

Second Regular Session of the 123rd General Assembly (2024)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1138

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

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

SECTION 1. IC 25-1-11-12, AS AMENDED BY P.L.197-2011, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:
 - (A) report regularly to the board upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the board;
 - (C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation;
 - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner; or

HEA 1138 — Concur



(E) satisfactorily complete a ~~quality review (before July 1, 2012) or peer review (after June 30, 2012)~~ specified by the board as a condition for termination of probationary status if the practitioner is a licensee (as defined in IC 25-2.1-1-8).

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

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

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

SECTION 2. IC 25-2.1-1-6.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6.3. "Compilation" means providing a service **of any compilation engagement** to be performed in accordance with AICPA Statements on Standards for Accounting and Review Services (SSARS). ~~or other similar standards adopted by reference under IC 25-2.1-2-15 that is presenting, in the form of financial statements, information that is the representation of the management or owners without undertaking to express any assurance on the statements.~~

SECTION 3. IC 25-2.1-1-8.7, AS ADDED BY P.L.197-2011, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8.7. (a) "Peer review" means a study, an appraisal, or a review of at least one (1) aspect of the professional work of:

(1) an individual who; or

(2) a firm in the practice of accountancy that;

attests or issues compilation reports, by at least one (1) individual who holds a certificate from any state and possesses qualifications that meet the applicable substantial equivalency standards and who is independent of the individual or firm being reviewed. ~~The term includes any part of a quality review conducted before July 1, 2012;~~



that becomes part of a peer review conducted or peer review report issued after June 30, 2012.

(b) After June 30, 2012, any reference in any law, rule, or other document to "quality review" as that term was applied under this article before July 1, 2012, shall be treated as a reference to peer review.

SECTION 4. IC 25-2.1-2-15, AS AMENDED BY P.L.197-2011, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 15. The board may adopt rules under IC 4-22-2 governing the administration and enforcement of this article and the conduct of licensees, including the following:

- (1) The board's meetings and conduct of business.
- (2) The procedure of investigations and hearings.
- (3) The educational and experience qualifications required for the issuance of certificates under this article and the continuing professional education required for renewal of certificates under IC 25-2.1-4.
- (4) Rules of professional conduct directed to controlling the quality and probity of the practice of accountancy by licensees, including independence, integrity, and objectivity, competence and technical standards, and responsibilities to the public and clients.
- (5) The actions and circumstances that constitute professing to be a licensee in connection with the practice of accountancy.
- (6) The manner and circumstances of use of the title "certified public accountant" and the abbreviation "CPA".
- (7) ~~Quality reviews (before July 1, 2012)~~ or Peer reviews (after ~~June 30, 2012~~) that may be required to be performed under this article.
- (8) Methods of applying for and conducting the examinations, including methods for grading examinations and determining a passing grade required of an applicant for a certificate. However, the board shall to the extent possible provide that the examination, grading of the examination, and the passing grades are uniform with those applicable in other states.
- (9) Substantial equivalency.
- (10) Administration of the accountant investigative fund established by IC 25-2.1-8-4.

SECTION 5. IC 25-2.1-5-8, AS AMENDED BY P.L.168-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) The board shall adopt rules that require as a condition to renew a permit under this chapter, that an applicant undergo, not more than once every three (3) years, a peer review



conducted in a manner the board specifies.

(b) The rules adopted under subsection (a) must:

(1) be adopted reasonably in advance of the time when a peer review first becomes effective;

(2) include reasonable provision for compliance by an applicant showing that the applicant has in the preceding three (3) years undergone a peer review that is a satisfactory equivalent to the peer review required under this section;

(3) require the firm to ~~submit a copy of~~ **allow the administering entity to provide access to** the results of its most recently accepted peer review **and other objective information specified by the rules** to the board; ~~either directly or through the administering entity;~~

(4) require, with respect to peer reviews under subdivision (2), that the peer review be subject to review by an oversight ~~body~~ **committee** established or sanctioned by the board that shall:

(A) comply with IC 25-2.1-9-4; and

(B) periodically report to the board on the effectiveness of the review program and provide to the board a listing of firms that have participated in a peer review program; and

