

# INDIANA PROFESSIONAL LICENSING AGENCY

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## PROPOSAL FOR INTERIM STUDY COMMITTEE ON PROFESSIONAL LICENSING

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SEPTEMBER 29, 2009

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## Summary of Recommendations

The Indiana Professional Licensing Agency respectfully requests the Interim Study Committee on Professional Licensing consider the following recommendations:

**Recommendation #1: Eliminate Hypnotist Committee**

Eliminate the Hypnotist Committee due to the lack of consumer, professional, and national interest and the availability of viable alternatives to State regulation.

**Recommendation #2: Eliminate Board of Environmental Health Specialists**

Eliminate the Board of Environmental Health Specialists due to the lack of consumer, professional, and national interest, the lack of additional consumer protection that the certification provides, the “title only” status that the certification affords, and the availability of viable alternatives to State regulation.

**Recommendation #3: Merge Barber Examiners with State Board of Cosmetology**

Merge the State Board of Barber Examiners into the State Board of Cosmetology to increase customer service, lower costs for licensees, and increase efficiency while reducing IPLA administrative costs.

**Recommendation #4: Merge Land Surveyors with Professional Engineers**

Merge the State Board of Registration for Land Surveyors into the State Board of Registration for Professional Engineers, rejoining two boards with similar functionality and purpose while increasing efficiency and reducing IPLA administrative costs.

**Recommendation #5: Reassign Health Facility Administrators to ISDH**

Reassign the Indiana State Board of Health Facility Administrators to the Indiana State Department of Health Division of Long Term Care, which currently regulates long term health care facilities and is in the best position to efficiently and effectively regulate health facility administrators.

**Recommendation #6: Eliminate Indiana Dietitians Certification Board**

Eliminate the Indiana Dietitians Certification Board due to the lack of additional consumer protection the certification provides, the lack of consumer and professional interest, and the availability of a national registration that is already title protected by Indiana statute.

**Recommendation #7: Eliminate Controlled Substances Advisory Committee**

Merge the Controlled Substances Advisory Committee into the Indiana State Board of Pharmacy and other health-related boards that regulate licenses with prescriptive authority to eliminate redundant regulatory oversight, which will increase efficiency and reduce IPLA costs.

**Recommendation #8: Merge Hearing Aid Dealer Committee with SLPA Board**

Merge the Committee of Indiana Hearing Aid Dealer Examiners into the Speech-Language Pathology and Audiology (SLPA) Board to increase efficiency and reduce IPLA administrative costs.

**Recommendation #9: Eliminate Home Inspector Licensing Board**

Eliminate the Home Inspector Licensing Board due to the lack of consumer, professional, and national interest, the cost impediment to practice, and the availability of viable alternatives to State regulation.

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## Creation & Objective of the Interim Study Committee for Professional Licensing

*Among the weeds choking out growth and good government are the hundreds of boards, commissions, and advisory committees that have sprouted over the years. They devour time, money, and energy far beyond any real contribution they make... I ask this Assembly to help us clean up state government's garden, to allow the most important parts to flourish and serve Hoosiers better.*

Governor Mitchell E. Daniels, Jr., *State of the State Address*, January 18, 2005

The Interim Study Committee for Professional Licensing was established pursuant to Indiana Code 25-1-5.5-4, which directs the Committee to study all of the boards that regulate professions under both the Indiana Professional Licensing Agency (IPLA) and the Indiana State Department of Health, and to make recommendations concerning any changes that should be made to a board or license. (Exhibit A).

The statute lists possible changes to the regulation of a profession housed in either of these agencies including (A) eliminating a board or license; (B) decreasing requirements (e.g. licensing to on-line registration); (C) requiring national certification or accreditation in lieu of government regulation; (D) restructuring or merging boards; and (E) keeping the status quo of a board or license. IC 25-1-5.5-4.

IPLA has taken this proposal opportunity to review and assess its boards and licensed professions and to consider its role in professional licensing, consumer protection, and administrative support of the boards. IPLA makes several recommendations herein to eliminate, merge, and reassign boards that presently are housed by the agency. In addition to its recommendations, IPLA offers a comprehensive review of the challenges it faces in providing regulatory services to Hoosiers as it heeds Governor Daniels' request to encourage efficient and effective regulation.

## Explanation of IPLA Analysis for Proposal Recommendations

In making these proposal recommendations, IPLA has relied on internal data, board director assessments, and Office of Attorney General data. IPLA has also relied on the following reports, which have previously assessed IPLA and professional licensing in Indiana, and which have provided recommendations on reform:

**Office of Management & Budget (OMB) Report *Budgetary and Functional Review of Executive Branch Agencies and Instrumentalities, December 2006.*** OMB used a measurement tool, PROBE (Program Results: an Outcome-Based Evaluation), to conduct an inventory of state operations and, based on the assessment, provided recommendations for the reform of the reviewed agencies including IPLA. (Exhibit B).

**OMB PROBE Report Grade for IPLA.** OMB issued an individual score to each agency as a result of the PROBE assessment. (Exhibit C).

**Government Efficiency Commission, *Team Report on the Professional Licensing Agency, 2005-2006.*** This Commission served as a sub-committee to the OMB PROBE Report and made several recommendations for IPLA reform. (Exhibit D).

**Indiana University School of Public & Environmental Affairs (SPEA) *Report to Indiana Professional Licensing Agency, May 2009.*** Under the sponsorship of the Office of Management & Budget, SPEA senior honor students conducted a policy research project focused solely on IPLA and its regulatory functions. The attached SPEA report is a draft copy as it has yet to be finalized and approved by the I.U. School of Public Environmental Affairs. (Exhibit E).

IPLA's proposal recommendations have been written with the intent of assisting the Interim Study Committee in assessing the history of a license, explaining its status with the agency, and providing the Committee with comparative data from other states regarding licensure. Some of the factors IPLA has considered in developing these recommendations include:

**Consumer demand and interest.** The number of consumer complaints filed and subsequent disciplinary actions taken against a particular license;

**Volume of activity.** The number of active licenses, licenses issued per year, revenue generated, number of consumer complaints filed, and number of administrative complaints filed;

**State-to-State comparison.** The manner in which other states address licensing the profession;

**Viable alternatives to licensure.** National certification, accreditation, merger with other boards or state agencies, and/or registration;

**Cost impediment to practice.** Application and renewal fees, continuing education costs;

**Other recommendations.** Analysis and recommendations provided by OMB, the Government Efficiency Commission, and SPEA.

**Challenges facing IPLA in regulating professions.** The current design and purpose of the agency, limited budget, and increased workload.

