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# **Indiana Statutes and Rules Applicable to the Practice of Professional Engineering**

**Based on “A Compilation of the Indiana Code and Indiana  
Administrative Code” (2012 Edition)**

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# State Board of Registration for Professional Engineers

A Compilation of the Indiana Code and Indiana Administrative Code

2012 Edition



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**NOTICE:** This compilation incorporates the most recent revisions of the statutory provisions and administrative rules governing the engineering profession, as of July 1, 2012. Note that this compilation is not an official version of the Indiana Code. It is distributed as a general guide to engineering professions regulated by the Indiana Professional Licensing Agency. It is not intended to be offered as legal advice, and it may contain typographical errors. Neither the Indiana Professional Licensing Agency nor the State Board of Registration for Professional Engineers is able to provide legal advice on issues contained herein. For legal advice, please consult an attorney. To obtain official copies of the Indiana Code or Indiana Administrative Code, please contact your nearest public library or visit the website of the Indiana General Assembly at [www.in.gov/legislative](http://www.in.gov/legislative).

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July 2012 Edition

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## IC 25-31

### ARTICLE 31. PROFESSIONAL ENGINEERS

#### IC 25-31-1

##### Chapter 1. Regulation of Engineers; Creation of Board

#### IC 25-31-1-1

##### Repealed

*(Repealed by P.L.215-1993, SEC.32.)*

#### IC 25-31-1-2

##### Definitions

Sec. 2. As used in this chapter:

- (a) "Board" means the state board of registration for professional engineers.
- (b) "Professional engineer" means an individual who, by reason of that individual's special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design which are acquired by education and practical experience, is qualified to engage in the practice of engineering as attested by that individual's registration as a professional engineer.
- (c) "Engineering intern" means an individual who:
  - (1) is a graduate from an approved engineering curriculum of four (4) years or more or who has acquired, through engineering education and experience in engineering work, knowledge and skill approximating that obtained by graduation in an approved engineering curriculum of four (4) years or more;
  - (2) has successfully passed an examination as prescribed in section 14 of this chapter; and
  - (3) has been issued by the board an appropriate certificate of enrollment as an engineering intern.
- (d) "Practice of engineering" means any service or creative work that the adequate performance of requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to services or creative work that includes the following:
  - (1) Consultation.
  - (2) Investigation.
  - (3) Evaluation.
  - (4) Planning, including planning the use of land and water.
  - (5) The design of or the supervision of the design of engineering works and systems.
  - (6) Engineering surveys and studies or the supervision of engineering surveys and studies, including all surveying activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but not including the surveying of real property for the establishment of land boundaries, subdivisions, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.
  - (7) Evaluation of construction for the purpose of assuring compliance with specifications, plans, and designs, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, work systems, or projects.The term "practice of engineering" does not include the work ordinarily performed by persons who operate or maintain machinery or equipment.
- (e) "Approved engineering curriculum" means an engineering curriculum of four (4) years or more that has been approved by the board. In approving the engineering curriculum, the board may take into consideration the standards of accreditation adopted by the Accreditation Board for Engineering and Technology.
- (f) "Practice or offer to practice engineering" means the act of an individual or a business who by verbal claim, sign, advertisement, letterhead, card, telephone listing, or in any other way represents the individual or the business to be a professional engineer or who performs, or offers to perform, any acts or work involving the practice of engineering.
- (g) "Licensing agency" means the Indiana professional licensing agency established by IC 25-1-5-3.  
*(Formerly: Acts 1935, c.148, s.2; Acts 1947, c.262, s.2; Acts 1957, c.320, s.1; Acts 1961, c.277, s.1; Acts 1965, c.284, s.2; Acts 1969, c.279, s.1.) As amended by Acts 1981, P.L.222, SEC.229; P.L.132-1984, SEC.40; P.L.23-1991, SEC.14; P.L.215-1993, SEC.2; P.L.1-2006, SEC.475.*

#### IC 25-31-1-3

##### State board of registration for professional engineers

- Sec. 3. (a) The state board of registration for professional engineers is created.
- (b) The board consists of seven (7) members, six (6) of whom shall be registered professional engineers.
  - (c) One (1) member must be appointed to represent the general public who is:
    - (1) a resident of this state; and
    - (2) not associated with professional engineering other than as a consumer.
  - (d) All members of the board shall be appointed by the governor.
  - (e) Six (6) professional engineer members shall be appointed to the board and shall at the time of appointment consist of:
    - (1) one (1) member from industry;
    - (2) one (1) member from government;
    - (3) one (1) member from education;
    - (4) two (2) members from private practice; and
    - (5) one (1) member at large.

- (f) A person appointed as a professional engineer member of the board must:
- (1) be a citizen of the United States;
  - (2) have been a resident of this state for a period of at least five (5) years immediately before the time of the member's appointment;
  - (3) be registered as a professional engineer and must have been engaged in the lawful practice of engineering for at least twelve (12) years; and
  - (4) have been in responsible charge of engineering work or engineering teaching for at least five (5) years.
- (g) Every member of the board shall be appointed for a term of four (4) years and shall serve until the member's successor is appointed and qualified.
- (h) Every member of the board shall receive a certificate of appointment from the governor, and, before beginning the member's term of office, file with the secretary of the board a written oath or affirmation for the faithful discharge of the member's official duties.
- (i) The governor may remove any member of the board at any time for incompetency, neglect of duty, or for unprofessional conduct.
- (j) Any vacancy which may occur in the membership of the board, at any time, shall be filled by appointment by the governor for the unexpired term.
- (Formerly: Acts 1935, c.148, s.3; Acts 1965, c.284, s.3; Acts 1967, c.94, s.1.) As amended by Acts 1981, P.L.222, SEC.230; P.L.23-1991, SEC.15; P.L.215-1993, SEC.3.*

#### **IC 25-31-1-4**

##### **Compensation and expenses of board members**

Sec. 4. (a) The members of the board shall receive a salary per diem for each and every day, or part of a day, while they are in actual attendance of any meeting of the board, or while they are engaged in the performance of the official business of the board. The salary per diem is in addition to any allowance, prescribed by the laws of the state, for subsistence and travel within Indiana.

(b) Any member of the board, or the secretary of the board, may be authorized by the board to attend any engineering conference, or meeting, held outside of Indiana, the major purpose of the meeting being the consideration of problems directly associated with the registration of professional engineers. Any member of the board, in addition to any subsistence and travel allowance as prescribed by the laws of the state for travel outside of Indiana, shall receive a salary per diem for each and every day, or part of a day, while the board member is in actual attendance of any engineering conference or meeting held outside of Indiana, or while en route to and from the conference or meeting.

*(Formerly: Acts 1935, c.148, s.4; Acts 1957, c.320, s.2.) As amended by Acts 1976, P.L.119, SEC.23; Acts 1981, P.L.222, SEC.231; P.L.23-1991, SEC.16; P.L.215-1993, SEC.4.*

#### **IC 25-31-1-5**

##### **Meetings of board; organization; quorum**

Sec. 5. (a) The board shall hold in the city of Indianapolis at least two (2) regular meetings each year and special meetings as the board considers necessary. Regular and special meetings must be held at times and places as the rules of the board may provide. Notice of all meetings must be given according to IC 5-14-1.5.

(b) The board shall elect, annually, from its own members, a chairman and a vice chairman.

(c) A quorum of the board consists of four (4) members and no official action of any meeting may be taken without at least four (4) votes being in accord.

(d) Suitable office quarters shall be provided by the state for the use of the board in the city of Indianapolis. This office may be shared with the state board of registration for land surveyors.

*(Formerly: Acts 1935, c.148, s.5.) As amended by Acts 1982, P.L.113, SEC.75; P.L.23-1991, SEC.17; P.L.215-1993, SEC.5.*

#### **IC 25-31-1-6**

##### **Secretary of board; duties; employees**

Sec. 6. (a) The licensing agency shall provide the board with a competent individual to serve as secretary of the board. The secretary may not be a member of the board. The secretary, through the licensing agency, shall keep a true and complete record of all proceedings of the board and perform any other duties, prescribed in this chapter, as may be assigned by the board.

(b) The board shall be provided by the licensing agency whatever clerical or other assistants, including investigators, as may be necessary for the proper performance of its duties.

(c) The licensing agency may assign joint personnel to work for both the board and the state board of registration for land surveyors.

*(Formerly: Acts 1935, c.148, s.6; Acts 1957, c.320, s.3.) As amended by Acts 1981, P.L.222, SEC.232; P.L.132-1984, SEC.41; P.L.23-1991, SEC.18; P.L.215-1993, SEC.6.*

#### **IC 25-31-1-7**

##### **Enforcement and administration of chapter by board**

Sec. 7. (a) The board shall enforce and administer the provisions of this chapter, and adopt rules, not inconsistent with the Constitution and laws of this state, as may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall adopt rules establishing standards for the competent practice of engineering and for the administration of the registered professional engineers and registered engineering interns investigative fund established by section 35 of this chapter. Any rulemaking by the board shall be in accordance with IC 4-22-2.

(b) The board shall adopt and have an official seal.

*(Formerly: Acts 1935, c.148, s.7.) As amended by Acts 1981, P.L.222, SEC.233; P.L.23-1991, SEC.19; P.L.215-1993, SEC.7; P.L.194-2005, SEC.77.*

#### **IC 25-31-1-8**

##### **Hearings and subpoenas**

Sec. 8. The provisions of IC 4-21.5 govern the board's procedures for conducting hearings and issuing subpoenas for witnesses and other evidence.

*(Formerly: Acts 1935, c.148, s.8; Acts 1947, c.262, s.3; Acts 1965, c.284, s.4.) As amended by Acts 1982, P.L.154, SEC.101; P.L.215-1993, SEC.8.*

#### **IC 25-31-1-9**

##### **Disposition of receipts; fee**

Sec. 9. (a) Except as provided in IC 25-31-1-35 and subsection (b), the licensing agency shall receive and account for all money collected under the provisions of this chapter and shall deposit the money with the treasurer of state to be deposited by the treasurer of state in the general fund of the state.

(b) In addition to the registration fee established under section 13(c) of this chapter, the board shall establish a fee of not more than twenty dollars (\$20) for registered professional engineers and registered engineering interns to be paid at the time of:

- (1) issuance of a certificate of registration; and
- (2) renewal of a certificate of registration;

under this article to provide funds for administering and enforcing this article, including investigating and taking action against persons violating this article. All funds collected under this subsection shall be deposited into the registered professional engineers and registered engineering interns investigative fund established by section 35 of this chapter.

*(Formerly: Acts 1935, c.148, s.9.) As amended by Acts 1976, P.L.119, SEC.24; P.L.215-1993, SEC.9; P.L.194-2005, SEC.78; P.L.177-2006, SEC.7.*

#### **IC 25-31-1-10**

##### **Records**

Sec. 10. (a) The board shall keep a record of its proceedings and a record of all applications for registration. The record shall show:

- (1) the name, age, and residence of each applicant;
- (2) the date of the application;
- (3) the place of business of the applicant;
- (4) the applicant's education and other qualifications;
- (5) whether or not an examination was required;
- (6) whether or not the applicant was rejected;
- (7) whether a certificate of registration was granted;
- (8) the date of the action of the board; and
- (9) any other information as may be deemed necessary by the board.

(b) The records of the board are prima facie evidence of the proceedings of the board.

(c) A transcript of the proceedings certified by the chairman and attested by the secretary of the board, under its seal, shall be admissible in evidence with the same force and effect as if the original were produced.

*(Formerly: Acts 1935, c.148, s.10; Acts 1961, c.277, s.2.) As amended by Acts 1979, P.L.17, SEC.48; P.L.215-1993, SEC.10.*

#### **IC 25-31-1-11**

##### **Repealed**

*(Repealed by P.L.132-1984, SEC.55.)*

#### **IC 25-31-1-12**

##### **Qualifications for registration**

Sec. 12. (a) The following under either subdivision (1) or (2) shall be considered as minimum evidence that the applicant is qualified for registration as a professional engineer:

(1) All of the following:

(A) Graduation in an approved engineering curriculum of four (4) years or more.

(B) A specific record of four (4) years or more of progressive experience on engineering projects of sufficient quality acquired subsequent to graduation, which experience indicates that the applicant is qualified to be placed in responsible charge of engineering work requiring the exercise of judgment in the application of engineering sciences to the sound solution of engineering problems.

(C) The successful passing of an examination as provided for in section 14 of this chapter.

(2) All of the following:

(A) A specific record of eight (8) years or more of engineering education and experience in engineering work, which indicates that the applicant has acquired knowledge and skill and practical experience in engineering work approximating that required for registration as a professional engineer under subdivision (1).

(B) The successful passing of an examination as provided for in section 14 of this chapter.

(b) The following under either subdivision (1) or (2) shall be considered as minimum evidence that the applicant is qualified for certification as an engineering intern:

(1) All of the following:

(A) Graduation in an approved engineering curriculum of four (4) years or more.

(B) The successful passing of an engineering intern examination as provided in section 14 of this chapter.

(2) All of the following:

(A) A specific record of four (4) years or more of engineering education and experience in engineering work indicating that the applicant has acquired knowledge and skill approximating that acquired through graduation in an approved engineering curriculum of four (4) years or more.

(B) The successful passing of an engineering intern examination as provided in section 14 of this chapter.

(c) The board may waive the examination under section 14 of this chapter to any applicant who has been granted a certificate of registration under section 21 of this chapter.

(d) An individual is not eligible for registration as a professional engineer or certification as an engineering intern if the individual has been convicted of:

(1) an act which would constitute grounds for disciplinary sanction under IC 25-1-11; or

(2) a felony that has a direct bearing on the individual's ability to practice competently.

(e) In considering the qualifications of applicants, responsible charge of engineering teaching shall be construed as responsible charge of engineering work. An applicant who holds a degree of master of science of engineering or the equivalent thereof from a curriculum in engineering approved by the board may be given a maximum credit of one (1) year of experience in addition to the credit of four (4) years of education. An applicant who holds a degree of doctor of philosophy or the equivalent thereof from a curriculum in engineering approved by the board may be given a maximum of credit of two (2) years of experience in addition to a credit of four (4) years of education. Graduation in a course other than engineering from a college or university acceptable to the board may be considered as equivalent to two (2) years engineering experience and education. The mere execution, as a contractor of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be engineering experience.

(f) Any person having the necessary qualifications to be registered under this chapter is eligible for registration although the individual may not be engaged in the practice of engineering at the time the application is made.

*(Formerly: Acts 1935, c.148, s.12; Acts 1947, c.262, s.4; Acts 1957, c.320, s.5; Acts 1961, c.277, s.3; Acts 1965, c.284, s.6; Acts 1969, c.279, s.2.) As amended by Acts 1981, P.L.222, SEC.234; Acts 1982, P.L.113, SEC.76; P.L.23-1991, SEC.20; P.L.1-1992, SEC.133; P.L.215-1993, SEC.11; P.L.214-1993, SEC.80.*

### **IC 25-31-1-13**

#### **Application for registration; fees**

Sec. 13. (a) An individual applying for registration as a professional engineer or for certification as an engineering intern shall apply for registration or certification on a form prescribed and provided by the board. Each application for registration shall contain statements showing the education and qualifications of the applicant and a detailed summary of the technical work performed by the applicant. An application for registration as a professional engineer shall be accompanied by the names of five (5) persons to be used as references, at least three (3) of whom are professional engineers who have a personal knowledge of the experience of the applicant. Each application for a certification as an engineering intern must contain

statements showing the education of the applicant, and except for an application for an examination to be given during the applicant's senior year, the application shall be accompanied by the names of three (3) persons to be used as references. All applications shall be certified to by the applicant as to the correctness of the statements contained in the application.

(b) A person who knowingly makes a false statement in the application commits a Class A misdemeanor.

(c) The amount of registration fees for a professional engineer and for an engineering intern shall be fixed and determined by the board under IC 25-1-8-2. The board shall also in its rules prescribe the manner and the time for the paying of registration fees.

(d) In the event the board refuses to issue a certificate of registration to any person who has made proper application for registration as a professional engineer, any initial fee prescribed by the board and deposited with the board by an applicant shall be retained by the board as an application fee.

(e) In the event the board refuses to issue a certificate to any person who has made proper application for certification as an engineering intern, the fee prescribed by the board and deposited by the applicant with the board shall be retained as an application fee.

*(Formerly: Acts 1935, c.148, s.13; Acts 1947, c.262, s.5; Acts 1957, c.320, s.6; Acts 1961, c.277, s.4; Acts 1965, c.284, s.7; Acts 1969, c.279, s.3.) As amended by Acts 1978, P.L.2, SEC.2553; P.L.23-1991, SEC.21; P.L.215-1993, SEC.12.*

### **IC 25-31-1-14**

#### **Examination; reexamination**

Sec. 14. (a) The examination required of all applicants for registration as a professional engineer shall be a written or computer based examination which shall be divided into the following two (2) parts:

(1) Engineering fundamentals.

(2) Principles and practice of engineering.

The board may adopt rules under IC 4-22-2 establishing additional examination requirements.

(b) The engineering fundamentals portion of the examination shall be designed to test the applicant's knowledge of mathematics and the physical and engineering sciences. The standards of proficiency required shall approximate that attained by graduation in an approved four (4) year engineering curriculum.

(c) The principles and practice of the engineering portion of the examination shall be designed primarily to test the applicant's understanding of, and judgment and ability to apply correctly, the principles of:

- (1) mathematics;
- (2) the physical sciences;
- (3) the engineering sciences; and
- (4) engineering design analysis and synthesis;

to the practice of professional engineering. A part of the examination

may be designed to test the applicant's knowledge and understanding of the ethical, economic, and legal principles relating to the practices of professional engineering.

(d) An applicant for registration as a professional engineer who holds an engineering intern certificate issued in Indiana or in any other state or territory having equivalent standards may be exempted from the engineering fundamentals portion of the examination.

(e) An applicant must successfully pass the engineering fundamentals portion of the examination before taking the principles and practice portion of the examination.

(f) Examinations shall be held at times and places as determined by the board at least two (2) times each year. Examinations for certification as an engineering intern may be held separately from the examinations for registration as a professional engineer.

(g) An applicant for registration as a professional engineer who is presently registered in another state or territory may be assigned a written or computer based examination as the board deems necessary to meet the requirements of this chapter.

(h) An applicant shall have three (3) attempts to pass each part of the examination within a time period established by the board by rule. The board may specify by rule the time required between examinations and the opportunity for future examination attempts for an applicant who fails to appear at an examination. The amount of the fee to be paid for each examination shall be determined by the board under IC 25-1-8-2.

