

# JOBS CREATION COMMITTEE

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2016 Report of Recommendations for the  
Indiana Professional Licensing Agency's  
Occupational Licensing Boards

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# **I. EXECUTIVE SUMMARY**

Established by IC 25-1-16<sup>1</sup>, the Jobs Creation Committee (JCC) is an eight member, independent committee with appointments being made pursuant to IC 25-1-16-7. This annual report has been commissioned by the General Assembly to provide information on the current occupational licensing structures for boards and commissions that the JCC evaluated during the past twelve months<sup>2</sup>. This report is non-binding, as any change to licensure law must be enacted by the General Assembly and signed into law by the Governor. Additionally, the recommendations made in this report are not reflective of public policy stances taken by the Indiana Professional Licensing Agency (IPLA), the Governor, or the Governor's administration. Rather, the JCC is statutorily required to make recommendations based on its exhaustive review of Indiana's occupational licensing boards, the licenses and permits they issue, and their regulatory impact on the State's economy. The JCC will make itself available to members of the General Assembly, the IPLA, industry stakeholders, and other state policy makers as they determine which, if any, recommendations to pursue as potential changes to state law.

## **A. Schedule of Boards Reviewed and Evaluated by JCC**

1. August 20, 2015:
  - a. Indiana State Board of Health Facility Administrators; and
  - b. Indiana Board of Veterinary Medical Examiners.
2. October 26, 2015:
  - a. Indiana Real Estate Commission; and
  - b. Indiana Real Estate Appraiser Board.
3. April 21, 2016:
  - a. Indiana State Medical Licensing Board.
4. June 16, 2016:
  - a. Indiana Board of Pharmacy.

## **B. Submission of 2016 JCC Annual Report**

The JCC submits this report to the Governor and the Legislative Services Agency pursuant to IC 25-1-16-13, which states, "The committee shall submit a report to the: (1) Governor; and (2) 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."

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<sup>1</sup> SEA 421-2014 (P.L. 112-2014)

<sup>2</sup> IC 25-1-16-13

## **II. COMMITTEE ASSESSMENT FRAMEWORK**

The JCC held public meetings during which testimony was presented by IPLA staff pertinent to board operations, the Office of the Attorney General on the consumer complaint process, industry stakeholders regarding their profession, association representatives covering their role in the industry, and the general public. In review of the occupational licensing boards overseen by the IPLA, the criteria used by the JCC were established in IC 25-1-16-8, which states:

(a) The committee shall review and evaluate each regulated occupation and board. 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) An assessment of the necessity, burden, and alternatives to the licenses issued by the board.
- (5) An assessment of the fees that the board charges for licenses.
- (6) Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation and board 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, including the actual cost of administering license applications, renewals, and issuing licenses.
- (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) the regulation of a regulated occupation should be modified; (B) the board should be combined with another board; (C) whether the board or the regulation of the regulated occupation should be terminated; (D) whether a license should be eliminated; or (E) whether multiple licenses should be consolidated into a single license.
- (6) Any recommendations for administrative changes.
- (7) Information that supports the committee's recommendations.

(c) This section does not apply to fees that support dedicated funds. After the committee has reviewed and evaluated a regulated occupation and board, the committee shall provide the agency and the board that is the subject of the committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees,

and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.

Information to support the JCC's recommendations, as required by IC 25-1-16-8(b)(7), is addressed by providing all information presented to and received by the JCC in ANNEX D of this report. Additional information may also be included under sections of respective reports; the source of such information will be cited.

IPLA staff worked with all individuals and associations who testified, so they knew the statutory obligations of the JCC and the types of questions that would need to be answered. In advance of each JCC meeting, IPLA staff sent industry stakeholders the following questions to assist in preparation:

- (1) Provide an introduction and overview of the industry, your involvement and the role licensure plays to benefit practitioners and consumers.
- (2) Economic impact of the industry on the state? (Does licensure support/facilitate economic growth? Why or why not?)
- (3) What's the average wage of professionals in the industry? What's the average income? What is the salary range of the practitioners? (BLS data)
- (4) Explain why licensure is needed for the industry. (Could certifications be used as an alternative? Why or why not?)
- (5) Recommendations for legislative or administrative changes to the licensure structure? (If recommendations are needed, how will these benefit consumers and practitioners?)
- (6) Is the current board structure satisfactory? Is the agency structure satisfactory for managing the regulations of the industry and informing licensees?
- (7) Are the fees fair? Why or why not?
- (8) Are the pre-licensure educational requirements and continuing education requirements appropriate?
- (9) Should the renewal cycle change? Could it be structured differently to be more centered on competency?
- (10) Should the board be simplified? Is the number of board members appropriate? Should the board be combined with another similarly regulated profession?

The assessment framework used to review and evaluate IPLA's occupational licensing boards is primarily statutorily directed. Additionally, the JCC balanced factors aimed at evaluating the public need for a profession to be regulated by the State of Indiana. The following factors assisted the JCC in determining level of risk, alternatives to regulation, and the ultimate cost-benefit analysis of each regulated occupation:

**Risk Analysis:** Do consumers face a significant risk of harm from purchasing the goods or services of a particular professional? What is the nature of the harm, the likelihood and severity of the harm, and the potential for irreversible harm to the consumer?

**Informed Consumer Choice/Trial and Error:** To what extent do individual consumers have the experience or ability, by means of trial and error, to make informed risk-benefit decisions about purchasing goods or services from a particular professional?

**Self-regulation by the Profession:** Is the profession capable of organizing itself (on a local, state, national or international basis) to ensure an acceptable degree of competence without any regulatory program?

**Legal Alternatives to Regulation:** In the absence of an IPLA regulatory program, would consumers have adequate legal protections to deter incompetent or fraudulent behavior by professionals and to seek redress or compensation for avoidable harms?

**Benefit-Cost Determination:** Are the consumer benefits of an IPLA regulatory program (e.g., reduced harm to consumers and/or higher levels of public trust in professionals) likely to justify the anticipated costs of a regulatory system (e.g., licensing fees, potentially higher prices for goods or services, and any administrative costs of implementing and enforcing a meaningful regulatory system)?

### **III. COMMITTEE REPORTS & RECOMMENDATIONS**

As mentioned previously, the committee framework of reviewing and evaluating regulated occupations and their respective boards exists within **IC 25-1-16-8**. Pursuant to **IC 25-1-16-8(b)**, the following is a report from the JCC for each regulated occupation organized by its respective board reviewed and evaluated by the committee from August 2015 to July 2016.

#### **A. Recommendations for all applicable occupational licenses administered by the Indiana Professional Licensing Agency (IPLA)**

##### Audio and Visual Equipment for Meetings

The JCC recommends that IPLA install audio and visual equipment in its conference room, which is utilized by all boards, commissions, and committees under IPLA, to make board proceedings more transparent and educational for the public.

##### Professional Corporation Registration

The JCC recommends the elimination of the certificate of registration for professional corporations statutorily required under IPLA's purview and to consolidate the authority for all professional corporation applications and renewals managed by licensed practitioners to be solely administered by the Secretary of State's (SOS) Office. This recommendation does not suggest the elimination of requirements listed in statute for entities to apply for and be recognized as professional corporations in licensed professions, rather it recommends that the function of processing professional corporation applications be solely administered by the SOS Office.

##### "Valid to Practice" License Status

The JCC recommends that a renewal of a license and the simultaneous filing of an administrative complaint with the Attorney General's Office shall not estop the board from imposing sanctions on that licensee as a result of an administrative complaint filed by the attorney general subsequent to renewal.

##### Geographic Restrictions on Board Member Appointments

The JCC recommends removing geographic restrictions relating to board member appointments but supports the appointing authority being required to consider achieving equal geographic representation of its appointees.

## **B. Indiana State Board of Health Facility Administrators**

### Establishment of the Board

#### **IC 25-19-1-2: State board of health facility administrators**

Sec. 2. (a) There is created the Indiana state board of health facility administrators composed of thirteen (13) members as follows:

- (1) The state health commissioner or the commissioner's designee;
- (2) The director of the division of family resources or the director's designee;
- (3) The state long term care ombudsman or the state long term care ombudsman's designee;
- (4) The chief administrative officer of the Indiana University medical center at Indianapolis or the chief administrative officer's designee;
- (5) One (1) member of the medical profession holding an unlimited license to practice medicine in Indiana;
- (6) Four (4) administrators of licensed proprietary health facilities;
- (7) Two (2) administrators of licensed nonproprietary health facilities; and
- (8) Two (2) members representing the public at large, who:
  - (A) are residents of Indiana; and
  - (B) have never been associated with health facility services or administration in any way other than as a resident or a family member of a resident of a health facility.

(b) Those members of the board other than the representatives of state agencies and institutions shall be appointed by the governor after consultation with the associations and societies appropriate to the disciplines and professions representative of the position to be filled. The original and all subsequent physician and hospital administrator appointments shall be for terms of four (4) years. All appointments shall be for four (4) year terms, except that in case of a vacancy prior to term completion, the appointment shall be for the remainder of the unexpired term. Any vacancy, either prior to or at term completion, shall be filled by the governor after consultation with the associations and societies appropriate to the discipline or professions representative of the vacancy. In all cases, the appointees shall serve until their successors are appointed and qualified.

(c) The governor may remove any member of the board other than the representative of a state agency or institution for misconduct, incapacity, incompetence, or neglect of duty after the member has been served with a written statement of charges and has been given an opportunity to be heard. Designated representatives of the state agencies or institutions may be removed by the original appointing authority for any of those causes.

### Definition of Practitioner

**IC 25-19-1-1(b): “Health Facility Administrator”** is a person who administers, manages, supervises, or is in general administrative charge of a licensed health facility whether such individual has an ownership interest in the health facility and whether the person's functions and duties are shared with one (1) or more individuals.

**IC 25-19-1-1(c): “Health facility”** is any institution or facility defined as such for licensing under IC 16-28 and classified into care categories by rules adapted under IC 16-28, specifically Chapter 2, which governs licensure of health facilities in Indiana.

**1. Number of individuals who are licensed in the regulated occupation (IC 25-1-16-8(b)(1)):**

The Indiana State Board of Health Facility Administrators oversees eight different types of licenses and a total of 1,794 licensees as of July 2016. The types of licenses and current number of licensees are as follows:

(1) Health Facility Administrator	1,419
(2) Preceptor Eligible	173
(3) Residential Care Administrator	78
(4) HFA Provisional	1
(5) CE Sponsor – HFA	37
(6) HFA Preceptor	75
(7) RCA Preceptor	10
(8) HFA Temporary Permit	1

**2. Summary of the board's functions and actions (IC 25-1-16-8(b)(2)):**

The primary functions of the board are to review credentials of license applicants, administer licenses to qualified individuals, promulgate rules, and take administrative disciplinary actions against licensees who are not practicing according to the board’s statutes and rules. The board serves to improve Indiana’s health, safety, and welfare of the public and practitioners as it pertains to the regulation of health facility administrators.

The IPLA oversees and staffs the Indiana State Board of Health Facility Administrators. The board and the agency have met the standards and statutes imposed by the General Assembly in providing adequate service to the health facility administrator profession and its licensees.

**3. Budget and other fiscal factors of regulating the regulated occupation, including the actual cost of administering license applications, renewals, and issuing licenses (IC 25-1-16-8(b)(3)):**

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38 licensing boards and staff. Licensing fees, as outlined in No. 4 of this section of the report, are not dedicated to the profession unless specifically noted.

The table below outlines the costs associated with having the board and paying board members per diem and travel, court reporters, and dues/subscriptions for board operations and regular meetings.

**Board Operation Costs**

<b>Operational Costs</b>	<b>CY 2015</b>
Travel Reimbursement	\$1,026.88
Per Diem	\$800.00
Court Reporters	\$283.50
Dues/Subscription Costs	\$1,500.00

<b>TOTAL</b>	<b>\$3,610.38</b>
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The State Board of Health Facility Administrators operates with one (1) board director, one (1) assistant director (AD), and four (4) customer service representatives (CSR). The starting, annual salary for a CSR is \$22,724. The starting salary for an AD is \$33,748, and board directors start at \$41,574. Fringe benefits are in addition to these figures.

It is important to recognize that the IPLA is an umbrella agency for occupational licensing, so these staff members also work for the State Board of Professional Engineers, State Board of Registration for Professional Surveyors, State Board of Registration for Architects and Landscape Architects, Indiana Athletic Trainers Board, and the Private Investigator and Security Guard Licensing Board.

The agency’s executive staff also provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, communications director, legislative director, controller, controller staff, IT director and IT staff. The cost of administering and managing these licenses would be even higher when factoring in the attorney general’s office, which includes their expenses of advisory counsel

to the board, prosecution and senior management from both advisory and litigation.

**4. Assessment of the effect of the regulated occupation on the state’s economy, including consumers and businesses (IC 25-1-16-8(b)(4)):**

Licensure Fees for Regulated Occupations under the Board

(1) Biennial application/endorsement/renewal:	\$100
(2) Application to repeat jurisprudence exam:	\$100
(3) Application to repeat national exam:	\$50
(4) Late renewal (up to 3 years):	\$150*
(5) Late renewal (after 3 years):	\$200**
(6) Temporary permit/preceptor certificate:	\$50
(7) Application for annual continuing sponsorship/renewal:	\$100
(8) Provisional License:	\$100
(9) Verification/duplicate:	\$10

\* Renewal fee plus \$50 late penalty

\*\* Renewal fee plus initial application fee.

Revenue Totals Based on Licensing Fees Collected

	<b>License Fees</b>
<b>FY 2011</b>	\$154,210
<b>FY 2012</b>	\$43,253
<b>FY 2013</b>	\$148,650
<b>FY 2014</b>	\$43,810
<b>FY 2015</b>	\$147,181

According to a study conducted in 2011 by the American Health Care Association,<sup>3</sup> which analyzed the economic impact of Long Term Care Facilities, such facilities account for 105,380 employees in Indiana, 3% of the State’s employment. According to the Bureau of Labor Statistics (BLS), Health Facility Administrators are categorized under the “Medical and Health Services Manager” occupation. According to the BLS, the average hourly wage in Indiana for an employee in this category is \$34.19, and the average annual salary in Indiana is \$71,120.

**5. Recommendations for legislation (IC 25-1-16-8(b)(5)):**

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<sup>3</sup> *Economic Impact of Long Term Care Facilities – Indiana*, American Health Care Association (2011)

The JCC did not recommend any legislative changes exclusive to the State Board of Health Facility Administrators.

**6. Recommendations for administrative changes (IC 25-1-16-8(b)(6)):**

The JCC recommends:

- (1) Health facility administrator (HFA) preceptor and residential care administrator (RCA) preceptor licenses be reclassified as certifications, which means there should be no fee charged as it would be a certification recognizing criteria met from licensees described in 840 IAC 1-1-17;
- (2) the education requirement for the HFA preceptor and RCA preceptor licenses should be eliminated, referring to requirements under 840 IAC 1-1-17, specifically the provision requiring an individual to “have attended, within the five (5) years prior to applying to serve as a preceptor, a board approved educational program and forward to the board a certificate of completion,” pursuant to 840 IAC 1-1-17(b)(1)(C); and
- (3) the validity of the HFA or RCA preceptor certification be extended to the validity and length of the renewal cycle to be licensed as a HFA or RCA, specifically eliminating provision 840 IAC 1-1-17(f): “The preceptor approval expires when the AIT applicant completes the course of instruction and training prescribed by the board or fails to complete the requirements of section 16 of this rule.”

## C. Indiana Board of Veterinary Medical Examiners

### Establishment of the Board

#### **IC 25-38.1-2-1: Board of veterinary medical examiners**

Sec. 1. (a) The Indiana board of veterinary medical examiners is established.

(b) The board consists of seven (7) members appointed by the governor from the districts described in section 3 of this chapter. Not more than one (1) veterinarian member may be domiciled in the same district.

(c) One (1) of the board members must be a registered veterinary technician.

(d) One (1) of the board members must be appointed to represent the general public.

(e) Not more than four (4) board members may be affiliated with the same political party.

(f) If there is a vacancy on the board, the governor shall appoint a successor to complete the unexpired term.

#### **IC 25-38.1-2-3: Districts**

(a): District 1 consists of the following counties: Clay, Crawford, Daviess, Dubois, Fountain, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Montgomery, Morgan, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Spencer, Sullivan, Tippecanoe, Vanderburgh, Vermillion, Vigo, Warren, and Warrick.

(b) District 2 consists of the following counties: Bartholomew, Brown, Clark, Dearborn, Decatur, Delaware, Fayette, Floyd, Franklin, Hancock, Harrison, Henry, Jackson, Jefferson, Jennings, Johnson, Madison, Ohio, Randolph, Ripley, Rush, Scott, Shelby, Switzerland, Union, Washington, and Wayne.

(c) District 3 consists of the following counties: Boone, Clinton, Hamilton, Hendricks, Howard, Marion, and Tipton.

(d) District 4 consists of the following counties: Lake, LaPorte, Marshall, Porter, St. Joseph, and Starke.

(e) District 5 consists of the following counties: Adams, Allen, Benton, Blackford, Carroll, Cass, DeKalb, Elkhart, Fulton, Grant, Huntington, Jasper, Jay, Kosciusko, LaGrange, Miami, Newton, Noble, Pulaski, Steuben, Wabash, Wells, White, and Whitley.

### Definition of Practitioner

**IC 25-38.1-1-10: "Licensed veterinarian"** means an "individual who is licensed under this article to practice veterinary medicine in Indiana.

**IC 25-38.1-1-10.7: "PAVE certificate"** means a certificate issued by the Program for the Assessment of Veterinary Medical Education Equivalence, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine.

**IC 25-38.1-1-12: "Practice of veterinary medicine"** means:

- (1) representing oneself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry or any of their branches or specialties;
- (2) using words, letters, or titles in a connection or under circumstances that may induce another person to believe that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry;
- (3) accepting compensation for doing any of the things described in subdivisions (4) through (8);
- (4) providing the diagnosis, treatment, correction, or prevention of any disease, defect, injury, deformity, pain, or condition of animals;
- (5) prescribing, dispensing, or ordering the administration of a drug, a medicine, a biologic, a medical appliance, an application, or treatment of whatever nature for the prevention, cure, or relief of any disease, ailment, defect, injury, deformity, pain, or other condition of animals;
- (6) performing a: (A) surgical or dental operation; or (B) complimentary or alternative therapy; upon an animal;
- (7) certifying the health, fitness, or soundness of an animal; or
- (8) performing any procedure for the diagnosis of pregnancy, sterility, or infertility upon animals.

However, the term does not include administering a drug, medicine, appliance, application, or treatment that is administered at the direction and under the direct supervision of a veterinarian licensed under this article.

**IC 25-38.1-1-13: "Registered veterinary technician"** means a veterinary technician registered under this article to work under the direct or indirect supervision of a licensed veterinarian.

**IC 25-38.1-1-14: "Veterinarian"** means an individual who was a licensed veterinarian on August 31, 1979, or who has received a professional degree from an accredited college of veterinary medicine.

**1. Number of individuals who are licensed in the regulated occupation (IC 25-1-16-8(b)(1)):**

The Indiana Board of Veterinary Medical Examiners oversees four different types of licenses and a total of 5,699 licensees as of July 2016. The types of licenses and current number of licensees are as follows:

(1) Veterinarian:	2,470
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(2) Registered Vet Tech:	1,483
(3) Veterinarian Corporation:	86
(4) CSR-Veterinarian:	1,660

**2. Summary of the board's functions and actions (IC 25-1-16-8(b)(2)):**

The board is comprised of eight members, which are appointed by the Governor. The state veterinarian is appointed as the technical adviser of the board and does not have any voting powers. The Governor must appoint a licensed veterinarian from each of the five districts, a registered veterinary technician, and one member of the general public who is not associated with veterinary medicine in any way other than as a consumer. Each member is appointed to a four-year term and may serve on the board for eight years out of any twelve-year period.

The primary functions of the board are to review credentials of license applicants, administer licenses to qualified individuals, promulgate rules, and take administrative disciplinary actions against licensees who are not practicing according to the board's statutes and rules. The board is in existence to safeguard Hoosiers and animals that come into contact with people against the incompetent, dishonest, or unprincipled practice of veterinary medicine. The IPLA oversees and staffs the board. The board and the agency have met the standards and statutes imposed by the General Assembly in providing adequate service to practitioners in the veterinary medicine industry.

**3. Budget and other fiscal factors of regulating the regulated occupation, including the actual cost of administering license applications, renewals, and issuing licenses (IC 25-1-16-8(b)(3)):**

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38 licensing boards and staff. Licensing fees, as outlined in No. 4 of this section of the report, are not dedicated to the profession unless specifically noted.

The table below outlines the costs associated with having the board and paying board members per diem and travel, court reporters, and dues/subscriptions for board operations and regular meetings.

**Board Operation Costs**

<b>Operational Costs</b>	<b>CY 2015</b>
Travel Reimbursement	\$1,381.81
Per Diem	\$700.00
Court Reporters	\$830.25
Dues/Subscription Costs	\$500.00

<b>TOTAL</b>	<b>\$3,412.06</b>
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The Indiana Board of Veterinary Medical Examiners operates with one (1) board director, one (1) assistant director (AD), and four (4) customer service representatives (CSR). The starting, annual salary for a CSR is \$22,724. The starting salary for an AD is \$33,748, and a board director starts at \$41,574. Fringe benefits are in addition to these figures.

It is important to recognize that the IPLA is an umbrella agency for occupational licensing, so these staff members also work for the State Board of Dentistry, Board of Behavioral Health and Human Services Licensing Board, Board of Chiropractic Examiners, and the Respiratory Care Committee.

The agency’s executive staff also provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, communications director, legislative director, controller, controller staff, IT director and IT staff. The cost of administering and managing these licenses would be even higher when factoring in the attorney general’s office, which includes their expenses of Advisory Counsel to the Board, prosecution and senior management from both advisory and litigation.

**4. Assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses (IC 25-1-16-8(b)(4)):**

Licensure Fees for Regulated Occupations under the Board

- Veterinarians
  - (1) Application/endorsement: \$150
  - (2) Application for the NAVLE Exam: \$150
  - (3) Biennial renewal fee: \$100
  - (4) Veterinary Professional Corporation Application: \$25
  - (5) Application for Veterinarian CSR: \$60

- Registered Veterinary Technicians
  - (1) Application: \$30
  - (2) Application for national exam: \$45\*
  - (3) Biennial renewal fee: \$15
  - (4) Verification/duplicate: \$10

\* There is an additional cost added payable to the testing service.

Revenue Totals Based on Licensing Fees Collected

	<b>License Fees</b>
<b>FY 2011</b>	\$30,220
<b>FY 2012</b>	\$281,687
<b>FY 2013</b>	\$38,150
<b>FY 2014</b>	\$282,489
<b>FY 2015</b>	\$31,685

According to the Federal Bureau of Labor Statistics, the Indiana Mean Salary for Licensed Veterinarians is \$89,100 and the mean annual salary for Registered Vet Techs in Indiana is \$29,400. According to the presentation from the Indiana Veterinary Medical Association<sup>4</sup>, several employment opportunities exist throughout the state in the profession. These opportunities include: (1) private practice – primary care, hospital referrals; (2) employment through the Purdue University College of Veterinary Medicine; (3) pharmaceutical companies – research and development, approval process for new human drugs; (4) the Board of Animal Health and other governmental agencies; (5) animal food industry – pet, animal agriculture, laboratory animal; (6) horse racing industry; licensed veterinarian professional corporations; and (7) consultant opportunities with entities such as FEMA, NIH, Homeland Security, FDA and USDA.

**5. Recommendations for legislation (IC 25-1-16-8(b)(5)):**

The JCC recommends that Indiana continue to license the following license types under the Indiana Board of Veterinary Medical Examiners: Veterinarians, Registered Vet Technicians, and CSR-Veterinarians.

**6. Recommendations for administrative changes (IC 25-1-16-8(b)(6)):**

The JCC made no recommendations for administrative changes exclusive to the Indiana Board of Veterinary Medical Examiners.

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<sup>4</sup> See ANNEX D

## D. Indiana Real Estate Commission

### Establishment of the Commission

#### **IC 25-34.1-2-1: Creation; qualification of members; appointment; term; vacancies**

- (a) The Indiana real estate commission is created.
- (b) The commission consists of the following:
  - (1) Nine (9) district members. Each Indiana congressional district must be represented by one (1) individual appointed under this subdivision.
  - (2) One (1) real estate member at large.
  - (3) Two (2) citizen members at large.

A member described in subdivision (1) must be a resident of the represented district for not less than one (1) year. A member described in subdivision (1) or (2) must have engaged in business as a license broker for not less than five (5) years. Citizen members at large shall be appointed to represent the general public, must be residents of Indiana, and must have never been associated with the real estate business in any way other than as a consumer.

(c) Each member of the commission shall be appointed by the governor and shall serve a four (4) year term. If a successor has not been appointed, the current member shall serve until a successor is appointed and qualified. If a vacancy occurs on the commission, the governor shall appoint an individual to serve the unexpired term of the previous member and until a successor is appointed and qualified.

(d) A member of the commission may not hold a state or federal elective office.

### Definition of the Practitioner

**IC 25-34.1-1-2: "Broker"** means a person who:

- (A) for consideration, sells, buys, trades, exchanges, options, leases, rents, manages, lists, or appraises real estate or negotiates or offers to perform any of these acts; and
- (B) is acting in association with and under the auspices of a managing broker and broker company.

**"License"** means a broker license issued under this article and which is not expired, suspended, or revoked.

**"Licensee"** means a person who holds a license issued under this article. The term does not include a person who holds a real estate appraiser license or

certificate issued under the real estate appraiser licensure and certification program established under IC 25-34.1-3-8.

**1. Number of individuals who are licensed in the regulated occupation (IC 25-1-16-8(b)(1)):**

The Indiana Real Estate Commission oversees ten different types of licenses, totaling 37,275 licensees as of July 2016. The types of licenses and current number of licensees are as follows:

(1) Real Estate Broker:	33,639
(2) Broker Company	2,770
(3) Real Estate Associate Broker	5
(4) Real Estate Sales Person	17
(5) Real Estate School	30
(6) Real Estate Professional Corporation	70
(7) Real Estate Branch Office	247
(8) CE Sponsor – Real Estate Broker	94
(9) Instructor Registration – Real Estate	15
(10) Real Estate Instructor Permit	388

**2. Summary of the commission's functions and actions (IC 25-1-16-8(b)(2)):**

The commission was established in accordance with IC 25-34.1-2-1 in 1979. The commission is comprised of twelve members appointed by the governor: nine members, one per congressional district, must be licensed brokers for at least five years and live in their district at least one year prior to appointment, one at-large real estate member, and two citizen members who are not licensed and have never professionally been part of the industry. Each member serves four-year terms.

Primary functions of the commission are to review credentials, license applicants, administer licenses to qualified individuals and facilities, consider requests for restitution from consumer protection funds, promulgate rules, and implement administrative disciplinary actions against licensees who are not practicing according to the commission's statutes and rules. The board exists to safeguard the public's interest by requiring a high standard of knowledge and ethical practice in the real estate industry as well as provide enforcement and disciplinary measures for those who engage in dishonest, fraudulent, and criminal activities that violate its rules and regulations. The IPLA oversees and staffs the commission. The commission and the agency have met the standards and statutes imposed by the General Assembly in providing adequate service to practitioners in the real estate industry.

**3. Budget and other fiscal factors of regulating the regulated occupation, including the actual cost of administering license applications, renewals, and issuing licenses (IC 25-1-16-8(b)(3)):**

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38 licensing boards and staff. Licensing fees, as outlined in No. 4 of this section of the report, are not dedicated to the profession unless specifically noted.

The table below outlines the costs associated with having the board and paying board members per diem and travel, court reporters, and dues/subscriptions for board operations and regular meetings.

**Commission Operation Costs**

<b>Operational Costs</b>	<b>CY 2015</b>
Travel Reimbursement	\$14,571.30
Per Diem	\$3,300.00
Court Reporters*	\$2,817.50
Dues/Subscription Costs*	\$1,940.00

<b>TOTAL</b>	<b>\$22,628.80</b>
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*\*Paid from the Real Estate and Real Estate Appraiser Investigative Fund*

The Indiana Real Estate Commission operates with one (1) director, one (1) assistant director, four (4) customer service representatives (CSR), and one (1) compliance officer. The starting salary for a CSR is \$22,724. The starting annual salary for an assistant director is \$33,748, and a board director's starting annual salary is at \$41,574. Fringe benefits are in addition to these figures.

It is important to recognize that the IPLA is an umbrella agency for occupational licensing, so these staff members also work for other assigned boards. Group 9 also includes the Real Estate Appraiser Licensure and Certification Board, Auctioneer Commission, Manufactured Home Installer Licensing Board, and Home Inspectors Licensing Board. These boards and the composition of each group are assigned by the agency executive director.

The agency's executive staff also provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, communications director, legislative director, controller, controller staff, IT director and IT staff. The cost of

administering and managing these licenses would be even higher when factoring in the attorney general’s office, which includes their expenses of Advisory Counsel to the Board, prosecution and senior management from both advisory and litigation.

**4. Assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses (IC 25-1-16-8(b)(4)):**

Licensure Fees for Regulated Occupations under the Commission

(1)	Application for licensure as a Broker/Managing Broker:	\$65
(2)	Three-year Broker/Managing Broker renewal fee:	\$65
(3)	Application for Broker Company License:	\$50
(4)	Three-year Broker Company renewal fee:	\$50
(5)	Professional Corporation Registration:	\$25
(6)	Yearly Professional Corporation Renewal Fee:	\$20
(7)	Application/Renewal pre-licensing school permit:	\$50
(8)	Application/Renewal for pre-licensing instructor permit:	\$10
(9)	Late renewal:	\$100
(10)	Investigative Fund	\$10

Revenue Totals Based on Licensing Fees Collected

	<b>License Fees</b>
<b>FY 2011</b>	\$980,976
<b>FY 2012</b>	\$736,826
<b>FY 2013</b>	\$541,514
<b>FY 2014</b>	\$1,335,026
<b>FY 2015</b>	\$632,431

Real Estate Recovery Fund  
*Established by IC 25-34.1-7-1*

- (a) The real estate recovery fund is established for the purpose set out in this chapter. The fund shall be administered by the real estate commission.
- (b) 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 funds may be invested. Interest that accrues from these investments shall be deposited in the fund.
- (c) Money in the fund at the end of a state fiscal year does not revert to the state general fund, except as provided in section 2.1 of this chapter.

- The fund had a balance of \$605,428.98 at the end of calendar year 2015. If the balance of the fund on June 30 during odd-numbered years is less than \$450,000, fees will be collected to replenish the fund to an amount of \$600,000. If the fund balance exceeds \$750,000 at the end of the state fiscal year, the excess amount reverts to the State General Fund.
- An aggrieved individual obtains final judgment in any court against licensee to recover damages out of the fund from embezzlement of money or property, unlawfully obtaining money or property by false pretenses, use of a device, trickery or forgery. Amount paid may not exceed \$20,000 per judgment and an aggregate lifetime limit of \$50,000 against any one (1) licensee.

Real Estate & Real Estate Appraiser Investigative Fund  
*Established by IC 25-34.1-8-7.5*

(a) The investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against real estate fraud and real estate appraisal fraud. The fund shall be administered by the attorney general and the professional licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of: (1) money from a fee imposed upon licensed or certified appraisers and real estate brokers under IC 25-34.1-2-7 and IC 25-34.1-3-9.5; (2) civil penalties deposited in the fund under IC 24-5-23.5-9(d); (3) registration fees imposed on appraisal management companies under IC 25-34.1-11-15; and (4) civil penalties deposited under IC 25-34.1-11-17.

(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) Except as otherwise provided in this subsection, 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 investigative fund exceeds seven hundred fifty thousand dollars (\$750,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds seven hundred fifty thousand dollars (\$750,000) 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 real estate and appraisal fraud under this article. The attorney general shall receive five dollars (\$5) of each fee collected under IC 25-34.1-2-7 and IC 25-34.1-3-9.5, and the licensing agency shall receive any amount that exceeds five dollars (\$5) of each fee collected under IC 25-34.1-2-7 and IC 25-34.1-3-9.5.

- The fund had a balance of \$381,095.30 at the end of calendar year 2015. The Real Estate and Real Estate Appraiser Investigative Fund is funded by the following:
  - \$10 of each issuance and renewal fee (\$5 is deposited into the fund and \$5 is deposited in the Attorney General’s fund).
  - Fines and civil penalties along with the fees from Appraisal Management Companies are also split between the Investigative Fund and the Attorney General’s fund. If the total amount in the fund exceeds \$750,000 at the end of the state fiscal year, the excess reverts to the State General Fund. The fund is used for the operations of the program and costs to administer the program.

Additionally, according to the Federal Bureau of Labor Statistics, the Indiana Mean Salary for Licensed Real Estate Broker is \$44,630. The National Association of Realtor’s (NAR) Bureau of Economic Analysis indicates that the Real Estate Industry accounted for \$42.5 billion or 13.7% of the Gross State Product in 2012. The NAR states that economic contributions are derived from home construction, real estate brokerage, mortgage lending, title insurance, leasing, home appraisal, and other related activities. Accounting for factors such as income generated from selling a home, additional consumer expenditures as a result of the sale (e.g. furniture) and the inducing of additional home production, the total economic impact of a typical home sale in Indiana results in a median priced home of \$128,300 and derives a total income of \$39,778.

**5. Recommendations for legislation (IC 25-1-16-8(b)(5)):**

The JCC recommends continuing to regulate the following license types under the Real Estate Commission: real estate broker, broker company, real estate associate broker, real estate salesperson, real estate school, real estate branch office, CE sponsor – real estate broker, instructor registration – real estate, and real estate instructor permit.

**6. Recommendations for administrative changes (IC 25-1-16-8(b)(6)):**

The JCC made no recommendations for administrative changes exclusive to the Indiana Real Estate Commission.

## **E. Indiana Real Estate Appraiser Licensure and Certification Board**

### Establishment of the Board

The Indiana Real Estate Commission oversees various administrative duties pursuant to IC 25-34.1 regarding the operation and function of the Indiana Real Estate Appraiser Licensure and Certification Board. The relevant statutes regarding the membership composition of the Indiana Real Estate Appraiser Licensure and Certification Board are below.

#### **IC 25-34.1-8-1: Creation of the Board**

Sec. 1. The real estate appraiser licensure and certification board is created.

#### **IC 25-34.1-8-2: Qualification of members; appointment**

(a) The board consists of seven (7) members appointed by the governor as follows:

- (1) Five (5) members who are real estate appraisers:
  - (A) who are licensed or certified under this article;
  - (B) who have at least five (5) years experience as real estate appraisers; and
  - (C) at least three (3) of whom are certified appraisers.
- (2) One (1) representative who represents lenders qualified to:
  - (A) make Federal Housing Administration insured loans and Veterans Administration guaranteed loans; and
  - (B) sell loans to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.
- (3) One (1) member who is not associated with the real estate business in any way other than as a consumer.

(b) When making appointments under subsection (a), the governor shall consider the geographic areas represented on the board.

### Definition of the Practitioner

**IC 24-5-23.5-5: “Real estate appraiser”** means a person who prepares the appraisal for a real estate transaction in Indiana, regardless of whether the person is licensed or certified, or required to be licensed or certified, under the real estate appraiser Indiana Code 2015 licensure and certification program established under IC 25-34.1-3-8.

**IC 24-5-23.5-1: “Appraisal”** means an estimation that:

- (1) represents the final opinion of the value of real property that is the subject of a real estate transaction; and

(2) serves as the basis for the extension of credit, in the case of a real estate transaction involving the making, refinancing, or consolidation of a mortgage loan.

(b) The term may include any of the following:

- (1) The results of an automated valuation model.
- (2) A broker's price opinion.
- (3) A desktop evaluation.

**1. Number of individuals who are licensed in the regulated occupation (IC 25-1-16-8(b)(1)):**

The Indiana Real Estate Appraiser Licensure and Certification Board oversees nine different types of licenses, totaling 3,315 licensees as of July 2016. The types of licenses and current number of licensees are as follows:

(1) Appraisal Management Companies	186
(2) Appraiser Trainee	150
(3) Licensed Residential Appraiser	264
(4) Certified Residential Appraiser	1,053
(5) Certified General Appraiser	858
(6) CE Sponsor – Appraiser	25
(7) Appraiser Temporary Permit	237
(8) Instructor – Appraiser	233

**2. Summary of the board's functions and actions (IC 25-1-16-8(b)(2)):**

Primary functions are to review credentials license applicants, administer licenses to qualified individuals, consider requests for restitution from consumer protection funds, promulgate rules, and implement administrative disciplinary actions against licensees who are not practicing according to the board's statutes and rules.

The board exists to safeguard the public interest by requiring a high standard of knowledge and ethical practice in the real estate appraisal industry as well as provide enforcement and disciplinary measures for those who engage in dishonest, fraudulent, and criminal activities that violate its rules and regulations. The commission and the agency have met the standards and statutes imposed by the General Assembly in providing adequate service to practitioners in the real estate appraisal industry.

**3. Budget and other fiscal factors of regulating the regulated occupation, including the actual cost of administering license applications, renewals, and issuing licenses (IC 25-1-16-8(b)(3)):**

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38 licensing boards and staff. Licensing fees, as outlined in No. 4 of this section of the report, are not dedicated to the profession unless specifically noted.

The table below outlines the costs associated with having the board and paying board members per diem and travel, court reporters, and dues/subscriptions for board operations and regular meetings.

**Board Operations Costs**

<b>Operational Costs</b>	<b>CY 2015</b>
Travel Reimbursement	\$3,182.47
Per Diem	\$1,000.00
Court Reporters*	\$420.00
Dues/Subscription Costs*	\$350.00
<b>TOTAL</b>	<b>\$4,952.47</b>

*\*Paid from the Real Estate and Real Estate Appraiser Investigative Fund*

The Real Estate Appraiser Licensure and Certification Board operates with one (1) director, one (1) assistant director, four (4) customer service representatives, and one (1) compliance officer. The starting, annual salary for a CSR is \$22,724. The starting salary for an assistant director is \$33,748, and board directors start at \$41,574. Fringe benefits are in addition to these figures.

It is important to recognize that the IPLA is an umbrella agency for occupational licensing, so these staff members also work for other assigned boards. Group 9 also includes the Real Estate Commission, Auctioneer Commission, Manufactured Home Installer Licensing Board, and Home Inspectors Licensing Board. These boards and the composition of each group are assigned by the agency executive director.

The agency’s executive staff also provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, communications director, legislative director, controller, controller staff, IT director and IT staff. The cost of administering and managing these licenses would be even higher when factoring in the attorney general’s office, which includes their expenses of Advisory Counsel to the Board, prosecution and senior management from both advisory and litigation.

**4. Assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses (IC 25-1-16-8(b)(4)):**

Licensure Fees for Regulated Occupations under the Board

(1)	Application for licensure as a Certified General Appraiser:	\$100
(2)	Biennial Certified General Appraiser renewal fee:	\$190
(3)	Application for Certified Residential Appraiser:	\$100
(4)	Biennial Certified Residential Appraiser renewal fee:	\$190
(5)	Trainee Upgrade:	\$25
(6)	Biennial Trainee Upgrade renewal fee:	\$110*
(7)	Issuance Fee (1 <sup>st</sup> 12 months):	\$190**
(8)	Issuance Fee (2 <sup>nd</sup> 12 months):	\$150**
(9)	Temporary Permit:	\$150
(10)	Licensed Residential renewal fee:	\$190
(11)	Registration/Renewal Appraisal Mgmt. Companies	\$500

\* Includes \$10 state investigative fund fee.

\*\* Includes federal registration and state investigative fund fees.

Revenue Totals Based on Licensing Fees Collected

	<b>License Fees</b>	<b>Investigative Fund</b>	<b>Management Companies</b>
<b>FY 2011</b>	\$152,819	\$87,826	\$64,800
<b>FY 2012</b>	\$241,543	\$47,352	\$19,000
<b>FY 2013</b>	\$140,708	\$83,572	\$36,000
<b>FY 2014</b>	\$239,776	\$151,620	\$13,000
<b>FY 2015</b>	\$150,211	\$61,803	\$32,500

Real Estate & Real Estate Appraiser Investigative Fund

*Established by IC 25-34.1-8-7.5*

(a) The investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against real estate fraud and real estate appraisal fraud. The fund shall be administered by the attorney general and the professional licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of: (1) money from a fee imposed upon licensed or certified appraisers and real estate brokers under IC 25-34.1-2-7 and IC 25-34.1-3-9.5; (2) civil penalties deposited in the fund under IC 24-5-23.5-9(d); (3) registration fees imposed

on appraisal management companies under IC 25-34.1-11-15; and (4) civil penalties deposited under IC 25-34.1-11-17.

(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) Except as otherwise provided in this subsection, 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 investigative fund exceeds seven hundred fifty thousand dollars (\$750,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds seven hundred fifty thousand dollars (\$750,000) 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 real estate and appraisal fraud under this article. The attorney general shall receive five dollars (\$5) of each fee collected under IC 25-34.1-2-7 and IC 25-34.1-3-9.5, and the licensing agency shall receive any amount that exceeds five dollars (\$5) of each fee collected under IC 25-34.1-2-7 and IC 25-34.1-3-9.5.

- The fund had a balance of \$381,095.30 at the end of calendar year 2015. The Real Estate and Real Estate Appraiser Investigative Fund is funded by the following:

- \$10 of each issuance and renewal fee (\$5 is deposited into the fund and \$5 is deposited in the Attorney General's fund).
- Fines and civil penalties along with the fees from Appraisal Management Companies are also split between the Investigative Fund and the Attorney General's fund. If the total amount in the fund exceeds \$750,000 at the end of the state fiscal year, the excess reverts to the State General Fund. The fund is used for the operations of the program and costs to administer the program.

According to the Federal Bureau of Labor Statistics, the Indiana Mean Salary for Licensed Real Estate Appraiser is \$44,650.

## **5. Recommendations for legislation (IC 25-1-16-8(b)(5)):**

The JCC recommends that Indiana continue to license and regulate all license types under the Real Estate Appraisers Licensure and Certification Board.

## **6. Recommendations for administrative changes (IC 25-1-16-8(b)(6)):**

The JCC recommends removing the requirement that real estate appraiser trainees take a pre-licensing examination as currently required by 876 IAC 3-3-22.

## F. Medical Licensing Board of Indiana

### Establishment of the Board

#### **IC 25-22.5-2-1: Creation and Membership**

Sec. 1. The medical licensing board of Indiana is created. It shall consist of seven (7) members, not more than four (4) of whom shall be members of the same political party. The members shall be appointed by the governor, and all vacancies occurring on the board shall be filled by the governor. The membership of the board shall consist of the following:

- (1) Five (5) reputable physicians who:
  - (A) are graduates of a medical school;
  - (B) hold the degree of doctor of medicine or its equivalent; and
  - (C) hold valid unlimited licenses to practice medicine in Indiana; shall serve for terms of four (4) years each.
- (2) One (1) reputable osteopathic physician who:
  - (A) is a graduate of an accredited osteopathic medical school;
  - (B) holds the degree of doctor of osteopathy or its equivalent; and
  - (C) holds a valid unlimited license to practice osteopathic medicine in Indiana; shall serve for a term of four (4) years.
- (3) One (1) member to serve a term of four (4) years who:
  - (A) will represent the general public;
  - (B) is a resident of this state; and
  - (C) is in no way associated with the medical profession other than as a consumer.

### Definition of the Practitioner

**IC 25-22.5-1-1.1(a): "Practice of medicine or osteopathic medicine"** means any one (1) or a combination of the following:

- (1) Holding oneself out to the public as being engaged in:
  - (A) the diagnosis, treatment, correction, or prevention of any disease, ailment, defect, injury, infirmity, deformity, pain, or other condition of human beings;
  - (B) the suggestion, recommendation, or prescription or administration of any form of treatment, without limitation;
  - (C) the performing of any kind of surgical operation upon a human being, including tattooing (except for providing a tattoo as defined in IC 35-45-21-4(a)), in which human tissue is cut, burned, or vaporized by the use of any mechanical means, laser, or ionizing radiation, or the penetration of the skin or body orifice by any means, for the intended palliation, relief, or cure; or

(D) the prevention of any physical, mental, or functional ailment or defect of any person.

(2) The maintenance of an office or a place of business for the reception, examination, or treatment of persons suffering from disease, ailment, defect, injury, infirmity, deformity, pain, or other conditions of body or mind.

(3) Attaching the designation "doctor of medicine", "M.D.", "doctor of osteopathy", "D.O.", "osteopathic medical physician", "physician", "surgeon", or "physician and surgeon", either alone or in connection with other words, or any other words or abbreviations to a name, indicating or inducing others to believe that the person is engaged in the practice of medicine or osteopathic medicine (as defined in this section).

(4) Providing diagnostic or treatment services to a person in Indiana when the diagnostic or treatment services:

(A) are transmitted through electronic communications; and

(B) are on a regular, routine, and non episodic basis or under an oral or written agreement to regularly provide medical services. In addition to the exceptions described in section 2 of this chapter, a nonresident physician who is located outside Indiana does not practice medicine or osteopathy in Indiana by providing a second opinion to a licensee or diagnostic or treatment services to a patient in Indiana following medical care originally provided to the patient while outside Indiana.

**IC 25-22.5-1-1.1(g): "Physician"** means any person who holds the degree of doctor of medicine or doctor of osteopathy or its equivalent who holds a valid unlimited license to practice medicine or osteopathic medicine in Indiana.

**IC 25-2.5-1-5: "Practice of acupuncture"** means the insertion of acupuncture needles, the application of moxibustion to specific areas of the human body based upon Oriental medical diagnosis as a primary mode of therapy, and other means of applying acupuncture under this chapter.

