



March 27, 2015

ENGROSSED HOUSE BILL No. 1562

DIGEST OF HB 1562 (Updated March 26, 2015 11:16 am - DI 55)

Citations Affected: IC 16-34; IC 25-0.5; IC 25-1; IC 25-5.1; IC 25-6.1; IC 25-14.3; IC 25-15; IC 25-22.5.

Synopsis: Professional licensing matters. Requires that terminated pregnancy reports be filed electronically. Requires an individual who holds a professional license or certificate issued by the professional licensing agency (agency) and who is convicted of a misdemeanor or felony to notify the professional licensing board in writing of the conviction not later than 90 days after the entry of the order or judgment of conviction. Allows the agency to delay issuing a license renewal for up to 120 days. (Current law allows a delay of up to 90 days.) Changes the year in which athletic trainer licenses expire. Provides that the auctioneer commission is to elect officers at the first meeting held each year (instead of at the January meeting). Provides that an official action of the funeral and cemetery board requires a majority of the board's members (instead of at least four members). Repeals the chapter of the professional licensing law concerning the revocation or suspension of a diabetes educator's license. Creates a civil penalty for failure to complete or timely transmit a pregnancy termination form.

Effective: July 1, 2015.

Zent, Bacon, Davisson

(SENATE SPONSOR — BROWN L)

January 20, 2015, read first time and referred to Committee on Public Health.
February 19, 2015, amended, reported — Do Pass.
February 23, 2015, read second time, ordered engrossed. Engrossed.
February 24, 2015, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

March 2, 2015, read first time and referred to Committee on Commerce & Technology.
March 26, 2015, amended, reported favorably — Do Pass.

EH 1562—LS 7037/DI 109



March 27, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1562

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

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

1 SECTION 1. IC 16-34-2-5, AS AMENDED BY P.L.6-2012,
2 SECTION 120, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Every ~~medical facility where~~
4 ~~abortions physician who may be performed~~ **perform an abortion**
5 ~~shall be supplied with forms drafted~~ **enter all information required**
6 **by the state department into an electronic form provided** by the
7 state department, the purpose and function of which shall be the
8 improvement of maternal health and life through the compilation of
9 relevant maternal life and health factors and data, and a further purpose
10 and function shall be to monitor all abortions performed in Indiana to
11 assure the abortions are done only under the authorized provisions of
12 the law. Such forms shall include, among other things, the following:
13 (1) The age of the woman who is aborted.
14 (2) The place where the abortion is performed.
15 (3) The full name and address of the physicians performing the

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- 1 abortion.
- 2 (4) The name of the father if known.
- 3 (5) The age of the father, or the approximate age of the father if
- 4 the father's age is unknown.
- 5 (6) The postfertilization age of the fetus, the manner in which the
- 6 postfertilization age was determined, and, if after the earlier of the
- 7 time the fetus obtains viability or the time the postfertilization age
- 8 of the fetus is at least twenty (20) weeks, the medical reason for
- 9 the abortion.
- 10 (7) The medical procedure employed to administer the abortion
- 11 and, if the medical procedure performed on a fetus who is viable
- 12 or has a postfertilization age of at least twenty (20) weeks:
- 13 (A) whether the method of abortion used was a method that, in
- 14 the reasonable judgment of a physician, would provide the best
- 15 opportunity for the fetus to survive; and
- 16 (B) the basis for the determination that the pregnant woman
- 17 had a condition described in this chapter that required the
- 18 abortion to avert the death of or serious impairment to the
- 19 pregnant woman.
- 20 (8) The mother's obstetrical history, including dates of other
- 21 abortions, if any.
- 22 (9) The results of pathological examinations if performed.
- 23 (10) Information as to whether the fetus was delivered alive.
- 24 (11) Records of all maternal deaths occurring within the health
- 25 facility where the abortion was performed.
- 26 (12) The date of the pregnancy termination.
- 27 (13) The date the form was received by the state department.
- 28 (b) The form provided for in subsection (a) shall be completed by
- 29 the physician performing the abortion and shall be transmitted to the
- 30 state department not later than July 30 for each abortion performed in
- 31 the first six (6) months of that year and not later than January 30 for
- 32 each abortion performed for the last six (6) months of the preceding
- 33 year. However, if an abortion is performed on a female who is less than
- 34 fourteen (14) years of age, the physician performing the abortion shall
- 35 transmit the form to the state department of health and the department
- 36 of child services within three (3) days after the abortion is performed.
- 37 (c) The dates in subsection (a)(12) and (a)(13) may not be redacted
- 38 for any use of the form.
- 39 (d) Each failure to ~~file~~ **submit** the completed form on time as
- 40 required under this section is a Class B misdemeanor.
- 41 (e) Not later than June 30 of each year, the state department shall
- 42 compile a public report providing the following:



