an individual consists of:

- (1) the name;
- (2) the address;
- (3) the Social Security number;
- (4) a full view of the face; or
- (5) identifying marks on the body that are unrelated to the educational purpose of the information or to the medical condition or the medical status;

of the deceased individual. A physician who allows the use of autopsy information under this subsection has a duty to disclose to each person to whom the physician releases it that the information is confidential and may not be used for a purpose other than the purpose for which it was originally released. A physician who fails to disclose the confidentiality restrictions of this information commits a Class A misdemeanor.

(d) Except as provided in subsection (c), the physician having custody of a photograph, a video recording, or an audio recording of an autopsy may not permit a person to:

- (1) view and copy a photograph or video recording; and
- (2) listen to and copy an audio recording;

of an autopsy without a court order.

(e) Information disclosed under subsection (c) is confidential.

As added by P.L.271-2001, SEC.3. Amended by P.L.179-2003, SEC.3.

IC 16-39-7.1-4 Court orders regarding access to records

Sec. 4. (a) A court, upon a showing of good cause, may issue an order authorizing a person to:

- (1) view or copy a photograph or video recording; and
- (2) listen to or copy an audio recording;

of an autopsy, and may prescribe any restrictions or stipulations that the court considers appropriate.

(b) In determining good cause, the court shall consider:

- (1) whether the disclosure is necessary for the public evaluation of governmental performance;
- (2) the seriousness of the intrusion into the family's right to privacy;
- (3) whether the disclosure of the photograph, video recording, or audio recording is by the least intrusive means available; and
- (4) the availability of similar information in other public records, regardless of form.

(c) In all cases, the viewing, copying, listening to, or other handling of a photograph or video or audio recording of an autopsy must be under the direct supervision of the physician who is the custodian of the record.

As added by P.L.271-2001, SEC.3.

IC 16-39-7.1-5 Notice to survivors of petitions for access to records

Sec. 5. (a) A surviving spouse shall be given:

- (1) reasonable notice of the petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording;

(2) a copy of the petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording; and

(3) reasonable notice of the opportunity to be present and heard at any hearing on the matter.

(b) If there is no surviving spouse, the notice under this section must be given to the deceased's parents, and if the deceased has no living parent, the notice must be given to the adult children of the deceased.

As added by P.L.271-2001, SEC.3.

IC 16-39-7.1-6 Violations

Sec. 6. (a) A provider who:

(1) is the custodian of a photograph, a video recording, or an audio recording of an autopsy; and

(2) knowingly or intentionally violates this chapter;
commits a Class A misdemeanor.

(b) A person who knowingly or intentionally violates a court order issued under this chapter commits a Class A misdemeanor.

(c) A person who:

(1) receives autopsy information under section 3(c) of this chapter; and

(2) knowingly or intentionally uses the information in a manner other than the specified purpose for which it was released;
commits a Class A misdemeanor.

As added by P.L.271-2001, SEC.3. Amended by P.L.179-2003, SEC.4.

INDIANA CODE § 16-39-8

Chapter 8. Immunity From Liability

IC 16-39-8-1 Libel or slander; immunity

Sec. 1. Providers and the providers' employees, agents, and representatives are immune from civil action for libel or slander arising from information or entries made in a patient health record if the information or entries are made in good faith and without malice.

As added by P.L.2-1993, SEC.22.

IC 16-39-8-2 Applicability

Sec. 2. This chapter applies to mental health records.

As added by P.L.4-1997, SEC.12.

INDIANA CODE § 16-39-9

Chapter 9. Charges Permitted for Providing Copies of Medical Records

IC 16-39-9-1 Chapter exemptions

Sec. 1. This chapter does not apply to x-rays covered by either of the following:

(1) IC 16-39-1-2.

(2) IC 16-39-7-2.

As added by P.L.102-1994, SEC.9.

IC 16-39-9-2 Maximum copying fees

Sec. 2. A provider may not charge a person for making and providing copies of medical records an amount greater than the amount set in rules adopted by the department of insurance under section 4 of this chapter.

As added by P.L.102-1994, SEC.9. Amended by P.L.173-2007, SEC.1.

IC 16-39-9-3 Repealed

(Repealed by P.L.173-2007, SEC.47.)

IC 16-39-9-4 Cost adjustments by department

Sec. 4. (a) As used in this section, "department" refers to the department of insurance created by IC 27-1-1-1.

(b) The department may adopt rules under IC 4-22-2 to set the amounts that may be charged for copying records under this chapter. In adopting rules under this section, the department shall consider the following factors relating to the costs of copying medical records:

- (1) The following labor costs:
 - (A) Verification of requests.
 - (B) Logging requests.
 - (C) Retrieval.
 - (D) Copying.
 - (E) Refiling.
- (2) Software costs for logging requests.
- (3) Expense costs for copying.
- (4) Capital costs for copying.
- (5) Billing and bad debt expenses.
- (6) Space costs.

As added by P.L.102-1994, SEC.9. Amended by P.L.173-2007, SEC.2.

INDIANA CODE § 16-39-10

Chapter 10. Disclosure of Protected Health Information

IC 16-39-10-1 "Covered entity"

Sec. 1. As used in this chapter, "covered entity" has the meaning set forth in 45 CFR 160.103 as in effect on November 4, 2004.

As added by P.L.47-2005, SEC.1.

IC 16-39-10-2 "Law enforcement official"

Sec. 2. As used in this chapter, "law enforcement official" has the meaning set forth in 45 CFR 164.501 as in effect on November 4, 2004.

As added by P.L.47-2005, SEC.1.

IC 16-39-10-3 "Protected health information"

Sec. 3. As used in this chapter, "protected health information" has the meaning set forth in 45 CFR 160.103 as in effect on November 4, 2004.

As added by P.L.47-2005, SEC.1.

IC 16-39-10-4 Disclosure to law enforcement official

Sec. 4. A covered entity may disclose the following protected health information to a law enforcement official who requests the protected health information for the purpose of identifying or locating a missing person:

- (1) Contact information, including family, personal representative, and friends of the individual.
- (2) Previous addresses of the individual and the individual's family, personal representative, and friends.

As added by P.L.47-2005, SEC.1.

INDIANA CODE § 34-30

ARTICLE 30. IMMUNITY FROM CIVIL LIABILITY

INDIANA CODE § 34-30-16

Chapter 16. Health Care: Privileged Communications of Mental Health Service Providers

IC 34-30-16-1 Immunity from civil liability; violent behavior of patient

Sec. 1. A mental health service provider is immune from civil liability to persons other than the patient for failing to:

- (1) predict; or
- (2) warn or take precautions to protect from;

a patient's violent behavior unless the patient has communicated to the provider of mental health services an actual threat of physical violence or other means of harm against a reasonably identifiable victim or victims, or evidences conduct or makes statements indicating an imminent danger that the patient will use physical violence or use other means to cause serious personal injury or death to others.

As added by P.L.1-1998, SEC.26.