In developing these recommendations for the Committee, IPLA did not consider broad policy questions outside of its purview including the following:

- Does the occupational regulation meet a legitimate public purpose?
- Is there actual or expected harm to consumers if the license is deregulated?
- Is there a level of industry demand in retaining the license?
- Whose interests are advanced by the retention or elimination of the license?
- How is the supply of practitioners in a profession impacted by deregulation?
- How is competition restricted under current regulation?
- What impact would deregulation have on competition?
- What impact will deregulation have on the cost of the service?
- What is the fiscal impact on the state budget?

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## **Introduction to the Indiana Professional Licensing Agency**

The following section provides a brief introduction to and overview of IPLA, including its mission, design structure as an umbrella agency supporting thirty eight (38) boards and commissions, its staff, and workload data.

### **IPLA's Mission**

To provide efficient and effective administrative support services to Indiana's professional licensing boards and commissions in order to facilitate the delivery of competent consumer services by regulated professionals to the citizens of Indiana.

To provide an expedient licensing process for regulated professionals by maintaining a climate that fosters the growth of commerce while ensuring the health, safety and welfare of the citizens of our great state.

### **IPLA Overview**

The Indiana Professional Licensing Agency (IPLA) houses thirty eight (38) boards and commissions that regulate approximately seventy (70) professions and business types.<sup>1</sup> (Exhibits F & G). Some of these thirty eight (38) boards and commissions include, but are not limited to, the Indiana State Board of Dentistry, the Medical Licensing Board of Indiana, the Indiana State Board of Pharmacy, the Indiana Board of Accountancy, the State Board of Registration for Professional Engineers, and the Indiana Plumbing Commission. (Exhibit F).

The total number of board and commission members for the thirty eight (38) boards and commissions is two hundred and seventy seven (277). Of those members, one hundred and forty eight (148) are currently serving on expired terms. (Exhibit H).

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<sup>1</sup> IPLA technically oversees over 200 types of registrations, certifications, permits, and licenses. These include training, temporary, intern, assistant, and technician permits that are not included in the aggregate of seventy (70) professions referenced herein.

Some of the sixty (60) plus professions regulated by IPLA include, but are not limited to, physicians, pharmacists, nurses, psychologists, physical therapists, veterinarians, accountants, architects, barbers, cosmetologists, funeral directors, engineers, land surveyors, real estate brokers and salespersons, home inspectors, hearing aid dealers, and hypnotists. (Exhibit F). IPLA has a full time staff of eighty five (85) employees. (Exhibit J). The agency is broken down into ten (10) work groups, each with a director and staff that are assigned between one (1) and five (5) boards to support. (Exhibits G & I).

Through its boards, IPLA also regulates businesses including funeral homes, pharmacies, wholesale drug distributors, home medical equipment providers, and beauty salons. These businesses are also inspected by IPLA staff. As of July 1, 2009, IPLA licensed, registered, and certified four hundred and thirty three thousand and ninety six (433,096) active professionals and businesses. (Exhibit G, p. 3).

*IPLA “by-the-numbers”<sup>2</sup>*

- \$16,063,226 revenue generated in fiscal year 2008/2009
- \$5,500,000 budgeted appropriation for fiscal year 2009/2010
- 433,096 active licensees as of July 1, 2009
- 220,746 telephone calls per year
- 11,677 walk-ins per year
- 42,345 licenses issued per year
- 496 administrative disciplinary complaints filed per year
- 277 board & commission members
- 85 full time employees
- 70 profession & business types licensed
- 38 boards & commissions

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<sup>2</sup> Exhibits F, G, H, L, & P

## Issues Pertaining to Professional Licensing Regulation in Indiana

To assist the Committee in its study of all IPLA boards and commissions, IPLA has provided the following analysis of the issues pertaining to professional licensing regulation in Indiana and, specifically, the challenges of the agency that houses the boards to be studied. In making a recommendation to eliminate, merge, or reassign a board, IPLA considered the varied challenges facing the State of Indiana and IPLA in regulating *all* professional licenses. These challenges are a critical element in IPLA's recommendations to eliminate or retain a board or commission that presently burdens the agency. The following section analyzes the three (3) factors that challenge IPLA in providing quality regulation and license processing, which can be summarized as follows:

**Ineffectual design & unclear purpose<sup>3</sup>.** The umbrella structure of the agency pits the agency and its limited budget against its boards and their agendas, which creates confusion as to its actual purpose (to regulate licenses or simply process them) and who or what the agency truly supports, i.e. consumers, licensees, or the boards.

**Decreasing & lower-than-average budget.** IPLA's annual budget is significantly lower in comparison to other states providing similar services and has decreased since 2007.

**Increasing workload.** IPLA's workload has increased annually due to the creation of more professions requiring regulation.

IPLA merged with the Indiana Health Professions Bureau (HPB) in 2005. The two (2) agencies were merged into an umbrella agency in order to assist the State of Indiana in achieving greater efficiency by comingling resources and similar functions and

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<sup>3</sup> The Office of Management & Budget PROBE Report scored four (4) areas when assessing a program: (1) Purpose & Design; (2) Planning; (3) Management; and (4) Results. The "Purpose & Design" portion specifically addressed the ability of the program (as structured by Indiana law) to demonstrate its clarity of purpose, i.e. is the program effectively designed and targeted, so that resources will reach intended beneficiaries and/or address the program's purpose? (Exhibit B).

duties. (Exhibit D, p. 2). IPLA performs the administrative functions, duties, and responsibilities for thirty eight (38) boards and commissions that regulate over seventy (70) professions and businesses totaling approximately 430,000 active licenses. (Exhibit B, p. 1).