1 (1) Statistics for the previous calendar year from the information
2 submitted under this section.

3 (2) Statistics for previous calendar years compiled by the state
4 department under this subsection, with updated information for
5 the calendar year that was submitted to the state department after
6 the compilation of the statistics.

7 The state department shall ensure that no identifying information of a
8 pregnant woman is contained in the report.

9 SECTION 2. IC 25-0.5-10-1, AS ADDED BY P.L.3-2014,
10 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2015]: Sec. 1. As used in **IC 25-1-1.1 and IC 25-1-8-6,**
12 "board" means any of the entities described in this chapter.

13 SECTION 3. IC 25-1-1.1-0.5 IS ADDED TO THE INDIANA
14 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
15 [EFFECTIVE JULY 1, 2015]: **Sec. 0.5. As used in this chapter,**
16 **"board" has the meaning set forth in IC 25-0.5-10-1.**

17 SECTION 4. IC 25-1-1.1-1, AS AMENDED BY P.L.155-2011,
18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2015]: Sec. 1. (a) Except as provided under sections 2 through
20 5 of this chapter, a license or certificate of registration that an
21 individual is required by law to hold to engage in a business,
22 profession, or occupation may not be denied, revoked, or suspended
23 because the applicant or holder has been convicted of an offense. The
24 acts from which the applicant's or holder's conviction resulted may,
25 however, be considered as to whether the applicant or holder should be
26 entrusted to serve the public in a specific capacity.

27 **(b) An individual licensed or certified under this title shall, not**
28 **later than ninety (90) days after the entry of an order or judgment,**
29 **notify the board in writing of any misdemeanor or felony criminal**
30 **conviction, except traffic related misdemeanors other than**
31 **operating a motor vehicle under the influence of a drug or alcohol.**
32 **A certified copy of the order or judgment with a letter of**
33 **explanation must be submitted to the board along with the written**
34 **notice.**

35 SECTION 5. IC 25-1-5-4, AS AMENDED BY P.L.3-2014,
36 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2015]: Sec. 4. (a) The agency shall employ necessary staff,
38 including specialists and professionals, to carry out the administrative
39 duties and functions of the boards, including but not limited to:

- 40 (1) notice of board meetings and other communication services;
41 (2) recordkeeping of board meetings, proceedings, and actions;
42 (3) recordkeeping of all persons licensed, regulated, or certified



- 1 by a board;
- 2 (4) administration of examinations; and
- 3 (5) administration of license or certificate issuance or renewal.
- 4 (b) In addition, the agency:
- 5 (1) shall prepare a consolidated statement of the budget requests
- 6 of all the boards described in IC 25-0.5-5;
- 7 (2) may coordinate licensing or certification renewal cycles,
- 8 examination schedules, or other routine activities to efficiently
- 9 utilize agency staff, facilities, and transportation resources, and to
- 10 improve accessibility of board functions to the public;
- 11 (3) may consolidate, where feasible, office space, recordkeeping,
- 12 and data processing services; and
- 13 (4) shall operate and maintain the electronic registry of
- 14 professions established under IC 25-1-5.5.
- 15 (c) In administering the renewal of licenses or certificates under this
- 16 chapter, the agency shall send a notice of the upcoming expiration of
- 17 a license or certificate to each holder of a license or certificate at least
- 18 sixty (60) days before the expiration of the license or certificate. The
- 19 notice must inform the holder of the license or certificate of the need
- 20 to renew and the requirement of payment of the renewal fee. If this
- 21 notice of expiration is not sent by the agency, the holder of the license
- 22 or certificate is not subject to a sanction for failure to renew if, once
- 23 notice is received from the agency, the license or certificate is renewed
- 24 within forty-five (45) days after receipt of the notice.
- 25 (d) In administering an examination for licensure or certification,
- 26 the agency shall make the appropriate application forms available at
- 27 least thirty (30) days before the deadline for submitting an application
- 28 to all persons wishing to take the examination.
- 29 (e) The agency may require an applicant for license renewal to
- 30 submit evidence proving that:
- 31 (1) the applicant continues to meet the minimum requirements for
- 32 licensure; and
- 33 (2) the applicant is not in violation of:
- 34 (A) the statute regulating the applicant's profession; or
- 35 (B) rules adopted by the board regulating the applicant's
- 36 profession.
- 37 (f) The agency shall process an application for renewal of a license
- 38 or certificate:
- 39 (1) not later than ten (10) days after the agency receives all
- 40 required forms and evidence; or
- 41 (2) within twenty-four (24) hours after the time that an applicant
- 42 for renewal appears in person at the agency with all required