(5) subject to section 9 of this chapter and IC 25-2.1-9-4, require, with respect to peer reviews under subdivision (2), that:

(A) the proceedings, records, and work papers of a review committee are privileged and are not subject to discovery, subpoena, or other means of legal process or introduction into evidence in a civil action, arbitration, administrative proceeding, or ~~Indiana board of accountancy~~ proceeding; and

(B) a member of the review committee or individual who was involved in the peer review process is not permitted or required to testify in a civil action, arbitration, administrative proceeding, or board proceeding to matters:

(i) produced, presented, disclosed or discussed during, or in connection with, the peer review process; or

(ii) that involve findings, recommendations, evaluations, opinions, or other actions of the committee or a committee member.

SECTION 6. IC 25-2.1-8-2, AS AMENDED BY P.L.197-2011, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. In place of or in addition to any remedy specifically provided in IC 25-1-11, the board may require the following of a licensee:

(1) To undergo a ~~quality review (before July 1, 2012)~~ or a peer



review. ~~(after June 30, 2012):~~

(2) To satisfactorily complete continuing professional education programs.

SECTION 7. IC 25-2.1-9-4, AS ADDED BY P.L.197-2011, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) This section applies to a licensee that receives a peer review rating of fail ~~on a peer review report issued after June 30, 2012;~~ for a peer review conducted under IC 25-2.1-5-8.

(b) The following definitions apply throughout this section:

(1) "Administering entity" refers to the ~~oversight~~ body established or sanctioned by the board to conduct a peer review program.

(2) "Director" refers to the director of the division of consumer protection in the office of the attorney general.

(3) "Oversight committee" refers to a committee of licensees who are not board members that is designated by the board to receive ~~a report. the results of a peer review.~~

~~(4) "Report" refers to a peer review report described in subsection (a), including any description of the deficiencies on which the peer review rating of fail is based.~~

(c) The board shall provide the director with the name and contact information for the administering entity.

(d) ~~Not more than thirty (30) days after the issuance of a report, the administering entity shall make the report available to the oversight committee.~~ The oversight committee may forward the **report results of a peer review** to the director. Receipt of the **report shall results may** be treated under IC 25-1-7-4, IC 25-1-7-5, and IC 25-1-7-6 as a complaint submitted by the board. If, after conducting an investigation, the director believes that a licensee should be subjected to disciplinary sanctions by the board, the director shall report the director's determination to the attorney general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. IC 25-1-7-7(b) does not apply to a determination related to a complaint filed under this section.

(e) The administering entity ~~and the peer review committee issuing a report~~ shall cooperate with an investigation under IC 25-1-7 of a complaint filed under this section. ~~and with any resulting proceeding, including compliance with any request for access to or production of the proceedings, records, and work papers of the review committee by the director, the office of the attorney general, or a party to any proceeding initiated as a result of the filing of a complaint under this section.~~ However, all complaints and information pertaining to a complaint are confidential until the attorney general files notice with



the board of the attorney general's intent to prosecute a licensee under IC 25-1-7-7. Any meeting of the board, the oversight committee, or a designee of the board or oversight committee that is required in an investigation conducted before the attorney general files notice of intent to prosecute shall be conducted as an executive session under IC 5-14-1.5-6.1.

SECTION 8. IC 25-2.1-9-5, AS ADDED BY P.L.197-2011, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. An:

- (1) entity administering a ~~quality review program before July 1, 2012; or a peer review program; after June 30, 2012;~~
- (2) officer, member, or employee of an entity administering a ~~quality review program before July 1, 2012; or a peer review program; after June 30, 2012;~~
- (3) employee or member of a ~~quality review committee before July 1, 2012; or a peer review committee; after June 30, 2012;~~ and
- (4) entity in which or for which a member of a ~~quality review committee (before July 1, 2012) or peer review committee (after June 30, 2012)~~ is a sole proprietor, a partner, a shareholder, a member, or an employee;

is immune from civil liability that would otherwise arise from communications, supervision, findings, recommendations, evaluations, reports, opinions, or other actions taken or omissions occurring in good faith in the course and scope of the duties of a ~~quality review administering entity (before July 1, 2012) or peer review administering entity (after June 30, 2012) or a quality review committee (before July 1, 2012) or peer review committee (after June 30, 2012)~~ that arise under this article, including the rules adopted by the board. ~~The immunity granted under this section includes immunity for an act or omission related to any part of a quality review conducted under this article before July 1, 2012; that becomes part of a peer review conducted or peer review report issued after June 30, 2012.~~