### **Ineffectual design & unclear purpose**

The umbrella design of IPLA, the boards' reliance on IPLA's resources, and a high volume of activity often make it difficult for the agency to meet its intended purpose of regulation. The roles of the boards in relation to the agency are ill-defined and, as such, the very purpose of the agency is unclear. According to the OMB PROBE Report, IPLA is currently less of a *regulator* promoting consumer protection and more of a *processor* of licenses, certifications, and registrations due to the volume of activity and this lack of clear purpose. (Exhibit B, p. 1 & Exhibit C, p. 23).<sup>4</sup>

Although the umbrella structure of IPLA is intended to promote efficiency and effectiveness, the structure instead often results in achieving the opposite effect, promoting conflict between board autonomy, agency purpose, and available resources. Within this structure, IPLA is allocated one budget to support all of its boards. Individual boards, however, do not know their exact resource limitations for conducting business because "it is not possible to get an exact dollar amount budgeted to individual boards and commissions." (Exhibit D, p.2).

This uncertainty creates conflict between IPLA and the boards it oversees.

Boards are often frustrated by the lack of autonomy they have to choose where and how

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<sup>4</sup> See Exhibit B, p.1 and Exhibit C, p. 23. The OMB PROBE Report concluded that the "number of boards and commissions relegate staff to be primarily processors and not regulators". (Exhibit C, p. 23). The OMB PROBE Report also stated that due to IPLA's umbrella design, the purpose of the agency and who it serves is unclear. OMB was unable to discern if the purpose of the agency was consumer protection, licensee customer service, or board administrative support. (Exhibit C, p.23).

IPLA resources are applied to properly regulate licenses; they are handcuffed to a fixed level of IPLA administrative support and limited resources.

At the same time, IPLA is forced to expend resources on board agendas that do not take into consideration the overall budgetary limitations of the agency. For example, IPLA does not control meeting schedules and agenda items; consequently, IPLA is at the mercy of a board that may demand unnecessary meetings and divert resources away from more productive issues (Exhibit B, p. 2). Boards may deny IPLA staff the opportunity to address rote matters and instead require formal board action, which also decreases efficiency and increases costs. (Exhibit B, p. 2).

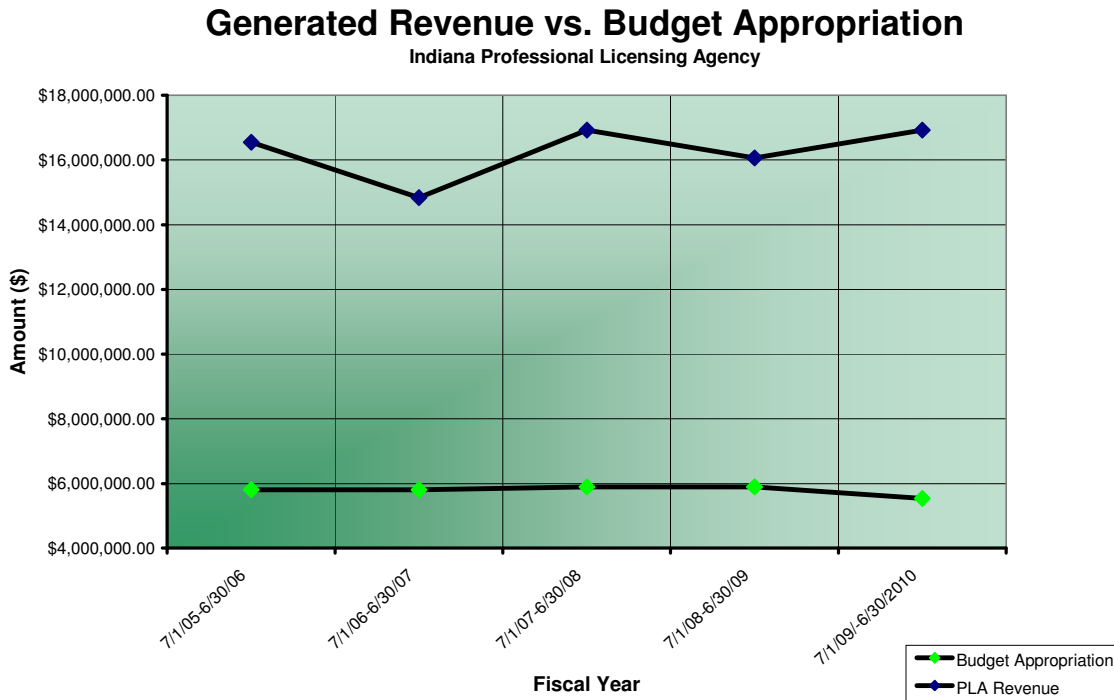
As can be seen in the examples above, the current design and structure of the agency creates tension between boards and IPLA staff, as the agency is torn between a board's agenda, licensee customer service (processing), and consumer protection (regulation). As the OMB Probe Report concluded, this leads to "uncertainty of the customer to be served, i.e. the board, the licensee, or the consumer." (Exhibit B, p. 2).

In its PROBE Report, OMB assessed each program to determine if it was effectively designed and targeted so that resources would reach intended beneficiaries and/or addressed the program's purpose. (Exhibit B, p. 1). Taking into consideration the umbrella design of the agency and its unclear purpose, OMB gave IPLA a score of twenty percent (20%) out of one hundred percent (100%) for "Purpose & Design". (Exhibit C, Appendix B). Out of the 400 programs reviewed and scored by OMB, only 22 programs scored 20% (the lowest score given) in the area of "Purpose & Design". (Exhibit C, Appendix B).

Due to its umbrella structure and high volume of activity, IPLA staff is ultimately relegated to the role of paper processor, which prevents the agency from serving its intended function as regulatory support, in an environment where it is difficult to determine who the agency is actually serving (i.e. consumers, licensees, or its boards). (Exhibit C, p. 23). The OMB Report noted that, “other states have staffs that are more immersed in regulatory activities in addition to licensing.” (Exhibit B, p. 5). IPLA is caught between its statutory purpose of supporting consumer protection and the reality of an ineffectual design (coupled with a high volume of activity) that relegates the agency to, for all intents and purposes, being little more than a license processor.