(i) If an applicant who has failed a part of the examination three (3) times reapplies and submits evidence of acquiring additional knowledge for the examination, the board may give the applicant approval to take subsequent examinations or partial examinations.

*(Formerly: Acts 1935, c.148, s.14; Acts 1947, c.262, s.6; Acts 1957, c.320, s.7; Acts 1961, c.277, s.5; Acts 1969, c.279, s.4.) As amended by Acts 1980, P.L.166, SEC.6; P.L.23-1991, SEC.22; P.L.215-1993, SEC.13; P.L.194-2005, SEC.79; P.L.9-2012, SEC.3.*

#### **IC 25-31-1-15**

##### **Issuance of certificate of registration; certificate of enrollment**

Sec. 15. (a) The board shall issue a certificate of registration, upon the payment of the fee prescribed by the board under IC 25-1-8-2 and the fee established by section 9(b) of this chapter, to any applicant who, in the opinion of the board, has satisfactorily met all requirements of this chapter. In the case of a professional engineer, the certificate shall authorize the practice of "professional engineering". The certificate of registration shall:

- (1) show the full name of the registrant;
- (2) bear a serial number and date; and
- (3) be signed by a designee of the board.

The issuance of any certificate of registration by the board under this chapter is evidence that the individual named on the certificate is entitled to all the rights and privileges of a registered professional engineer from the date on the certificate until it expires or is revoked.

(b) The board shall issue a certificate of enrollment upon the payment of the certificate fee prescribed by the board under IC 25-1-8-2 to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this chapter. In the case of an engineering intern, the certificate shall state that the applicant has successfully passed the examination in engineering fundamentals and has been enrolled as an engineering intern. The certificate of enrollment shall:

- (1) show the full name of the enrollee;
- (2) bear a serial number and date; and
- (3) be signed by the director of the licensing agency.

The issuance of a certificate of enrollment by the board is evidence that the individual named on the certificate is entitled to all the rights and privileges of an engineering intern while the certificate remains unrevoked or until it expires.

*(Formerly: Acts 1935, c.148, s.15; Acts 1947, c.262, s.7; Acts 1969, c.279, s.5.) As amended by Acts 1982, P.L.154, SEC.102; P.L.23-1991, SEC.23; P.L.215-1993, SEC.14; P.L.194-2005, SEC.80; P.L.177-2006, SEC.8.*

#### **IC 25-31-1-16**

##### **Seal**

Sec. 16. (a) The granting of registration extends to the registrant the authority to use a seal of a design approved by the board bearing the registrant's name, registration number, and the legend "professional engineer".

(b) During the period of time that a registrant's certificate is valid, the registrant is authorized to apply the registrant's seal to plans, specifications, studies, drawings, and reports. Applying the registrant's seal attests that:

- (1) the work embodies the engineering work of the registrant;
- (2) the registrant or an employed subordinate supervised by the registrant prepared the documents, and in the context of engineered plans "prepared" refers to the registrant's control and direction of the engineering work and design process;
- (3) the registrant assumes full professional responsibility for the documents; and
- (4) the work meets standards of acceptable engineering practice.

(c) It is unlawful for any person to stamp or seal any document with a seal after the certificate of the registrant named on the seal has expired or has been revoked.

*(Formerly: Acts 1935, c.148, s.16; Acts 1961, c.277, s.6.) As amended by P.L.23-1991, SEC.24; P.L.215-1993, SEC.15.*

#### **IC 25-31-1-17**

##### **Expiration and renewal of certificate**

Sec. 17. (a) Unless a certificate is renewed, a certificate issued under this chapter expires on a date specified by the licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the board and pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a certificate does not renew the certificate by the date specified by the licensing agency, the certificate expires and becomes invalid without the board taking any action.

(c) The failure on the part of a registrant to renew a certificate does not deprive the registrant of the right of renewal.

(d) If a certificate has been expired for not more than three (3) years, the certificate may be reinstated by the board if the holder of the certificate meets the requirements for reinstatement under IC 25-1-8-6(c).

(e) If a certificate has been expired for more than three (3) years, the certificate may be reinstated by the board if the holder of the certificate meets the requirements for reinstatement under IC 25-1-8-6(d).

*(Formerly: Acts 1935, c.148, s.17; Acts 1961, c.277, s.7; Acts 1965, c.284, s.8; Acts 1969, c.279, s.6.) As amended by P.L.215-1993, SEC.16; P.L.194-2005, SEC.81; P.L.105-2008, SEC.59.*

#### **IC 25-31-1-17.5**

##### **Continuing education rules**

Sec. 17.5. (a) The board may adopt rules requiring a professional engineer to obtain continuing education for renewal of a certificate under section 17 of this chapter.

(b) If the board adopts rules under this section, the rules must do the following:

(1) Establish an inactive certificate of registration that:

(A) does not require the holder of an inactive certificate to obtain continuing education; and

(B) prohibits the holder of an inactive certificate from practicing engineering.

(2) Establish requirements for reactivation of an inactive certificate.

*As added by P.L.215-1993, SEC.17.*

#### **IC 25-31-1-18**

##### **Corporate practice**

Sec. 18. (a) A registration certificate for a professional engineer may be issued only to a natural person.

(b) A business, including a proprietorship, partnership, or corporation, doing business in Indiana may not practice or offer to practice engineering unless that practice is carried on under the responsible direction and supervision of a registered professional engineer who is a full-time employee of the business. All plans, sheets of designs, specifications, reports, studies, or other engineering documents that require certification and are prepared by the personnel of a business must carry the signature and seal of the registered professional engineer who is in responsible charge of the professional engineering work.

*(Formerly: Acts 1935, c.148, s.18; Acts 1957, c.320, s.8; Acts 1961, c.277, s.8; Acts 1967, c.95, s.1.) As amended by P.L.23-1991, SEC.25; P.L.215-1993, SEC.18.*

#### **IC 25-31-1-19**

##### **Public projects; employment of professional engineer**

Sec. 19. (a) A county, city, town, township, school corporation, or other political subdivision of this state may not engage in the construction or maintenance of any public work involving the practice of engineering for which plans, specifications, and estimates have not been prepared, certified, and sealed by, and the construction and maintenance executed under the direct supervision of, a professional engineer. Any contract executed in violation of this section is void.

(b) An official of this state, or of any city, town, county, township, or school corporation, charged with the enforcement of any law, ordinance, or rule relating to the design, construction, or alteration of buildings or structures may not use or accept or approve any plans or specifications that have not been prepared by, or under the supervision of and certified by, a registered professional engineer. This subsection does not apply:

(1) to plans or specifications prepared by, or under the supervision of and certified by, an architect who is registered under IC 25-4-1;

(2) to structures and construction listed in IC 22-15-3-3(a); or

(3) to plans or specifications contained in a registration, license, or permit application, including an application for an initial permit, the renewal of a permit, the modification of a permit, or a variance from a permit submitted to the commissioner of the department of environmental management under IC 13, unless the permit is for the approval of plans or specifications for construction for which a professional engineer's seal is required by operation of either state or federal law, rule, or regulation. This subsection does not require a professional engineer's seal for an application for an air quality construction permit under 326 IAC 2-1-3.

This section shall not be construed as to abridge or otherwise affect the powers of any state board or department to issue rules governing the safety of buildings or structures.

(c) All maps required to show the underground workings of any mine in Indiana must be prepared, certified, and sealed by a professional engineer or land surveyor.

*(Formerly: Acts 1935, c.148, s.19; Acts 1947, c.262, s.8; Acts 1957, c.320, s.9; Acts 1961, c.277, s.9; Acts 1965, c.284, s.9.) As amended by P.L.8-1984, SEC.121; P.L.23-1991, SEC.26; P.L.215-1993, SEC.19; P.L.82-1994, SEC.30; P.L.246-1995, SEC.1.*

#### **IC 25-31-1-20**

##### **Exempt persons**

Sec. 20. (a) An employee or a subordinate of any person who holds a certificate of registration under the provisions of this chapter is exempt from the provisions of this chapter if the practice of the employee or subordinate does not include responsible charge of design or supervision.

(b) This chapter does not require registration for the purpose of practicing engineering by an individual or a business:

(1) on property owned or leased by that individual or business unless the engineering practice involves the public health or safety, or the health or safety of the employees of that individual or business;

(2) for the performance of engineering which relates solely to the design or fabrication of manufactured products; or

(3) that is registered as a landscape architect under IC 25-4-2 and while the individual or business is engaged in the practice of landscape architecture planning the use of land or water.

*(Formerly: Acts 1935, c.148, s.20; Acts 1947, c.262, s.9; Acts 1951, c.125, s.1; Acts 1961, c.277, s.10; Acts 1969, c.279, s.7.) As amended by Acts 1982, P.L.154, SEC.103; P.L.23-1991, SEC.27; P.L.1-1993, SEC.198; P.L.215-1993, SEC.20.*

#### **IC 25-31-1-21**

##### **License by reciprocity**

Sec. 21. The board may, upon application and payment of a fee established by the board in the board's rules, issue a certificate of registration as a professional engineer to an individual who holds a valid certificate of registration as a professional engineer, issued to the applicant by the proper authority of any state or territory or possession of the United States if the requirements for registration of professional engineers that the certificate of registration was issued under do not conflict with the provisions of this chapter. In determining the qualifications of an applicant, the board may accept the verified professional record of the applicant that is certified by the National Council of Examiners for Engineers and Surveyors. However, an applicant meets the experience requirement under section 12 of this chapter if the applicant:

(1) has at least three (3) years of engineering work experience after the applicant graduates from an approved engineering curriculum but before the applicant successfully passes an examination required under section 14 of this chapter; and

(2) has been registered or licensed as a professional engineer in another state for at least ten (10) years.

*(Formerly: Acts 1935, c.148, s.21; Acts 1957, c.320, s.10; Acts 1965, c.284, s.10; Acts 1969, c.279, s.8.) As amended by Acts 1982, P.L.154, SEC.104; P.L.23-1991, SEC.28; P.L.215-1993, SEC.21; P.L.194-2005, SEC.82.*

#### **IC 25-31-1-22**

##### **Repealed**

*(Repealed by Acts 1981, P.L.222, SEC.296.)*

#### **IC 25-31-1-22.1**

##### **Repealed**

*(Repealed by P.L.214-1993, SEC.91.)*

#### **IC 25-31-1-23**

##### **Repealed**

*(Repealed by P.L.214-1993, SEC.91.)*

#### **IC 25-31-1-24**

##### **Conduct of hearings**

Sec. 24. All hearings conducted by the board shall be held pursuant to IC 4-21.5-3.

*(Formerly: Acts 1935, c.148, s.24; Acts 1965, c.284, s.12.) As amended by Acts 1977, P.L.172, SEC.47; P.L.7-1987, SEC.128; P.L.214-1993, SEC.81; P.L.215-1993, SEC.24.*

#### **IC 25-31-1-25**

##### **Judicial review**

Sec. 25. An applicant or a registrant who is aggrieved by an order or determination of the board is entitled to a judicial review under IC 4-21.5.

*(Formerly: Acts 1935, c.148, s.25; Acts 1965, c.284, s.13.) As amended by Acts 1982, P.L.154, SEC.105; P.L.3-1989, SEC.148; P.L.215-1993, SEC.25.*

#### **IC 25-31-1-26**

##### **Issuance of duplicate certificate**

Sec. 26. A certificate of registration, or a certification as an engineering intern to replace a certificate which has been lost, destroyed, or mutilated, may be issued subject to the rules of the board and the fee established under IC 25-1-8-2.

*(Formerly: Acts 1935, c.148, s.26; Acts 1947, c.262, s.10; Acts 1961, c.277, s.12.) As amended by P.L.215-1993, SEC.26; P.L.235-1995, SEC.10.*

#### **IC 25-31-1-27**

##### **Practicing without license and other specific violations**

Sec. 27. A person who:

- (1) practices or offers to practice engineering without being registered or exempted under the laws of this state;
- (2) presents as the person's own the certificate of registration or the seal of another;
- (3) gives any false or forged evidence of any kind to the board or to any member of the board in obtaining a certificate of registration;
- (4) impersonates any other registrant;
- (5) uses an expired, suspended, or revoked certificate of registration; or
- (6) otherwise violates this chapter;

commits a Class B misdemeanor.

*(Formerly: Acts 1935, c.148, s.27; Acts 1947, c.262, s.11.) As amended by Acts 1978, P.L.2, SEC.2554; P.L.23-1991, SEC.30; P.L.215-1993, SEC.27.*

#### **IC 25-31-1-28**

##### **Enforcement; use of investigative fund**

Sec. 28. (a) It is the duty of all law enforcement officers of this state, or any political subdivision, to enforce the provisions of this chapter and to apprehend and prosecute any person who violates any of the provisions of this chapter.

(b) The attorney general shall act as the legal advisor of the board and render any legal assistance as may be necessary in carrying out the provisions of this chapter.

(c) The attorney general and the licensing agency may use the registered professional engineers and registered engineering interns investigative fund established by section 35 of this chapter to hire investigators and other employees to enforce the provisions of this article and to investigate and prosecute violations of this article.

*(Formerly: Acts 1935, c.148, s.28.) As amended by Acts 1982, P.L.154, SEC.106; P.L.215-1993, SEC.28; P.L.194-2005, SEC.83.*

#### **IC 25-31-1-29**

##### **Injunctions**

Sec. 29. (a) The attorney general, the prosecuting attorney of any county, the board, or a citizen of any county where a person who is not exempted engages in the practice of engineering without first having obtained a certificate of registration or without first having renewed an expired certificate of registration may, in accordance with the provisions of the laws of this state governing injunctions, file an action in the name of the state of Indiana to enjoin that person from engaging in the practice of engineering until a certificate of registration is secured or renewed.

(b) Any person who has been enjoined and violates an injunction shall be punished for contempt of court. An injunction does not relieve a person engaged in the practice of engineering without a certificate of registration or without first having renewed an expired certificate of registration from a criminal prosecution.

(c) The remedy by injunction is in addition to any remedy provided for herein for the criminal prosecution of the offender. In charging any person in a complaint for violation of the provisions of this chapter by engaging in the practice of engineering without a certificate of registration or without having renewed an expired certificate of registration, it is sufficient to charge that the offender:

- (1) on a certain day in a certain county practiced or offered to practice engineering; and
- (2) was not registered or exempted under this chapter.

*(Formerly: Acts 1935, c.148, s.29; Acts 1947, c.262, s.12.) As amended by Acts 1982, P.L.154, SEC.107; P.L.23-1991, SEC.31; P.L.215-1993, SEC.29.*

#### **IC 25-31-1-30**

##### **Exemption from statutes relating to practice of architecture**

Sec. 30. (a) Except as provided in IC 25-4-1-11, a person registered as a professional engineer under this chapter is exempt from the provisions of any and all statutes in force in this state regulating the practice of architecture.

(b) This chapter does not apply to an individual registered as an architect under IC 25-4-1. An architect, however, who is registered under IC 25-4-1 and exempted from this chapter may not use the designation "engineer" in any form or manner unless the architect is registered under this chapter.

*(Formerly: Acts 1935, c.148, s.30; Acts 1967, c.95, s.2.) As amended by Acts 1982, P.L.154, SEC.108; P.L.215-1993, SEC.30.*

#### **IC 25-31-1-31**

##### **Repealed**

*(Repealed by P.L.23-1991, SEC.40.)*

#### **IC 25-31-1-32**

##### **Repealed**

*(Repealed by P.L.214-1993, SEC.91 and P.L.215-1993, SEC.32.)*

#### **IC 25-31-1-34**

##### **Use of engineer in political subdivision job title**

Sec. 34. (a) This section does not apply to a job position filled by the department of environmental management.

(b) Unless a job position is filled by a professional engineer, the state or a political subdivision (as defined in IC 36-1-2-13) may not use the word "engineer" in the position's job title.

*As added by P.L.215-1993, SEC.31. Amended by P.L.16-1994, SEC.9.*



## **IC 25-31-1-35**

### **Investigative fund; administration by attorney general and licensing agency; appropriation**

Sec. 35. (a) The registered professional engineers and registered engineering interns investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the attorney general and the licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of money from the fee imposed upon registered professional engineers and registered engineering interns under section 9(b) of this chapter.

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

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the fund exceeds five hundred thousand dollars (\$500,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds five hundred thousand dollars (\$500,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated for use by the attorney general and the licensing agency to administer and enforce the provisions of this article and to conduct investigations and take enforcement action against persons violating the provisions of this article.

*As added by P.L.194-2005, SEC.84. Amended by P.L.177-2006, SEC.9.*

## **TITLE 25. PROFESSIONS AND OCCUPATIONS**

### **IC 25-1**

#### **ARTICLE 1. GENERAL PROVISIONS**

### **IC 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.)*

### **IC 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.

*As added by P.L.67-1990, SEC.8. Amended by P.L.182-1991, SEC.1; P.L.17-2001, SEC.6; P.L.1-2002, SEC.94; P.L.151-2006, SEC.11.*

### **IC 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 as 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; and
  - (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.)*

**IC 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) Athlete agents.
- (28) Manufactured home installers.
- (29) Home inspectors.
- (30) Massage therapists.
- (31) Interior designers.
- (32) Genetic counselors.

*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; P.L. 177-2009, SEC. 10; P.L. 84-2010, SEC. 6.*

#### **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 therefore 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 cosmetology examiners.
- (6) Medical licensing board of Indiana.
- (7) Secretary of state.
- (8) State board of dentistry.
- (9) State board of funeral and cemetery service.
- (10) Worker's compensation board of Indiana.
- (11) Indiana state board of health facility administrators.
- (12) Committee of hearing aid dealer examiners.
- (13) Indiana state board of nursing.
- (14) Indiana optometry board.
- (15) Indiana board of pharmacy.
- (16) Indiana plumbing commission.
- (17) Board of podiatric medicine.
- (18) Private investigator and security guard licensing board.
- (19) State board of registration for professional engineers.
- (20) State psychology board.
- (21) Indiana real estate commission.
- (22) Speech-language pathology and audiology board.
- (23) Department of natural resources.
- (24) Board of chiropractic examiners.
- (25) Mining board.
- (26) Indiana board of veterinary medical examiners.
- (27) State department of health.
- (28) Indiana physical therapy committee.
- (29) Respiratory care committee.
- (30) Occupational therapy committee.
- (31) Behavioral health and human services licensing board.
- (32) Real estate appraiser licensure and certification board.
- (33) State board of registration for land surveyors.
- (34) Physician assistant committee.
- (35) Indiana dietitians certification board.
- (36) Attorney general (only for the regulation of athlete agents).
- (37) Manufactured home installer licensing board.
- (38) Home inspectors licensing board.
- (39) State board of massage therapy.
- (40) 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.