IC 34-30-16-2 Duty to warn or to take reasonable precautions; discharge

Sec. 2. The duty to warn of or to take reasonable precautions to provide protection from violent behavior or other serious harm arises only under the limited circumstances specified in section 1 of this chapter. The duty is discharged by a mental health service provider who takes one (1) or more of the following actions:

- (1) Makes reasonable attempts to communicate the threat to the victim or victims.
- (2) Makes reasonable efforts to notify a police department or other law enforcement agency having jurisdiction in the patient's or victim's place of residence.
- (3) Seeks civil commitment of the patient under IC 12-26.
- (4) Takes steps reasonably available to the provider to prevent the patient from using physical violence or other means of harm to others until the appropriate law enforcement agency can be summoned and takes custody of the patient.
- (5) Reports the threat of physical violence or other means of harm, within a reasonable period of time after receiving knowledge of the threat, to a physician or psychologist who is designated by the employer of a mental health service provider as an individual who has the responsibility to warn under this chapter.

As added by P.L.1-1998, SEC.26.

IC 34-30-16-3 Patient privacy and confidentiality; immunity from liability

Sec. 3. A mental health service provider who discloses information that must be disclosed to comply with sections 1 through 2 of this chapter is immune from civil and criminal liability under Indiana statutes that protect patient privacy and confidentiality.

As added by P.L.1-1998, SEC.26.

TITLE 839 INDIANA SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST AND MENTAL HEALTH COUNSELOR BOARD

NOTE: Under P.L.147-1997, SECTION 13, the name of the Social Work Certification and Marriage and Family Therapists Credentialing Board is changed to Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board, effective July 1, 1997.

ARTICLE 1. GENERAL PROVISIONS

Rule 1. Definitions

839 IAC 1-1-1 Applicability

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 1. The definitions in this rule apply throughout this article.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-1-1; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939)

839 IAC 1-1-2 "CMFT" defined (Repealed)

Sec. 2. *(Repealed by Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1516)*

839 IAC 1-1-3 "CCSW" defined (Repealed)

Sec. 3. *(Repealed by Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1516)*

839 IAC 1-1-3.2 "Graduate" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-4-2; IC 25-23.6-5-2; IC 25-23.6-6-2

Sec. 3.2. "Graduate" means an applicant who has obtained the required degree for social worker, clinical social worker, marriage and family therapist, or mental health counselor licensure.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-1-3.2; filed Dec 18, 2001, 9:11 a.m.: 25 IR 1633)

839 IAC 1-1-3.3 "Graduate accumulating experience" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-4-2; IC 25-23.6-5-2; IC 25-23.6-6-2

Sec. 3.3. A "graduate accumulating experience" required for licensure includes applicants who have failed the required examination.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-1-3.3; filed Dec 18, 2001, 9:11 a.m.: 25 IR 1633)

839 IAC 1-1-3.5 "LCSW" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 3.5. "LCSW" means a licensed clinical social worker licensed under IC 25-23.6.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-1-3.5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1503; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1308)

839 IAC 1-1-3.6 "LMFT" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 3.6. "LMFT" means a licensed marriage and family therapist licensed under IC 25-23.6.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-1-3.6; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1503; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939)

839 IAC 1-1-3.7 "LMHC" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 3.7. "LMHC" means a licensed mental health counselor licensed under IC 25-23.6.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-1-3.7; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1503; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939)

839 IAC 1-1-3.8 "LSW" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 3.8. "LSW" means a licensed social worker licensed under IC 25-23.6.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-1-3.8; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1504; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939)

839 IAC 1-1-4 "Practitioner" defined

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 4. "Practitioner" means a social worker, a clinical social worker, a marriage and family therapist, or a mental health counselor licensed under IC 25-23.6.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-1-4; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1504; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1308)

839 IAC 1-1-5 "CSW" defined (Repealed)

Sec. 5. *(Repealed by Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1516)*

Rule 2. Licensure and Fees

839 IAC 1-2-1 Application by examination

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 1. (a) An applicant for licensure as a social worker, clinical social worker, marriage and family therapist, or mental health counselor shall make application in writing on forms provided by the board and shall furnish satisfactory evidence to the board that the qualifying requirements have been met as provided for in the state licensing statutes, 839 IAC 1-3, 839 IAC 1-4, and 839 IAC 1-5.

(b) Applicants for licensure as a social worker shall be required to pass the intermediate level of the national examination as provided by the Association of Social Work Boards.

(c) Applicants for licensure as a clinical social worker shall be required to pass the clinical level of the national examination as provided by the Association of Social Work Boards.

(d) Applicants for licensure as a marriage and family therapist shall be required to pass the national examination as provided by the American Marriage and Family Therapist Regulatory Board.

(e) Applicants for licensure as a mental health counselor shall be required to pass the National Clinical Mental Health Counselor Examination as provided by the National Board for Certified Counselors.

(f) All applications for the Licensed Social Worker and Licensed Clinical Social Worker examination must be complete in every respect, including accompanying data and the required fee.

(g) All applications for the Licensed Mental Health Counselor and Licensed Marriage and Family Therapist examination must be complete in every respect, including accompanying data and the required fee, and filed with the board at least ninety (90) days prior to the examination for which application is being made.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-2-1; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1504; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1308)

839 IAC 1-2-2 License renewal

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-5

Sec. 2. (a) A license to practice social work, clinical social work, marriage and family therapy, or mental health counseling will expire on April 1 of even-numbered years.

(b) Applicants for renewal of licensure shall pay a renewal fee.

(c) Applications for renewal shall be mailed to the last known address of the practitioner. Failure to receive the application for renewal shall not relieve the practitioner of the responsibility for renewing the license by the renewal date.

(d) It is the responsibility of the practitioner to notify the health professions bureau of an address change.

(e) If a license has been expired for longer than three (3) years, the practitioner may renew the license by meeting the following requirements:

- (1) File a renewal application provided by the board.
- (2) Pay current renewal fees.
- (3) Pay penalty fee for late renewal.
- (4) Submit a detailed letter of explanation to the board as to why the license has lapsed.
- (5) Submit proof of having met the continuing education requirements for one (1) renewal cycle within the previous twenty-four (24) months.
- (6) Make a personal appearance before the board, as the board in its discretion may require.
- (7) Pass the national examination, as the board in its discretion may require.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-2-2; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1504; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1308)

839 IAC 1-2-2.1 Licensure retirement

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8-9

Sec. 2.1. (a) An individual who is licensed to practice social work, clinical social work, marriage and family therapy, or mental health counseling, and who would like to retire the license, shall notify the board in writing, when the individual retires from practice.

(b) An individual who has placed their license in retirement may not practice as a social worker, clinical social worker, marriage and family therapist, or mental health counselor until the license has been reinstated by the board.

(c) In order to reinstate a retired license, an individual shall do the following:

- (1) Complete a retirement reinstatement application, provided by the board, which must be approved by the board.
- (2) Pay a reinstatement fee established by the board.
- (3) Submit proof of continuing education requirements, as outlined by the board, depending on the number of years the license has been in retirement as follows:

(A) Zero (0) to three (3) years, twenty (20) hours of continuing education shall be required and must be completed within twelve (12) months prior to the petition for reinstatement.

(B) Three (3) to six (6) years, forty (40) hours of continuing education shall be required and must be completed within twenty-four (24) months prior to the petition for reinstatement.