### **Decreasing and lower-than-average budget**

The merging of IPLA with HPB led to the creation of an agency with ninety two (92) employees as recently as 2007 and a combined budget of approximately \$5.8 million as of fiscal year 2005/2006. Both of these figures have decreased in recent years. IPLA presently has eighty five (85) full time employees and a budget allotment of \$5.5 million for fiscal year 2009/2010. (Exhibits J & K). IPLA generates approximately sixteen million dollars (\$16,000,000) annually but will only receive the equivalent of 34% of those monies to operate the agency. (Exhibit L). As such, the application and renewal fees IPLA charges professionals to provide services do not correlate with the monies allotted to the agency to do its job. To restate, the fees charged professionals are not applied to the regulation thereof. The following graph (Exhibit L) depicts the discrepancy between the revenue generated by IPLA and the budget allotted to IPLA since fiscal year 2005/2006.



The annual budget numbers are of little significance without a comparison to other states’ structures and budgets. As stated above, it is difficult to parcel out the total amount of monies allotted to a given board since IPLA administrative support is provided on a macro level to all boards and commissions housed at the agency. The problem of a state-to-state comparison is further complicated by the varied regulatory responsibilities given to agencies, departments, divisions, etc. within a given state government.

To overcome these issues, the state-to-state comparison which follows was created by comparing analogous regulatory boards in each state (“apples-to-apples”). IPLA estimated its expenses for Indiana’s comparative board by adding fixed costs for a board (consisting mostly of salary), and adding on administrative costs (a percentage of workload for the board against total IPLA administrative costs). IPLA has ten (10) work groups that administer anywhere from one (1) to five (5) boards/commissions. It is therefore possible to quantify staff salary solely dedicated to a given board(s) and derive

the remaining expenses from a percentage of workload applied to total administrative costs. For the purposes of this analysis, IPLA chose one health board (pharmacy) and one professional board (real estate).

IPLA estimated the expense of administering the pharmacy board at approximately \$500,000 annually. Of the thirty eight (38) states where board of pharmacy budget or expenditure information was available, Indiana ranked last with a per capita allocation to its pharmacy board of eight cents (\$.08) per Indiana resident. The *next* lowest state on the list was Florida with sixteen cents (\$.16) per resident, or more than double the amount allotted to Indiana's board to regulate pharmacies, pharmacy technicians, pharmacists, home medical equipment providers, controlled substances registrations, and wholesale drug distributors. (Exhibit M).

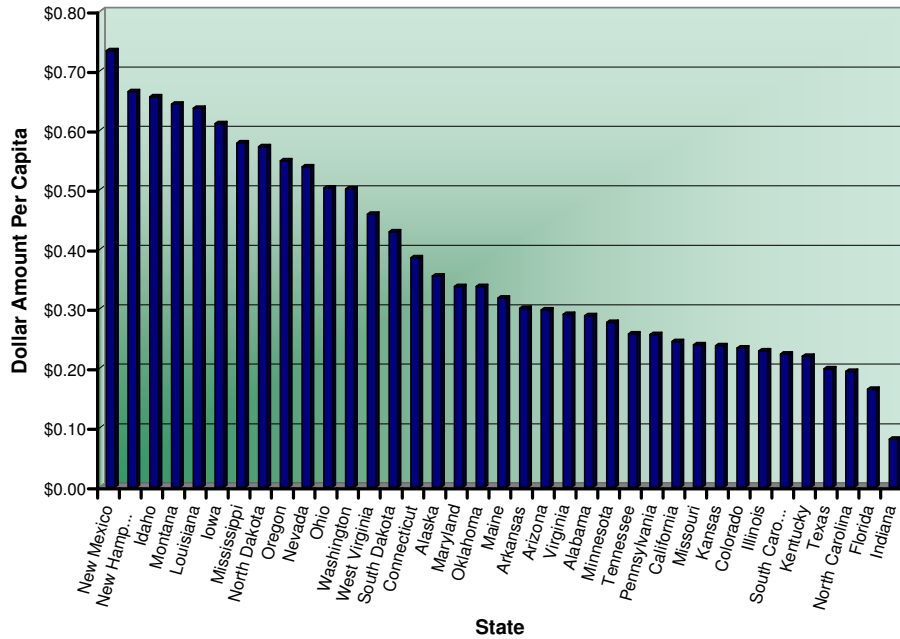
In Indiana, the lack of resources directly impacts actual regulation (versus processing as discussed by OMB in its report), in that IPLA can only employ four (4) compliance officers to inspect 1,400 resident pharmacies and 400 home medical equipment providers. Consequently, Indiana only conducts a routine pharmacy inspection once every (3) years. Compare this to Ohio, which has a \$5,000,000 budget for pharmacy board (ten times Indiana's board allotment and almost as much as all of IPLA) and employs twenty four (24) compliance officers.<sup>5</sup> In addition, Indiana's compliance officers are some of the lowest paid in the country at a salary of thirty two thousand dollars (\$32,000) annually. The following is a graphed representation (Exhibit M) of pharmacy boards' budget per capita from highest to lowest in the country based on the IPLA study:

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<sup>5</sup> Ohio's population is approximately 11,500,000 or 82.5% greater than Indiana's population of 6,300,000; however, the pharmacy board budget for Ohio is 1,000% greater than Indiana's pharmacy board allotment.