SECTION 9. IC 25-2.1-11-2, AS AMENDED BY P.L.197-2011, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. Before reinstating a suspended certificate or permit under IC 25-1-11-14, the board may require the applicant to show successful completion of specified continuing professional education **or other actions**, and the board may make the reinstatement of a certificate or permit conditional on satisfactory completion of a ~~quality review (before July 1, 2012) or peer review (after June 30, 2012)~~ specified by the board.

SECTION 10. IC 25-2.1-14-2, AS AMENDED BY P.L.197-2011,



SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. The information derived from or as the result of professional services is confidential and privileged. However, this section does not prohibit a certified public accountant, a public accountant, or an accounting practitioner from disclosing any data required to be disclosed by the standards of the profession:

- (1) in rendering an opinion on the presentation of financial statements;
- (2) in ethical investigations conducted by private professional organizations;
- (3) in the course of ~~quality reviews (before July 1, 2012) or peer reviews (after June 30, 2012)~~ or an investigation or proceeding related to a ~~quality review (before July 1, 2012) or peer review; (after June 30, 2012);~~ or
- (4) in making disclosure where the financial statements or the professional services of an accountant are contested.

SECTION 11. IC 25-2.1-14-5, AS AMENDED BY P.L.197-2011, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) This chapter does not prohibit a temporary transfer of work papers or other material necessary to carry out ~~quality reviews (before July 1, 2012) or peer reviews, (after June 30, 2012);~~ conduct an investigation or proceeding related to a ~~quality review (before July 1, 2012) or peer review, (after June 30, 2012);~~ or comply with the disclosure of information under this chapter.

(b) A licensee is not required to keep any work paper beyond the period prescribed in any applicable statute.

SECTION 12. IC 25-4-1-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 18.5. (a) An individual who has graduated from a school or college of architecture accredited by the National Architectural Accrediting Board, Inc., or its successor may profess to be an "architectural graduate" and use the term to describe the individual.**

(b) An individual currently enrolled in, but not yet graduated from, a school or college of architecture accredited by the National Architectural Accrediting Board, Inc., or its successor may profess to be an "architectural intern" and use the term to describe the individual.

SECTION 13. IC 25-4-2-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 10.5. (a) An individual who has graduated from an accredited curriculum of landscape**



architecture presented by a college or school approved by the board may profess to be a "landscape architectural graduate" and use the term to describe the individual.

(b) An individual currently enrolled in, but not yet graduated from, an accredited curriculum of landscape architecture presented by a college or school approved by the board may profess to be a "landscape architectural intern" and use the term to describe the individual.

SECTION 14. IC 25-17.6-5-5, AS ADDED BY P.L.108-2022, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) Before July 1, 2024, the board shall adopt rules in accordance with IC 25-1-4 to:

- (1) require a licensed professional geologist to obtain continuing education in geological sciences as a condition of license renewal; and
- (2) set forth the conditions, requirements, and implementation of the continuing education program.

(b) The continuing education requirements adopted under this section must allow a licensed professional geologist to receive full credit for continuing education courses completed in a state other than Indiana.

(c) ~~The continuing education requirements adopted under this section do not apply to a licensed professional geologist until after the first full license renewal cycle beginning one (1) year after final adoption of the rules under this section.~~ **In order to renew a license after June 30, 2025, a professional geologist must comply with the continuing education requirements adopted under this section.**

(d) The continuing education requirements adopted under this section do not apply to a person who is not licensed under this article.