(d) Notwithstanding any other law, the entities included in subsection (b) shall send notice of the expiration of a license to each individual whose license has expired within thirty (30) days following the expiration of the license. The notice must meet the following requirements:

(1) Inform the individual of the following:

(A) That the individual's license has expired.

(B) Any requirements that must be met before reinstatement of a license may occur.

(2) Be sent electronically. However, if the entity does not have an electronic mail address on record for the individual, the notice must be sent via United States mail.

*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; P.L. 122-2009, SEC.1; P.L. 160-2009, SEC.4; P.L. 1-2010, SEC.100; P.L. 84-2010, SEC.7; P.L. 113-2010, SEC.100; P.L. 42-2011, SEC.49; P.L. 197-2011, SEC.73.*

#### **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.)*

#### **IC 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.)*

#### **IC 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 Version a**

##### **"Board" defined**

*Note: This version of section effective until 7-1-2010. See also following version of this section, effective 7-1-2010.*

Sec. 0.3. 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 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) 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) Indiana dietitians certification board (IC 25-14.5-2-1).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Board of environmental health specialists (IC 25-32-1).
- (12) State board of funeral and cemetery service (IC 25-15-9).
- (13) Indiana state board of health facility administrators (IC 25-19-1).
- (14) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) Indiana hypnotist committee (IC 25-20.5-1-7).
- (17) State board of registration for land surveyors (IC 25-21.5-2-1).
- (18) Manufactured home installer licensing board (IC 25-23.7).
- (19) Medical licensing board of Indiana (IC 25-22.5-2).
- (20) Indiana state board of nursing (IC 25-23-1).
- (21) Occupational therapy committee (IC 25-23.5).
- (22) Indiana optometry board (IC 25-24).
- (23) Indiana board of pharmacy (IC 25-26).
- (24) Indiana physical therapy committee (IC 25-27-1).
- (25) Physician assistant committee (IC 25-27.5).
- (26) Indiana plumbing commission (IC 25-28.5-1-3).
- (27) Board of podiatric medicine (IC 25-29-2-1).
- (28) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (29) State psychology board (IC 25-33).
- (30) Indiana real estate commission (IC 25-34.1-2).
- (31) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (32) Respiratory care committee (IC 25-34.5).
- (33) Behavioral health and human services licensing board (IC 25-23.6).
- (34) Speech-language pathology and audiology board (IC 25-35.6-2).
- (35) 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; P.L.122-2009, SEC.2; P.L.160-2009, SEC.5; P.L.1-2010, SEC.101.*

#### **IC 25-1-4-0.3 Version b**

##### **"Board" defined**

*Note: This version of section effective 7-1-2010. See also preceding version of this section, effective until 7-1-2010.*

Sec. 0.3. 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 athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).



- (7) State board of dentistry (IC 25-14-1).
- (8) Indiana dietitians certification board (IC 25-14.5-2-1).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) State board of funeral and cemetery service (IC 25-15-9).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of registration for land surveyors (IC 25-21.5-2-1).
- (15) Manufactured home installer licensing board (IC 25-23.7).
- (16) Medical licensing board of Indiana (IC 25-22.5-2).
- (17) Indiana state board of nursing (IC 25-23-1).
- (18) Occupational therapy committee (IC 25-23.5).
- (19) Indiana optometry board (IC 25-24).
- (20) Indiana board of pharmacy (IC 25-26).
- (21) Indiana physical therapy committee (IC 25-27-1).
- (22) Physician assistant committee (IC 25-27.5).
- (23) Indiana plumbing commission (IC 25-28.5-1-3).
- (24) Board of podiatric medicine (IC 25-29-2-1).
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) State psychology board (IC 25-33).
- (27) Indiana real estate commission (IC 25-34.1-2).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) Respiratory care committee (IC 25-34.5).
- (30) Behavioral health and human services licensing board (IC 25-23.6).
- (31) Speech-language pathology and audiology board (IC 25-35.6-2).
- (32) 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; P.L. 122-2009, SEC.2; P.L. 160-2009, SEC.5; P.L. 1-2010, SEC. 101; P.L. 84-2010, SEC. 8.*

#### **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.

The term includes an activity that is approved by the board for a profession or occupation, other than a real estate appraiser, and that augments 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; P.L. 177-2009, SEC.11.*

#### **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 25-1-4-0.7**

##### **Computation of designated time periods**

Sec. 0.7. (a) In computing any period under this chapter, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:

(1) a Saturday;

(2) a Sunday;

(3) a legal holiday under a state statute; or

(4) a day that the office in which the act is to be done is closed during regular business hours.

(b) A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period allowed is less than seven (7) days, intermediate Saturdays, Sundays, state holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.

(c) A period under this chapter that begins when a person is served with a paper begins with respect to a particular person on the earlier of the date that:

(1) the person is personally served with the notice; or

(2) a notice for the person is deposited in the United States mail.

(d) If a notice is served through the United States mail, three (3) days must be added to a period that begins upon service of that notice.

*As added by P.L.177-2009, SEC.12.*

#### **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 or refusal to reinstate; 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 to the practitioner's last known address.

(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 service 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 service 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 service of the notice.
    - (B) Acquire, within six (6) months after service of 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; P.L.177-2009, SEC.13.*

**IC 25-1-4-6**  
**Failure to comply; denial of license renewal or reinstatement; 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.*

**IC 25-1-6**  
**Chapter 6. Professional Licensing Agency Functions and Duties**

**IC 25-1-6-1**  
**Centralization of staff, functions, and services**

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

- (1) make maximum use of data processing as a means of more efficient operation;
- (2) provide more services and carry out functions of superior quality; and
- (3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

*As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.2; P.L.194-2005, SEC.1.*

**IC 25-1-6-2**  
**Definitions**

Sec. 2. As used in this chapter:  
 "Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

"Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.  
As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.3; P.L.206-2005, SEC.8.

### **IC 25-1-6-3**

#### **Indiana professional licensing agency; functions, duties, and responsibilities**

Sec. 3. (a) The licensing 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) 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 cosmetology examiners (IC 25-8-3-1).
- (5) State board of funeral and cemetery service (IC 25-15-9).
- (6) State board of registration for professional engineers (IC 25-31-1-3).
- (7) Indiana plumbing commission (IC 25-28.5-1-3).
- (8) Indiana real estate commission (IC 25-34.1).
- (9) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (10) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (11) State board of registration for land surveyors (IC 25-21.5-2-1).
- (12) Manufactured home installer licensing board (IC 25-23.7).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of massage therapy (IC 25-21.8-2-1).

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

As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.10; P.L.132-1984, SEC.4; P.L.246-1985, SEC.14; P.L.257-1987, SEC.14; P.L.234-1989, SEC.2; P.L.186-1990, SEC.4; P.L.23-1991, SEC.8; P.L.48-1991, SEC.15; P.L.1-1992, SEC.129; P.L.30-1993, SEC.4; P.L.234-1995, SEC.2; P.L.82-2000, SEC.3; P.L.227-2001, SEC.3; P.L.162-2002, SEC.3; P.L.145-2003, SEC.3; P.L.194-2005, SEC.2; P.L.206-2005, SEC.9; P.L.185-2007, SEC.3; P.L.200-2007, SEC.4; P.L.3-2008, SEC.177; P.L.160-2009, SEC.6; P.L.84-2010, SEC.11.

### **IC 25-1-6-4**

#### **Additional duties and functions; staff; requirements for renewal; delay of renewal; attorney general; investigation; sanctions; staggering renewal cycles; abandoned application**

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 in section 3 of this chapter;

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

*As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.5; P.L.194-2005, SEC.3.*

#### **IC 25-1-6-5**

##### **Executive director**

Sec. 5. (a) The licensing 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 licensing agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the licensing 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 licensing agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing 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 licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.

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

(g) Upon the request of a board or commission, the executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of the board or commission.

(h) Upon the request of a board or commission, the executive director may provide advice and technical assistance on issues that may be presented to the board or commission.

*As added by Acts 1981, P.L.222, SEC.3. Amended by Acts 1982, P.L.113, SEC.11; P.L.132-1984, SEC.6; P.L.49-1997, SEC.64; P.L.194-2005, SEC.4.*

#### **IC 25-1-6-5.5**

##### **Appeal of license renewal denial**

Sec. 5.5. A person who has a license renewal denied by a board listed in section 3 of this chapter may file an appeal of the denial in accordance with IC 4-21.5-3.

*As added by P.L.227-2001, SEC.4. Amended by P.L.1-2002, SEC.95; P.L.194-2005, SEC.5.*

#### **IC 25-1-6-6**

##### **Executive director; representatives; staff placement**

Sec. 6. (a) The executive director shall designate certain employees of the licensing agency to represent the executive director of the licensing agency at board meetings, proceedings, or any other activities of a 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.3. Amended by P.L.132-1984, SEC.7.*

#### **IC 25-1-6-7**

##### **Repealed**

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

#### **IC 25-1-6-8**

##### **Department of state revenue; access to names of licensees and applicants; persons on tax warrant list**

Sec. 8. (a) The licensing agency and the boards may allow the department of state revenue access to the name of each person who:

- (1) is licensed under this chapter or IC 25-1-5; or
- (2) has applied for a license under this chapter or IC 25-1-5.

(b) If the department of state revenue notifies the licensing agency that a person is on the most recent tax warrant list, the licensing agency may not issue or renew the person's license until:

- (1) the person provides to the licensing agency a statement from the department of revenue that the person's delinquent tax liability has been satisfied; or
- (2) the licensing agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

*As added by P.L.26-1985, SEC.20. Amended by P.L.332-1989(ss), SEC.46; P.L.2-2005, SEC.63; P.L.206-2005, SEC.10.*

#### **IC 25-1-6-9**

##### **Repealed**

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

#### **IC 25-1-6-10**

##### **Provision of Social Security numbers; access to numbers**

Sec. 10. (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 licensing agency.

(b) The licensing agency and the boards shall collect and release the applicant's or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing 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 licensing 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.19.*

#### **IC 25-1-7**

##### **Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations**

#### **IC 25-1-7-1 Version a**

##### **Definitions**

*Note: This version of section amended by P.L.1-2010, SEC.102, effective until 7-1-2010. See also following version of this section amended by P.L.84-2010, SEC.12, effective 7-1-2010, and following version of this section amended by P.L.113-2010, SEC.101, effective 7-1-2010.*

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 athletic 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) Behavioral health and human services licensing 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 entities.
- (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.134-2008, SEC.16; P.L.1-2009, SEC.138; P.L.122-2009, SEC.5; P.L.160-2009, SEC.7; P.L.1-2010, SEC.102.*

## **IC 25-1-7-1 Version b**

### **Definitions**

*Note: This version of section amended by P.L.84-2010, SEC.12, effective 7-1-2010. See also preceding version of this section amended by P.L.1-2010, SEC.102, effective until 7-1-2010, and following version of this section amended by P.L.113-2010, SEC.101, effective 7-1-2010.*

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 athletic commission (IC 25-9-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (12) Indiana state board of nursing (IC 25-23-1).

- (13) Indiana optometry board (IC 25-24).
- (14) Indiana board of pharmacy (IC 25-26).
- (15) Indiana plumbing commission (IC 25-28.5-1-3).
- (16) Board of podiatric medicine (IC 25-29-2-1).
- (17) State psychology board (IC 25-33).
- (18) Speech-language pathology and audiology board (IC 25-35.6-2).
- (19) Indiana real estate commission (IC 25-34.1-2).
- (20) Indiana board of veterinary medical examiners (IC 25-38.1).
- (21) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (22) Respiratory care committee (IC 25-34.5).
- (23) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (24) Occupational therapy committee (IC 25-23.5).
- (25) Behavioral health and human services licensing board (IC 25-23.6).
- (26) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (27) State board of registration for land surveyors (IC 25-21.5-2-1).
- (28) Physician assistant committee (IC 25-27.5).
- (29) Indiana athletic trainers board (IC 25-5.1-2-1).
- (30) Indiana dietitians certification board (IC 25-14.5-2-1).
- (31) Indiana physical therapy committee (IC 25-27).
- (32) Manufactured home installer licensing board (IC 25-23.7).
- (33) Home inspectors licensing board (IC 25-20.2-3-1).
- (34) State department of health, for out-of-state mobile health care entities.
- (35) State board of massage therapy (IC 25-21.8-2-1).
- (36) 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.134-2008, SEC.16; P.L.1-2009, SEC.138; P.L.122-2009, SEC.5; P.L.160-2009, SEC.7; P.L.1-2010, SEC.102; P.L.84-2010, SEC.12.*

## **IC 25-1-7-1 Version c**

### **Definitions**

*Note: This version of section amended by P.L. 113-2010, SEC.101, effective 7-1-2010. See also preceding version of this section amended by P.L.1-2010, SEC.102, effective until 7-1-2010, and preceding version of this section amended by P.L.84-2010, SEC.12, effective 7-1-2010.*

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) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (12) Indiana state board of nursing (IC 25-23-1).
- (13) Indiana optometry board (IC 25-24).
- (14) Indiana board of pharmacy (IC 25-26).
- (15) Indiana plumbing commission (IC 25-28.5-1-3).
- (16) Board of podiatric medicine (IC 25-29-2-1).
- (17) Board of environmental health specialists (IC 25-32-1).



- (18) State psychology board (IC 25-33).
- (19) Speech-language pathology and audiology board (IC 25-35.6-2).
- (20) Indiana real estate commission (IC 25-34.1-2).
- (21) Indiana board of veterinary medical examiners (IC 25-38.1).
- (22) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (23) Respiratory care committee (IC 25-34.5).
- (24) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (25) Occupational therapy committee (IC 25-23.5).
- (26) Behavioral health and human services licensing board (IC 25-23.6).
- (27) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (28) State board of registration for land surveyors (IC 25-21.5-2-1).
- (29) Physician assistant committee (IC 25-27.5).
- (30) Indiana athletic trainers board (IC 25-5.1-2-1).
- (31) Indiana dietitians certification board (IC 25-14.5-2-1).
- (32) Indiana hypnotist committee (IC 25-20.5-1-7).
- (33) Indiana physical therapy committee (IC 25-27).
- (34) Manufactured home installer licensing board (IC 25-23.7).
- (35) Home inspectors licensing board (IC 25-20.2-3-1).
- (36) State department of health, for out-of-state mobile health care entities.
- (37) State board of massage therapy (IC 25-21.8-2-1).
- (38) 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.134-2008, SEC.16; P.L.1-2009, SEC.138; P.L.122-2009, SEC.5; P.L.160-2009, SEC.7; P.L.1-2010, SEC.102; P.L.113-2010, SEC.101.*

#### **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 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.*

#### **IC 25-1-7-14**

##### **Cease and desist orders**

Sec. 14. (a) Notwithstanding any other law, if the board of a regulated occupation believes that a person who is not licensed, certified, or registered under this title is engaged in or is believed to be engaged in activities for which a license, certification, or registration is required under this title, the board may do the following:

- (1) File a complaint with the attorney general, who shall investigate and may file:

(A) with notice; or

(B) without notice, if the attorney general determines that person is engaged in activities that may affect an individual's health or safety;

a motion for a cease and desist order with the appropriate board. For purposes of this subdivision, the board may designate a board member or an employee of the Indiana professional licensing agency to act on behalf or in the name of the board.

(2) Upon review of the attorney general's motion for a cease and desist order, the board may issue an order requiring the affected person to show cause why the person should not be ordered to cease and desist from such activities. The show cause order must set forth a time and place for a hearing at which the affected person may appear and show cause as to why the person should not be subject to licensing, certification, or registration under this title. For purposes of this subdivision, the board may designate a board member to act on behalf or in the name of the board.

(b) If the board, after a hearing, determines that the activities in which the person is engaged are subject to licensing, certification, or registration under this title, the board may issue a cease and desist order that must describe the person and activities that are the subject of the order.

(c) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(d) A cease and desist order issued under this section is enforceable in the circuit or superior courts. A person who is enjoined under a cease and desist order and who violates the order shall be punished for contempt of court.

(e) A cease and desist order issued under this section does not relieve any person from prosecution under any other law.