### Per Capita Pharmacy Board Appropriation

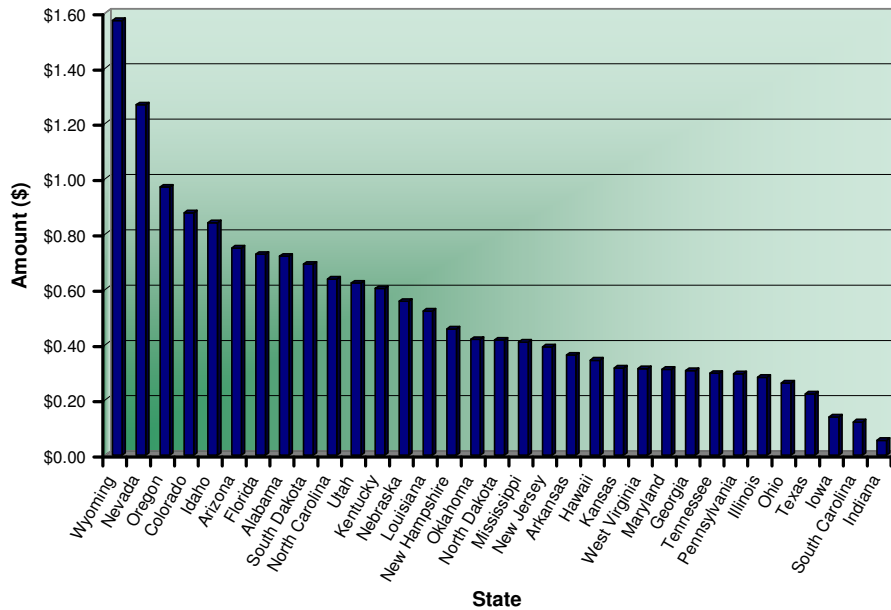
Indiana Professional Licensing Agency



Indiana Real Estate Commission fares no better in a state-to-state comparison. Of the states with available data, Indiana ranks last in the amount of money it expends on operating its Real Estate Commission. The next lowest state, as was the case with the pharmacy board rankings, spends twice as much per capita to operate its Commission than Indiana. The following is a graphed representation (Exhibit N) of Real Estate Commission expenditures per capita from highest to lowest in the country based on the IPLA study.

### Per Capita Real Estate Commission Expenditures

Indiana Professional Licensing Agency

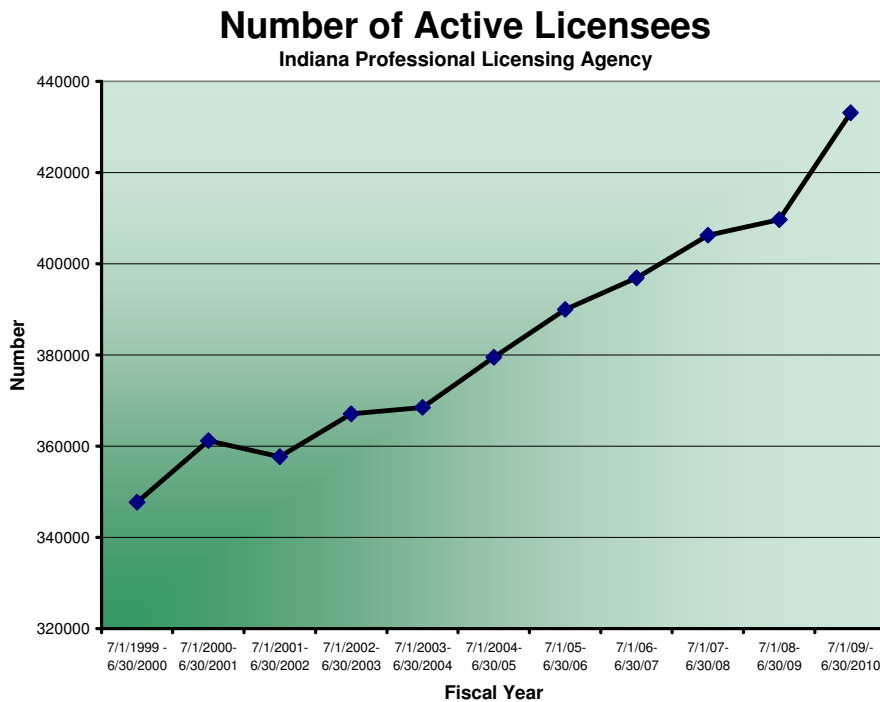


These state-by-state comparisons of analogous regulatory boards provide insight into where IPLA’s budget stands in comparison to other states. IPLA concedes that these studies are not comprehensive, in that every states’ information was not included (as it was unavailable) and that thirty six (36) remaining IPLA boards were not considered; however, a conclusion can be drawn that the vast majority of other state boards are given a significantly greater budget to provide analogous regulatory services in two areas, pharmacy and real estate, both of which involve high consumer interest and demand.<sup>6</sup> IPLA’s already low budget figures in comparison to other states, coupled with recent budget decreases, have made it all the more difficult to provide quality service and protection to Hoosiers.

<sup>6</sup> Real Estate is second (508 complaints) and pharmacy is fourth (100 complaints) in the total number of administrative complaints filed with IPLA since 2006. (Exhibit P).

## Increasing workload

The demand for additional professional licensing in Indiana has only compounded the purpose, design, and budget challenges that IPLA faces. The number of professionals and businesses seeking licensure in Indiana has steadily increased in Indiana since 2000, due in part to the creation of new licenses. As of 2009, the State of Indiana regulated one hundred and thirty four (134) occupations with approximately 430,000 individuals possessing some form of licensure. (Exhibit E, p. 2 & Exhibit G). Since 2005, IPLA's total number of licensees regulated has jumped fourteen percent (14%) from 370,000 to 430,000 as depicted in the graph below (Exhibit O).



This decrease in resources, coupled with an increase in the volume of regulations, has contributed to the divide between the agency's role of licensing (paper processor) and regulator (consumer protector). In many ways, IPLA is nothing more than a paper tiger supporting thirty eight (38) paper cubs. To overcome these challenges, IPLA has

responded by enhancing its processing in two (2) ways to ensure that it continues to provide quality customer service to licensees: First, IPLA has outsourced almost all of the requisite examinations for licensure freeing up staff time previously devoted to proctoring these exams. Second, innovative technology, with a reliance on online renewal and e-mail notification, has streamlined the agency's workload. Unfortunately, these steps have not resolved the regulatory issues raised in the OMB PROBE Report.

The Indiana University SPEA Report concluded:

As more occupations become subject to licensing, the regulatory and protective services currently provided by the PLA are depleted. Simply put, an already stretched public dollar is spread ever more thinly over an increasingly larger number of professions. (Exhibit E, p.2-3).

## **CONCLUSION**

IPLA faces increasing challenges in regulating professionals due to its current structure as an umbrella agency, a lower than average annual budget in comparison to others states, continued decreases in its budget, and increases in workload. As noted previously, “[a]ll of these factors limit PLA staff to being primarily processors and prevent them from serving their intended function as regulatory support.” (Exhibit C, p. 23). IPLA agrees with OMB's conclusions that the agency's design blurs its purpose and creates a challenging environment in which to provide regulatory services in addition to license processing. IPLA followed many of the reform suggestions made by OMB, the Government Efficiency Commission, and SPEA when making recommendations for this proposal, as any reform that decreases the burden on the agency will afford opportunities to increase the quality of professional regulation in Indiana.

