INDIANA LICENSING RULES or,
50 WAYS TO LOSE YOUR LICENSE

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Sec. 0.5. As used in this chapter, “board” has the meaning set forth in IC 25-0.5-10-1.

Credits
As added by P.L.177-2015, SEC.3, eff. July 1, 2015.

I.C. 25-1-1.1-0.5, IN ST 25-1-1.1-0.5
The statutes and Constitution are current through all legislation enacted by the 2019 First Regular Session of the 121st General Assembly.
Sec. 0.7. As used in this chapter, “conviction of concern” means a criminal conviction directly related to the duties and responsibilities of the occupation or profession for which the individual is applying or holds a license or certification as set by the board.

Credits

I.C. 25-1-1.1-0.7, IN ST 25-1-1.1-0.7
The statutes and Constitution are current through all legislation enacted by the 2019 First Regular Session of the 121st General Assembly.
IC 25-1-1.1-1

25-1-1.1-1 Denial, revocation or suspension of license or certificate of registration; conviction of crime

Effective: July 1, 2015

Sec. 1. (a) Except as provided under sections 2 through 5 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(b) An individual licensed or certified under this title shall, not later than ninety (90) days after the entry of an order or judgment, notify the board in writing of any misdemeanor or felony criminal conviction, except traffic related misdemeanors other than operating a motor vehicle under the influence of a drug or alcohol. A certified copy of the order or judgment with a letter of explanation must be submitted to the board along with the written notice.

Credits

I.C. 25-1-1.1-1, IN ST 25-1-1.1-1
The statutes and Constitution are current through all legislation enacted by the 2019 First Regular Session of the 121st General Assembly.
IC 25-1-1.1-2

25-1-1.1-2 Suspension, denial, or revocation of license or certificate; conviction of certain offenses

Effective: July 1, 2019

Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).

(5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) (before its amendment on July 1, 2015).

(8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.

(9) A felony offense under IC 35-48-4 involving possession of a synthetic drug (as defined in IC 35-31.5-2-321), possession of a controlled substance analog (as defined in IC 35-48-1-9.3), or possession of a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
(A) Class D felony for a crime committed before July 1, 2014; or

(B) Level 6 felony for a crime committed after June 30, 2014; under IC 35-48-4-11.5 (before its repeal on July 1, 2019).

(10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(14) A sex crime under IC 35-42-4.

(15) A felony that reflects adversely on the individual's fitness to hold a professional license.

(16) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

Credits

I.C. 25-1-1.1-2, IN ST 25-1-1.1-2
The statutes and Constitution are current through all legislation enacted by the 2019 First Regular Session of the 121st General Assembly.
Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

1. Dealing in a controlled substance resulting in death under IC 35-42-1-1.5.

2. Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

3. Dealing in methamphetamine under IC 35-48-4-1.1.

4. Manufacturing methamphetamine under IC 35-48-4-1.2.

5. Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

6. Dealing in a schedule IV controlled substance under IC 35-48-4-3.

7. Dealing in a schedule V controlled substance under IC 35-48-4-4.

8. Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5 (before its repeal on July 1, 2019).

9. Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

10. Dealing in a counterfeit substance under IC 35-48-4-5.

11. Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.
(12) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).

(13) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(14) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(15) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

(16) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

Credits

I.C. 25-1-1.1-3, IN ST 25-1-1.1-3
The statutes and Constitution are current through all legislation enacted by the 2019 First Regular Session of the 121st General Assembly.
Sec. 4. (a) This section applies to an individual who is applying for, or will be applying for, an initial license or an initial certificate under one (1) of the occupations or professions described in IC 25-0.5-1.

(b) As used in this chapter, “national criminal history background check” means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(c) An individual applying for an initial license or initial certificate specified in subsection (a) shall submit to a national criminal history background check at the cost of the individual.

(d) The state police department shall release the results of a national criminal history background check conducted under this section to the Indiana professional licensing agency.

(e) A board, a commission, or a committee may conduct a random audit and require an individual seeking a renewal of a license or a certificate specified in subsection (a) to submit to a national criminal history background check at the cost of the individual.

Credits

I.C. 25-1-1.1-4, IN ST 25-1-1.1-4
The statutes and Constitution are current through all legislation enacted by the 2019 First Regular Session of the 121st General Assembly.
West's Annotated Indiana Code Title 25, Professions and Occupations Article 1. General Provisions Chapter 1.1. Effect of Criminal Convictions on Licensed or Registered Persons

IC 25-1-1.5-5

25-1-1-5 Data exchange and matching regarding licensees charged with or convicted of offenses

Effective: July 1, 2011

Currentness

Sec. 5. (a) As used in this section, “licensee” refers to an individual who is licensed or certified in a profession set forth in section 4 of this chapter.

(b) As used in this section, “personal information” means information that identifies an individual, including the following:

(1) Photograph.