*As added by P.L.84-2010, SEC.13. Amended by P.L.155-2011, SEC.9.*

#### **IC 25-1-8**

##### **Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees**

#### **IC 25-1-8-1 Version a**

##### **"Board" defined**

*Note: This version of section amended by P.L.1-2010, SEC.103, effective until 7-1-2010. See also following version of this section amended by P.L.84-2010, SEC.14, effective 7-1-2010, and following version of this section amended by P.L.113-2010, SEC.102, effective 7-1-2010.*

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 athletic 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) Behavioral health and human services licensing 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; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8; P.L.1-2010, SEC.103.*

#### **IC 25-1-8-1 Version b**

##### **"Board" defined**

*Note: This version of section amended by P.L.84-2010, SEC.14, effective 7-1-2010. See also preceding version of this section amended by P.L.1-2010, SEC.103, effective until 7-1-2010, and following version of this section amended by P.L.113-2010, SEC.102, effective 7-1-2010.*

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 athletic commission (IC 25-9-1).
- (5) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) State board of funeral and cemetery service (IC 25-15).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (12) Mining board (IC 22-10-1.5-2).
- (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) State psychology board (IC 25-33).
- (18) Speech-language pathology and audiology board (IC 25-35.6-2).
- (19) Indiana real estate commission (IC 25-34.1-2-1).
- (20) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (21) Department of insurance (IC 27-1).
- (22) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (25) Occupational therapy committee (IC 25-23.5-2-1).
- (26) Behavioral health and human services licensing board (IC 25-23.6-2-1).
- (27) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (28) State board of registration for land surveyors (IC 25-21.5-2-1).
- (29) Physician assistant committee (IC 25-27.5).
- (30) Indiana athletic trainers board (IC 25-5.1-2-1).
- (31) Board of podiatric medicine (IC 25-29-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana physical therapy committee (IC 25-27).
- (34) Manufactured home installer licensing board (IC 25-23.7).
- (35) Home inspectors licensing board (IC 25-20.2-3-1).
- (36) State board of massage therapy (IC 25-21.8-2-1).
- (37) 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; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8; P.L.1-2010, SEC.103; P.L.84-2010, SEC.14.*

#### **IC 25-1-8-1 Version c**

##### **"Board" defined**

*Note: This version of section amended by P.L.113-2010, SEC.102, effective 7-1-2010. See also preceding version of this section amended by P.L.1-2010, SEC.103, effective until 7-1-2010, and preceding version of this section amended by P.L.84-2010, SEC.14, effective 7-1-2010.*

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) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) State board of funeral and cemetery service (IC 25-15).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana state board of health facility administrators (IC 25-19-1).
- (11) Medical licensing board of Indiana (IC 25-22.5-2).
- (12) Mining board (IC 22-10-1.5-2).
- (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 environmental health specialists (IC 25-32-1).
- (18) State psychology board (IC 25-33).
- (19) Speech-language pathology and audiology board (IC 25-35.6-2).
- (20) Indiana real estate commission (IC 25-34.1-2-1).
- (21) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (22) Department of insurance (IC 27-1).
- (23) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (24) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) Occupational therapy committee (IC 25-23.5-2-1).
- (27) Behavioral health and human services licensing board (IC 25-23.6-2-1).
- (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) Board of podiatric medicine (IC 25-29-2-1).
- (33) Indiana dietitians certification board (IC 25-14.5-2-1).
- (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 board of massage therapy (IC 25-21.8-2-1).
- (38) 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; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8; P.L.1-2010, SEC.103; P.L.113-2010, SEC.102.*

#### **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 ten dollars (\$10) 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 twenty-five dollars (\$25) 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 Version a**

##### **Reinstatement of delinquent or lapsed licenses**

*Note: This version of section effective until 7-1-2010. See also following version of this section, effective 7-1-2010.*

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) 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) Indiana dietitians certification board (IC 25-14.5-2-1).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Board of environmental health specialists (IC 25-32-1).
- (12) State board of funeral and cemetery service (IC 25-15-9).
- (13) Indiana state board of health facility administrators (IC 25-19-1).
- (14) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) Indiana hypnotist committee (IC 25-20.5-1-7).
- (17) State board of registration for land surveyors (IC 25-21.5-2-1).
- (18) Manufactured home installer licensing board (IC 25-23.7).
- (19) Medical licensing board of Indiana (IC 25-22.5-2).
- (20) Indiana state board of nursing (IC 25-23-1).
- (21) Occupational therapy committee (IC 25-23.5).
- (22) Indiana optometry board (IC 25-24).
- (23) Indiana board of pharmacy (IC 25-26).
- (24) Indiana physical therapy committee (IC 25-27).
- (25) Physician assistant committee (IC 25-27.5).
- (26) Indiana plumbing commission (IC 25-28.5-1-3).
- (27) Board of podiatric medicine (IC 25-29-2-1).
- (28) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (29) State psychology board (IC 25-33).
- (30) Indiana real estate commission (IC 25-34.1-2).
- (31) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (32) Respiratory care committee (IC 25-34.5).
- (33) Behavioral health and human services licensing board (IC 25-23.6).
- (34) Speech-language pathology and audiology board (IC 25-35.6-2).
- (35) Indiana board of veterinary medical examiners (IC 25-38.1).
- (36) 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; P.L.122-2009, SEC.7; P.L.160-2009, SEC.9; P.L.1-2010, SEC.104.*

### **IC 25-1-8-6 Version b**

#### **Reinstatement of delinquent or lapsed licenses**

*Note: This version of section effective 7-1-2010. See also preceding version of this section, effective until 7-1-2010.*

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) Board of chiropractic examiners (IC 25-10-1).
- (6) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (7) State board of dentistry (IC 25-14-1).
- (8) Indiana dietitians certification board (IC 25-14.5-2-1).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) State board of funeral and cemetery service (IC 25-15-9).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (13) Home inspectors licensing board (IC 25-20.2-3-1).
- (14) State board of registration for land surveyors (IC 25-21.5-2-1).
- (15) Manufactured home installer licensing board (IC 25-23.7).
- (16) Medical licensing board of Indiana (IC 25-22.5-2).
- (17) Indiana state board of nursing (IC 25-23-1).
- (18) Occupational therapy committee (IC 25-23.5).
- (19) Indiana optometry board (IC 25-24).
- (20) Indiana board of pharmacy (IC 25-26).
- (21) Indiana physical therapy committee (IC 25-27).
- (22) Physician assistant committee (IC 25-27.5).
- (23) Indiana plumbing commission (IC 25-28.5-1-3).
- (24) Board of podiatric medicine (IC 25-29-2-1).
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) State psychology board (IC 25-33).
- (27) Indiana real estate commission (IC 25-34.1-2).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) Respiratory care committee (IC 25-34.5).
- (30) Behavioral health and human services licensing board (IC 25-23.6).
- (31) Speech-language pathology and audiology board (IC 25-35.6-2).
- (32) Indiana board of veterinary medical examiners (IC 25-38.1).
- (33) 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; P.L.122-2009, SEC.7; P.L.160-2009, SEC.9; P.L.1-2010, SEC.104; P.L.84-2010, SEC.15.*

#### **IC 25-1-8-7**

##### **Repealed**

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

#### **IC 25-1-8-8**

##### **Delaying reinstatement; investigation; attorney general; petition; sanctions; invalid during investigation**

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

(3) Reinstatement of 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.*

#### **IC 25-1-11**

##### **Chapter 11. Professional Licensing Standards of Practice**

### **IC 25-1-11-1 Version a**

#### **"Board" defined**

*Note: This version of section amended by P.L.84-2010, SEC.18. See also following version of this section amended by P.L.113-2010, SEC.103.*

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).
- (4) State athletic commission (IC 25-9-1).
- (5) State board of cosmetology and barber examiners (IC 25-8-3-1).
- (6) State board of registration of land surveyors (IC 25-21.5-2-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1-2-1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (12) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (13) Manufactured home installer licensing board (IC 25-23.7).
- (14) Home inspectors licensing board (IC 25-20.2-3-1).
- (15) State board of massage therapy (IC 25-21.8-2-1).

*As added by P.L.214-1993, SEC.1. Amended by P.L.2-1995, SEC.93; P.L.234-1995, SEC.5; P.L.82-2000, SEC.6; P.L.162-2002, SEC.6; P.L.145-2003, SEC.6; P.L.185-2007, SEC.7; P.L.200-2007, SEC.7; P.L.3-2008, SEC.181; P.L.160-2009, SEC.10; P.L.84-2010, SEC.18.*

### **IC 25-1-11-1 Version b**

#### **"Board" defined**

*Note: This version of section amended by P.L.113-2010, SEC.103. See also preceding version of this section amended by P.L.84-2010, SEC.18.*

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).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State board of cosmetology examiners (IC 25-8-3-1).
- (6) State board of registration of land surveyors (IC 25-21.5-2-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1-2-1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (12) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (13) Manufactured home installer licensing board (IC 25-23.7).
- (14) Home inspectors licensing board (IC 25-20.2-3-1).
- (15) State board of massage therapy (IC 25-21.8-2-1).

*As added by P.L.214-1993, SEC.1. Amended by P.L.2-1995, SEC.93; P.L.234-1995, SEC.5; P.L.82-2000, SEC.6; P.L.162-2002, SEC.6; P.L.145-2003, SEC.6; P.L.185-2007, SEC.7; P.L.200-2007, SEC.7; P.L.3-2008, SEC.181; P.L.160-2009, SEC.10; P.L.113-2010, SEC.103.*

### **IC 25-1-11-2**

#### **"Practitioner" defined**

Sec. 2. 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;
- (4) an intern permit; or
- (5) an inactive license;

issued by the board regulating a profession.

*As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.1.*

### **IC 25-1-11-3**

#### **"License" defined**

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-4**

##### **"Person" defined**

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.  
*As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.2.*

#### **IC 25-1-11-5**

##### **Practitioner compliance with professional standards; findings meriting disciplinary sanctions; fraud or material deception**

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

- (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 licensing examination;
    - (B) engaged in fraud or material deception in the course of professional services or activities;
    - (C) advertised services or goods in a false or misleading manner; or
    - (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices;
  - (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 a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
  - (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
    - (A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;
    - (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 on 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 or business who renders services beyond the scope of that individual's or business'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 assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;
  - (9) a practitioner has allowed a license issued by a board to be:
    - (A) used by another person; or
    - (B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; or
  - (10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.
- (b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).
- (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.214-1993, SEC.1. Amended by P.L.84-1998, SEC.6; P.L.113-1999, SEC.1; P.L.197-2007, SEC.24.*

#### **IC 25-1-11-6**

##### **Architect or landscape architect; grounds for disciplinary sanctions**

Sec. 6. A practitioner registered as an architect or a landscape architect is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has:

- (1) permitted the practitioner's seal to be affixed to plans, specifications, or drawings that were not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or
- (2) used the title "engineer" or advertised to practice engineering and is not registered under IC 25-31-1.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-7**

##### **Auctioneers; grounds for disciplinary sanctions**

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

- (1) account and to make payment under IC 25-6.1-6-2; or

(2) keep the funds of others separate from the practitioner's own private accounts.  
*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-8**

##### **Barbers; grounds for disciplinary sanctions**

Sec. 8. A practitioner registered as a barber is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has continued to practice barbering while the practitioner has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact during the scope of practice of barbering.  
*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-9**

##### **Engineers or land surveyors; grounds for disciplinary sanctions**

Sec. 9. A practitioner registered as an engineer or a land surveyor is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner:

(1) has permitted the practitioner's seal to be affixed to plans, specifications, or drawings not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates;

(2) has used the title "architect" or advertised to practice architecture and is not registered under IC 25-4-1.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-9.5**

##### **Repealed**

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

#### **IC 25-1-11-10**

##### **Physical and mental examination of practitioner**

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

*As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.1; P.L.194-2005, SEC.7.*

#### **IC 25-1-11-11**

##### **Refusal of physical or mental examination; summary suspension**

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-12**

##### **Sanctions for violations**

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

(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 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 civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(7) Order a practitioner to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty 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 civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board 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.214-1993, SEC.1. Amended by P.L.32-2000, SEC.12; P.L.177-2009, SEC.17.*

#### **IC 25-1-11-13**

##### **Summary license suspension of real estate appraisers and other practitioners; notification by consumer protection division**

Sec. 13. (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's health, safety, or property 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 not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed after a hearing before the board. Each renewal of a summary suspension may be for not more than ninety (90) days.

(c) Before the board may summarily suspend a license under this section, the consumer protection division of the office of the attorney general shall make a reasonable attempt to notify a practitioner of:

- (1) a hearing by the board to suspend the practitioner's license; and
- (2) information regarding the allegation against the practitioner.

The consumer protection division of the office of the attorney general 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 notify the practitioner is made if the consumer protection division of the office of the attorney general attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.

*As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.2; P.L.197-2007, SEC.25; P.L.209-2007, SEC.3; P.L.3-2008, SEC.182.*

#### **IC 25-1-11-14**

##### **Reinstatement of suspended license**

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency 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.214-1993, SEC.1. Amended by P.L.178-1997, SEC.3.*

#### **IC 25-1-11-15**

##### **Reinstatement of revoked license**

Sec. 15. 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.214-1993, SEC.1.*

#### **IC 25-1-11-16**

##### **Consistency of sanctions**

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

*As added by P.L.214-1993, SEC.1.*

#### **IC 25-1-11-17**

##### **Surrender of practitioner license; surrender prohibited if attorney general opposes**

Sec. 17. (a) Except as provided in subsection (b), a practitioner may petition the board to accept the surrender of the practitioner's license instead of having 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.

(b) The board may not approve the surrender of a practitioner's license under subsection (a) if the office of the attorney general:

- (1) has filed an administrative complaint concerning the practitioner's license; and
- (2) opposes the surrender of the practitioner's license.

*As added by P.L.214-1993, SEC.1. Amended by P.L.52-2009, SEC.10; P.L.105-2009, SEC.13.*

#### **IC 25-1-11-18**

##### **Costs; practitioners subject to sanctions**

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay 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) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.

- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.
- (11) Real estate review appraisals, if applicable.

*As added by P.L.214-1993, SEC.1. Amended by P.L.194-2005, SEC.8; P.L.52-2009, SEC.11; P.L.105-2009, SEC.14.*

**IC 25-1-11-19**

**Refusal to issue license; probationary license; requirements**

Sec. 19. (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:

(A) been disciplined by a licensing entity of another state or jurisdiction; or

(B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession 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 require a licensee to do any of the following:

(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 the areas prescribed by the board.

(3) Continue or renew professional education requirements.

(4) Engage in community restitution or service without compensation for the 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 public hearing that the deficiency that required disciplinary action has been remedied.

*As added by P.L.194-2005, SEC.9. Amended by P.L.197-2007, SEC.26.*

**IC 25-1-11-20**

**Appearance before board**

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.

*As added by P.L.194-2005, SEC.10.*

**IC 25-1-11-21**

**Authority to adopt rules**

Sec. 21. 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.26.*

**IC 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.*

#### **IC 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 subsection (b), 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 who participates in a meeting under subsection (b):

- (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; P.L. 160-2009, SEC. 11; P.L. 113-2010, SEC. 104.*

#### **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.*

#### **IC 25-1-16**

##### **Chapter 16. Evaluation of Regulated Occupations**

#### **IC 25-1-16-1**

##### **"Agency"**

Sec. 1. As used in this chapter, "agency" refers to the Indiana professional licensing agency.

*As added by P.L. 84-2010, SEC. 19.*

#### **IC 25-1-16-2**

##### **"Board"**



Sec. 2. As used in this chapter, "board" means an entity that regulates a specific regulated occupation.  
As added by P.L.84-2010, SEC.19.

#### **IC 25-1-16-3**

##### **"Committee"**

Sec. 3. As used in this chapter, "committee" means the regulated occupations evaluation committee established by section 6 of this chapter.  
As added by P.L.84-2010, SEC.19.

#### **IC 25-1-16-4**

##### **"License"**

Sec. 4. As used in this chapter, "license" means:  
(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 regulated occupation in question.  
As added by P.L.84-2010, SEC.19.

#### **IC 25-1-16-5**

##### **"Regulated occupation"**

Sec. 5. As used in this chapter, "regulated occupation" has the meaning set forth in IC 25-1-7-1.  
As added by P.L.84-2010, SEC.19.

#### **IC 25-1-16-6**

##### **Regulated occupations evaluation committee established**

Sec. 6. The regulated occupations evaluation committee is established.  
As added by P.L.84-2010, SEC.19.

#### **IC 25-1-16-7**

##### **Members; terms; votes**

Sec. 7. (a) The committee consists of the following individuals:  
(1) The dean of the Indiana University School of Public and Environmental Affairs or the dean's designee. The dean or the dean's designee shall serve as chairperson of the committee.  
(2) The director of the agency or the director's designee.  
(3) The attorney general or the attorney general's designee, as a nonvoting member.  
(4) Two (2) individuals appointed by the governor who are licensed in a regulated occupation.  
(5) Two (2) individuals appointed by the governor who are not licensed in a regulated occupation.  
(b) The term of a member appointed under subsection (a)(4) or (a)(5) is three (3) years.  
(c) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.  
As added by P.L.84-2010, SEC.19.

#### **IC 25-1-16-8**

##### **Review and evaluation of regulated occupations; report**

Sec. 8. (a) The committee shall review and evaluate each regulated occupation. The review and evaluation must include the following:  
(1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.  
(2) An assessment of the management efficiency of the board.  
(3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.  
(4) Any other criteria identified by the committee.  
(b) The committee shall prepare a report concerning each regulated occupation that the committee reviews and evaluates. The report must contain the following:  
(1) The number of individuals who are licensed in the regulated occupation.  
(2) A summary of the board's functions and actions.  
(3) The budget and other fiscal factors of regulating the regulated occupation.  
(4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.  
(5) Any recommendations for legislation, including whether a regulated occupation should be modified, combined with another board, or terminated.  
(6) Any recommendations for administrative changes.  
As added by P.L.84-2010, SEC.19.

#### **IC 25-1-16-9**

##### **Cooperation with committee; testimony**

Sec. 9. (a) A board shall cooperate with the committee, as the committee determines is necessary in the committee's review and evaluation of the board.

(b) The committee shall allow testimony concerning each regulated occupation that is being reviewed and evaluated.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-10**

##### **Review schedule**

Sec. 10. The committee shall establish a schedule to review and evaluate each regulated occupation. Each regulated occupation must be reviewed and evaluated at least every seven (7) years.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-11**

##### **Staff; expenditures**

Sec. 11. (a) The agency shall provide staff and administrative support to the committee.

(b) The committee may hire, with approval of the director of the agency, an individual to assist the committee.

(c) The expenditures of the committee shall be paid from appropriations to the agency.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-12**

##### **Member reimbursement**

Sec. 12. (a) Each member of the committee who is not a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

*As added by P.L.84-2010, SEC.19.*

#### **IC 25-1-16-13**

##### **Annual report**

Sec. 13. The committee shall submit a report to the:

- (1) governor;
- (2) health finance commission; and
- (3) legislative services agency;

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

*As added by P.L.84-2010, SEC.19.*

### **ARTICLE 1.1. ADMINISTRATION; GENERAL REQUIREMENTS**

#### **Rule 1. General Provisions**

##### **864 IAC 1.1-1-1 Definitions; abbreviations**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-2; IC 25-31-1-21

Sec. 1. (a) The following definitions apply throughout this title:

(1) "Act" means the Registration Act, IC 25-31, creating a board to regulate the practice of engineering in Indiana.

(2) "Engineer" means professional engineer as defined in IC 25-31-1-2(b).

(3) "Registrant" means an individual engineer to whom a certificate of registration has been granted under the Act.

(4) "EI" means an engineering intern as defined in IC 25-31-1-2(c).

(5) "Applicant" means any individual whose application has been received by the board for consideration to be registered as an engineer or for enrollment as an EI in the state of Indiana.

(6) "ABET" means the Accreditation Board for Engineering and Technology.

(7) "Approved engineering curriculum" means an ABET accredited four (4) years or more engineering program.

(8) "The date of registration" means the date that licensure was approved by the board.

(9) "Comity" means a principle by which the board licenses persons to practice engineering under IC 25-31-1-21 on the basis of engineering licenses issued by other states.