(C) Six (6) to ten (10) years, sixty (60) hours of continuing education shall be required and must be completed within thirty-six (36) months prior to the petition for reinstatement.

(D) Ten (10) years or more shall require board determination of the continuing education needed and may require a personal appearance before the board, prior to reinstatement.

(E) Retirement years shall be calculated from the receipt of request to retire the license until reinstatement of the license.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-2-2.1; filed Dec 18, 2001, 9:11 a.m.: 25 IR 1633; filed Apr 9, 2003, 3:00 p.m.: 26 IR 2622)

839 IAC 1-2-3 Verification; board authority

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-5; IC 25-23.6-8

Sec. 3. An applicant, by submitting an application, authorizes the board to investigate or contact persons to verify information in the application. The board may request that the applicant provide additional verification or documentation to aid in the board's decision making.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-2-3; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939)

839 IAC 1-2-4 Disclosure of credentials (Repealed)

Sec. 4. *(Repealed by Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; filed Dec 18, 2001, 9:11 a.m.: 25 IR 1634)*

839 IAC 1-2-5 Fees

Authority: IC 25-1-8-2; IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 5. (a) Candidates for examination shall pay the examination fee directly to the examination service.

(b) The application/issuance fee for licensure to practice as a social worker, clinical social worker, marriage and family therapist, or mental health counselor shall be fifty dollars (\$50).

(c) The fee for issuance of a temporary permit shall be twenty-five dollars (\$25).

(d) The fee for verification of licensure to another state or jurisdiction shall be ten dollars (\$10).

(e) The fee for renewal of license to practice as a social worker, clinical social worker, marriage and family therapist, or mental health counselor shall be fifty dollars (\$50) biennially.

(f) The fee for reinstatement of a retired license to practice as a social worker, clinical social worker, marriage and family therapist, or mental health counselor shall be fifty dollars (\$50).

(g) The application fee for approval as a sponsor of continuing education shall be fifty dollars (\$50).

(h) The renewal fee for approval to sponsor continuing education shall be fifty dollars (\$50) biennially.

(i) The fee for a duplicate wall certificate shall be ten dollars (\$10).

(j) The penalty fee for late renewal, and any additional health professions bureau administrative fees, shall be set in accordance with the health professions bureau fee schedule.

(k) All application fees are nonrefundable.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-2-5; filed Nov 4, 1992, 5:00 p.m.: 16 IR 870; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1505; readopted filed Dec 2, 2001,

12:35 p.m.: 25 IR 1307; filed Apr 9, 2003, 3:00 p.m.: 26 IR 2623) NOTE: 839 IAC 1-2-6 was renumbered by Legislative Services Agency as 839 IAC 1-2-5.

Rule 3. Social Workers; Clinical Social Workers

839 IAC 1-3-1 Educational institution requirements for social worker's licensure

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-5-1

Sec. 1. "Institution of higher education approved by the board", as used in IC 25-23.6-5-1, means an institution of higher education that has a program that is accredited or approved for candidacy by the Council on Social Work Education at the time the applicant was granted the degree. For an applicant whose degree was granted prior to June 30, 1995, the term also includes a nonaccredited program in social work or clinical social work from an institution of higher education.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-3-1; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2457; filed Nov 4, 1992, 5:00 p.m.: 16 IR 871; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1505, eff Jul 1, 1999; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1309

839 IAC 1-3-2 Licensure by examination for social workers and clinical social workers

Authority: IC 25-23.6-2-8

Affected: IC 25-22.5; IC 25-23.6-5-1; IC 25-23.6-5-3.5; IC 25-33

Sec. 2. (a) An applicant for licensure as a social worker or clinical social worker shall pass an examination required by the board.

(b) As used in IC 25-23.6-5-1 and IC 25-23.6-5-3.5, "experience" means full-time paid experience of at least one thousand five hundred (1,500) hours per year. Part-time experience will be considered if the applicant can verify a total of four thousand five hundred (4,500) hours, three thousand (3,000) hours of which must take place after receiving the graduate degree.

(c) As used in IC 25-23.6-5-1 and IC 25-23.6-5-3.5, supervision must be face-to-face contact between the supervisor and supervisee for the purpose of assisting the supervisee in the process of learning the skills of social work or clinical social work practice for a minimum of four (4) hours per month.

(d) Experience, as that term is used in IC 25-23.6-5-1 and IC 25-23.6-5-3.5, shall be earned as an employee in one (1) of the following settings:

- (1) Social service agencies.
- (2) Schools.
- (3) Institutions of higher education.
- (4) Hospitals.
- (5) Private practice.
- (6) Mental health centers.
- (7) Correctional institutions.
- (8) Home health agencies.
- (9) Long term health care facilities.
- (10) Employee assistance programs.
- (11) Occupational social services.
- (12) Military facilities.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-3-2; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2457; filed Nov 4, 1992, 5:00 p.m.: 16 IR 871; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1505, eff Jul 1, 1999; filed Oct 1, 2003, 9:28 a.m.: 27 IR 517)

839 IAC 1-3-2.5 Temporary permits for social workers and clinical social workers

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-5-11

Sec. 2.5. (a) As used in IC 25-23.6-5-11, "the date the board disapproves the individual's license application" means the date an applicant for licensure receives notice from the board of:

- (1) failure of the required examination; or
- (2) denial of the individual's license application.

(b) As used in IC 25-23.6-5-11, "good cause" means any reason approved by the board following written notice to the board from the applicant within thirty (30) days of the date the applicant was scheduled to take the examination.

(c) An applicant for licensure as a social worker or as a clinical social worker who fails the initial examination may renew the temporary permit, a maximum of two (2) times, if the applicant retakes the repeat examination within six (6) months of the date of the previously failed examination; failure to take within the six (6) months will automatically invalidate the temporary permit.

(d) As used in IC 25-23.6-5-11, "national association approved by the board" means either of the following:

- (1) National Association of Social Workers.
- (2) Any national social work association with educational and clinical experience requirements substantially equivalent to National Association of Social Workers.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-3-2.5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1506, eff Jul 1, 1999; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1309)

839 IAC 1-3-3 Examination exemption (Repealed)

Sec. 3. *(Repealed by Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; filed Dec 19, 1996, 11:00 a.m.: 20 IR 1121)*

839 IAC 1-3-3.5 Exemption from examination for social workers and clinical social workers

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-5-11; IC 25-23.6-5-14

Sec. 3.5. An examination shall be considered to be substantially equivalent, as used in IC 25-23.6-5-11 and IC 25-23.6-5-14, if the examination is the same examination used by the board and is equal to or higher than the level for which licensure is being requested. The board will review all examinations other than the one used by the board to determine equivalency.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-3-3.5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1506, eff Jul 1, 1999; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1309)

839 IAC 1-3-4 Standards for the competent practice of social work and clinical social work

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 4. (a) The competent practice of social work and clinical social work requires remaining current with generally accepted developments within the area of specialization and the development and exercise of judgment as to when to apply specific procedures in a reasonable, effective, efficient, and economical manner.