- 1 forms and evidence.
 2 This subsection does not require the agency to issue a renewal license
 3 or certificate to an applicant if subsection (g) applies.
 4 (g) The agency may delay issuing a license renewal for up to ~~ninety~~
 5 ~~(90)~~ **one hundred twenty (120)** days after the renewal date for the
 6 purpose of permitting the board to investigate information received by
 7 the agency that the applicant for renewal may have committed an act
 8 for which the applicant may be disciplined. If the agency delays issuing
 9 a license renewal, the agency shall notify the applicant that the
 10 applicant is being investigated. Except as provided in subsection (h),
 11 before the end of the ~~ninety (90)~~ **one hundred twenty (120)** day
 12 period, the board shall do one (1) of the following:
 13 (1) Deny the license renewal following a personal appearance by
 14 the applicant before the board.
 15 (2) Issue the license renewal upon satisfaction of all other
 16 conditions for renewal.
 17 (3) Issue the license renewal and file a complaint under IC 25-1-7.
 18 (4) Request the office of the attorney general to conduct an
 19 investigation under subsection (i) if, following a personal
 20 appearance by the applicant before the board, the board has good
 21 cause to believe that there has been a violation of IC 25-1-9-4 by
 22 the applicant.
 23 (5) Upon agreement of the applicant and the board and following
 24 a personal appearance by the applicant before the board, renew
 25 the license and place the applicant on probation status under
 26 IC 25-1-9-9.
 27 (h) If an individual fails to appear before the board under subsection
 28 (g), the board may take action on the applicant's license allowed under
 29 subsection (g)(1), (g)(2), or (g)(3).
 30 (i) If the board makes a request under subsection (g)(4), the office
 31 of the attorney general shall conduct an investigation. Upon completion
 32 of the investigation, the office of the attorney general may file a
 33 petition alleging that the applicant has engaged in activity described in
 34 IC 25-1-9-4. If the office of the attorney general files a petition, the
 35 board shall set the matter for a hearing. If, after the hearing, the board
 36 finds the practitioner violated IC 25-1-9-4, the board may impose
 37 sanctions under IC 25-1-9-9. The board may delay issuing the renewal
 38 beyond the ~~ninety (90)~~ **one hundred twenty (120)** days after the
 39 renewal date until a final determination is made by the board. The
 40 applicant's license remains valid until the final determination of the
 41 board is rendered unless the renewal is denied or the license is
 42 summarily suspended under IC 25-1-9-10.



1 (j) The license of the applicant for a license renewal remains valid
 2 during the ~~ninety (90)~~ **one hundred twenty (120)** day period unless the
 3 license renewal is denied following a personal appearance by the
 4 applicant before the board before the end of the ~~ninety (90)~~ **one**
 5 **hundred twenty (120)** day period. If the ~~ninety (90)~~ **one hundred**
 6 **twenty (120)** day period expires without action by the board, the
 7 license shall be automatically renewed at the end of the ~~ninety (90)~~ **one**
 8 **hundred twenty (120)** day period.

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

13 (l) An application for a license, certificate, registration, or permit is
 14 abandoned without an action of the board, if the applicant does not
 15 complete the requirements to complete the application within one (1)
 16 year after the date on which the application was filed. However, the
 17 board may, for good cause shown, extend the validity of the application
 18 for additional thirty (30) day periods. An application submitted after
 19 the abandonment of an application is considered a new application.