(b) The terms defined in IC 25-31-1-2 shall have the same definitions when used in this title. (*State Board of Registration for Professional Engineers; Rule 1, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 626; filed Oct 17, 1986, 2:20 p.m.: 10 IR 434; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3904; filed Sep 24, 1992, 9:00 a.m.: 16 IR 725; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2103; readopted*)

filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

**864 IAC 1.1-1-2 Seal of board (Repealed)**

Sec. 2. (Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 443)

**864 IAC 1.1-1-3 Meetings of board**

Authority: IC 25-31-1-5; IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-5

Sec. 3. In order to establish the regular meetings provided for in IC 25-31-1-5 and provide for special meetings of the board, the board adopts the following:

(1) one of the regular meetings of the board shall be held as soon as practicable after the start of the calendar year, at which meeting the board shall elect a chairman and a vice-chairman from among its members. Such officers may be elected also at any other meeting when a vacancy exists;

(2) another regular meeting shall be held as near as practicable to the middle of the calendar year;

(3) the chairman or any three members may call a special meeting by presenting a request to the professional licensing agency;

(4) the professional licensing agency shall give a notice to all board members of each meeting setting out the time and place of the meeting and including a proposed agenda of the major items for action at the meeting, not less than ten days prior to the meeting, unless such notice has been waived by the chairman.

(State Board of Registration for Professional Engineers; Rule 1, Sec 3; filed Feb 29, 1980, 3:40 pm: 3 IR 627; filed Oct 17, 1986, 2:20 pm: 10 IR 435; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

**864 IAC 1.1-1-4 Conversion of quarter hours to semester hours**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-12; IC 25-31-1-14

Sec. 4. Any provision in this article which requires a specific number of semester credit hours shall be converted to the equivalent if a different grading period is used at the college or university. Unless it is established that a different equivalency applies, it shall be presumed that the correct equivalency is two (2) semester hours for every three (3) quarter hours. (State Board of Registration for Professional Engineers; 864 IAC 1.1-1-4; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2103; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

**Rule 2. Qualifications for Examination**

**864 IAC 1.1-2-1 Examination admission criteria (Repealed)**

Sec. 1. (Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 443)

**864 IAC 1.1-2-2 Engineers; education and work experience**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-12

Sec. 2. (a) This section establishes the minimum education and experience requirements under IC 25-31-1-12 for admission to the professional engineer examination.

(b) The following table establishes provisions for evaluating combined education and experience to determine if it is sufficient to satisfy minimum registration requirements under IC 25-31-1-12 for professional engineer registration applicants holding the stated degrees:

Education (Qualifying Degree)	Minimum Years of Progressive Work Experience
-------------------------------	--

Following Baccalaureate Degree	
--------------------------------	--

Doctorate in an engineering discipline following a baccalaureate degree in an approved engineering curriculum	
---	--

2

Master of science degree in an engineering discipline following a baccalaureate degree in an approved engineering curriculum	
--	--

3

Doctorate in an engineering discipline following a baccalaureate degree which is not in an approved engineering curriculum	
--	--

4

Master of science degree in an engineering discipline following a baccalaureate degree which is not in an approved engineering curriculum	
---	--

5

Baccalaureate degree in an approved engineering curriculum	
--	--

4

Baccalaureate degree and completion of specific educational courses as required in subsection	
---	--

(c)

6

(c) The education of all applicants, except those who have obtained a baccalaureate degree in an approved engineering

curriculum, must include the following:

- (1) At least twelve (12) semester credit hours in college level mathematics, excluding college algebra and trigonometry, which must include a minimum of nine (9) semester credit hours of calculus and a minimum of three (3) semester credit hours of advanced calculus based mathematics, such as differential equations, linear algebra, or numerical analysis.
- (2) At least eight (8) semester credit hours in college level courses in the physical sciences, which must include a minimum of three (3) semester credit hours of calculus based physics and a minimum of three (3) semester credit hours of chemistry.
- (3) At least twelve (12) semester credit hours of engineering sciences that require calculus as a prerequisite or corequisite.
- (4) Effective January 3, 2003, at least twelve (12) semester credit hours in engineering design.
- (d) For a course to qualify as an engineering design course, the course must instruct on the decision making process in which the basic sciences and mathematics and engineering sciences are applied to convert resources optimally to meet a stated objective. Among the fundamental elements of the design process are the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. The content of an engineering design course must include some of the following features:

- (1) Development of student creativity.
- (2) Use of open-ended problems.
- (3) Development and use of modern design theory and methodology.
- (4) Formulation of design problems statements and specifications.
- (5) Consideration of alternative solutions, feasibility considerations, production processes, concurrent engineering design, and detailed system descriptions.

Further, it is essential that a variety of realistic constraints, such as economic factors, safety, reliability, aesthetics, ethics, and social impact be included.

(e) An applicant for admission for the examination must:

- (1) include on the application, or a document attached to the application, which courses meet the requirements of subsection (c) by stating the course names and numbers; and
- (2) submit all college transcripts that show that college credit was awarded for the claimed courses.

(f) No degree requirement under this section may be achieved by obtaining an honorary degree or a degree obtained entirely by correspondence.

(g) College courses with substantial duplication of content may be counted only one (1) time toward the requirements of subsection (c).

(h) College courses that cover two (2) or more categories in subsection (c) shall be counted only in one (1) category. The appropriate category is that which is the greatest portion of the course. In determining the greatest portion of the course, the board may take into account information from the institution offering the course.

(i) Progressive experience of sufficient quality when used relative to the requirement for experience on engineering projects as provided for in IC 25-31-1-12(a) means the applicant has demonstrated the ability to assume continuously increasing levels of responsibility for engineering projects.

(j) No experience obtained prior to a baccalaureate degree shall qualify.

(k) Part-time experience acquired while the applicant was a full-time student shall not qualify. All other part-time experience shall be converted to its full-time equivalent in evaluating an application.

(l) Notwithstanding other provisions of this section, applicants who hold either a valid certificate as an EI or an engineer-intraining (EIT) do not need any additional education beyond that which was required for admission to the EI or EIT examination in Indiana, so long as they apply for admission to the professional engineer examination no later than the first examination application deadline (as provided for in 864 IAC 1.1-3-4), which is subsequent to seven (7) years after the date the applicant took and passed the engineering intern examination. (*State Board of Registration for Professional Engineers; Rule 2, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 627; filed Oct 17, 1986, 2:20 p.m.: 10 IR 435; filed Sep 24, 1992, 9:00 a.m.: 16 IR 726, eff Jan 1, 1993; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2103, eff Jul 4, 1995; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2112, eff Jan 3, 1997; filed Mar 27, 2000, 8:58 a.m.: 23 IR 2002; filed May 4, 2001, 11:13 a.m.: 24 IR 2694, eff Jul 3, 2001; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Sep 23, 2002, 9:59 a.m.: 26 IR 379, eff Dec 1, 2002; filed Nov 7, 2003, 12:00 p.m.: 27 IR 874, eff Jan 3, 2004; readopted filed Nov 17, 2010, 9:56 a.m.: 20101215-IR-864100408RFA*)

#### **864 IAC 1.1-2-3 Land surveyors; education and work experience**

Sec. 3. (NOTE: 864 IAC 1.1-2-3 was renumbered by Legislative Services Agency as 865 IAC 1-2-1.)

#### **864 IAC 1.1-2-4 Engineering intern; education and work experience**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-12

Sec. 4. (a) The education and experience requirements of section 2 of this rule for professional engineer applicants apply for engineering intern applicants except that individuals with:

- (1) a baccalaureate degree meeting the course requirements of section 2(c) of this rule shall only be required to obtain two (2) years of work experience;
- (2) a master of science degree in an engineering discipline following a baccalaureate that is not in an approved engineering curriculum shall only be required to obtain one (1) year of work experience; and
- (3) the other degrees listed in section 2(b) of this rule shall not be required to obtain any work experience.

(b) An individual who is enrolled as a senior in an engineering curriculum in a college or university in Indiana that has at least

one (1) approved engineering curriculum may take the last EI examination offered prior to the individual's scheduled graduation. This subsection does not apply to any individual enrolled in any other baccalaureate degree program. (*State Board of Registration for Professional Engineers; Rule 2, Sec 4; filed Feb 29, 1980, 3:40 p.m.: 3 IR 628; filed Oct 17, 1986, 2:20 p.m.: 10 IR 438; errata filed Mar 8, 1990, 5:00 p.m.: 13 IR 1189 voided by the attorney general filed Apr 18, 1990: 13 IR 1863; errata filed Dec 20, 1990, 5:00 p.m.: 14 IR 1071; filed Sep 24, 1992, 9:00 a.m.: 16 IR 726, eff Jan 1, 1993; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2105, eff Jul 4, 1995; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Sep 23, 2002, 9:59 a.m.: 26 IR 380, eff Dec 1, 2002; filed Sep 16, 2004, 9:00 a.m.: 28 IR 603, eff Nov 1, 2004; readopted filed Nov 17, 2010, 9:56 a.m.: 20101215-IR-864100408RFA*)

#### **864 IAC 1.1-2-5 Land surveyors-in-training; education and work experience**

Sec. 5. (*NOTE: 864 IAC 1.1-2-5 was renumbered by Legislative Services Agency as 865 IAC 1-2-2.*)

#### **864 IAC 1.1-2-6 Dual registration; work experience (Repealed)**

Sec. 6. (*Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 443*)

### **Rule 3. Applications**

#### **864 IAC 1.1-3-1 Uniform application requirements (Repealed)**

Sec. 1. (*Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 443*)

#### **864 IAC 1.1-3-2 Engineer application**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-13; IC 25-31-1-14

Sec. 2. (a) The board shall require at least three (3) favorable reports of the engineering applicant's competence from registered professional engineers familiar with the applicant's engineering work before admitting the applicant to examination or accepting the applicant for registration by comity in engineering.

(b) The board may exempt an applicant from taking the fundamentals of engineering portion of the engineer's examination if the applicant has previously passed the fundamentals of engineering portion of the examination for professional engineers in another state. (*State Board of Registration for Professional Engineers; Rule 3, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 629; filed Oct 17, 1986, 2:20 p.m.: 10 IR 439; filed Sep 24, 1992, 9:00 a.m.: 16 IR 727; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2105; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-3-3 Engineering intern application**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-13

Sec. 3. (a) An applicant for EI under 864 IAC 1.1-2-4(b) shall submit the application to sit for the fundamentals of engineering examination to the designee of the board located on the student's campus.

(b) All other EI applicants shall submit their applications to the board's office. (*State Board of Registration for Professional Engineers; Rule 3, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 630; filed Oct 17, 1986, 2:20 p.m.: 10 IR 439; filed Sep 24, 1992, 9:00 a.m.: 16 IR 727; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2105; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-3-4 Examination applicants filing dates**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 4-21.5-3-1; IC 25-31-1-13

Sec. 4. (a) Examination applications, including:

- (1) the completed application form;
- (2) the applicable application fee;
- (3) certified copy of educational transcripts; and
- (4) required references;

shall be filed with the board on or before January 2 for the April examination or July 1 for the October examination.

(b) As used in this section, the date an application is filed shall be calculated in the manner provided for in IC 4-21.5-3-1(f).

(c) This section does not apply to applications filed under section 3(a) of this rule. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-3-4; filed Sep 24, 1992, 9:00 a.m.: 16 IR 727; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2106; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

### **Rule 4. Examinations (Repealed)**

(*Repealed by State Board of Registration for Professional Engineers; filed Jun 21, 1988, 4:00 pm: 11 IR 3908*)

### **Rule 4.1. Examinations**

#### **864 IAC 1.1-4.1-1 Scope of rule**

Authority: IC 25-31-1-7

Affected: IC 25-31-1-14

Sec. 1. This rule applies to the taking of examinations for registration as a professional engineer and certification as an EI. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-1; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3905; filed Sep 24, 1992, 9:00 a.m.: 16 IR 727; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2106; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-4.1-2 Admission to examinations**

Authority: IC 25-31-1-7

Affected: IC 25-31-1-12; IC 25-31-1-14

Sec. 2. (a) The board will admit an applicant to an examination only if the applicant otherwise qualifies for the registration or certification for which application has been made, including meeting applicable education and experience requirements established in IC 25-31-1-12 and 864 IAC 1.1-2.

(b) Notwithstanding subsection (a), an applicant shall qualify for admission to the engineering intern examination without having to have completed any applicable experience required for certification as an engineering intern.

(c) An applicant will not be certified as an EI until the examination has been passed and any applicable experience requirements have been met, submitted to, and approved by the board.

(d) An EI applicant who passed the examination, under the provisions of subsection (b), without first completing the experience requirements must submit the completed experience requirements within five (5) years after the last day of the month in which the applicant took and passed the engineering intern examination or the examination results will be voided. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-2; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3905; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2106; filed Apr 23, 1999, 2:03 p.m.: 22 IR 2878, eff Jul 2, 1999; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-4.1-3 Content of engineering examinations; scheduling of examinations**

Authority: IC 25-31-1-7

Affected: IC 25-31-1-14

Sec. 3. (a) The examination for registration as a professional engineer shall consist of three (3) parts. Part I shall be known as the fundamentals of engineering examination. Part II shall be known as the principles and practice examination. Parts I and II are further described in IC 25-31-1-14(a) through IC 25-31-1-14(c). Part III shall concern professional conduct and Indiana registration law for professional engineers. In order to be granted registration as a professional engineer, the applicant must pass Part I, Part II, and Part III.

(b) Part II of the professional engineer examination shall be by engineering discipline, for example, electrical, mechanical, or civil. The applicant shall be required to choose the discipline in which the applicant desires to be examined.

(c) Part III of the professional engineer examination will be a take home examination to be taken in conjunction with Part II.

(d) The examination for certification as an EI shall be the fundamentals of engineering examination described in subsection (a).

(e) Regularly scheduled examinations will be given twice each year, normally in April and October. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-3; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Sep 24, 1992, 9:00 a.m.: 16 IR 727; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2106; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-4.1-4 Content of land surveying examinations; scheduling of examinations**

Sec. 4. (*NOTE: 864 IAC 1.1-4.1-4 was renumbered by Legislative Services Agency as 865 IAC 1-4-3.; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-4.1-5 Notice of examination; failure to sit**

Authority: IC 25-31-1-7

Affected: IC 25-31-1-14

Sec. 5. (a) If admission to an examination is granted, those parts of the examination which the applicant will be required to take and pass will be stated on a notice sent to the applicant.

(b) An applicant who has received the notice described in subsection (a) must take either the examination to which admission was granted or one (1) of the next two (2) examinations thereafter. If the applicant fails to sit for at least one (1) of the three (3) examinations, the application for the registration or certification being sought shall be deemed terminated and, if the applicant thereafter desires to seek the registration or certification for which application had been made, a new application must be filed with, and approved by, the board.

(c) This subsection applies only to individuals who apply for registration as a professional engineer without first having been certified as an engineering intern. An individual who passes the fundamentals of engineering examination as a professional engineer applicant must take the principles and practice examination and Part III of the examination no later than the third time it is offered after the applicant passes the fundamentals of engineering examination. If the applicant fails to do so, the applicant's application shall be deemed terminated and, therefore, the applicant shall be required to reapply as a professional engineer applicant and meet the requirements for examination admission before taking the principles and practice examination and Part III of the examination. However, such an applicant will not lose credit for passing the fundamentals of engineering examination until five (5) years after the last day of the month in which the applicant passed the fundamentals of engineering examination. (*State Board of Registration*)

for Professional Engineers; 864 IAC 1.1-4.1-5; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2284; filed Nov 15, 1990, 1:35 p.m.: 14 IR 757; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2107; filed Apr 23, 1999, 2:03 p.m.: 22 IR 2879, eff Jul 2, 1999; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

#### **864 IAC 1.1-4.1-6 Exemption from Part I of examination for an engineering intern**

Authority: IC 25-31-1-7

Affected: IC 25-31-1-14

Sec. 6. An applicant for registration as a professional engineer, who holds either a valid certificate as an EI or as an engineer-in-training from Indiana or any other state or territory, by having passed the fundamentals of engineering examination shall be exempt from Part I of the examination for professional engineers. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-6; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Sep 24, 1992, 9:00 a.m.: 16 IR 728; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2107; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-4.1-7 Examination attempts for registration as a professional engineer**

Authority: IC 25-31-1-7

Affected: IC 25-31-1-14

Sec. 7. (a) This section applies to the examination for registration as a professional engineer.

(b) An applicant who does not pass the entire fundamentals of engineering examination (Part I) in the first attempt shall be entitled to take the examination two (2) additional times. However, the applicant's:

(1) second examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the first examination; and

(2) third examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the second examination.

(c) An applicant who took the fundamentals of engineering examination two (2) times before July 1, 2005, shall not be entitled to further examination attempts under subsection (b). An applicant who took the fundamentals of engineering examination one (1) time before July 1, 2005, shall be entitled to two (2) additional examination attempts as long as the requirements stated in subsection (b) for timing of each examination attempt are met.

(d) Upon the exhaustion of the examination attempts allowed under subsection (b), the application shall be deemed terminated.

(e) An applicant who does not pass the principles and practice examination (Part II) and Part III on the first attempt shall be entitled to take the examinations two (2) additional times. However, the applicant's:

(1) second examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the first examination; and

(2) third examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the second examination.

(f) An applicant who took the principles and practice examination two (2) times before July 1, 2005, shall not be entitled to further examination attempts under subsection (b). An applicant who took the principles and practice examination one (1) time before July 1, 2005, shall be entitled to two (2) additional examination attempts as long as the requirements stated in subsection (b) for timing of each examination attempt are met.

(g) If the applicant passed Part II or Part III of the examination on the first attempt, the applicant will not be required to retake the passed part in the second examination allowed by subsection (e).

(h) Upon the exhaustion of the examination attempts allowed by subsection (e), the application shall be deemed terminated.

(i) If an application is terminated under subsection (h), the applicant shall not lose credit for a previous passing of the fundamentals of engineering examination. However, the applicant shall lose credit for passing either Part II or Part III.

(j) For purposes of this section, examination attempts out of state count. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-7; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3906; filed Jul 24, 1989, 5:00 p.m.: 12 IR 2284; filed Sep 24, 1992, 9:00 a.m.: 16 IR 728; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2107; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Jul 31, 2006, 8:41 a.m.: 20060830-IR-864050295FRA; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-4.1-8 Terminated applications; reapplication for admission, qualifications**

Authority: IC 25-31-1-7

Affected: IC 25-31-1-12; IC 25-31-1-14

Sec. 8. (a) An individual whose application has been deemed terminated under section 7(d), 7(h), or 9(e) of this rule may reapply for admission to the applicable examination.