(b) The competent practice of social work and clinical social work includes acting within generally accepted ethical principles and guidelines of the profession and maintaining an awareness of personal and professional limitations. These ethical principles include, but are not limited to, the following:

- (1) A social worker or clinical social worker shall provide a clear description of what the client may expect in the way of services, reports, fees, billing, and schedules.

- (2) A social worker or clinical social worker shall not misrepresent the practitioner's qualifications, training, or experience. If a social worker or a clinical social worker engages in advertising, the practitioner's credentials shall be presented factually.
- (3) A social worker or clinical social worker may not practice beyond the practitioner's competence. A social worker or clinical social worker shall make appropriate referrals when the client's needs exceed the practitioner's competency level. Such referrals should be timely.
- (4) A social worker or clinical social worker shall assure that referrals are always based solely on the best interest of the client and not for personal gain.
- (5) A social worker or clinical social worker shall not provide social work or clinical social work services while under the influence of alcohol or other mind-altering or mood-altering drugs, which impair delivery of such services.
- (6) Relationships with clients shall not be exploited by the social worker or clinical social worker for personal gain. A social worker or clinical social worker shall not violate such positions of trust and dependency by committing any act detrimental to a client.
- (7) A social worker or clinical social worker shall not abandon or neglect a client in need of immediate professional services without making reasonable arrangements for the provision or the continuation of services.
- (8) The social worker or clinical social worker shall under no circumstances engage in sexual activities with clients.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-3-4; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2458; filed Nov 4, 1992, 5:00 p.m.: 16 IR 872; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1310)

839 IAC 1-3-4.5 Enrollment

Authority: IC 25-23.6-2-8

Affected: P.L.147-1997, SEC. 80

Sec. 4.5. As used in P.L.147-1997, SECTION 80, "enrolled" means the point at which a student has begun to take classes to complete either a master's or doctoral degree program in social work from an institution of higher education accredited or approved for candidacy by the Council on Social Work Education.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-3-4.5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1506; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1310)

839 IAC 1-3-5 Examination requirements

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-5-1

Sec. 5. (a) An applicant applying for licensure by examination as a clinical social worker or a social worker, approved by the board to sit for the examination, shall sit for that examination within one (1) year from the date of the initial board approval. If the exam applicant has not taken the examination within one (1) year from the date of the initial board approval, the initial board approval will be invalid and the applicant must file a new application.

(b) The board will notify the applicant in writing of examination results.

(c) Applicants determined by the board to have failed the examination, who wish to retake the examination, shall submit a repeat examination application, fees, and other requirements as stated in 839 IAC 1-2-1.

(d) Applicants who fail the examination three (3) times may be required to personally appear before the board prior to retaking the examination.
(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-3-5; filed Dec 18, 2001, 9:11 a.m.: 25 IR 1634)

Rule 4. Marriage and Family Therapists

839 IAC 1-4-1 Approved course work (Repealed)

Sec. 1. *(Repealed by Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1516)*

839 IAC 1-4-2 Certification by examination (Repealed)

Sec. 2. *(Repealed by Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1516)*

839 IAC 1-4-3 Exemption from examination (Repealed)

Sec. 3. *(Repealed by Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; filed Dec 19, 1996, 11:00 a.m.: 20 IR 1121)*

839 IAC 1-4-4 Standards for the competent practice of marriage and family therapy

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 4. (a) Marriage and family therapists shall not exploit the trust and dependency of clients. Marriage and family therapists shall avoid dual relationships with clients that could impair their professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, business or close personal relationships with clients.

(b) Marriage and family therapists shall respect the right of clients to make decisions and help them to understand the consequences of these decisions. Marriage and family therapists shall clearly advise a client that a decision on marital status is the responsibility of the client.

(c) Marriage and family therapists shall continue therapeutic relationships only so long as it is reasonably clear that clients are benefiting from the relationship.

(d) Marriage and family therapists shall not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment.

(e) Marriage and family therapists may use client and/or clinical materials in teaching, writing, and public presentations only if a written waiver has been received from the client or when appropriate steps have been taken to protect client identity.

(f) Marriage and family therapists shall store or dispose of client records in ways that maintain confidentiality.

(g) Marriage and family therapists shall seek to remain abreast of new developments in family therapy knowledge and practices through both educational activities and clinical experiences.

(h) Marriage and family therapists shall not attempt to diagnose, treat, or advise on problems outside their competence.

(i) Marriage and family therapists shall not offer or accept payment for referrals.

(j) Marriage and family therapists shall disclose the marriage and family therapist's fee structure to clients at the onset of treatment.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-4-4; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2459; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939)

839 IAC 1-4-5 Supervision for marriage and family therapist licensure applicants

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8-2.5; IC 25-23.6-8-2.7

Sec. 5. (a) As used in IC 25-23.6-8-2.5, "qualified supervisor" means any of the following:

- (1) An American Association for Marriage and Family Therapy approved supervisor.

(2) An American Association for Marriage and Family Therapy supervisor candidate.

(3) A supervisor who has demonstrated to the marriage and family therapy section of the board possession of a master's degree or higher in the mental health field, training and supervision in marriage and family therapy that focused on family systems, and completion of at least thirty (30) clock hours in marriage and family therapy supervision training.

(b) As used in IC 25-23.6-8-2.7, "equivalent supervisor" means an individual who is licensed in a mental health field or, if the supervision was provided in a state where no regulation exists, by a mental health professional of equivalent status, and is any of the following:

(1) An American Association for Marriage and Family Therapy approved supervisor.

(2) An American Association for Marriage and Family Therapy supervisor candidate.

(3) A supervisor who:

(A) has possession of a master's degree or higher in a mental health field;

(B) has five (5) years of post-master's professional practice experience; and

(C) is supervising within their scope of experience and training.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-4-5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1507, eff Jul 1, 1999; filed Oct 1, 2003, 9:28 a.m.: 27 IR 518)

839 IAC 1-4-6 Temporary permits for marriage and family therapists

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8-10

Sec. 6. (a) As used in IC 25-23.6-8-10, "the date the board disapproves the individual's license application" means the date an applicant for licensure receives notice of:

(1) failure of the required examination; or

(2) denial of the individual's license application.

(b) As used in IC 25-23.6-8-10, "good cause" means any reason approved by the board following written notice to the board from the applicant within thirty (30) days of the date the applicant was scheduled to take the examination.

(c) An applicant for licensure as a marriage and family therapist who fails the required examination shall not be issued a second temporary permit.

(d) As used in IC 25-23.6-8-10, "national association approved by the board" means either of the following:

(1) Clinical membership in the American Association for Marriage and Family Therapy.

(2) Clinical membership in any national marriage and family therapy association with educational and clinical experience requirements substantially equivalent to the American Association for Marriage and Family Therapy.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-4-6; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1507, eff Jul 1, 1999; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1310)

839 IAC 1-4-7 Examination exemption for marriage and family therapists

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8-13

Sec. 7. An examination shall be considered to be substantially equivalent, as used in IC 25-23.6-8-13, if:

(1) the examination is the same examination used by the board; or

(2) the board, after reviewing the examination, finds it comparable to the examination used by the board.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-4-7; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1507, eff Jul 1, 1999; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939)

Rule 5. Mental Health Counselors

839 IAC 1-5-1 Educational requirements for mental health counselors

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8.5

Sec. 1. (a) As used in IC 25-23.6-8.5-1, "master's degree in an area related to mental health counseling" means a degree earned in one (1) of the following programs:

(1) Clinical social work.