**IC 25-2.5-1-2.1"Acupuncturist"** means an individual to whom a license to practice acupuncture in Indiana has been issued under IC 25-2.5-2.

**IC 25-17.3-2-4: "Genetic counseling"** means the communication by an individual of any of the following:

(1) Estimating, through the following methods, the likelihood of the occurrence or recurrence of a birth defect or a potentially inherited or genetically influenced condition:

(A) Obtaining and analyzing the health history of an individual and the individual's family.

(B) Reviewing medical records.

(C) Evaluating the risks of exposure to possible mutagens or teratogens.

(D) Recommending genetic testing or other evaluation to detect fetal abnormalities or determine the carrier status of a family member.

(2) Explaining to an individual or a family the following:

(A) The medical, psychological, and social implications of a disorder and the usual course of evaluation, treatment, or management.

(B) The genetic factors that contribute to the disorder and how the genetic factors affect the chance for recurrence of the condition in other family members.

(C) The available options for coping with, preventing, or reducing the chance of occurrence or recurrence of the disorder.

(D) The genetic or other tests available for inherited disorders.

(E) How to interpret complex genetic test results.

**IC 25-17.3-2-5: "Genetic counselor"** means an individual who is licensed under this article to provide genetic counseling.

**1. Number of individuals who are licensed in the regulated occupation (IC 25-1-16-8(b)(1)):**

The Medical Licensing Board of Indiana oversees eight different types of licenses and a total of 50,560 licensees as of July 2016. The types of licenses and current number of licensees are as follows:

(1)	Physician (MD)	26,206
(2)	Physician (DO)	2,327
(3)	Medical Teaching Permit	1
(4)	Medical Residency	1,368
(5)	Medical Fellowship Permit	28
(6)	Limited Scope MD/DO permit	6
(7)	Medical Corporation	436
(8)	MD Controlled Substance Registration	18,464
(9)	DO Controlled Substance Registration	1,630
(10)	Genetic Counselor	91
(11)	Anesthesiologist Assistant	3

**2. Summary of the board's functions and actions (IC 25-1-16-8(b)(2)):**

The State Board of Medical Registration and Examination of Indiana was established in 1897. The first licenses were for physicians. The board began issuing osteopathic licenses in 1901. In 1945, the name changed to the Board of

Medical Registration and Examination of Indiana. Teaching and Postgraduate Training (now Residency & Fellowship) permits were first issued in 1965. In 1975, the name changed again to the Medical Licensing Board of Indiana and took its present composition pursuant to IC 25-22.5. Until 1981, the board oversaw the chiropractic profession and until 1993, the board oversaw the podiatry profession.

The board is comprised of seven members, all appointed by the governor, with no more than four from the same political party. Five are physicians; one is an osteopathic physician; and one is a consumer member. Each appointed member may serve on the board for an unlimited number of four-year terms.

Primary functions are to review credentials of license applicants, administer licenses to qualified individuals, promulgate rules, investigate violations and assess civil penalties for deposit in the physician compliance fund, and implement administrative disciplinary actions against licensees who are not practicing according to the board's statutes and rules.

The board has the power to issue cease and desist orders to unlicensed individuals offering medical and acupuncture services. The commission and the agency have met the standards and statutes imposed by the General Assembly in providing adequate service to practitioners in the real estate appraisal industry.

The Board is in existence to maintain Indiana's health, fiscal health, safety, and welfare of the public and practitioners as it pertains to the regulation of the practice of medicine, acupuncture and genetic counseling. The Board also has oversight and approval, primarily of rulemaking, for the following committees: Indiana Physical Therapy Committee (established 1957); Occupational Therapy Committee (established 1989); Respiratory Care Committee (established 1989); Physician Assistant Committee (established 1993); and, Midwifery Committee (established 2013). The board recently adopted rules regarding the licensure of anesthesiologist assistants, which became effective March 27, 2016. The board is presently considering rules regarding the licensure or certification of diabetes educators and certified direct entry midwives.

**3. Budget and other fiscal factors of regulating the regulated occupation, including the actual cost of administering license applications, renewals, and issuing licenses (IC 25-1-16-8(b)(3)):**

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38 licensing boards and staff. Licensing fees, as outlined in No. 4 of this section of the report, are not dedicated to the profession unless specifically noted.

The table below outlines the costs associated with having the board and paying board members per diem and travel, court reporters, and dues/subscriptions for board operations and regular meetings.

**Board Operations Costs**

<b>Operational Costs</b>	<b>CY 2015</b>
Travel Reimbursement	\$5,643.26
Per Diem	\$3,050.00
Court Reporters*	\$3,375.00
Dues/Subscription Costs*	\$3,400.00
<b>TOTAL</b>	<b>\$15,468.26</b>

*\*Paid from the Physician Compliance Fund.*

The Medical Licensing Board of Indiana operates with one (1) board director, one (1) assistant director, four (4) customer service representatives, and one (1) litigation specialist. The starting, annual salary for a CSR is \$22,724. The starting salary for an assistant director is \$33,748, and the starting salary for a board director is \$41,574. Fringe benefits are in addition to these figures.

It is important to recognize that the IPLA is an umbrella agency for occupational licensing. These staff members also work for the Physician Assistant Committee, Board of Podiatric Medicine, Midwifery Committee and Indiana Dietitians Certification Board.

The agency’s executive staff also provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, communications director, legislative director, controller, controller staff, IT director and IT staff. The cost of administering and managing these licenses would be even higher when factoring in the attorney general’s office, which includes their expenses of Advisory Counsel to the board, prosecution and senior management from both advisory and litigation.

**4. Assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses (IC 25-1-16-8(b)(4)):**

Licensure Fees for Regulated Occupations under the Board

- Medical and Osteopathic Doctors

(1)	Application/endorsement	\$250
(2)	Endorsement out-of-state	\$10
(3)	Biennial renewal fee	\$200
(4)	Late Renewal (up to 3 years)	\$250*
(5)	Late Renewal (over 3 years)	\$450**
(6)	Temporary medical permit	\$100
(7)	Temporary medical permit renewal	\$50
(8)	Residency Permit	\$100
(9)	Annual Residency Permit renewal fee	\$50
(10)	Fellowship Permit	\$100
(11)	Annual Fellowship Permit renewal fee	\$50
(12)	Limited Scope MD/DO	\$100
(13)	Medical Corporation	\$25
(14)	Biennial Medical Corporation Renewal Fee	\$20
(15)	Controlled Substance Registration	\$60
(16)	Biennial Controlled Substance Registration Renewal Fee	\$60
(17)	Verification/duplicate license	\$10

- Genetic Counselors

(1)	Application for license	\$40
(2)	Biennial Genetic Counselor Renewal Fee	\$30
(3)	Late Renewal (up to 3 years)	\$80*
(4)	Late Renewal (over 3 years)	\$70**
(5)	Temporary Genetic Counselor	\$10

- Acupuncturists

(1)	Application for license	\$150
(2)	Biennial Acupuncturist renewal fee	\$100
(3)	Late Renewal (up to 3 years)	\$150*
(4)	Reinstatement (over 3 years)	\$250**
(5)	Acupuncture Detoxification Specialist	\$10
(6)	Biennial Acupuncture Detoxification Specialist renewal fee	\$20
(7)	Verification/duplicate license	\$10

\* Renewal fee plus \$50 late penalty

\*\* Renewal fee plus initial application fee.

Revenue Totals Based on Licensing Fees Collected

*Medical and Osteopathic Doctors*

	<b>License Fees</b>
<b>FY 2011</b>	\$5,058,980
<b>FY 2012</b>	\$1,128,528
<b>FY 2013*</b>	\$712,381
<b>FY 2014</b>	\$5,631,396
<b>FY 2015</b>	\$684,107

\*The PLA, under the approval of the Medical Licensing Board, extended the physician license renewal deadline of 6/30/2013 to 10/31/2013.

*Genetic Counselors*

	<b>License Fees</b>
<b>FY 2011</b>	\$1,420
<b>FY 2012</b>	\$1,700
<b>FY 2013</b>	\$570
<b>FY 2014</b>	\$1,780
<b>FY 2015</b>	\$1,460

*Acupuncturists*

	<b>License Fees</b>
<b>FY 2011</b>	\$14,390
<b>FY 2012</b>	\$11,460
<b>FY 2013</b>	\$16,030
<b>FY 2014</b>	\$12,310
<b>FY 2015</b>	\$17,230

The Physician Compliance Fund

*Established by IC 25-22.5-2-8(d)*

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

(e) The expenses of administering the physician compliance fund shall be paid from the money in the fund. The fund consists of penalties collected through investigations and assessments by the Indiana Code 2016 board concerning violations

specified in subsection (a). Money in the fund at the end of a state fiscal year does not revert to the state general fund.

- The fund had a balance of \$32,619.06 at the end of calendar year 2015. Fees deposited into the fund are based on citations ordered by the board as a result of a violation specified in IC 25-22.5-2-8(a), which include: Improper termination of a physician and patient relationship, practicing with an expired medical license; providing office based anesthesia without the proper accreditation; failure to perform duties required for issuing birth or death certificates; failure to disclose, or negligent omission of, documentation requested for licensure renewal; or failure to complete or timely transmit a pregnancy termination form under IC 16-34-2-5.

Additionally, according to the most recently available Federal Bureau of Labor Statistics, the Indiana mean annual salary for family and general practitioners is \$177,540, and \$227,780 for physicians and surgeons of various specialties<sup>5</sup>. In 2012, physicians in Indiana were responsible for \$730 million in state and local tax revenue \$10.6 billion in wages and benefits, and creation of 10 jobs for every practicing physician. According to the State Level Economic Impact of Physicians Report from 2014<sup>6</sup>, the physician industry resulted directly in 61,567 while indirectly accounting for 71,090 jobs, totaling 132,657 jobs supported by the industry in some manner. The same study indicated that the physician industry generated \$18.2 billion in total sales.

##### **5. Recommendations for legislation (IC 25-1-16-8(b)(5)):**

The JCC recommends: (1) that Indiana continue to license and regulate the following license types with no changes:

- Physician (MD)
- Physician (DO)
- Medical Teaching Permit
- Medical Residency
- Medical Fellowship Permit
- Limited Scope MD/DO physician permit
- Medical Corporation
- MD Controlled Substance Registration
- DO Controlled Substance Registration
- Genetic Counselor
- Licensed Acupuncturist

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<sup>5</sup> Bureau of Labor Statistics - State Occupational Employment and Wage Estimates (Indiana, May 2015)

<sup>6</sup> American Medical Association Economic Impact Study – Source: State Level Economic Impact of Physicians Report (IMS Health, March 2014)

## Acupuncture Detoxification Specialist

(2) The temporary medical permit language of IC 25-22.5-5-4(d) be removed from the Indiana Code because it is no longer applicable; and

(3) Changing the name of the “temporary fellowship permit” in IC 25-22.5-5-4.6 to “Non-ECFMG (Educational Commission for Foreign Medical Graduates) Certified Graduate Permit” and adding “osteopathic physician” to its definition.”

### **6. Recommendations for administrative changes (IC 25-1-16-8(b)(6)):**

The JCC made no recommendations for administrative changes exclusive to the Medical Licensing Board.

## G. Indiana Board of Pharmacy

### Establishment of the Board

#### **IC 25-26-13-3: Board of Pharmacy; creation; oath; meetings; compensation; majority approval of actions**

Sec. 3. (a) The Indiana board of pharmacy is created. It shall consist of seven (7) members not more than four (4) of whom may be from the same political party, appointed by the governor for terms of four (4) years. One (1) member of the board, to represent the general public, must be a resident of this state who has never been associated with pharmacy in any way other than as a consumer. Except for the member representing the general public, the members must be pharmacists in good standing of recognized experience and ability from varied practice settings who hold a current license to practice pharmacy in Indiana. One (1) member of the board must be a practicing hospital pharmacist. A person employed as a full-time staff member or as a professor at a school of pharmacy may not serve on the board. If a member leaves the board for any reason before the end of the member's term, the member's successor shall serve for the unexpired portion of the term.

(b) Not later than ten (10) days after a member's appointment, the member must subscribe by oath or affirmation to faithfully uphold the duties of the member's office. If a member fails to qualify as provided, a new member shall be appointed in the member's place.

(c) At the first meeting of each year the board shall elect from among its members a president and vice president who shall perform duties and have powers as the board prescribes.

(d) The board shall meet at least eight (8) times per year at such times and places as the board selects. At each meeting the board shall continue in session from day to day, for not more than five (5) days, until the business of the meeting is complete. Four (4) members of the board shall constitute a quorum.

(e) Each member of the board is entitled to compensation as determined by the rules of the budget agency for each day the member is actually engaged in business of the board, together with necessary travel and other expenses incurred in the performance of the member's duties.

(f) Approval by a majority of the quorum is required for any action to be taken by the board.

### Definition of the Practitioner

**IC 25-26-13-2: "Practice of Pharmacy"** or "the practice of the profession of pharmacy" means a patient oriented health care profession in which pharmacists interact with and counsel patients and with other healthcare professionals

concerning drugs and devices used to enhance patients' wellness, prevent illness, and optimize the outcome of a drug or device, by accepting responsibility for performing or supervising a pharmacist intern or an unlicensed person under section 18.5 of this chapter to do the following acts, services, and operations:

- (1) The offering of or performing of those acts, service operations, or transactions incidental to the interpretation, evaluation, and implementation of prescriptions or drug orders.
- (2) The compounding, labeling, administering, dispensing, or selling of drugs and devices, including radioactive substances, whether dispensed under a practitioner's prescription or drug order or sold or given directly to the ultimate consumer.
- (3) The proper and safe storage and distribution of drugs and devices.
- (4) The maintenance of proper records of the receipt, storage, sale, and dispensing of drugs and devices.
- (5) Counseling, advising, and educating patients, patients' caregivers, and health care providers and professionals, as necessary, as to the contents, therapeutic values, uses, significant problems, risks, and appropriate manner of use of drugs and devices.
- (6) Assessing, recording, and reporting events related to the use of drugs or devices.
- (7) Provision of the professional acts, professional decisions, and professional services necessary to maintain all areas of a patient's pharmacy related care as specifically authorized to a pharmacist under this article.
- (8) Provision of medication therapy management.

**1. Number of individuals who are licensed in the regulated occupation (IC 25-1-16-8(b)(1)):**

The Indiana Board of Pharmacy oversees 17 different types of licenses, totaling 33,600 licensees as of July 2016. The types of licenses and current number of licensees are as follows:

(1) Pharmacist	10,954
(2) Pharmacy Intern	1,729
(3) Wholesale Drug Distributor	438
(4) Pharmacy Corporation	1
(5) Pharmacy	1,422
(6) CSR 799	84
(7) Non-Resident Pharmacy	1,068
(8) Pharmacy Technician	12,354
(9) Home Med Equip Service Provider	644
(10) CSR-Pharmacy	1,403
(11) Pharmacy Tech In-Training	2,725

(12) CE Sponsor - Pharmacist	16
(13) Phar Tech Training Program	47

**2. Summary of the board's functions and actions (IC 25-1-16-8(b)(2)):**

The board's primary functions are to review credentials of license applicants, administer licenses to qualified individuals and facilities, promulgate rules, investigate violations and implement administrative disciplinary actions against licensees and facilities that are not practicing according to the board's statutes and rules. The board also has the power to issue cease and desist orders to unlicensed individuals practicing the profession of pharmacy. The board is in existence to maintain Indiana's health, fiscal health, safety, and welfare of the public and practitioners as it pertains to the regulation of the practice of pharmacy.

The Indiana Professional Licensing Agency crafts legislation with input from the Board on related matters that work to benefit Hoosier consumers and Hoosier licensees and facilities in their industry. The board has rulemaking authority that includes rulemaking for the INSPECT program. The board recently adopted emergency rules for ephedrine and pseudoephedrine which will be effective July 13, 2016 and will now start the final rule process for Ephedrine and Pseudoephedrine.

**3. Budget and other fiscal factors of regulating the regulated occupation, including the actual cost of administering license applications, renewals, and issuing licenses (IC 25-1-16-8(b)(3)):**

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38 licensing boards and staff. Licensing fees, as outlined in No. 4 of this section of the report, are not dedicated to the profession unless specifically noted.

The table below outlines the costs associated with having the board and paying board members per diem and travel, court reporters, and dues/subscriptions for board operations and regular meetings.

**Board Operation Costs**

<b>Operational Costs</b>	<b>CY 2015</b>
Travel Reimbursement	\$6,682.71
Per Diem	\$2,450.00
Court Reporters	\$2,874.75
Dues/Subscription Costs	\$250.00

<b>TOTAL</b>	<b>\$12,257.46</b>
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The Indiana Board of Pharmacy operates with (1) board director, one (1) assistant director, five (5) customer service representatives (CSR), and one (1) litigation specialist. The starting salary for a CSR is \$22,724. The starting salary for the Litigation Specialist is \$24,128. The starting salary for an assistant director is \$33,748, and the starting salary for a board director is \$41,574. Fringe benefits are in addition to these figures.

It is important to recognize that the IPLA is an umbrella agency for occupational licensing. These staff members also work for the Speech Language Pathology and Audiology Board and the Committee of Hearing Aid Dealer Examiners.

The agency’s executive staff also provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, communications director, legislative director, controller, controller staff, IT director and IT staff. The cost of administering and managing these licenses would be even higher when factoring in the attorney general’s office, which includes their expenses of Advisory Counsel to the Board, prosecution and senior management from both advisory and litigation.

**4. Assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses (25-1-16-8(b)(4)):**

Licensure fees for regulated occupations under the board:

(1)	Application for licensure as a Pharmacist	\$100
(2)	Biennial Pharmacist renewal fee	\$160
(3)	Pharmacist Expired renewal fee	\$210
(4)	Pharmacist License reinstatement fee	\$260
(5)	Application for Pharmacy Technician license	\$25
(6)	Biennial Pharmacy Technician renewal fee	\$10
(7)	Pharmacy Technician Expired renewal fee	\$20

(8)	Application for Pharmacy License	\$100
(9)	Biennial Pharmacy License renewal fee	\$200
(10)	Pharmacy Expired renewal fee	\$250
(11)	Pharmacy Change in Ownership	\$50
(12)	Pharmacy Relocating	\$50
(13)	Pharmacy Remodeling	\$50
(14)	Application for Pharmacy Non-Resident license	\$100
(15)	Biennial Pharmacy Non-Resident renewal fee	\$200
(16)	Pharmacy Non-Resident Expired renewal fee	\$250
(17)	Pharmacy Non-Resident Change in Ownership	\$100
(18)	Pharmacy Non-Resident Change in Ownership	\$100
(19)	Application for Home Medical Equipment license	\$100
(20)	Home Medical Equipment renewal fee	\$200
(21)	Home Medical Equipment Expired renewal fee	\$250
(22)	Home Medical Equipment Change in Ownership	\$150
(23)	Home Medical Equipment Relocation	\$150
(24)	Controlled Substance Registration (non-practitioner)	\$100
(25)	Biennial Controlled Substance Registration renewal fee	\$100
(26)	Controlled Substance Registration Expired renewal fee	\$150
(27)	Controlled Substance Registration relocation fee	\$100
(28)	Controlled Substance Registration relocation renewal fee	\$100
(29)	Controlled Substance Registration Change in Ownership	\$100
(30)	Controlled Substance Registration (practitioner)	\$60
(31)	Biennial Controlled Substance Registration renewal fee	\$60
(32)	Controlled Substance Registration Expired renewal fee	\$110

Revenue Totals Based on Licensing Fees Collected

	<b>Board of Pharmacy License Fees</b>	<b>Impaired Pharmacists Fund</b>
<b>FY 2011</b>	\$1,477,662	\$39,091
<b>FY 2012</b>	\$2,900,026	\$223,002
<b>FY 2013</b>	\$690,018	\$28,083
<b>FY 2014</b>	\$2,230,622	\$228,736
<b>FY 2015</b>	\$613,825	\$37,632

Controlled Substances Data Fund

*Established by IC 35-48-7-13.1*

(a) The controlled substances data fund is established to fund the administration of the INSPECT program. The fund shall be administered by the Indiana professional licensing agency.

(b) Expenses of administering the fund shall be paid from money in the fund. The fund consists of grants, public and private financial assistance, and the

controlled substances registration fees imposed under rules adopted under IC 35-48-3-1.

(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.

- The entire amount of all new CSR applications and renewal fees are deposited into and completely fund the Controlled Substances Data Fund.

Impaired Pharmacist Fund:

*Authority - IC 25-26-13-4.5*

(a) As used in this section, "impaired pharmacist" means a licensed pharmacist who has been affected by the use or abuse of alcohol or other drugs.

(b) The board shall assist in the rehabilitation of an impaired or a licensed pharmacist. The board may:

(1) enter into agreements, provide grants, and make other arrangements with statewide nonprofit professional associations, foundations, or entities specifically devoted to the rehabilitation of impaired health care professionals to identify and assist impaired pharmacists or licensed pharmacists; and

(2) accept and designate grants, public and private financial assistance, and licensure fees to fund programs under subdivision (1).

(c) Except as provided in subsection (e), all:

(1) information furnished to a nonprofit professional organization or foundation, including interviews, reports, statements, and memoranda; and

(2) findings, conclusions, or recommendations that result from a proceeding of a professional organization or foundation; are privileged and confidential.

(d) The records of a proceeding under subsection (c) may be used only in the exercise of the proper functions of the board and may not become public records or be subject to a subpoena or discovery proceeding.

(e) Information received by the board from the board designated rehabilitation program for noncompliance by the licensed pharmacist may be used by the board in any disciplinary or criminal proceedings instituted against the impaired licensed pharmacist.

(f) The board designated rehabilitation program shall:

(1) immediately report to the board the name and results of any contact or investigation concerning an impaired licensed pharmacist that the program believes constitutes an imminent danger to either the public or the impaired licensed pharmacist; and

(2) in a timely fashion report to the board an impaired licensed pharmacist:

(A) who refuses to cooperate with the program;

(B) who refuses to submit to treatment; or

(C) whose impairment is not substantially alleviated through treatment.

- 16% of each pharmacist's renewal fee is deposited into the fund. The fund is used to fulfill the contract for the impaired pharmacist recovery program and costs of administering the fund.
- Pursuant to IC 25-26-13-4.5, the Indiana Board of Pharmacy has entered into an agreement with the Pharmacists Recovery Network<sup>7</sup>. to provide for the rehabilitation and monitoring of impaired pharmacists. The mission of this program is to offer pharmacists suffering from chemical dependency an option to administrative disciplinary action before the Indiana Board of Pharmacy.

Additionally, according to the most recently available Federal Bureau of Labor Statistics, the Indiana mean annual salary for pharmacists is \$115,230,<sup>8</sup> and the annual mean wage for an Indiana pharmacy technician is \$29,070.<sup>9</sup>

#### **5. Recommendations for legislation (IC 25-1-16-8(b)(5)):**

The JCC recommends continuing to license and regulate the following licenses under the Indiana Board of Pharmacy: pharmacists, wholesale drug distributors, pharmacies, CSRs, non-residency pharmacies, home medical equipment service providers, and CSR-pharmacies.

The JCC did not make a recommendation for the following license types as additional information and discussion is needed: pharmacy technicians, pharmacy technicians-in-training, CE sponsors, pharmacy technician training programs, and pharmacy interns.

#### **6. Recommendations for administrative changes (IC 25-1-16-8(b)(6)):**

The JCC made no recommendations for administrative changes exclusive to the Board of Pharmacy.

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<sup>7</sup> Pharmacists Recovery Network of Indiana, <http://www.prnindiana.com> (July 2016)

<sup>8</sup> Bureau of Labor Statistics - Occupational Employment and Wages, May 2015, Pharmacists in Indiana (May 2015)

<sup>9</sup> Bureau of Labor Statistics - Occupational Employment and Wages, May 2015, Pharmacy Technicians in Indiana (May 2015)

## **IV. ADDENDUM TO 2015 ANNUAL JCC REPORT**

Pursuant to IC 25-1-16-14, the 2015 report of recommendations for the Professional Licensing Agency's occupational licensing boards submitted by the JCC excluded recommendations to change or eliminate any occupational board or license type. The JCC sought public input at additional public meetings regarding any change to a licensing board's structure or continued issuance of a license prior to including it in the 2015 report. Additional public input was provided to the JCC, and the following final recommendations were adopted and submitted to the Governor and the Legislative Council.

Pursuant to IC 25-1-16-14, the JCC submits this addendum to the 2015 report.

### **COMMITTEE RECOMMENDATIONS:**

#### **State Board of Funeral and Cemetery Service**

1. The JCC recommends that Indiana maintain the State Board of Funeral and Cemetery Service and continue to license the following license types: embalmer only, funeral home, funeral Director, certificate of authority, crematorium, cemetery, funeral branch, CE provider – funeral, and funeral director courtesy card.
2. The JCC also recommends the elimination of the funeral director intern license, instead only requiring a registration at no cost to the individual. Funeral director interns will still be required to work under the direct and immediate supervision of a licensed funeral director.

#### **Committee of Hearing Aid Dealer Examiners**

1. The JCC recommends that Indiana maintain the Committee of Hearing Aid Dealer Examiners and continue to license hearing aid dealers.
2. The JCC also recommends elimination of the student hearing aid dealer license but that those serving as student hearing aid dealers still be allowed to practice under the direct and immediate supervision of a licensed hearing aid dealer.

#### **Plumbing Commission**

1. The JCC recommends that Indiana maintain the Indiana Plumbing Commission and continue to license the following license types: plumber contractor, journeyman plumber, temporary plumbing contractor,

plumbing corporation, plumbing apprentice, and plumbing apprenticeship program.

### **Auctioneer Commission**

1. The JCC recommends that Indiana maintain the Auctioneer Commission and continue to regulate all license types, which includes the following: auctioneer, auction company, CE provider-auctioneer, and CE pre-course auctioneer.

### **State Board of Registration for Architects & Landscape Architects**

1. Pursuant to IC 25-1-16-8(a)(6), the JCC recommends that the fee required for a reciprocity license from an architect or landscape architect applicant that is not a member of the Council of Landscape Architectural Registration Boards (CLARB) or the National Council of Architectural Registration Boards (NCARB) be equal to the fee required for an applicant who is a member of CLARB or NCARB, which reduces the fee from \$500 to \$200.

### **Private Investigator & Security Guard Licensing Board**

1. The JCC recommends that Indiana maintain the Private Investigator & Security Guard Licensing Board and continue to regulate all license types, which includes private investigator firms and security guard agencies.

### **State Board of Registration for Professional Surveyors**

1. The JCC recommends that Indiana maintain the State Board of Registration for Professional Surveyors and continue to regulate all license types, which includes the following: professional surveyor, surveyor intern, CE provider – land surveyor, and surveyor firm.

### **Home Inspectors Licensing Board**

1. The JCC recommends that Indiana maintain the Home Inspector Licensing Board and continue to regulate all license types under the Home Inspectors Licensing Board, which includes the following: licensed home inspector, CE provider – home inspector, pre-course for home inspectors and home inspector instructor.
2. The JCC also recommends reducing the required number of continuing education (CE) hours from 32 hours to 16 hours per renewal cycle.

# **ANNEX A**

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## Active License Totals Per Board

**INDIANA PROFESSIONAL LICENSING AGENCY**  
**CURRENT LICENSES @ 7/22/2016**

7/22/2016

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<u>LICENSE CODE/TYPE</u>	<u>NUMBER CURRENT</u>	<u>ISSUED IN LAST YEAR</u>
1 Physician	26,206	1,563
2 Osteopathic Physician	2,327	225
11 Medical Residency Permit	1,368	517
50 Medical Corporation	436	33
73 Medical Fellowship Permit	28	16
74 Genetic Counselor	91	33
90 Anesthesiologist Assistant	3	3
101 CSR-Physician	18,464	1,514
102 CSR-Osteopathic Physician	1,630	212
9901 Temporary MD Permit	67	67
9902 Temporary DO Permit	5	5
9974 Temp Genetic Counselor Permit	2	2
9975 Limited Scope MD	4	3
9976 Limited Scope DO	2	2
<b>TOTAL FOR Medical Licensing Board</b>	<b>50,633</b>	<b>4,195</b>
5 Physical Therapist	5,291	297
6 Phys Ther Assistant	2,944	200
53 Physical Therapy Corporation	23	1
9905 Temporary PT Permit	73	73
9906 Temporary PTA Permit	9	8
<b>TOTAL FOR Physical Therapy Committee</b>	<b>8,340</b>	<b>579</b>
7 Podiatrist	463	20
41 Limited Podiatry TMP	45	17
52 Podiatric Corporation	14	0
707 CSR-Podiatrist	384	25
9907 Podiatrist Temporary Permit	1	1
<b>TOTAL FOR Podiatric Medicine Board</b>	<b>907</b>	<b>63</b>
8 Chiropractor	1,256	62
51 Chiropractic Corporation	102	3
78 Chiro Graduate Permit	7	7
<b>TOTAL FOR Chiropractic Board</b>	<b>1,365</b>	<b>72</b>
10 Physician Assistant	1,361	194
1010 CSR-Physician Assistant	1,089	170
9910 Temporary PA Permit	3	3
<b>TOTAL FOR Physician Assistant Committee</b>	<b>2,453</b>	<b>367</b>
12 Dentist	4,018	173
13 Dental Hygienist	5,139	228
43 Dental Anesthesia Permit	242	13
54 Dental Corporation	426	13
65 Mobile Dental Facility	16	2
89 Dental Hygiene Anesthesia Permit	1,787	279
1201 CE Sponsor - Dental	39	3
1212 CSR-Dentist	3,540	175
1215 Limited Dental Residency	79	31
1220 Limited Dental Faculty	5	2
1230 Dental Instructor	9	0
1231 CSR-IU Dental Instructor	4	0
<b>TOTAL FOR Dentistry Board</b>	<b>15,304</b>	<b>919</b>

**INDIANA PROFESSIONAL LICENSING AGENCY  
CURRENT LICENSES @ 7/22/2016**

7/22/2016

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<u>LICENSE CODE/TYPE</u>	<u>NUMBER CURRENT</u>	<u>ISSUED IN LAST YEAR</u>
14 Health Facility Administrator	1,419	85
15 Preceptor Eligible	173	38
16 Residential Care Administrator	78	12
47 HFA Provisional	1	1
1401 CE Sponsor - HFA	37	6
1501 HFA Preceptor	75	75
1502 RCA Preceptor	10	10
9914 HFA Temporary Permit	1	1
<b>TOTAL FOR Health Facility Admin Board</b>	<b>1,794</b>	<b>228</b>
17 Hearing Aid Dealer	271	16
40 Student Hearing Aid Dealer	61	46
<b>TOTAL FOR Hearing Aid Dealer Committee</b>	<b>332</b>	<b>62</b>
18 Optometrist	1,521	69
56 Optometry Corporation	101	3
1818 Optometric Legend Drug Certificate	1,377	56
1819 CSR-Tramadol Only	45	30
<b>TOTAL FOR Optometry Board</b>	<b>3,044</b>	<b>158</b>
19 Psychologist Limited	10	0
20 Psychologist	1,874	89
57 Psychology Corporation	44	0
9820 CE Sponsor - Psychology	25	0
9919 Limited Scope Psychologist	16	5
9920 Temporary Psychologist Permit	8	8
<b>TOTAL FOR Psychology Board</b>	<b>1,977</b>	<b>102</b>
22 Speech Pathologist	3,000	237
23 Audiologist	433	26
29 SLP Support Personnel	168	78
46 CFY	243	182
58 Speech Lan PA Corporation	5	1
<b>TOTAL FOR Speech Lang Path &amp; Audio Board</b>	<b>3,849</b>	<b>524</b>
24 Veterinarian	2,470	144
25 Registered Vet Tech	1,483	185
59 Veterinarian Corporation	86	3
2424 CSR-Veterinarian	1,660	137
<b>TOTAL FOR Veterinary Board</b>	<b>5,699</b>	<b>469</b>

**INDIANA PROFESSIONAL LICENSING AGENCY**  
**CURRENT LICENSES @ 7/22/2016**

7/22/2016

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<u>LICENSE CODE/TYPE</u>	<u>NUMBER CURRENT</u>	<u>ISSUED IN LAST YEAR</u>
26 Pharmacist	10,954	506
45 Pharmacy Intern	1,729	551
48 Wholesale Drug Distributor	438	63
49 Pharmacy Corporation	1	0
60 Pharmacy	1,422	81
61 CSR	799	84
64 Non-Resident Pharmacy	1,068	216
67 Pharmacy Technician	12,354	1,700
69 Home Medical Equip Service Provider	644	28
1000 CSR-Pharmacy	1,403	79
9967 Pharmacy Tech In-Training	2,725	2,712
26001 CE Sponsor - Pharmacist	16	9
26002 Pharmacy Tech Training Program	47	46
<b>TOTAL FOR Pharmacy Board</b>	<b>33,600</b>	<b>6,075</b>
9 Nurse Midwife	168	9
27 Licensed Practical Nurse	28,321	1,098
28 Registered Nurse	111,314	6,621
55 Nursing Corporation	16	2
71 APN Prescriptive Authority	5,350	794
2871 CSR-Prescriptive Authority	5,220	767
9927 Temporary LPN Permit	13	11
9928 Temporary RN Permit	77	76
<b>TOTAL FOR Nursing Board</b>	<b>150,479</b>	<b>9,378</b>
30 Respiratory Care Practitioner	5,082	207
9830 Student Temp RCP	40	39
9930 Temporary RCP Permit	22	22
<b>TOTAL FOR Respiratory Care Committee</b>	<b>5,144</b>	<b>268</b>
31 Occupational Therapist	3,446	230
32 Occ Therapy Assistant	2,028	157
6831 Occupational Therapy Corporation	2	0
9831 CE Sponsor - Occ Therapy	22	5
9931 Temporary Occ Therapist Permit	3	2
9932 Temporary OTA Permit	4	4
<b>TOTAL FOR Occupational Therapy Committee</b>	<b>5,505</b>	<b>398</b>

**INDIANA PROFESSIONAL LICENSING AGENCY  
CURRENT LICENSES @ 7/22/2016**

7/22/2016

2:40:33PM

<u>LICENSE CODE/TYPE</u>	<u>NUMBER CURRENT</u>	<u>ISSUED IN LAST YEAR</u>
33 Social Worker	2,556	408
34 Clinical Social Worker	4,670	266
35 Marriage & Family Therapist	935	41
39 Mental Health Counselor	1,991	159
85 Marriage & Family Associate	104	41
86 Addiction Counselor	263	7
87 Clinical Addiction Counselor	1,352	5
88 Mental Health Associate	185	131
6833 Behavioral Sciences Corp.	14	1
9833 CE Sponsor - BHHS	80	11
9933 Temp Social Worker Permit	101	100
9934 Temp Clin Soc Worker Permit	25	25
9935 Temp Marr & Fam Ther Permit	1	1
9939 Temp Mental Hlth Coun Permit	27	27
9940 Temp Lic Addiction Counselor	1	1
9941 Temp Lic Clinical Addiction Counselor	1	1
<b>TOTAL FOR Behavioral Health Board</b>	<b>12,306</b>	<b>1,225</b>
36 Athletic Trainer	1,506	198
<b>TOTAL FOR Athletic Trainer Board</b>	<b>1,506</b>	<b>198</b>
37 Dietitian	1,514	117
<b>TOTAL FOR Dietitian Certification Board</b>	<b>1,514</b>	<b>117</b>
68 Multi-Profession Corporation	10	0
<b>TOTAL FOR Corporations</b>	<b>10</b>	<b>0</b>
80 Acupuncture Detox Specialist	24	0
81 Acupuncturist - DC	135	7
82 Acupuncturist - DDS	1	0
84 Licensed Acupuncturist	115	8
<b>TOTAL FOR Acupuncture Committee</b>	<b>275</b>	<b>15</b>
20101 Certified Public Accountant	11,779	487
20102 Public Accountant	46	0
20103 Accounting Practitioner	9	0
20104 Accountancy Professional Corp	225	4
20106 Firm Permit to Practice Acet	1,094	45
<b>TOTAL FOR Accountancy Board</b>	<b>13,153</b>	<b>536</b>
20201 Architect	3,338	220
20202 Landscape Architect	403	20
20203 Architect Professional Corporation	86	9
<b>TOTAL FOR Architect Board</b>	<b>3,827</b>	<b>249</b>
20301 Auctioneer	2,542	72
20302 Auction House	1	0
20303 Auction Company	317	52
20304 CE Provider - Auctioneer	19	1
20305 CE Pre-Course - Auctioneer	14	0
<b>TOTAL FOR Auctioneer Commission</b>	<b>2,893</b>	<b>125</b>

**INDIANA PROFESSIONAL LICENSING AGENCY**  
**CURRENT LICENSES @ 7/22/2016**

7/22/2016

2:40:33PM

<u>LICENSE CODE/TYPE</u>		<u>NUMBER CURRENT</u>	<u>ISSUED IN LAST YEAR</u>
20601	Esthetician	3,218	379
20602	Beauty Culture School	102	10
20603	Cosmetologist	47,916	1,871
20605	Manicurist	6,171	365
20607	Beauty Culture Salon	8,939	1,108
20611	Beauty Culture Instructor	1,439	73
20612	Electrologist	90	0
20614	Mobile Salon	110	26
20616	Barber	3,847	160
20618	Provisional Barber	2	1
20622	Tanning Facility	626	76
20647	Temp Beauty Culture Salon	64	64
20648	Temp Manicuring Salon	1	0
20664	Provisional Cosmetologist	52	16
20665	Provisional Manicurist	33	9
<b>TOTAL FOR Cosmetology &amp; Barber Board</b>		<b>72,610</b>	<b>4,158</b>
20701	Private Investigator Firm	509	45
20702	Security Guard Agency	371	30
<b>TOTAL FOR Private Investig &amp; Sec Guard</b>		<b>880</b>	<b>75</b>
20801	Engineer Intern	23,628	209
20802	Professional Engineer	14,069	820
20803	Engineering Professional Corporation	122	7
<b>TOTAL FOR Engineer Board</b>		<b>37,819</b>	<b>1,036</b>
20901	Embalmer Only	12	0
20903	Funeral Home	580	28
20904	Funeral Director	1,821	60
20905	Funeral Director Intern	50	40
20906	Certificate of Authority	682	49
20907	Crematorium	100	5
20908	Cemetery	133	4
20909	Funeral Branch	132	24
20910	CE Provider - Funeral	309	6
20911	Funeral Director Courtesy Card	98	12
<b>TOTAL FOR Funeral Board</b>		<b>3,917</b>	<b>228</b>
21001	Surveyor Intern	409	4
21002	Professional Surveyor	934	14
21003	Land Surveyor Professional Corporation	7	0
21010	CE Provider - Land Surveyor	30	0
21015	Land Surveyor Firm	121	5
<b>TOTAL FOR Land Surveyor Board</b>		<b>1,501</b>	<b>23</b>
21101	Plumber Contractor	3,260	89
21102	Journeyman Plumber	4,284	81
21103	Plumbing Corporation	484	21
21104	Plumbing Apprentice	1,550	475
21110	Plumbing Apprenticeship Program	16	0
<b>TOTAL FOR Plumbing Commission</b>		<b>9,594</b>	<b>666</b>

**INDIANA PROFESSIONAL LICENSING AGENCY  
CURRENT LICENSES @ 7/22/2016**

7/22/2016

2:40:33PM

<u>LICENSE CODE/TYPE</u>	<u>NUMBER CURRENT</u>	<u>ISSUED IN LAST YEAR</u>
21201 Appraiser Trainee	150	24
21202 Licensed Residential Appraiser	264	0
21203 Certified Residential Appraiser	1,053	27
21204 Certified General Appraiser	858	67
21205 CE Sponsor - Appraiser	25	3
21207 Appraiser Temporary Permit	237	236
21210 Instructor - Appraiser	233	16
21215 Appraisal Management Company	186	21
<b>TOTAL FOR Appraiser Board</b>	<b>3,006</b>	<b>394</b>
21301 Real Estate Broker Company	2,770	247
21304 Real Estate Broker	33,639	1,792
21306 Real Estate Associate Broker	5	0
21307 Real Estate Sales Person	17	0
21308 Real Estate School	30	2
21311 Real Estate Professional Corp	70	5
21320 Real Estate Branch Office	247	52
21323 CE Sponsor - RE Broker	94	12
21325 Instructor Registration - Real Estate	15	0
21327 Real Estate Instructor Permit	388	59
<b>TOTAL FOR Real Estate Commission</b>	<b>37,275</b>	<b>2,169</b>
21401 Licensed Home Inspector	714	118
21402 Pre-Course Provider - Home Inspector	20	3
21403 CE Provider - Home Inspector	25	2
21410 Instructor - Home Inspector	21	0
<b>TOTAL FOR Home Inspectors Board</b>	<b>780</b>	<b>123</b>
21501 Manufactured Home Installer	151	4
21502 CE Provider - Mgf Home Installer	2	0
21503 Pre-Course - Mgf Home Installer	3	0
<b>TOTAL FOR Manufactured Home Installers</b>	<b>156</b>	<b>4</b>
21601 Massage Therapist	4,718	338
<b>TOTAL FOR Massage Therapy Board</b>	<b>4,718</b>	<b>338</b>
22001 Registered Interior Designer	317	32
<b>TOTAL FOR Interior Design Registry</b>	<b>317</b>	<b>32</b>
<b>TOTAL ACTIVE LICENSES/PERMITS</b>	<b>498,482</b>	<b>35,568</b>

# **ANNEX B**

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## Committee Member Biographies

## **Members of the Job Creation Committee and Corresponding Bios**

**Deborah Frye (Chair)** is the Executive Director of the Indiana Professional Licensing Agency. The agency facilitates licensing Hoosiers in over 38 professions, including healthcare professionals, CPAs, engineers, and real estate agents.

Deborah has extensive experience working in state government. She worked for the Indiana Department of Homeland Security, where she was Deputy State Fire Marshal before advancing to become Director of Fire Code Enforcement. Deborah received her bachelor's degree in Fire Science and Behavior from Southern Technical College in Florida. She is also a certified first class firefighter.

—

**Ben French** is a business coach through FocalPoint Coaching. Ben coaches high level executives and focus on business growth and/or succession planning. As past owner and president of KTC Promotional Products Inc. during the 30 plus years in his business career, Ben specialized in online company stores both domestic and international.

Ben has always been committed to serving his community whether it was as a volunteer or serving on various boards. Ben is currently serving as Board Member for Henry Community Hospital Foundation Board. He has served in the past as Board member of Henry County REMC, Henry County Community Foundation, and Henry County Public Library and is very active in his church.

—

**Barbara Quandt Underwood** is the Indiana State Director of the National Federation of Independent Business (NFIB). A small business owner and NFIB member for over twenty years, Barbara Quandt represented NFIB in the state capital as well as in Washington, D.C. She was also the president and founder of Danville and Brownsburg World Travel agencies, and later, the president and co-founder of The Quandt Group, Inc., a public relations and crisis management consulting firm.

Born in Venezuela and raised in Northport, New York, Quandt has called Indiana her home since she arrived in Indianapolis to attend Butler University. Barbara Quandt is the mother of five.

—

**Richard Wilson** has over 25 years combined service to our nation. Currently, he serves as the Executive Officer for the Director of Office of Audit Readiness at the U.S. Department of Defense Finance and Accounting Service (DFAS). Prior to joining the Defense Department, Richard served in the US Army with the 3rd Armored Division in the NATO Defense of Europe and Persian Gulf War. After leaving active duty, he served 16 years in various positions on the staff of U.S. Representative Dan Burton. He has served on several corporate and non-profit boards and is currently the President of the City of Lawrence Police Merit Commission. He is also the Treasurer of the Federated Campaign Stewards, a non-profit organization that runs charitable giving campaigns for federal government agencies in five states, and a Board Member

of the Indiana War Memorials Foundation, a private 501 non-profit that supports the Indiana War Memorials and Museums.

–

**John Wright** is a Certified Public Accountant in Indiana and a Managing Director in the Evansville office of BKD, LLP. John has been involved in the taxation of public and private enterprises for over 35 years. He holds a Master of Science in Taxation with distinction from Grand Valley State University and a Bachelor of Science in Accounting from the University of Evansville.

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**Allen K. Pope** is the Chief Counsel and Director of the Indiana Medicaid Fraud Control Unit for the Indiana Office of the Attorney General. He is also a faculty member of Indiana Wesleyan University and serves as an adjunct professor of IU Robert H. McKinney School of Law.

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**Joseph Habig** is the Assistant Director of Health and Human Services for the State Budget Agency/Office of Management and Budget. Prior to his current role, Joseph was the budget analyst assigned to state agencies that included: FSSA, DVA, IURC and INDOT. Before joining SBA, Joseph served as a legal assistant and deputy bookkeeper for the Indiana Senate. He holds a Masters in Public Affairs from Indiana University – Purdue University Indianapolis (IUPUI).

–

**Lori Duncan** is a Registered Nurse in Indiana and has been working for 30 years after graduating from Indiana University with a Bachelor of Science degree in Nursing. She has worked almost exclusively in Surgical Services as a staff nurse and as a Department Manager at facilities including Deaconess Hospital, Riverview Health and Community North Surgery Center.

