

# SENATE BILL No. 520

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-23-22.5; IC 25-1-16.

**Synopsis:** ERASER committee. Creates the eliminate, reduce, and streamline employee regulation (ERASER) committee to study professional licensing in Indiana. Provides that the office of management and budget staffs the committee. Repeals the regulated occupations evaluation committee. Creates a five year cycle for sunseting professional licenses, registrations, and certifications.

**Effective:** July 1, 2013.

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January 14, 2013, read first time and referred to Committee on Commerce, Economic Development & Technology.

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First Regular Session 118th General Assembly (2013)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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# SENATE BILL No. 520



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

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

- 1 SECTION 1. IC 4-23-22.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2013]:
- 4 **Chapter 22.5. Eliminate, Reduce, and Streamline Employee**
- 5 **Regulation Committee**
- 6 **Sec. 1. As used in this chapter, "agency" refers to the office of**
- 7 **management and budget.**
- 8 **Sec. 2. As used in this chapter, "board" means an entity that**
- 9 **regulates a specific regulated occupation.**
- 10 **Sec. 3. As used in this chapter, "committee" means the**
- 11 **eliminate, reduce, and streamline employee regulation (ERASER)**
- 12 **committee established by section 6 of this chapter.**
- 13 **Sec. 4. As used in this chapter, "license" means:**
- 14 **(1) an unlimited license, certificate, or registration;**
- 15 **(2) a limited or probationary license, certificate, or**
- 16 **registration;**
- 17 **(3) a temporary license, certificate, registration, or permit;**



1 (4) an intern permit; or  
 2 (5) a provisional license;  
 3 issued by a board. "Licensed" has a corresponding meaning.

4 Sec. 5. As used in this chapter, "regulated occupation" has the  
 5 meaning set forth in IC 25-1-7-1.

6 Sec. 6. The eliminate, reduce, and streamline employee  
 7 regulation committee is established.

8 Sec. 7. (a) The committee consists of the following individuals:

9 (1) The dean of the Indiana University School of Public and  
 10 Environmental Affairs or the dean's designee. The dean or the  
 11 dean's designee shall serve as chairperson of the committee.

12 (2) The director of the professional licensing agency or the  
 13 director's designee, as a nonvoting member.

14 (3) The attorney general or the attorney general's designee, as  
 15 a nonvoting member.

16 (4) The director of the agency or the director's designee, as a  
 17 nonvoting member.

18 (5) Two (2) individuals appointed by the governor who are  
 19 licensed in a regulated occupation.

20 (6) Two (2) individuals appointed by the governor who are not  
 21 licensed in a regulated occupation.

22 (b) The term of a member appointed under subsection (a)(5) or  
 23 (a)(6) is three (3) years.

24 (c) The affirmative votes of a majority of the voting members  
 25 appointed to the committee are required for the committee to take  
 26 action on any measure.

27 Sec. 8. (a) The committee shall review and evaluate each  
 28 regulated occupation. The review and evaluation must include the  
 29 following:

30 (1) The functions, powers, and duties of the regulated  
 31 occupation and the occupation's board, including any  
 32 functions, powers, or duties that are inconsistent with current  
 33 or projected practice of the occupation.

34 (2) An assessment of the management efficiency of the board.

35 (3) An assessment of the regulated occupation's and the  
 36 board's ability to meet the objectives of the general assembly  
 37 in licensing the regulated occupation.

38 (4) Any other criteria identified by the committee.

39 (b) The committee shall prepare a report concerning each  
 40 regulated occupation that the committee reviews and evaluates.  
 41 The report must contain the following:

42 (1) The number of individuals who are licensed in the

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- 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 the regulation of a regulated occupation should be modified, whether the board should be combined with another board, or whether the board or the regulation of the regulated occupation should be terminated.
- (6) Any recommendations for administrative changes regarding the regulation of the regulated occupation.

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.

Sec. 10. (a) The following licenses shall be evaluated beginning July 1, 2013, with a report issued on November 1, 2013, and each five (5) years thereafter:

- (1) Accountants (IC 25-2.1).
- (2) Acupuncturists (IC 25-2.5).
- (3) Architects (IC 25-4).
- (4) Athletic trainers (IC 25-5.1).
- (5) Athlete agents (IC 25-5.2).
- (6) Auctioneers and auctions (IC 25-6.1).
- (7) Beauty culture (IC 25-8).

(b) The licenses listed in this section are terminated July 1, 2014, unless the general assembly takes action in the 2014 legislative session to retain the licenses.

(c) Any funds in any fund or account specifically related to the licenses terminated in this section revert to the state general fund.

Sec. 11. (a) The following licenses shall be evaluated with a report issued on July 1, 2014, and each five (5) years thereafter:

- (1) Chiropractors (IC 25-10).
- (2) Dentists and dental hygienists (IC 25-14 and IC 25-13).
- (3) Dietitians (IC 25-14.5).
- (4) Embalmers and funeral directors (IC 25-15).
- (5) Genetic counselors (IC 25-17.3).
- (6) Professional geologists (IC 25-17.6).
- (7) Hearing aid dealers (IC 25-20).