(2) Psychology.

(3) Human services.

(4) Human development.

(5) Family relations.

(6) Counseling.

(7) Programs accredited by the Council for Accreditation of Counseling and Related Education Programs (CACREP) or the Council on Rehabilitation Education (CORE).

(b) An applicant for licensure as a mental health counselor with a graduate degree not listed in subsection (a), or an applicant asserting that his or her program is equivalent to a program in counseling whose content areas are listed in IC 25-23.6-8.5-3, must provide the board with the following information:

(1) Evidence that their degree program and any additional course work are equivalent to the criteria for a graduate degree in counseling as set forth in this section.

(2) An official college transcript.

(3) Appropriate certifications or affidavits from university officials.

(4) Any additional supporting documentation as requested by the board.

(c) As used in IC 25-23.6-8.5-2, "regional accrediting body" means a college or university that was accredited prior to or within two (2) years of the time of the applicant's graduation by one (1) of the following:

(1) New England Association of Schools and Colleges.

(2) Middle States Association of Colleges and Schools.

(3) North Central Association of Colleges and Schools.

(4) Northwest Association of Schools and Colleges.

(5) Southern Association of Schools and Colleges.

(6) Western Association of Schools and Colleges.

(d) An applicant for licensure as a mental health counselor under IC 25-23.6-8.5 must show successful completion of a degree curriculum that shall encompass a minimum of forty-eight (48) semester hours or seventy-two (72) quarter hours of graduate study for the master's degree or a minimum of ninety-six (96) semester hours or one hundred forty-four (144) quarter hours of graduate study for the doctoral degree. If the course titles as stated on the transcript do not clearly reflect the course work content areas as listed in IC 25-23.6-8.5-3, the applicant must document the course or combination of courses in which the material was covered. Further, the applicant for licensure shall document a minimum of sixty (60) semester hours or ninety (90) quarter hours of graduate credit in mental health counseling or a related field. Only graduate level courses are acceptable for establishing equivalency. The board will not accept course work counted or credited toward an undergraduate degree.

(e) The following criteria shall be used to identify a master's or doctoral program in counseling or an area related to mental health counseling:

(1) The program, wherever it may be housed, shall be clearly identified as a counseling program in pertinent catalogs and brochures and shall specify the program's intent to educate and train counselors.

(2) There shall be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.

(3) The program shall have an identifiable mental health professional responsible for the program.

(4) The program shall have an integrated, organized sequence of study that follows the CACREP standards.

(5) The program shall have an identifiable body of students who are matriculated in that program for a degree.

(6) The program shall include a supervised practicum and internship.

(7) The degree program may or may not include an advanced internship. However, the advanced internship must be conducted in a setting focused on mental health counseling and/or mental health services under the auspices of an approved graduate counseling program.

(f) As used in IC 25-23.6-8.5-3, "practicum" means a distinctly defined supervised curricular experience intended to enable the student to develop basic counseling skills and to integrate professional knowledge and skills appropriate to the student's program emphasis. The practicum shall be a minimum of one hundred (100) clock hours and include the following:

(1) A minimum of forty (40) hours of direct service with clients so that experience can be gained in individual and group interactions; at least one-fourth ($\frac{1}{4}$) of these hours should be in group work.

(2) A minimum of one (1) hour per week of individual supervision, over a minimum of one (1) academic term by a program faculty member or a supervisor working under the supervision of a program faculty member, using audiotape, videotape, and/or direct observation.

(3) A minimum of one and one-half ($1\frac{1}{2}$) hours per week of group supervision with other students in similar practica over a minimum of one (1) academic term by a program faculty member or a supervisor working under the supervision of a program faculty member.

(4) An evaluation of the student's performance throughout the practicum, including a formal evaluation at the completion of the practicum.

(g) As used in IC 25-23.6-8.5-3, "internship" means a distinctly defined, supervised curricular experience intended to enable the student to refine and to enhance basic counseling skills, to develop more advanced counseling skills, and to integrate professional knowledge and skills appropriate to the student's initial postgraduation professional placement. A supervised internship of six hundred (600) clock hours, that is begun after successful completion of the student's practicum, includes the following:

(1) A minimum of two hundred forty (240) hours of direct service with clients appropriate to the program of study.

(2) A minimum of one (1) hour per week of individual supervision, throughout the internship, usually performed by the on-site supervisor.

(3) A minimum of one and one-half ($1\frac{1}{2}$) hours per week of group supervision, throughout the internship, usually performed by a program faculty member supervisor.

(4) The opportunity for the student to become familiar with a variety of professional activities other than direct service.

(5) The opportunity for the student to develop audiotapes and/or videotapes of the student's interactions with clients appropriate for use in supervision.

(6) The opportunity for the student to gain supervised experience in the use of a variety of professional resources, such as:

- (A) assessment instruments;
- (B) computers;
- (C) print and nonprint media;
- (D) professional literature;
- (E) research; and

(F) information and referral to appropriate providers.

(7) A formal evaluation of the student's performance during the internship, by a program faculty supervisor, in consultation with the site supervisor.

(h) The practicum and internship experiences listed in this section are tutorial forms of instruction. Individual supervision is supervision rendered to one (1) person at a time, and group supervision is supervision rendered to at least two (2) and not more than twelve (12) individuals at one (1) time.

(i) As used in IC 25-23.6-8.5-3, "advanced internship" means a minimum of three hundred (300) clock hours of supervised experience that must be completed in a setting in which the individual is providing mental health services under the direct supervision of a professional as defined in subsection (m).

(j) The required practicum, internship, and advanced internship experiences listed in this section must have been primarily in the provision of direct counseling services. This includes knowledge, skill, or experience derived from direct observations of, and participation in, the practice of counseling. No course intended primarily for practice in the administration and grading of appraisal or assessment instruments shall count toward these clinical semester hour requirements.

(k) The required experiences gained through the practicum, internship, and advanced internship may not be taken concurrently, and the academic credit must appear on the applicant's official graduate transcript.

(l) As used in IC 25-23.6-8.5-3, "one hundred (100) hours of face-to-face supervision" refers to the entire clinical experience requirement of one thousand (1,000) hours. This includes individual and group supervision. The applicant must document that at least one hundred (100) hours were spent face-to-face with a supervisor during the practicum, internship, and advanced internship. The graduate counseling student may work away from the premises of the educational institution but must be enrolled in a counseling practicum, internship, or advanced internship and must conduct counseling under the auspices of that graduate program.