# **ANNEX C**

JCC Meeting Agendas

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## **JOBS CREATION COMMITTEE**

Thursday, August 20, 2015  
at 9:00 AM  
in the Indiana Government Center-South  
402 West Washington Street, Room W064  
Indianapolis, IN 46204

- I. CALL TO ORDER & ESTABLISHMENT OF QUORUM**
- II. REVIEW & ADOPTION OF AGENDA & JUNE 17<sup>TH</sup> MEETING MINUTES**
- III. COMMITTEE DISCUSSION**
  - a. Discussion and Resolution of JCC Requirements Pursuant to IC 25-1-16-8
  - b. Annual Report
- IV. REPORT FROM THE AMERICAN COUNCIL OF ENGINEERING COMPANIES**
  - a. Ross Snider, P.E., USI Consultant, Past President of ACEC Indiana
- V. REPORT FROM THE INDIANA SOCIETY OF PROFESSIONAL ENGINEERS**
  - a. Scott Haraburda, PHD, PE, F.NSPE, Immediate Past President of ISPE
- VI. PRESENTATION FROM THE INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS**
  - a. Cindy Vaught, Board Director
- VII. PRESENTATION FROM THE INDIANA ATTORNEY GENERAL'S OFFICE re. VETERINARIANS**
  - a. Patricia Gibson, Deputy Attorney General
- VIII. REPORT FROM THE INDIANA VETERINARY MEDICAL ASSOCIATION**
  - a. Lisa Perius, Executive Director
  - b. Pete Bill, DVM, Ph.D.
- IX. BREAK FOR LUNCH**
- X. REPORT FROM THE INDIANA CHAPTER OF THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS**
  - a. Jonathon Geels, PLA, ASLA, President of the INASLA
- XI. TESTIMONY FROM BALL STATE UNIVERSITY, DEPARTMENT OF LANDSCAPE ARCHITECTURE**

- a. Joe Blalock PLA, ASLA, Department of Landscape Architecture Director and Associate Professor at Ball State University

**XII. TESTIMONY FROM PURDUE UNIVERSITY, DEPARTMENT OF HORTICULTURE AND LANDSCAPE ARCHITECTURE**

- a. Sean Rotar, Assistant Professor of Landscape Architecture

**XIII. TESTIMONY FROM LICENSED LANDSCAPE ARCHITECTS**

- a. Meg Storrow, PLA, ASLA, President & Co-Founder of Storrow Kinsella Associates
- b. Barth Hendrickson, PLA, ASLA, Principal & Vice-President of Browning Day Mullins Dierdorf
- c. Kevin Osburn, PLA, ASLA, Principal of Rundell Ernstberger Associates

**XIV. PRESENTATION FROM THE INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS**

- a. Keri Reed, Assistant Board Director

**XV. PRESENTATION FROM THE INDIANA ATTORNEY GENERAL'S OFFICE re. HEALTH FACILITY ADMINISTRATORS**

- a. Tim Weber, Deputy Attorney General

**XVI. COLLABORATIVE PRESENTATION FROM HEALTH CARE ASSOCIATIONS re. HEALTH FACILITY ADMINISTRATORS**

- a. Mark Prifogle, HFA, LNHA, FACHCA, President of the Indiana Chapter of the American College of Health Care Administrators
- b. Terry Miller, President of the Hoosiers Owners and Providers for the Elderly
- c. Liz Carroll, Executive Director of the Indiana Assisted Living Association
- d. Zachary Cattell, President of the Indiana Health Care Association
- e. Jim Leich, President of Leading Age Indiana

**XVII. CONCLUDING DISCUSSION BY THE COMMITTEE**

**XVIII. ADJOURNMENT**

**NEXT SCHEDULED MEETING**

September 17, 2015

at 9:00 AM

Indiana Government Center-South

402 West Washington Street, Room W064

Indianapolis, IN 46204

## **JOBS CREATION COMMITTEE**

Monday, October 26, 2015  
at 9:00 AM  
in the Indiana Government Center-South  
402 West Washington Street, Room W064  
Indianapolis, IN 46204

- I. CALL TO ORDER & ESTABLISHMENT OF QUORUM**
- II. REVIEW & ADOPTION OF AGENDA & AUGUST 20<sup>TH</sup> MEETING MINUTES**
- III. COMMITTEE DISCUSSION**
- IV. REPORT FROM INDIANA AUCTIONEERS ASSOCIATION**
  - a. Seth Seaton, Treasurer of the Indiana Auctioneers Association
  - b. Mike Bradley, Indiana Auctioneers Association
  - c. Melissa Davis, President of Reppert Auction School, Past President of IAA
- V. COMMITTEE DISCUSSION AND VOTE**
- VI. PRESENTATION FROM THE INDIANA REAL ESTATE COMMISSION**
  - a. Blake Weaver, Board Director
- VII. PRESENTATION FROM THE INDIANA ATTORNEY GENERAL'S OFFICE re. REAL ESTATE BROKERS**
  - a. Derek Peterson, Deputy Attorney General
- VIII. REPORT FROM THE INDIANA ASSOCIATION OF REALTORS**
  - a. Bruce Bright, President of the Indiana Association of Realtors
- IX. BREAK FOR LUNCH**
- X. PRESENTATION FROM THE INDIANA REAL ESTATE APPRAISER BOARD**
  - a. Blake Weaver, Board Director
- XI. PRESENTATION FROM THE INDIANA ATTORNEY GENERAL'S OFFICE re. REAL ESTATE APPRAISERS**
  - a. Derek Peterson, Deputy Attorney General
- XII. REPORT FROM THE APPRAISAL INSTITUTE**
  - a. Steve Shockley, MAI, SRA, AI-GRS, AI-RRS, CCIM Senior Appraiser, President of the Hoosier State Chapter of the Appraisal Institute

**XIII. CONCLUDING DISCUSSION BY THE COMMITTEE**

**XIV. ADJOURNMENT**

**NEXT SCHEDULED MEETING**

April 21, 2016

at 9:00 AM

Indiana Government Center-South  
402 West Washington Street, Room W064  
Indianapolis, IN 46204

## **JOBS CREATION COMMITTEE**

Thursday, April 21, 2016  
at 9:00 AM  
in the Indiana State Library  
315 W Ohio St, Room 401  
Indianapolis, IN 46204

- I. CALL TO ORDER & ESTABLISHMENT OF QUORUM**
- II. REVIEW & ADOPTION OF AGENDA & OCTOBER 26th MEETING MINUTES**
- III. COMMITTEE DISCUSSION**
- IV. REPORTS FROM MEDICAL PROFESSION STAKEHOLDERS**
- V. COMMITTEE DISCUSSION**
- VI. PRESENTATION FROM THE INDIANA STATE MEDICAL BOARD**
- VII. PRESENTATION FROM THE INDIANA ATTORNEY GENERAL'S OFFICE re. MEDICAL BOARD**
- VIII. BREAK FOR LUNCH**
- IX. DISCUSSION AND VOTE re. VOLUNTARY REGISTRY FEE**
- X. CONCLUDING DISCUSSION BY THE COMMITTEE**
- XI. ADJOURNMENT**

### **NEXT SCHEDULED MEETING**

May 19, 2016  
at 9:00 AM  
Indiana Government Center-South  
402 West Washington Street, Room W064  
Indianapolis, IN 46204

**JOBS CREATION COMMITTEE**

Thursday, June 16, 2016

at 9:00 AM

in Government Center South,  
402 W. Washington St., Room W064  
Indianapolis, IN 46204

- I. CALL TO ORDER & ESTABLISHMENT OF QUORUM**
- II. REVIEW & ADOPTION OF AGENDA & APRIL 21<sup>st</sup> MEETING MINUTES**
- III. DISCUSSION AND VOTE re. ELECTRONIC MEETING POLICY**
- IV. COMMITTEE EVALUATION OF PHARMACY PROFESSION**
  - a. Report from Board of Pharmacy**
  - b. Presentation from the Indiana Attorney General's Office re. Board of Pharmacy**
  - c. Reports from Pharmacy Profession Stakeholders**
- V. COMMITTEE DISCUSSION**
- VI. BREAK FOR LUNCH**
- VII. COMMITTEE DISCUSSION & PRELIMINARY RECOMMENDATIONS OF PROFESSIONS PURSUANT TO IC 25-1-16-8**
  - a. Health Facility Administrators**
  - b. Real Estate Commission**
  - c. Real Estate Appraiser Licensure & Certification Board**
  - d. Medical Licensing Board**
  - e. Board of Veterinary Medical Examiners**
- VIII. CONCLUDING DISCUSSION BY THE COMMITTEE**
- IX. ADJOURNMENT**

**NEXT SCHEDULED MEETING**

TBD

**JOBS CREATION COMMITTEE  
AMENDED AGENDA  
Thursday, July 21, 2016  
at 9:00 AM  
in the Indiana Government Center South  
402 W. Washington St., Room W064  
Indianapolis, IN 46204**

**I. CALL TO ORDER & ESTABLISHMENT OF QUORUM**

**II. REVIEW & ADOPTION OF AGENDA & JUNE 16 MINUTES**

**III. FINAL COMMITTEE RECOMMENDATIONS**

*Each of the following items include: (1) public input pursuant to IC 25-1-16-14; and (2) committee discussion.*

- A. Recommendations for all applicable occupational licenses under the Indiana Professional Licensing Agency (IPLA)**
- B. Medical Licensing Board**
- C. Private Investigator & Security Guard Licensing Board**
- D. Home Inspectors Licensing Board**
- E. State Board of Funeral & Cemetery Service**
- F. Plumbing Commission**
- G. Auctioneer Commission**
- H. State Board of Health Facility Administrators**
- I. Board of Veterinary Medical Examiners**
- J. Board of Pharmacy**
- K. Committee of Hearing Aid Dealer Examiners**
- L. Real Estate Appraiser Licensure & Certification Board**
- M. Real Estate Commission**
- N. State Board of Registration for Professional Surveyors**

**IV. CONCLUDING COMMITTEE DISCUSSION**

**V. ADJOURNMENT**

**NEXT SCHEDULED MEETING:  
TBD**

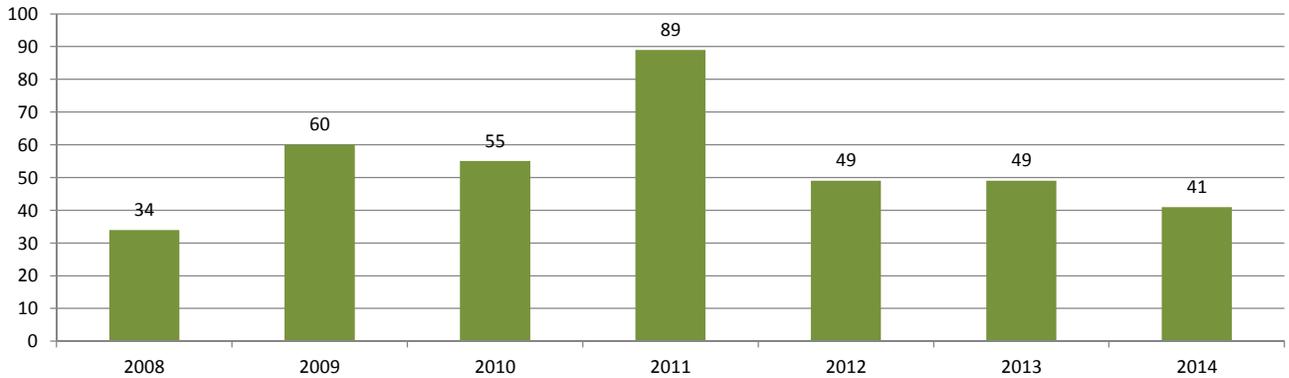
# **ANNEX D**

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Presentation and Supplementary Materials

## Indiana State Board of Health Facility Administrators 2008 to 2014

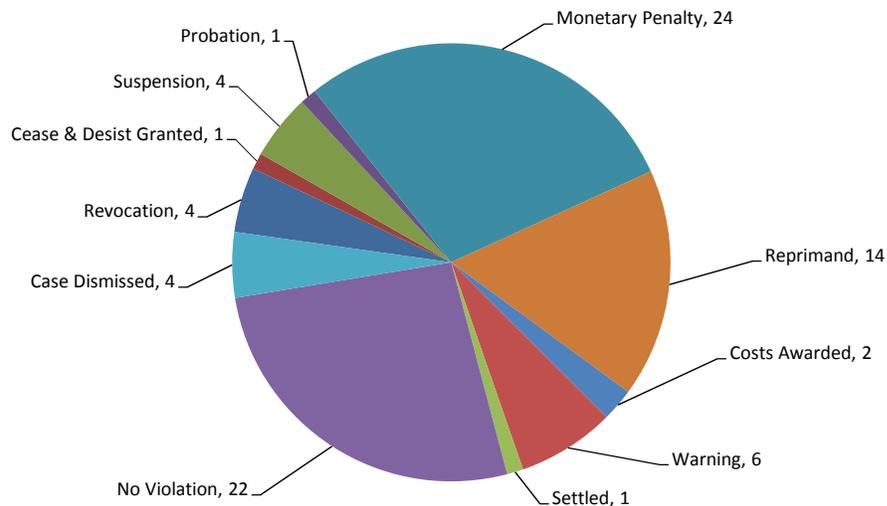
### Complaints Received



### Investigations Completed

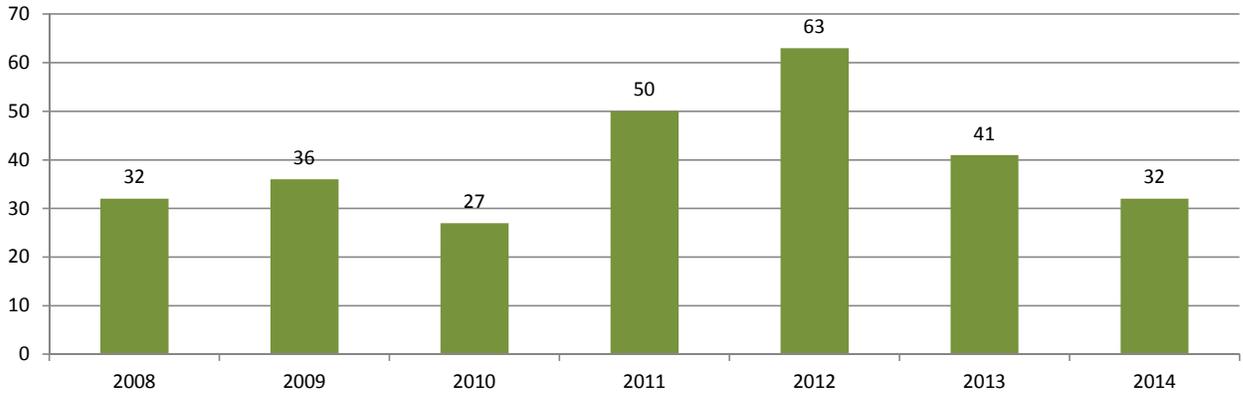
Alleged Violation	Duplicate	No Violation	Death of Respondent	Referred to Another Agency	Out of Business	Insufficient Evidence	Warning	Settled	Litigation File Opened	Totals
Nonsanctionable Action	0	18	0	1	0	0	0	0	0	19
Unlicensed Practice	0	3	0	0	0	1	0	0	0	4
Employing Unlicensed Practitioner	0	0	0	0	0	1	0	0	0	1
Billing Dispute	0	0	0	0	0	0	0	1	0	1
Disciplined in Another Jurisdiction	0	1	0	0	0	0	0	0	0	1
Fraud	0	1	0	0	0	0	1	0	2	4
Drug/Alcohol Abuse	0	0	0	0	0	0	0	0	2	2
Criminal Activity	0	0	0	0	0	0	0	0	1	1
Unprofessional Conduct	1	42	1	6	1	10	6	0	14	81
Professional Incompetence	0	44	0	1	0	3	3	0	14	65
Mandatory Referral of Survey	1	202	0	0	0	19	16	0	35	273
<b>Totals</b>	<b>2</b>	<b>311</b>	<b>1</b>	<b>8</b>	<b>1</b>	<b>34</b>	<b>26</b>	<b>1</b>	<b>68</b>	<b>452</b>

### Litigation Completed



## Indiana Board of Veterinary Medical Examiners 2008 to 2014

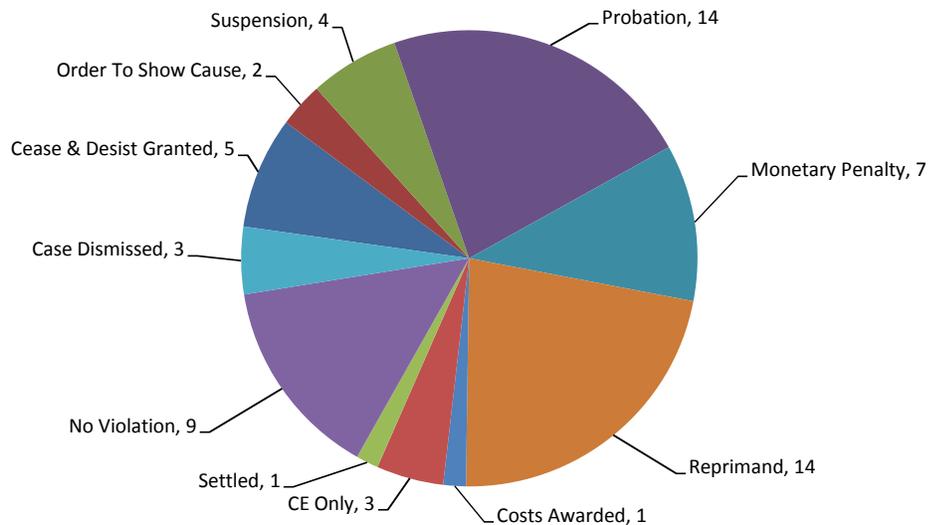
### Complaints Received



### Investigations Completed

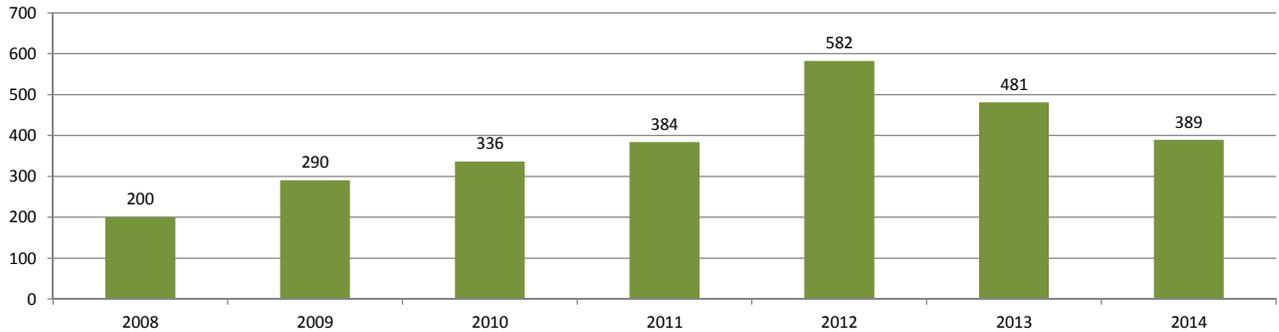
Alleged Violation	Duplicate	No Violation	Death of Respondent	Referred to Another Agency	Insufficient Evidence	Warning	Settled	Litigation File Opened	Totals
Nonsanctionable Action	0	22	0	1	1	0	0	0	24
Unlicensed Practice	0	11	0	0	1	4	1	11	28
Employing Unlicensed Practitioner	0	3	0	0	0	2	0	0	5
Billing Dispute	0	1	0	1	0	0	0	1	3
Disciplined in Another Jurisdiction	0	1	0	0	0	0	0	0	1
Fraud	0	3	0	0	0	1	0	2	6
Drug/Alcohol Abuse	0	4	0	0	0	0	0	2	6
Criminal Activity	0	0	0	0	0	0	0	1	1
Unprofessional Conduct	0	33	0	0	2	5	0	2	42
Professional Incompetence	2	66	1	1	6	15	1	23	115
<b>Totals</b>	<b>2</b>	<b>144</b>	<b>1</b>	<b>3</b>	<b>10</b>	<b>27</b>	<b>2</b>	<b>42</b>	<b>231</b>

### Litigation Completed



**Office of the Attorney General  
2008 to 2014 Licensing Enforcement Activity  
Indiana Real Estate Commission**

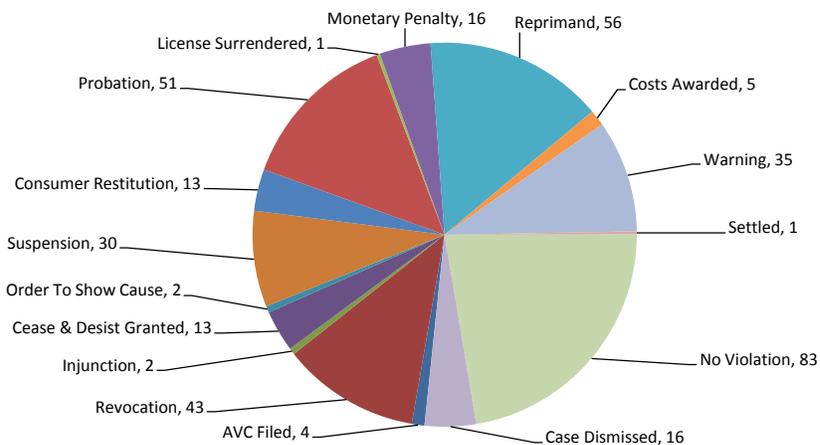
**Complaints Received**



**Investigations Completed**

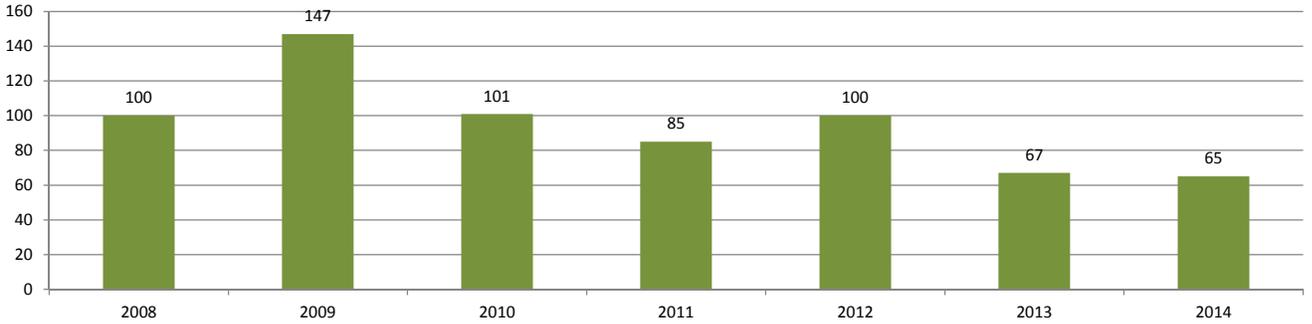
Alleged Violation	Duplicate	No Violation	Death of Party	Out of Business	Referred to Another Agency	Cannot Locate Respondent	Referred to Another Agency	Warning	Close With Red Flag	Settled	Litigation File Opened	Totals
Nonsanctionable Action	2	35	0	0	3	0	6	1	0	3	4	54
Unlicensed Practice	4	54	1	4	4	0	60	11	0	10	114	262
Application or Renewal Fraud	0	0	0	0	0	0	0	5	0	0	6	11
Employing Unlicensed Practitioner	0	3	0	0	0	0	1	1	0	0	2	7
Billing Dispute	2	25	0	0	0	0	6	3	0	14	6	56
Disciplined in Another Jurisdiction	0	0	0	0	0	0	0	1	0	0	6	7
Fraud	6	162	1	10	15	1	216	11	0	36	212	670
Drug/Alcohol Abuse	0	0	0	0	0	0	0	0	0	0	1	1
Criminal Activity	2	1	0	0	0	0	1	1	2	0	20	27
Unprofessional Conduct	4	236	1	3	3	0	151	46	0	38	96	578
Professional Incompetence	8	257	3	1	1	0	66	37	0	34	104	511
<b>Totals</b>	<b>28</b>	<b>773</b>	<b>6</b>	<b>18</b>	<b>26</b>	<b>1</b>	<b>507</b>	<b>117</b>	<b>2</b>	<b>135</b>	<b>571</b>	<b>2184</b>

**Litigation Completed**



**Office of the Attorney General  
2008 to 2014 Licensing Enforcement Activity  
Real Estate Appraiser Licensure and Certification Board**

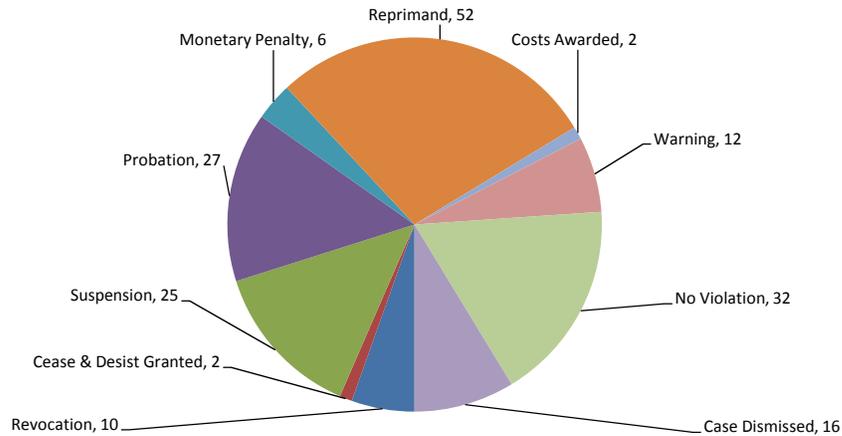
**Complaints Received**



**Investigations Completed**

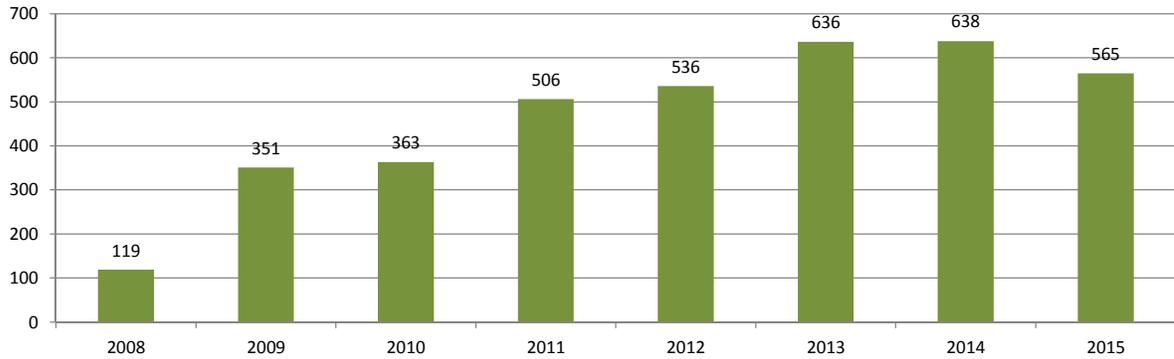
Alleged Violation	Duplicate	No Violation	Death of Respondent	Out of Business	Referred to Another Agency	Cannot Locate Respondent	Referred to Another Agency	Warning	Close With Red Flag	Settled	Litigation File Opened	Totals
Nonsanctionable Action	0	6	1	0	4	0	0	2	0	0	11	24
Unlicensed Practice	0	8	0	0	0	0	1	3	0	2	3	17
Application or Renewal Fraud	0	0	0	0	0	0	0	0	0	0	1	1
Employing Unlicensed Practitioner	0	0	0	0	0	0	0	1	0	0	0	1
Disciplined in Another Jurisdiction	0	6	0	0	0	0	2	2	0	1	4	15
Fraud	1	22	0	0	0	1	3	4	4	4	24	63
Criminal Activity	1	1	0	0	0	0	0	0	1	0	2	5
Unprofessional Conduct	0	28	0	0	1	0	7	4	0	2	12	54
Professional Incompetence	3	166	0	2	0	0	27	77	0	7	128	410
<b>Totals</b>	<b>5</b>	<b>237</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>40</b>	<b>93</b>	<b>5</b>	<b>16</b>	<b>185</b>	<b>590</b>

**Litigation Completed**



**Office of the Attorney General  
2008 to 2015 Licensing Enforcement Activity  
Medical Licensing Board of Indiana**

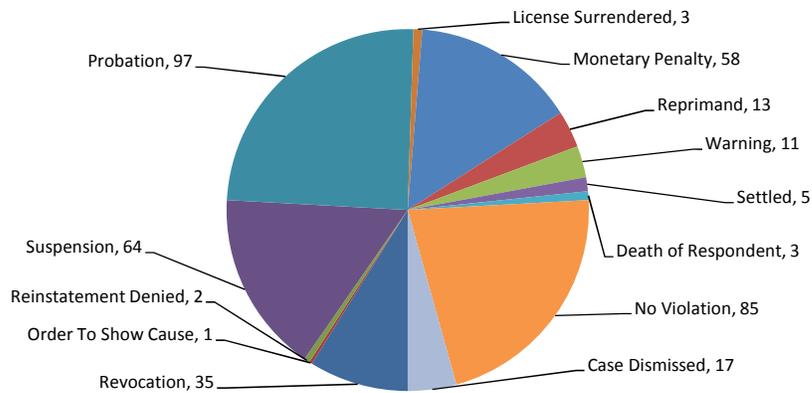
**Complaints Received**



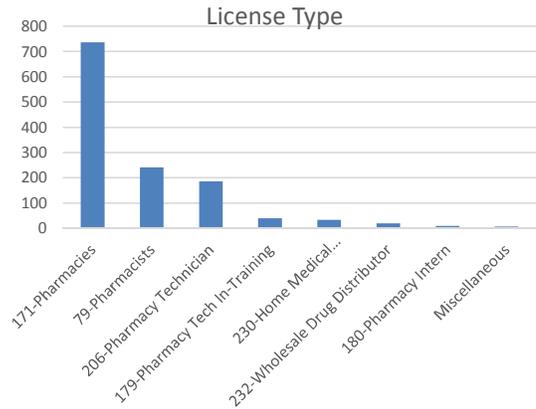
**Investigations Completed**

Alleged Violation	Duplicate	No Violation	Death of Party	Referred to Another Agency	Insufficient Evidence	Warning	Close With Red Flag	Settled	Litigation File Opened	Totals
Nonsanctionable Action	4	259	1	35	35	0	0	1	2	337
Unlicensed Practice	0	7	1	0	3	0	0	1	5	17
Application or Renewal Fraud	1	9	0	0	0	7	0	0	8	25
Employing Unlicensed Practitioner	0	8	0	0	0	1	0	0	0	9
Billing Dispute	0	2	0	0	3	0	0	1	3	9
Disciplined in Another Jurisdiction	15	37	2	0	5	9	19	0	145	232
Fraud	0	48	0	1	16	5	1	1	13	85
Drug/Alcohol Abuse	5	31	1	0	9	11	2	0	103	162
Criminal Activity	5	4	1	0	3	7	2	0	24	46
Unprofessional Conduct	16	408	9	13	151	43	1	58	100	799
Professional Incompetence	9	577	2	16	167	33	3	11	76	894
<b>Totals</b>	<b>55</b>	<b>1390</b>	<b>17</b>	<b>65</b>	<b>392</b>	<b>116</b>	<b>28</b>	<b>73</b>	<b>479</b>	<b>2615</b>

**Litigation Completed**



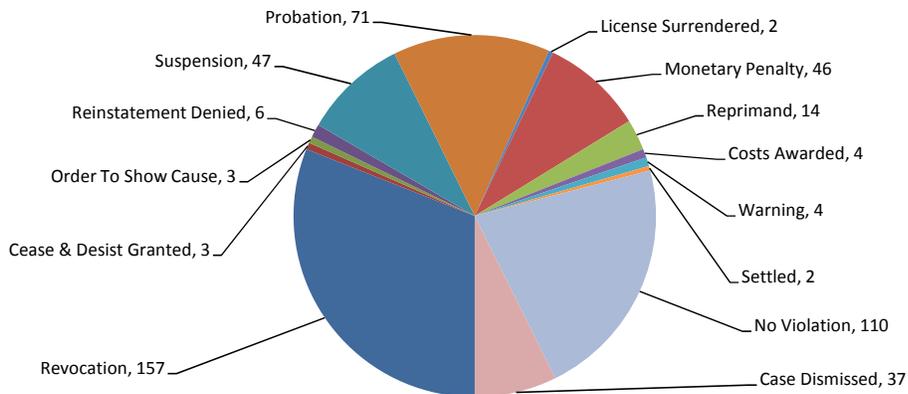
**Office of the Attorney General  
2008 to 2015 Licensing Enforcement Activity  
Medical Licensing Board of Indiana**



### Investigations Completed

Alleged Violation	Duplicate	No Violation	Death of Party	Referred to Another Agency	Insufficient Evidence	Warning	Close With Red Flag	Settled	Litigation File Opened	Totals
Nonsanctionable Action	4	259	1	35	35	0	0	1	2	337
Unlicensed Practice	0	7	1	0	3	0	0	1	5	17
Application or Renewal Fraud	1	9	0	0	0	7	0	0	8	25
Employing Unlicensed Practitioner	0	8	0	0	0	1	0	0	0	9
Billing Dispute	0	2	0	0	3	0	0	1	3	9
Disciplined in Another Jurisdiction	15	37	2	0	5	9	19	0	145	232
Fraud	0	48	0	1	16	5	1	1	13	85
Drug/Alcohol Abuse	5	31	1	0	9	11	2	0	103	162
Criminal Activity	5	4	1	0	3	7	2	0	24	46
Unprofessional Conduct	16	408	9	13	151	43	1	58	100	799
Professional Incompetence	9	577	2	16	167	33	3	11	76	894
<b>Totals</b>	<b>55</b>	<b>1390</b>	<b>17</b>	<b>65</b>	<b>392</b>	<b>116</b>	<b>28</b>	<b>73</b>	<b>479</b>	<b>2615</b>

### Litigation Completed



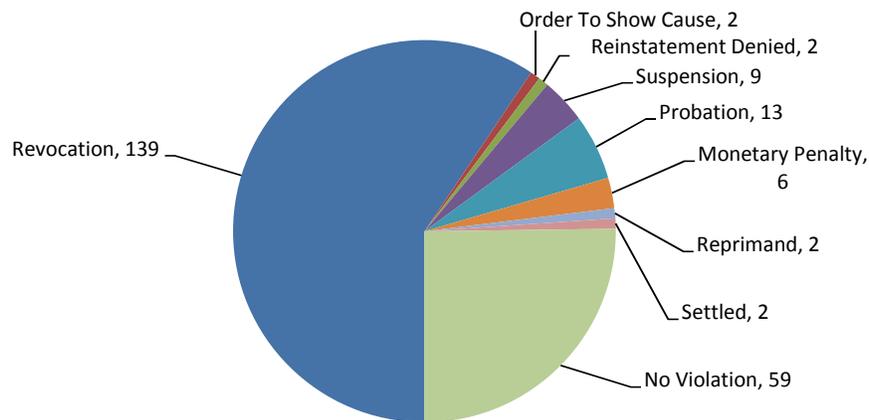
**Office of the Attorney General  
2008 to 2015 Licensing Enforcement Activity  
Pharmacy Techs and Pharmacy Techs in Training**



**Investigations Completed**

Alleged Violation	Duplicate	No Violation	Insufficient Evidence	Warning	Litigation File Opened	Totals
Unlicensed Practice	0	1	0	1	1	3
Application or Renewal Fraud	0	0	0	0	4	4
Disciplined in Another Jurisdiction	0	0	0	0	4	4
Fraud	0	1	0	0	2	3
Drug/Alcohol Abuse	2	4	2	0	125	133
Criminal Activity	0	0	1	1	3	5
Unprofessional Conduct	0	4	0	1	10	15
Professional Incompetence	0	1	0	2	2	5
<b>Totals</b>	<b>2</b>	<b>11</b>	<b>3</b>	<b>5</b>	<b>151</b>	

**Litigation Completed**



# The Indiana Veterinary Medical Association

Presentation to the Jobs Creation Committee

August 20, 2015

## Overview of the Industry

- ▶ 2,538 licensed veterinarians in Indiana
- ▶ 1,669 licensed to prescribe a controlled substance
- ▶ 1,400 Registered Veterinary Technicians
- ▶ All 50 states license veterinarians
- ▶ State and federal regulations require veterinarians be licensed in order to serve in roles that directly impact human food safety and public safety. Rabies vaccination law requires them to be administered by a licensed veterinarian.

## Overview of the Industry

- ▶ Registered Veterinary Technicians (RVT) are regulated extensions of the veterinarian who allow the veterinarian to serve a greater number of individuals in a more cost effective manner including providing veterinary services to underserved counties in Indiana
  - ▶ Relatively young (1970's) profession but one of the most rapidly growing - credentialed in 42 of 50 states (trending towards credentials)
  - ▶ Veterinary technicians are Registered in the state of Indiana and must perform duties, maintain CE consistent with the Practice Act.
  - ▶ The Indiana Veterinary Technician Association represents and promotes the profession of veterinary technology in the state of Indiana.
  - ▶ One of the members of the Board of Veterinary Medical Examiners must be a Registered Veterinary Technician.
  - ▶ Referral centers and Veterinary Colleges typically hire only RVTs

## IVMA's Involvement

- ▶ The Indiana Veterinary Medical Association (IVMA) has been the primary statewide association for the veterinary field for over 130 years.
- ▶ Our mission is: to promote animal well-being, public health and advances within the profession, to serve as a voice for veterinarians, and to be an advocate for setting the highest standards and ethics for veterinary service to the community and state.
- ▶ IVMA has strong, cooperative working relationship with the IVTA and Purdue University - somewhat unique for most states
- ▶ IVMA works with Board of Animal Health, USDA, Elanco, others
- ▶ The IVMA also provides continuing education programs to benefit and advance the standard of professional care.

## Benefits of Licensure

- ▶ Assurance of appropriate level of humane, medical and surgical care for companion animals
- ▶ Assurance of unique understanding of broad species knowledge used in many aspects of biomedical research and education
- ▶ Assurance of knowledge of zoonotic disease, antibiotic resistance, and potential threats to the safety of the human food supply
- ▶ Requirement for interstate shipment of Indiana animals and animal products for human food
- ▶ Assurance of understanding of link between animal disease and human disease that allows veterinarians to protect the citizens of the state from disease by judicious and appropriate use of vaccinations, drugs, and management procedures

## Economic Impact of the Profession

- ▶ Vast employment opportunities throughout the state:
  - ▶ Private practice - primary care, referral hospitals
  - ▶ Purdue University College of Veterinary Medicine
  - ▶ Pharmaceutical companies - research and development; approval process for new human drugs
  - ▶ The Board of Animal Health and other government agencies
  - ▶ Animal food industry - pet, animal agriculture, laboratory animal
  - ▶ Race track and the horse racing industry
  - ▶ Licensed Veterinarian Professional Corporations
  - ▶ Consultants - FEMA, NIH, Homeland security, FDA, USDA

## Licensure Supports Economic Growth

- ▶ The USDA requires that veterinarians monitoring the food supply and herd animals be accredited through the National Veterinary Accreditation Program (NVAP). NVAP requires that veterinarians be licensed in order to become accredited.
- ▶ Role of licensed veterinarians in Indiana's animal agriculture economy provides the necessary assurance that animal products produced in Indiana are overseen by individuals credentialed appropriately for this role

## Average Income of Veterinary Professionals

- ▶ Licensed Veterinarians (includes those who conduct research and development, inspect livestock, or care for companion animals)
  - ▶ National Mean Wage/Salary: \$47.23/hour, \$98,230/year
  - ▶ Indiana Mean Wage/Salary: \$42.83/hour, \$89,100/year
- ▶ Registered Veterinary Technicians
  - ▶ National Mean Wage/Salary: \$15.56/hour, \$32,350/year
  - ▶ Indiana Mean Wage/Salary: \$14.13/hour, \$29,400/year

*Federal Bureau of Labor Statistics Data*

## Licensure v. Certification

- ▶ Every state requires veterinarians to be licensed.
- ▶ Certifications are not sufficient to assure that the individual required to perform functions critical to the community safety and animal agriculture economy has sufficient knowledge and broad perspective to carry out these functions.
- ▶ Licensure by the state provides Indiana citizens with assurance for their own safety, the safety of their food, as well as the safety of their animals.
- ▶ Many state and federal laws require veterinarians to be licensed in order to perform certain acts.

## Recommendations for Changes to Licensure

- ▶ Potential legislative change to the licensure structure for a sole proprietorship veterinary practice.

## Current Board Structure

- ▶ Need for the ability to enforce the practice act with regard to investigating those practicing without a license in order to better protect Indiana citizens
- ▶ IVMA looks forward to working with the Board to develop a framework for how this might be accomplished

## Renewal Cycle & Board Structure

- ▶ Indiana veterinarians licenses and veterinary technician registrations are renewed every two years.
- ▶ Renewal cycle is currently appropriate.
- ▶ The Board should not be combined with any other profession due to the uniqueness of the veterinary industry and the wide variety of roles in which veterinarians and veterinary technicians serve in their community and the state

## Questions?

- ▶ Dr. Pete Bill
- ▶ College of Veterinary Medicine, Purdue University
- ▶ [billr@purdue.edu](mailto:billr@purdue.edu)
  
- ▶ Lou Belch
- ▶ The Corydon Group
- ▶ [loubelch@thecorydongroup.com](mailto:loubelch@thecorydongroup.com)

# Presentation to Jobs Creation Committee (JCC)

Indiana Association of REALTORS®  
President, Bruce Bright  
September 17, 2015



# Economic Impact of Real Estate Activity:

## Indiana

By NAR Research  
August 2015



# Real Estate's Economic Contribution in Indiana

The Real Estate Industry accounted for \$42,516 million or 13.7% of the Gross State Product in 2012.

Bureau of Economic Analysis; NAR



## Economic Contributions are derived from ...

- Home construction
- Real estate brokerage
  - Mortgage lending
  - Title insurance
- Rental and Leasing
- Home appraisal
- Moving truck service
- Other related activities

Bureau of Economic Analysis; NAR



## When a Home is Sold in Indiana

Income Generated from real estate related industries is:  
\$11,547

Additional expenditure on consumer items such as on  
furniture, appliances, and remodeling is:  
\$4,494

Bureau of Economic Analysis; Census; NAHB, NAR



## When a Home is Sold in Indiana

It generates economic multiplier impact. There is a greater spending at restaurants, sports games, and charity events. The size of this “multiplier” effect is estimated to be:

\$7,700

Additional home sales induce additional home production. Typically one new home is constructed for every 8 existing home sales.

Therefore, for each existing home sale, 1/8 of new home value is added to the economy which is estimate in the state to be:

\$16,038

Bureau of Economic Analysis; Macroeconomic Advisors, NAR



# The Total Economic Impact of a Typical Home Sale in Indiana

Median Priced Home:  
\$128,300

Bureau of Economic Analysis; NAR  
Total Income Derived from a Sale of a Home:  
\$39,778

Bureau of Economic Analysis; NAR



Report on the Status of the Real Estate Appraisal Profession  
from  
The Hoosier State Chapter of the Appraisal Institute  
to  
The Indiana Jobs Creation Committee

September 17, 2015

Introduction

*What is an Appraisal?*

An appraisal is a professional appraiser's opinion of value. The preparation of an appraisal involves research into appropriate market areas; the assembly and analysis of information pertinent to a property; and the knowledge, experience, and professional judgment of the appraiser. . Appraisals may be required for any type of property, including single-family homes, apartment buildings and condominiums, office buildings, shopping centers, industrial sites, and farms. The reasons for performing a real property appraisal are just as varied. They are usually required whenever real property is sold, mortgaged, taxed, insured, or developed. For example, appraisals are prepared for:

- Mortgage lending purposes
- Tax assessments and appeals of assessments
- Negotiation between buyers and sellers
- Government acquisition of private property for public use
- Business mergers or dissolutions
- Lease negotiations

*What is the Role of the Appraiser?*

The role of the appraiser is to provide objective, impartial, and unbiased opinions about the value of real property—providing assistance to those who own, manage, sell, invest in, and/or lend money on the security of real estate. Appraisers assemble a series of facts, statistics, and other information regarding specific properties, analyze this data, and develop opinions of value. Each appraisal assignment challenges the appraiser's ability to put analytical skills into practice, exercise sound judgment, and communicate effectively.

*What Qualifications Must Appraisers Have?*

Federal law requires Indiana appraisers to be state certified in order to provide appraisals to federally regulated lenders. We have interpreted the Indiana statute to require certification for other parties as well. A licensed real estate broker may provide

real estate appraisals for compensation without holding a certificate as a real estate appraiser.

To become licensed or certified as an appraiser, a person must obtain between 200 and 300 hours of valuation education, gain 2,500-3,000 hours of valuation experience while working as a trainee under a supervisory appraiser, and must pass an examination that is written by the Appraisal Qualifications Board of The Appraisal Foundation, which is a national entity.

Designated members of the Appraisal Institute have gone beyond these minimum requirements. They have fulfilled rigorous education, experience, testing and peer review or demonstration of knowledge requirements and adhere to strict standards and a code of professional ethics. The Appraisal Institute currently confers the MAI membership designation on those who are experienced in the valuation of commercial, industrial, residential, and other types of properties. The SRA membership designation is held by those who are experienced in the analysis and valuation of residential real property. The AI also confers the AI-GRS and AI-RRS review designations.

Four of the current members of the Real Estate Appraiser Board are members of the Appraisal Institute.

#### *Are There Different Categories of Real Estate (Real Property) Appraisers?*

1. Licensed Appraiser Trainee:

Someone who is qualified to appraise those properties, which the supervising certified appraiser is qualified to appraise.

2. Certified Residential Real Property Appraiser:

Someone who is qualified to appraise one to four residential units without regard to value or complexity. This classification does not include the appraisal of subdivisions. To be a state certified residential appraiser qualified to do appraisals for federally related transactions, a state must have requirements that meet or exceed this minimum standard.