(b) In order for readmission to be granted, the applicant must meet the education and experience requirements in effect at the time of reapplication and must have completed the following:

(1) Since the termination of the application, nine (9) or more semester credit hours of college level courses related to the applicant's examination deficiency.

(2) Appropriate experience of the type required under IC 25-31-1-12 for at least two (2) years subsequent to the termination of the application.

Under this subsection, the date of termination shall be deemed to be the date the third examination was taken.

(c) An applicant who is readmitted to an examination under this section shall be treated as if the applicant had not previously

taken the examination for all purposes under sections 5 and 7 of this rule.

(d) Individuals may be deemed terminated partially or completely because of out-of-state examination attempts. Therefore, an applicant will be required to comply with subsection (b) even if the first, second, third, or all examination attempts are out of state.

(e) Individuals shall be deemed terminated under section 7(d) or 9(e) of this rule on the basis of all fundamentals of engineering examination attempts. Therefore, applicants will be required to comply with subsection (b) once the applicant has had three (3) fundamentals of engineering examination attempts regardless of whether the examination attempts were as:

(1) an engineering intern applicant; or

(2) a professional engineer applicant.

(f) For purposes of this section and sections 7 and 9 of this rule, an examination attempt:

(1) means the actual taking of the examination; and

(2) does not include a failure to appear to take the examination.

*(State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-8; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3907; errata filed Feb 5, 1990, 4:15 p.m.: 13 IR 1066; filed Nov 15, 1990, 1:35 p.m.: 14 IR 757; filed Sep 24, 1992, 9:00 a.m.: 16 IR 728; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2108; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Jul 31, 2006, 8:41 a.m.: 20060830-IR-864050295FRA; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)*

#### **864 IAC 1.1-4.1-9 Examination attempts for certification as an EI**

Authority: IC 25-31-1-7

Affected: IC 25-31-1-13; IC 25-31-1-14

Sec. 9. (a) This section applies to the examinations for certification as an EI.

(b) An applicant who does not pass the examination may take the examination two (2) additional times. However, the applicant's:

(1) second examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the first examination; and

(2) third examination must be taken at either of the next two (2) regularly scheduled examinations after the failure of the second examination.

(c) An applicant who took the examination two (2) times before July 1, 2005, shall not be entitled to further examination attempts under subsection (b). An applicant who took the examination one (1) time before July 1, 2005, shall be entitled to two (2) additional examination attempts as long as the requirements stated in subsection (b) for timing of each examination attempt are met.

(d) An applicant who took the examination the first time on a college campus, as allowed by 864 IAC 1.1-2-4(b), may take the examination two (2) additional times provided the applicant does the following:

(1) Complies with subsection (b).

(2) Pays the fees under the following:

(A) 864 IAC 1.1-12-1(1).

(B) 864 IAC 1.1-12-2.

(3) Submits a certified copy of educational transcripts showing any degree conferred.

(4) Provides three (3) references as required under IC 25-31-1-13(a).

(5) Otherwise qualifies for admission to the examination.

(e) Upon the exhaustion of the examination attempts allowed by this section, the application shall be deemed terminated.

(f) For purposes of this section, examination attempts out of state count. *(State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-9; filed Jun 21, 1988, 4:00 p.m.: 11 IR 3907; filed Sep 24, 1992, 9:00 a.m.: 16 IR 729; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2108; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Sep 16, 2004, 9:00 a.m.: 28 IR 603, eff Nov 1, 2004; filed Jul 31, 2006, 8:41 a.m.: 20060830-IR-864050295FRA; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)*

#### **864 IAC 1.1-4.1-10 Examination grades; review of examination; retention of answer sheets (Repealed)**

Sec. 10. *(Repealed by State Board of Registration for Professional Engineers; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111)*

#### **864 IAC 1.1-4.1-11 Passing score for Part III of the professional engineer examination**

Authority: IC 25-31-1-7

Affected: IC 25-31-1-13; IC 25-31-1-14

Sec. 11. The passing score for Part III of the professional engineer examination will be eighty-eight percent (88%). *(State Board of Registration for Professional Engineers; 864 IAC 1.1-4.1-11; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2109; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)*

### **Rule 5. Comity Registration**

#### **864 IAC 1.1-5-1 Comity registration standards**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-14; IC 25-31-1-21

Sec. 1. (a) This rule addresses the requirements for registration of professional engineers who are registered in another state, territory, or possession of the United States. These applicants are also known as comity applicants.



(b) Under IC 25-31-1-21, one (1) requirement for an individual described in subsection (a) to become registered in Indiana is that the requirements under which the individual's registration was issued do not conflict with IC 25-31-1.

(c) In determining whether there is conflict under IC 25-31-1-21 and subsection (b), the board will evaluate whether the applicant meets the educational, experience, and examination requirements found in IC 25-31-1 and this title. This includes the educational and experience requirements found in 864 IAC 1.1-2-2 and the passing of the fundamentals of engineering examination and the principles and practice of engineering examination as required by IC 25-31-1-14 and 864 IAC 1.1-4.1-3.

(d) Unless the applicant does not qualify for registration for some other appropriate reason, if the educational, experience, and examination requirements described in subsection (c) are met at the time the applicant files the applicant's application with the board, the applicant will qualify for registration. (*State Board of Registration for Professional Engineers; Rule 5, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 630; filed Sep 24, 1992, 9:00 a.m.: 16 IR 729; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2109; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; filed Jun 10, 2008, 9:47 a.m.: 20080709-IR-864070663FRA*)

#### **864 IAC 1.1-5-2 Engineer applicant (Repealed)**

Sec. 2. (*Repealed by State Board of Registration for Professional Engineers; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111*)

#### **864 IAC 1.1-5-3 Land surveyor applicant**

Sec. 3. (*NOTE: 864 IAC 1.1-5-3 was renumbered by Legislative Services Agency as 865 IAC 1-5-2.; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-5-4 Professional engineer examination; comity applicants**

Authority: IC 25-31-1-7

Affected: IC 25-31-1-15; IC 25-31-1-21

Sec. 4. (a) Comity applicants shall be required to take and pass Part III of the professional engineer examination as described in 864 IAC 1.1-4.1-3. Notwithstanding 864 IAC 1.1-4.1-3(e), this examination shall be submitted with the comity applicant's application.

(b) An applicant who does not pass Part III of the engineering examination on the first attempt shall be entitled to take it two (2) additional times.

(c) Upon the failure of the examination in the attempts allowed in subsection (b), the application shall be deemed terminated. The applicant shall be ineligible to reapply for a period of two (2) years from the date of the third failure. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-5-4; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2109; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA; filed Jun 10, 2008, 9:47 a.m.: 20080709-IR-864070663FRA*)

### **Rule 6. Certificates**

#### **864 IAC 1.1-6-1 Certificates of registration and enrollment (Repealed)**

Sec. 1. (*Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 444*)

#### **864 IAC 1.1-6-2 Registration of engineer or land surveyor (Repealed)**

Sec. 2. (*Repealed by State Board of Registration for Professional Engineers; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111*)

#### **864 IAC 1.1-6-3 Enrollment of engineer-in-training or surveyor-in-training (Repealed)**

Sec. 3. (*Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 444*)

### **Rule 7. Registrant's Seal**

#### **864 IAC 1.1-7-1 Design, application and use of seal (Repealed)**

Sec. 1. (*Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 444*)

#### **864 IAC 1.1-7-2 Design and contents of seal**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-16

Sec. 2. (a) The engineer seal shall generally be between one and five-eighths (1 5/8) inches and one and seven-eighths (1 7/8) inches in outside diameter, using the following design:

Plans containing an engineer seal of specified size may be reduced as long as the seal remains legible.

(b) The seal may be embossed, electronically applied to a drawing, or applied by a rubber stamp in conformance with the design as shown in subsection (a). The seal may have a milled edge, as shown, or two (2) concentric circles with the outer and inner circles corresponding with the respective edges of the milling.

(c) The name and registration number of the registrant inscribed on the seal shall correspond to the name and certificate number inscribed on the certificate of registration. However, the letters "PE" may be excluded from the certificate number. (*State Board of*

*Registration for Professional Engineers; Rule 7, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 632; filed Oct 17, 1986, 2:20 p.m.: 10 IR 441; filed Sep 24, 1992, 9:00 a.m.: 16 IR 729; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2109; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)*

**864 IAC 1.1-7-3 Application of seal; signature**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-16

Sec. 3. (a) The seal shall be affixed to documents and instruments only during the time the certificate of registration is current and has not been suspended or revoked and then only on such documents and instruments which have been prepared by the registrant or by the regularly employed and directly supervised subordinates of the registrant. The registrant shall be responsible for seeing that the seal, however affixed, and the signature shall be legible on the document.

(b) Whenever a registrant affixes the seal, it shall have:

- (1) the registrant's signature; and
- (2) the date the seal is being affixed;

directly adjacent to the seal, but not across the seal.

(c) When a registrant is in responsible charge of engineering work for which one (1) or more:

- (1) specifications;
- (2) plans; and
- (3) drawings;

are required to be submitted for review by the state building commissioner or other governmental body, the registrant shall apply the seal in the full manner required by this section on each page of all drawings or plans and on the title page of all specifications.

(d) A registrant who is not in responsible charge of the entire work, but assumes responsibility for portions of the work included on any page of:

- (1) specifications;
- (2) plans; or
- (3) drawings;

shall affix the seal in the manner required by this section on all title pages and on all pages on which the registrant's work appears.

(e) When affixing the seal, the registrant shall denote the registrant's part of the work by inserting below the registrant's signature and date, language similar to the following:

COVERING \_\_\_\_\_ DESIGN.

*(State Board of Registration for Professional Engineers; Rule 7, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 632; filed Oct 17, 1986, 2:20 p.m.: 10 IR 441; filed Jun 8, 1989, 4:45 p.m.: 12 IR 1903; filed Sep 24, 1992, 9:00 a.m.: 16 IR 730; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2110; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)*

**864 IAC 1.1-7-4 Use of seal and signature; acceptance of full responsibility**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-16

Sec. 4. (a) The seal and signature of a registrant on any drawings, documents, or instruments signifies the registrant's acceptance of full responsibility for the professional work represented thereon, except as another registrant shall have assumed a limited responsibility for portions of the work in accordance with section 3(d) of this rule.

(b) A registrant may include in the registrant's plans certain predesigned manufactured equipment or products which have become established as acceptable for the proposed use, when such items:

- (1) meet standards established by nonprofit trade organizations;
- (2) meet the requirements for the proposed use as indicated by tests performed by a competent, unbiased testing agency;
- (3) are mechanical, electrical, or other types of machinery or systems guaranteed by a reputable manufacturer; or
- (4) do not affect the structural safety of the project.

*(State Board of Registration for Professional Engineers; Rule 7, Sec 4; filed Feb 29, 1980, 3:40 p.m.: 3 IR 633; filed Sep 24, 1992, 9:00 a.m.: 16 IR 730; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2110; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)*

**Rule 8. Renewal**

**864 IAC 1.1-8-1 Renewal of registration; fees; notice**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-17

Sec. 1. The board has adopted the following to clarify and implement the payment of renewal fees on a biennial basis:

- (1) For purposes of biennial renewal, the postmark on the envelope containing the remittance will be considered the date of payment.
- (2) When the renewal fee is not paid on time:
  - (A) the certificate of registration becomes invalid;
  - (B) the individual cannot lawfully practice or offer to practice engineering; and

(C) the individual's name will be deleted from future rosters; until the renewal fee and required delinquent fee is paid. (State Board of Registration for Professional Engineers; Rule 8, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 633; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; filed Sep 24, 1992, 9:00 a.m.: 16 IR 731; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

## **Rule 9. Roster**

### **864 IAC 1.1-9-1 Publication and contents of rosters**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-17

Sec. 1. In order to establish the time of publication of rosters in conjunction with the biennial collection of renewal fees, the board adopts the following:

(1) As soon as practicable after the completion of the biennial renewals in each even-numbered year, the board will publish a roster showing the names and addresses of engineers who are valid registrants until the date shown in the roster.

(2) It shall be the responsibility of each registrant to keep the board advised of the registrant's latest address and such supplementary roster information, if any, which is to be included in the roster.

(State Board of Registration for Professional Engineers; Rule 9, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; filed Sep 24, 1992, 9:00 a.m.: 16 IR 731; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

## **Rule 10. Temporary Permit**

### **864 IAC 1.1-10-1 Engineer's temporary permit; purpose; application; use of seal (Repealed)**

Sec. 1. (Repealed by State Board of Registration for Professional Engineers; filed Oct 17, 1986, 2:20 pm: 10 IR 444)

## **Rule 11. Rules of Professional Conduct**

### **864 IAC 1.1-11-1 Ethical, economic, and legal principles; professional incompetence**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 1. (a) This rule establishes requirements concerning ethical, economic, and legal principles and unprofessional conduct in the practice of engineering.

(b) The failure of a registered professional engineer to comply with the provisions of this rule constitutes professional incompetence. (State Board of Registration for Professional Engineers; Rule 11, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3908; filed Sep 24, 1992, 9:00 a.m.: 16 IR 731; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

### **864 IAC 1.1-11-2 Agreement to abide by act and rules**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1-13

Sec. 2. Each applicant shall certify on the application that the applicant has read and agrees to abide by the Act and the rules of the board in force at the time. (State Board of Registration for Professional Engineers; Rule 11, Sec 2; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Sep 24, 1992, 9:00 a.m.: 16 IR 731; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

### **864 IAC 1.1-11-3 Privilege to practice; responses to board pertaining to professional conduct**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 3. Knowledge of the Act and rules of the board shall encompass the understanding that the practice of engineering is a privilege, as opposed to a right, and the registrant shall be forthright and candid in statements or written response to the board or its representatives on matters pertaining to professional conduct. (State Board of Registration for Professional Engineers; Rule 11, Sec 3; filed Feb 29, 1980, 3:40 p.m.: 3 IR 634; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

### **864 IAC 1.1-11-4 Public safety, health, and welfare**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 4. The engineer shall at all times recognize the primary obligation to protect the safety, health, and welfare of the public in the performance of professional duties. If the engineer's professional judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered, the engineer shall inform the engineer's employer of the possible consequences and notify such other proper authority of the situation, as may be appropriate. (State Board of Registration for Professional Engineers;

Rule 11, Sec 4; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA)

#### **864 IAC 1.1-11-5 Qualification to undertake assignment**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 5. The engineer shall undertake to perform engineering assignments only when qualified by education and experience in the specific technical field of professional engineering involved. (*State Board of Registration for Professional Engineers; Rule 11, Sec 5; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-11-6 Restricted services for assignment outside field of competence**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 6. The engineer may accept an assignment requiring education or experience outside of the engineer's field of competence, but only to the extent that services are restricted to those phases of the project in which the engineer is qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees. (*State Board of Registration for Professional Engineers; Rule 11, Sec 6; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-11-7 Use of seal restricted**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 7. The engineer shall not affix the engineer's signature and/or seal to any engineering plan or document dealing with subject matter in which the engineer lacks competence by virtue of insufficient education or experience, or to any such plan or document not prepared as described in 864 IAC 1.1-7-4. (*State Board of Registration for Professional Engineers; Rule 11, Sec 7; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-11-8 Competence examination (Repealed)**

Sec. 8. (*Repealed by State Board of Registration for Professional Engineers; filed Jun 21, 1988, 4:05 pm: 11 IR 3918*)

#### **864 IAC 1.1-11-9 Professional reports, statements, and testimony**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 9. The engineer shall be completely objective and truthful in all professional reports, statements, or testimony. The engineer shall include all relevant and pertinent information in such reports, statements, or testimony. (*State Board of Registration for Professional Engineers; Rule 11, Sec 9; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-11-10 Expert opinion testimony**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 10. The engineer, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the engineer's testimony. (*State Board of Registration for Professional Engineers; Rule 11, Sec 10; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 732; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-11-11 Public policy statements, criticisms, or arguments**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 11. The engineer will issue no statement, criticisms, or arguments on engineering matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the engineer has prefaced the comment by:

- (1) explicitly identifying himself or herself;
- (2) disclosing the identities of the party, or parties, on whose behalf the engineer is speaking; and
- (3) revealing the existence of any pecuniary interest the engineer may have in the instant matters.