20 SECTION 6. IC 25-1-6-4, AS AMENDED BY P.L.3-2014,
 21 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2015]: Sec. 4. (a) The licensing agency shall employ
 23 necessary staff, including specialists and professionals, to carry out the
 24 administrative duties and functions of the boards, including but not
 25 limited to:

- 26 (1) notice of board meetings and other communication services;
- 27 (2) record keeping of board meetings, proceedings, and actions;
- 28 (3) record keeping of all persons or individuals licensed,
 29 regulated, or certified by a board;
- 30 (4) administration of examinations; and
- 31 (5) administration of license or certificate issuance or renewal.

32 (b) In addition, the licensing agency:

- 33 (1) shall prepare a consolidated statement of the budget requests
 34 of all the boards described in IC 25-0.5-7;
- 35 (2) may coordinate licensing or certification renewal cycles,
 36 examination schedules, or other routine activities to efficiently
 37 utilize licensing agency staff, facilities, and transportation
 38 resources, and to improve accessibility of board functions to the
 39 public; and
- 40 (3) may consolidate, where feasible, office space, record keeping,
 41 and data processing services.

42 (c) In administering the renewal of licenses or certificates under this



1 chapter, the licensing agency shall issue a sixty (60) day notice of
 2 expiration to all holders of a license or certificate. The notice must
 3 inform the holder of a license or certificate of the requirements to:

- 4 (1) renew the license or certificate; and
 5 (2) pay the renewal fee.

6 (d) If the licensing agency fails to send notice of expiration under
 7 subsection (c), the holder of the license or certificate is not subject to
 8 a sanction for failure to renew if the holder renews the license or
 9 certificate not more than forty-five (45) days after the holder receives
 10 the notice from the licensing agency.

11 (e) The licensing agency may require an applicant for a license or
 12 certificate renewal to submit evidence showing that the applicant:

- 13 (1) meets the minimum requirements for licensure or
 14 certification; and
 15 (2) is not in violation of:
 16 (A) the law regulating the applicant's profession; or
 17 (B) rules adopted by the board regulating the applicant's
 18 profession.

19 (f) The licensing agency may delay renewing a license or certificate
 20 for not more than ~~ninety (90)~~ **one hundred twenty (120)** days after the
 21 renewal date to permit the board to investigate information received by
 22 the licensing agency that the applicant for renewal may have committed
 23 an act for which the applicant may be disciplined. If the licensing
 24 agency delays renewing a license or certificate, the licensing agency
 25 shall notify the applicant that the applicant is being investigated.
 26 Except as provided in subsection (g), the board shall do one (1) of the
 27 following before the expiration of the ~~ninety (90)~~ **one hundred twenty**
 28 **(120)** day period:

- 29 (1) Deny renewal of the license or certificate following a personal
 30 appearance by the applicant before the board.
 31 (2) Renew the license or certificate upon satisfaction of all other
 32 requirements for renewal.
 33 (3) Renew the license and file a complaint under IC 25-1-7.
 34 (4) Request the office of the attorney general to conduct an
 35 investigation under subsection (h) if, following a personal
 36 appearance by the applicant before the board, the board has good
 37 cause to believe that the applicant engaged in activity described
 38 in IC 25-1-11-5.
 39 (5) Upon agreement of the applicant and the board and following
 40 a personal appearance by the applicant before the board, renew
 41 the license or certificate and place the applicant on probation
 42 status under IC 25-1-11-12.



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

4 (h) If the board makes a request under subsection (f)(4), the office
 5 of the attorney general shall conduct an investigation. Upon completion
 6 of the investigation, the office of the attorney general may file a
 7 petition alleging that the applicant has engaged in activity described in
 8 IC 25-1-11-5. If the office of the attorney general files a petition, the
 9 board shall set the matter for a public hearing. If, after a public hearing,
 10 the board finds the applicant violated IC 25-1-11-5, the board may
 11 impose sanctions under IC 25-1-11-12. The board may delay renewing
 12 a license or certificate beyond ~~ninety (90)~~ **one hundred twenty (120)**
 13 days after the renewal date until a final determination is made by the
 14 board. The applicant's license or certificate remains valid until the final
 15 determination of the board is rendered unless the renewal is:

16 (1) denied; or

17 (2) summarily suspended under IC 25-1-11-13.