3. Certified General Real Property Appraiser:

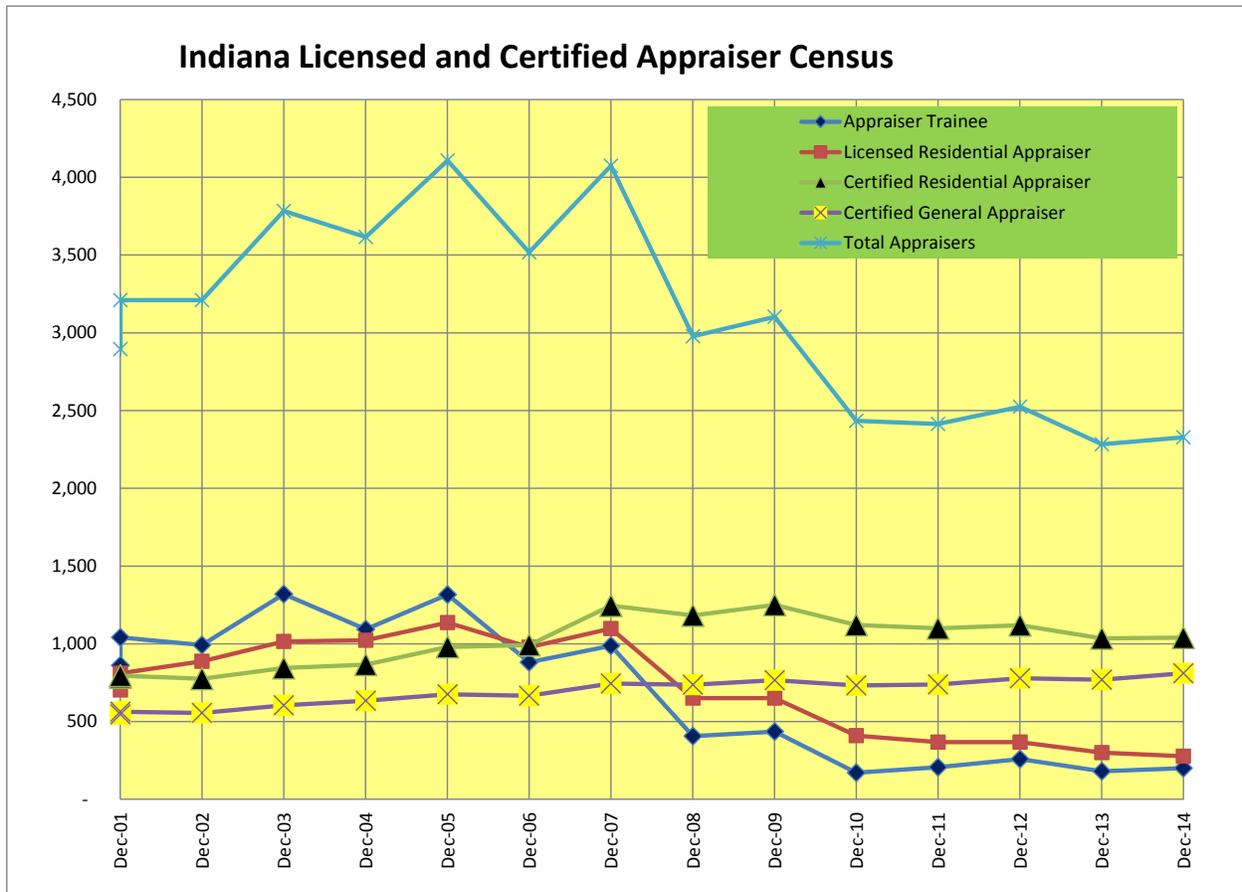
Someone who is qualified to appraise all types of real property. To be a state certified general appraiser qualified to do appraisals for federally related transactions, a state must have requirements that meet or exceed this minimum standard.

#### *Demographics of Appraisers*

In the United States today there are about 99,214 Licensed or Certified appraisal credentials issued by the 50 states and two territories. This number is not the actual

head count since some appraisers carry credentials in multiple states. This is especially true for appraisers that work near the borders with other states. The actual head count is about 78,500 persons.

The state of Indiana has about 2,219 Licensed and Certified Credentials issued which is about 2.24% of the national totals. Again, some appraisers carry credentials in several states. The following chart shows the change in the number of appraisers in Indiana:



The average age of appraisers in this state is about 53 years old. One of the biggest problems we have is getting new people into the industry. We will likely face a shortage in the near future as the elder practitioners retire.

The Appraisal Institute conducted a study of appraisers, looking at demographics and income. The summary of this study is attached to the end of this report. NOTE: The salaries reported are likely too high, considering these have a higher portion of designated members of the Appraisal Institute, and include market area where services are more in demand.

### *History of Profession and Federal Oversight*

In 1991, the Federal Government passed the Financial Institutions Reform and Recovery Enforcement Act (FIRREA) which was commonly known as the S & L Bailout. This law required Federal banks, S & L's and Credit Unions to use State Licensed or Certified Appraisers when the loan amount exceeds \$250,000.

The FIRREA law was modified in the Dodd Frank Bill in 2010.

The Real Estate Appraiser Licensure and Certification Board (REAB) was created in 1992. At that time the Indiana Attorney General's office was designated to be the enforcement arm of Indiana Law and rules for appraisers. This is now part of the Homeowners Protection Unit at the ATG office.

The REAB has Federal oversight by The Appraisal Sub-Committee (ASC) of the Federal Financial Institutions Examination Council (FFIEC). FFIEC is essential the Federal bank examiners. They ASC audits the operations of the REAB and the Indiana Attorney Generals enforcement procedures.

Prior to 1992, the only requirement in the State of Indiana to do appraisals was an active broker's license. Today real estate brokers can still do real estate appraisals but most banks, Savings and Loan, Credit Unions must hire Licensed or Certified Appraisers.

While the Federal requirements include the college degree, the apprenticeship period and focused education; the real estate broker's license requirements do not. This means for appraisals that do not require a state licensed or certified appraiser, the real estate broker (with very minimal requirements) can perform these functions.

Licensed and Certified are required by Federal law, lender rules and most clients to follow the Uniform Standards of Professional Appraisal Practice (USPAP). The real estate brokers are supposed to follow these rules also.

Licensed and Certified Appraisers are required to take a Update USPAP class every two years. The renewal cycle for USPAP lines up with the renewal cycle for the licensees.

The Attorney General's office receives and processes any complaints from homeowners, lenders and other appraisers. The ATG office usually involves one of the REAB members as a Liaison to help interpret the USPAP rules and Indiana Rules for Appraisers.

*What is the cost for a licensee?*

The cost of getting a certification is largely the cost of the education which is done by various providers and the examination and applications fees. The State of Indiana has the following fees;

- (1) Application for admittance to the examination = \$100
- (2) Fee for issuance of a license or certificate (after passing the examination) during the first twelve (12) months of the renewal cycle = \$190
- (3) Fee for issuance of a license or certificate (after passing the examination) during the last twelve (12) months of the renewal cycle = \$150

Part of the above fees go the Appraisal Subcommittee

- (4) Application for licensure by reciprocity = \$100
- (5) Application for the renewal of a license or certification (including eighty dollars (\$80) required by federal law to be transmitted to the federal government and ten dollars (\$10) for the investigative fund under IC 25-34.1-8-7.5) = \$190

The renewal fee for KY is \$252 per year

The renewal fee for IL is \$580 every two years.

Indiana is \$190 every two years.

*About The Appraisal Institute*

The Appraisal Institute is a global professional association of real estate appraisers, with nearly 21,000 professionals in almost 60 countries throughout the world. Its mission is to advance professionalism and ethics, global standards, methodologies, and practices through the professional development of property economics worldwide. For more than 80 years, the Appraisal Institute has been the world's leading organization of professional real estate appraisers. The organization has led the way in fostering and promoting the highest standards of practice through its designation programs, peer review process, education, research and publishing endeavors.

Organized in 1932, the Appraisal Institute advocates equal opportunity and nondiscrimination in the appraisal profession and conducts its activities in accordance with applicable federal, state and local laws. Individuals of the Appraisal Institute benefit from an array of professional education and advocacy programs, and may hold the prestigious MAI, SRPA, SRA, AI-GRS, and AI-RRS designations.

Our Professionals.

The majority of Appraisal Institute professionals are practicing real estate appraisers and property analysts who provide valuation-related services to such clients as mortgage lenders, financial institutions, government agencies, attorneys and financial planners as well as homeowners and other individual consumers.

Appraisal Institute Designated members have met rigorous requirements relating to education, testing, experience and demonstration of knowledge, understanding and ability. Those individuals holding the Appraisal Institute's MAI and SRPA designations are experienced in commercial valuation, including industrial, retail and multifamily properties. Those holding the SRA designation are experienced in residential valuation. All Appraisal Institute professionals adhere to a strictly enforced Code of Professional Ethics and Standards of Professional Appraisal Practice.

# U.S. VALUATION PROFESSION FACT SHEET – June 2015

Appraisal Institute Research Department



## Real Estate Appraiser Population Trends

As of June 30, 2015, the number of active real estate appraisers in the U.S. stood at 78,500. The average annual rate of decrease is nearly 3.0 percent – a cumulative decline of 20 percent since 2007. Broader analysis suggests the recent average annual rate of decrease could continue for the next 5-to-10 years due to retirements, fewer new people entering the appraisal profession, economic factors, government regulation, and greater use of data analysis technologies.

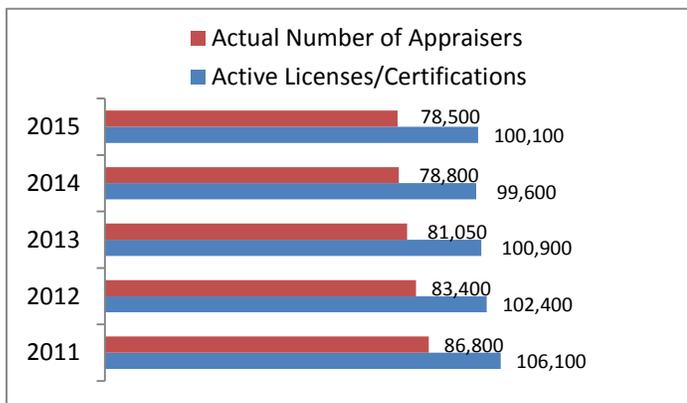


Figure 1 Total licenses/certifications and appraisers

As of June 30, 2015, 19.3 percent of U.S. real estate appraisers held a license or certification in one or more states outside their home state. The proportion has increased steadily over the past five years.

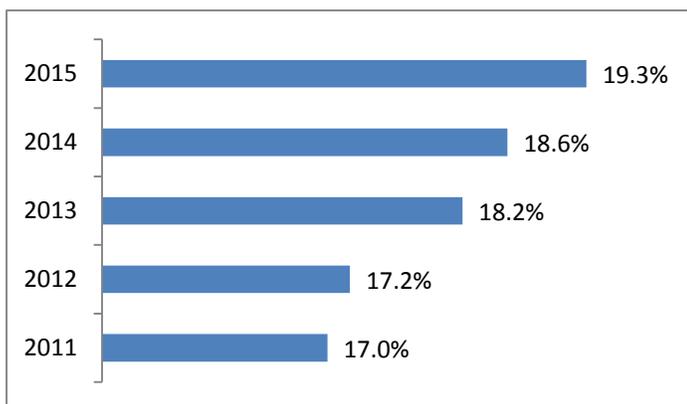


Figure 2 Licenses/certifications held in other states

The proportion of licensed real estate appraisers continues to decrease while the proportion of Certified

Residential increased slightly and the proportion of Certified General appraisers remained the same.

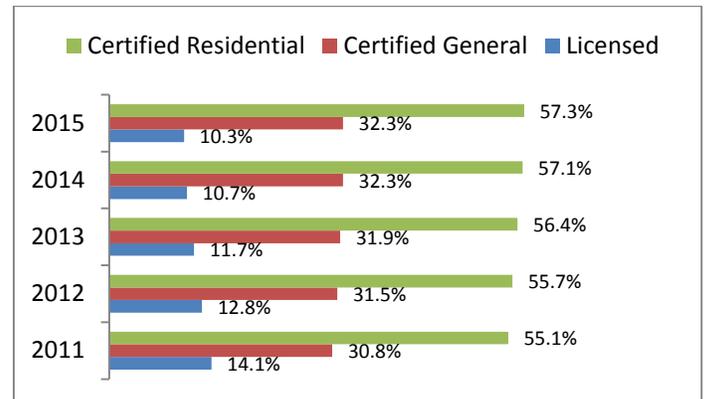


Figure 3 Proportions of licensed and certified appraisers

## U.S. Valuation Profession Demographics

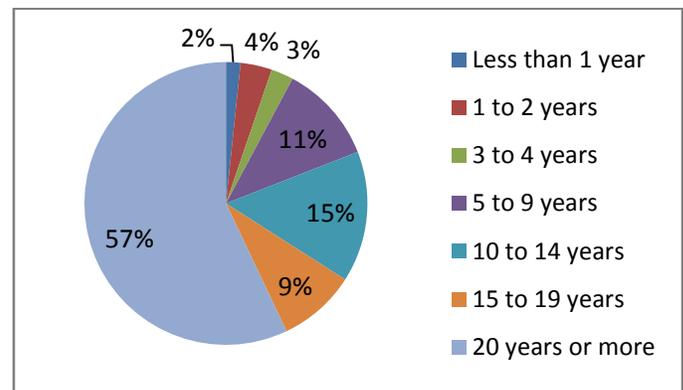


Figure 4 Time in the valuation profession

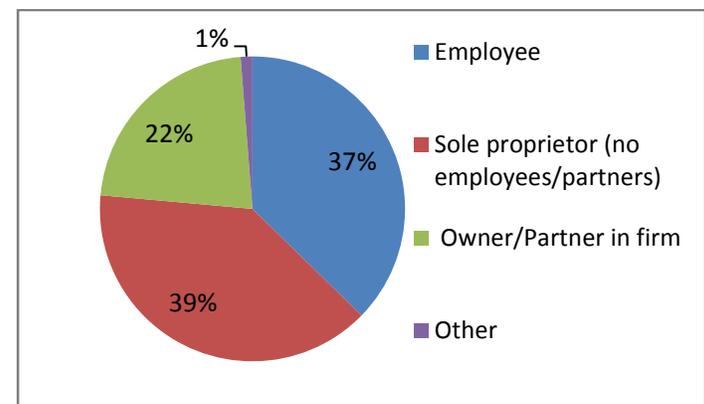


Figure 5 Employment status

Sources: U.S. appraiser population statistics derived from the ASC National Registry as of June 30, 2015. Demographic statistics derived from Appraisal Institute studies conducted in 2014 comprised of randomly selected AI members and nonmember valuation professionals. Survey sample 1,451 individuals, sampling error +/- 2.6 percentage points at the 95 percent confidence level.

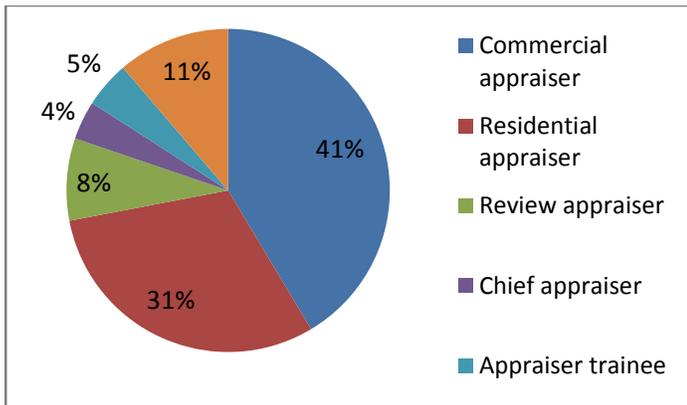


Figure 6 Primary occupation/job functions

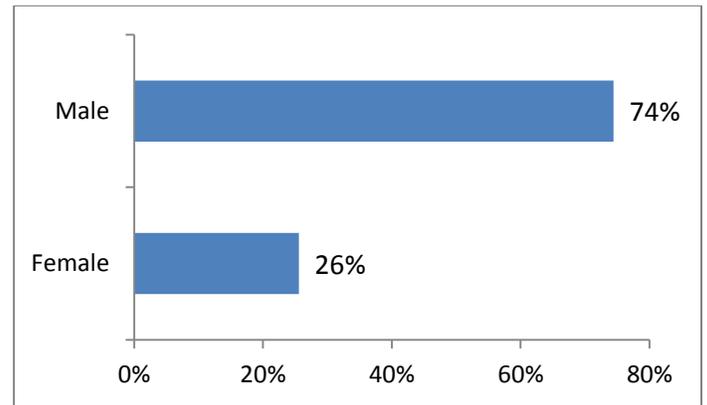


Figure 10 Gender

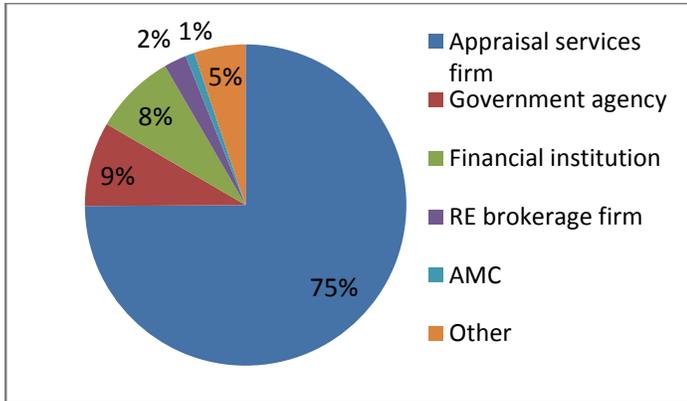


Figure 7 Types of companies or organizations

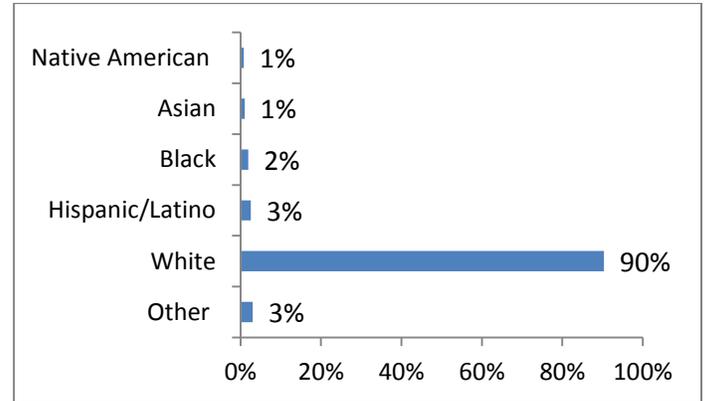


Figure 11 Ethnicity

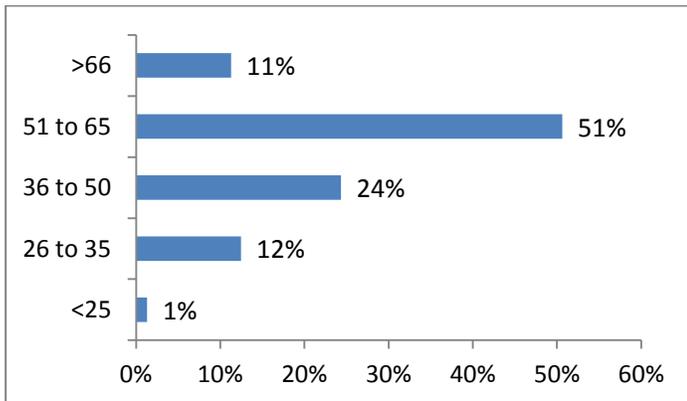


Figure 8 Age

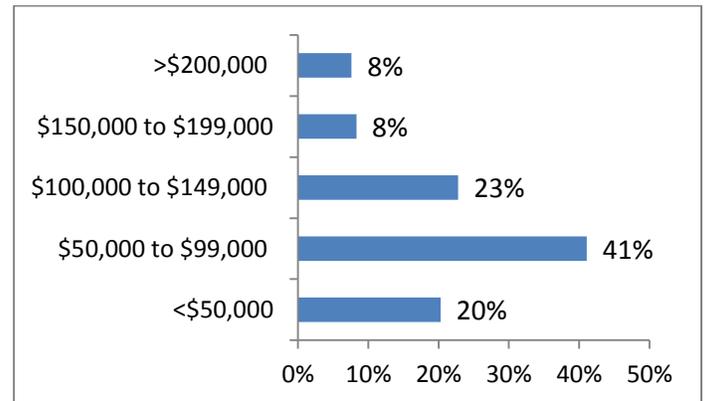


Figure 12 Annual incomes all valuation professionals

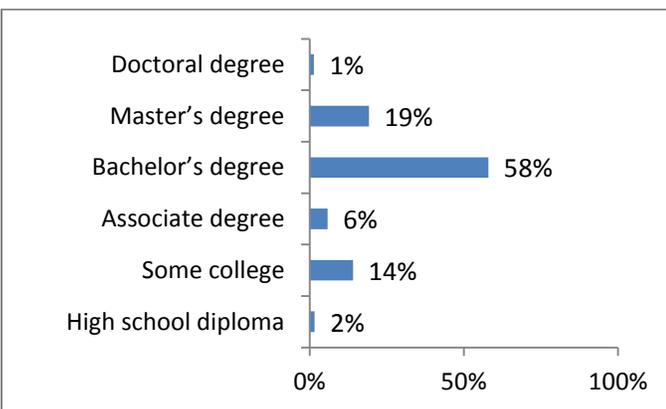


Figure 9 Education level

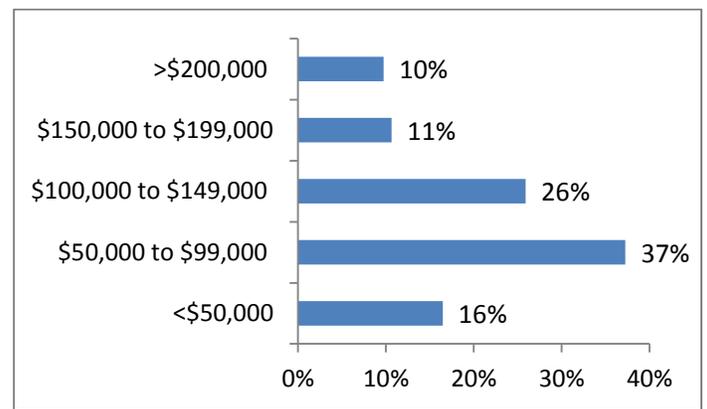


Figure 13 Annual incomes AI Professionals

*The Appraisal Institute is a global professional association of real estate appraisers, with more than 20,000 individuals in almost 60 countries. Its mission is to advance professionalism and ethics, global standards, methodologies, and practices through the professional development of property economics worldwide.*



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April 21, 2016

Deborah Frye, Chair  
Jobs Creation Committee  
402 West Washington Street, W072  
Indianapolis, IN 46204

Dear Chair Frye:

On behalf of the approximately 8,000 physician members of the Indiana State Medical Association (ISMA), please accept this letter to assist the Indiana Jobs Creation Committee's study of the Medical Licensing Board of Indiana (MLB).

The ISMA is the oldest and largest physician membership organization in the state and is comprised of medical students, residents, actively practicing physicians and retired physicians – both MDs and DOs of all specialties. Our members work in various practice settings and include both employed and private practice physicians. Since 1849, the ISMA and its members have been dedicated to a mission of helping Indiana doctors provide the best possible health care for their millions of patients.

The ISMA's advocacy efforts touch every facet of the practice of medicine and the delivery of health care in Indiana, including specific efforts that impact the MLB. Whether focusing on the provisional license statute, the physician compliance fund and administrative penalty sanctions, the office-based anesthesia rules, telemedicine or the enormous task of adopting regulations on prescribing opioids for chronic pain, the ISMA appreciates the opportunity to contribute.

It is the position of the ISMA that the licensing of physicians and other health care providers regulated by the MLB fulfills a critical need, protecting Hoosiers in matters related to the delivery of health care. Functions of the MLB to license, permit, discipline, and regulate the practice of medicine are absolutely necessary to the health and well-being of our citizens.

The MLB is home to one of the best-administered boards in the country and is recognized for having one of the lowest application fees and fastest application turnaround times in the U.S. Thus, the MLB removes barriers to practice and allows qualified physicians to begin caring for patients faster.

Indiana physicians are an economic driver in local communities where they provide office-based patient care. In 2012 alone, Indiana physicians were responsible for \$730 million in state and local taxes, \$10.6 billion in wages and benefits, and creation of 10 jobs for every practicing physician. Compensation for physicians in 2014 ranged from an average of \$150,000 in Genetics to \$800,000 in Dermatology Surgery.

In considering improvements to the MLB, the ISMA suggests upgrading MLB meeting room to include advanced audio-visual technology that would permit those around the state to view MLB proceedings. The ISMA regularly encourages medical schools and residency programs to include attendance at a MLB meeting in their education. This activity could certainly be facilitated by allowing students/residents to remain on campus to view actions of the Board.

Why not utilize the physician compliance fund to acquire the necessary equipment and technology to bring the MLB meetings into the 21<sup>st</sup> Century? If medical schools and residency programs were to send their students and residents to MLB monthly meetings, the current room would not have enough capacity and some will be turned away.

The ISMA would like to have a protocol for applicants' and licensees' personal appearances before the MLB. For example: A person files a consumer complaint directly with the MLB and not the Office of the Attorney General (OAG) and MLB staff forwards the complaint to the OAG. If the OAG does not resolve the consumer complaint by the time the physician renews his license, the MLB requires a personal appearance. This usually means the MLB keeps the physician's license in "valid to practice while under review" status, instead of renewing it because MLB members have no knowledge of an unresolved investigation. This causes problems for the doctor, even though legally the physician has a full license. Contrast that with a situation wherein a person files a complaint directly with the OAG. If that physician complaint fails to be resolved before renewal, the doctor is not called for a personal appearance. In this latter situation, the complaint is held confidential by law, but in the first example the complaint is made public.

Physicians who have consumer complaints filed with the MLB are treated differently for no apparent reason, resulting in serious issues for those physicians. Inherent in those differences is confidentiality. One complaint is kept confidential; the other requires a PUBLIC appearance and a record in public documents. This disparity should be addressed before the 2017 renewal cycle for physicians.

Thank you for the opportunity to provide this information. It is my privilege to represent many physicians in our state as president of the ISMA. Our organization looks forward to continuing the positive relationship we have with the MLB and PLA and advancing the same mission: to safeguard the well-being of the citizens of Indiana.

Respectfully submitted,

A handwritten signature in black ink that reads "Rhonda Sharp, M.D." The signature is written in a cursive, flowing style.

Rhonda Sharp, M.D., President  
Indiana State Medical Association

# Nothing routine about practice of anesthesia

By JOHN PRZYBYS LAS VEGAS REVIEW-JOURNAL

March 27, 2016 - 7:58am

There's nothing short of an everyday miracle — a medical, pharmacological, technological miracle — unfolding in an operating room at University Medical Center of Southern Nevada.

Recently, on an otherwise ordinary Friday morning, Dr. Keith Blum, a neurosurgeon, will be removing a portion of skull that is pressing on a boy's brain.

The miracle: The boy will feel nothing during the operation and remember nothing about it afterward.

Then there's this: The youth won't die despite the stress to his body caused not just by the procedure itself but also by the effects of the anesthesia necessary to perform it.

And for that, credit Dr. Samson Otuwa, the scrub-suited guy sardined in amid an array of monitors and IV lines and cords that make his work space more resemble the cockpit of a jet than an operating room.

Otuwa is a physician anesthesiologist. While Blum is performing surgery, Otuwa will keep the boy alive but deliberately unconscious, during a span of time when, without Otuwa's nonstop attention, the boy surely would die.

Anesthesia is such a routine aspect of modern medical practice that it's easy to forget how amazing, and how bizarre, it really is. And, while patients know and certainly appreciate what surgeons and nurses do during an operation, the role of the anesthesiologist — someone who the patient probably met just before their operation and may see again only briefly in the recovery room — often is taken for granted.

Until the bill arrives, anyway.

Otuwa, who specializes in pediatric anesthesia — he estimates that kids make up about 20 percent of his practice — describes his job in a way most patients would find nothing short of frightening.

General anesthesia — the type of anesthesia that, in contrast to, say, local or regional anesthesia, patients associate with major operations — isn't about putting patients to sleep during a procedure, Otuwa says. Regional anesthesia does not require patients to be unconscious during the procedure. But for general anesthesia, it's about "continuously resuscitating them" while they're under.

That's because the cocktail of inhaled and intravenous drugs used to induce and maintain general anesthesia creates a state of "physiologic imbalance," Otuwa says.

The drugs — which will render the patient unconscious, control pain, induce amnesia and prevent movement — "knock out the breathing, knock out his blood pressure, knock out his (control of body) temperature, knock out everything the body does when you're alive," Otuwa says. "So, now, it's our job to maintain that state when (the patient is) alive but not awake."

Dr. Mitch Keamy, a veteran Las Vegas physician anesthesiologist, says he doesn't even tell patients he's putting them to sleep because "I'm not putting you to sleep. I am creating a drug-induced coma which is reversible."

"When you sleep at night, if somebody comes to you with a scalpel, you're going to wake up. When you're asleep at night, if your wife puts an elbow where your eye is, you're going to say 'Ouch'" Keamy says. "These are not things that happen during anesthesia because anesthesia is not sleep."

“Do I make patients nervous by saying that? I hope so, because, otherwise, it’s not informed consent. But then you reassure them, give them honest informed consent about what you’re going to do, then you reassure them of your ability to safely guide them through this process.”

Then, while the anesthesiologist quite literally keeps the patient alive and as comfortable as possible — a responsibility Keamy describes as acting as “the custodian of (the patient’s) well-being” — the surgeon can focus on the procedure itself.

“I think the anesthesiologist is just as important as the surgical process itself,” Blum says. “It can be the perfect surgery, and if the anesthesia is not up to par, the outcome might not be as favorable.”

During the operation, Otuwa will monitor a dizzying array of vital signs — including heart rate, body temperature, respiration, cardiac activity, oxygen saturation in the blood and carbon dioxide exhaled — as well as the patient’s “depth of consciousness” through brain function monitors that, he says, “tell you how conscious or unconscious a patient is.”

Through it all, Otuwa will continually administer and re-administer drugs and perform measures aimed at keeping the patient comfortable and manage the potentially deadly effects and side-effects of those drugs.

Another taken-for-granted miracle of modern medicine: Despite all of this complex medical and pharmacological choreography, anesthesia is relatively — maybe surprisingly — safe.

Dr. Daniel Cole, president of the American Society of Anesthesiologists, notes that a 2011 review of data put the risk of anesthesia-associated mortality among healthy patients at 0.4 deaths per 100,000 cases.

Then, Cole says, “if you’re a little sicker, it would be 27 per 100,000, and if you’re pretty sick, it would be 55 per 100,000.”

In contrast, according to the study, anesthesia-related mortality was reported at about 64 per 100,000 operations during the ’40s. Trends “got significantly better in the ’70s and ’80s” Cole says, and anesthesia-related deaths fell significantly “with some of the technology and when safety standards get implemented.”

At the same time, there are data indicating that, over the past decade or so, anesthesia-related death rates have been “creeping up,” Cole says. “Not a lot, but creeping up.”

That is “not particularly due to anesthesia per se but probably due to a couple of factors,” Cole adds. Most notably, he says, patients today are “coming around for surgery (who) are sicker and sicker.”

Among the common conditions associated with general anesthesia complications are hypertension, diabetes, heart disease, conditions that involve blood flow to the brain, kidney failure, lung disease and obesity, Cole says, “and it has to do not only with the intraoperative piece but also with postoperative complications.”

Another reason for the apparent upward creep may be that “we have been doing a lot more procedures and new procedures that would essentially have been unthinkable about a decade or two ago,” Cole says.

Cole says his father recently was scheduled to undergo heart surgery at the age of 85, and “I don’t think we would have done that 20 or 30 years ago.”

“So anesthesia inherently has not changed or gotten worse,” Cole says. “It’s just (that) more risks are taken on with patients and procedures.”

Otuwa credits anesthesia’s safety record to “advances made in monitoring patients and because of the agents — the new drugs — that have come out on the market that are more friendly to the body.

“It is really very, very rare, indeed, to have an adverse event, because of the monitoring and because of the medications we have, not only (for) doing anesthesia but for resuscitating.”

Keamy recalls that when he began practicing anesthesiology 37 years ago, “monitoring technology was primitive, and drugs were primitive.”

Just 30 years ago, “I had a simple blood pressure monitor and electrocardiogram and a stethoscope,” he says. “There were no oxygen-measuring devices available. There were no ventilation measuring devices available. The technology to do invasive monitoring was much less advanced. We were just starting to get ultrasound technology, which was pretty primitive.”

Yet, anesthesia remains an often taken-for-granted part of medical care — even, Otuwa jokes, among anesthesiologists’ own family members.

“It’s like my 11-year-old son. He asks me, ‘Putting people to sleep, that’s all you do? You went to school for 11 years just to put people to sleep?’” Otuwa says, laughing.

In the operating room, Otuwa begins by giving his patient calming medications (medications for nausea or digestive upset also can be given preventatively, if necessary). Then, other inhaled and injected ingredients of the anesthetic cocktail will be administered progressively over time as Otuwa constantly gauges their effectiveness and watches for potential adverse reactions.

The last drug the patient will remember receiving is the one that causes unconsciousness. That’s called the induction drug, and that’s “when we ask you to count for like 10 seconds and out, and then we take control from there,” Otuwa says.

Literally.

The induction drug is “very potent,” Otuwa says. “It stops your breathing. It knocks your blood pressure down.”

“So we have to breathe for you” Otuwa says, via intubation — the placing of an artificial airway — and a mechanical ventilator. Then, throughout the operation, Otuwa will manage all of the body’s processes that the body normally would manage for itself, deal with any unanticipated changes to the patient’s physiological state that might arise and keep the patient’s vital signs within acceptable ranges.

The anesthesiologist’s job is to “focus on the whole patient, while the surgeon is focusing on ... getting a good outcome,” Keamy says. “We’re supposed to be parked there behind our bank of monitors and managing the patient’s overall physiology, managing the tenor of the room, managing the surgeon a little bit. My job is to make the procedure as safe and as comfortable for the patient as possible.”

The operating room is silent as Otuwa, Blum and other surgical team members work. Otuwa stands at the head of the table, occasionally injecting medications into an intravenous line, peering at his monitors constantly and examining the condition of his patient. The atmosphere is calm and almost unsettling in its routineness.

The tenor might be noticeably different with a trauma case or an emergency surgery. It’s in such cases “where you have the highest incidence of awareness of anesthesia,” Otuwa says.

Anesthesia awareness, or intraoperative awareness — in which the patient reports being aware of what was going on during surgery — “is a concern with some patients, and it tends to occur in high-risk groups of patients,” Cole says.

“It can be someone with medical conditions that may cause your blood pressure to go down unsatisfactorily” or occur when a medical issue requires lighter anesthesia to maintain the patient’s safety, Cole says. Intraoperative awareness also is more common in patients who have experienced it previously or whose family members have

experienced it, “or if you drink a lot of alcohol or take a lot of other medications ... related to the anesthetic, such as pain medications.”

The sounds escaping from the room’s monitors — beeps, drones, occasional higher-pitched trills — provide the operation’s musical score, whose individual notes are discernible only to Otuwa. And when the patient finally does awaken, Otuwa’s role, as vital as it has been, may be one that the patient acknowledges only briefly.

At least until that bill arrives? Otuwa laughs.

“When you get a bill, life is good,” he says, smiling. “You did very, very well to get a bill. Be happy.”

Read more from John Przybys at [reviewjournal.com](http://reviewjournal.com). Contact him at [jprzybys@reviewjournal.com](mailto:jprzybys@reviewjournal.com) and follow [@JJPrzybys](https://twitter.com/JJPrzybys) on Twitter.

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# Indiana Society of Anesthesiologists

## Licensure of Anesthesiologist Assistants

Presentation to the Jobs Creation Committee

April 21, 2016

## Anesthesiologist Assistants

- ▶ On March 24, 2014, Gov. Mike Pence signed Senate Enrolled Act 233 into law, which authorized anesthesiologist assistants (AAs) to administer anesthesia in the state of Indiana under the direction of an anesthesiologist.
- ▶ SEA 233 also required the Medical Licensing Board (MLB) to adopt rules governing the licensing and regulation of AAs.
- ▶ The rules were adopted unanimously by the MLB in December 2015 and signed into law by Gov. Pence on February 25, 2016.
- ▶ The MLB approved the draft AA licensure application on March 24, and the rules became effective three days later.
- ▶ The AA application and information on licensure were posted on PLA's website in early April 2016.

## AAs: A new health care profession in Indiana

- ▶ Prior to the passage of SEA 233, it was the unauthorized practice of medicine for anyone other than a physician or a certified registered nurse anesthetist to administer anesthesia in a medical setting.
- ▶ Although AAs could lawfully administer anesthesia under the direction of an anesthesiologist in 16 other jurisdictions, an AA who practiced in Indiana could have been charged with a Level 5 felony for the unauthorized practice of medicine, which carries a minimum sentence of a year in prison.
- ▶ SEA 233 removed this prohibition and opened up the state to a new, high-paying health care profession that will help meet the future need for anesthesia providers in a cost-effective manner while protecting patient safety.

FAEGRE BAKER  
DANIELS

## What is an Anesthesiologist Assistant?

- ▶ AAs are highly skilled health care professionals who work under the direction of licensed anesthesiologists.
- ▶ Under the rules adopted by the Medical Licensing Board, an anesthesiologist can provide anesthesia care for up to four patients at the same time by delegating specific tasks to AAs under the anesthesia care team model.
- ▶ However, the ultimate responsibility for patient safety under the anesthesia care team model remains with the anesthesiologist, who must participate in critical parts of the anesthetic and be immediately available to return to the patient's bedside in the event of an emergency.

FAEGRE BAKER  
DANIELS

## AA Training & Education

- ▶ An individual seeking AA licensure must graduate from a master's level AA training program accredited by the Commission for the Accreditation of Allied Health Educational Programs (CAAHEP).
- ▶ The program must be based at, or in collaboration with, a university that has a medical school and academic anesthesiologist physician faculty. Admission requirements include a baccalaureate degree with a premedical focus.
- ▶ There are currently 10 accredited AA programs. The IU School of Medicine is also exploring the feasibility of establishing an AA training program.

FAEGRE BAKER  
DANIELS

## AA Certification

- ▶ In order to be licensed in Indiana, a graduate of an AA training program must also pass the National Commission for the Certification of Anesthesiologist Assistants examination.
- ▶ This examination is administered and scored by the National Board of Medical Examiners.
- ▶ Under SEA 233, AAs must maintain national certification as a condition of licensure.
- ▶ To re-certify, an AA must complete 40 hours of CME every two years and take the Continuing Demonstration of Qualification Exam every six years.

FAEGRE BAKER  
DANIELS

# AAs practice in 16 states and District of Columbia

AA Practice Jurisdictions			AA Programs
Jurisdiction	Licensure	Physician delegation	
Alabama	X		Emory University - Atlanta, GA
Colorado	X		Case Western Reserve Cleveland, OH
District of Columbia	X		Case Western Reserve Houston, TX
Florida	X		Case Western Reserve Washington, DC
Georgia	X		Nova Southeastern University Ft. Lauderdale, FL
Indiana	X		Nova Southeastern University Tampa, FL
Kentucky	X		University of Missouri at Kansas City South University - Savannah, GA
Michigan		X	Quinnipiac University - Hamden, CT
Missouri	X		University of Colorado Aurora, CO
New Mexico	X		
North Carolina	X		
Ohio	X		
Oklahoma	X		
South Carolina	X		
Texas		X	
Vermont	X		
Wisconsin	X		

FAEGRE BAKER  
DANIELS

## Why are AAs licensed?

- ▶ Licensure is necessary to protect patients by ensuring that an AA has the requisite training and experience to administer anesthesia and does not have a history of disciplinary problems that could jeopardize patient safety.
- ▶ Although anesthesia is safer than ever before thanks to improvements in technology and advancements in patient safety, a number of inherent risks remain.
- ▶ As an anesthesiologist recently told *The Las Vegas Journal-Review*, the practice of anesthesiology does not involve putting people to sleep. Instead, it's about keeping patients alive and pain-free after they are placed in a drug induced coma which renders them unable to control their own blood pressure or even breathe on their own.

FAEGRE BAKER  
DANIELS

## Licensure vs. certification

- ▶ Although Indiana state statute requires AAs to pass a national exam and be certified by the National Commission for the Certification of Anesthesiologist Assistants (NCCAA), certification cannot replace state licensure.
- ▶ Certification is simply the means by which an AA can demonstrate proficiency.
- ▶ Certification does not take the place of regulation by the Medical Licensing Board.

FAEGRE BAKER  
DANIELS

## Potential changes to AA licensure & regulation

- ▶ AA licensure legislation was originally passed by the legislature in 2013, but was vetoed by Gov. Pence after it was amended to include licensure or certification for several unrelated professions.
- ▶ In 2014, the Indiana Society of Anesthesiologists worked with the Pence administration on a scaled-back version of the AA licensure law that eliminated the AA Committee and put all responsibility for licensure directly under the Medical Licensing Board.
- ▶ Because the AA profession is new to Indiana, the number of initial licensees is expected to be small. However, we expect the profession will grow over the next few years in response to demand, especially if an AA program is established in Indiana. At some point, a separate AA committee may need to be established to handle the workload.

FAEGRE BAKER  
DANIELS

# Expanding Access, Protecting Patients: The Interstate Medical Licensure Compact



A new, *expedited pathway*  
to medical licensure

The Interstate Medical Licensure Compact offers a new, expedited pathway to licensure for qualified physicians who wish to practice in multiple states, increasing access to health care for patients in underserved or rural areas and allowing them to more easily connect with medical experts through the use of telemedicine technologies. Put simply, the Compact makes it easier for physicians to obtain licenses to practice in multiple states. At the same time, the Compact strengthens public protection by enhancing the ability of states to share investigative and disciplinary information. The Compact is being implemented in twelve U.S. states, with others expected to adopt it soon.

## How will the Compact work?

States participating in the Compact will formally agree to adopt common rules and procedures that will streamline medical licensure, thus substantially reducing the time it takes for physicians to obtain multiple state licenses. A Compact Commission will provide oversight and the administration of the Compact, creating and enforcing rules governing its processes. The Interstate Medical Licensure Compact will not supersede a state's autonomy and control over the practice of medicine, nor will it change a state's *Medical Practice Act*. Participating states will retain the authority to issue licenses, investigate complaints, and discipline physicians practicing in their state. The practice of medicine will continue to occur in the state where the patient is located.

## What is driving the need for the Compact?

Among the issues driving the need for the Compact are physician shortages, the influx of millions of new patients into the health care system as a result of the *Affordable Care Act*, and the

growing need to increase access to health care for individuals in underserved or rural communities through the use of telemedicine. Proponents of telemedicine have often cited the time-consuming state-by-state licensure process required for multiple-license holders as a key barrier to telemedicine's growth — the Compact will help overcome this hurdle.

## Who will be eligible to seek licensure through the Compact process?

To be eligible for entry into the Compact process, physicians will have to possess a full and unrestricted license in a Compact member state, be certified (or "grandfathered") in a medical specialty, have no history of being disciplined, penalized or punished by a court, a medical licensing agency or the Drug Enforcement Administration, and meet several other robust requirements. It is estimated that nearly 80% of the physician population licensed in the United States could be eligible for expedited licensure via the Compact.

## How will a physician apply for expedited licensure through the Compact?

An eligible physician will designate a member state as the State of Principal Licensure and select the other member states in which a medical license is desired. Upon receipt of this verification in the additional Compact states, the physician will be granted a separate, full and unrestricted license to practice in each of those states.

## Can a physician that is ineligible for, or does not want to participate in, the Compact still obtain multiple state licenses?

Yes. The Compact is voluntary for both states and physicians. Physicians who cannot or do not want to participate in the expedited licensure process facilitated by the Compact will still be able to seek additional licenses in those states where they desire to practice by applying through that state's traditional and existing licensure processes.

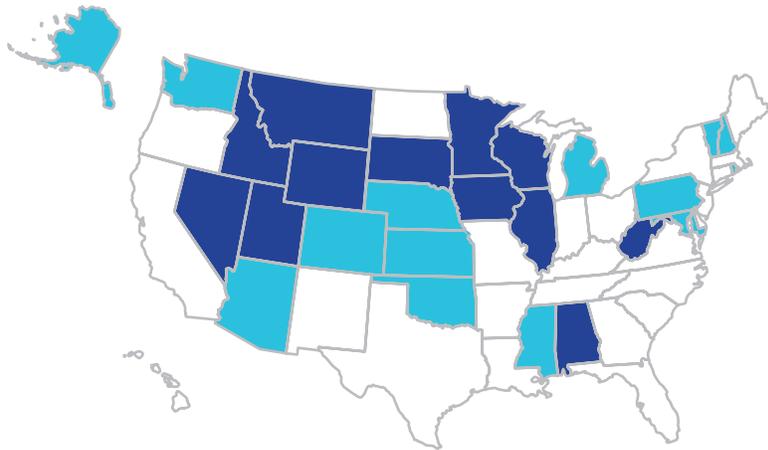
## The Interstate Medical Licensure Compact **Legislative Overview** (As of February 10, 2016)

### Enacted

Alabama  
Idaho  
Illinois  
Iowa  
Minnesota  
Montana  
Nevada  
South Dakota  
Utah  
West Virginia  
Wisconsin  
Wyoming

### Introduced

Alaska  
Arizona  
Colorado  
Kansas  
Maryland  
Mississippi  
Michigan  
Nebraska  
New Hampshire  
Oklahoma  
Pennsylvania  
Rhode Island  
Vermont  
Washington



### How can a state become a member of the Interstate Medical Licensure Compact?

In order for a state to join the Interstate Medical Licensure Compact, state legislatures must enact the Compact into state law. In September 2014, state medical and osteopathic medical board representatives, along with other stakeholders, completed the crafting of model legislation for the use of states interested in participating in the Compact. Since 2015, half of the states in the nation have either introduced or enacted the model legislation in their legislative chambers and more than 30 state medical and osteopathic boards have publicly expressed support for the Compact.