(m) As used in IC 25-23.6-8.5-3, "supervised practice experience" means experience gained under supervision provided by:

- (1) a counselor educator;
- (2) a licensed master's level or doctoral level:
 - (A) mental health counselor;
 - (B) clinical social worker;
 - (C) marriage and family therapist;
 - (D) physician who has training in psychiatric medicine;
 - (E) psychologist; or
 - (F) clinical nurse specialist in psychiatric or mental health nursing;or
- (3) another state-regulated mental health professional or, if the experience was gained in a state where no regulation exists, by a mental health professional of equivalent status.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-5-1; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1507; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1311; filed Oct 1, 2003, 9:28 a.m.: 27 IR 518)

839 IAC 1-5-1.5 Experience requirements for mental health counselors

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8.5-4

Sec. 1.5. (a) As used in IC 25-23.6-8.5-4, "three thousand (3,000) hours of postgraduate clinical experience over a two (2) year period" means experience under approved supervision, acquired over no less than twenty-one (21) months and over no more than forty-eight (48) months, any time subsequent to the date certified by the degree-granting institution as that on which all requirements for the master's degree have

been completed. The doctoral student may continue to accrue hours for this clinical experience requirement once the doctoral internship has been completed.

(b) As used in IC 25-23.6-8.5-4, "equivalent supervisor" means an individual who is supervising within their scope of experience and training and is any of the following:

- (1) Licensed as a clinical social worker.
- (2) Licensed as a marriage and family therapist.
- (3) Licensed as a physician who has training in psychiatric medicine.
- (4) Licensed as a psychologist.
- (5) Licensed as a clinical nurse specialist in psychiatric or mental health nursing.
- (6) A mental health professional of equivalent status if the supervision was provided in a state where no regulation exists.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-5-1.5; filed Oct 1, 2003, 9:28 a.m.: 27 IR 520)

839 IAC 1-5-2 Examination requirements for mental health counselors

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8.5-5

Sec. 2. (a) An applicant for licensure by examination as a mental health counselor, approved by the board to sit for the examination, shall sit for that examination within one (1) year from the date of the initial board approval. If the exam applicant has not taken the examination within one (1) year from the date of the initial board approval, the initial board approval will be invalid and the applicant must file a new application.

(b) The board will notify the applicant in writing of examination results.

(c) Applicants determined by the board to have failed the examination, who wish to retake the examination, shall submit a repeat examination application, fees, and other requirements as stated in 839 IAC 1-2-1.

(d) Applicants who fail the examination three (3) times shall personally appear before the board prior to retaking the examination.

(e) As used in IC 25-23.6-8.5-5, "an individual who satisfies the requirements of sections 1 and 2 of this chapter" means an applicant for licensure as a mental health counselor who has completed all the graduate educational, clinical instruction, and postgraduate supervised clinical experience requirements listed in IC 25-23.6-8.5-5.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-5-2; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1509; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1313)

839 IAC 1-5-3 Temporary permits for mental health counselors

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8-10; IC 25-23.6-8.5-10

Sec. 3. (a) As used in IC 25-23.6-8.5-10, "the date the board disapproves the individual's license application" means the date an applicant for licensure receives notice of:

- (1) failure of the required examination; or
- (2) denial of the individual's license application.

(b) As used in IC 25-23.6-8-10, "good cause" means any reason approved by the board following written notice to the board from the applicant within thirty (30) days of the date the applicant was scheduled to take the examination.

(c) An applicant for licensure as a mental health counselor who fails the required examination shall not be issued a second temporary permit.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-5-3; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1510; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1313)

839 IAC 1-5-4 Exemption from examination for mental health counselors

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8.5-12

Sec. 4. (a) As used in IC 25-23.6-8.5-12, "exempted by the board from the examination requirement" means the board will not grant blanket reciprocity to applicants for licensure as a mental health counselor under this section. Minimum standards for licensure set by the other state at the time the applicant's mental health counselor licensure was granted in that state will be compared for equivalency with the minimum standards for Indiana licensure. The board will review each applicant for licensure as a mental health counselor by examination exemption on an individual basis.

(b) As used in IC 25-23.6-8.5-12, "engaged in the practice of mental health counseling" means the applicant has worked at least five (5) hours per week, averaged over the entire time the applicant has been in practice, with no more than a one (1) year's absence from the practice of mental health counseling, except the following:

- (1) If the applicant has more than one (1) year's absence from practice of mental health counseling, the board will review the reason for such absence on an individual basis.
- (2) If the applicant has taught mental health counseling, the applicant may count the hours spent teaching as hours of active practice of mental health counseling, provided such teaching was in courses in the same or similar field of mental health counseling as the competency area claimed by the applicant. Teaching shall include time spent in preparation, in meeting with students, and in related activities. Teaching of mental health counseling shall not count for more than seventy percent (70%) of the number of active practice hours claimed by the applicant.

(c) An examination shall be considered to be substantially equivalent, as used in IC 25-23.6-8.5-12, if the examination is either the same examination used by the board or an examination that tested the clinical skills and knowledge of the applicant. The board will review all examinations other than the one used by the board to determine equivalency.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-5-4; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1510; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939)

839 IAC 1-5-5 Standards for the competent practice of mental health counseling

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 5. The licensed mental health counselor must comply with IC 25-23.6 governing the practice of mental health counseling and shall abide by the following standards:

- (1) A mental health counselor's primary professional responsibility is to the client. The mental health counselor shall make every reasonable effort to advance the welfare and best interests of the client, including respecting the rights of those persons seeking assistance and making reasonable efforts to ensure that the mental health counselor's services are used appropriately.
- (2) The mental health counselor shall act in accordance with the highest standards of professional integrity and competence. The mental health counselor is honest in dealing with clients, students, trainees, colleagues, and the public. The mental health counselor seeks to eliminate incompetence or dishonesty from the profession.
- (3) The mental health counselor holds in confidence information obtained in the course of professional service; the mental health counselor safeguards client confidences as permitted by law.
- (4) The mental health counselor respects the rights and responsibilities of professional colleagues and, as the employee of an organization, remains accountable as an individual to the ethical

principles of the profession. The mental health counselor treats colleagues with respect and good faith and relates to the clients of colleagues with full professional consideration.

(5) When using assessment instruments or techniques, the mental health counselor shall make every effort to promote the welfare and best interests of the client. The mental health counselor guards against the misuse of assessment results, and respects the client's right to know the results, the interpretations, and the basis for any conclusions or recommendations.

(6) The mental health counselor recognizes that research activities must be conducted with full respect for the rights and dignity of participants and with full concern for their welfare. Participation in research must be voluntary unless it can be demonstrated that involuntary participation will have no harmful effects on the subjects and is essential to the investigation.

(7) The mental health counselor adheres to professional rather than commercial standards when making known his or her availability for professional services. The mental health counselor shall provide information that accurately informs the public of the professional services, expertise, and techniques available.

(8) The mental health counselor shall not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment.

(9) The mental health counselor is aware of anything that might interfere with the counselor's effectiveness and shall refrain from any activity that might lead to inadequate performance or harm to anyone, including himself or herself and the client.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-5-5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1510; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939)

839 IAC 1-5-6 Examination exemption for mental health counselors (Repealed)

Sec. 6. *(Repealed by Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; filed Dec 18, 2001, 9:11 a.m.: 25 IR 1634)*

Rule 6. Continuing Education

839 IAC 1-6-1 Continuing education

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 1. (a) As used in IC 25-23.6, "continuing education" means education provided by board-approved providers that is obtained by a licensee in order to maintain, improve, or expand the licensee's skills and knowledge. As used in this rule, "CEU" means one (1) continuing education hour.