## Recommendation #1 Hypnotist Committee

**Eliminate** the Hypnotist Committee (Committee) due to the lack of consumer, professional, and national interest and the availability of viable alternatives to State regulation.

### Hypnotist Committee: Snapshot<sup>7</sup>

<b>Certificate Regulated</b>	Hypnotist	<b>Avg. # of Certificates Issued Per Year<sup>2</sup></b>	<1
<b>Year Created</b>	1997	<b># of Consumer Complaints Filed in 2007, 2008, &amp; 2009</b>	0
<b># of Active Certificates</b>	60	<b>Avg. # of Disciplinary Complaints Filed Per Yr.</b>	<1
<b>Revenue Per Year<sup>1</sup></b>	\$3,800	<b>Total # of Disciplined Certificates<sup>3</sup></b>	0
<b>Application Fee</b>	\$100.00	<b># of States with Board (Including Indiana)</b>	4
<b>Biennial Renewal Fee</b>	\$100.00	<b># of States Not Regulating Profession</b>	46

1 – For years 2005 – 2008

2 – For years 2007 – 2009

3 – For years 2005 - 2009

### Argument in Support of Recommendation

- Lack of consumer interest**  
Based on OAG reports, there has not been a consumer complaint filed against a hypnotist in the last three (3) years. (Exhibit U, pp. 2-4). The Office of the Attorney General has pursued no disciplinary actions against hypnotists in the last five (5) years. To date, there has only been one (1) disciplinary action taken since the Committee’s inception in 1997.
- Lack of professional interest**  
There are currently sixty (60) active hypnotist certificate holders in the State of Indiana with one (1) pending application for certification.<sup>8</sup> This is the lowest number

<sup>7</sup> For each Recommendation PLA provides a “Snapshot” of a board or license including some aggregates and averages from its collected and tracked data, which include licenses issued by board (Exhibit R), renewals by board (Exhibit S), and revenue by board (Exhibit T).

of licensees for any board housed within IPLA. On average, the Committee issues less than one (1) certificate per year. The Committee last met on May 29, 2008, and has not met subsequently due to a lack of sufficient business and consumer demand. On average, less than two (2) applications for certification are received per year. There are only two (2) schools in Indiana that are approved by the Committee for purposes of certification.

- **Lack of national interest**

According to the Hypnotist's Union Local 472's website, Indiana is one (1) of only four (4) states that regulate hypnotists (Exhibit Q, p. 1-3). Of those States that regulate hypnotists, Colorado requires that a hypnotist either be licensed by the Colorado Department of Regulatory Agencies or be listed in the Unlicensed Psychotherapists Database. Connecticut and Washington only require one to register by paying a fee and completing a simple application form.

- **Other reports recommend elimination**

According to the Government Efficiency Commission Report, the Committee on Boards and Commissions "failed to see what public purpose the Hypnotist Committee serves other than reducing competition" (Exhibit D, p.4).

- **There are viable alternatives**

National certification is available through several national associations, including the National Association of Transpersonal Hypnoterapists (NATH), the American Hypnosis Association (AHA), and the American Association of Professional Hypnoterapists (AAPA). Consumers continue to be afforded protection through state and federal laws protecting consumers, the Better Business Bureau, the Office of the Attorney General Consumer Protection Division, consumer activist groups, market protection (e.g. Angie's List and other web based reviews), and relief through civil and criminal action.

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<sup>8</sup>Any IPLA data that has not been cited in an attached Exhibit to this Proposal will be provided upon request.

**Recommendation #2**

**Board of Environmental Health Specialists**

**Eliminate** the Board of Environmental Health Specialists due to the lack of consumer, professional, and national interest, the lack of additional consumer protection that the certification provides, the “title only” status that the certification affords, and the availability of viable alternatives to State regulation.

**Board of Environmental Health Specialists: Snapshot**

<b>Registrant(s) Regulated</b>	Environmental Health Specialists	<b>Avg. # of Certificates of Registration Issued Per Year <sup>2</sup></b>	2
<b>Year Created</b>	1963	<b># of Consumer Complaints Filed in 2007, 2008, &amp; 2009</b>	0
<b># of Active Registrants</b>	179	<b>Avg. # of Disciplinary Complaints Filed Per Yr. <sup>3</sup></b>	0
<b>Revenue Per Year <sup>1</sup></b>	\$4,355.00	<b>Total # of Disciplined Registrants</b>	0
<b>Application Fee</b>	\$50.00	<b># of States Offering Voluntary Licensure or Registration (Including Indiana)</b>	18
<b>Biennial Renewal Fee</b>	\$35.00	<b># of States with No Existing EH Registration Program</b>	14

1 – For years 2005 - 2008

2 – For years 2007 - 2009

3 – For years 2005 - 2009

**Argument in Support of Recommendation**

- Lack of professional interest**

As of September 1, 2009, there were one hundred and eighty (180) actively registered Environmental Health Specialists (“EH Specialists”) in the State of Indiana, with four hundred and ninety (490) former registrants who had expired certificates of registration on file with PLA. The total number of active registrants has decreased by just fewer than forty percent (40%) during the last ten (10) years, dropping from two hundred and ninety six (296) registrants in 2000, to two hundred and fifty five (255) in 2004, to the current figure of one hundred and eighty (180) in 2009. Only one (1) other board in the agency (Hypnotist) has fewer registrants. Current trends do not indicate that the number of registrants will increase significantly in the near future, as PLA issued only eight (8) new certificates of registration to EH Specialists from January 2006 to May 2009. The Board has lacked the business and consumer

demand necessary to schedule a meeting in the past year, and the primary purpose of the last Board meeting held on August 13, 2008, was to re-adopt rules that were already in place.