### How many states have adopted the Compact?

As of January 1, 2016, twelve states have enacted the Compact legislation: Alabama, West Virginia, South Dakota, Utah, Wyoming, Idaho, Illinois, Iowa, Minnesota, Montana, Nevada, and Wisconsin. By surpassing the minimum threshold of seven state enactments, the Compact is now officially established. This year, the Commission will determine the processes, rules and technical infrastructure necessary to facilitate the expedited licensing option available to qualified physicians in Compact member states. Additional Compact legislative introductions and enactments are expected in the future.

### A practical and much needed solution

The Interstate Medical Licensure Compact represents a nationwide solution built upon, and reinforcing, a system of state-based regulation proven to extend health care to the underserved, protect patients and help facilitate telemedicine in the United States. To learn more, please visit [www.licenseportability.org](http://www.licenseportability.org).

### Support is Growing

A growing list of organizations have publicly expressed support for the Interstate Medical Licensure Compact. Among them are:

AARP  
Accreditation Council for Continuing Medical Education  
American Academy of Dermatology  
American Academy of Neurology  
American Academy of Pediatrics  
American College of Physicians  
American Medical Association  
American Osteopathic Association  
American Well  
Ascension Health  
Avera Health  
Children's Hospital of Pittsburgh of UPMC  
Council of Medical Specialty Societies  
Educational Commission for Foreign Medical Graduates  
Guinn Center for Policy Priorities  
Gundersen Health System  
Helmsley Charitable Trust Foundation  
InSight Telepsychiatry  
LocumTenens.com  
Mayo Clinic  
National Association Medical Staff Services  
National Board Of Medical Examiners  
National Stroke Association  
Society of Hospital Medicine  
State Hospital Associations  
State Medical Associations  
vRad

*"If the Interstate Medical Licensure Compact were to move forward, it would herald a major reform in medical licensing."*

— Robert Steinbrook, MD, Yale School of Medicine



For more information on The Interstate Medical Licensure Compact go to [licenseportability.org](http://licenseportability.org)



INDIANA ACADEMY OF  
FAMILY PHYSICIANS

MEMORANDUM

**To: Director Deborah Frye, IPLA**

**Date: April 21, 2016**

**From: Indiana Academy of Family  
Physicians**

**Subject: Job Creation Committee –  
Medical Licensing Board**

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On behalf of our more than 2,500 members, the Indiana Academy of Family Physicians thanks you for this opportunity to provide feedback and comment to the Jobs Creation Committee regarding the importance of Indiana's Medical Licensing Board (MLB).

The effectiveness and efficiency of the MLB helps to insure the competency of Indiana health care providers and quality of medical care in our state. Our members strongly support the MLB and believe that it should remain an independent board that should not be combined with any others. The highly technical nature of the modern practice of medicine requires oversight by only similarly trained physicians who understand the clinical rationale behind medical decisions.

Family medicine is a medical specialty which provides continuing, comprehensive health care for the individual and family, and the scope of family medicine encompasses all ages, both sexes, each organ system and every disease entity. Family physicians conduct approximately one in five office visits across the nation and provide the majority of care for America's underserved rural and urban populations. As such, the IAFP believes it is critically important that the MLB always include a member who is a primary care physician, given the nature of the cases brought before the board and the board's policymaking responsibilities which, more often than not, predominantly affect the practice of physicians working in primary care and family medicine. Further, the IAFP believes it is important for the members of the MLB to be fairly compensated for the oftentimes thankless job they perform on behalf of Indiana's physicians and health care consumers.

With regard to continuing medical education (CME), there is no question that CME is a vitally important to increasing a physician's knowledge, skill and competence in his or her specialty area. CME is a well-established part of medical practice; however, the IAFP believes that the medical profession itself and each specialty area should continue to maintain the responsibility for setting appropriate education standards and determining curricula in continuing medical education.

Thank you for your consideration.

April 18, 2016

Deborah Frye  
Executive Director  
Indiana Professional Licensing Agency  
402 W. Washington St., Room W072  
Indianapolis, IN 46204

Director Frye:

On behalf of our more than 160 member hospitals, the Indiana Hospital Association appreciates the opportunity to provide comment to the Jobs Creation Committee regarding the importance of Indiana's Medical Licensing Board (MLB). Many of the more than 13,000 physicians licensed by the MLB work in or practice alongside hospitals, and the effectiveness and efficiency of this entity is important to providing timely access to health care for our patients.

Our members share the common goals of providing the highest quality of care and improving the health of their communities. As such, we strongly support the MLB and do not believe it should be combined with any other board. The credentialing and review of physicians is an absolutely critical role for state government, and it would be detrimental if the focus were shifted or diminished because of consolidation with other entities. Hoosiers deserve the fundamental protection and quality assurance that the MLB provides.

Our only request is for future consideration of legislation that would allow Indiana to join a growing number of states embracing the Interstate Medical Licensing Compact (Compact). This Compact represents a way to expedite licensure for qualified physicians who wish to practice in multiple states. It has already been enacted in 12 states, including Iowa, Wisconsin, and Illinois and has been introduced in 14 additional states. Developed by the Federation of State Medical Boards (FSMB), it would increase efficiency without jeopardizing the autonomy of our MLB to set standards for the practice of medicine in Indiana. In fact, participation in the Compact can enhance public protection by improving communication between states to share investigative and disciplinary information.

While no licenses have yet been issued under the Compact, under the proposed system an eligible physician would first designate a participating state as the state of principal licensure and select the other member states in which a medical license is sought. According to the FSMB:

*"The state of principal licensure will verify the physician's eligibility and provide credential information to the Interstate Commission. The Interstate Commission will then collect applicable fees and transmit the physician's information and licensure fees to the additional states. Upon receipt in the additional states, the physician will be granted a license."* (<http://www.licenseportability.org/>)

This would not only streamline the licensure processes for physicians moving to Indiana or who practice in multiple states, but would also help advance the availability of telehealth services in underserved areas. This latter goal is particularly important since the Indiana General Assembly recently enacted HEA 1263, which will facilitate the expansion of telehealth services in our state.

In conclusion, the MLB is a highly-functioning, integral part of Indiana's health care system and we do not believe that any drastic changes are needed. We do, however, look forward to exploring with the MLB, the Indiana State Medical Association, and other key stakeholders the possibility of Indiana adopting the Interstate Medical Licensing Compact.

Thank you for your consideration.



Douglas J. Leonard, President  
Indiana Hospital Association

cc: Members of the Jobs Creation Committee

## **Pharmacy Technician Licensing, Training & Certification Data State Comparison**

Source: Pharmacy Technician Certification Board, Washington, DC.

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- Forty-five states and DC regulate pharmacy technicians via Licensure. The Indiana Board of Pharmacy does require technician licensure.
  - Twenty-three states and DC require technicians to pass a Board Approved Exam. Indiana does not require such an exam.
  - Twenty-three states and DC require technicians to complete Continuing Education. Indiana does not require CE.
  - Twenty-five states require Employer Training of technicians. Indiana does not require Employer Training of technicians.
  - Twelve states require Technicians to Maintain Certification. Indiana does not require certification.
- 

Source: NABP Survey of Pharmacy law: <http://www.nabp.net/publications/survey-of-pharmacy-law>

# Licensing of Pharmacy Technicians

District IV NABP / AACP  
November 6, 2014

Philip P. Burgess, RPh, DPh, MBA



Phil Burgess Consulting

## OBJECTIVES



- **THE CRITICAL ROLE THAT SUPPORT PERSONNEL WILL NEED TO PLAY IN THE FUTURE WITHIN THE RAPIDLY CHANGING HEALTH CARE ENVIRONMENT**
- **NEED FOR HEIGHTEN CONTROL OVER THESE INDIVIDUALS FOR PATIENT SAFETY BECAUSE OF THE EXPANDING ROLE OF PHARMACISTS**
- **THE INCREASING AMOUNT OF DRUG DIVERSION REQUIRE THAT BOARDS OF PHARMACY HAVE THE TOOLS ( SUCH AS LICENSING / DISCIPLINE ) TO MONITOR ALL INDIVIDUALS THAT HAVE ACCESS TO CONTROLLED SUBSTANCES.**

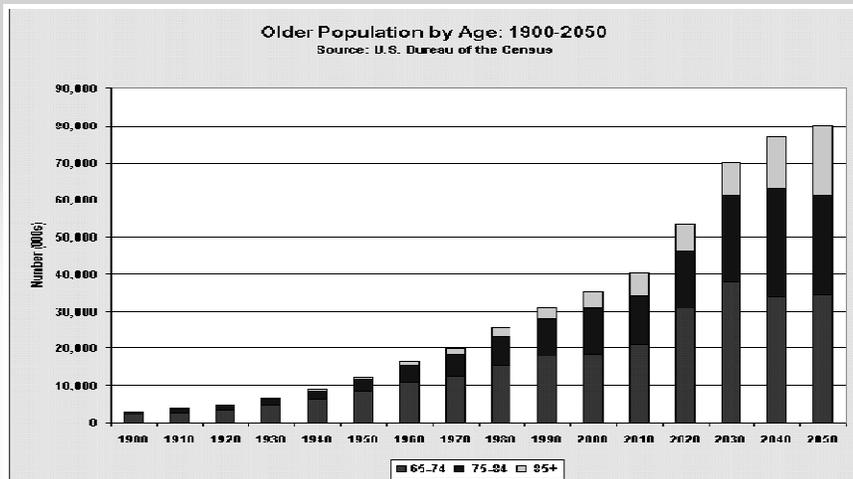
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# AGE WAVE

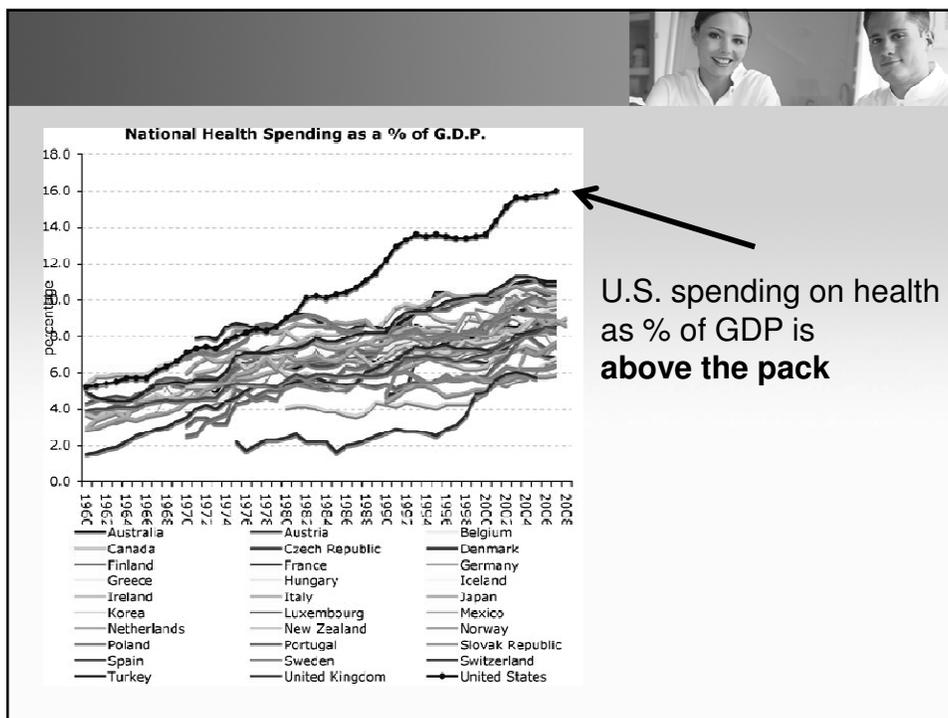
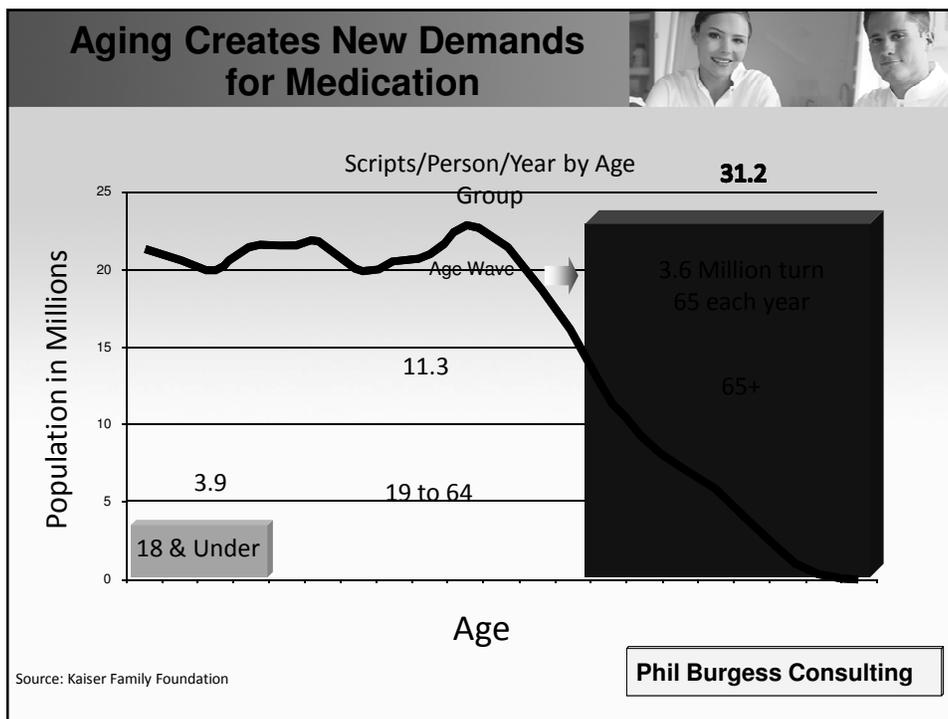
*"The wave is here"*



# *"The Silver Tsunami"*



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## Pharmacy Principles for Health Care Reform



- **“....because of the immense variety and complexity of medications now available.....the pharmacist has become an essential resource...and thus access to his or her expertise must be possible at all times.”**

Institute of Medicine

Phil Burgess Consulting

## Types of Pharmacist Patient Care Services



### ■ Medication therapy management

- Review and assess all medications to identify drug therapy problems and communicate with the prescriber and patient to resolve them

### ■ Chronic disease state management

- Diabetes, high blood pressure, HIV/AIDS

### ■ Immunization administration

- 50 states, DC, Puerto Rico
- Pharmacists typically work under protocol in compliance with regulatory guidelines
- Protocol and state practice act determine which immunizations and to whom they can be given

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## Types of Pharmacist Clinical Services



### ■ Services under Collaborative Drug Therapy Management (CDTM) agreements

- Expanded scope of practice
- 46 states
- Pharmacists working with physicians under protocol
- Examples include modifying dosages (anticoagulation management), authorizing continuation of therapy, and initiating treatment after diagnosis

### ■ Health, wellness, and self-care recommendations

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## Community Pharmacy-based Patient Care Services



- Adherence services
- Immunizations
- Biometric testing
- Care transitions
- Health/wellness screening (Health Checks)
- Disease management services (ex. Diabetes management)
- Rapid diagnostic testing
- OTC / Vitamin Counseling



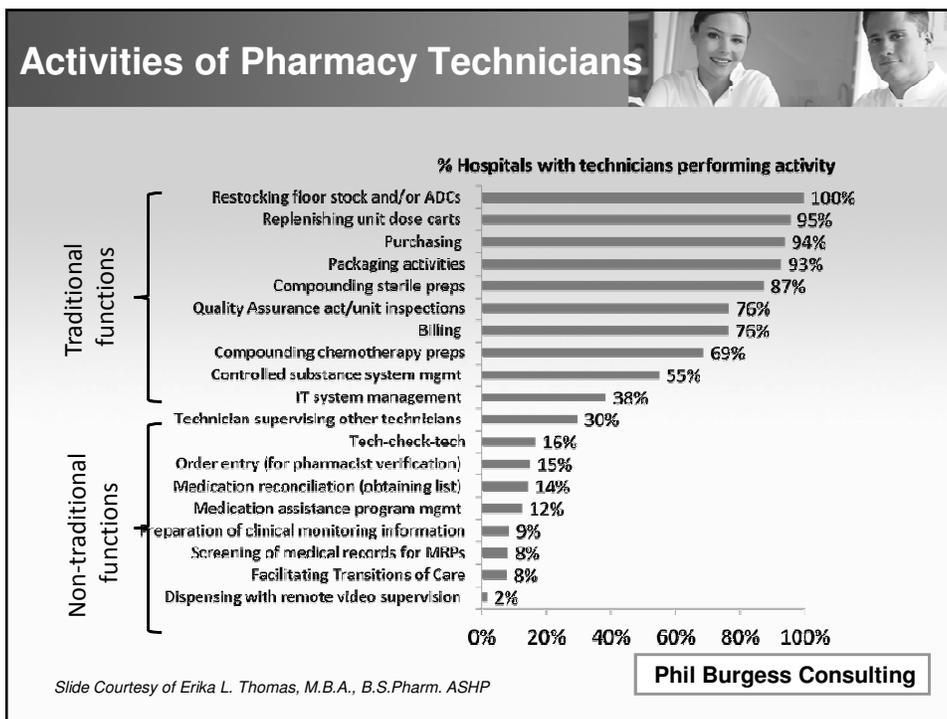
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## Why Regulate Pharmacy Technicians?

- **Expansion of pharmacist services = increased utilization of technicians**
- **Fulfills board of pharmacy mission to protect the public**
  - Competence
  - Accountability





## Technician Regulation Statistics

# States	1993	2000	2003	2008	2013
License/register/certify	12	30	36	39	43
Mandatory training	14	26	27	29	35
Recognize PTCB or national certification	n/a	?	22	29	35
<b>Ratios</b>					
1:1	12	1	1	0	0
None	17	15	15C 17H	17C 18H	17C 18H

## Census Data



<u>Year</u>	<u># States Reporting</u>	<u># Techs</u>
2003	27	139,560
2004	29	158,864
2005	32	192,631
2006	35	235,340
2007	36	252,383
2008	36	284,421
2013	43	415,993



## NABP Clearinghouse Disciplinary Data Analysis – 2009-2013



- **7013 disciplinary actions taken on pharmacy technicians reported from about 35 states**
  - Not complete data, primarily pharmacists reported
- **Includes:**
  - 2115 Revocations
  - 545 Suspensions
  - 771 Probations
  - 1018 Voluntary Surrender of License
- **Only 234 reinstatements**



## Disciplinary Analysis (cont.)



### ▪ Basis for Board Disciplinary Action:

- Alcohol or other Substance Abuse (includes diversion as well as other acts like failing a drug screening)
- Criminal Convictions (includes diversion as well as other acts such as theft) 522
- Diversion of Controlled Substances, 1294
- Narcotic Violations (mostly diversion), 743
- Unauthorized Dispensing/Prescribing
- Unable to Practice Safely (substance, mental, other) 179
- Unprofessional Conduct 186
- CE violations, 399
- Violation of state law or rule, 1300 (catch all)
- Other unclassified, 666 (catch all)



## ASHP Technician Initiative



**To develop an educated, trained, certified, and registered pharmacy technician workforce in every state in order to improve medication use safety and expand access to the patient care services of pharmacists. Our hope is to achieve this mission through a partnership between ASHP and state affiliates, with a mutual goal of advocating...**

**\*ISHP (Indiana) Board voted unanimously to join in November 2013**

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## Future for Technicians?



- Increased and expanded use of technicians
- Further recognition of techs by states – In 2015, NABP will recommend that all states require pharmacy techs to be certified
- Further recognition of PTCB by states



## Pharmacy Technician Regulation is Still Evolving

- **Technician regulation – ongoing debates**
- **Advantages**
  - Protection of public
  - Protection for employers
- **Challenges**
  - Concerns by pharmacists related to legal recognition of technicians
  - Increased responsibility for boards that have decreased resources



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**Phil Burgess Consulting**

Good afternoon. My name is Sheena Tatem, and I am a clinical audiologist in the department of Speech and Hearing Sciences at Indiana University. The mission of the department is *to serve the community by advancing innovative basic and applied research in communication sciences and disorders for the purpose of knowledge acquisition, student education, professional training and clinical practice.*

I am here today as a representative of the Indiana Speech-Language Hearing Association or ISHA. ISHA represents Indiana's Speech-Language Pathologists and Audiologists who work in a variety of settings such as schools, hospitals, nursing homes, clinics, the military, and private practice. ISHA appreciates the opportunity to testify today on this important topic.

## **I. Licensure of Hearing Aid Dealers**

ISHA is here today to support the continued licensure of Hearing Aid Dealers in Indiana for two principal reasons:

- To ensure the professional integrity of Hearing Aid Dealers providing services to the public in Indiana by making certain that individuals who are practicing as Hearing Aid Dealers:
  - (1) have the necessary skills and training to fit and dispense hearing aids; and
  - (2) continue to develop their skills and knowledge through continuing education.
- To ensure the personal integrity of Hearing Aid Dealers providing services to the public in Indiana by making certain that individuals who are practicing as Hearing Aid Dealers are not convicted of any act or crime that has direct bearing on their ability to practice competently.

With regard to the first point, scientific evidence has shown that good outcomes with hearing aids depend in part on proper fitting and follow up care. An inadequately trained Hearing Aid Dealer might cause more harm to the consumer than help. For example:

- An improperly interpreted hearing test may result in missing the need for a medical referral. Hearing loss is a symptom of some other underlying pathology. It is not a diagnosis. And if a proper referral for medical management is not made, it could result in serious and even life threatening consequences.
- Another outcome of an improperly interpreted hearing test is that it might result in either under-fitting (hearing aid is not providing enough help) or more dangerously over-fitting (hearing aid providing too much gain) that could further damage the consumer's hearing.

- Insufficient knowledge of the ear anatomy could result in an inappropriate technique for taking the ear impression required to make ear molds or hearing aid shells. This could result in damaging the consumer's ear canal or even rupturing the eardrum.

With regard to the second reason for licensing Hearing Aid Dealers, as with any licensed health care profession that deals with the public and especially a health care profession that has physical interaction with the public, it is imperative that Hearing Aid Dealers undergo the same rigorous character examination that other licensed professionals undergo before being licensed. It is also essential that there be a mechanism whereby the State of Indiana may discipline a Hearing Aid Dealer should the individual commit a crime or other inappropriate act.

In conclusion, ISHA believes that Indiana must continue to license, regulate, and oversee the professional integrity of hearing aid dispensers, whether they are Audiologists or Hearing Aid Dealers. Indiana consumers deserve and expect their hearing health care professionals to be well trained and regulated.

July 21, 2016

Jobs Creation Committee  
402 W. Washington St.,  
Room W064  
Indianapolis, IN 46204

Dear Chairwoman Frye and Members of the Committee:

Thank you for the opportunity to address the critical importance of education, training, and licensure within the hearing aid dispensing profession<sup>1</sup>. The International Hearing Society (IHS) encourages the Jobs Creation Committee to rescind its recommendation for the deregulation of the profession. Deregulating the hearing aid specialist profession would cause great harm to the current delivery of hearing care in the State of Indiana by attracting unqualified and unscrupulous salespeople from around the country to Indiana who would seek to defraud the hearing loss population, it would place at complete risk the jobs and businesses of hundreds of trained and meaningfully employed Hoosiers, and it would essentially eliminate quality standards and outcomes for those with hearing loss.

Founded in 1951, the International Hearing Society is a professional membership organization that represents all hearing aid dispensing professionals, including the more than 9,000 hearing aid specialists who practice in the United States. IHS promotes and maintains the highest possible standards for its members in the best interests of the hearing-impaired population they serve by conducting programs in competency accreditation, testing, education and training, and encourages continued growth and education for its members through advanced certification programs.

#### FDA Regulatory History

As the Job Creation Committee (JCC) considers deregulating the hearing aid profession, it's important to understand why regulations were originally developed.

The FDA "Hearing Aid Rule" was adopted in 1977 as the result of the FDA's Interdepartmental Task Force on Hearing Aids' evaluation of the hearing aid market. The Task Force specifically found problems existing within the hearing aid market in which members of the public were being sold hearing aids when they were either not appropriate or necessary, or in lieu of medical intervention. Consequently, the Task Force recommended specific regulations governing the sale of hearing aids.<sup>2</sup> In developing the FDA Rule, in addition to delineating

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<sup>1</sup> Throughout, the terms "Hearing Aid Dealer" and "Hearing Aid Specialist" are used interchangeably. "Hearing Aid Dealer" is the license designation in Indiana. "Hearing Aid Specialist" is the term used by IHS and the U.S. Department of Labor.

<sup>2</sup> FDA letter to Etymotic Research, 2004

definitions, conditions for sale, and labeling requirements, including medical evaluation requirements, the FDA specifically encouraged the states to adopt licensing requirements for those dispensing hearing aids. "The Commissioner recognizes that the professional and patient labeling regulations and restrictions on the sale of hearing aids are only a partial solution...State and local licensing laws, as administered by State and local agencies, are the appropriate legal mechanisms for establishing minimum competency standards...Such licensing statutes thereby protect the public against unfit and inept practitioners..."<sup>3</sup>

The rationale behind the development of the initial FDA regulations holds true today, and since 1977 all fifty states have followed the advice of the FDA and implemented licensing laws and regulations. While the specifics of the regulatory approach of the states vary across the country, they all serve to establish safeguards that ensure the public receives the best possible standard of care.

#### Components of Indiana Licensing Regulation

In order to become a licensed hearing aid dealer in Indiana an individual must be at least eighteen, hold a high school diploma or equivalency, hold a student hearing aid dealer registration, pass a competency examination, and pay a \$60 initial licensing fee. The student hearing aid dealer registration fee is \$20 and the age and education requirements are identical.

The age requirement, the education requirement, and the fees do not represent any significant barrier to entry into the profession. Therefore, in terms of entering the profession, deregulation would only serve to remove the examination that proves that individuals have the knowledge and skills to safely and effectively practice. Removing the licensing requirements will effectively only open the profession to individuals without the skills who have been unable to pass the competency examination or who have had their licenses revoked in other states. That being said, Indiana's licensing fees are on average much lower than most other parts of the country, which represents an opportunity for the state to collect higher fees to cover its costs associated with regulating the profession if necessary.

#### Licensure Examination Overview

The State of Indiana utilizes the International Licensing Examination for Hearing Healthcare Providers (ILE), which is developed and maintained by the International Hearing Society and is used in 41 states and four Canadian provinces. The ILE is a practice-based exam, meaning that candidates are expected to understand and apply, analyze and evaluate experiences in their everyday professional work. This standard means that candidates must be able to apply concepts to problems in an in-depth way in contrast to simply remembering and regurgitating information.

The exam consists of one hundred and five (105) multiple-choice items (questions) from ten (10) different competency areas. The competency areas were developed through a practice

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<sup>3</sup> Fed. Reg., Vol 42, No 31, 2/15/1997

domain analysis which defined the specific skills, tasks, and knowledge base which successful practitioners must master.

The ILE is a critical screening mechanism that, coupled with the practical examination, determines whether a person has the requisite training and skills to perform audiometric examinations, fit and dispense hearing aids, and provide other related services such as aural rehabilitation, making ear molds, and repairing hearing aids.

The pass/fail rates of the ILE speak for themselves. In 2015, 37% of test takers nationwide failed the ILE on the first try. If someone is not qualified to provide hearing aid services, they will not pass these stringent exams. But by permitting deregulation to move forward, you would be enabling this failed population to have direct access to Indiana's vulnerable and trusting patient population.

### Continuing Education

Another aspect of licensure which the JCC considered previously was the continuing education and licensure renewal requirements. Continuing education is a widely accepted component of maintaining standards of care and ensuring licensees are able to continue to practice safely and provide the most effective levels of care. Given the rapid changing of technology in the hearing aid field, it's essential that providers stay up to date on practice and performance standards and the technology. Most states, 42, require continuing education as a component of licensure renewal. Indiana requires 20 credits of continuing education every two years. Of the states requiring continuing education on a biennial basis 65% of states also require 20 credits, placing Indiana firmly inside the norm of regulatory behavior. Further, the trend is towards adopting CE requirements, not eliminating. The state of Connecticut, in 2014, added a CE requirement, and providers in other states that do not currently require CEs seek to adopt standards – including in Michigan and Virginia.

### Safe and Effective Practice

What does it mean to safely and effectively practice in the field? At first glance, a lay person might believe that fitting and dispensing of hearing aids are as easy as performing an automated test and selling someone pre-set hearing aids. That, however, could not be further from the truth.

Hearing loss is a medical condition or may be the symptom of a medical condition, and requires the intervention of a well-trained hearing healthcare professional to identify the type of loss and appropriate treatment option(s), and make referrals for medical evaluations as needed.

Properly identifying a hearing loss is complex. It requires a series of tests: a patient history, including identification of related medical conditions; pure tone audiometry, including pure tone air and bone conduction testing with masking, and thresholds of comfort; speech testing, including speech awareness and/or speech reception threshold tests, speech discrimination testing, and establishing most comfortable and most uncomfortable listening levels (MCL and UCL); an otoscopic evaluation, which involves viewing the inside of the ear canal; and screening

for FDA red flags. The FDA “red flags” are the eight conditions listed in the FDA regulations that require a hearing aid specialist to provide a medical referral.<sup>4</sup> This thorough evaluation allows the practitioner to identify the type, degree, and nature of the hearing loss, the indication for amplification, and determine whether referral to a physician is appropriate.

In regards to referral to a physician, licensed hearing aid dealers are trained to identify a wide range of serious conditions that may require medical intervention, which would prompt a physician referral for further evaluation. Hearing loss can be a symptom of a ruptured eardrum, ear infection, Meniere’s disease, acoustic neuroma, labyrinthitis, a foreign object in the ear, or earwax. It can be related to age, noise exposure, or certain ototoxic medications. Hearing loss may also be caused by other medical, otologic, or genetic conditions, such as otosclerosis, cholesteatoma, otitis externa, otitis media, or various types of benign or malignant tumors. Studies show that untreated hearing loss or delayed treatment can lead to more complex and costly medical conditions including cognitive decline, anxiety, depression, and increased risk of falls, and can be associated with conditions like dementia, Alzheimer’s, cardiovascular disease, stroke, and diabetes.<sup>5</sup>

The proper fitting of hearing aids typically requires four to six appointments within the first six months, and regular check-ins beyond that. Usually, the cost of services and goods are bundled together, which promotes best practices and improves patient outcomes. Because the expense of the hearing aids and related services can vary from several hundred dollars to a few thousand dollars, and the typical consumer is older and may be more susceptible to fraud, the need for the state to provide patients a mechanism for ensuring their provider is competent and then alternatively being able to obtain relief when dealing with unfit providers is high. Fortunately, licensure works – and as a result consumer complaints are generally low, unethical providers can be dealt with, and harm is minimized.

In the JCC recommendations published in 2015, the Committee recommends deregulation in part because it believed that “the patient is already under the care of a physician.” However, this is inaccurate. The FDA regulations specifically support the model whereby a patient can seek care directly from a hearing aid specialist, and these patients can choose to sign a waiver to forgo the medical evaluation if no red flags exist. Few hearing aid specialists work in a physician practice; the vast majority are either self-employed or work for a hearing aid specialist or audiologist. This model, which was authorized by the FDA in 1977 was based on consensus with the medical community, which recognized that appropriately trained and

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<sup>4</sup> The FDA Red Flag Conditions: 1.) Visible congenital or traumatic deformity of the ear. 2.) History of active drainage from the ear within the previous 90 days. 3.) History of sudden or rapidly progressive hearing loss within the previous 90 days 4.) Acute or chronic dizziness. 5.) Unilateral hearing loss of sudden or recent onset within the previous 90 days. 6.) Audiometric air-bone gap equal to or greater than 15 decibels at 500 hertz (Hz), 1,000 Hz, and 2,000 Hz. 7.) Visible evidence of significant cerumen accumulation or a foreign body in the ear canal. 8.) Pain or discomfort in the ear

<sup>5</sup> Urdaneta, A., Webinar “Hearing Loss Co-morbidities: Grow Your Practice through Physician Outreach and Community Education,” December 14, 2015

licensed hearing aid specialists are equipped to be the direct point of entry for patients and determine when and if a physician referral is necessary.

IHS conducted a survey from November to December 2015, herein referred to as "2015 Practice Survey." The survey was sent to 3,171 individuals. Of the 377 respondents that self-identified themselves as either hearing aid specialists (97.61%) or audiologists (2.39%), we asked, "What percentage of new patients that do not exhibit any of the FDA red flags choose to sign the medical waiver and forgo having a medical evaluation by a physician before they purchase hearing aids through you?" The mean response was 90-95%. We also asked respondents, "What percentage of new patients in your office are referred to a physician for a medical evaluation?" The mean response was 5-6%. This latter question did not tie the referrals to the FDA red flags, so it is possible that these providers identified other pathology or warning signs that led them to make the referral. To gain a better sense of the practical value of the FDA red flag referral requirements, IHS conducted a survey of hearing aid dispensing professionals in June 2014, herein referred to as "2014 Medical Referral Survey." IHS sent the survey to 3,230 hearing aid providers; 512 individuals responded. Of the 484 respondents that self-identified their profession, 94.6% were hearing aid specialists, 5.17% were audiologists, and less than 1% were physicians. All respondents had observed FDA Red Flags in their normal course of business, with the highest incident conditions being "Visible evidence of significant cerumen accumulation or a foreign body in the ear canal" and "Audiometric air-bone gap equal to or greater than 15 db at 500 Hz, 1,000 Hz and 2,000 Hz." Table 1 identifies the number of survey respondents that observed each of the Red Flag conditions in their normal course of practice.

**Table 1**

**Which "red flag" conditions have you observed in your patients in your normal course of practice?**  
(511 total respondents)

FDA Red Flag Conditions	Respondents indicating Yes, they had seen the condition	Percentage of respondents that have observed the condition
Visible congenital or traumatic deformity of the ear	261	51.08%
History of active drainage from the ear within the previous 90 days	395	77.30%
History of sudden or rapidly progressive hearing loss within the previous 90 days	392	76.71%
Acute or chronic dizziness	391	76.52%
Unilateral hearing loss of sudden or recent onset within the previous 90 days	366	71.62%

Audiometric air-bone gap equal to or greater than 15 decibels at 500 hertz (Hz), 1,000 Hz, and 2,000 Hz	464	90.80%
Visible evidence of significant cerumen accumulation or a foreign body in the ear canal	487	95.80%
Pain or discomfort in the ear	415	81.21%

As part of the 2014 Medical Referral Survey, we also invited respondents to share stories of patients who came to them but were ultimately referred to a physician due to the observance of a FDA Red Flag and/or other potential medical condition. The following are just a few of the real-life experiences from hearing aid providers that convey the danger of an improper or incomplete evaluation - which would be missed under the JCC's model since a lay salesperson would lack the essential training and oversight to properly identify these indicators.<sup>6</sup> They also illustrate the relationship between hearing loss and other possible health conditions - some of which have the potential to be life-threatening.

- I referred a patient to an ENT specialist for a tumor in their ear canal, and later was sent a thank you note from the doctor stating that the patient had a serious condition that would most likely have resulted in death soon if I would not have caught the condition.
- [The patient's] speech understanding was deteriorating. When tested, one ear had a very poor discrimination score and the other wasn't too bad. I referred them to the MD and there was a tumor next to the hearing nerve. They used the laser knife to treat it. Had he not come to me it would have gone undetected. There was no pain or other symptoms. He just thought he was losing hearing due to age.
- I identified a cholesteatoma that the ENT I referred to later said the lady could have died from within two days. I immediately called the ENT and he got her right in and took her from his office straight into surgery to remove the tumor.
- A lady had a unilateral hearing loss and dizziness. I referred her to an ENT the next day. He removed a lemon sized tumor on the eighth nerve and sent me a letter saying she would have died in less than a month.
- An elderly man presented with chronic drainage that his PCP told him he just "had to live with it". We refused to fit him with hearing aids until he had an ENT's clearance. The ENT called saying he had a case of mastoiditis so pernicious that he was only a few weeks away from having the infection reach the brain, which would surely have resulted in death. The patient lived many more (20+) years.
- A patient bought a hearing aid from the internet. He came to us 6 months after because "it was not working." A comprehensive audiogram revealed an asymmetric hearing loss. After referral to the ENT, he was diagnosed with an Acoustic Neuroma.
- A lady came in because she had some slight difficulty hearing. I conducted air conduction testing and found her to be within normal limits on the left and very mild on

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<sup>6</sup> Some survey responses have been paraphrased for emphasis

her right. Bone conduction showed gaps. I suggested she consult with a physician. She came to my office after her surgery to thank me for saving her life. She told me that he found a type of tumor that was very aggressive and she wouldn't have survived 2 more months if she hadn't gone in.

**These results demonstrate two things: 1) Hearing aid dealers are on the front lines of patient evaluation and management since the vast majority of their patients do not interact with a physician during the process; and 2) a well-trained hearing aid dealer capable of properly evaluating a patient and identifying medical issues that require referral to a physician is essential to patient health and safety.**

In Indiana an individual learns how to perform these evaluations and identify when medical referrals are needed when training as a student hearing aid dealer. When they are prepared to practice on their own, they demonstrate that ability by passing the required licensing examinations. The removal of the licensing requirement would allow anyone in the state to open a business location and hold themselves out as an expert in the field. Since current regulations ensure that individuals operating as hearing aid dealers have the required skills and training, the public has come to trust the providers. **The sudden deregulation of the profession would allow unscrupulous providers to play on and take advantage of that trust.**

#### The Effects of Deregulation

We do not need to speculate about the effects of deregulation. There are several real-world examples that demonstrate that the potential for hearing aid misuse and patient abuse is actually quite high. In an unregulated system, non-licensed hearing aid sellers will flock to the marketplace and undoubtedly take advantage of this population.

As Colorado audiologist Christine Gerhardt-Jewell, MS, shared with the FDA at a workshop it held on April 21, 2016, in 1986 the State of Colorado determined that the regulation of audiologists and hearing aid specialists was no longer needed because of a lack of complaints by consumers. The result of unregulated hearing aid sales spoke for itself. Within months unscrupulous, untrained, unlicensed, and incapable would-be sales people flocked to the state. These were people who could not get licensed previously or had their licenses revoked either in Colorado or in other states, or who were trying to make a quick dollar. They would open storefronts or operate out of their vehicles, but when a client needed services, they would often disappear. Many would hold seminars for the public promising phenomenal results, taking money from those in need, and not deliver on their promises. People with hearing loss, including the elderly, were hurt in these transactions both financially and psychologically, and the recovery, once licensure was reinstated, took several years. State regulations governing who can dispense hearing aids and requirements associated with the sale are a necessary safeguard and must be maintained in order to prevent the widespread patient abuse and mistrust that would inevitably arise in a deregulated market. Despite the fact that Colorado prides itself on having minimal governmental influence, not only was licensure for hearing aid

specialists reinstated but the state has further strengthened its hearing aid dispensing oversight laws in recent years as a result of sunset reviews.

Excerpt from Christine Gerhardt-Jewell's statement<sup>7</sup>:

*From 1975 to 1985 Colorado had a hearing aid dealers licensing board which regulated hearing aid dispensers and audiologists. Between 1980 and 1985 there were an average of 14 complaints per year.*

*In 1985 the Colorado legislature determined that the board hadn't revoked any licenses or disciplined anybody so it wasn't protecting consumers. The board was sunset and the Consumer Protection Act was strengthened in its place.*

*For ten years we had no regulation of hearing aid sales in Colorado. The number of complaints rose steadily from 16 in 1986 to 100 in 1990. That's a six-fold increase.*

*There were a number of dispensers who came in who had lost their licenses in other states, there were people who never could get their licenses and it became a lucrative place to sell hearing aids. There were a couple of examples. One person came every two weeks. He set up shop in a hotel room. He sold hearing aids. He would fit the hearing aids and return in four weeks for a recheck. At that visit he would declare that the hearing aid wasn't working well, he would return it for -- he would send it back to the manufacturer for repair. He did return it to the manufacturer for credit. He got his money back and the consumer was left with no dispenser, no hearing aid, and no money to actually solve the problem. Another dispenser closed business overnight. He was just gone. People had paid for hearing aids, they didn't get them. A third one visited nursing homes in rural areas. He opened his car trunk, he went room to room, he sold hearing aids and he was never seen again. There was no follow up on any of this.*

*According to the 1995 legislative records two-thirds of the documented complaints cited actual harm to the consumer. Not financial harm, actual harm. Misdiagnosis, inappropriate fittings, faulty testing, lack of physician referral, untrained providers. In other words, easy access to hearing aids at whatever cost did not solve the hearing problem.*

Consider as well a report in the Journal of the American Medical Association that "while most hearing loss in older adults is sensorineural and due to presbycusis, cerumen impaction and chronic otitis media may be present in up to 30% of elderly patients with hearing loss."<sup>8</sup> This issue can be addressed through removal of the cerumen impaction. An unscrupulous provider, however, may take advantage of these individuals and sell them hearing aids that they do not need.

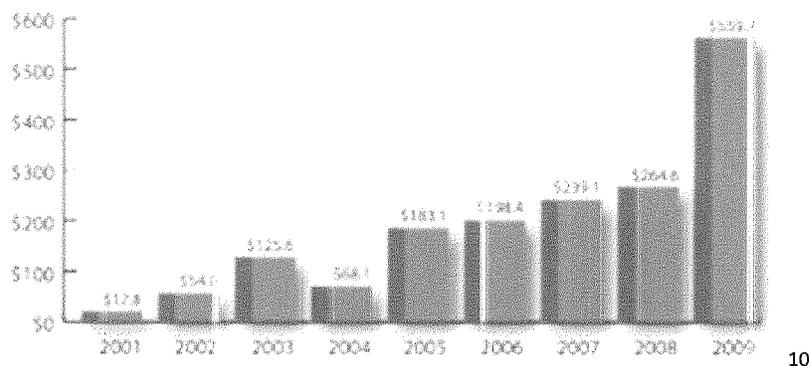
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<sup>7</sup> <http://www.fda.gov/downloads/MedicalDevices/NewsEvents/WorkshopsConferences/UM502750.pdf> (Page 183)

<sup>8</sup> <http://jama.jamanetwork.com/article.aspx?articleid=196401>

This information regarding the experience of deregulation in Colorado was also provided to the JCC last year in a letter from Cynthia Hoest, President of the Colorado Hearing Society. The JCC responded to this information, in part, by writing: "The Committee finds the letter unpersuasive given the information age we are now currently in versus the information that was available to consumers in 1986 when this deregulation took place in Colorado." IHS disagrees with this rationale given the prevalence of internet-based fraud. According to the FBI's Internet Crime Complaint Center \$1.07 billion in losses due to internet crime were reported in 2015.<sup>9</sup> Available data also suggests that internet crimes are increasing instead of decreasing in prevalence.

Figure 2: Yearly Dollar Loss (in millions) of Referred Complaints



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Furthermore, looking only at the positive aspects of internet technology in terms of the ability of consumers to comparison shop and evaluate potential providers, those benefits are decreased or absent for a significant section of the hearing aid patient pool. The average age of an individual purchasing a hearing aid in 2014 was 63.3 years old.<sup>11</sup> According to the Pew Research Center, 19% of Americans between the ages of 50-64 do not use the internet. That rises to 39% of people over the age of 65.<sup>12</sup> For those who do go online, they are often the target of internet crime with 38.54% of internet crime victims reported in 2015 being over the age of 50.<sup>13</sup>

We can also look to modern examples to get a sense of what an unregulated market would look like. According to JapanTrak, a study conducted in 2012 by the Japanese Hearing Instrument Manufacturers Association (JHIMA) and European Hearing Instrument Manufacturers Association (EHIMA), despite hearing instruments being more widely available in Japan, costing

<sup>9</sup> [https://pdf.ic3.gov/2015\\_IC3Report.pdf](https://pdf.ic3.gov/2015_IC3Report.pdf)

<sup>10</sup> <http://krebsonsecurity.com/2010/03/fbi-online-fraud-costs-skyrocketed-in-2009/>

<sup>11</sup> Abrams, H.B., and Kihm, J., MS "An Introduction to Marketrak IX: New Baseline Hearing Market," The Hearing Review, May 15, 2015

<sup>12</sup> <http://www.pewresearch.org/fact-tank/2015/07/28/15-of-americans-dont-use-the-internet-who-are-they/>

<sup>13</sup> [https://pdf.ic3.gov/2015\\_IC3Report.pdf](https://pdf.ic3.gov/2015_IC3Report.pdf)

between \$460 and \$3700<sup>14</sup>, and public assistance available based on the severity of one's hearing loss, hearing aid adoption rates are at just 14.1% and satisfaction rates are at an alarming 36%. (This is compared to the U.S. rates of 81% satisfaction and only 3% of hearing aids "in the drawer," which indicates very high usage.) At the time of the study, in Japan only 57% of hearing aids were purchased through professionals – audiologists and hearing aid specialists – which would explain the low satisfaction ratings. These poor satisfaction rates, which perpetuate a negative societal perception of hearing aids, combined with a low incidence of general practitioners and otolaryngologists recommending hearing aids no doubt contribute to the low hearing aid adoption rates.<sup>15</sup> The lesson we can take away from this situation is that professional involvement is critically important and necessary.