18 (i) The license or certificate of the applicant for license renewal
 19 remains valid during the ~~ninety (90)~~ **one hundred twenty (120)** day
 20 period unless the license or certificate is denied following a personal
 21 appearance by the applicant before the board before the end of the
 22 ~~ninety (90)~~ **one hundred twenty (120)** day period. If the ~~ninety (90)~~
 23 **one hundred twenty (120)** day period expires without action by the
 24 board, the license or certificate shall be automatically renewed at the
 25 end of the ~~ninety (90)~~ **one hundred twenty (120)** day period.

26 (j) Notwithstanding any other law, the licensing agency may stagger
 27 license or certificate renewal cycles.

28 (k) An application for a license or certificate is abandoned without
 29 an action by the board if the applicant does not complete the
 30 requirements for obtaining the license or certificate not more than one
 31 (1) year after the date on which the application was filed. However, the
 32 board may, for good cause shown, extend the validity of the application
 33 for additional thirty (30) day periods. An application submitted after
 34 the abandonment of an application is considered a new application.

35 SECTION 7. IC 25-1-8-8, AS ADDED BY P.L.197-2007,
 36 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2015]: Sec. 8. (a) As used in this section, "board" has the
 38 meaning set forth in section 6(a) of this chapter.

39 (b) The licensing agency may delay reinstating a license, certificate,
 40 or registration for not more than ~~ninety (90)~~ **one hundred twenty (120)**
 41 days after the date the applicant applies for reinstatement of a license,
 42 certificate, or registration to permit the board to investigate information



1 received by the licensing agency that the applicant for reinstatement
 2 may have committed an act for which the applicant may be disciplined.
 3 If the licensing agency delays reinstating a license, certificate, or
 4 registration, the licensing agency shall notify the applicant that the
 5 applicant is being investigated. Except as provided in subsection (c),
 6 the board shall do one (1) of the following before the expiration of the
 7 ~~ninety (90)~~ **one hundred twenty (120)** day period:

8 (1) Deny reinstatement of the license, certificate, or registration
 9 following a personal appearance by the applicant before the
 10 board.

11 (2) Reinstatement of the license, certificate, or registration upon
 12 satisfaction of all other requirements for reinstatement.

13 (3) Reinstatement of the license and file a complaint under IC 25-1-7.

14 (4) Request the office of the attorney general to conduct an
 15 investigation under subsection (d) if, following a personal
 16 appearance by the applicant before the board, the board has good
 17 cause to believe that the applicant engaged in activity described
 18 in IC 25-1-9-4 or IC 25-1-11-5.

19 (5) Upon agreement of the applicant and the board and following
 20 a personal appearance by the applicant before the board, reinstate
 21 the license, certificate, or registration and place the applicant on
 22 probation status under IC 25-1-9-9 or IC 25-1-11-12.

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

26 (d) If the board makes a request under subsection (b)(4), the office
 27 of the attorney general shall conduct an investigation. Upon completion
 28 of the investigation, the office of the attorney general may file a
 29 petition alleging that the applicant has engaged in activity described in
 30 IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files
 31 a petition, the board shall set the matter for a public hearing. If, after a
 32 public hearing, the board finds that the applicant violated IC 25-1-9-4
 33 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or
 34 IC 25-1-11-12. The board may delay reinstating a license, certificate,
 35 or registration beyond ~~ninety (90)~~ **one hundred twenty (120)** days
 36 after the date the applicant files an application for reinstatement of a
 37 license, certificate, or registration until a final determination is made
 38 by the board.

39 (e) The license, certificate, or registration of the applicant for
 40 license reinstatement remains invalid during the ~~ninety (90)~~ **one**
 41 **hundred twenty (120)** day period unless:

42 (1) the license, certificate, or registration is reinstated following



1 a personal appearance by the applicant before the board before
2 the end of the ~~ninety (90)~~ **one hundred twenty (120)** day period;

3 (2) the board issues a conditional license to the practitioner that
4 is effective until the reinstatement is denied or the license is
5 reinstated; or

6 (3) the reinstatement is denied.