(*State Board of Registration for Professional Engineers; Rule 11, Sec 11; filed Feb 29, 1980, 3:40 p.m.: 3 IR 635; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

**864 IAC 1.1-11-12 Conflicts of interest**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 12. The engineer shall conscientiously avoid conflicts of interest with the engineer's employer or client, but, when unavoidable, the engineer shall forthwith disclose the circumstances to the engineer's employer or client. (*State Board of Registration for Professional Engineers; Rule 11, Sec 12; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

**864 IAC 1.1-11-13 Disclosure of conflict of interest**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 13. The engineer shall avoid all known conflicts of interest with the engineer's employer or client and shall promptly inform the engineer's employer or client of any business association, interest, or circumstances which could influence judgment or quality of services. (*State Board of Registration for Professional Engineers; Rule 11, Sec 13; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

**864 IAC 1.1-11-14 Compensation from more than one party for same project**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 14. The engineer shall not accept compensation, financial or otherwise, from more than one (1) party for services on the same project, unless the circumstances are fully disclosed to and agreed to by all interested parties. (*State Board of Registration for Professional Engineers; Rule 11, Sec 14; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

**864 IAC 1.1-11-15 Gratuities prohibited**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 15. The engineer shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the engineer's client or employer in connection with work for which the engineer is responsible. (*State Board of Registration for Professional Engineers; Rule 11, Sec 15; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

**864 IAC 1.1-11-16 Financial or other considerations from suppliers prohibited**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 16. The engineer shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products. (*State Board of Registration for Professional Engineers; Rule 11, Sec 16; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 733; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

**864 IAC 1.1-11-17 Public service position; conflict of interest**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 17. When in public service as a member, advisor, or employee of a governmental body or department, the engineer shall not participate in considerations or actions with respect to services provided by the engineer or the engineer's organizations in private engineering practices. (*State Board of Registration for Professional Engineers; Rule 11, Sec 17; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

**864 IAC 1.1-11-18 Public contracts; conflict of interest**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 18. The engineer shall not solicit or accept an engineering contract from a governmental body on which a principal, officer, or employee of the engineer's organization serves as a member. (*State Board of Registration for Professional Engineers; Rule 11, Sec 18; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

**864 IAC 1.1-11-19 Payment of consideration to secure work prohibited; exception**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 19. The engineer shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing a salaried position through employment agencies. (*State Board of Registration for Professional Engineers; Rule 11, Sec 19; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-11-20 Employment on basis of qualification and competence**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 20. The engineer shall seek professional employment on the basis of qualification and competence in the proper accomplishment of similar work. (*State Board of Registration for Professional Engineers; Rule 11, Sec 20; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-11-21 Misrepresentation of qualifications prohibited**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 21. The engineer shall not falsify or permit misrepresentation of the engineer's or the engineer's associates' academic or professional qualifications. The engineer shall not misrepresent or exaggerate the degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or their past accomplishments, or the engineer's past accomplishments with the intent and purpose of enhancing the engineer's qualifications and work. (*State Board of Registration for Professional Engineers; Rule 11, Sec 21; filed Feb 29, 1980, 3:40 p.m.: 3 IR 636; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-11-22 Use of name in fraudulent or dishonest venture**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 22. The engineer shall not knowingly associate with or permit the use of the engineer's name or firm name in a business venture by any person or firm which the engineer knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature. (*State Board of Registration for Professional Engineers; Rule 11, Sec 22; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-11-23 Reporting violations**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 23. If the engineer has knowledge or reason to believe that another person or firm may be in violation of this article, the engineer shall present such information to the board in writing and shall cooperate with the board in furnishing such further information or assistance as may be required by the board. (*State Board of Registration for Professional Engineers; Rule 11, Sec 23; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Sep 24, 1992, 9:00 a.m.: 16 IR 734; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-11-24 Felony convictions; effect**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 24. Conviction of a crime shall be deemed incompetent practice if the acts which resulted in the conviction have a direct bearing on whether the applicant should be entrusted to serve the public as a registered professional engineer. (*State Board of Registration for Professional Engineers; Rule 11, Sec 24; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3908; filed Sep 24, 1992, 9:00 a.m.: 16 IR 735; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

#### **864 IAC 1.1-11-25 Revocation or suspension of license in another jurisdiction; effect**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 25. The revocation or suspension of a professional engineer's license by another jurisdiction, if for a cause which in the state of Indiana would constitute a violation of IC 25-31-1 or this title, shall be grounds for a charge of violation of IC 25-31-1-22.1. (*State Board of Registration for Professional Engineers; Rule 11, Sec 25; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Jun 21, 1988, 4:05 p.m.: 11 IR 3908; errata filed Nov 28, 1989, 3:00 p.m.: 13 IR 677; filed Sep 24, 1992, 9:00 a.m.: 16 IR 735; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:56 p.m.: 20070808-IR-864070063RFA*)

### **Rule 12. Fees**

#### **864 IAC 1.1-12-1 Fees charged by board**

Authority: IC 25-1-8-2; IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 1. The board shall charge and collect the following fees, which shall all be nonrefundable and nontransferable:

(1) Except for an application for college seniors applying for the fundamental engineering examination under 864 IAC 1.1-2-4 and 864 IAC 1.1-3-3, for review of an application for examination for certification as an engineering intern, one hundred dollars (\$100).

(2) For review of an application for examination for registration as a professional engineer, three hundred dollars (\$300).

(3) For the processing and review of qualifications for registration as a professional engineer by comity, five hundred dollars (\$500).

(4) For issuance of the original certificate to practice as a professional engineer following passage of the examination or approval for registration on the basis of comity, when the certificate is dated between August 1 of an:

(A) odd-numbered year and July 31 of the following even-numbered year, inclusive, fifty dollars (\$50); and

(B) even-numbered year and July 31 of the following odd-numbered year, inclusive, one hundred dollars (\$100).

(5) For biennial renewal of the certificate to practice as a professional engineer, one hundred dollars (\$100) payable prior to July 31 of each even-numbered year.

(6) For renewal of an expired certificate to practice as a professional engineer, fifty dollars (\$50), plus all unpaid renewal fees for the four (4) years of delinquency. A certificate may not be renewed after four (4) years of delinquency.

(7) For a duplicate or replacement certificate to practice as a professional engineer, ten dollars (\$10).

(8) The fee shall be one hundred dollars (\$100) for the proctoring of examinations taken in this state for purposes of registration in other states. This fee shall be in addition to the examination fee.

*(State Board of Registration for Professional Engineers; Rule 12, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Oct 14, 1981, 1:30 p.m.: 4 IR 2459; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; errata, 10 IR 445; filed Sep 24, 1992, 9:00 a.m.: 16 IR 735; filed Mar 28, 1995, 2:00 p.m.: 18 IR 2111; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3109; readopted filed Jun 21, 2001, 9:01 a.m.: 24 IR 3824; filed Sep 23, 2002, 9:59 a.m.: 26 IR 380, eff Dec 1, 2002; filed Sep 16, 2004, 9:00 a.m.: 28 IR 604, eff Nov 1, 2004; readopted filed Nov 17, 2010, 9:56 a.m.: 20101215-IR-864100408RFA)*

#### **864 IAC 1.1-12-2 Fee for examination administration**

Authority: IC 25-1-8-2; IC 25-31-1-7; IC 25-31-1-8

Affected: IC 25-31-1

Sec. 2. The fees for both the fundamentals of engineering examination and principles and practice of engineering examination are the costs for examination administration and examination scoring, payable to the examination services. *(State Board of Registration for Professional Engineers; 864 IAC 1.1-12-2; filed Sep 16, 2004, 9:00 a.m.: 28 IR 604, eff Nov 1, 2004; readopted filed Nov 17, 2010, 9:56 a.m.: 20101215-IR-864100408RFA)*

### **Rule 13. Land Surveying; Competent Practice**

#### **864 IAC 1.1-13-1 Minimum standards for competent practice of land surveying**

Sec. 1. *(NOTE: 864 IAC 1.1-13-1 was renumbered by Legislative Services Agency as 865 IAC 1-12-1.)*

#### **864 IAC 1.1-13-2 Definitions; abbreviations**

Sec. 2. *(NOTE: 864 IAC 1.1-13-2 was renumbered by Legislative Services Agency as 865 IAC 1-12-2.)*

#### **864 IAC 1.1-13-3 Surveyor responsibility**

Sec. 3. *(NOTE: 864 IAC 1.1-13-3 was renumbered by Legislative Services Agency as 865 IAC 1-12-3.)*

#### **864 IAC 1.1-13-4 Land surveyor duty to accumulate, preserve, and share data**

Sec. 4. *(NOTE: 864 IAC 1.1-13-4 was renumbered by Legislative Services Agency as 865 IAC 1-12-4.)*

#### **864 IAC 1.1-13-5 Analysis of research, preliminary conclusions (Repealed)**

Sec. 5. *(Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)*

#### **864 IAC 1.1-13-5.1 Property surveys affected**

Sec. 5.1. *(NOTE: 864 IAC 1.1-13-5.1 was renumbered by Legislative Services Agency as 865 IAC 1-12-5.)*

#### **864 IAC 1.1-13-6 Field notes**

Sec. 6. *(NOTE: 864 IAC 1.1-13-6 was renumbered by Legislative Services Agency as 865 IAC 1-12-6.)*

#### **864 IAC 1.1-13-7 Measurements for retracements or record document, surveys and original surveys**

Sec. 7. *(NOTE: 864 IAC 1.1-13-7 was renumbered by Legislative Services Agency as 865 IAC 1-12-7.)*

#### **864 IAC 1.1-13-8 Theoretical uncertainty**

Sec. 8. *(NOTE: 864 IAC 1.1-13-8 was renumbered by Legislative Services Agency as 865 IAC 1-12-8.)*

- 864 IAC 1.1-13-9 Preliminary research and investigation on retracement and record document surveys**  
Sec. 9. (NOTE: 864 IAC 1.1-13-9 was renumbered by Legislative Services Agency as 865 IAC 1-12-9.)
- 864 IAC 1.1-13-10 Field investigation for retracement and record document surveys**  
Sec. 10. (NOTE: 864 IAC 1.1-13-10 was renumbered by Legislative Services Agency as 865 IAC 1-12-10.)
- 864 IAC 1.1-13-11 Surveyor conclusions in retracement or record document survey**  
Sec. 11. (NOTE: 864 IAC 1.1-13-11 was renumbered by Legislative Services Agency as 865 IAC 1-12-11.)
- 864 IAC 1.1-13-12 Publication of retracement, record document, or original survey results**  
Sec. 12. (NOTE: 864 IAC 1.1-13-12 was renumbered by Legislative Services Agency as 865 IAC 1-12-12.)
- 864 IAC 1.1-13-13 Retracement or record document survey plats**  
Sec. 13. (NOTE: 864 IAC 1.1-13-13 was renumbered by Legislative Services Agency as 865 IAC 1-12-13.)
- 864 IAC 1.1-13-14 Satisfying client requirements (Repealed)**  
Sec. 14. (Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)
- 864 IAC 1.1-13-15 Original survey preliminary research**  
Sec. 15. (NOTE: 864 IAC 1.1-13-15 was renumbered by Legislative Services Agency as 865 IAC 1-12-14.)
- 864 IAC 1.1-13-16 Original survey research analysis and conclusions**  
Sec. 16. (NOTE: 864 IAC 1.1-13-16 was renumbered by Legislative Services Agency as 865 IAC 1-12-15.)
- 864 IAC 1.1-13-17 Original survey fieldwork**  
Sec. 17. (NOTE: 864 IAC 1.1-13-17 was renumbered by Legislative Services Agency as 865 IAC 1-12-16.)
- 864 IAC 1.1-13-18 Publication; original survey results**  
Sec. 18. (NOTE: 864 IAC 1.1-13-18 was renumbered by Legislative Services Agency as 865 IAC 1-12-17.)
- 864 IAC 1.1-13-19 Original and retracement or record document survey monumentation**  
Sec. 19. (NOTE: 864 IAC 1.1-13-19 was renumbered by Legislative Services Agency as 865 IAC 1-12-18.)
- 864 IAC 1.1-13-20 Original survey plats**  
Sec. 20. (NOTE: 864 IAC 1.1-13-20 was renumbered by Legislative Services Agency as 865 IAC 1-12-19.)
- 864 IAC 1.1-13-21 Data accumulation survey preliminary research (Repealed)**  
Sec. 21. (Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)
- 864 IAC 1.1-13-22 Data accumulation survey field investigation (Repealed)**  
Sec. 22. (Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)
- 864 IAC 1.1-13-23 Completion and evaluation; data accumulation survey (Repealed)**  
Sec. 23. (Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)
- 864 IAC 1.1-13-24 Publication; data accumulation survey results (Repealed)**  
Sec. 24. (Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)
- 864 IAC 1.1-13-25 Data accumulation survey measurements (Repealed)**  
Sec. 25. (Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)
- 864 IAC 1.1-13-26 Data accumulation survey monumentation (Repealed)**  
Sec. 26. (Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)
- 864 IAC 1.1-13-27 Data accumulation survey presentation (Repealed)**  
Sec. 27. (Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)
- 864 IAC 1.1-13-28 Construction layout survey preliminary research (Repealed)**  
Sec. 28. (Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)
- 864 IAC 1.1-13-29 Construction layout survey field investigation (Repealed)**  
Sec. 29. (Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)



**864 IAC 1.1-13-30 Construction layout survey conclusions (Repealed)**

Sec. 30. (Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)

**864 IAC 1.1-13-31 Publication of construction layout survey results (Repealed)**

Sec. 31. (Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)

**864 IAC 1.1-13-32 Construction layout survey measurements (Repealed)**

Sec. 32. (Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)

**864 IAC 1.1-13-33 Construction layout survey monumentation (Repealed)**

Sec. 33. (Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)

**864 IAC 1.1-13-34 Construction layout survey data presentation (Repealed)**

Sec. 34. (Repealed by State Board of Registration for Professional Engineers; filed Jul 17, 1991, 4:30 p.m.: 14 IR 2255)

**864 IAC 1.1-13-35 Route survey preliminary research**

Sec. 35. (NOTE: 864 IAC 1.1-13-35 was renumbered by Legislative Services Agency as 865 IAC 1-12-20.)

**864 IAC 1.1-13-36 Route survey fieldwork**

Sec. 36. (NOTE: 864 IAC 1.1-13-36 was renumbered by Legislative Services Agency as 865 IAC 1-12-21.)

**864 IAC 1.1-13-37 Measurements for route surveys**

Sec. 37. (NOTE: 864 IAC 1.1-13-37 was renumbered by Legislative Services Agency as 865 IAC 1-12-22.)

**864 IAC 1.1-13-38 Publication of route survey results**

Sec. 38. (NOTE: 864 IAC 1.1-13-38 was renumbered by Legislative Services Agency as 865 IAC 1-12-23.)

**864 IAC 1.1-13-39 Route survey monumentation**

Sec. 39. (NOTE: 864 IAC 1.1-13-39 was renumbered by Legislative Services Agency as 865 IAC 1-12-24.)

**864 IAC 1.1-13-40 Route survey plats**

Sec. 40. (NOTE: 864 IAC 1.1-13-40 was renumbered by Legislative Services Agency as 865 IAC 1-12-25.)

**864 IAC 1.1-13-41 Effective date for route surveys**

Sec. 41. (NOTE: 864 IAC 1.1-13-41 was renumbered by Legislative Services Agency as 865 IAC 1-12-26.)

**864 IAC 1.1-13-42 Surveyor location reports; purpose; scope**

Sec. 42. (NOTE: 864 IAC 1.1-13-42 was renumbered by Legislative Services Agency as 865 IAC 1-12-27.)

**864 IAC 1.1-13-43 Surveyor location reports; requirements**

Sec. 43. (NOTE: 864 IAC 1.1-13-43 was renumbered by Legislative Services Agency as 865 IAC 1-12-28.)

**864 IAC 1.1-13-44 Surveyor location reports; certificate**

Sec. 44. (NOTE: 864 IAC 1.1-13-44 was renumbered by Legislative Services Agency as 865 IAC 1-12-29.)

**Rule 14. Limited Liability Company Practice**

**864 IAC 1.1-14-1 Limited liability company practice**

Authority: IC 25-31-1-7; IC 25-31-1-8

Affected: IC 23-18-2-2; IC 25-31-1-18

Sec. 1. A limited liability company doing business in Indiana may practice or offer to practice engineering only if that practice is carried on under the responsible direction and supervision of a registered professional engineer who is a full-time employee or member of the company. All plans, sheets of designs, specifications, reports, studies, or other engineering documents that require certification and are prepared by the personnel of a business must carry the signature and seal of the registered professional engineer who is in responsible charge of the professional engineering work. (State Board of Registration for Professional Engineers; 864 IAC 1.1-14-1; filed Nov 7, 2003, 12:00 p.m.: 27 IR 875; readopted filed Dec 1, 2009, 9:13 a.m.: 20091223-IR-864090783RFA)

**Rule 15. Continuing Education**

**864 IAC 1.1-15-1 Continuing education**

Authority: IC 25-1-4-8; IC 25-31-1-17.5

Affected: IC 25

Sec. 1. This rule establishes the continuing education requirements for professional engineers. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-1; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

#### **864 IAC 1.1-15-2 Definitions**

Authority: IC 25-1-4-8; IC 25-31-1-17.5

Affected: IC 25-1-4-0.2; IC 25-1-4-0.5

Sec. 2. (a) As used in this rule, "biennium" means a two (2) year licensure period during which continuing education requirements must be met. It:

- (1) commences on August 1 of an even-numbered year; and
- (2) concludes on July 31 of the next even-numbered year.

(b) Based on IC 25-1-4-0.5 and as used in this rule, "continuing education" means an orderly process of instruction that is:

- (1) approved by an approved organization (as defined in IC 25-1-4-0.2) or the board; and
- (2) designed to directly enhance a professional engineer's knowledge and skill in providing services relevant to the practice of engineering.

(c) As used in this rule, "hour of continuing education" means at least fifty (50) minutes of instruction or course contact time.

"Hours of continuing education" has the same meaning for the number of hours stated. An alternate term for an hour of continuing education that is used nationally with continuing education for professional engineers is professional development hour or PDH.

*(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-2; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)*

#### **864 IAC 1.1-15-3 Continuing education hours required**

Authority: IC 25-1-4-8; IC 25-31-1-17.5

Affected: IC 25-1-4

Sec. 3. (a) Except for holders of an inactive certificate under section 9 of this rule, during each biennium a professional engineer shall complete thirty (30) hours of continuing education that meets the requirements of this rule and IC 25-1-4 in order to renew his or her professional engineer registration. This continuing education requirement first applies to the biennium of August 1, 2010, through July 31, 2012, and therefore first applies to the July 31, 2012, renewal.

(b) At least one (1) hour of the continuing education required in each biennium under subsection (a) shall be in ethics applicable to the practice of professional engineering.

(c) At least one (1) hour of the continuing education required in each biennium under subsection (a) shall be in Indiana statutes and rules applicable to the practice of professional engineering.

(d) A professional engineer initially licensed in Indiana in the first year of a biennium shall only be required to obtain fifteen (15) hours of continuing education. A professional engineer initially licensed in Indiana in the second year of a biennium shall not be required to obtain any continuing education.

(e) Up to fifteen (15) hours of continuing education may be carried over as follows:

(1) Continuing education obtained after the effective date of this rule and before August 1, 2010, may be carried over to the August 1, 2010, to the July 31, 2012, biennium.

(2) Continuing education obtained during a biennium beyond what is required for that biennium may be carried over to the next biennium.

*(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-3; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)*

#### **864 IAC 1.1-15-4 Credit for distance learning, teaching, and college courses**

Authority: IC 25-31-1-17.5

Affected: IC 25

Sec. 4. (a) Distance learning courses obtained by distance learning methods shall qualify.

(b) Courses that are relevant to the professional engineer's professional skills, which are part of the curriculum of an accredited university, college, or educational institution, shall earn:

- (1) fifteen (15) hours of continuing education for each academic semester hour completed; or
- (2) ten (10) hours of continuing education for each academic quarter hour completed.

(c) Teaching a course at an accredited university, college, or educational institution shall earn two (2) times the number of hours a student is allowed under subsection (b), but only for the first time the instructor teaches the course.

(d) Services as an instructor or presenter at a qualified continuing education course earn one (1) hour of continuing education for each hour taught, but only for the initial instruction or presentation. *(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-4; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)*

#### **864 IAC 1.1-15-5 Approval of continuing education programs**

Authority: IC 25-1-4; IC 25-31-1-17.5

Affected: IC 25-1-4-0.2; IC 25-1-4-0.5

Sec. 5. (a) It is the professional engineer's responsibility to ensure that the course is applicable to enhancing the practice of engineering. According to IC 25-1-4-0.5, certain courses are automatically approved by being approved by an approved organization under IC 25-1-4-0.2 assuming the subject matter of the course is acceptable under this rule by being designed to directly enhance the practitioner's knowledge and skill. For any course not automatically approved, the following criteria shall be used for board approval of continuing education programs for professional engineers:

- (1) The continuing education course shall have a statement of objectives, which the program should achieve for its participants

relating to and enhancing the practice of engineering.

