

HOUSE BILL No. 1450

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1-17.

Synopsis: Military family occupational licenses. Provides that a military service applicant who has held an occupational license, certification, registration, or permit (license) in another jurisdiction for at least one year may qualify for an Indiana license. Removes the requirement that an applicant have a license for at least two of the five years preceding the date of the application. Provides that an applicant may not have a complaint or investigation pending before an occupational licensing board that relates to unprofessional conduct or an alleged crime. Provides that a military member's dependent may apply for an occupational license under the same conditions as a military member's spouse. Requires the board to issue a license to an applicant upon application based on work experience in another state if certain conditions are met. Allows an applicant to appeal a final determination of the board. Makes a technical correction.

Effective: July 1, 2021.

May, Bartels

January 14, 2021, read first time and referred to Committee on Employment, Labor and Pensions.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1450



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

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

1 SECTION 1. IC 25-1-17-1.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]: **Sec. 1.5. As used in this chapter, "dependent" means a**
4 **natural child, stepchild, or adopted child of a parent who is a**
5 **member of the armed forces of the United States and who is less**
6 **than twenty-six (26) years of age and at the time of application**
7 **under this chapter:**
8 (1) **resides with the parent; or**
9 (2) **is:**
10 (A) **enrolled in and regularly attending a secondary school;**
11 **or**
12 (B) **a full-time student at an accredited college or**
13 **university;**
14 **in Indiana.**
15 SECTION 2. IC 25-1-17-4, AS ADDED BY P.L.57-2012,
16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2021]: Sec. 4. Notwithstanding any other law, a board shall



1 issue a license, certificate, registration, or permit to a military service
 2 applicant to allow the applicant to practice the applicant's occupation
 3 in Indiana if, upon application to a licensing board, the applicant
 4 satisfies the following conditions:

5 (1) **Either:**

6 (A) has:

7 ~~(A)~~ (i) completed a military program of training;

8 ~~(B)~~ (ii) been awarded a military occupational specialty; and

9 ~~(C)~~ (iii) performed in that occupational specialty;

10 at a level that is substantially equivalent to or exceeds the
 11 academic or experience requirements for a license, certificate,
 12 registration, or permit of the board from which the applicant
 13 is seeking licensure, certification, registration, or a permit; **or**

14 (B) has:

15 (i) **a current license, certification, registration, or permit**
 16 **from another jurisdiction, and that jurisdiction's**
 17 **requirements for a license, certificate, registration, or**
 18 **permit are substantially equivalent to or exceed the**
 19 **requirements for a license, certificate, registration, or**
 20 **permit of the board from which the applicant is seeking**
 21 **licensure, certification, registration, or a permit; and**
 22 **(ii) held the license, certification, registration, or permit**
 23 **described in item (i) for at least one (1) year.**

24 (2) ~~Has engaged in the active practice of the occupation for which~~
 25 ~~the person is seeking a license, certificate, registration, or permit~~
 26 ~~from the board for at least two (2) of the five (5) years preceding~~
 27 ~~the date of the application under this section.~~

28 ~~(3) (2) Has not committed any act in any jurisdiction that would~~
 29 ~~have constituted grounds for refusal, suspension, or revocation of~~
 30 ~~a license, certificate, registration, or permit to practice that~~
 31 ~~occupation in Indiana at the time the act was committed.~~

32 **(3) Does not have a complaint or investigation pending before**
 33 **an occupational licensing board that relates to unprofessional**
 34 **conduct or an alleged crime.**

35 (4) Pays the fees required by the board from which the applicant
 36 is seeking licensure, certification, registration, or a permit.

37 SECTION 3. IC 25-1-17-5, AS ADDED BY P.L.57-2012,
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2021]: Sec. 5. Notwithstanding any other law, a board shall
 40 issue a license, certificate, registration, or permit to a military spouse
 41 **or dependent** to allow the military spouse **or dependent** to practice the
 42 military spouse's **or dependent's** occupation in Indiana if, upon



1 application to the board, the military spouse **or dependent** satisfies the
2 following conditions:

3 (1) Holds a current license, certification, registration, or permit
4 from another jurisdiction, and that jurisdiction's requirements for
5 a license, certificate, registration, or permit are substantially
6 equivalent to or exceed the requirements for a license, certificate,
7 registration, or permit of the board from which the applicant is
8 seeking licensure, certification, registration, or a permit.

9 ~~(2) Can demonstrate competency in the occupation through~~
10 ~~methods as determined by the board; including having completed~~
11 ~~continuing education units or having had recent experience for at~~
12 ~~least two (2) of the five (5) years preceding the date of the~~
13 ~~application under this section.~~

14 **(2) Has held the license, certification, registration, or permit**
15 **required under subdivision (1) for at least one (1) year.**

16 (3) Has not committed any act in any jurisdiction that would have
17 constituted grounds for refusal, suspension, or revocation of a
18 license, certificate, registration, or permit to practice that
19 occupation in Indiana at the time the act was committed.

20 (4) Is in good standing and has not been disciplined by the agency
21 that has jurisdiction to issue the license, certification, registration,
22 or permit.