SECTION 15. IC 25-23.6-5-3.5, AS AMENDED BY P.L.215-2018(ss), SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3.5. **(a) For purposes of this section, "virtual supervision" means supervision of an applicant for a license as a clinical social worker by a qualified supervisor through an electronic platform that provides for synchronous visual and audio interaction in real time, and which is compliant with the federal Health Insurance Portability and Accountability Act (HIPAA). Virtual supervision does not include telephone calls, electronic mail, or text messages.**

~~(a)~~ **(b)** The applicant for a license as a clinical social worker must have at least two (2) years of clinical social work experience after receiving a graduate degree in social work and under the supervision



of a qualified supervisor as determined by the board.

~~(b)~~ (c) If an individual is obtaining the clinical social work experience described in subsection ~~(a)~~ (b) in Indiana, the individual must be licensed as a social worker under section 1 of this chapter.

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

~~(d)~~ (e) Except as provided in subsection ~~(c)~~; (f), the clinical social work experience requirement may be met by work performed at or away from the premises of the qualified supervisor.

~~(e)~~ (f) Except as provided in subsection ~~(d)~~; (h), the clinical social work requirement may not be performed away from the qualified supervisor's premises if:

- (1) the work is the independent private practice of clinical social work; and
- (2) the work is not performed at a place with the supervision of a qualified supervisor available.

~~(f)~~ (g) Any supervised clinical social work experience hours that an applicant accumulates under this chapter after being licensed as a social worker under section 1 of this chapter do not expire and may be used by the applicant to satisfy the supervised clinical social work experience requirements under this chapter.

~~(g)~~ (h) Up to ~~fifty percent (50%)~~ **one hundred percent (100%)** of the supervised clinical social work experience hours required under subsection ~~(a)~~ (b) may be accounted for through virtual supervision by a qualified supervisor described in subsection ~~(a)~~; (b).

~~(h)~~ (i) After obtaining a temporary permit under section 11.5 of this chapter, any supervised clinical social work experience hours that an applicant accumulates under this chapter before the temporary permit expires may be used by the applicant to satisfy the supervised clinical social work experience requirements under this chapter during the following time after the applicant obtained the temporary permit:

- (1) For not more than four (4) years.
- (2) After the four (4) year period, if approved by the board.

SECTION 16. IC 25-23.6-5-4, AS AMENDED BY P.L.11-2023, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) **As used in this section, "term" refers to an academic semester, trimester, or quarter.**

(b) An individual who satisfies the requirements of section 1 or 2 of this chapter may take the examination provided by the board.

(c) **An individual who:**

- (1) **is enrolled in the last term of the last year of a program leading to a degree that meets the requirements of section 1(1)**



of this chapter; and
 (2) provides a letter of good standing from the director of the social work department or the director's designee;
 may take the examination provided by the board for a license as a social worker.

(d) A letter of good standing provided under subsection (c)(2) by an individual who applies for a license as a social worker must include the following information:

- (1) The individual's first and last name.
- (2) The type of degree and program in which the individual is enrolled.
- (3) A statement confirming that the individual is currently in the final term of the program.
- (4) The anticipated date of completion of the program.
- (5) A statement confirming that the individual is in good academic standing.

SECTION 17. IC 25-23.6-8-1.7, AS ADDED BY P.L.177-2009, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1.7. An individual who receives a master's degree and enters a doctoral program may do either of the following:

- (1) Apply for a marriage and family therapist associate license under section 1.5 of this chapter by meeting the requirements of this chapter.
- (2) Elect not to apply for a marriage and family therapist associate license under section 1.5 of this chapter, accrue the clinical experience required under section ~~2.7(b)~~ 2.7(c) of this chapter, and apply for a marriage and family therapist license at the conclusion of the doctoral program.

SECTION 18. IC 25-23.6-8-2.7, AS AMENDED BY P.L.160-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2.7. (a) For purposes of this section, "virtual supervision" means supervision of an applicant for a license as a marriage and family therapist by a qualified supervisor through an electronic platform that provides for synchronous visual and audio interaction in real time, and which is compliant with the federal Health Insurance Portability and Accountability Act (HIPAA). Virtual supervision does not include telephone calls, electronic mail, or text messages.