(b) Continuing education shall be comprised of two (2) categories, Category I and Category II. The licensee:

- (1) shall obtain a minimum of fifty percent (50%) of the required amount of CEUs for renewal from Category I; and
- (2) may obtain a maximum of fifty percent (50%) of the required amount of CEUs for renewal from Category II.

(c) Category I is defined as continuing education that is formal programming, which includes the following:

- (1) Formally organized courses.
- (2) Workshops.
- (3) Seminars.
- (4) Symposia.
- (5) Institutes.
- (6) Home study programs, including:
 - (A) computer;
 - (B) audio; and
 - (C) video;

instructional programs accredited by board-approved organizations.

(7) Courses that are relevant to the license holder's professional skills, which are part of the curriculum of an accredited university, college, or educational institution, shall earn:

(A) fifteen (15) CEUs for each academic semester hour completed; or

(B) ten (10) CEUs for each academic quarter hour completed.

(8) Faculty teaching a course for the first time at an accredited university, college, or educational institution shall earn one and one-half (1½) CEUs for every credit hour taught. Continuing education credit will be granted only the first time faculty teaches the course within the same semester.

(d) CEUs obtained from Category I sponsors shall earn the amount of continuing education hours granted by the program sponsor. If the sponsor does not grant continuing education hours, then one (1) CEU will be granted for each clock hour of attendance.

(e) Category II is defined as continuing education that is self-directed, which includes the following:

(1) Journal clubs, earns one (1) CEU for each hour attended.

(2) Office inservices, earns one (1) CEU for each hour attended.

(3) Case conferences that are specifically designed for training or teaching, earns one (1) CEU for each hour attended.

(4) Services as an instructor, presenter, or supervisor in a relevant professional seminar, workshop, or training conference earns one (1) CEU for each hour of service, but only for the initial instruction, presentation, or supervision given.

(5) Research and publication of research results in a recognized professional journal or book form, earns ten (10) CEUs, but may only be claimed for the initial publication of the information.

(6) Providing consultation, critique, or peer review of therapy and skills for an individual:

(A) pursuing a:

(i) bachelor's degree;

(ii) master's degree; or

(iii) doctoral degree; or

(B) working:

(i) to meet the experience requirement for licensure; or

(ii) for another licensee;

earns one (1) CEU for each hour spent with the individual for this purpose.

(7) Services on boards and commissions and holding office in professional organizations, specifically related to the licensee's profession, earns one (1) CEU for each hour of service.

(8) Faculty teaching a course at an accredited university, college, or educational institution, earns one (1) CEU for every credit hour taught. Continuing education credit will be granted only the first time faculty teaches the course within the same semester.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-6-1; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1512; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1313; filed Jun 1, 2006, 9:45 a.m.: 29 IR 3373)

839 IAC 1-6-2 Approval of continuing education programs

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 2. (a) The following criteria shall be used for the approval of providers of continuing education programs for licensed social workers, licensed clinical social workers, licensed marriage and family therapists, and licensed mental health counselors:

(1) The continuing education program shall have a statement of objectives, which the program should achieve for its participants relating to and enhancing the licensee's practice.

(2) The sponsor of a continuing education program shall provide the following:

- (A) Adequate administration, including a responsible person to coordinate and administer the program.
- (B) Maintenance of proper records.
- (3) Sponsors of a continuing education program shall provide adequate funding for the educational program undertaken.
- (4) The curriculum of a continuing education program shall be thoughtfully planned and designed to explore in considerable depth:
 - (A) one (1) subject; or
 - (B) a closely related group of subjects related to the licensee's practice.
- (5) The continuing education program shall:
 - (A) have qualified faculty members with demonstrated competence in the subject areas; and
 - (B) be held in adequate facilities that allow for an effective program.
- (6) Continuing education programs may employ a variety of educational methods and teaching aids that enhance the learning opportunities.
- (7) Appropriate methods of evaluation shall be devised and used to measure the continuing education program's effectiveness.
- (8) The sponsor of the continuing education program shall provide to the participants a meaningful record of attendance stating the continuing education hours involved.
- (b) Organizations applying for board approval to be a sponsor of continuing education programming must submit an application to the board for approval at least ninety (90) days before the presentation of any program. The board shall act upon the application within ninety (90) days of receipt. The approval, if granted, is effective until April 1 of every even-numbered year.
 - (c) An approval to provide continuing education units for licensed:
 - (1) social workers;
 - (2) clinical social workers;
 - (3) marriage and family therapists; and
 - (4) mental health counselors;
 will expire on April 1 of the even-numbered years.
 - (d) The sponsor of the program is responsible for monitoring attendance in such a manner that verification of attendance throughout the entire program can be reliably assured.
 - (e) The sponsor shall maintain attendance records for a minimum of four (4) years from the date of the program. These records must include the following:
 - (1) The date of the program.
 - (2) The program title.
 - (3) The presenter's name.
 - (4) The names of all participants.
 - (5) The number of continuing education hours granted each participant.
 - (f) Continuing education programs that are sponsored, accredited, or approved by the following organizations shall be deemed approved, and no prior approval by the board shall be required:
 - (1) Academy for Cerebral Palsy and Developmental Medicine.
 - (2) Academy of Family Mediators.
 - (3) Accreditation Council on Continuing Medical Education (programs or seminars related to mental health).
 - (4) American Association for Continuity of Care.
 - (5) American Association for Diabetes.
 - (6) American Association for Social Work with Groups/Spinal Cord Injury.
 - (7) American Association of Marriage and Family Therapy.
 - (8) American Association of Sex Educators, Counselors, and Therapists.
 - (9) American Cancer Society.
 - (10) American Counseling Association.

- (11) American Health Care Institute (programs or seminars related to mental health).
- (12) American Hospital Association (programs or seminars related to mental health).
- (13) American Medical Association (programs or seminars related to mental health).
- (14) American Mental Health Counselors Association.
- (15) American Psychiatric Association.
- (16) American Psychological Association.
- (17) American Red Cross (programs or seminars related to mental health).
- (18) Arthritis Association.
- (19) Association of Oncology Social Work.
- (20) Association of Pediatric Oncology Social Work.
- (21) Association for Treatment of Sexual Abusers.
- (22) Association of Social Work Boards.
- (23) Chicago Center for Family Health.
- (24) Commission on Rehabilitation Counselor Certification.
- (25) Employee Assistance Professional Association.
- (26) Employee Assistance Society of North America.
- (27) Federation of Societies for Clinical Social Work.
- (28) Federation of Society of Sex Educators and Therapists.
- (29) First Steps.
- (30) Healthy Families.
- (31) Hoosier Oncology Group.
- (32) Hospice Foundation of America.
- (33) Indiana Association of Home and Hospice Care.
- (34) Indiana Commission on Continuing Legal Education (programs or seminars related to mental health).
- (35) Indiana Council of Nephrology Social Workers.
- (36) Indiana Council on Adolescent Pregnancy.
- (37) Indiana Counselors Association for Alcohol and Drug Abuse.
- (38) Indiana Healthcare Ethics Network.
- (39) Indiana Hospice Association.
- (40) Indiana Hospital and Health Association (programs or seminars related to mental health).
- (41) Indiana Organ Procurement Organization.
- (42) Indiana Perinatal Association.
- (43) International Critical Incident Stress Foundation.
- (44) Leukemia and Lymphoma Society.
- (45) Mediation Matters.
- (46) Mental Health Association.
- (47) Midwest Regional Network for Intervention with Sex Offenders.
- (48) National Association for Family-Based Services.
- (49) National Association of Alcoholism and Drug Abuse Counselors.
- (50) National Association of Liver Transplant Social Workers.
- (51) National Association of Perinatal Social Work.
- (52) National Association of Social Workers.
- (53) National Board for Certified Counselors.
- (54) National Board of Addiction Examiners.
- (55) National Brain Tumor Foundation.
- (56) National Committee to Prevent Child Abuse.
- (57) National Council of Community Mental Health Centers.
- (58) National Council of Sexual Addiction and Compulsivity.
- (59) National Hospice Association.
- (60) National Kidney Foundation.
- (61) National Organization for Victim Assistance.
- (62) National Resource Center for Family Centered Practice.
- (63) National Spina Bifida Association.
- (64) Society of Heart and Lung Transplant Social Workers.
- (65) Solutions Training Institute.
- (66) The Alfred Adler Institute of Chicago.
- (67) The American Professional Society on the Abuse of Children.
- (68) The Center for Family Studies, Chicago, Illinois.