Right here at home, the Department of Veterans Affairs (VA) provides an illustrative example of the value and necessity of time spent and a proper hearing aid fitting by a trained hearing healthcare provider. Tinnitus and hearing loss - the vast majority of incidences of which can be helped by the use of a hearing aid - are the top two disabilities for which veterans make claims to the VA. Even as the largest employer of audiologists, the VA has been unable to keep up with the demand, and as a result, veterans have been seeking out help from private hearing aid specialists. A typical complaint is that the hearing aids aren't working for them and many feel they have been given "junk" that then ends up a drawer. These veterans are provided top-of-the-line hearing aids, but without being afforded the necessary time with a trained, licensed provider to insure the proper fit, including programming, the veteran leaves believing the hearing aids don't work. This has necessitated the introduction of federal legislation to add hearing aid specialists to the VA hearing healthcare team to help. The point is that professional involvement by a licensed hearing aid provider is critical to drive satisfaction and use.

The examples in Colorado and Japan, demonstrate that an unregulated market results in increased instances of fraud, abuse, and the potential for missed serious medical issues, and decreased patient satisfaction and hearing aid use. The situation with the VA underscores the need for licensed professionals to provide all aspects of hearing aid dispensing appropriately in order to drive satisfaction and outcomes. Licensed hearing care professionals, only by virtue of their education and training, which is validated through licensure, are qualified to administer the appropriate tests, evaluate the findings and determine whether referral is necessary, the nature of the hearing loss, and whether hearing aids are an appropriate solution for each individual patient.

#### Job Creation and Patient Access

Beyond the critical concerns of patient safety, the potential negative effects of deregulation continue. Deregulation in the state has the potential to destroy jobs, which is in direct opposition to the goal of the JCC, and limit patient options for care.

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<sup>14</sup> <http://www.hear-it.org/hearing-loss-Japan>

<sup>15</sup> Audio infos n°, "EuroTrak 2012: the new countries," February 2013

Many programs require hearing aid dealers be licensed in order to participate. For instance, without a license in the state of Indiana, hearing aid dealers would no longer be able to accept insurance payments. Although insurance coverage for hearing aids is not widespread, its application and use is on the rise since the implementation of the Affordable Care Act. Some patients do have coverage and rely on it to cover or reduce the cost of hearing aids. These patients will instead have to pay out of pocket. That will result in an increased financial burden on the patient and will almost certainly make hearing aids prohibitively expensive for some.

State vocational rehabilitation programs, which help disabled individuals with employment services, often cover hearing aids for participants. Hearing aid dealers who participate in the program are required to be licensed in order to provide services. Without a license in the state, the number of available providers for individuals in vocational rehab would be cut in half since hearing aid dealers dispense half of all non-VA hearing aids.

In order for a hearing aid provider to participate in the Indiana Medicaid program they must be licensed. Removing potentially hundreds of providers from the Medicaid program will make it more difficult for this disadvantaged and vulnerable population to access needed care.

Participating in VA health care services also requires providers to be licensed. The VA is experiencing a tremendous backlog of care with hearing care services; therefore a bill currently before Congress would help to alleviate that backlog by allowing licensed hearing aid specialists to provide care to veterans under their full scope of practice. However, a condition of working for the VA is holding a valid state license. Therefore, removing the licensure in Indiana would eliminate the ability for hearing aid specialists to care for veterans under the proposed bill.

There is an additional unintended consequence which the Committee should consider which has the potential to reduce employment in the state. Without the hearing aid dealer's statute in place, the Committee anticipates unlicensed individuals to dispense hearing aids. With the audiology statutes and the Speech-Language Pathology and Audiology Board still in place, anyone without an audiology license who is fitting and dispensing hearing aids could be exposed to complaints and legal action for practicing audiology without a license from the Speech-Language Pathology and Audiology Board. This situation would cause damaging uncertainty for hearing aid businesses and at the worst destroy hundreds of businesses across the state and the many jobs associated with them, including hearing aid business support and administrative staff.

### Conclusion

The current statutes and regulations governing the hearing aid dealers in the State of Indiana are appropriate, do not present a significant barrier of entry into the profession, and are the best way to protect the public from unscrupulous providers and encourage the best possible outcomes.

The hearing impaired population seeking hearing help are not necessarily seen by a physician during the process of receiving a hearing evaluation, being fit with a hearing aid, and during

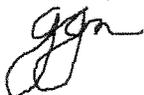
follow-up counseling. As a result, hearing aid dealers must be properly trained to recognize when a patient needs to be seen by a physician as well as to properly fit and adjust a hearing aid and provide follow-up care. The best way to ensure that hearing aid dealers have the knowledge, skills, and abilities to safely and effectively practice is the competency exams given during the licensure process; and then maintenance of continuing education once licensed.

If Indiana were to deregulate the profession, as the only state in the United States to not have a licensure requirement for hearing aid dealers, Indiana would become a beacon to all individuals who had their licensure rescinded in other states or who were unable to pass the competency examination. It is unnecessary to speculate as to the results of deregulation given the real-world examples provided by Colorado, Japan, and at the VA. These experiences demonstrate that receiving appropriate care and follow-up by a trained provider is essential to consumer protection and patient satisfaction.

Deregulation also has the potential to destroy jobs, counter to the intentions and purpose of the Jobs Creation Committee.

I urge the JCC to rescind their previous recommendations and recommend that the current regulatory structure stay in place.

Sincerely,



Michael Grogan

Government Affairs Manager



# NATIONAL COUNCIL OF INVESTIGATION & SECURITY SERVICES, INC.

“Our Voice in Washington, DC and Across America”

July 18, 2016

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Job Creation Committee  
Indiana Professional Licensing Agency  
402 W. Washington St., Rm. W072  
Indianapolis, IN 46204

### ***Re: Review of the Private Investigator and Security Guard Licensing Board***

Dear Committee Members:

The National Council of Investigation and Security Services (NCISS.org) was formed forty years ago to advocate for private investigators (PI) and contract security guard companies (SG) before federal legislators and regulators. We likewise assist state trade associations in the PI and SG sectors with their advocacy. We respectfully endorse the continued licensing of private investigators and security guard companies in Indiana.

There are presently only two states without any professional licensing of private investigators – Mississippi and South Dakota. There are three states with limited local municipal licensing – Alaska, Idaho and Wyoming. My home state, Colorado, enacted state licensing of PIs in 2014, and its rules and regulations went into effect in 2015. For years, Colorado’s consumers and business owners were exposed to bad actors from other states who had lost their license to practice, but moved to Colorado because there was no licensing. Over the years, a number of former fraudsters and other felons were exposed operating as PIs in Colorado.

There are also a few states that do not license security guards, although there are numerous individual municipalities where licensing is required. The International Association of Security and Investigative Regulators provides on its web site (IASIR.org) informational links to the states’ licensing authorities, where various PI and SG licensing codes can be compared. We have seen, in recent years, news stories about over-regulation and the increased licensing of certain trades and professions in many states, which has adversely impacted the availability of sustainable jobs to certain segments of those seeking employment. However, we have not encountered this difficulty in the PI and SG sectors, where reasonable and sensible regulation, licensing and training has improved job access and sustainability.

The Council whole-heartedly supports the continued licensing of PI firms and SG agencies in Indiana. In fact, we believe that consumer awareness, small business successes and public safety factors could be strengthened in your codes. Most PI firms and SG agencies, as your codes reference them, are small businesses which experience a high rate of attrition, not uncommon nationwide among start-up companies. In states where examination is required to obtain a license and

***Job Creation Committee***

***Indiana Professional Licensing Agency***

***Re: Review of the Private Investigator and Security Guard Licensing Board***

verification of continuing education units is required for renewals, the state associations – by providing affordable training and continuing education forums, seminars and conferences -- have greatly improved the chances of a small business succeeding in what can sometimes be a tough economic climate.

On behalf of NCISS and our members state associations around the country, I urge the Job Creation Committee to endorse the continued licensing of private investigation firms and security guard agencies in Indiana, and to recommend strengthening the rules and regulations to not only improve the chances of a new business succeeding, but to likewise provide an enhanced level of consumer protection and a greater degree of public safety.

Very truly yours,

**National Council of Investigation and Security Services**

A handwritten signature in black ink, appearing to read 'D. Beers', with a long horizontal flourish extending to the right.

Dean A. Beers, CLI, CCDI  
President

**A Report to the Job Creation Committee  
on the  
Licensing of Private Investigators and Security  
Guards**

**For the JCC Review Scheduled for February 19, 2015**



**Presented by**

**The Indiana Association of Professional Investigators  
and  
The Indiana Society of Professional Investigators**



**A Report to the Job Creation Committee on the Licensing of Private Investigators and Security Guards  
For the JCC Review Scheduled for February 19, 2015**

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**A Report to the Job Creation Committee on the Licensing of Private Investigators and Security Guards  
For the JCC Review Scheduled for February 19, 2015  
Presented by the Indiana Association of Professional Investigators and the Indiana Society of  
Professional Investigators**

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**Executive Summary**

The associations believe that the licensing of private investigators (PI) and security guard (SG) companies is necessary to protect the public from unscrupulous, predatory and unqualified operators and to provide a necessary level of quality assurance to business owners and the public at large.

We see no economic value to the state or to the public in the deregulation of the PI and SG sectors, and in fact we believe it could lead to negative consequences in a substantial increase in consumer frauds and additional burdens on our law enforcement communities. Our present codes require only that one individual be eligible for licensing for each business, and those eligibility standards are minimal and the licensing fee insignificant as a part of start-up costs (\$75 per year).

We routinely handle sensitive business and personal matters for our clients, which require the use and protection of confidential and proprietary information and the safeguarding of valuable client assets and personnel. In the absence of licensing, any individual could present himself to the public at large as a "private investigator" and make outrageous claims as to what they could do. In the absence of licensing the public would be in constant danger of exploitation by fraudsters, sexual predators and scam artists. Most guard company owners have a law enforcement background and are skilled in the protection of personnel and assets. Without licensing and regulation, individuals without any experience or training could offer guard services, placing the public and business owners in danger.

Although the associations believe that our codes could be enhanced to provide great assurances to the public and business communities, we equally believe that our minimum licensing standards must be maintained in the interest of public safety.

**A Brief History of Private Investigation and Security Guard Services**

Today's professional private investigators trace their beginnings back to the early 19<sup>th</sup> century, when Eugene Francois Vidocq founded the first modern detective agency and credit bureau in Paris. Vidocq later helped create the *Suret *, the detective bureau of the French police. During that period and well into the early 20<sup>th</sup> century, however, private detectives and security guards were largely unlicensed and unregulated.

The best known of the early private detectives in the U.S. is, of course, Allan Pinkerton and his Pinkerton National Detective Agency, which also provided security services. A major competitor to the Pinkerton agency in the early 20<sup>th</sup> century was the William J. Burns International Detective Agency. William Burns served as director of the federal agency which preceded the Federal Bureau of Investigation.<sup>1</sup> For many years during the 19<sup>th</sup> century and the early 20<sup>th</sup> century, private detectives and security guards, often

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<sup>1</sup> See the FBI's web site, at <http://www.fbi.gov/about-us/history/directors/burns>. Burns was succeeded by J. Edgar Hoover in 1924.

times the same individuals, provided valuable services to the public and businesses across the country, which could not often depend on local police departments to solve crimes and provide protection and patrol services. Local and state police departments, if they existed at all, were unorganized, untrained and poorly funded.

However, the national detective agencies often times became part of the problem, rather than the solution, especially during the labor unrest in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, when security guards and undercover investigators were used by large corporations to counter union movements . Licensing was soon to follow, in order to protect the public and business sectors from unscrupulous tactics and provide some assurance of qualification. Regulation of the private security industry began in California in 1915<sup>2</sup>, and by the late 1960s Indiana began licensing security guards and private detectives, originally under the auspices of the Indiana State Police. Licensing moved to the Professional Licensing Agency when it was formed in 1989, under the Private Detective Licensing Codes which covered detectives and security guards. Since the revised codes of 2007, we have been known as private investigators and security guards have been regulated under separate codes, both under the oversight of the Private Investigator and Security Guard Licensing Board.

By the 1980s, the Pinkerton and Burns agencies were primarily involved in providing security guard services, and in 2003 both companies were purchased by an international firm, Securitas AB, based in Sweden. Although a Pinkerton investigation division still exists, it remains part of Securitas. However, smaller private investigation firms and contract security agencies continued to grow around the U.S.

Presently, there are 45 states which regulate private investigators and security guards through a state agency, a state's attorney general or a state police department. Pennsylvania regulates private investigators through its various county Courts of Common Pleas, and Wyoming licenses investigators through many local jurisdictions and municipal governments. Private security firms in Wyoming have to register with the Secretary of State and in some municipalities. Alaska requires a business license, except in Fairbanks which requires separate licensing of PI firms. Bills to license investigators in Alabama and Mississippi were filed this year in the respective state legislatures.<sup>3</sup> The states yet to have any form of licensing are Idaho and South Dakota.<sup>4</sup>

### **A Brief History of the Private Investigation Associations in Indiana**

There are two non-profit associations in Indiana representing professional investigators, the Indiana Society of Professional Investigators (INspi) and the Indiana Association of Private Investigators (IAPI). The groups originated around the same time in the 1990s; yet, ironically, each set of founding members was unaware that another group was forming until after the charters were established. The Indiana

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<sup>2</sup> From the web site of the California Department of Consumer Affairs, Bureau of Security & Investigative Services, found at [http://www.bsis.ca.gov/about\\_us/history.shtml](http://www.bsis.ca.gov/about_us/history.shtml).

<sup>3</sup> An article in an Alabama newspaper details why private investigators wanted licensing; see [http://www.annistonstar.com/news/article\\_3c0dc7d6-7f44-11e4-b5c0-3f1b39f7a6c0.html](http://www.annistonstar.com/news/article_3c0dc7d6-7f44-11e4-b5c0-3f1b39f7a6c0.html). The Mississippi bill can be found at <https://legiscan.com/MS/bill/HB713/2015>.

<sup>4</sup> From information sent to PISG Licensing Board chairman, Don C. Johnson, by Laurel Rudd, executive director of the [International Association of Security and Investigative Regulators \(IASIR\)](http://www.iasir.org), on December 19, 2014. IASIR is comprised of regulatory and licensing agencies from over 35 states, Canadian provinces and the United Emirates.

Society of Professional Investigators is comprised of both licensed private investigators and security guard companies and the Indiana Association of Private Investigators is comprised of licensed private investigators and certified specialists in various fields, such as polygraph examiners, accident reconstructionists, hand writing experts, etc. Over the years the associations have worked together on common interests, such as legislative advocacy on the state and national fronts. Although merger has been discussed among the two associations, differences remain in structure and governance. Yet, both associations have a great amount of respect for one another and continue to work together for their members' business interests and in the best interests of the public and business community at large.

But just as our interests are common, so are the challenges we face in recruiting members. Our combined membership numbers total approximately 120 private investigation firms and security guard agencies (which includes several overlapping memberships).<sup>5</sup> By year's end 2014, there were 518 Private Investigator licenses and 395 Security Guard agencies in Indiana, according to figures provided by the Professional Licensing Agency.<sup>6</sup> Thus, the associations represent only 13 percent of the combined license holders in the state, or only 23 percent of the licensed private investigators. We are volunteer organizations and have no ability to compel memberships. Our licensing codes provide for no continuing education for license renewals, a mechanism other state associations use to gain memberships by providing those credits in regularly scheduled seminars and conferences. Although both INspi and IAPI provide seminars and networking events, only a small number of our members regularly attend.

#### **Why the Associations Support Licensing of Private Investigators and Security Guards**

We believe that to understand why licensing is necessary we need to illustrate the kinds of services provided by professional private investigators in today's modern world, and, to a degree embedded in the obvious, why guard services must be regulated.

**Private Investigation Clients.** Although attorneys and businesses compromise the majority of our clients, we also do work for the public, the average consumer, if you will. Even when we work for an attorney, we are most times acting on behalf of a consumer, for example a personal injury victim or a criminal defendant. The kinds of special cases we handle for attorneys, insurance companies, businesses and individual members of the public include but are not limited to:

1. **Personal Injury and Negligence Cases.** We review accident reports, conduct scene inspections and evidence examinations. We interview witnesses and vet expert witnesses. We provide support to counsel during depositions and trial preparation.
2. **Criminal Defense Cases.** We develop incident time lines for counsel; review police and other first responder reports; locate and interview witnesses and escort defense witnesses to trial; and other litigation support services, including background investigations of potential jurors and expert witnesses.

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<sup>5</sup> There is no separate state association for security guard agencies in Indiana. [ASIS International](#) (formerly American Society for Industrial Security) has state chapters in Indiana, but its membership is comprised mostly of corporate security directors. Corporate security forces do not require licensing. There are few contract guard providers in the ASIS ranks.

<sup>6</sup> From an email to PISG Licensing Board chairman, Don C. Johnson, from the board's staff director, Amy Hall, on December 18, 2014. No more licenses were issued before year's end.

3. **Insurance Defense Investigations.** We conduct surveillance and other investigative activities in insurance fraud cases. We conduct background and asset investigations on subrogation targets for insurance defense attorneys and insurance company special investigation units.
4. **Estate and Probate Investigations.** We conduct background investigations on caregivers and others who have inserted themselves into the life of a senior citizen. We search for missing or unknown heirs on an estate, either for a family or an executor needing due diligence for probate purposes.
5. **Family Law Investigations.** Although we have the occasional request from a wronged spouse to identify an unknown co-respondent, most family law cases involve petitions for modification in child custody arrangements, when a former spouse may be in violation of a dissolution decree. When a member of the public does contact us, we operate under the premise of "Know your client." Indiana is of course a no fault divorce state and we must always operate with a high degree of caution in these matters.
6. **Business Matters.** Many of us provide special investigation services to businesses, small and large. These services can include pre-employment and background screening, which require special knowledge of relevant federal and state employment laws. We also conduct workplace investigations on suspected stalking, sexual harassment and disability cases. We also conduct due diligence investigations on mergers and acquisitions. We work on intellectual property investigations into copyright and trademark infringement. We conduct investigations on compliance violations in franchise agreements.
7. **Property Services.** These investigations include mortgage fraud investigations and other real estate and personal property services, such as fraudulent transfer and stolen property.
8. **Computer Forensic Examinations.** These cases require the services of a qualified forensic specialist, knowledgeable of the rules of digital evidence preservation. We also need to know state and federal laws on access to devices during an investigation.
9. **Electronic Countermeasures.** Technical Surveillance Countermeasures (TSCM) also require the services of a highly qualified examiner, usually not found at the hands of an individual offering a scan with a handheld device purchased on the internet for a hundred dollars.<sup>7</sup>
10. **Miscellaneous, Personal Cases.** Those of us who have been in the PI business for a few years can share stories of the random case, the frantic call from someone who hears strange noises in the attic, someone who has lost a pet, or someone who had something stolen and they believe they've had no satisfaction from the police. These matters require special handling, both in terms of what you can or cannot promise a client and dealing with results that run counter to your client's belief. Also requiring careful handling are online dating investigations and individuals who are trying to locate lost loves or missing children. Again, you must "Know Your Client."

**Security Guard Licensing.** The associations believe the licensing of contract security guard companies is absolutely essential. We have detailed below many of the harms brought to the marketplace in the

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<sup>7</sup> The Indiana PISG codes do not regulate computer forensic examiners and TSCM specialists. Most PI firms will have at their disposal the services of an expert in these fields, either on staff or by contract.

absence of licensing.<sup>8</sup> Our present codes impose minimum regulation in the licensing of SG agencies. We license only the SG agency “Qualifier,” the individual who must meet the minimum standards for licensing: two years of qualifying experience, a clean background check and a certificate of professional liability insurance. We do not license or register the employees of SG agencies or PI firms. Those requirements were eliminated when the codes were revamped in 2007. The PI and SG businesses are required to maintain fingerprint cards on file for each employee and conduct their own background checks. Although the state can conduct random audits to check for compliance, we are not aware that is a standard practice.

There is ample anecdotal evidence of the danger not only of unlicensed security guard operations but problems with licensed guard companies whose practices endanger the public safety, in particular in the absence of stronger codes which require specific training of employees and minimum standards for guard uniforms, for example. In an administrative law hearing last month before the Indiana Private Investigator and Security Guard Licensing Board, a Petition for Summary Suspension filed by the Office of the Attorney General was heard; reference Cause Number PISG 15-01, in the matter of Security Watch Alert Team, LLC d/b/a MyPrivatePolice.com. After a hearing that lasted over nine hours, the board found for the Petitioner and the guard company’s license was suspended for 90 days for practices that endangered the public safety.<sup>9</sup>

**Few Applications for Licensure Denied.** In a memo to the association presidents, the chairman of the Private Investigator and Security Guard, Don C. Johnson, provided the following figures, from his meeting notes, on the number of licenses granted and denied during 2014:<sup>10</sup>

***Meeting Month Licenses Issued Denied Tabled***

January	PI	5	1	
	SG	1	1	
March	PI	14	1	1
	SG	9	0	1
May	PI	10	0	
	SG	3	0	1

<sup>8</sup> Ray Myszak is a former Hammond police detective and guard company owner. He sent this message to us on February 5<sup>th</sup>: “When I ran my guard company, I had 200-250% turnover in guards every year. High turnovers are common among guard companies. Even though 20% of my guards were with me for years, 80% had to be replaced twice a year, or more. Without licensing and proper operating procedures, unscrupulous guard companies would refrain from providing optimum security for their clients. In fact, many disservices would result without licensing.”

<sup>9</sup> News coverage of the hearing can be found online at <http://www.theindychannel.com/news/local-news/carmel-company-accused-of-impersonating-police> and <http://www.indystar.com/story/news/2015/01/15/carmel-security-firms-license-suspended-impersonating-police-allegations/21804879/>

<sup>10</sup> The totals of licenses issued in 2014 (46 PIs, 19 SGs) were confirmed by Amy Hall, PLA’s staff director of the PISG Licensing Board. In most instances on an application denial, the qualifier did not have the minimum number of hours of documented experience. Often times when an application is tabled for that reason, the applicant will produce additional documents to meet the minimum requirements.

July	PI	5	0	1
	SG	3	0	
September	PI	5	0	
	SG	1	0	
November	PI	7	0	
	SG	2	1	

### What Is the Harm in the Absence of Licensing?

The licensing of private investigator firms and security guard agencies in Indiana is essential and necessary for two primary reasons:

1. Public Safety
2. Consumer Assurance

**Risks to Public Safety.** Without licensing or regulation of the PI and SG business sectors, anyone can “hang a shingle” and offer these services. This would include individuals who are predicated towards or who have been convicted of serious felony and misdemeanor crimes, to include, but not limited to:

- Sexual offenses and predatory practices such as stalking;
- Domestic violence and battery;
- Homicide or manslaughter;
- Assault with a deadly weapon;
- Theft or receiving stolen property;
- Identity fraud and cyber crimes;
- Deceptive consumer practices.

Our present licensing system requires background checks for applicants. Without licensing, anyone convicted of a sex offense or violent crime would be able to promote himself as a “private investigator.” An unlicensed security guard would have access to a company’s facilities, employees and property.

**Risks to Consumer Assurance.** Without licensing, the public and business sectors have no assurance that someone claiming to be a private investigator or security guard has a minimum qualifying experience. Prior experience in law enforcement or in the private sectors gives an individual valuable experience in the critical areas of asset and data protection, compliance with state and federal laws and regulations governing critical areas of responsibility, including but not limited to:

- Privacy Rights and Access to Personal Identifying Information (PIN);
- Civil and Criminal Law Rules of Evidence;
- Pre-employment and Post-employment Background Investigations;
- Protection of Personnel and Facilities;
- Business Practices and Protocols.

An unlicensed PI or guard contractor is more likely to avoid state and federal taxes by paying employees “off the books” and issuing 1099s at the end of the year for those it wrongly treats as sub-contractors. This white paper does not address in detail how a consumer would seek redress if an unlicensed PI takes money and does not provide the service. We all know the civil courts are crowded and a judgment in hand is not worth much if you can’t collect on it. Many unlicensed PIs will avoid carrying liability insurance, just as they will avoid paying any payroll taxes. The licensing and regulation of PI and SG services give consumers an additional option for redress for civil and criminal wrongs.

### **Are there Acceptable Alternatives to Licensing?**

The associations do not believe there is an acceptable alternative to licensing. We are not capable of the administrative and financial burden that would be imposed if the state requested we assume oversight. As noted above, we are volunteer, non-profit organizations and we continue to face the challenges of membership attrition and recruitment.

Furthermore, we believe the concept of “self-certification” would be equally untenable. As we understand it, self-certification is a “*private and voluntary certification as a complement to other state-authorized occupational licensing regimes*” that does not impose an absolute obligation under law for registration.<sup>11</sup>

Furthermore, there are no national associations or organizations which provide a certification for PI firms or SG agencies that would not impose significant financial burdens on Hoosier business owners who would choose to seek those certifications. Only one organization, ASIS International, provides certifications for both sectors which might otherwise be considered were it not for the cost of examination and re-certification. The eligibility requirements for these examinations impose minimum standards and experience beyond what our present codes require, adding a further financial burden in achieving those levels. Other associations provide certifications in narrow fields of investigation, which most business owners would not seek in light of those restrictions and the additional financial burden of examination and re-certification.<sup>12</sup>

### **How Can the PI and SG Licensing Codes Be Improved?**

Our present codes impose absolutely minimum standards for licensing, especially when compared to all the states surrounding us and many of the others which require licensing. We believe that the present renewal cycle of four years provides some relief to business owners who had to renew on two year cycles in the codes prior to 2007. However, an increase in the renewal cycle might impose a financial burden on the Professional Licensing Agency in tracking the compliance of license holders and add to the administrative costs of an increased volume in renewals during the same calendar year.

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<sup>11</sup> Reference the SEA 421 Report on self-certification at [http://www.in.gov/pla/files/IPLA\\_Legislative\\_Report\\_-\\_Self-Certification\\_Registration.pdf](http://www.in.gov/pla/files/IPLA_Legislative_Report_-_Self-Certification_Registration.pdf). We respectively refer the JCC to pages 5 and 6 of this report, in regards to the licensing of certain occupations and professions “...to protect the health and safety of consumers” and the factors to use when considering the necessity of full licensure. We believe these factors dictate licensure over certification for the PI and SG sectors.

<sup>12</sup> For details on the ASIS certifications, go to [www.asisonline.org](http://www.asisonline.org). Additional but narrow certifications are provided by the [National Association of Legal Investigators](#) and the [Association of Certified Fraud Examiners](#).

However, the associations have always taken the position that continuing education is an essential component of good business practices, considering the nature of the services we provide, as detailed above. Our present codes have no such requirement.

**Continuing Education for License Renewals.** The associations realize the problem of imposing additional financial burdens on business owners, which most likely makes untenable requiring continuing education credits for license renewals at this time. However, as noted above, the associations routinely schedule continuing education events at locations around the state. The Indiana Association of Professional Investigators holds monthly meetings in Indianapolis and regularly schedules training components in those meetings. The IAPI also holds an annual seminar in the fall of each year. The IAPI is a LETB (Law Enforcement Training Board) Certified Training Provider making their annual seminar an option to law enforcement officers and support personnel for satisfying in-service training requirements through the ILEA (Indiana Law Enforcement Academy). The Indiana Society of Professional Investigator holds quarterly meetings and seminars around the state, including most recently in South Bend and before that at the French Lick Hotel. The society is hosting a conference in Indianapolis in April at the Holiday Inn in Carmel, "Associations One 2015 Investigation and Security Conference," co-sponsored by associations from Michigan, Ohio, Illinois and Kentucky. Members of the IAPI are invited to that event, now in its 16<sup>th</sup> year.<sup>13</sup> The Associations One conferences and other seminars hosted by INspi have been recognized by the National Association of Legal Investigators for continuing education credits for Certified Legal Investigators.™

The annual dues for our associations are \$100 for the business owners and associate memberships are offered to employees at a reduced rate. Our regular seminar and meeting fees are in the \$20-\$25 range. Our members believe these minimum dues and fees are money well spent and provide a desired level of confidence for our clients. A sampling of topics covered in our continuing education events:

- Changes in civil and criminal laws and rules of evidence;
- Changes in state and federal laws regulating pre-employment screening;
- Changes in technology, computer security, and digital evidence recovery and examination;
- Best practices and procedures in the service of process;
- Interview and interrogation techniques;
- Asset investigation and judgment recovery;
- Premises liability and negligence issues for security companies and investigators;
- Accident scene inspection and documentation.
- Best business practices, including human resource issues.

**Reconsideration of How We License Out-of-State Companies.** Our codes do not require that out-of-state PI firms and SG agencies have an office in Indiana when applying for licensure here. Under the codes prior to 2007, if an out-of-state company applied for a license, they had to either have an office in Indiana or a "Registered Agent," a license holder in the state who could be held responsible for the out-of-state firm's actions and where the out-of-state company had to maintain a copy of its Indiana license.

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<sup>13</sup> Details can be found at [www.associationsone.net](http://www.associationsone.net).

The PISG Licensing Board regularly licenses out-of-state firms with no easy mechanism for PLA to track how many employees they are sending into Indiana. These firms on occasion will use an out-of-state sub-contractor who is not licensed in Indiana. These are companies that are taking jobs from Hoosier-based firms without the same regulatory oversight and that do not pay taxes in Indiana.

**Enhanced Rules and Regulations for Security Guards.** Again, we recognize the problem of a financial burden that additional rules and regulations might impose on SG agency owners. However, we would be remiss if we did not note that we consider the rules and regulations governing the operation of SG agencies as wholly insufficient for the protection of the public. The recent incident referenced above illustrates that point, when it was learned that an employee of that guard company had a criminal history. In that same hearing, we saw that some guard company uniforms can be confused with the uniform of a police officer. Responsible guard companies, such as Securitas, outfit their guards in uniform colors and embroideries that a member of the public could clearly identify as belonging to a security company and not a local police department. Uniforms are an initial expense for any guard company. While grandfathering present SG agencies, we believe that new rules and regulations requiring minimum standards in uniform design, for example, would impose no additional cost.

#### **In Conclusion ...**

The associations appreciate this opportunity to share with the Job Creation Committee this overview of the private investigator and security guard business sectors. We hope that our report provides an increased understanding of what it is that we do, as well as an illustration of the value to the public in knowing that the great Hoosier state requires licensure for PI firms and SG agencies. We know that you share our belief that, when considering the operation and licensure of any occupation or profession, ensuring the safety of the public is paramount.

We will be glad to answer any questions that you may have.

Respectfully,

The Indiana Association of Professional Investigators:

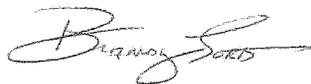


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Kim Ridding, President

[info@legworkinvestigations.com](mailto:info@legworkinvestigations.com)

The Indiana Society of Professional Investigators:



---

Brandy Lord, President

[pi@integrityinvestigationinc.com](mailto:pi@integrityinvestigationinc.com)



February 16, 2015

Ms. Brandy Lord  
Integrity Investigations, Inc.  
50710 Princess Way  
Suite 300  
Granger, Indiana 46530

Dear Brandy,

Peerless-Midwest, Inc. is justifiably concerned with the possible elimination of licensing requirements for private investigation firms and security guard agencies in Indiana.

Human Resources: Peerless-Midwest, Inc. believes a non-licensed investigation for background checks would add to the possibility of future litigation if the source of obtaining credible information is compromised. The ability to "buy" background checks has become so readily available that anyone could perform background checks with no liability as to the validity of the checks. What standard would be set if we didn't use a credible investigator for the background checks? How would we, as an employer, be assured of the validity and the regulatory compliance of the material if we have no basis for judging the true capability of the person performing the work?

Contractors working on school properties: We are a contractor and are required to have background checks on employees who work on school properties. The background check includes sex offenses. Without licensing, I believe the background checks could be compromised or questioned, submitting our company to risk if one of our employees would be involved in an incident on school property. The mandate that background checks are only valid if conducted by a licensed individual provides our business with the assurance that the checks are complete and meet all regulatory agency requirements.

DOT/CDL: We are required to employ field crews with Commercial Drivers Licenses. Pre-employment background checks require notification of felonies, due to the transport of hazardous materials. We are required to follow the regulations of the FMSCA and the DOT. Peerless-Midwest, Inc. would not be comfortable with non-licensed background checks due to the mandatory compliance of other government regulatory agencies like that of the TSA.

We don't believe we can be comfortably compliant with all of other licensing requirements without the licensing of our investigators.

Sincerely,

Cathy Lance  
Operations Manager

# My Best Friend services



## **Life Balance Providers**

12974 Jefferson Blvd  
Mishawaka, IN 46545  
Ph.574-256-1600

2/16/15  
Brandy L. Lord  
Integrity Investigations Inc.  
Home Office  
50710 Princess Way  
Suite 300  
Granger, Indiana 46530

Dear Ms Lord,

Thank you for the opportunity to express my concern over the potential lack of proper licensing procedures for private investigators in Indiana.

I opened my residential and commercial cleaning business in 2005 and was immediately deluged with applicants. For the first 6 months or so, I trusted my gut instinct to hire workers. I hired a very good worker, she was nice person, never had a complaint on her work or integrity, however after hearing a few horror stories from other business owners, I decided to start running checks on all employees, existing and new hires. This wonderful worker had 42 misdemeanors on her record. What could have been a disastrous oversight became a well learned lesson, always use a private investigator on each new hire, always.

I would not have the faith or trust in someone who could just hang out a shingle and start soliciting business that I have in my licensed private investigator who has always had my back. I trust her to abide by the laws so that I don't get any nasty legal surprises, I trust her to do complete checks that are competent and protect me and my clients. Just anyone can't give me or my clients the peace of mind that knowing my private investigator follows the law, is competent, has required documentation and is overseen by a regulatory agency has given to me over the last 10 years in business.

Please don't stop requiring licensing, you will be putting the lives and livelihoods of those these services protect, both employers and the families that hire their services will be at the mercy of anyone who decides to say they are an investigator, no mater how shady or incompetent they are.

Respectfully,

*Jacki Klein*

Jacki Klein  
President



# MAY • OBERFELL • LORBER

Attorneys

Accessible. Experienced. Versatile.

E. Spencer Walton, Jr.  
Jeffery A. Johnson\*  
Robert J. Palmer  
Wendell W. Walsh  
Patricia E. Primmer  
Bradley L. Varner  
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Robert C. Beutter

\*Also licensed in the State of Michigan

February 16, 2015

Brandy L. Lord  
Integrity Investigations, Inc.  
50710 Princess Way, Ste. 300  
Granger, IN 46530

Re: *Licensing for Private Investigation Firms & Security Guard Agencies*

Dear Ms. Lord:

I'm writing this letter to you providing my strong recommendation and opinion in support of licensing for private investigation firms and security guard agencies in Indiana.

It was a pleasure to have spoken to your entire organization at your recent gathering of the Indiana Society of Professional Investigators. After speaking to your association, I firmly believe that licensing of these types of investigators is necessary.

As we have discussed, appropriate licensing would assure the general public of not only the potential identity, but also the qualifications for any person who holds himself or herself out as a Private Investigator or Security Guard. It's essential for the public to know that the people with whom they are dealing with are qualified.

In addition, it's just as important to know that the persons who hold themselves out as Private Investigators or Security Guards have experience and training in data protection, compliance with State and Federal Laws, and privacy rights, among others.

I firmly speak in favor of such licensing in the State of Indiana.

Very Truly Yours,

E. Spencer Walton, Jr.  
[ewalton@maylorber.com](mailto:ewalton@maylorber.com)

ESW/krd

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State of Michigan

Mishawaka • South Bend

February 14, 2015

**BY EMAIL ONLY**

**[pi@integrityinvestigationsinc.com](mailto:pi@integrityinvestigationsinc.com)**

Ms. Brandy L. Lord  
Integrity Investigations Inc.  
50710 Princess Way Suite 300  
Granger IN 46530

Dear Ms. Lord:

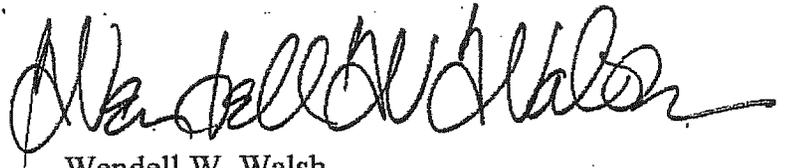
I write to support ongoing licensing for private investigation firms and security guard agencies in Indiana. I agree entirely with your position that licensing is essential.

Without licensing, there would be additional risks to public safety. The licensing system (which includes background checks) helps protect against a person with a criminal history holding herself or himself out as an investigator or security personnel. The people and organizations I represent can ill-afford to be linked to an agent with a criminal history.

As someone who retains investigators, I want to be confident that the person doing the work is qualified. The licensing process helps ensure that the people I hire have experience with laws governing privacy rights, the rules of evidence, and other areas. Again, the people and organizations I represent expect me to retain people who follow the rules.

I will be pleased to discuss my position further, if necessary.

Very truly yours,



Wendell W. Walsh  
[wwalsh@maylorber.com](mailto:wwalsh@maylorber.com)

cc



**George E. Horn, Jr.**  
**Attorney at Law**  
**(574) 237-1189**

February 18, 2015

Brandy L. Lord  
Integrity Investigations, Inc.  
50710 Princess Way, Suite 300  
Granger, IN 46530

Re: Licensing Requirements for Private Investigators and Security Guards in Indiana

Dear Brandy:

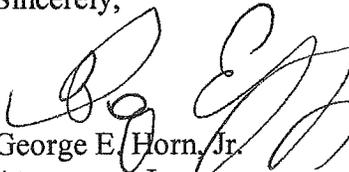
I am writing at this time to express my opinion that Indiana needs to continue requiring that private investigation firms and security guard agencies be licensed to operate within the state. Having worked with private investigators and security agencies for the past twenty (20) years, I am uniquely aware of the role they play in our society. I am also cognizant of the need to ensure individuals in these positions are properly qualified to do the very important jobs they undertake on a daily basis.

The licensing function is an essential and necessary component to ensuring that only qualified individuals are allowed to undertake the important security and investigative functions these positions entail. Absent appropriate licensing or regulation of the investigative and security sectors, anyone could offer such services without fear of a background check by state officials. Failure to properly license and oversee these particular business segments would put society at large and the professions who utilize these services at substantial risk. Individuals representing themselves as qualified to conduct investigations and security work could well be persons with prior felony or misdemeanor convictions. Members of the public could unwittingly hire individuals with criminal records that could go undetected absent a licensing/regulatory regime requiring background checks for all licensing applicants.

Without a licensing requirement, the public and business sectors are left with no assurance that individuals claiming to be a private investigator or security agency have the requisite qualifications to conduct such work. Clearly, an individual with no background in law enforcement or the security business lacks valuable experience necessary to perform security and investigative tasks. They lack knowledge and experience with regard to various state and federal laws most frequently at issue in these areas. They may lack familiarity with privacy rights and accessing personal identifying information; how to legally, effectively and appropriately conduct background investigations.

In short, de-regulating the private investigation and security industries in the state of Indiana would have the net effect of putting the public and business sectors at great risk. The overwhelming majority of states require licensing of individuals seeking to become private investigators. The important functions served by such individuals clearly dictate the need for licensure.

Sincerely,



George E. Horn, Jr.  
Attorney at Law  
Bar No. 11721-71

GEH:glf

LAW OFFICES OF DAVID A. MILLER  
555 WEST BEECH STREET, SUITE 503  
SAN DIEGO, CALIFORNIA 92101

(619) 238-8015  
FAX (619) 238-1447

February 17, 2015

Brandy L. Lord  
Integrity Investigations Inc.  
50710 Princess Way, Suite 300  
Granger, Indiana 46530

Re: Private Investigator licensing

Dear Ms. Lord:

I would like to share my thoughts about the licensing of private investigators.

I am a civil litigation attorney in San Diego who has been a sole practitioner for 27 years. Although I have a strong background in investigation work, I commonly use private investigators to assist in my cases. A good, skilled investigator usually means the difference between successful justice and case failure. I have hired private investigators in foreign countries such as Thailand, Singapore and France. A few times I was deceived and had my money stolen with no results at all. However, when the PI was licensed and carried good credentials, the results were highly successful. I cannot emphasize enough how important it is to screen out marginal or unskilled investigators by use of a good licensing requirement.

To maintain the consumer's confidence in the private investigator, and to avoid the consumer wasting money on unskilled investigators, a strict licensing requirement is critical. I can recall in my earlier years in San Diego when licensing requirements were lax and many people posed as "good private investigators." The ones I met were mostly useless and the consumer's interests were not met. I met a good number of disillusioned clients who's confidence I had to restore with my own diligent work, frequently working well past my allowed hours simply to regain the client's confidence.

Another issue is the safety of what is entrusted to the private investigator. The clients are entrusting the investigator with personal facts, family security issues and very sensitive matters which all must be safeguarded. Many of my cases involve threats of harm or danger

to certain family members or witnesses. Such cases must be handled with the utmost professionalism. This requires knowledge, skill and a set of professional ethics to which the investigator must adhere. A good licensing requirement is simply a vetting process to ensure the private investigator is up to these professional standards. The potential harm of no licensing requirement is obvious.

In closing I must commend Ms. Lord and her company, Integrity Investigations, for the highly skilled services she performed for me. I had embarked upon a search for a young Asian girl who saved my life twice during the Vietnam war years. The search went on for 40 years, spanning the globe from the jungles of Southeast Asia to Indiana. The final result was achieved by Integrity Investigations and my search ended successfully in South Bend where my saving angel was located. It was a very emotional reunion. There would have been no reunion if not for a highly skilled private investigator in Asia and another one in Indiana, Ms. Lord of Integrity Investigations.

I would hope Indiana maintains a good licensing requirement so that professional standards are met and the public's confidence is well placed. Thank you for considering my thoughts.

With kind regards,



David A. Miller, Esq.



Longstreet Law, LLC

**Laura M. Longstreet**  
**LONGSTREET LAW, LLC**  
**Attorney at Law**

1657 Commerce Drive, Suite 9B PMB 104  
South Bend, IN 46628  
E-Mail: lauralongstreet@gmail.com

Office & Fax 574.208.6867

<http://www.longstreetlaw.org>

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February 17, 2015

Brandy L. Lord  
Integrity Investigations Inc.  
50710 Princess Way  
Suite 300  
Granger, Indiana 46530

*Re: Licensing of Private Investigators*

Ms. Lord:

I reach out to you on this day to support the importance of required licensing for private investigators. One of the most significant decisions an attorney can make during their career is how to choose a private investigator. A good investigator can sometimes be the difference between a prosperous and a dismal outcome. Ask any successful trial attorney and more often than not, they will unofficially praise the work of their investigator. A qualified investigator is extremely important, as well as ensuring that such investigator is reliable. I strongly suggest licensing, as you do not want to delegate this process to any subordinate or any individual who has little or no experience in conducting research or dealing in government bureaucracy.

In the legal profession, the implementation of a private investigator inherently involves risks to the safety of the public and risks that sensitive and/or confidential information may be exposed. A licensing system that requires background checks is one way to ensure that convicted felons or other unsavory individuals are not privy to this sensitive information. A licensing system will also ensure that an individual is certified and is in "good standing," with that agency. Without this in place, you are bound to deal with individuals that have failed to comply with governmental regulations, or have committed legal or ethical indiscretions.

If private investigators are licensed, then there is a greater assurance to the public that the professional has the formal education necessary to assist you with a variety of important, and fundamental tasks. For example, a private investigator who is familiar with laws of search and

seizure, stalking, and hearsay, will be more methodical during the course of their investigation, during trial preparation, and better prepared for both direct and cross-examination. An educated private investigator will also be more likely to refrain from committing certain tortious acts if they have the foresight to apply the elements and repercussions of those acts. Licensing that provides certain standards and guidelines for private investigators is critically important. Without a licensing board, there is very little if any authority to strictly monitor or compel members to conform to certain standards or even expel the agency if it should become formally charged or impoverished due to complaints or legal troubles.

Requiring private investigators to have a license and meet certain standards is something we should expect in the legal profession. Just as attorneys take an oath upon admission into the state bar, private investigators should have to accept the responsibility to bear very specific obligations, which include the precepts of truth, justice, and above all else, integrity. If I may be of further assistance, please do not hesitate to contact my office. Thank you for all that you do.

Best regards,

LONGSTREET LAW, LLC

A handwritten signature in black ink, appearing to read 'Laura M. Longstreet', written in a cursive style.

Laura M. Longstreet, Attorney at Law

LAW OFFICES OF DAVID A. MILLER  
555 WEST BEECH STREET, SUITE 503  
SAN DIEGO, CALIFORNIA 92101

(619) 238-8015  
FAX (619) 238-1447

February 17, 2015

Brandy L. Lord  
Integrity Investigations Inc.  
50710 Princess Way, Suite 300  
Granger, Indiana 46530

Re: Private Investigator licensing

Dear Ms. Lord:

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Another issue is the safety of what is entrusted to the private investigator. The clients are entrusting the investigator with personal facts, family security issues and very sensitive matters which all must be safeguarded. Many of my cases involve threats of harm or danger

to certain family members or witnesses. Such cases must be handled with the utmost professionalism. This requires knowledge, skill and a set of professional ethics to which the investigator must adhere. A good licensing requirement is simply a vetting process to ensure the private investigator is up to these professional standards. The potential harm of no licensing requirement is obvious.

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I would hope Indiana maintains a good licensing requirement so that professional standards are met and the public's confidence is well placed. Thank you for considering my thoughts.

With kind regards,



David A. Miller, Esq.