(a) (b) As used in this section, "first available examination" means the first examination:

- (1) after the date of an individual's:
 - (+) (A) graduation; or



(2) **(B)** moving into Indiana; that has an application deadline that is at least thirty (30) days after the date of graduation or the date of moving into Indiana, unless the individual chooses to meet a deadline that is less than thirty (30) days after either of those events; **or**
(2) during the individual's last academic semester, trimester, or quarter, if the individual is eligible to take the exam pursuant to section 3 of this chapter.

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

(c) **(d)** If an individual applies for, takes, and passes the first available examination, the individual may not count more than five hundred (500) hours of the postdegree clinical experience that is:

- (1) required under subsection (b); (c); and
- (2) accumulated before taking the examination toward licensure as a marriage and family therapist.

(d) **(e)** If an individual does not pass the first available examination, the individual may:

- (1) retain the hours accumulated before taking the examination;
- (2) continue working; and
- (3) not accumulate any additional hours toward licensure as a marriage and family therapist until passing the examination.

(e) **(f)** If an individual does not take the first available examination, the individual may not begin accumulating any postdegree clinical experience hours toward licensure as a marriage and family therapist until the individual passes the examination.

(f) **(g)** When obtaining the clinical experience required under subsection (b); (c), the applicant must provide direct individual, group, and family therapy and counseling to the following categories of cases:

- (1) ~~Unmarried couples.~~ **romantic relationships and relational systems.**
- (2) Married couples.
- (3) Separating or divorcing couples.



(4) Family ~~groups~~, **systems and groupings**, including children and minors.

~~(g)~~ **(h)** A doctoral internship may be applied toward the supervised work experience requirement.

~~(h)~~ **(i)** Except as provided in subsection ~~(i)~~; **(j)**, the experience requirement may be met by work performed at or away from the premises of the supervising marriage and family therapist.

(i) **(j)** Except as provided in subsection ~~(j)~~; **(k)**, the work requirement may not be performed away from the supervising marriage and family therapist's premises if:

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

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

~~(j)~~ **(k)** Up to ~~fifty percent (50%)~~ **one hundred percent (100%)** of the supervised postdegree clinical experience hours required under subsection ~~(b)~~ **(c)** may be accounted for through virtual supervision by a licensed marriage and family therapist or equivalent supervisor described in subsection ~~(b)~~; **(c)**.

SECTION 19. IC 25-23.6-8-3, AS AMENDED BY P.L.10-2019, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. **(a) As used in this section, "term" refers to an academic semester, trimester, or quarter.**

(b) An individual who satisfies the requirements of section 1.5(a)(1) through 1.5(a)(4) of this chapter may take the examination provided by the board.

(c) An individual who:

(1) is enrolled in the last term of the last year of a program leading to a degree that meets the requirements of section 1.5(a)(1) of this chapter; and

(2) provides a letter of good standing from the director of the marriage and family therapy department or the director's designee;

may take the examination provided by the board for a license as a marriage and family therapist associate.

(d) A letter of good standing provided under subsection (c)(2) by an individual who applies for a license as a marriage and family therapist associate must include the following information:

(1) The individual's first and last name.

(2) The type of degree and program in which the individual is enrolled.



(3) A statement confirming that the individual is currently in the final term of the program.

(4) The anticipated date of completion of the program.

(5) A statement confirming that the individual is in good academic standing.

SECTION 20. IC 25-23.6-8.5-4, AS AMENDED BY P.L.160-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. **(a) For purposes of this section, "virtual supervision" means supervision of an applicant for a license as a mental health counselor by a qualified supervisor through an electronic platform that provides for synchronous visual and audio interaction in real time, and which is compliant with the federal Health Insurance Portability and Accountability Act (HIPAA). Virtual supervision does not include telephone calls, electronic mail, or text messages.**

~~(a)~~ **(b)** As used in this section, "first available examination" means the first examination:

(1) after the date of an individual's:

~~(+)~~ **(A)** graduation; or

~~(2)~~ **(B)** moving into Indiana;

that has an application deadline that is at least thirty (30) days after the date of graduation or the date of moving into Indiana, unless the individual chooses to meet a deadline that is less than thirty (30) days after either of those events; or

(2) during the individual's last academic semester, trimester, or quarter, if the individual is eligible to take the exam pursuant to section 5 of this chapter.