(2) The sponsor of continuing education courses shall provide:

- (A) adequate administration, including a responsible person to coordinate and administer the program; and
- (B) for the maintenance of proper records.

(3) The curriculum of a continuing education course shall be thoughtfully planned and designed to explore in considerable depth one (1) subject or a closely related group of subjects related to the practice of engineering.

(4) The continuing education course shall:

- (A) have qualified instructors who have demonstrated competence in the subject areas;
  - (B) be held in adequate facilities that allow for an effective program; and
  - (C) employ a variety of educational methods and teaching aids that enhance the learning opportunities.
- (5) Appropriate methods of evaluation shall be devised and used to measure the continuing education course's effectiveness.
- (6) The sponsor of the continuing education course shall provide to the participants a meaningful record of attendance stating the continuing education hours involved, such as a certificate of completion.

(b) Continuing education courses may be approved by the board provided the sponsoring organization has submitted the proper documentation.

(c) The sponsor of the course is responsible for monitoring attendance in such a manner that verification of attendance throughout the entire course can be reliably assured.

(d) Notwithstanding subsections (a) and (b), continuing education courses for professional engineers approved by an approved organization under IC 25-1-4-0.2 are automatically approved. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-15-5; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA*)

#### **864 IAC 1.1-15-6 Reporting continuing education**

Authority: IC 25-31-1-17.5

Affected: IC 25

Sec. 6. (a) A licensee must sign the renewal form provided by the Indiana professional licensing agency that verifies that all continuing education requirements according to section 3 of this rule will have been met by the time of license renewal.

(b) The professional engineer shall maintain copies of certificates of completion of continuing education courses for a period of three (3) years following the end of the biennium. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-15-6; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA*)

#### **864 IAC 1.1-15-7 Continuing education audit**

Authority: IC 25-1-4; IC 25-31-1-17.5

Affected: IC 25-1-4-3

Sec. 7. (a) As required by IC 25-1-4-3, the board shall conduct random audits for compliance with continuing education requirements.

(b) Action taken for noncompliance will be governed by IC 25-1-4. (*State Board of Registration for Professional Engineers; 864 IAC 1.1-15-7; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA*)

#### **864 IAC 1.1-15-8 Request for a waiver of the continuing education requirement**

Authority: IC 25-1-4; IC 25-31-1-17.5

Affected: IC 25-1-4-4

Sec. 8. (a) Under IC 25-1-4-4, a professional engineer may apply in writing for a waiver for all or part of the continuing education requirements for a biennium, seeking renewal of that license without having completed the continuing education required for renewal under this rule, by submitting the following:

- (1) A statement explaining the reasons for noncompliance.
- (2) A request for a waiver of the continuing education required for renewal.
- (3) The renewal application and all required fees.

(b) The license holder must submit evidence to the satisfaction of the board to be granted a waiver.

(c) If the request is granted, the waiver will be effective for 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 a hardship exists. The board will determine whether a hardship exists that would have prevented the licensee from obtaining his or her continuing education, including, but not limited to, the following:

(1) For at least one (1) year during the current renewal period, the licensee was absent due to full-time service in the armed services of the United States.

(2) During the 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 an incapacitating illness or injury. The existence of the incapacitating illness or injury must be verified by a licensed physician or psychologist with special expertise in the area of the incapacitating illness or injury. Verification of the incapacitating illness or injury must include the following:

(A) The nature and extent of the illness or injury.

(B) An explanation of how the illness or injury would hinder the licensee from completing the continuing education requirement.

(C) The:

(i) name;  
(ii) title;  
(iii) address;  
(iv) telephone number;  
(v) professional license number; and  
(vi) original signature;  
of the licensed physician or psychologist verifying the illness or injury.  
(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-8; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

**864 IAC 1.1-15-9 Inactive status**

Authority: IC 25-1-4; IC 25-31-1-17.5

Affected: IC 25

Sec. 9. A professional engineer may apply to the board to renew the professional engineer's registration in an inactive status. No continuing education is required to renew inactive. An inactive professional engineer may not practice engineering while in an inactive status. (State Board of Registration for Professional Engineers; 864 IAC 1.1-15-9; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

**864 IAC 1.1-15-10 Reactivation of inactive license**

Authority: IC 25-1-4; IC 25-31-1-17.5

Affected: IC 25

Sec. 10. To reactivate an inactive license, a professional engineer must do the following:

- (1) Apply to the board for reactivation on the application form supplied by the board.
- (2) Pay the same fee required to renew an active license.
- (3) Show proof of having completed thirty (30) hours of continuing education that meet the requirements of this rule within the two (2) year period immediately prior to the date the reactivation application is filed.

(State Board of Registration for Professional Engineers; 864 IAC 1.1-15-10; filed Jul 19, 2010, 11:22 a.m.: 20100818-IR-864090788FRA)

**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.

## Part 2

### License Litigation

#### THE DISCIPLINARY PROCESS

For the purposes of the following information, the term "board" includes boards, commissions, and committees. The term "license" includes license, certification, registration, and permit.

The manifest goal of professional regulation is to establish standards that protect public health and safety and to enforce those standards through the disciplinary process. Indiana has standards of practice that apply to all regulated professions. Those standards, along with statutes and rules specific to each profession, provide the basis upon which boards impose discipline on licensed professionals.

Disciplinary actions against licensed professionals begin with the attorney general filing a written administrative complaint, also referred to as disciplinary charges, with the board. The complaint names the State of Indiana as the petitioner and the attorney general, through a deputy attorney general, represents the state. The complaint describes the alleged conduct the professional, referred to as the respondent, has engaged in and the standards of practice the professional has allegedly violated unless it is a complaint for a summary suspension. Complaints for summary suspension often include only a general statement of facts alleging that a professional represents a clear and immediate danger to the public health and safety if the professional is allowed to continue to practice.

Disciplinary hearings are held before the board or an administrative law judge appointed by the board. A case may be resolved through a settlement agreement, in which case, there will be no evidentiary hearing. After a hearing, the board will deliberate and make its findings of fact and conclusions of law, and then the board decides the appropriate disciplinary sanction, if any, to impose on the professional's license. The possible sanctions are: revocation, suspension, probation, censure, reprimand, or a combination of these. The boards also have the authority to impose a fine in an amount not to exceed \$1000 for each violation of law, except for a finding of incompetence due to a physical or mental disability.

#### Commonly Used Terms

**Administrative Complaint** - a complaint filed with the board by the Attorney General that describes the alleged conduct a licensed professional has engaged in and the laws and administrative rules the professional has violated; sometimes referred to as disciplinary charges.

**Administrative Law Judge** - an individual or panel of individuals that preside over an administrative proceeding, receive the evidence, and make a decision.

**Censure** - an expression of official disapproval that is an official record that the license has been disciplined. The censure itself does not affect the status of the license or the licensee's ability to practice. The censure may be imposed in combination with other types of disciplinary sanctions. A censure and a reprimand are similar.

**Conclusions of Law** - the conclusions the board reaches by applying the facts of a case to the relevant law.

**Consumer Complaint** - a complaint filed by a member of the public against a licensed professional. To obtain a complaint form, go to <http://www.indianaconsumer.com/>.

**Default** - omission, neglect, or failure of a party to take a step required, such as failing to appear for a hearing.

**Disciplinary Charges** - a complaint filed with the board by the Attorney General that describes the alleged conduct a licensed professional has engaged in and the laws and administrative rules the professional has violated; sometimes referred to as an administrative complaint.

**Emergency Suspension** - a 90-day suspension of a licensed professional's license after a finding that a professional represents a clear and immediate danger to the public health and safety if the professional is allowed to continue to practice; also called a summary suspension.

**Final Order** - the written order issued by the board following an administrative hearing that contains the findings of fact and conclusions of law in the case.

**Findings of Fact** - the facts that the board determines have been proven in an administrative hearing on a disciplinary complaint.

**Probation** - professionals whose licenses are placed on probation are allowed to continue practicing subject to certain terms and conditions. The conditions imposed as part of an order of probation will vary depending on the circumstances of the case.

**Reprimand** - a reprimand is an official record that the license has been disciplined. The reprimand itself does not affect the status of the license or the licensee's ability to practice. The reprimand may be imposed in combination with other types of disciplinary sanctions. A reprimand and a censure are similar.

**Respondent** - the professional against whom disciplinary charges are brought.

**Revocation** - professionals cannot practice with a revoked license. The professional cannot apply for a new license for seven years from the date of the revocation.

**Settlement Conference** - a meeting conducted with the parties in a case conducted by a board member or ALJ to discuss settling the case as an alternative to having a contested hearing.

**Summary Suspension** - a 90-day suspension of a professional's license based upon a finding that the professional represents a clear and immediate danger to the public health and safety if allowed to continue to practice; also called an emergency suspension.

**Suspension** - professionals whose licenses have been suspended cannot practice during the period of suspension. Suspensions are typically imposed for an indefinite period of time with the board setting the minimum time that must pass before the professional can apply for reinstatement of the suspended licenses. In many cases, the suspension is followed by a period of probation.

## Part 3

### Examples of Disciplinary Actions Taken by the Board

The following five case studies have been taken from the IN.gov License Litigation website (<http://www.in.gov/ai/appfiles/pla-litigation/>). To improve readability for non-lawyers, some legal boilerplate has been omitted, and some legally precise but wordy descriptions have been replaced by short paraphrased versions.

#### ***Case No. 1: Revocation of license because of incompetence***

##### 1. Findings of Fact

- a. The Wisconsin registration board revoked Respondent's PE license because he was responsible for the design of a 10-story printing-plant warehouse and associated automated storage and retrieval system that collapsed, causing the death of an employee and over a hundred-million dollars of damages. The warehouse was located in Wisconsin.
- b. Wisconsin Administrative Code § A-E 8.06 sets forth in relevant parts, "An architect ... [or] professional engineer ... (1) Shall use reasonable care and competence in providing professional services. (2) May not evade the professional or contractual responsibilities which the registrant has to a client of employer."

##### 2. Conclusions of Law

Respondent's conduct constitutes a violation of Indiana Code 25-1-11-5(a)(7) in that he has had disciplinary action taken against his Wisconsin PE license (revocation of license). The basis of the revocation was Respondent's violations of Wisconsin Administrative Code § A-E 8.06(1),(2), which in Indiana, would constitute a violation of Indiana Code 25-1-11-5(a)(4)(A).

##### 3. Order

Respondent's license to practice as a PE in Indiana is permanently revoked.

#### ***Case No. 2: Using a PE seal to seal a document entitled a land survey***

##### 1. Findings of Fact

- a. Respondent is and was at all times that are relevant licensed as a PE in Indiana.



- b. Respondent sealed with his engineer's seal a document entitled a land survey included within the project engineering drawing for a client.
- c. Respondent is not now, nor has he ever been a licensed land surveyor in Indiana.
- d. Respondent had recommended to the owner the use of a registered land surveyor.
- e. A registered land surveyor was, in fact, engaged for the work.
- f. The surveyor's work was incorporated with Respondent's engineering drawings, but the land surveyor's seal was inadvertently not applied to the land survey included with the drawing set provided to the owner.
- g. The parties acknowledge that Respondent's actions may have been in the nature of an inadvertent clerical error; however, it is the Respondent's responsibility to ensure that his seal only appears on documents that embody his engineering work.

## 2. Conclusions of Law

Respondent has violated 864 IAC 1.1-11-7 which states in relevant part:

The engineer shall not affix the engineer's signature and/or seal to any engineering plan or document dealing with subject matter in which the engineer lacks competence by virtue of insufficient education or experience, or to any such plan or document not prepared as described in 864 IAC 1.1-7-4

## 3. Order

- a. Respondent shall pay a civil penalty of \$500 within 60 days of the final order.
- b. Respondent shall prepare a revised land survey drawing to include an identification of the work prepared by the land surveyor.
- c. Respondent shall, in the future, comply with all statutes and rules regulating the practice of engineering.
- d. The following letter of reprimand was issued:

Dear Mr. XXX:

The State Board of Registration for Professional Engineers hereby issues this letter of reprimand for violation of the laws of the State of Indiana.

The purpose of this reprimand is to stress the responsibility and obligation you have to the citizens of Indiana, and to insure that you practice in a professional and competent manner.

This letter will become a permanent part of your file.

STATE BOARD OF REGISTRATION

FOR PROFESSIONAL ENGINEERS

By: \_\_\_\_\_

YYY, Chairman

***Case No. 3: Affixing PE seal to documents that were not prepared under personal professional knowledge and direct supervisory control and responsibility***

1. Findings of Fact

- a. Respondent was found guilty by the Tennessee State Board of Architectural and Engineering Examiners of affixing his PE seal to documents that were not prepared under his personal professional knowledge and direct supervisory control and responsibility.
- b. Respondent is and was at all times that are relevant licensed as a PE in the State of Indiana.
- c. The Tennessee board revoked Respondent's certificate of registration.

2. Conclusions of Law

The grounds upon which the Respondent was disciplined in Tennessee are similar to those set forth in Indiana Code 25-1-11. Therefore, Respondent is subject to disciplinary sanctions before the Indiana State Board of Registration for Professional Engineers under Indiana Code 25-1-11-5(a)(7) which states:

A practitioner s subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that

(7) A practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter . . . .

3. Order

Respondent's license to practice as a PE in Indiana is permanently revoked.

## ***Case No. 4: Failing to disclose felony convictions when applying to renew PE license***

### 1. Findings of Fact

- a. Respondent pled guilty to and was convicted of Operating a Vehicle While Intoxicated and of Count I Domestic Battery, both Class A misdemeanors.
- b. Approximately seven months later, Respondent pled guilty to Operating a Vehicle While Intoxicated, a Class D Felony (because of a prior DWI conviction within 5 years), to Possession of Marijuana, a Class A misdemeanor, and to driving While Suspended, a Class A misdemeanor.
- c. For Respondent's convictions, the Court summarized his sentence as three years as an executed jail sentence followed by four years of supervised probation.
- d. Subsequently, Respondent completed the online license renewal application to renew his PE license. Question 3 of the "Questions portion of the online renewal asks, "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending." Respondent answered this question in the negative.

### 2. Conclusions of Law

Respondent is subject to disciplinary sanctions under

- a. Indiana Code 25-1-11-5(a)(2)(B), in that Respondent was convicted of two incidents of operating a Vehicle While Intoxicated as a Class D Felony, which is a crime harmful to the public.
- b. Indiana Code 25-1-11-5(a)(2)(A), in that Respondent was convicted of two incidents of operating a Vehicle While Intoxicated as a Class D Felony, crimes that have a direct bearing on Respondent being entrusted to serve the public as a registered PE due to incompetent practice pursuant to 864 IAC 1.1-11-24.
- c. Indiana Code 25-1-11-5(a)(1)(A), in that Respondent engaged in material deception in order to renew his PE license, when he failed to disclose his convictions for crimes including two incidents of felony Operating a Vehicle While Intoxicated.

### 3. Order

- a. Respondent's PE license is hereby placed on indefinite suspension with Respondent having no right to petition for reinstatement for a period of two years from the issuance of this final order.
- b. Respondent is ordered to pay a civil penalty of \$1,000, which shall be paid within ninety days from the issuance of this Final Order.

## ***Case No. 5: Sealing building plans that included architectural drawings that were not incidental to the engineering drawings***

### 1. Findings of Fact

- a. Respondent's Missouri PE license was placed on probation for a period of five years by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects "(Missouri Board)". Respondent entered into a Settlement Agreement, which was approved by the Missouri Board, agreeing to discipline against his Missouri PE license.
- b. The discipline of Respondent's Missouri PE license resulted from Respondent sealing plans for a building, located in Kansas City, Missouri, which included architectural drawings that were not incidental to the engineering drawings.

### 2. Conclusions of Law

- a. Respondent's sealing of the plans was in violation of Section 327.101 of the Revised Statutes of Missouri (RSMO). RSMO §327.101 defines the unauthorized practice of architecture and provides in pertinent part, *No person shall practice architecture in Missouri as defined in Section 327. 091 unless and until there is issued to the person a license or a certificate of authority certifying that the person has been duly licensed as an architect or authorized to practice architecture in Missouri.*
- b. Missouri's statute which Respondent was found to have violated is similar to Indiana Code 25-4-1-26(1), which sets forth in pertinent part the following act as a Class C infraction and each day's violation constitutes a separate overuse. (1) The practice of architecture by any person... without a certificate of registration as a registered architect issued by the board.
- c. Pursuant to Indiana Code 25-31-1-30, a person registered as a PE and who is not also a registered architect is exempt from the provisions of any and all statutes enforced in this state regulating malpractice of architecture. However, Indiana, by 864 IAC 1.1-11-5, does require that the engineer shall undertake to perform engineering assignments only when qualified by education and experience in the specific technical field of professional engineering involved. While Respondent possessed experience in the practice area in which he engaged, he would not have been qualified in Indiana due to his lack of education in the area.
- d. Respondent's conduct as described above constitutes a violation of Indiana Code 25-1-11-5(a)(7) in that Respondent has had disciplinary action taken against Respondent's Missouri PE license, for violating RSMO 327.101 by generating architectural drawings not incidental to his practice of engineering without being properly licensed as an architect which, in Indiana would constitute a violation of 864 IAC 1.1-11-5.

### **MITIGATING FACTORS**

During settlement negotiations, Respondent presented mitigating factors that he asked the Board to take into account in considering the Proposed settlement. These mitigating factors are as follows:

- a. Respondent has taken full responsibility for his actions;
- b. Respondent now has an architect with whom he regularly works with for projects that require architectural work;
- c. Respondent's office is in Missouri, and he only does five or six projects a year in Indiana, with a focus on structural engineering; and,
- d. Respondent has, at all times, been cooperative with the Office of the Indiana Attorney General.

### **3. Order**

- a. Respondent shall be issued a letter of reprimand.
- b. Respondent shall abide by all rules, regulations, and statutes concerning the practice of professional engineering in the state of Indiana.
- c. The failure of Respondent to comply with the requirements of the Final Order in this matter shall subject Respondent to a show cause hearing and the possible imposition of further sanctions.