## California State Requirements

[http://www.bsis.ca.gov/forms\\_pubs/pi\\_fact.shtml](http://www.bsis.ca.gov/forms_pubs/pi_fact.shtml)

Information obtained 7/18/16

### PRIVATE INVESTIGATOR (FACT SHEET)

#### Private Investigator / Qualified Manager

##### Requirements for Licensure

A private investigator is an individual who amongst other duties (1) investigates crimes, (2) investigates the identity, business, occupation, character, etc., of a person, (3) investigates the location of lost or stolen property, (4) investigates the cause of fires, losses, accidents, damage or injury, or (5) secures evidence for use in court. Private investigators may protect persons only if such services are incidental to an investigation; they may not protect property. An individual, partnership, or corporation licensed as a private investigator may employ a qualified manager to manage the business on a day-to-day basis. To be eligible to apply for licensure as a private investigator/qualified manager, you must meet the following requirements:

- Be 18 or older.
- Undergo a criminal history background check through the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI).
- Have at least three years (2,000 hours each year, totaling 6,000 hours) of compensated experience in investigative work; **or**

have a law degree or completed a four year course in police science plus two years (4,000 hours) of experience; **or**

have an associate's degree in police science, criminal law, or justice and 2 ½ years (5,000 hours) of experience.

Experience must be certified by your employer and have been received while you were employed as a sworn law enforcement officer, military police officer, insurance adjuster, employee of a licensed PI or licensed reposessor, arson investigator for a public fire suppression agency, or an investigator for the public defender's office. (Work as a process server, public records researcher, custodial attendant for a law enforcement agency, bailiff, agent who collects debts in writing or by telephone after the debtor has been located, or person who repossesses property after it has been located is not considered qualifying experience.)

- Pass a two-hour multiple-choice examination covering laws and regulations, terminology, civil and criminal liability, evidence handling, undercover investigations and surveillance. A copy of the Private Investigator Act will be sent to you; and
- Upon notification that you have passed the examination, you must submit a licensing fee of \$175 to the Bureau of Security and Investigative Services, P.O. Box 989002, West Sacramento, CA 95798-9002.

To apply for a Private Investigator license, submit your completed application, two recent passport-quality photographs, a \$50 application fee and a [Private Investigator Live Scan form](#) signed by the Live Scan Operator, including the ATI number. A \$32 DOJ fingerprint processing fee, a \$17 FBI fingerprint processing fee, and Live Scan site processing fee must be paid for each applicant at the Live Scan site. Send the application package to the Bureau of Security and Investigative Services, P.O. Box 989002, West Sacramento, CA 95798-9002.

### **Firearm Permit**

When working as a private investigator/qualified manager, you may **not** carry a gun on duty without a valid firearm permit issued by the Bureau or a screen print of the Bureau's approval obtained from the Bureau's web site. Also, a firearm permit issued by the Bureau **does not** authorize you to carry a concealed weapon. You may **not** carry a concealed weapon on duty without a Concealed Weapons Permit (CCW) issued by local authorities, nor carry a caliber handgun not listed on your firearm permit.

To apply for a firearm permit, you must:

- Be a U.S. citizen or have permanent legal alien status.
- Pass a course in the Power to Arrest. The eight hour training covers responsibilities and ethics in citizen arrest, relationship with police, limitations on Power to Arrest, restrictions on searches and seizures, criminal and civil liabilities, terrorism, code of ethics and personal and employer liability and other relevant topics.
- A course in the carrying and use of firearms. The 14-hour (8 hours classroom, 6 hours range) training course covers moral and legal aspects, firearms nomenclature, weapons handling and shooting fundamentals, emergency procedures and range training. The course must be given by a Bureau-certified firearms training instructor at a Bureau-certified training facility. Written and range exams are administered at the end of the course. Costs of training are determined by the training facility.
- Submit a [firearm permit application](#), an \$80 application fee and a [Private Investigator License w/Firearm Permit Live Scan form](#) signed by the Live Scan Operator. A \$38 Firearm Eligibility application, \$32 DOJ fingerprint processing fee and \$17 FBI fingerprint processing fee must be paid for each applicant at the Live Scan site. Send the application package to the Bureau of Security and Investigative Services, P.O. Box 989002, West Sacramento, CA 95798-9002.

**Note:** A firearms qualification card expires two years from the date of issuance. **An applicant must requalify four times during the life of the permit: twice during the first year after the date of issuance, and twice during the second year.** Requalifications must be at least four months apart.

### **Insurance**

A private investigator who carries a firearm, has employees who carry firearms, must have at least \$1 million in insurance — \$500,000 for any one loss due to bodily injury or death and \$500,000 for any one loss due to injury or destruction of property.

To request an application for licensure as a private investigator or qualified manager, call 916-322-4000 or 1-800-952-5210, or visit our Web site: [www.bsis.ca.gov](http://www.bsis.ca.gov).



**COLORADO**

Department of  
Regulatory Agencies

Division of Professions and Occupations

Management Branch  
Office of Licensing

## **Private Investigator (PI) Online Application Checklist – Levels 1 & 2**

**IMPORTANT NOTE:** Upon your first visit to Online Services, you must register your own account as an individual. You will NOT be able to complete an online application using an account for a business.

### **Information about the application process and how you'll be contacted**

An Application Specialist will review your application based on the information you supply. If anything is missing from your application or if additional information is needed, you'll be contacted via the email address you provided during the application process. To monitor the status of your application, visit Online Services: [www.colorado.gov/dora/licensing/Default](http://www.colorado.gov/dora/licensing/Default)

**Disclosure of Addresses:** Consistent with Colorado law, all addresses and phone numbers on record with the Division of Professions and Occupations (DPO) are public record and must be provided to the public when requested. It's your responsibility to keep your address and contact information current in our system. Your email address isn't open to public record, but must be provided at the time you register an account. If your email address isn't current, it's possible you won't receive important information from DPO. You can change your address, email address and other information online by using Online Services: [www.colorado.gov/dora/licensing/Default](http://www.colorado.gov/dora/licensing/Default).

**Application Expiration:** Your application will be saved in the system for 30 days. If you don't complete and submit your application within that time frame, you'll need to re-start from the beginning. Your application will be kept on file for one (1) year from the date you submit it. Your record and all supporting documentation will be purged if you don't submit required documents and complete the application process in one year. You'll need to submit a new application, fee and supporting documentation after that time.

**License Expiration Grace Period for New Applicants:** **PLEASE BE ADVISED** that if you're issued a license within 120 days of the upcoming renewal expiration date, you'll be issued a license with the subsequent expiration date. For example, licenses issued between February 1, 2016 and May 31, 2016, will reflect an expiration date of May 31, 2017. Licenses issued prior to February 1, 2016 will reflect an expiration date of May 31, 2016, and must renew in the upcoming renewal period.

- All Private Investigator licenses expire on May 31 each year and must be renewed to continue practicing.

### **Qualifications and Documentation Needed for Online Application**

- Required Fee:** You'll need to be able to pay the \$330.00 application processing fee with a credit card or electronic check as part of completing the application process.
- Age Attestation:** You must be at least 21 years of age to become licensed as a PI in Colorado.
- Background Check:** You must submit fingerprints to the Colorado Bureau of Investigation (CBI) in order to conduct a state and national background check. You cannot use a previous or recent background check. You must submit a background check specifically for your PI licensure. You may begin your online application now. CBI will process and submit your Background check directly to DPO within one to two



business days. For instructions on how to request your background check, visit the PI Applications webpage: [www.colorado.gov/dora/Private\\_Investigator\\_Applications](http://www.colorado.gov/dora/Private_Investigator_Applications).

- Jurisprudence Examination:** You must take and pass the Colorado *Private Investigator Jurisprudence Examination*, which is available online. Once you've passed, follow the instructions on your Passing Results Report (you must affix your handwritten signature and date on this Results Report). You must upload a copy of your signed and dated Passing Results Report with your online application to document successful completion of the Colorado *Private Investigator Jurisprudence Examination*. For information and instructions on completing this examination, visit the Jurisprudence Exam Information and Instructions on the PI Professionals webpage: [www.colorado.gov/dora/Private\\_Investigator\\_Applications](http://www.colorado.gov/dora/Private_Investigator_Applications).

If you don't pass the Jurisprudence Exam, follow the instruction on your Failing Results Report. **There is a five day wait period between the date of your last testing attempt and enrollment to re-test.** You must remit a new test fee to the test vendor for each re-test attempt. Visit the Jurisprudence Exam Information and Instructions on the PI Professionals webpage for more information: [www.colorado.gov/dora/Private\\_Investigator\\_Applications](http://www.colorado.gov/dora/Private_Investigator_Applications).

- Affidavit of Eligibility:** You'll be asked to attest to and provide information that you are lawfully present in the United States or otherwise eligible to work here.
- Social Security Number:** As of January 1, 2009, a Social Security Number is required for all licensees. Exceptions are made for foreign nationals not physically present in the United States and for non-immigrants in the United States on student visas who do not have a Social Security Number. These applicants must submit a signed Social Security Number Affidavit in lieu of a Social Security Number.
- Name Change Documentation (if applicable)** - If you already have another type of license in Colorado and your name has since changed, you're presenting documentation for licensure with a previous name, or if any required documentation has a different name on it, you'll be required to upload proof of your name change.
- Screening Questions** - You'll be asked a series of screening questions related to your criminal history or disciplinary action(s) filed against you in other jurisdictions (if applicable). This may require you to upload court documents or other material. Please review the Division's information regarding the disclosure of criminal history contained within these instructions.
- Surety Bond Coverage:** You must attest that you do or will post and maintain a surety bond in the amount of no less than ten thousand (\$10,000) upon licensure and before practicing in Colorado.

**If you are applying for PI Level 2 License, you must also have:**

- Education and/or Experience:** You must attest that you have at least 4,000 hours of experience (or an equivalent combination of experience and education) per Rule 3.B.7. Upon request, you must provide complete evidence demonstrating you meet the requirements for Level 2 licensure. For more specific information about Rule 3, visit the Laws, Rules and Policies webpage: [www.colorado.gov/pacific/Private\\_Investigator\\_Laws](http://www.colorado.gov/pacific/Private_Investigator_Laws)





COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

## IMPORTANT NOTICE

**TO:** All Applicants  
**FROM:** Director of the Division of Professions and Occupations  
**SUBJECT:** Licensure and Criminal History

Thank you for your interest in becoming a licensed\* professional within the Division of Professions and Occupations. Before you submit your application, please be aware of a few facts regarding criminal conduct, convictions, and disciplinary actions in other states.

The mission of the Division of Professions and Occupations is “public protection through effective licensure and enforcement.” One way the Division safeguards consumers is by issuing licenses to fully qualified, competent, and ethical applicants.

During the licensing process – and depending on the specific application – the Division may ask whether you have ever been disciplined in any state, arrested, charged, convicted, or pled guilty to a crime. An arrest, subsequent criminal conviction, or disciplinary action is not an automatic disqualification from licensure. Rather, the appropriate board or program will look at the facts surrounding the criminal conduct and disciplinary action in addressing your license application. You should know that licensure is a privilege, not a right. One thing you must do to obtain the privilege is to be complete and accurate in disclosing information on your application.

Be sure to list all relevant complaints, disciplinary actions, arrests, charges, or convictions in response to the appropriate licensure questions. **Failure to fully and accurately disclose requested criminal history information, alone, could constitute grounds for denial of your application or revocation of your license.** When requested, you must include information regarding prior conduct. This remains the case when the conduct is seemingly unrelated to the activities of a profession, and when the conduct involves deferred sentences or judgments.

Remember, even following licensure, you are still required to notify your professional licensing board or program about subsequent convictions and disciplinary actions in other states.

Please be aware that the Division conducts audits of its licensing database against several criminal and national disciplinary databases. This allows the Division to verify the truthfulness of your application and track subsequent criminal and disciplinary conduct after initial licensure. Keep in mind, your license will not necessarily be revoked, or your application denied, if you have been disciplined, arrested, charged or convicted. But, you will most likely be denied or revoked if you fail to disclose requested information.

*\*The word "license" is used as a general term. While most of the professions and occupations are licensed, others may be registered, certified, or listed. For precise terminology and requirements related to a profession or occupation, please consult the [website](#) of the appropriate board or program.*



## Florida State Requirements

<http://www.freshfromflorida.com/Divisions-Offices/Licensing/Private-Investigation/Private-Investigator-and-Private-Investigator-Intern-License-Requirements>

Information obtained 7/18/16

### REQUIREMENTS FOR THE CLASS "C" PRIVATE INVESTIGATOR LICENSE

An applicant for the Class "C" Private Investigator License must have TWO YEARS OF LAWFULLY GAINED, VERIFIABLE, FULL-TIME EXPERIENCE in order to qualify for the license. This experience can be acquired through a combination of actual investigative experience, college course work in a related field, or internship in accordance with the following three categories set forth in the statute:

- (a) Private investigative work or related fields of work that provided equivalent experience or training.
- (b) College course work related to criminal justice, criminology, or law enforcement administration, or successful completion of any law enforcement-related training received from any federal, state, county, or municipal agency, except that no more than 1 year may be used from this category.
- (c) Work as a Class "CC" licensed intern. This internship is done at a licensed private investigative agency.

The applicant for the Class "C" license [must also pass an examination](#) [  57.88 KB ]. This examination will cover those parts of Florida law that deal directly with the business practices of the private investigative industry and the legal responsibilities of the individuals and agencies that work in that industry (sections 493.6100 through 493.6203, and section 493.6301(5), Florida Statutes). A copy of [Chapter 493](#) and the [Private Investigator Handbook](#) [  ] are included with this application package to assist applicants in preparing for the exam.

(NOTE: This examination requirement, which took effect on January 1, 2008, also applies to individuals applying for the Class "M" Investigative & Security Agency Manager License, or a Class "MA" Private Investigative Agency Manager License).

### REQUIREMENTS FOR THE CLASS "CC" PRIVATE INVESTIGATOR INTERN LICENSE

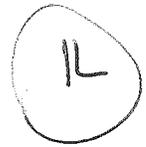
When applying for a Class "CC" Private Investigator Intern license, the applicant must submit proof of successful completion of a minimum of 40 hours of professional training pertaining to general investigative techniques and Chapter 493, Florida Statutes, offered by a state university or by a school, community college, college, or university under the purview of the Department of Education.

*Until December 31, 2011:* the applicant may submit with the initial application proof of successful completion of 24 hours of training. Within 180 days subsequent to the date the application was submitted, proof of successful completion of the remaining of 16 hours of training must be submitted.

Alternatively, the applicant may submit with the initial application proof of successful completion of 40 hours of training.

*On or after January 1, 2012*, the applicant will be required to submit with the initial application proof of successful completion of 40 hours of training.

An applicant for the Class "CC" license must be sponsored by a Class "C", "M", or "MA" licensee. The Letter of Intent to Sponsor Private Investigator Intern (Form FDACS-16026) must be submitted with the application.



**Joint Committee on Administrative Rules**  
**ADMINISTRATIVE CODE**

**TITLE 68: PROFESSIONS AND OCCUPATIONS**  
**CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION**  
**SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS**  
**PART 1240 PRIVATE DETECTIVE, PRIVATE ALARM, PRIVATE SECURITY,**  
**FINGERPRINT VENDOR, AND LOCKSMITH ACT OF 2004**  
**SECTION 1240.10 APPLICATION FOR EXAMINATION AND LICENSURE – PRIVATE**  
**DETECTIVE**

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**Section 1240.10 Application for Examination and Licensure – Private Detective**

- a) Applications for licensure by examination, together with all supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of the examination.
- b) No candidate shall be admitted to the examination until having fulfilled the experience and/or education requirements specified in Section 15-10(a)(6) of the Act. To determine such fulfillment, the following standards shall be applied:
  - 1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.
  - 2) "Full-time investigator in a law enforcement agency" shall mean a sworn peace officer, as defined in Section 5-10 of the Act, who serves in the capacity of a full-time detective/investigator or above rank.
- c) The passing grade on the examination is 70 or above.
- d) Upon notification of successful completion of the examination, the applicant may apply to the Department of Financial and Professional Regulation-Division of Professional Regulation (Division) for licensure. The application must be complete and must be accompanied by:
  - 1) One of the following:
    - A) Copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;
    - B) Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP; or
    - C) In lieu of fingerprints, verification, on forms provided by the Division, of proof of retirement as a peace officer, as defined in

Section 5-10 of the Act, within 12 months prior to application in lieu of fingerprints. The verification shall be signed by the applicant's employer;

- 2) Proof of at least \$1,000,000 of general liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and
  - 3) The required fees specified in Section 1240.570.
- e) A successful examination score shall be valid for 3 years. After 3 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.
- f) In addition to any other requirements, an applicant for licensure shall meet the following:
- 1) Has not been convicted of any felony in any jurisdiction or at least 10 years have lapsed since the time of full discharge from a sentence imposed for a felony conviction;
  - 2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;
  - 3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared the applicant to be competent;
  - 4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;
  - 5) Has not been dishonorably discharged from the armed forces of the United States;
  - 6) Submits his or her fingerprints, in accordance with the provisions of the Act and this Part, including but not limited to the payment of any required fees;
  - 7) Has not violated any provision of the Act or this Part.
- g) For applicants utilizing the experience referenced in Section 15-10(c) where proof of canine odor detection services for hire since January 1, 2005 is required, at least the following shall be included:
- 1) Certified copies of a minimum of three canine odor detection services contracts prior January 1, 2005.
  - 2) A completed VE-DET form to document the work experience in canine odor detection services since January 1, 2005.

(Source: Amended at 38 Ill. Reg. 7879, effective March 25, 2014)

## Step 1. Determining Your Application Route in Illinois

You can apply for a license for private investigator jobs in Illinois based on either set of qualifications:

- Experience
- Education and experience

Once you meet the training requirements, pass an exam, complete the rest of the application materials, and are successfully licensed you will have the following options:

- Work for another private investigator
- Go into business as a sole-proprietor
- Enter into a PI partnership
- Form a PI corporation
- Form a PI limited liability company (LLC)

## Step 2. Qualifying for the PI Exam and License in Illinois

### *Based on Experience*

If you are applying for a PI license exam based on your experience you will need to submit proof of working for three of the past five years in any one of the following:

- As a full-time private detective
- As a full-time investigator in any one of the following:
  - Federal, state, county, or city law enforcement department
  - State's Attorney's or Public Defender's office
  - Military police, also must submit DD 214

### *Based on Education and Experience*

You can also qualify for a PI license by meeting certain private investigator school requirements in Illinois. If

you have an associate's degree in law enforcement or a related field this may substitute for one year of qualified experience as mentioned above. Having a bachelor's degree in a field related to law enforcement will substitute for two years of qualified experience as mentioned above.

Certificate programs and degrees in related subject areas will not only reduce the required prerequisite years of work experience required but also give you a solid grounding in crucial aspects of the private investigations field. The following majors can also be advantageous to improving your career mobility towards a field such as law enforcement:

- Psychology
- Criminal Justice
- Business
- Forensics
- Law
- Public Administration

### *Other Minimum Requirements*

You must also be able to meet the following minimum requirements to be eligible for private investigator jobs in Illinois:

- Be at least 21 years old
- Either no felony convictions or 10 years have passed since your sentence was completed
- May not be a registered sex offender
- Must be of good moral character
- Be psychologically and physically fit for the duties of a private detective
- Have no narcotic or alcohol addictions

## Step 3. Private Investigator Training Requirements in Illinois

### *Completing the 20-hour Training Course*

You will also need to complete a private detective training course before or within 30 days of hire. This must be administered by a qualified instructor who provides information in:

- Illinois laws and statutes
- Arrest and control techniques
- Identification of terrorists and terrorist organizations
- Use of force including lethal and non-lethal
- Public relations and civil rights

Within six months of employment you will need to complete an additional eight hours of training in a pertinent subject. To prove you have completed the necessary training you will need to submit your basic training certification.

### *Completing the 40-hour Firearm Training Course*

If you are otherwise legally able to carry a firearm and choose to do so while working, you will need to complete a qualified 40-hour firearm training course that includes:

- 20 hours of classroom instruction including:
  - Law and the use of force
  - Law, private police, and law enforcement reporting
  - Fire prevention
- Range instruction in:
  - Combat shooting
  - Double-action shooting
  - Positioning

If you have already completed a similar course you may be eligible to submit a waiver of firearms training.

## **Step 4. Submitting a Complete Application for Licensure in Illinois**

Along with your complete application for licensure based either on experience or experience and education, you will also need to submit the following to the Illinois Department of Financial and Professional Regulation, the agency responsible for issuing your license:

- Criminal background check
- Proof of a \$1 million liability insurance policy
- \$291 examination fee
- Once you are eligible to be licensed you will be notified of the licensure fee
- Fingerprints and authorization for a background check with the Illinois State Police
- If you are choosing to carry a firearm you will need to submit either your firearm training certification or a waiver of firearm training if you have already completed comparable training

## Step 5. Taking the Illinois PI Exam

You can register for your PI exam as part of your application for licensure or online. The exam is administered by the private vendor Continental Testing Services and includes an evaluation of your knowledge in the areas of:

- State and federal laws
- Practice and licensing requirements
- Analysis, presentation, and reporting
- Case management
- Gathering evidence and information

The vendor provides a practice test and study guide and you should also know the Illinois laws regulating private investigators:

- 225 ILCS 447
- Administrative Code Title 68, chapter VII, subchapter b, part 1240, sections 1240.10 and 1240.20.

## Step 6. Working as a Private Detective in Illinois

You can renew your license online, which expires on May 31<sup>st</sup> every three years. Every year you will need to complete eight hours of refresher training or classes in a relevant area and must also maintain your good moral character qualification.



**APPLICANTS FOR, PRIVATE INVESTIGATIVE, PRIVATE SECURITY  
AND BAIL ENFORCEMENT AGENCY LICENSING**

Enclosed are the forms to be completed by an applicant for a bail enforcement, private investigative and/or private security agency license. The forms and requirements needed for an bail enforcement, private investigative and/or private security licenses are as follows:

**THE FOLLOWING IS A LIST OF REQUIREMENTS THAT MUST BE COMPLETED  
BEFORE LICENSING:**

**APPLICATION-PD1:**

A separate application (PD1) is to be completed by each individual, partner, association member or corporation. If the applicant is a corporation, the application (PD1) will need to be completed by the person designated to be the licensee in Iowa and who is actively involved in the licensed business in Iowa.

**FINGERPRINT CARDS-FD258:**

Two fingerprint cards are required to complete the application process. The fingerprint cards can be obtained from Public Safety. The fingerprint cards and the processing fee must be turned in before the application can be approved.

**COLOR PHOTOS:**

Two color photos 1" X 1" of the head and shoulders of applicant must accompany the application (PD1). These photos cannot be over a year old. Please make sure the eyes are open. Passport size photos are acceptable.

**FEES SUBMITTED WITH THE APPLICATION:**

\$100.00 for each license requested

\$30.00 for each set (two cards) of fingerprint cards submitted- If not submitting fingerprint cards with application, this fee will need to accompany the fingerprint cards

\$10.00 for each identification card requested

**Make checks or money orders payable to Iowa Department of Public Safety.**

**SURETY BOND-PD6:**

One copy of this form must be submitted for the licenses requested. A surety company authorized to do business in Iowa must issue this form. (Note: If the applicant is requesting a bail enforcement, private investigative and/or private security license, a \$5,000 bond is required, but for more than one type of business is licensed under this chapter, the bond amount would need to be \$10,000.) The agency name on the bond must be the same as the agency name indicated on the application (PD1).

**PROOF OF FINANCIAL RESPONSIBILITY:**

Each applicant shall provide "proof of financial responsibility" (liability insurance) as provided in the Administrative Rules 661-121.4(5). The agency name on the "proof of financial responsibility" (liability insurance) must be the same as the agency name indicated on the application (PD1).

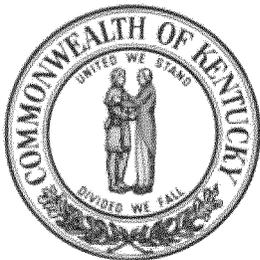
**BAIL ENFORCEMENT, PRIVATE INVESTIGATIVE OR PRIVATE SECURITY AGENCY CORPORATE INFORMATION FORM - PD7 OR LIMITED LIABILITY COMPANY FORM - PD5:**

If the applicant is a corporation, one copy of this form along with a copy of your articles of incorporation must be submitted. If you are a Non-Iowa corporation, you must also apply for a certificate of authority to do business in Iowa from the Secretary of State (515-281-5204).

**UNIFORMS, BADGES, HATS AND PATCHES:**

Pictures, photo copies or physical descriptions of all uniforms, badges, insignia, patches and hats must be submitted for approval by the commissioner as outlined under Administrative Rules 661-121.12.

If you have questions concerning bail enforcement, private investigative and/or private security agency licensing, please feel free to call 515-725-6230, or e-mail at [piinfo@dps.state.ia.us](mailto:piinfo@dps.state.ia.us).



COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF LICENSURE FOR  
PRIVATE INVESTIGATORS  
PO BOX 1360  
FRANKFORT KY 40602-1360  
(502) 564-3296, ext. 223  
(502) 564-4818 FAX

## PRIVATE INVESTIGATOR – APPLICANT INSTRUCTIONS

REMOVE THIS PAGE BEFORE YOU COPY OR SUBMIT YOUR APPLICATION – RETAIN THIS INFORMATION FOR YOUR RECORDS

### READ INSTRUCTIONS CAREFULLY

#### FEES

Criminal History Background Check Fingerprint Fee:	\$ 34.75
Application Fee:	\$ 100.00
License Fee:	\$ 300.00

You may not work as a private investigator until your Private Investigator License has been issued.

Average processing time for this application is 2-3 months. IF YOU FAIL TO RESPOND TO ANY CORRESPONDENCE FROM THIS OFFICE. YOUR APPLICATION WILL BE CLOSED OR DENIED. Any application that has been on file with the Board for a period of more than six (6) months, without diligent effort on the applicant's part to continue the application process, will be closed. Thereafter, should licensure be sought, a new application and application fee will be required.

*Applicants for licensure as a private investigator must be at least twenty-one (21) years of age.*

Should a licensed private investigator cease to be affiliated with a private investigation company, the private investigator has thirty (30) days to provide the Board with documentation of a new private investigation company affiliation or notice of other employment.

- The licensure fee of \$100.00 is non-refundable and it must be submitted with the application. The application will not be processed without the required fee. **You will be notified in writing when the additional \$300.00 must be submitted. All fees must be paid by check or money order payable to the Kentucky State Treasurer. NO CASH PAYMENTS WILL BE ACCEPTED.**
- Two (2) recent color passport-type photos no larger than 2"x2" (with your name and social security number printed on the backs) must be submitted with this application. Place the photos in a small envelope with your name printed on the envelope, and attach to the application.
- Three (3) **completed** fingerprint cards must be submitted with this application. Prints must be rolled nail-to-nail **ON THE CARDS PROVIDED BY THE BOARD** by a qualified, trained technician. **The cards must be completed fully and signed.** All questions in the blocks at the top of the card must be answered. Enter N/A if the question does not apply. If you are filing for a company license, only the owner/qualifying agent's (3) sets of fingerprint cards are required. Individual Private Investigators fingerprints should be sent with Individual Applications, **along with a certified check or money**

order in the amount of \$34.75 payable to the *Kentucky State Treasurer*. **NO CASH PAYMENTS WILL BE ACCEPTED.**

- Administrative Office of the Courts (AOC) Criminal Background Check Form completed and submitted directly to the AOC at the address listed on the form, along with a check or money order in the amount of \$20.00 payable to the *Kentucky State Treasurer*. This is a separate form that you must print from the Applications and Forms link under the Resources tab. Please mail this form and fee directly to the AOC.
- You must answer each question on the application. Enter N/A if question does not apply to you. If you need additional space to answer any question, attach additional 8 ½ x 11" sheets and identify the question number you are answering. **All information on arrests & convictions must be fully disclosed and final court dispositions submitted with your application.**
- A licensee or applicant shall notify the Board **IN WRITING** within thirty (30) days of any change in company affiliation, business address, residence address or phone number(s) during the application process and after license issuance.
- **IF YOU FAIL TO RESPOND TO ANY CORRESPONDENCE FROM THIS OFFICE, YOUR APPLICATION WILL BE CLOSED OR DENIED.**
- Upon approval of your application and a passing score on the examination is achieved, a notice will be forwarded to you requesting that you submit the remaining \$300.00 of the licensure fee. Licensure fees must be paid within thirty (30) days of the request or your application will be **closed with no further notice.**
- When paying fees, you **must** submit a **certified check or money order** payable to the *Kentucky State Treasurer* (NO CASH PAYMENTS WILL BE ACCEPTED).
- At any time during the life of the license you shall make yourself available for drug testing, if requested by the Board or its authorized representative.
- It is your responsibility to know and understand the laws and rules regulating Private Investigators in the Commonwealth of Kentucky.
  - **COMPANY AFFILIATION REQUIREMENT** - If affiliated with a company, a letter of endorsement/affiliation from the Private Investigation Company, signed by the owner/qualifying agent, must accompany all Private Investigator License applications. This letter must indicate that you are employed as a private investigator by the company. **Please be advised that a private investigating company whose workforce is comprised of only one private investigator is exempt from holding the company license.**
- **EXAMINATION** - Examination candidates must have their Private Investigator license application approved by the Board prior to scheduling the administration of the examination. Once your application has been approved, you will be sent information regarding the examination process and the study guide.

You should keep a photocopy of this application for your own files before submitting the application to the Board office.

You may not work in any position requiring licensure by the Kentucky Board of Licensed Private investigators if this application is **CLOSED** or **DENIED** for any reason.

Mail To:

KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS  
911 LEAWOOD (40601)  
PO BOX 1360  
FRANKFORT KY 40602-1360



COMMONWEALTH OF KENTUCKY  
 KENTUCKY BOARD OF LICENSURE FOR  
 PRIVATE INVESTIGATORS  
 PO BOX 1360  
 FRANKFORT KY 40602-1360  
 (502) 564-3296, ext. 223  
 (502) 564-4818 FAX

FOR OFFICIAL USE ONLY	
Application Fee:	_____
Lic No: _____	Iss. Date: _____
Board Review Date:	_____
Approved: _____	Denied: _____

# PRIVATE INVESTIGATOR – APPLICATION

READ INSTRUCTIONS ATTACHED TO THIS APPLICATION

**REMOVE INSTRUCTIONS BEFORE SUBMITTING APPLICATION – TYPE OR PRINT ALL AREAS OF THIS APPLICATION**

The \$100.00 fee must accompany this application.

## 1. PERSONAL DATA:

_____	_____	_____	_____
Social Security Number	Last Name	First Name	Middle Name
_____		_____	_____
Residence Address (Street) Address, Apt. No.		City	State Zip Code
_____		_____	_____
Mailing Address (Street) Address, Apt. No. <i>(If different than above)</i>		City	State Zip Code
_____		_____	_____
(_____) _____	(_____) _____	_____	
(Area Code) Home Phone Number	(Area Code) Home Fax Number	Email Address (if available)	
_____/_____/_____	_____	_____	_____
Date of Birth (M/D/Y)	Place (City, State) of Birth	Drivers License Number	State of Issuance
_____	_____	_____	_____
Sex (M/F)	Race	Height	Weight Hair Eyes

- a. **Are you a United States Citizen?** Yes  No   
 (If not, attach documentation establishing your legal alien status.)
- b. **Have you ever used a name other than the one by which you are applying?** Yes  No   
 If yes, give the name(s): \_\_\_\_\_  
 \_\_\_\_\_  
 Explain why the name(s) was used: \_\_\_\_\_  
 \_\_\_\_\_

This application must be accompanied by correspondence from your Private Investigation Company, if associated with an investigation company, signed by the owner/qualifying agent, which states the effective date of your affiliation and your position with the company.

KYIN-\_\_\_\_\_

**2. PRIVATE INVESTIGATION COMPANY DATA (REQUIRED):** This information refers to the private investigation company for which you work. Complete this area if you are also applying for a company license:

Company Name	Supervisor's Name		
Business Address (Street) Address, Apt. No. <i>(if different than above)</i>	City	State	Zip Code
Mailing Address (Street) Address, Apt. No. <i>(if different than above)</i>	City	State	Zip Code
( ) Business Phone Number	( ) Business Fax Number	Company's Email Address <i>(if available)</i>	

**3. Have you ever previously applied for a private investigator license and/or permit in Kentucky or any other state or political subdivision?**

Yes  No

If yes, list here: (Attach a separate sheet of paper if needed.)

State, County, City	Issue Date	Lic/Permit #	State	Issue Date	Lic/Permit #
---------------------	------------	--------------	-------	------------	--------------

If yes, has your registration ever been suspended, revoked or otherwise disciplined? Yes  No

If yes, attach a written explanation as to the circumstances surrounding the action taken.

**4. Have you ever applied for and/or been issued a license and/or permit other than for Private Investigator?** Yes  No

If yes, list each state, profession, and license/identification number: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If yes, has your registration ever been suspended, revoked or otherwise disciplined? Yes  No

If yes, attach a written explanation as to the circumstances surrounding the action taken.

**5. OTHER RESIDENCES:**

List addresses at which you have lived for the past five (5) years. Include your current address: Attach a separate sheet if necessary.

State Address, Apt. No.	City	State	Zip Code	From (Mo./Yr.)	To (Mo./Yr.)
-------------------------	------	-------	----------	----------------	--------------

State Address, Apt. No.	City	State	Zip Code	From (Mo./Yr.)	To (Mo./Yr.)
-------------------------	------	-------	----------	----------------	--------------

State Address, Apt. No. City State Zip Code From (Mo./Yr.) To (Mo./Yr.)

State Address, Apt. No. City State Zip Code From (Mo./Yr.) To (Mo./Yr.)

**6. PAST EMPLOYMENT RECORD:**

List all jobs or occupations you have held in the immediate past five (5) years. Attach a separate sheet if necessary.

Employer			Employer		
Address			Address		
City	State	Zip	City	State	Zip
(Area Code) Phone Number	Supervisor's Name		(Area Code) Phone Number	Supervisor's Name	
Position Held	Dates (Mo./Yr.)	To (Mo./Yr.)	Position Held	Dates (Mo./Yr.)	To (Mo./Yr.)

**7. Criminal History Information:** Answer the following questions completely. Information you provide may not disqualify you for a license. However, all arrests or charges, regardless of disposition, may appear on records returned from the Commonwealth of Kentucky Department of State Police and the Federal Bureau of Investigation (FBI). If you answer yes to any of these questions, it will be necessary for you to provide certified documents of the court's final disposition including suspended or deferred sentences, as well as, a written explanation of the events that surrounded the charges. If the court no longer has these records on file, you must obtain a letter from the judge or court clerk stating so. Failure to fully disclose all arrest information could disqualify you under K.R.S. Statue 329.070 section (1).

a. Have you ever been arrested in Kentucky or any other state? Yes  No

If yes, what state(s): \_\_\_\_\_

b. Did you appear before the court and enter a plea of guilty, not guilty or no contest?

Yes  No

c. Did the court find you guilty?

Yes  No

d. If you were found guilty, what was the sentence of the court? Indicate the fine, time in the county jailor penitentiary, deferred sentence, suspended sentence, or period of probation. List the sentence below.

Date	Charge	Sentence	Probation Completion Date
_____	_____	_____	_____

Date	Charge	Sentence	Probation Completion Date
_____	_____	_____	_____
Date	Charge	Sentence	Probation Completion Date
_____	_____	_____	_____

- e. Are you currently on a deferred sentence or on probation? Yes  No
- f. Did the court dismiss the charges against you? Yes  No
- g. Were those charges against you expunged from your record by the court?  
 Yes  No

If yes, please provide a certified copy of the expunged report.

- h. Do you currently have charges pending against you? Yes  No

If yes, please provide the information requested below, along with an explanation of the circumstances surrounding the charge(s). You are required to provide this office with certified court documents showing the disposition of these charges within thirty (30) days of these charges being resolved by conviction or dismissal. **Attach a separate sheet if necessary.**

_____	_____	_____	_____
Date of Arrest	Charge	Court of Jurisdiction (City, State)	Arraignment/Court Date
_____	_____	_____	_____
Date of Arrest	Charge	Court of Jurisdiction (City, State)	Arraignment/Court Date

**8. EDUCATION INFORMATION** (Elementary and High School or G.E.D. Circle number of years completed)

1. 1 2 3 4 5 6 7 8 9 10 11 12 Graduated High School? Yes <input type="checkbox"/> No <input type="checkbox"/> <u>OR</u> Received GED? Yes <input type="checkbox"/> No <input type="checkbox"/>											
2. Name of Last School Attended				3. Last School Location (City, State)				4. Date of Graduation or Date Received GED			

9. Have you ever been declared by any court of competent jurisdiction to be incompetent by reason of mental defect or disease unless a court of competent jurisdiction has since declared you to be competent? Yes  No

If yes, please attach an explanation with dates of treatment, name of facility and/or physician, and the completed Medical release form included with the application.

10. Are you currently suffering and/or being treated for chronic or habitual use of alcoholic beverages or drugs? Yes  No

If yes, please attach an explanation with dates of treatment, name of facility and/or physician, and the completed Medical release form included with the application.

11. Are you presently subject to any outstanding civil judgements or tax liens? Yes  No

If yes, please attach an explanation of such judgements or liens.

12. Have you ever served in Military Service?

Yes  No

- a. If yes, what branch? \_\_\_\_\_
- b. If you have been discharged from Military Service, what type of discharge did you receive?

Honorable  Dishonorable  Medical  Other  (Please Explain - *attach separate sheet*)

**REQUIREMENT CHECKLIST:**

- a. **Three (3) Sets of Classifiable Fingerprints:** Use only those fingerprint cards provided by the Board. Prints must be rolled nail-to-nail by a qualified, trained technician. Remember that all information on fingerprint cards **MUST** be completed and signed.
- b. **Two (2) 2" x 2" Color Passport-style Photos:** Include your name and Social Security number on the back of each. ***DO NOT USE INSTANT POLAROID PICTURES***
- c. **The Required Fee:** Make certified check or money order payable to: ***Kentucky State Treasurer*** in the amount of **\$100.00**.
- d. **Criminal History Background Check & Fingerprint Fee:** Make certified check or money order payable to: ***Kentucky State Treasurer*** in the amount of **\$34.75**.

***NOTE: You must submit two separate certified checks or money orders for "c" and "d" above.***

- e. **Letter of Sponsorship:** A letter of sponsorship must accompany all individual applications. (This does not apply to individuals starting their own company or sole proprietors.)
- f. **Licensing Request Form:** Criminal reply form included with **\$20.00** fee submitted directly to the Administrative Office of the Courts by check or money order payable to the ***Kentucky State Treasurer***.
- g. **Proof of Insurance:** Provide written proof of coverage that is written by an insurance company which is lawfully engaged to provide insurance coverage in Kentucky. The policy must be a combined single-limit in the amount of at least \$250,000; and insures for liability of all the applicant's employees while acting in the course of employment. (*Private investigators who limit their practice exclusively to working under the supervision of an attorney who are licensed in Kentucky are exempted from this requirement. A letter from the attorney indicating such employment is required.*)
- h. **Authorization for Release of Medical and Psychological Records:** Complete and sign the attached form for release of medical and psychological records. **This form is required to be signed and returned with the application.**
- i. **Authorization for Release of Records:** Complete and sign the attached form for release of records. **This form is required to be signed and returned with the application.**

**STATEMENT OF COMPLIANCE AND UNDERSTANDING:**

***Read carefully. Application must be signed under oath and notarized.***

I certify that I have read **SECTION 1 - 17 KRS CHAPTER 329A**, and the corresponding administrative regulations, and am familiar with and understand my legal responsibilities. I understand that this application will not be processed without the proper non-refundable fee and that upon approval of the application a license fee will be due prior to issuance.

I understand that any false statement(s) and/or misrepresentation(s) given by me on this application or on any attachments constitutes a violation of **KRS 329A.065 (1)**. Also, non-disclosure of applicable information could result in denial of licensure as a Private Investigator. Therefore, I certify that all answers, statements, and information given herein and on any attachments, are true and correct to the best of my knowledge and belief. Further that I the undersigned did personally complete this application and sign my name in presence of a notary public.

I hereby certify that I understand that should I be charged with an offense other than a minor traffic offense, I am required to notify the Kentucky Board of Licensure for Private Investigators within thirty (30) days of any such charge(s) and of any disposition of said charge(s).

\_\_\_\_\_  
**Signature of Applicant**

Subscribed and sworn to, before me on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
**Signature of Notary Public**

**(NOTARY SEAL)**

**My commission expires:** \_\_\_\_\_

**Authorization for Release of Medical and Psychological  
Records to the Kentucky State Board of Licensure for Private Investigators**

I, \_\_\_\_\_, the undersigned, do hereby authorize the full  
print name here

release of any and all medical and psychological records, correspondence, billing information, and  
medical and psychological reports and evaluations from \_\_\_\_\_  
Licensed/Certified Psychologist, regarding the medical and psychological history, diagnosis,  
assessment, evaluation, and/or treatment of me to the Kentucky State Board of Licensure for Private  
Investigators or any authorized agent or investigator of the Board.

I understand that the above records may be used by the Board in the investigation and possible  
disciplinary prosecution under KRS Chapter 329A against the private investigator. I further  
understand that the Board will make reasonable efforts to protect the confidentiality of my records  
under KRS Chapter 61 and Chapter KRS 13B, or other applicable law. This involves health oversight  
activities and administrative proceedings of the Board. As such, this disclosure is permitted under 45  
C.F.R. Section 164.512(a), (d), and (e), the regulations implementing the Health Insurance Portability  
Accountability Act (HIPAA).

A photocopy of this authorization shall be deemed effective as an original.

This authorization shall be effective for one year from the date of signing.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of person, or parent/legal guardian if  
person is under 18 years of age



**Authorization for Release of Records to the  
Kentucky State Board of Licensure for Private Investigators**

I, \_\_\_\_\_, the undersigned, do hereby authorize the full  
print name here

release to inspect any and all records referenced herein or provided by other third parties for use in documenting and evaluating my application for licensure to the Kentucky State Board of Licensure for Private Investigators or any authorized agent or investigator of the Board.

I understand that the above records may be used by the Board in the investigation and possible disciplinary prosecution under KRS Chapter 329A against the private investigator. I further understand that the Board will make reasonable efforts to protect the confidentiality of my records under KRS Chapter 61 and Chapter KRS 13B, or other applicable law.

A photocopy of this authorization shall be deemed effective as an original.

This authorization shall be effective for one year from the date of signing.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of person, or parent/legal guardian if  
person is under 18 years of age

## Michigan State Requirements

[http://www.michigan.gov/lara/0,4601,7-154-61343\\_35414\\_60647\\_35469-114594--,00.html](http://www.michigan.gov/lara/0,4601,7-154-61343_35414_60647_35469-114594--,00.html)

Information obtained 7/19/16

### Licensing Requirements

The following is a summary of the requirements to become licensed as a professional investigator. For the complete requirement details see the [Professional Investigator Licensure Act, Act 285 of 1965, as amended](#). A licensed professional investigator must meet the following requirements:

- (a) Is a citizen of the United States.
- (b) Is not less than 25 years of age.
- (c) Has a high school education or its equivalent.
- (d) Has not been convicted of a felony, or a misdemeanor involving any of the following:
  - (i) Dishonesty or fraud.
  - (ii) Unauthorized divulging or selling of information or evidence.
  - (iii) Impersonation of a law enforcement officer or employee of the United States or a state, or a political subdivision of the United States or a state.
  - (iv) Illegally using, carrying, or possessing a dangerous weapon.
  - (v) Two or more alcohol related offenses.
  - (vi) Controlled substances as defined under the Michigan Public Health Code.
  - (vii) An assault.
- (e) Has not been dishonorably discharged from a branch of the United States military service.
- (f) For a period of not less than 3 years has been or is any of the following on a full-time basis:
  - (i) Lawfully engaged in the professional investigation business as a licensee, registrant, or investigative employee in another state.
  - (ii) Lawfully engaged in the investigation business as an investigative employee of the holder of a license to conduct a professional investigation agency.
  - (iii) An investigator, detective, special agent, intelligence specialist, parole agent, probation officer, or

certified police officer employed by any government executive, military, judicial, or legislative agency, or other public authority engaged in investigative or intelligence activities.

(iv) A graduate of an accredited institution of higher education with a baccalaureate or postgraduate degree in the field of police administration, security management, investigation, law, criminal justice, or computer forensics certificated study that is acceptable to the department.

(v) Lawfully engaged in the investigation business as a full-time proprietary or in-house investigator employed by a business or attorney, or as an investigative reporter employed by a recognized media outlet, acceptable to the department.

(g) Has posted a \$10,000.00 bond or insurance policy provided for in this act.

(2) In the case of a person, firm, partnership, company, limited liability company, or corporation now doing or seeking to do business in this state, the manager shall comply with the qualifications of this section.

## Nevada State Requirements

<http://privateinvestigatoredu.org/nevada/>

Information obtained 7/18/16

### Step 1. Meet Minimum Requirements in Nevada

Before applying for a license as a private investigator in Nevada, you must meet the minimum requirements for licensure. Regardless of the city in which you live, from Las Vegas and Reno to North Las Vegas and Henderson, the minimum requirements for licensure are the same:

You must:

- Be at least 21 years of age
- Be a citizen of the United States or allowed to work in the United States
- Have no felony convictions or convictions involving crimes of moral turpitude or the illegal use or possession of a dangerous weapon
- Be able to pass a background investigation through the Federal Bureau of Investigation, the Nevada Department of Public Safety, and the California Department of Justice (if you ever lived or worked in California)

### Step 2. Meet Education/Experience Requirements in Nevada

All candidates for private investigator licenses in Nevada must possess at least 5 years of investigative experience (2,000 hours each year for a total of 10,000 hours).