- **Lack of consumer interest**  
Because an EH Specialist's job responsibilities are focused on the preservation and improvement of environmental factors affecting the health and safety of communities, the profession exists primarily in a role of supporting public services such as local, state, and federal governments. Accordingly, the nature of the profession means that EH Specialists have limited direct interaction with consumers and/or members of the public. This lack of interaction with consumers is, in turn, reflected by an absence of complaints received against EH Specialists. Based on OAG reports, there has not been a consumer complaint filed against an EH Specialist in the last three (3) years, nor has the Attorney General pursued a single disciplinary action against an EH Specialist since 2005. In fact, no disciplinary action has ever been taken against a registered EH Specialist since the creation of the Board in 1963.
- **Lack of national interest**  
A majority of states have chosen not to require EH Specialists to register through state-administered licensing programs (Exhibit V). According to NEHA, Indiana is currently one (1) of eighteen (18) states with a voluntary Environmental Health registration program. Another fourteen (14) states have no registration program for EH Specialists whatsoever.
- **Current State certification does not provide additional consumer protection**  
Current Indiana licensure law does nothing more than allow a person who has passed the NEHA examination and who has fulfilled the educational and professional requirements of 896 IAC 1-2-1 to represent him or herself as a "Registered Environmental Health Specialist." In other words, "Registered Environmental Health Specialists" in Indiana acquire no additional expertise in protecting the public by virtue of their registration with the State than an EH Specialist who has only acquired the national certification that is available through NEHA. Moreover, a person may practice as a sanitarian for a majority of government entities<sup>9</sup> in Indiana regardless of whether he or she has obtained national credentials through NEHA or has registered as a "Registered Environmental Health Specialist" through IPLA.
- **There are viable alternatives**  
As mentioned previously, national certification available through the National Environmental Health Association (NEHA) is a viable alternative for consumer protection. In the alternative, the Board could be restructured as an online registry similar to the interior designer registry listed in IC 25-20.7-2-4. Based on the number of those registered as environmental health specialists, IPLA has received six thousand two hundred and sixty-five (\$6,265.00) in renewal fees and four hundred

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<sup>9</sup> According to the Government Efficiency Commission report on IPLA, only a few county departments of health in the State of Indiana require sanitarians to be licensed in order to practice.

and fifty dollars (\$450.00) in application fees, a figure insufficient for the Board to pay the cost of staff, postage, office supplies, per diem and traveling expenses. Allowing potential applicants to register on-line and schedule their examinations through NEHA would be cost effective and would expedite the registration process for applicants seeking their registration.

- **Other reports recommend elimination**

In its report on IPLA, the Government Efficiency Commission suggested that the Environmental Health Specialists Board merited elimination and/or combining to make professional licensing more consistent, reliable, and efficient in the State of Indiana. To support its recommendation, the Commission noted that the Board only licensed six (6) people in 2005, that only a few county departments of health in the State of Indiana require sanitarians to be licensed in order to practice, and that Indiana's licensing scheme duplicated a national certification that was already available through the National Environmental Health Association (NEHA). (Exhibit D, p. 4).

## Recommendation #3 State Board of Barber Examiners

**Merge** the State Board of Barber Examiners into the State Board of Cosmetology to increase customer service, lower costs for licensees, and increase efficiency while reducing IPLA administrative costs.

### State Board of Barber Examiners: Snapshot

<b>License(s) Regulated</b>	Barbers	<b>Avg. # of Licenses Issued Per Year<sup>2</sup></b>	414
<b>Year Created</b>	1963	<b>Total # Consumer Complaints Under Investigation as of September 10, 2009</b>	19
<b># of Active Licenses</b>	5,207	<b>Avg. # of Disciplinary Complaints Filed Per Yr.<sup>3</sup></b>	8
<b>Revenue Per Year<sup>1</sup></b>	\$64,250.00	<b>Total # of Disciplined Licensees</b>	33
<b>Application Fee</b>	\$40.00	<b># of States with Merged Barber &amp; Cosmo Boards</b>	14
<b>Renewal Fee</b>	\$40.00	<b># of States Not Regulating License</b>	2

1 – For years 2005 - 2008

2 – For years 2007 - 2009

3 – For years 2006 - 2008

### Argument in Support of Recommendation

- **Increased customer service for licensees**

Merger of the Barber Board into the Cosmetology Board would allow all individuals, salons, shops, and schools to share a common renewal cycle. This would assist individuals who hold dual licenses in conveniently renewing all of their licenses at the same time. An instructor exam for beauty culture professionals is currently outsourced by IPLA and could also be used for barber instructors if the boards were merged. The ability to utilize this vendor for proctoring barber examinations would eliminate manual examination scheduling and proctoring of the barber examination six (6) times per year by staff.

- **Increased efficiency and reduced costs for IPLA administration**

A common renewal cycle and examination would save IPLA administrative costs for both of these services. IPLA would also save financial resources in printing, mailing, and maintaining a record for the aforementioned extra instructor license. In addition, some cosmetology schools are currently licensed as barber schools. Under one board, the schools would have only one set of rules with which to comply. IPLA would also save in costs of printing, mailing, and maintaining a record for the extra school license.
- **Similar functionality of the boards**

The barber curriculum is substantially similar to the cosmetology curriculum with the exception of manicuring and pedicuring (*See* 820 IAC 40404 & 816 IAC 1-2-8). The barber instructor curriculum is also almost identical in subject matter to the beauty culture instructor curriculum (*See* 820 IAC 4-4-7.2 & 816 IAC 1-4-3). Cosmetology presently licenses several types of beauty care professionals including manicurists, estheticians, electrologists, and cosmetologists. A barber license reasonably fits among these license types.
- **Lower costs for licensees**

A person licensed as a barber and cosmetologist would need only one (1) instructor license under one board rather than two (2) instructor licenses, which is a savings of forty dollars (\$40.00) for a four (4) year license.
- **National trend to combine the boards**

Fourteen (14) other states currently combine their cosmetology and barber boards (Exhibit W).
- **Reduced professional interest**

Over the past five years IPLA records indicate that fewer barber licenses are being renewed. The percentage **decrease** in annual renewals is as follows:

  - 2005 = 4%
  - 2006 = 10%
  - 2007 = 10%
  - 2008 = 24 %
  - 2009 = 16%
- **Other reports recommend merger**

In its report on IPLA, the Government Efficiency Commission suggested that the Barber Board merited merger with the Cosmetology Board as a result of the commonality in purpose and expertise of both Boards (Exhibit D, p. 3).