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

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

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

~~(e)~~ **(f)** Except as provided in subsection ~~(f)~~; **(j)**, the clinical work requirement may not be performed away from the supervising mental health counselor's premises if:

(1) the work is the independent private practice of mental health counseling; and



(2) the work is not performed at a place that has the supervision of a licensed mental health counselor or an equivalent supervisor, as determined by the board.

~~(f)~~ **(g)** If an individual applies for, takes, and passes the first available examination, the individual may not count more than one thousand five hundred (1,500) hours of the postdegree clinical experience that is:

- (1) required under subsection ~~(b)~~; **(c)**; and
- (2) accumulated before taking the examination toward licensure as a mental health counselor.

~~(g)~~ **(h)** If an individual does not pass the first available examination, the individual may:

- (1) retain the hours accumulated before taking the examination;
- (2) continue working; and
- (3) not accumulate any additional hours toward licensure as a mental health counselor until passing the examination.

~~(h)~~ **(i)** If an individual does not take the first available examination, the individual may not begin accumulating any postdegree clinical experience hours toward licensure as a mental health counselor until the individual passes the examination.

~~(i)~~ **(j)** Up to ~~fifty percent (50%)~~ **one hundred percent (100%)** of the supervised post-graduate clinical experience hours required under subsection ~~(b)~~ **(c)** may be accounted for through virtual supervision by a licensed mental health counselor or equivalent supervisor described in subsection ~~(b)~~; **(c)**.

SECTION 21. IC 25-23.6-8.5-5, AS AMENDED BY P.L.84-2010, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. **(a) As used in this section, "term" refers to an academic semester, trimester, or quarter.**

(b) An individual who satisfies the requirements of:

- (1) section 1 or 1.5 of this chapter; and
- (2) section 2 of this chapter;

may take the examination provided by the board.

(c) An individual who:

- (1) is enrolled in the last term of the last year of a program leading to a degree that meets the requirements of section 1.5(a)(1) of this chapter; and**
- (2) provides a letter of good standing from the director of the mental health counselor department or the director's designee;**

may take the examination provided by the board for a license as a mental health counselor associate.



(d) A letter of good standing provided under subsection (c)(2) by an individual who applies for a license as a mental health counselor associate must include the following information:

- (1) The individual's first and last name.**
- (2) The type of degree and program in which the individual is enrolled.**
- (3) A statement confirming that the individual is currently in the final term of the program.**
- (4) The anticipated date of completion of the program.**
- (5) A statement confirming that the individual is in good academic standing.**

SECTION 22. IC 25-23.6-10.5-7, AS AMENDED BY P.L.207-2021, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. **(a) For purposes of this section, "virtual supervision" means supervision of an applicant for a license as an addiction counselor by a qualified supervisor through an electronic platform that provides for synchronous visual and audio interaction in real time, and which is compliant with the federal Health Insurance Portability and Accountability Act (HIPAA). Virtual supervision does not include telephone calls, electronic mail, or text messages.**

~~(a)~~ **(b)** An applicant under section 1 of this chapter must have at least two (2) years of addiction counseling experience that must include at least one hundred fifty (150) hours under supervision, one hundred (100) hours of which must be under individual supervision and fifty (50) hours of which must be under group supervision. The supervision required must be provided by a qualified supervisor, as determined by the board.

~~(b)~~ **(c)** A doctoral internship, or a supervised master's level practicum, an internship, or field experience in addiction counseling, may be applied toward the supervised work experience requirement.

~~(c)~~ **(d)** Except as provided in subsection ~~(d)~~; **(e)**, the experience requirement may be met by work performed at or away from the premises of the qualified supervisor.

~~(d)~~ **(e)** Except as provided in subsection ~~(e)~~; **(f)**, the work requirement may not be performed away from the qualified supervisor's premises if:

- (1) the work is the independent private practice of addiction counseling; and
- (2) the work is not performed at a place that has the supervision of a qualified supervisor.