7 If the ~~ninety (90)~~ **one hundred twenty (120)** day period expires
8 without action by the board, the license, certificate, or registration shall
9 be automatically reinstated at the end of the ~~ninety (90)~~ **one hundred**
10 **twenty (120)** day period.

11 SECTION 8. IC 25-5.1-3-4, AS AMENDED BY P.L.1-2006,
12 SECTION 421, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) **After a three (3) year**
14 **renewal cycle ending December 31, 2017**, a license issued by the
15 board expires on a date established by the agency under IC 25-1-5-4 in
16 each ~~even-numbered~~ **odd-numbered** year.

17 (b) An individual may renew a license by paying a renewal fee not
18 later than the expiration date of the license.

19 (c) If an individual fails to timely pay a renewal fee as required by
20 subsection (b), the individual's license becomes invalid without any
21 action being taken by the board.

22 SECTION 9. IC 25-6.1-2-2 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. ~~Meetings~~: (a) The
24 commission shall, **meet at its first meeting** each ~~January~~; **year**, at a
25 time and place established by the chairman, ~~to~~ conduct an election of
26 officers and such other business as may be appropriate. The
27 commission shall also meet upon the call of the chairman or upon the
28 request of any two (2) members of the commission. The secretary shall
29 provide reasonable notice of the time and place of each meeting to all
30 members.

31 (b) Three (3) members constitute a quorum for the purpose of
32 transacting business. A majority vote of the commission is necessary
33 to bind the commission.

34 SECTION 10. IC 25-6.1-2-3 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) At the **first**
36 meeting ~~to be held~~ each ~~January~~; **year**, the commission shall elect from
37 its membership a chairman and a vice chairman. Each officer shall
38 serve for a term of one (1) year and until ~~his~~ **the officer's** successor is
39 elected.

40 (b) The chairman shall preside at all meetings of the commission.

41 (c) The vice chairman shall act as presiding officer in the absence
42 of the chairman and shall perform such other duties as the chairman



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may direct.

(d) The commission shall be provided with an executive secretary by the licensing agency. The person provided may not be a member of the commission.

(e) The executive secretary, through the licensing agency, shall:

- (1) notify all members of meetings;
- (2) keep a record of all meetings of the commission, votes taken by the commission, and other proceedings, transactions, communications, official acts, and records of the commission; and
- (3) perform other duties as the chairman directs.

SECTION 11. IC 25-14.3-4 IS REPEALED [EFFECTIVE JULY 1, 2015]. (License Revocation or Suspension).

SECTION 12. IC 25-15-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. An official action of the board is valid only if the action is adopted by at least six (6) of the board's members. However, cemetery members may not vote on any matter involving section 9 of this chapter, and funeral director members may not vote on any matter involving section 10 of this chapter. When either cemetery or funeral director members are ineligible to vote, an official action of the board is valid if the action is adopted by at least ~~four (4)~~ **a majority** of the board's members.

SECTION 13. IC 25-22.5-2-8, AS AMENDED BY P.L.154-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The board shall implement a program to investigate and assess a civil penalty of not more than one thousand dollars (\$1,000) against a physician licensed under this article for the following violations:

- (1) Licensure renewal fraud.
- (2) Improper termination of a physician and patient relationship.
- (3) Practicing with an expired medical license.
- (4) Providing office based anesthesia without the proper accreditation.
- (5) Failure to perform duties required for issuing birth or death certificates.
- (6) Failure to disclose, or negligent omission of, documentation requested for licensure renewal.
- (7) **Failure to complete or timely transmit a pregnancy termination form under IC 16-34-2-5, with each failure constituting a separate violation.**

(b) An individual who is investigated by the board and found by the board to have committed a violation specified in subsection (a) may appeal the determination made by the board in accordance with



1 IC 4-21.5.

2 (c) In accordance with the federal Health Care Quality Improvement
3 Act (42 U.S.C. 11132), the board shall report a disciplinary board
4 action that is subject to reporting to the National Practitioner Data
5 Bank. However, the board may not report board action against a
6 physician for only an administrative penalty described in subsection
7 (a). The board's action concerning disciplinary action or an
8 administrative penalty described in subsection (a) shall be conducted
9 at a hearing that is open to the public.