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- 1           **(8) Home inspectors (IC 25-20.2).**
- 2           **(9) Interior designers (IC 25-20.7).**
- 3           **(10) Land surveyors (IC 25-21.5).**
- 4           **(b) The licenses listed in this section are terminated July 1, 2015,**
- 5           **unless the general assembly takes action in the 2015 legislative**
- 6           **session to retain the licenses.**
- 7           **(c) Any funds in any fund or account specifically related to the**
- 8           **licenses terminated in this section revert to the state general fund.**
- 9           **Sec. 12. (a) The following licenses shall be evaluated with a**
- 10           **report issued on July 1, 2015, and each five (5) years thereafter:**
- 11           **(1) Massage therapists (IC 25-21.8).**
- 12           **(2) Physicians (IC 25-22.5).**
- 13           **(3) Nurses (IC 25-23).**
- 14           **(4) Occupational therapists (IC 25-23.5).**
- 15           **(5) All licenses issued under IC 25-23.6.**
- 16           **(6) Physician assistants (IC 25-27.5).**
- 17           **(7) Podiatrists (IC 25-29).**
- 18           **(b) The licenses listed in this section are terminated July 1, 2016,**
- 19           **unless the general assembly takes action in the 2016 legislative**
- 20           **session to retain the licenses.**
- 21           **(c) Any funds in any fund or account specifically related to the**
- 22           **licenses, registrations, or certifications terminated in this section**
- 23           **revert to the state general fund.**
- 24           **Sec. 13. (a) The following licenses shall be evaluated with a**
- 25           **report issued on July 1, 2016, and each five (5) years thereafter:**
- 26           **(1) Manufactured home installers (IC 25-23.7).**
- 27           **(2) Optometrists (IC 25-24).**
- 28           **(3) Pharmacists (IC 25-26).**
- 29           **(4) Physical therapists (IC 25-27).**
- 30           **(5) Plumbers (IC 25-28.5).**
- 31           **(6) Professional engineers (IC 25-31).**
- 32           **(7) Professional soil scientists (IC 25-31.5).**
- 33           **(8) Psychologists (IC 25-33).**
- 34           **(b) The licenses listed in this section are terminated July 1, 2017,**
- 35           **unless the general assembly takes action in the 2017 legislative**
- 36           **session to retain the licenses.**
- 37           **(c) Any funds in any fund or account specifically related to the**
- 38           **licenses, registrations, or certifications terminated in this section**
- 39           **revert to the state general fund.**
- 40           **Sec. 14. (a) The following licenses shall be evaluated with a**
- 41           **report issued on July 1, 2017, and each five (5) years thereafter:**
- 42           **(1) Real estate brokers and salespersons (IC 25-34.1).**

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1           (2) Respiratory care practitioners (IC 25-34.5).

2           (3) Speech pathologists and audiologists (IC 25-35.6).

3           (4) Certified surgical technologists (IC 25-36.1).

4           (5) Veterinarians (IC 25-38.1).

5           (6) Behavior analysts (IC 25-41).

6           (b) The licenses listed in this section are terminated July 1, 2018,  
7 unless the general assembly takes action in the 2018 legislative  
8 session to retain the licenses.

9           (c) Any funds in any fund or account specifically related to the  
10 licenses, registrations, or certifications terminated in this section  
11 revert to the state general fund.

12           Sec. 15. Any licenses enacted during the 2013 session of the  
13 general assembly or thereafter shall be evaluated five (5) years  
14 after the creation of the license and each five (5) years thereafter  
15 under the same conditions as other licenses being evaluated that  
16 year.

17           Sec. 16. (a) The agency shall provide staff and administrative  
18 support to the committee.

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

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

23           Sec. 17. (a) Each member of the committee who is not a state  
24 employee is entitled to reimbursement for traveling expenses as  
25 provided under IC 4-13-1-4 and other expenses actually incurred  
26 in connection with the member's duties as provided in the state  
27 policies and procedures established by the Indiana department of  
28 administration and approved by the budget agency.

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

35           Sec. 18. (a) The general assembly may obtain support from the  
36 committee regarding a proposal to license new occupations upon  
37 a request of a:

38           (1) member of the general assembly;

39           (2) staff member of the house of representatives or the senate  
40 made on behalf of a member of the general assembly; or

41           (3) staff member of the legislative services agency made on  
42 behalf of a member of the general assembly.

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1           **(b) The committee must provide support to the general assembly**  
2 **upon a request made under subsection (a).**

3           **Sec. 19. The committee shall seek public input when considering**  
4 **any proposals or reports concerning the elimination of a license or**  
5 **change to a regulated occupation.**

6           **Sec. 20. The committee shall submit a report to the:**

- 7           **(1) governor;**  
8           **(2) health finance commission; and**  
9           **(3) legislative services agency;**

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

13           **SECTION 2. IC 25-1-16 IS REPEALED [EFFECTIVE JULY 1,**  
14 **2013]. (Evaluation of Regulated Occupations).**

15           **SECTION 3. [EFFECTIVE JULY 1, 2013] (a) For purposes of this**  
16 **SECTION, "committee" means the eliminate, reduce, and**  
17 **streamline employee regulation committee established by**  
18 **IC 4-23-22.5.**

19           **(b) Appointed members of the regulated occupations evaluation**  
20 **committee established by IC 25-1-16-6 before its repeal by this act**  
21 **on July 1, 2013, shall be replaced or reappointed by the governor**  
22 **as members of the committee for the term beginning July 1, 2013.**

23           **(c) This SECTION expires December 31, 2014.**

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