However, you may satisfy some of your experience requirements through a college program in police science or criminal justice, as follows:

- An associate's degree in police science or criminal justice equals 8 months (1,333 hours)
- A bachelor's degree in police science or criminal justice equals 18 months (3,000 hours)

### Step 3. Apply for a Nevada Private Investigator License

Upon ensuring you meet the minimum qualifications for licensure as a private detective in Nevada, you must apply for your private investigator license online through the [Nevada Private Investigators](#)

Licensing Board portal. Along with a completed application, you must provide the following to the Board:

- A non-refundable application processing fee of \$20
- A \$100 examination fee
- A \$750 background investigation deposit (and \$250 for each additional category of license for which the application is made)

**Note:** If you are a resident of Nevada, the entire cost of the investigation may total no more than \$1,500 (each additional category may be up to \$500), while a corporate applicant or an applicant who is not a resident of Nevada is liable for the entire cost of the investigation.

- A passport-style photograph
- A completed child support information form (if applicable)
- A copy of your birth certificate, naturalization papers and/or passport
- Certificate of Good Standing and a Certificate of Incorporation from the state you are incorporated in (for corporation licenses only)

**Note:** If your license application is a firm or partnership, the application must be signed and verified by all members. If your license application is a corporation, it must be signed and verified by the president, secretary, and treasurer. Further, if you are applying for a corporate license, you must submit your corporate financial statement in addition to your personal financial statement.

- Three (3) fingerprint cards, along with a fingerprint processing fee of \$37.50 (made payable to Nevada DPS) and 1 fingerprint card for California (if applicable) and a processing fee of \$32 (made payable to CDOJ). You can have your fingerprint cards completed at any local law enforcement office.
- At least 3 Notarized Certificates of Support of Experience and Qualifications forms
- At least 3 Notarized Certificates in Support of Personal References forms
- Diplomas and transcripts showing proof of education (if applicable)
- Three (3) years of tax returns, including all W2s, K1s and/or 1099s

#### Step 4. Pass the Nevada Examination for Private Investigators

Upon submitting your application for licensure and receiving approval from the Board, you may take the Nevada State Board Examination, which is designed to assess your knowledge of the Nevada Revised Statutes and Regulations.

The examination is given quarterly and is administered either in Las Vegas or Carson City. You must score at least 75 percent to receive a passing score. If you fail the exam, you must pay a \$100 fee to retake it.

#### Step 5. Network for Job Opportunities and Keep your Nevada License Up-to-Date

After passing the Nevada State Board Examination, before you can receive your license you will be required to provide proof to the Board that you have an insurance policy that is no less than \$200,000, written by an insurance company authorized to do business in the state.

Membership in a local or state association, such as the [Nevada Society of Professional Investigators](#), often provides a number of opportunities for private investigators in the field, including networking events and current information on legislation affecting the private investigation industry.

All online renewals are completed [online](#). You must provide your license number to complete the online renewal. Licenses are renewed every year on July 1, and the cost of renewal is \$500 per license, per year.

## **New Jersey State Requirements**

<http://www.njsp.org/private-detective/faqs.shtml>

**Information obtained 7/18/16**

### **What are the Qualifications to become a Private Detective?**

- Applicant must be 25 years of age and a U.S. citizen.
- Applicant must possess good character, competency and integrity.
- Applicant must have a minimum of 5 years experience with an organized police department of the State, County or a Municipality or an investigative agency of the United States of America or possess 5 years investigative experience which can be documented. Applicant must successfully complete a comprehensive background investigation, which includes a criminal history fingerprint check, and credit check.

#### **\*Noteworthy Info:**

As part of the application process, a credit profile report will be reviewed for any derogatory, delinquent, and/or past due accounts. Applicants must provide documentation addressing all derogatory accounts prior to licensing. Personal credit is directly related to moral character. An individual may only serve as qualifier for one agency, however they may hold a corporate office position for more than one company.

## **New York State Requirements**

[http://www.dos.ny.gov/licensing/privateinvest/privatei\\_faq.html](http://www.dos.ny.gov/licensing/privateinvest/privatei_faq.html)

**Information obtained 7/18/16**

### **What are the requirements to be a licensed Private Investigator?**

You must be 25 years of age and a principal in the business entity to be licensed. Additionally, as the individual possessing the expertise to oversee the day-to-day conduct of investigations, you must have passed the private investigator examination within the two years immediately prior to your application date and have either three years experience or three years equivalent position and experience. All applicants must be fingerprinted.

### What are the fees, terms of licensure?

#### **What forms of payment does the Department of State accept?**

Money Orders, Company Checks or Cashier's Checks only. Must be made payable to the NYS Department of State. Do Not Mail Cash. "NO PERSONAL CHECKS OR CREDIT CARDS"

#### **What do the terms "experience" and "equivalent position and experience" mean?**

"Experience" is defined as three years of full-time investigative experience as a proprietary investigator, employee of a licensed private investigator, or an investigator in a government investigative agency or police agency.

"Equivalent experience" is defined as three years in a position where the primary duties were to conduct investigations, or three years of experience supervising and reviewing the work of at least three persons performing investigations, or New York State police officers or fire marshals with 20 years of service irrespective of title.

#### **If I have an employment agency license, can I also obtain a PI license?**

No. If you have an employment agency license, or are a member of a partnership, or an officer or a holder of any stock in a corporation, or have any financial interest or participation in the control and management of any employment agency, you are NOT eligible to hold a PI WGP license.

## Ohio State Requirements

<http://www.pisgs.ohio.gov/pisgs.stm>

Information obtained 7/19/16

Private investigation and security services providers in Ohio are required by law to obtain a license from the Ohio Department of Public Safety (ODPS). There are three types of licenses:

Class A – Private Investigation & Security Services

Class B – Private Investigation

Class C – Security Services

During the licensing process, the state verifies the company is insured and operated by a Qualifying Agent (QA) with the required professional experience, and that the QA has undergone a criminal background check.

**Until approved by PISGS, a company cannot work, advertise or solicit business in Ohio.**

How to apply for a license: (refer to the Licensed Application User Guide on the PISGS website, <http://www.pisgs.ohio.gov/ApplicationGuide.pdf>)

**Step 1** You will need online access with Private Investigator Security Guard Services (PISGS) to complete the license application. Request online access here:

<https://ext.dps.state.oh.us/AccountCenter/Pages/Public/AccountRequirements.aspx?appid=5>

**Step 2** Gather the required documentation for the company and Qualifying Agent:

### **Company Requirements:**

- Complete online license application, along with \$375
- Certificate from Ohio Secretary of State affirm entity registered (If registered more than six months prior, a certificate of good standing letter is required)
- If using a trade name, Certificate from Ohio Secretary of State indicating trade name
- Insurance Acord for Comprehensive General Liability: Must not be less than \$100,000 each occurrence, \$300,000 general aggregate and must list DPS, PISGS Unit, PO Box 182001, Columbus, OH 43218 as certificate holder

### **Qualifying Agent (QA) Requirements:**

- Complete online QA application, along with \$30

- 2 x 2 photo (passport style) of head and shoulders

[http://pisgs.ohio.gov/pisgsNew\\_cards\\_being\\_issued.pdf](http://pisgs.ohio.gov/pisgsNew_cards_being_issued.pdf)

- Five character reference letters from individuals not related who have known you more than five years. Letter must state in what capacity they know you (friend, work, church, etc.), signed and dated within last three months.

- Verification of Experience (VOE) (must be two years immediately preceding application)

**CLASS A** - Work full-time in security and investigation, in the two years prior to applying for a license. Past law enforcement and military experience, as well as relevant college degree, also may count toward the required work experience.

**CLASS B** - Work full-time in investigation, in the two years prior to applying for a license. Past law enforcement and military experience, as well as relevant college degree, also may count toward the required work experience.

**CLASS C** - Work full-time in security, in the two years prior to applying for a license. Past law enforcement and military experience, as well as relevant college degree, also may count toward the required work experience.

Military experience in related field - provide DD 214 or current work orders College degree must be at least an associate in criminal justice or related field - provide diploma or college transcript

Attorney: If you are an attorney, and want your practice of law to count toward the required experience, provide letter of good standing from State Supreme Court – must have been practicing for minimum of two years

- There is no reciprocity for licenses held in other states. Must provide copy of licenses from states where currently licensed along with letter of good standing from applicable state licensing boards.
- BCI fingerprint results – must not be older than 30 days from date application is submitted and sent DIRECT COPY to PISGS. **PSU 0019 Word / PDF** - should be completed and taken to the WebCheck facility to ensure proper delivery of results. To locate a WebCheck facility, log onto the **Attorney General's Website**.

If QA wants to carry a firearm, they must:

- Complete online Firearm Bearer (FAB) application along with \$15
- OPOTA Firearm Training Certificate (for non-peace officer)
- Ohio Peace Officer's Basic Training Certificate AND most current re-qualification score sheet (for peace officers)

- FBI fingerprint results – must not be older than 30 days from date application is submitted and sent DIRECT COPY to PISGS

**Step 4** After submitting your online application with all required documentation, and the paperwork has been approved, the QA will be scheduled for the examination based on ORC 4749 and OAC 4501:7 (<http://www.publicsafety.ohio.gov/links/PSU0004.pdf>). If exam failed, another \$25 test fee is required for each additional attempt. NOTE: QA exam is only waived if the applicant was an Ohio approved QA within the prior six months.

**Step 5** Once your QA passes the exam and your license application is approved, PISGS will print a wall license and QA registration card. At that point, your company is licensed to work, and solicit work in Ohio. You must register all security guards and private investigation employees.

## Vermont State Requirements

<http://legislature.vermont.gov/statutes/section/26/059/03173>

Information obtained 7/18/16

## The Vermont Statutes Online

Title 26 : Professions And Occupations

Chapter 059 : Private Investigative And Security Services

### Subchapter 003 : Licensing

•

#### § 3173. Private investigator licenses

(a) The Board shall issue a license to a private investigator after obtaining and approving all of the following:

(1) an application filed in proper form;

(2) the application fee;

(3) evidence that the applicant has attained the age of majority; and

(4) evidence that the applicant has successfully passed the examination required by section 3175 of this title.

(b) The Board may inquire of the Vermont Crime Information Center for any information on criminal records of the applicant, and the Center shall provide such information to the Board. The Board, through the Vermont Crime Information Center, may also inquire of the appropriate state criminal record repositories in all states in which it has reason to believe an applicant has resided or been employed, and it may also inquire of the Federal Bureau of Investigation, for any information on criminal records of the applicant. The applicant shall bear the costs associated with fingerprinting. The Board may also make additional inquiries it deems necessary into the character, integrity, and reputation of the applicant.

(c) The Board shall require that the person has had appropriate experience in investigative work, for a period of not less than two years, as determined by the Board. Such experience may include, having been regularly employed as a private detective licensed in another state or as an investigator for a private detective licensed in this or another state, or has been a sworn member of a federal, state, or municipal law enforcement agency.

(d) An application for a license may be denied upon failure of the applicant to provide information required, upon a finding that the applicant does not meet a high standard as to character, integrity, and reputation, or for unprofessional conduct defined in section 3181 of this title. (Added 1981, No. 98, § 1; amended 1989, No. 250 (Adj. Sess.), § 67; 1995, No. 144 (Adj. Sess.), § 8; 1999, No. 133 (Adj. Sess.), § 26; 2009, No. 103 (Adj. Sess.), § 28; 2013, No. 119 (Adj. Sess.), § 16.)

## Virginia State Requirements

<http://www.dcjs.virginia.gov/pss/howto/registrations/privateInvestigator.cfm>

Information obtained 7/18/16

### Initial Registration

The requirements can be found in 6 VAC 20-171-120 of the Regulations. Registrations are issued for **24 months**.

### Eligibility Requirements

1. Be a minimum of **18** years of age.
2. Successful completion of all initial **training** requirements for each registration category, including firearms endorsement if applicable.
3. Be a **United States citizen or legal resident alien** of the United States.

### Training Requirements

60 Hours, Consisting of:

- 02E - Private Investigator Entry-Level (60 hours)
  - [Training Outline \(.htm\)](#)
  - [Training Schools Offering Course \(.htm\)](#)

### Submit to the Department

1. [Initial registration application](#) and applicable non-refundable fee;
2. Mailing address;
3. Fingerprint card, [fingerprint processing application](#) and applicable non-refundable fee. For more information, [view the Fingerprints page](#).

### Additional Applications

1. For those who will have access to a firearm, they must complete the requirements for a **Firearms Endorsement**. For more information, [view the Firearms Endorsement page](#).
2. Any individual who is already registered with the department and wishes to add categories to his/her current registration must complete the requirements for an **Additional Registration Category**. For more information, [view the Additional Registration Category page](#).

3. Any currently registered individual who has lost their registration card may apply for a replacement. For more information, [view the Duplicate/Replacement Registration page](#).
4. Any individual who has **ever been convicted or found guilty of a felony or misdemeanor** (not to include minor traffic violations) in Virginia or any other jurisdiction to include military court martial **or currently under protective orders** must submit a **Criminal History Supplemental Form**. For more information, [view the Criminal History page](#).
5. Certain **training exemptions** may be granted for required training courses. For more information, [view the Training Exemptions page](#).

*Before a registration will be issued, individuals must complete all required training for each category of their registration.*

### **Required Forms**

- [Initial Private Security Registration Application \(.pdf, 2 pages\)](#)
- [Fingerprint Processing Application \(.pdf, 2 pages\)](#)
  - The form **must** be submitted if you **have not** submitted fingerprints to DCJS within the last (120) days.
  - [List of acceptable documents to verify legal presence \(.pdf, 1 page\)](#)

### **Additional Forms**

- [Criminal History Supplemental Form \(.pdf, 1 page\)](#)
  - The form **must** be submitted with the PSS\_FP form if you have **ever been convicted or found guilty of a felony or misdemeanor** (not to include minor traffic violations) in Virginia or any other jurisdiction to include military court martial **or currently under protective orders**.
- [Replacement Registration Form \(.pdf, 1 page\)](#)
- [Firearms Endorsement \(.pdf, 2 pages\)](#)
  - Complete this form and the necessary training if you carry or have immediate access to a firearm in the performance of your duties.
- [Partial Training Exemption Application - Entry Level \(.pdf, 3 pages\)](#)
  - You may be eligible to waive a portion of your entry-level training if you have completed certain private security services training or if you are a qualified law enforcement officer.

### **Renewal Registration**

The requirements can be found in 6 VAC 20-171-130 of the Regulations. Registrations are issued for **24 months**.

### **Training Requirements**

8 Hours, Consisting of:

- 02I - Private Investigator In-Service (8 hours)
  - [Training Outline \(.htm\)](#)
  - [Training Schools Offering Course \(.htm\)](#)

### **Submit to the Department**

1. [Registration renewal application](#) and applicable non-refundable fee;
2. Completion of in-service training. The school will submit a roster, do not send your training completion form to DCJS.

### **Additional Applications**

1. For those who will have access to a firearm, they must complete the requirements for a **Firearms Endorsement**. This endorsement must be **renewed every 12 months**. For more information, [view the Firearms Endorsement page](#).
2. Any individual who is already registered with the department and wishes to add categories to his/her current registration must complete the requirements for an **Additional Registration Category**. For more information, [view the Additional Registration Category page](#).
3. Any currently registered individual who has lost their registration card may apply for a replacement. For more information, [view the Duplicate/Replacement Registration page](#).
4. Any individual who has **ever been convicted or found guilty of a felony or misdemeanor** (not to include minor traffic violations) in Virginia or any other jurisdiction to include military court martial **or currently under protective orders** must submit a **Criminal History Supplemental Form**. For more information, [view the Criminal History page](#).
5. Any individual who meets limited circumstances, may apply for a **renewal extension**. For more information, [view the Extension page](#).
6. Certain **training exemptions** may be granted for required training courses. For more information, [view the Training Exemptions page](#).

*Before a registration will be issued, individuals must complete all required training for each category of their registration.*

### **Required Form**

- [Renewal Private Security Registration Application \(.pdf, 2 pages\)](#)

#### **Additional Forms**

- [Criminal History Supplemental Form \(.pdf, 1 page\)](#)
  - The form **must** be submitted with the [Fingerprint form](#) if you have **ever been convicted or found guilty of a felony or misdemeanor** (not to include minor traffic violations) in Virginia or any other jurisdiction to include military court martial **or currently under protective orders.**
- [Replacement Registration Form \(.pdf, 1 page\)](#)
- [Firearms Endorsement \(.pdf, 2 pages\)](#)
  - Complete this form and the necessary training if you carry or have immediate access to a firearm in the performance of your duties.
- [Partial Training Exemption Application - In-Service \(.pdf, 2 pages\)](#)
  - You may be eligible to waive a portion of your entry-level training if you have completed certain private security services training or if you are a qualified law enforcement officer.

## Washington State Requirements

<http://www.dol.wa.gov/business/pi/piagency.html>

Information obtained 7/18/16

### Who needs a license?

Any business that:

- Provides investigation, escort, or bodyguard services
- Performs property loss prevention activities

### Requirements

- All **agency owners, partners, or qualifying agents** must be:
  - At least 18 years old, if applying for unarmed license
  - At least 21 years old, if applying for armed license
  - A United States citizen or resident alien
- The **agency principal** must have:
  - No criminal convictions that directly relate to your capacity to perform the duties of a private investigator and/or hinders public safety. [Read more about criminal conviction information.](#)
- The business must have a physical location in Washington

### Supporting documents for your application

- If you're applying with experience, proof of 3 years of experience performed before applying for the license
- Proof of financial guarantee:
  - Certificate of liability insurance with minimum coverage of \$25,000 bodily injury and \$25,000 property damage **or**
  - \$10,000 [Private Investigative Agency Surety Bond](#)
- If a corporation:
  - Copy of articles of incorporation **and**
  - A list of officers' names and addresses

## West Virginia State Requirements

<http://www.sos.wv.gov/business-licensing/licensing/Pages/Eligibilityrequirements.aspx>

Information obtained 7/18/16

### Basic Requirements for All Licensees

Regardless of whether you intend to apply for an individual or firm license, as a private investigator or security guard, there are nine basic requirements which apply to all applicants. For a firm, these basic requirements apply to all officers, members or partners, and all employees who will conduct business.

1. Be at least 18 years old or older.
2. Be a citizen of the United States, or an alien legally residing in the United States.
3. Be of good moral character.
4. Have not had a previous private investigator or security guard license revoked or denied in West Virginia or any other state.
5. Have not been declared incompetent by a court because of a mental defect or illness.
6. Do not suffer from narcotics addiction or dependence or habitual drunkenness.
7. Have not been convicted of a felony in this state or any other state or territory.
8. Have not been convicted of any of these crimes:
  - Illegally using, carrying or possessing a pistol or other dangerous weapon;
  - Making or possessing burglar's instruments;
  - Buying or receiving stolen property;
  - Entering a building unlawfully;
  - Aiding an inmate's escape from prison;
  - Possessing or distributing illicit drugs; or
  - Any misdemeanor involving moral turpitude or for which dishonesty of character is a necessary element.
9. Have never:
  - Engaged in the private investigation or security guard business without a license;

- Transferred my license to an unlicensed person or subcontracted with an unlicensed person or firm to conduct investigations or security guard business;
- Employed anyone to conduct investigations or security guard business who was in violation of any of the prohibitions or requirements of law;
- Falsely represented that I am or any other person is licensed as an investigator or guard;
- Made any false report with respect to any matter relating to my employment;
- Divulged any information obtained from or for a client without express permission;
- Knowingly accepted employment to obtain information intended for illegal purposes; or
- Authorized another person to violate the law or rules.

### **Private Investigator Eligibility Requirements**

In addition to the basic requirements for licensing, specific training or experience is required for a person to be eligible for licensing as a private investigator. In the case of a firm, the qualifying agent must meet these requirements. The applicant must have a minimum of two years experience, education or training in any one of the following areas, or some combination which would total the two year requirement:

- Course work that is relevant to the private investigation business, such as criminal justice, at an accredited college or university which issues a degree;
- Employment as a member of any United States government investigative agency;
- Employment as a member of a state or local law enforcement agency;
- Employment by a licensed private investigation agency for the purpose of conducting the private investigation business;
- Service as a magistrate in this State (Note: no person may be employed as a licensed private investigator while currently serving as magistrate.);
- Service as a sheriff; or
- Any other substantially equivalent training or experience which would satisfy the two year requirement.

## Wisconsin State Requirements

<http://dsps.wi.gov/Licenses-Permits/PrivateDetective/PDlicense>

Information obtained 7/18/16

### To obtain a new Private Detective license:

1. Submit fingerprints in order for the Department to conduct a background check.

Schedule an appointment with Fieldprint, the Department's approved vendor,  
at: [www.FieldprintWisconsin.com](http://www.FieldprintWisconsin.com)

Use the Fieldprint code "FPWISecurity" when prompted. The cost for digital fingerprints will be \$39.25 and is expected at the time of reservation.

If you live outside Wisconsin you may electronically submit fingerprints at any Fieldprint site near you. You must use the Fieldprint code "FPWISecurity" when prompted.

2. Submit an application. **Do this within 14 days after submitting your fingerprints.** A complete application includes:

- [Form 469, Application for Private Detective License](#)
- [Form 2687, Authorization for Release of FBI Information](#)
- If your employing agency has a \$100,000 liability bond instead of liability insurance, you must obtain a \$2,000.00 liability bond and submit [Form #1483, Bond of Private Detective or Private Detective Agency](#)
- \$75.00 credentialing fee + \$127.00 exam fee

3. Pass examination covering [Wisconsin Statutes](#) and [Administrative Code](#). See [Exam Information](#) for additional information.

You will receive e-mailed instructions to take the exam after your complete application has been submitted and all requirements have been met. The exam is available only on-line.

### Application for a new license by reciprocity:

There are no provisions to acquire this license through a reciprocity agreement.

### To reinstate an existing license that has been expired more than 5 years:

1. Submit fingerprints for a background check. (See #1 under "to obtain a new Private Detective license" above.)

2. Submit an application. **Do this within 14 days after submitting your fingerprints.** A complete application includes:

- [Form 469, Application for Private Detective License](#)
- [Form 2687, Authorization for Release of FBI Information](#)
- If your employing agency has a \$100,000 liability bond instead of liability insurance, you must obtain a \$2,000.00 liability bond and submit [Form #1483, Bond of Private Detective or Private Detective Agency](#)
- \$132.00 reinstatement fee + \$127.00 exam fee

3. Pass examination covering [Wisconsin Statutes](#) and [Administrative Code](#). See [Exam Information](#) for additional information.

You will receive e-mailed instructions to take the exam after your complete application has been submitted and all requirements have been met. The exam is available only on-line.

#### [Private Detective Frequently Asked Questions](#)

#### **Firearms**

A firearms permit must be obtained from the Department in order to carry a firearm while on duty as a private detective, except as provided in [Wis. Admin. Code § SPS 34.01 \(5\) to \(8\)](#). See [Firearm Permits](#) for additional information.

July 21, 2016

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Members of the Job Creation Committee  
Indiana Government Center South  
402 West Washington Street, Room W064  
Indianapolis, Indiana 46204

Re: JCC - Public Input regarding the State Board of Registration for Professional Surveyors

Dear Members of the Job Creation Committee:

On behalf of the directors and members of the Indiana Society of Professional Land Surveyors (ISPLS), we thank you for another opportunity to share with you the importance of the surveying profession to the State of Indiana. Licensure of Professional Surveyors in Indiana is a necessity for ensuring the integrity of Hoosier landowners' property lines and for assuring that Indiana's investments in infrastructure - both public and private - are protected. Furthermore, we appreciate that you, the Job Creation Committee, recognized this fact within your Annual Report of Recommendations for the Professional Licensing Agency's Occupational Licensing Boards, dated July 1, 2015.

Today, we would like to briefly discuss the four "licenses" you are recommending eliminating. They are as follows:

- (1) Surveyor Intern
- (2) Land Surveyor Professional Corporation
- (3) CE Provider
- (4) Land Surveyor Firm

(1) Surveyor Intern – The Surveyor Intern License is not a unique license to Indiana. In fact, all 50 states have a Surveyor Intern License. The Surveyor Intern License is paired with the NCEES Fundamentals of Surveying exam, which is generally the first step in the process to becoming a professional licensed surveyor. The Surveyor Intern License is designed for recent graduates of an undergraduate degree program. Surveyor Interns gain the real-world experience needed, working along a licensed professional, to refine competency in the surveying profession and ultimately becoming licensed. Eliminating the Surveyor Intern License could potentially be a barrier to individuals looking to enter the surveying profession in Indiana. Eliminating the Surveyor Intern License would potentially result in fewer Indiana Professional Surveyors because Indiana would be completely out of step with the other 49 states.

(2) Land Surveyor Professional Corporation – The Land Surveyor Professional Corporation License is less of a license and more akin to a Certificate of Authorization for firms to offer to practice surveying within Indiana. All of the surrounding states require a Certificate of Authorization for firms to offer to practice surveying within their state. The fact that Indiana has no Certificate of Authorization puts Indiana surveying firms at a disadvantage, because it makes it easier for out-of-state firms to work within our state than it does for Indiana surveyor to go to their states. A Land Surveyor Professional Corporation License could be used to improve job prospects for Indiana surveyors if it were based as a Certificate of Authorization. Does the Job Creation Committee and the Indiana Legislature simply want a universally business-friendly environment in Indiana? Or does the Job Creation Committee want a job-friendly environment for Indiana residents? If the former, then eliminate this license. If the latter, then let's make the Land Surveyor Professional Corporation License the basis for a Certificate of Authorization.

(3) CE Provider – The Continuing Education Provider "License" makes it easier for the Board of Registration to take action against bad actors in the continuing education business. The Board of Registration reviews courses for providers based upon the criteria laid out within the statutes and code. Occasionally, courses and/or providers are not approved because they do not meet the criteria set forth. Without this "license", it is purely a buyer-beware situation and a surveyor's continuing education hours may not be approved upon audit. This "license" does not restrict the ability for people to get jobs.

(4) Land Surveyor Firm – The Land Surveyor Firm License is not a license that restricts the ability for people to get jobs. The Land Surveyor Firm License is used for one important purpose: to aid the public and other surveyors identify who did a particular survey. As required by law, a surveyor is required to place an identification cap with each boundary monument they set. A surveyor could work for multiple firms throughout the course of their career. The files and records remain with the firm and not with the surveyor. As such, having the identification cap associated with the firms aids in obtaining information on that survey. Furthermore, the administration and maintenance of this license should take a very small percentage of the agency's time. However, if the Job Creation Committee and the Indiana Legislature is adamant about eliminating this license, the Indiana Society of Professional Land Surveyors, Inc. would be happy to take over the administration and maintenance of the Land Surveyor Firm License. The only thing we would ask in return is that no roadblocks would be put up to allow the statute and/or rule to be modified.

We appreciate this opportunity to provide input and, hopefully, clarity on the issue of professional surveyor licensure. Thank you.

Respectfully,

The Indiana Society of Professional Land Surveyors

By



Robert "Jason" Coyle, PS

Enclosure – Initial Report from ISPLS to the Job Creation Committee dated January 15, 2015.

**A Report on the Status of the Surveying Profession  
from  
the Indiana Society of Professional Land Surveyors  
to  
the Indiana Jobs Creation Committee**

January 15, 2015

**Introduction**

On behalf of the directors and members of the Indiana Society of Professional Land Surveyors (ISPLS), we thank you for this opportunity to share information on the importance of the surveying profession to the State of Indiana. Our hope is to convey that licensure of Professional Surveyors in Indiana is a necessity for ensuring the integrity of Hoosier landowners' property lines and for assuring that Indiana's investments in infrastructure - both public and private - are protected. Furthermore, we hope that this presentation will leave you with a clear understanding of the benefits to Hoosiers and the effectiveness of regulating and licensing Professional Surveyors.

**Executive Summary**

As explained in detail below, the ISPLS believes that the licensure of professional surveyors in Indiana is necessary for the continued growth and strength of Indiana's economy. The needs of public and private clients, lenders, and title companies, the demands of technology, the legal complexities of boundaries, and the demands of an intricate and interwoven national economy call for the assurance that licensure provides through its rigorous requirements for education, experience and examination.

The deregulation of the surveying profession in Indiana would result in negative consequences to the economy of the Hoosier State. The results of such an action would ignore the demands of the national market in regards to insurance (both title and professional liability), lending institutions and contractual requirements that are beyond the reach and control of the State of Indiana.

The deregulation of the surveying profession would not increase the number of surveying jobs in Indiana. It would in fact, *decrease* the number of surveying jobs in the state and open the Hoosier State to a virtual invasion by surveyors licensed in other states.

With a few minor modifications that are already being contemplated (and that are discussed below), the current structure of the Board and the Indiana Professional Licensing Agency supports the viability and integrity of the profession as it stands today.

## **What is ISPLS?**

The Indiana Society of Professional Land Surveyors was established in 1954 – we are excited to be celebrating our 60th year. Our primary mission is to provide our membership with a professional identity, professional guidelines and direction, educational services and to promote the interests of the profession. The philosophy of ISPLS is to encourage all who are in the surveying profession to value professional ethics in thought and deed, to maintain competency in performance of duties, to insure trustworthiness, to provide quality in work, and to constantly protect the public interest.

The society currently has over 700 members, with more than 450 of those being Professional Surveyors that reside in Indiana and 75 Professional Surveyors that reside in other states.

The ISPLS leadership consists of 12 directors and a full time executive director. We maintain a full time office accessible to the public through the week and further, by maintaining an informative and user friendly web-site. The ISPLS Board of Directors meets ten times over the course of each year and continually includes participation by higher education institutions within Indiana.

The 12 directors consist of both private and public sector licensed professional surveyors collectively possessing experience and knowledge that parallels the cross section of Indiana's citizens. ISPLS maintains and invests in being accessible and useful; we see our service to our profession and the public as fundamental to our mission.

## **The History of the Surveying Profession in Indiana**

Professional Surveyors have been regulated and licensed in Indiana since the 1930's. In the 1960's, the highly specialized nature of boundary surveying as separate and distinct from engineering was acknowledged and surveying licensure was completely separated from the practice of engineering at that time.

Because of the highly sophisticated technology regularly utilized by surveyors today, the complex legal issues related to boundaries, and the necessary reliance by the public on an appropriately educated, trained profession, today's Professional Surveyors are required to obtain at least an Associate's Degree including extensive and specific college-level surveying, math and science courses.

They are also required to work under the direction of another Professional Surveyor for a minimum of 4 years. For the last leg of the triad, Professional Surveyors are thoroughly tested through 16 hours of rigorous national exams and a state-specific exam.

## **Economic Impact of Licensure**

Numbers are difficult to assimilate for several reasons<sup>1</sup>, but ISPLS estimates that there are perhaps 2,000 persons directly employed as or by professional surveyors in the State of Indiana.

The average salary of a Professional Surveyor varies widely depending on a number of factors such as the size of firm they work for, the type of work they perform and where their businesses are located. Notwithstanding that, salaries likely range from perhaps an annual salary of \$50,000 for the practitioner with very small business or a junior Professional Surveyor, to perhaps \$100,000 for a very senior staff surveyor or survey manager in a large firm. The pay of survey technicians likewise varies for the same reasons, with annual incomes likely ranging from around \$25,000 for an entry-level office technician to over \$60,000 for a senior, experienced field technician.

Other than as explained in the paragraphs immediately following, licensure - or the lack thereof - does not have a direct impact on the amount of economic activity since the 'drivers' of economic activity that generate surveying work are not in the control of surveyors. Private developers, lenders, governmental entities and property owners are the initiators of activities that will require the services of professional surveyors; surveyors generally do not generate their own work, they are hired by others.

The small numbers of persons involved in surveying activities cited above are deceiving since every single public and private infrastructure project necessarily involves surveyors at the very beginning, often throughout the project, and typically at the end for as-built documentation purposes. In addition, conveyances of commercial property or property being purchased or financed for development nearly always involve a specialized type of boundary survey (the nationally-recognized 'ALTA/ACSM Land Title Survey') that lenders and title companies rely on to assess the risks involved in lending and insuring projects.

### **Why Licensure is Needed**

Surveying licensure is important because it supports economic development in Indiana in many ways. Development, infrastructure and land conveyancing may be the most important economically because they are directly tied to a tremendous amount of related economic activity.

Contracts for surveying on infrastructure projects of any significant size require that the work be performed by licensed surveyors. Such contracts virtually always require that the survey provider carry professional liability insurance, which is generally not available unless the provider is a licensed surveyor. Similarly, lenders across the United States typically require that a Land Title Survey be performed as a condition of the mortgage on commercial or industrial property. Lenders universally require that such surveys be performed by licensed surveyors.

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<sup>1</sup> Reasons include: (1) some aspects of surveying may also be practiced by professional engineers, (2) many surveying firms also employ engineers, and (3) many engineering firms employ surveyors only in support of their engineering projects.

Taking the above facts into account means that very significant economic activity related to development, infrastructure and property would grind to a halt in fairly short order without surveying licensure to assure lending institutions, title companies and clients that the work is being done by qualified, competent persons. It is not an exaggeration to say that if money and title insurance are not available, these activities will simply cease. Because these activities almost always reach across state lines in one manner or other, certification is not a substitute for licensure for the sophisticated clients involved in these sorts of activities.

Aside from those obvious issues, the entire land tenure system in Indiana (and every other state, for that matter) hinges on the professional surveyor. It is widely recognized that private property ownership is a cornerstone of a democratic society. Providing for the integrity of those property boundaries is a necessity and the surveyor is the only person educated, experienced and qualified to provide for that veracity. This is the primary reason that surveyors are licensed in all 50 states and have been for many decades.

### **The Impact of Surveying Licensure on Jobs**

Aside from the negative impact not only on surveyors, but on the entire Indiana economy explained above, it would be a mistake to not add one more comment on the necessity of licensure as related to jobs in Indiana.

Deregulating the profession would open the flood gates wide to surveyors from surrounding and distant states who would cross into the Hoosier State seeking opportunities created by ending licensure. And they will most certainly find them! Entities as widely varying as lending institutions, title insurance companies, developers and municipal, county, state and federal clients all have guidelines requiring that surveys be performed by licensed individuals. Many, if not most clients require professional liability insurance on their projects - which will be available only to out-of-state licensed surveyors.

Furthermore, out-of-state surveyors will be the only ones who will be able to secure contracts on federal highway projects, U.S. Corps of Engineers projects, utility projects that cross state lines and the many other projects that require a licensed professional. Ultimately, Hoosier surveyors will find themselves out of a job because without licensure, they will not be able to meet the requirements of most such clients.

In another twist, deregulating the profession will prevent Hoosier surveyors from obtaining licensure by comity in any other state. Many Indiana surveyors are licensed and perform work in adjoining states. In addition, young and up-coming Indiana surveyors will never be able to gain the required experience under a licensed professional to qualify for licensure in another state, so they will simply not remain in Indiana. At least three surveying programs at Indiana colleges and universities would cease to exist.

In short, the deregulation of the surveying profession would, ironically, not equal more jobs for Hoosiers; it would actually destroy jobs in Indiana.

## **Property Boundaries in Indiana**

The United States Public Land Survey System (USPLSS) – originally proposed by Thomas Jefferson – was developed when the federal government acquired the Northwest Territory. With a few exceptions (e.g., around Vincennes and Clarksville), it is relied upon - either directly or indirectly – for virtually every property boundary and survey performed in Indiana.

The USPLSS Surveys in Indiana began in 1804 in the southern part of the state and continued until about 1855 when they were completed in the northern part of the state. The surveys of the USPLSS consisted of subdividing the land into one-mile squares, called sections, and setting wood posts at half-mile intervals.

Indiana's Professional Surveyors are the stewards of the records, measurements and markers of those original government surveyors. They are charged with perpetuating the location of the lines and corners established by the USPLSS surveys. Without that stewardship, the entire system of land tenure would break down because boundaries will become ambiguous, questionable and in conflict. One could argue, we suppose, that the economic activity related to lawsuits generated by ambiguous boundaries is good, but ISPLS would suggest other economic activity is more desirable for our state.

Indiana's Professional Surveyors are also the stewards of Hoosier's property boundaries. Their duty and responsibility is to help ensure the American Dream of real property ownership by providing property boundary location services. No one other than Professional Surveyors who have demonstrated their qualifications by education, experience, examination and licensure are competent to locate property boundaries on the ground, and to map and certify those locations.

## **The Surveying Profession – A Broader Perspective**

Indiana's Professional Surveyors are involved in many, many other aspects of surveying, besides boundary surveying, that are crucial to building Indiana and putting Hoosier's to work. They are too numerous to list in detail here, but some important ones include:

- Topographic Surveys for determining the shape and contour of the Earth's surface (used in planning and engineering design)
- Route Surveys for mapping the routes of highways, railroads and utilities;
- The preparation of reports, maps and documents for describing and acquiring right-of-ways and easements;
- Flood Hazard Surveys/Elevation Certificates used to provide elevation information necessary to ensure compliance with community floodplain management ordinances and to help developers and homeowners avoid development in flood-prone areas;
- Commercial and Residential Subdivision Design;
- Construction Staking and Layout for highways, pipelines, transmission lines, industrial, commercial and residential construction, utility lines, etc.;
- Construction As-built Surveys for mapping, documenting and certifying the locations of new improvements; and
- 3D Terrestrial Laser Scanning & Mobile Mapping for gathering and mapping millions of precise data points in very short periods of time – accelerating project timelines and

preventing costly and dangerous shutdowns of, for example, highways or railroads by keeping survey personnel away from busy intersections and outside dangerous areas to the greatest extent possible.

Regulation and licensing relieves the public and those who hire surveyors from otherwise trying to assess the qualifications of persons who would perform this highly specialized type of work. Because of the nature of surveying, even a major error may not reveal itself for years, so state licensing provides an important function.

### **Recommendations for Legislation or Administrative Rules**

In a recent and positive development, during the 2013 legislative session, the definition of the Practice of Surveying was amended to bring it up-to-date with present-day practice and technology. The new law was based on the nationally-recognized NCEES (National Council of Examiners for Engineers and Surveyors) Model Law for Surveying. It was supported by a wide cross-section of professions that deal with surveyors on a regular basis and recognize the complexities of the profession.

As far as suggestions for the future, for the 2015 Legislative Session, ISPLS is seeking amendments to the Indiana Code concerning the Indiana Dig Law and how it unnecessarily and negatively impacts surveyors. Additionally, ISPLS is seeking the inclusion of professional surveyors in the statute of repose law - which by all accounts inadvertently excluded them when it was originally written.

The Board of Registration for Professional Surveyors has been very proactive in suggesting amendments to the Indiana Administrative Code. A current suggestion includes streamlining the language concerning the college-level surveying courses required for licensure. This suggestion would bring the language up-to-date with today's practices and course offerings, assist applicants in determining whether or not they are eligible, and give the Board better guidance and direction during the application review. Ultimately, it will also result in applicants getting licensed more quickly.

### **Current Board Make-up and Structure; Current IPLA Structure**

The ISPLS believes that the current structure of the Board of Registration for Professional Surveyors is very effective in regulating the profession and we support the continuance of this structure. The number of board members is appropriate and necessary given the complaint process and the limited number of meetings currently allowed (3 or 4 per year).

One observation is that complaints against persons who may be doing substandard work and damaging property owners' rights on a regular basis can seemingly languish for months and even years due to the fact that the board can meet only quarterly. Respondents, who are keen to the system, can request well-timed continuances that result in them continuing to practice for a fairly lengthy period of time. Given scheduling conflicts, a continuance can easily result in a 6 month delay in a hearing. This is a concern.

As far as other possibilities related to board structure, an obvious suggestion – recombining the surveying and engineering boards - would ignore the very reasons that those boards were separated in 1991. That separation was supported by both the surveying and the engineering communities and was necessitated by the earlier cited fact that the primary reason for licensing surveyors - boundaries – is totally separate from, and has nothing in common with, engineering practice.

A similar suggestion to combine the boards several years ago was opposed by both groups for the same reason.

If there are financial concerns related to a separate surveying board, ISPLS would remind the JCC that this issue was raised in 1991 and the surveying profession stood up and told the legislature that it was willing to have its fees increased to support any increased costs. This was done – renewal fees were increased (with virtually no negative response from surveyors). As an aside, the fees were inexplicably lowered a few years later. ISPLS would be in support of increasing licensing and renewal fees if deemed appropriate.

Considering the extremely limited staff, the Indiana Professional Licensing Agency does an acceptable job. It seems hard to comprehend, however, how - for example - the Director of the surveyor's board can also effectively be the director of 5 or 6 other boards. ISPLS would like to see a timelier uploading of information to the Board's website and more communication from the State to its licensees; and ISPLS is more than willing to assist if it can.

### **Fees**

The current licensing and renewal fee structure is more than fair and, as noted above, ISPLS would support increased fees if they were required in order to receive more services or in support of the separate surveying board.

### **Licensure Renewal and Continuing Education Requirements**

As noted above, ISPLS supports the Board's desire to modify the current education requirements to make them more congruent with educational offerings in the state and the needs of the profession.

Otherwise, ISPLS believes that the amount of education required for licensure is commensurate with the contemporary demands of the profession.

Regarding continuing education, ISPLS believes that the level of surveying practice in Indiana has improved with the requirement of mandatory continuing education. We hear few, if any, complaints about the number of continuing education hours required; they seem to be appropriate to the profession.

## Renewal Cycle

The two year renewal cycle seems appropriate and, when tied with continuing education, is well-suited to assuring the continuing competency of licensees. A longer period would be contrary to the idea of continuous improvement and competency by allowing licensees to go an extended period of time with no on-going training or education.

## Summary

The Indiana Society of Professional Land Surveyors believes that legislation that would terminate the Board of Registration for Professional Surveyors and the regulation of the Surveying Profession in Indiana would be exceptionally negative for the State of Indiana and for jobs in Indiana.

As outlined above in this report, there are a number of reasons for this belief, but they include:

1. The protection of Hoosier property owners and their property rights.
2. The demands of a national economy relating to lending institutions, title companies, professional liability insurance and client needs.
3. The loss of Hoosier jobs to companies outside the state and an invasion of surveyors from other states into Indiana.
4. Hoosiers leaving the state in search of employment where they can otherwise use or obtain a professional license.

We appreciate this opportunity to provide input and, hopefully, clarity on the issue of professional surveyor licensure. Thank you.

Respectfully,

The Indiana Society of Professional Land Surveyors

By



Robert "Jason" Coyle, PS  
Executive Director

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## **Summary**

Informal Opinion Re. the Creation of a Working Capital Fund: Informal Opinion and Recommendation to the Governor and Legislative Service Agency in conjunction with the Report of the Jobs Creation Committee of the Indiana Professional Licensing Agency (IPLA), dated July 1, 2015, regarding creation of a Working Capital Fund (WCF).

**July 21, 2016**

### **Jobs Creation Committee Members:**

During the course of receiving testimony and conducting research within the charter of the Committee it became apparent that in addition to the specific questions mandated in the legislation creating this committee, an additional efficiency that might better serve both the State and the regulated trades and professions would be the establishment of a working capital fund for the IPLA.

For the purposes of this recommendation we submit the following definition in support: "Working capital funds ... are a financial tool used by the government to increase business efficiency by restructuring the way in which money is used. Assets in a working capital fund are capitalized and subsequently offset with income generated from the fund's operations. All assets in the fund can be used to finance future operations, and there are no fiscal year restrictions that must be considered since working capital funds are no-year funds. WCF allows for better decision making by opening up possibilities that would otherwise not be possible under standard accounting rules."<sup>1</sup>

Benefits of this type of arrangement include but are not limited to 1) eliminates the need for an annual appropriation for the IPLA; 2) provides transparency in the actual regulatory costs of the individual licenses allowing the cost of the license to be moderated; allows linkage to the real cost of maintaining the licensure regime as opposed to some arbitrary fee schedule set by a Board; and 3) the regulated trade or profession practitioners provide the revenue to maintain the licensure and oversight regime thereby providing an incentive to bring standardization to licensure fees and moderate the associated regulatory costs across all of the regulated trades and professions.

The Government Accountability Office (GAO), in a report issued in 1994 provided some insight into the positive attributes of the Working Capital Fund for financing government administrative activities. In the report, "GAO reviewed the: (1) budgetary approaches used by the Departments of Labor and Justice and the General Services Administration to finance their administrative services; and (2) potential effect of proposals to establish franchise and innovation funds.

"GAO found that: (1) officials from the three agencies stated that their current working capital funds (WCF) give managers considerable control and flexibility in providing administrative services..."<sup>2</sup> Additionally, legislative bodies can create flexibility so obstacles do not prevent agencies from providing centralized services"<sup>3</sup> [which in the case of the IPLA, could leverage the back-room and I&T operations for other state agencies that regulate those trades and professions that are not under the umbrella of the IPLA]. In some cases, as the GAO report continues,

"Congress has expanded the agencies' authority by broadening the funds' statutory purposes, providing new sources of funding, and allowing accumulation of additional reserves."<sup>4</sup> The WCF also provides a vehicle to incentivize reducing costs as mentioned above, and WCF will help achieve greater efficiencies and cost reductions in an environment of fiscal reform, management reform, competing legislative priorities, and uncertain available resources while simultaneously moderating the cost of entry into the regulated trades and professions by keeping fees comparatively low.

I strongly urge the Committee support and recommend to the General Assembly that the necessary government steps be taken for the Indiana Professional Licensing Agency to become a Working Capital Fund organization.

Cordially,

Colonel Richard Wilson

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1. "Overview of Working Capital Funds" - Financial Web, <http://www.finweb.com/investing/overview-of-working-capital-funds.html#ixzz3bvwoJz8> (accessed June 2, 2015)
  2. U.S. GAO - Working Capital Funds: Three Agency Perspectives, <http://www.gao.gov/products/AIMD-94-121> (accessed June 2, 2015)
  3. *Ibid.*
  4. *Ibid.*