10 (d) The physician compliance fund is established to provide funds
11 for administering and enforcing the investigation of violations specified
12 in subsection (a). The fund shall be administered by the Indiana
13 professional licensing agency.

14 (e) The expenses of administering the physician compliance fund
15 shall be paid from the money in the fund. The fund consists of penalties
16 collected through investigations and assessments by the board
17 concerning violations specified in subsection (a). Money in the fund at
18 the end of a state fiscal year does not revert to the state general fund.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1562, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 16-34-2-5, AS AMENDED BY P.L.6-2012, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Every ~~medical facility where abortions~~ **physician who may be performed perform an abortion** shall ~~be supplied with forms drafted~~ **enter all information required by the state department into an electronic form provided** by the state department, the purpose and function of which shall be the improvement of maternal health and life through the compilation of relevant maternal life and health factors and data, and a further purpose and function shall be to monitor all abortions performed in Indiana to assure the abortions are done only under the authorized provisions of the law. Such forms shall include, among other things, the following:

- (1) The age of the woman who is aborted.
- (2) The place where the abortion is performed.
- (3) The full name and address of the physicians performing the abortion.
- (4) The name of the father if known.
- (5) The age of the father, or the approximate age of the father if the father's age is unknown.
- (6) The postfertilization age of the fetus, the manner in which the postfertilization age was determined, and, if after the earlier of the time the fetus obtains viability or the time the postfertilization age of the fetus is at least twenty (20) weeks, the medical reason for the abortion.
- (7) The medical procedure employed to administer the abortion and, if the medical procedure performed on a fetus who is viable or has a postfertilization age of at least twenty (20) weeks:
 - (A) whether the method of abortion used was a method that, in the reasonable judgment of a physician, would provide the best opportunity for the fetus to survive; and
 - (B) the basis for the determination that the pregnant woman had a condition described in this chapter that required the abortion to avert the death of or serious impairment to the pregnant woman.



(8) The mother's obstetrical history, including dates of other abortions, if any.

(9) The results of pathological examinations if performed.

(10) Information as to whether the fetus was delivered alive.

(11) Records of all maternal deaths occurring within the health facility where the abortion was performed.

(12) The date of the pregnancy termination.

(13) The date the form was received by the state department.

(b) The form provided for in subsection (a) shall be completed by the physician performing the abortion and shall be transmitted to the state department not later than July 30 for each abortion performed in the first six (6) months of that year and not later than January 30 for each abortion performed for the last six (6) months of the preceding year. However, if an abortion is performed on a female who is less than fourteen (14) years of age, the physician performing the abortion shall transmit the form to the state department of health and the department of child services within three (3) days after the abortion is performed.

(c) The dates in subsection (a)(12) and (a)(13) may not be redacted for any use of the form.

(d) Each failure to ~~file~~ **submit** the completed form on time as required under this section is a Class B misdemeanor.

(e) Not later than June 30 of each year, the state department shall compile a public report providing the following:

(1) Statistics for the previous calendar year from the information submitted under this section.

(2) Statistics for previous calendar years compiled by the state department under this subsection, with updated information for the calendar year that was submitted to the state department after the compilation of the statistics.

The state department shall ensure that no identifying information of a pregnant woman is contained in the report.

SECTION 2. IC 25-0.5-10-1, AS ADDED BY P.L.3-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. As used in **IC 25-1-1.1 and IC 25-1-8-6**, "board" means any of the entities described in this chapter.

SECTION 3. IC 25-1-1.1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2015]: **Sec. 0.5. As used in this chapter, "board" has the meaning set forth in IC 25-0.5-10-1.**

Page 1, line 11, delete "article" and insert "**title**".

Page 4, between lines 30 and 31, begin a new paragraph and insert: "SECTION 4. IC 25-1-6-4, AS AMENDED BY P.L.3-2014,



SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The licensing 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) record keeping of board meetings, proceedings, and actions;
- (3) record keeping of all persons or individuals 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 licensing agency:

- (1) shall prepare a consolidated statement of the budget requests of all the boards described in IC 25-0.5-7;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
- (3) may consolidate, where feasible, office space, record keeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice must inform the holder of a license or certificate of the requirements to:

- (1) renew the license or certificate; and
- (2) pay the renewal fee.

(d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.