- (69) The Cincinnati Psychoanalytic Institute.
- (70) The Family Institute of Chicago.
- (71) The Family Institute/Center for Family Studies.
- (72) The Gestalt Institute of Cleveland.
- (73) The Indianapolis Gestalt Institute.
- (74) The Institute for Clinical Social Work, Chicago, Illinois.
- (75) The Institute for Psychoanalysis, Chicago, Illinois.
- (76) The International Institute of Object Relations Therapy.
- (77) The Jungian Institute of Chicago.
- (78) The National Association of Family Mediators.
- (79) The National Center for Child Abuse and Neglect.
- (80) The National Children's Advocacy Center.
- (81) The Society of Social Work Leadership in Health Care.
- (82) A national, regional, state, district, or local organization that operates as an affiliated entity under the approval of any organization listed in subdivisions (1) through (81).
- (83) Any institute or program focused on self-psychology.
- (84) Any institute or program approved by the social worker, marriage and family therapist, and mental health counselor board of another state.
- (85) A university, college, or other teaching institution accredited by the United States Department of Education or the Council on Postsecondary Education.
- (86) A federal, state, or local government agency that coordinates and presents continuing education courses and programs in conjunction with this rule.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-6-2; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1512; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1314; filed Jun 1, 2006, 9:45 a.m.: 29 IR 3373)

839 IAC 1-6-3 Continuing education requirements

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 3. (a) A renewal period is defined as the two (2) year period beginning with April 1 of even-numbered years. A licensure year is defined as April 1 through March 31 of the following year.

(b) A licensee who renews a license as a social worker, clinical social worker, marriage and family therapist, or mental health counselor shall complete not less than twenty (20) CEUs per year, in compliance with section 1(b) of this rule, for a total of forty (40) CEUs for the two (2) year renewal period.

(c) A minimum of one (1) CEU of the required ten (10) Category I CEUs per year shall have a content area focusing on ethics and professional conduct, including boundary issues, from a Category I provider.

(d) If a licensee holds more than one (1):

- (1) clinical social worker;
- (2) marriage and family therapist; or
- (3) mental health counselor;

license issued under IC 25-23.6, then CEUs obtained to meet the CEUs required for renewal of one (1) license may be applied towards the CEUs required for renewal of each license held.

(e) CEUs shall:

- (1) be obtained within the biennial renewal period in which the licensee is applying; and
- (2) not be carried over from one (1) biennial renewal period to another.

(f) A holder of a license issued under IC 25-23.6 must retain a record of the continuing education required by section 2(a) of this rule for four (4) years following the end of the biennial renewal period in which it was obtained.

(g) Continuing education used to satisfy the continuing education requirements of another state, in which the licensee also holds a license

to practice as a mental health professional, may be applied towards the CEUs required for renewal of a license issued under IC 25-23.6.

(h) A holder of a license issued under IC 25-23.6 who has been licensed for less than two (2) full years before the first renewal date for that license shall meet the following continuing education requirements for the licensee's first renewal period:

- (1) A licensee who has been licensed for at least twelve (12) months, but less than twenty-four (24) months, shall complete at least one-half (½) of the CEUs required for renewal of that license. At least fifty percent (50%) of these CEUs shall be obtained from Category I, and not more than fifty percent (50%) shall be obtained from Category II.
- (2) A licensee who has been licensed for less than twelve (12) months shall be exempt from the CEUs required for renewal of that initial license.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-6-3; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1514; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1316; filed Jun 1, 2006, 9:45 a.m.: 29 IR 3375)

839 IAC 1-6-4 Continuing education audit

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 4. The board may require additional evidence demonstrating the license holder's compliance with the continuing education requirements of this rule. This additional evidence shall be required in the context of a random audit. It is the responsibility of the license holder to verify that the CEUs obtained to meet the continuing education required for the renewal of their license have been approved by the board. It is the responsibility of the license holder to retain or otherwise produce evidence of compliance.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-6-4; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1515; readopted filed Oct 25, 2001, 4:20 p.m.: 25 IR 939)

839 IAC 1-6-5 Request for a waiver of the continuing education requirement

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6

Sec. 5. (a) A holder of a license issued under IC 25-23.6, seeking renewal of that license without having completed the CEUs required for renewal under this rule, must submit:

- (1) a statement explaining the reasons for noncompliance;
- (2) a request for a waiver of the CEUs required for renewal; and
- (3) the renewal application and all required fees;

at least forty-five (45) days prior to the license expiration date.

(b) The license holder must submit evidence that an extreme hardship exists, to the satisfaction of the board, to be granted a waiver.

(c) If the request is granted, the waiver will be effective for the length of the current renewal period only.

(d) If the request is denied, the license holder is responsible for completing the full amount of continuing education required for license renewal.

(e) Waivers may be granted if an extreme hardship exists. The board will determine whether an extreme hardship exists that would have prevented the licensee from obtaining his or her CEUs, including, but not limited to, the following:

(1) For at least one (1) year during the current renewal period, the licensee was absent from Indiana due to full-time service in the Armed Services of the United States.

(2) During the licensee's current renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one (1) or more of the major life activities of

an individual. The existence of the disability must be verified by a licensed physician or psychologist, with special expertise in the area of the disability. Verification of the disability must include the following:

- (A) The nature and extent of the disability.
- (B) An explanation of how the disability would hinder the licensee from completing the continuing education requirement.
- (C) The name, title, address, telephone number, professional license number, and original signature of the licensed physician or psychologist verifying the disability.

(Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; 839 IAC 1-6-5; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1515; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1316)

839 IAC 1-6-6 Continuing education required for renewal on April 1, 2000 (Repealed)

Sec. 6. (Repealed by Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board; filed Dec 18, 2001, 9:11 a.m.: 25 IR 1634)