(2) Social Security number.

(3) Driver's license number or identification card number.

(4) Name.

(5) Address.

(6) Telephone number.

(7) Fingerprints.

(c) The state police department and the Indiana professional licensing agency shall enter into a memorandum of understanding to provide data exchange and data matching regarding licensees who are charged with or convicted of an offense.

(d) Personal information data exchanged under subsection (c) shall be kept confidential and may be used only for the purposes of a government agency, including the following:

(1) A prosecuting attorney.

(2) The Indiana professional licensing agency or a board, committee, or commission administered by the Indiana professional licensing agency.
(3) A court.

(4) A law enforcement agency.

(5) The office of the attorney general.

Credits
As added by P.L.155-2011, SEC.8.

I.C. 25-1-1.1-5, IN ST 25-1-1.1-5
The statutes and Constitution are current through all legislation enacted by the 2019 First Regular Session of the 121st General Assembly.
IC 25-1-1.1-6

25-1-1.1-6 Convictions of concern; term of disqualification; petition for determination as to disqualification; factors to be considered; written determination; notice; fees; rules

Effective: July 1, 2019

Currentness

Sec. 6. (a) This section applies to a license or certificate under this title that is in effect on July 1, 2018, or created on or established after that date.

(b) As used in this section, “crime” has the meaning set forth in IC 33-23-1-4.

(c) As used in this section, “criminal history information” has the meaning set forth in IC 5-2-4-1.

(d) Not later than November 1, 2018, a board, commission, or committee shall revise its licensing or certification requirements to the extent necessary to explicitly list the crimes that may disqualify an individual from receiving a license or certificate under this title. The board, commission, or committee may not:

(1) use nonspecific terms, such as moral turpitude or good character, as a licensing or certification requirement; or

(2) consider an arrest that does not result in a conviction.

(e) A board's, commission's, or committee's use of an individual's conviction of a crime as a conviction of concern is limited to a crime directly related to the duties and responsibilities of the occupation or profession for which the individual is applying for or holds a license or certification.

(f) If an individual has a conviction of concern, the period of disqualification may not exceed five (5) years after the date of the conviction, unless the individual:

(1) was convicted of a crime of violence (as defined by IC 35-50-1-2(a));

(2) was convicted of an offense relating to a criminal sexual act (as defined by IC 35-31.5-2-216); or

(3) is convicted of a second or subsequent crime during the disqualification period.
(g) An individual having a conviction of concern may at any time petition a board, commission, or committee requiring a license or certificate for a determination as to whether the individual's conviction of concern will disqualify the individual from receiving the license or certification. An individual filing a petition under this subsection shall submit the following:

1. At no expense to the state, a national criminal background check by the Federal Bureau of Investigation.

2. Any additional information requested by the board, commission, or committee to assist the board, commission, or committee in its review of the individual's petition.

(h) If an individual has a conviction of concern, the board, commission, or committee shall consider the following in determining whether to deny a license or certification to the individual based on the following factors:

1. The nature and seriousness of the crime for which the individual was convicted.

2. The passage of time since the commission of the crime.

3. The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation.

4. Evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation.

(i) If a board, commission, or committee determines an individual's conviction of concern disqualifies the individual from receiving a license or certification solely or in part because of the individual's criminal history, the board, commission, or committee shall notify the individual in writing of the following:

1. The grounds and reasons for the denial or disqualification.

2. The individual has the right to a hearing to challenge the licensing authority's decision.

3. The earliest date the individual may reapply for a license or certification or the earliest date the individual can petition the board, commission, or committee for a review.

4. Evidence of rehabilitation may be considered upon reapplication.

5. Findings for each of the factors specified in subdivisions (1) through (4).

Any written determination that an individual's criminal history contains a conviction of concern that merits the denial of a license must be documented in written findings under subdivision (1) by clear and convincing evidence sufficient for review by
a court. In an administrative hearing or a civil action reviewing the denial of a license, a board, commission, or committee has the burden of proof on the question of whether the individual's criminal history, based on the standards provided in subsection (h), should lead to the denial of a license.

(j) The board, commission, or committee shall inform the individual of its determination concerning the individual's petition not later than sixty (60) days after the petition, criminal history information, and any other information requested under subsection (g) is received by the board, commission, or committee.

(k) The board, commission, or committee may charge a fee established under IC 25-1-8 that does not exceed twenty-five dollars ($25) to pay its costs of reviewing a petition filed under subsection (g).

(l) A board, commission, or committee may adopt rules under IC 4-22-2 to implement this section, including emergency rules under IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the board, commission, or committee under this section and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the board, commission, or committee under IC 4-22-2-24 through IC 4-22-2-36.

Credits

I.C. 25-1-1.1-6, IN ST 25-1-1.1-6
The statutes and Constitution are current through all legislation enacted by the 2019 First Regular Session of the 121st General Assembly.