(e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:

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

(f) The licensing agency may delay renewing a license or certificate for not more than ~~ninety (90)~~ **one hundred twenty (120)** days after the



renewal date to permit the board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the ~~ninety (90)~~ **one hundred twenty (120)** day period:

- (1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.
- (2) Renew the license or certificate upon satisfaction of all other requirements for renewal.
- (3) Renew 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 (h) 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 25-1-11-5.
- (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.

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

(h) If the board makes a request under subsection (f)(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 25-1-11-5. 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 the applicant violated IC 25-1-11-5, the board may impose sanctions under IC 25-1-11-12. The board may delay renewing a license or certificate beyond ~~ninety (90)~~ **one hundred twenty (120)** days after the renewal date until a final determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:

- (1) denied; or
- (2) summarily suspended under IC 25-1-11-13.

(i) The license or certificate of the applicant for license renewal remains valid during the ~~ninety (90)~~ **one hundred twenty (120)** day period unless the license or certificate is denied following a personal



appearance by the applicant before the board before the end of the ~~ninety (90)~~ **one hundred twenty (120)** day period. If the ~~ninety (90)~~ **one hundred twenty (120)** day period expires without action by the board, the license or certificate shall be automatically renewed at the end of the ~~ninety (90)~~ **one hundred twenty (120)** day period.

(j) Notwithstanding any other law, the licensing agency may stagger license or certificate renewal cycles.

(k) An application for a license or certificate is abandoned without an action by the board if the applicant does not complete the requirements for obtaining the license or certificate not more than 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."

Page 6, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 6. IC 25-5.1-3-4, AS AMENDED BY P.L.1-2006, SECTION 421, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) **After a three (3) year renewal cycle ending December 31, 2017**, a license issued by the board expires on a date established by the agency under IC 25-1-5-4 in each ~~even-numbered~~ **odd-numbered** year.

(b) An individual may renew a license by paying a renewal fee not later than the expiration date of the license.

(c) If an individual fails to timely pay a renewal fee as required by subsection (b), the individual's license becomes invalid without any action being taken by the board.

SECTION 7. IC 25-6.1-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. ~~Meetings~~: (a) The commission shall, ~~meet at its first meeting~~ **meet at its first meeting** each ~~January, year~~, at a time and place established by the chairman, ~~to~~ conduct an election of officers and such other business as may be appropriate. The commission shall also meet upon the call of the chairman or upon the request of any two (2) members of the commission. The secretary shall provide reasonable notice of the time and place of each meeting to all members.

(b) Three (3) members constitute a quorum for the purpose of transacting business. A majority vote of the commission is necessary to bind the commission.

SECTION 8. IC 25-6.1-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) At the ~~first meeting to be held~~ **first meeting** each ~~January, year~~, the commission shall elect from its membership a chairman and a vice chairman. Each officer shall



serve for a term of one (1) year and until **his officer's** successor is elected.

(b) The chairman shall preside at all meetings of the commission.

(c) The vice chairman shall act as presiding officer in the absence of the chairman and shall perform such other duties as the chairman may direct.

(d) The commission shall be provided with an executive secretary by the licensing agency. The person provided may not be a member of the commission.

(e) The executive secretary, through the licensing agency, shall:

(1) notify all members of meetings;

(2) keep a record of all meetings of the commission, votes taken by the commission, and other proceedings, transactions, communications, official acts, and records of the commission; and

(3) perform other duties as the chairman directs."

Page 6, line 10, reset in roman "However, cemetery members may not vote on any".

Page 6, reset in roman lines 11 through 14.

Page 6, line 15, reset in roman "adopted by at least".

Page 6, line 15, after "(4)" insert "**a majority**".

Page 6, line 15, reset in roman "of the board's members."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1562 as introduced.)

CLERE

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred House Bill No. 1562, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 10, line 38, after "his" insert "**the**".

Page 11, between lines 10 and 11, begin a new paragraph and insert: "SECTION 11. IC 25-14.3-4 IS REPEALED [EFFECTIVE JULY 1, 2015]. (License Revocation or Suspension)."

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Page 12, delete lines 17 through 42.

Delete page 13 through 17.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1562 as printed February 20, 2015.)

BUCK, Chairperson

Committee Vote: Yeas 8, Nays 0.