~~(e)~~ **(f)** Up to ~~fifty percent (50%)~~ **one hundred percent (100%)** of



the supervised addiction counseling experience hours required under subsection ~~(a)~~ **(b)** may be accounted for through virtual supervision by a qualified supervisor described in subsection ~~(a)~~: **(b)**.

SECTION 23. IC 25-23.6-10.5-8, AS AMENDED BY P.L.207-2021, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. **(a) For purposes of this section, "virtual supervision" means supervision of an applicant for a license as a clinical addiction counselor by a qualified supervisor through an electronic platform that provides for synchronous visual and audio interaction in real time, and which is compliant with the federal Health Insurance Portability and Accountability Act (HIPAA). Virtual supervision does not include telephone calls, electronic mail, or text messages.**

~~(a)~~ **(b)** An applicant under section 2 of this chapter must have at least two (2) years of clinical addiction counseling experience that must include at least two hundred (200) hours under supervision, one hundred (100) hours of which must be under individual supervision and up to one hundred (100) hours of which may be under group supervision. The supervision required must be provided by a qualified supervisor, as determined by the board.

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

~~(c)~~ **(d)** Except as provided in subsection ~~(d)~~; **(e)**, the experience requirement may be met by work performed at or away from the premises of the qualified supervisor.

~~(d)~~ **(e)** The work requirement may not be performed away from the qualified supervisor's premises if:

- (1) the work is the independent private practice of addiction therapy; and
- (2) the work is not performed at a place that has the supervision of a qualified supervisor.

(f) Up to one hundred percent (100%) of the supervised clinical addiction counseling experience hours required under subsection (b) may be accounted for through virtual supervision by a qualified supervisor described in subsection (b).

SECTION 24. IC 25-23.6-10.5-9, AS ADDED BY P.L.122-2009, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. **(a) As used in this section, "term" refers to an academic semester, trimester, or quarter.**

~~(a)~~ **(b)** An individual who satisfies the requirements of sections 4, 6, and 8 of this chapter may take the licensed clinical addiction counselor examination established by the board.



~~(b)~~ (c) An individual who satisfies the requirements of sections 3, 5, and 7 of this chapter may take the licensed addiction counselor examination established by the board.

(d) An individual who:

(1) is enrolled in the last term of the last year of a program leading to a degree that meets the requirements of section 1.5(a)(1) of this chapter; and

(2) provides a letter of good standing from the director of the addiction counselor department or the director's designee;

may take the examination provided by the board for a license as an addiction counselor associate.

(e) An individual who:

(1) is enrolled in the last term of the last year of a program leading to a degree that meets the requirements of section 2.5(1) of this chapter; and

(2) provides a letter of good standing from the director of the addiction counselor department or the director's designee;

may take the examination provided by the board for a license as a clinical addiction counselor associate.

(f) A letter of good standing provided under subsection (d)(2) or (e)(2) by an individual who applies for a license as an addiction counselor associate or clinical addiction counselor associate must include the following information:

(1) The individual's first and last name.

(2) The type of degree and program in which the individual is enrolled.

(3) A statement confirming that the individual is currently in the final term of the program.

(4) The anticipated date of completion of the program.

(5) A statement confirming that the individual is in good academic standing.

SECTION 25. IC 34-30-2.1-366, AS ADDED BY P.L.105-2022, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 366. IC 25-2.1-9-5 (Concerning immunity of an entity administering a quality review ~~(before July 1, 2012)~~ or peer review ~~(after June 30, 2012)~~ program and members of a quality review committee ~~(before July 1, 2012)~~ or peer review committee). ~~(after June 30, 2012))~~.

SECTION 26. IC 34-46-2-17, AS AMENDED BY P.L.197-2011, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 17. IC 25-2.1-5-8 (Concerning proceedings, records, and work papers of a quality review committee



that conducts a quality review of an accounting firm before July 1, 2012, or a peer review committee that conducts a peer review of an accounting firm). after June 30, 2012).



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1138 — Concur