23 **(5) Does not have a complaint or investigation pending before**
24 **an occupational licensing board that relates to unprofessional**
25 **conduct or an alleged crime.**

26 ~~(5) (6) Pays any fees required by the occupational licensing board~~
27 ~~for which the applicant is seeking licensure, certification,~~
28 ~~registration, or a permit.~~

29 SECTION 4. IC 25-1-17-5.5 IS ADDED TO THE INDIANA CODE
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
31 1, 2021]: **Sec. 5.5. Notwithstanding any other law, the board shall**
32 **issue a license to an applicant who is a member of the military, a**
33 **military spouse, or a dependent, upon application based on work**
34 **experience in another state, if the applicant satisfies the following**
35 **conditions:**

36 (1) Has worked in a state that does not use a license to
37 regulate a lawful occupation, but a license to regulate a lawful
38 occupation with a similar scope of practice is required in
39 Indiana, as determined by the board.

40 (2) Has worked for at least three (3) years in the lawful
41 occupation.

42 (3) Has not committed any act in any jurisdiction that would



1 **have constituted grounds for refusal, suspension, or**
 2 **revocation of a license, certificate, registration, or permit to**
 3 **practice that occupation in Indiana at the time the act was**
 4 **committed.**

5 **(4) Is in good standing and has not been disciplined by the**
 6 **agency that has jurisdiction to issue the license, certification,**
 7 **registration, or permit.**

8 **(5) Does not have a complaint or investigation pending before**
 9 **an occupational licensing board that relates to unprofessional**
 10 **conduct or an alleged crime.**

11 **(6) Pays any fees required by the board for which the**
 12 **applicant is seeking licensure, certification, registration, or a**
 13 **permit.**

14 SECTION 5. IC 25-1-17-6, AS ADDED BY P.L.57-2012,
 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2021]: Sec. 6. (a) All relevant experience of a:

- 17 (1) military service member in the discharge of official duties; or
 18 (2) military spouse **or dependent**, including full-time and
 19 part-time experience, regardless of whether in a paid or volunteer
 20 capacity;

21 must be credited in the calculation of years of practice in an occupation
 22 as required under section 4 or 5 of this chapter.

23 (b) In determining if a military service member substantially meets
 24 the academic requirements for a license, certificate, registration, or
 25 permit issued by a board, the board shall consider the recommendations
 26 in the Guide to the Evaluation of Educational Experiences in the
 27 Armed Services published by the American Council on Education, or
 28 the council's successor organization.

29 SECTION 6. IC 25-1-17-8, AS AMENDED BY P.L.89-2020,
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2021]: Sec. 8. (a) Notwithstanding any other law, an applicant
 32 for a license is entitled to a provisional license in the regulated
 33 occupation applied for and at the same practice level as determined by
 34 the board, without an examination, if all of the following conditions are
 35 met:

36 (1) The person submits a signed affidavit affirming, under the
 37 penalties for perjury, the following:

38 (A) The person is the spouse **or dependent** of an active duty
 39 member of the armed forces assigned to Indiana.

40 (B) The person is in good standing in all states in which the
 41 person holds a license for the regulated occupation applied for.

42 (C) The person has not had a license revoked and has not



- 1 voluntarily surrendered a license in another state or country
 2 while under investigation for unprofessional conduct.
- 3 (D) The person has not had discipline imposed by the
 4 regulating entity for the regulated occupation in another state
 5 or country.
- 6 (E) The person does not have **a complaint or** an investigation
 7 pending before the regulating entity in another state or country
 8 that relates to unprofessional conduct.
- 9 (2) The person submits verification that the person is currently
 10 licensed in at least one (1) other state in the regulated occupation
 11 applied for.
- 12 (3) The person submits to a national criminal history background
 13 check (as defined in IC 25-1-1.1-4) and does not have a
 14 disqualifying criminal history as determined by the board.
- 15 (4) The person has submitted an application for a license with the
 16 board and has paid any application fee.
- 17 (b) An applicant who has met the requirements in subsection (a)
 18 shall be issued a provisional license not more than thirty (30) days after
 19 the requirements are met.
- 20 (c) A provisional license expires three hundred sixty-five (365) days
 21 after it is issued.
- 22 (d) In addition to any other penalties for perjury, a person who
 23 violates this section commits a Class A infraction.
- 24 (e) If the board discovers that any of the information submitted
 25 under this section is false, the board may immediately revoke the
 26 person's provisional license.
- 27 (f) This section does not apply to a license that is established by or
 28 recognized through an interstate compact, a reciprocity agreement, or
 29 a comity agreement that is established by a board or a law.
- 30 (g) This section does not prohibit an individual from proceeding
 31 under other licensure, certification, registration, or permit requirements
 32 established by a board or a law.
- 33 SECTION 7. IC 25-1-17-10, AS ADDED BY P.L.57-2012,
 34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: Sec. 10. This chapter does not prohibit a military
 36 service applicant, **or** military spouse, **or dependent** from proceeding
 37 under other licensure, certification, registration, or permit requirements
 38 established by a board.
- 39 SECTION 8. IC 25-1-17-11, AS AMENDED BY P.L.78-2017,
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2021]: Sec. 11. The board shall expedite the issuance or
 42 renewal of a:



- 1 (1) license;
- 2 (2) certificate;
- 3 (3) registration; or
- 4 (4) permit;
- 5 of a military spouse whose husband or wife, **or a dependent whose**
- 6 **parent**, is assigned to a duty station in Indiana.
- 7 SECTION 9. IC 25-1-17-12 IS ADDED TO THE INDIANA CODE
- 8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 9 1, 2021]: **Sec. 12. An applicant under this chapter may appeal**
- 10 **under IC 4-21.5 the following decisions of the board:**
- 11 (1) **Denial of a license.**
- 12 (2) **Determination of the occupation.**
- 13 (3) **Determination of the similarity of the scope of practice of**
- 14 **the license issued.**
- 15 (4) **Any other final determination under this chapter.**