**Recommendation #4**

**State Board of Registration of Land Surveyors**

**Merge** the State Board of Registration for Land Surveyors into the State Board of Registration for Professional Engineers, rejoining two boards with similar functionality and purpose while increasing efficiency and reducing IPLA administrative costs.

**State Board of Registration for Land Surveyors: Snapshot**

<b>Registrant(s) Regulated</b>	Land Surveyors	<b>Avg. # of Registrations Per Year</b>	54
<b>Year Board Created</b>	1991 <sup>10</sup>	<b>Total # Consumer Complaints Under Investigation as of September 10, 2009</b>	26
<b># of Active Registrants</b>	1297	<b>Avg. # of Disciplinary Complaints Filed Per Year</b>	6
<b>Revenue Per Year <sup>1</sup></b>	\$44,932.00	<b>Total # of Disciplined Registrants</b>	14
<b>Application Fee</b>	\$300.00	<b># of States with LS under Engineering Bd.</b>	36
<b>Biennial Renewal Fee</b>	\$100.00	<b># of States with Independent LS Board</b>	14

1 – For years 2005 – 2008

2 – For years 2007 – 2009

3 – For years 2005 - 2009

**Argument in Support of Recommendation**

- **Similar functionality of the boards and the same national association**

The Land Surveying Board was established in 1991 pursuant to IC 25-21.5-2. Prior to the creation of this independent board, the Land Surveying Board was a part of the Engineering Board. Two statutory provisions, IC 25-31-1-5 and IC 25-31-1-6, refer to the sharing of staff and office space for these boards. In addition, these two boards are serviced by the same national organization, the National Council of Examiners for Engineers and Surveyors (NCEES). NCEES provides exams for both boards, and assists the boards with current national trends for the professions while providing model law to guide the boards in implementing the recommended laws. These boards could easily and almost seamlessly be reestablished into one composite board.

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<sup>10</sup> In 1962, land surveyor registration was created and placed under the purview of the Engineering Board. In 1991, the boards were separated into the two (2) current independent boards.

- **Increased efficiency and reduced costs for IPLA administration**

Merger of the boards would lower IPLA administrative costs that are necessary to support Land Surveyors as an independent board. In addition to eliminating the costs of separate board meetings, IPLA would also avoid paying redundant membership fees to the same national association. Although NCEES provides the same services to the Land Surveying Board as it does to the Engineering Board, the NCEES charges IPLA the full membership fee of six thousand five hundred dollars (\$6,500.00) for each board annually. This additional cost could be avoided by a merger of the two boards. By eliminating the seven (7) member positions on the Land Surveying Board, the agency would also save approximately seven thousand dollars (\$7,000.00) per year in per diem and travel expenses.
- **Lack of professional interest**

Purdue University was the only Indiana approved program for a land surveying degree. Recently, the Dean of Engineering & Land surveying decided to eliminate the bachelor's degree in land surveying due to decreasing enrollment. As of May 2009, Purdue will only offer land surveying as a minor program for the engineering students who are interested in studying land surveying or working in that field.
- **National trend to combine boards**

Thirty one (31) states currently place land surveying registration under the engineering board.
- **Other reports recommend merger**

The Government Efficiency Report recommends the combination of the two (2) boards (Exhibit D, p.4). Additionally, the 2006 OMB PROBE Report (Exhibit C) recommends that several licensed activities could be served by a single board instead of having several boards, due to the similarity of functions.

**Recommendation #5**

**Indiana State Board of Health Facility Administrators**

**Reassign** the Indiana State Board of Health Facility Administrators (HFA Board) to the Indiana State Department of Health (ISDH) Division of Long Term Care, which currently regulates long term health care facilities and is in the best position to efficiently and effectively regulate health facility administrators.

**Indiana State Board of Health Facility Administrators: Snapshot**

<b>License(s) Regulated</b>	Health Facility Administrators/Residential Care Administrators	<b>Avg. # of Licenses Issued Per Year <sup>2</sup></b>	66
<b>Year Created</b>	1969	<b>Total # Consumer Complaints Under Investigation as of September 10, 2009</b>	41
<b># of Active Licenses</b>	1,222	<b>Avg. # of Disciplinary Complaints Filed Per Yr.</b>	5
<b>Revenue Per Year <sup>1</sup></b>	\$80,537	<b>Total # of Disciplined Licensees <sup>3</sup></b>	4
<b>Application Fee</b>	\$120.00	<b># of States Where License is Housed with Dept. of Health</b>	20
<b>Biennial Renewal Fee</b>	\$100.00	<b># of States Where License is Housed with Umbrella Agency</b>	21

1 – For years 2005 – 2008

2 – For years 2007 – 2009

3 – For years 2005 - 2009

**Argument in Support of Recommendation**

- **Increased effectiveness and efficiency in regulation**

ISDH’s direct involvement in all facets of regulating long term health care facilities puts it in the best position to regulate health facility administrators.

*ISDH is responsible for licensing Indiana health care facilities.* The Division of Long Term Care is the licensing authority for long term care facilities. Indiana Administrative Code requires that a licensed health facility employ a licensed administrator at the facility at all times. 410 IAC 16.2-3.1-13(e).

*ISDH must conduct an annual survey at all licensed facilities.* ISDH is statutorily obligated to inspect the facility that is managed by this licensee pursuant to IC 16-28-

1-13. Almost all disciplinary actions taken against an HFA license stem from these ISDH inspections.

*IPLA serves as a paper processor for the true regulator ISDH.* If a deficiency is found, a Long Term Care Referral is forwarded to the HFA Board staff to file a complaint against the licensed administrator of record registered to that particular facility, which in turn requires the HFA Board's staff to act as a "middle man" in the filing of the 75-100 referrals it receives per year from ISDH (a filing that ISDH may already make independently and without HFA Board involvement).

*ISDH handles all health care facility complaints including health facility administrator issues.* As stated on the ISDH website, the Division of Long Term Care investigates all complaints that are received regarding compliance issues in licensed health care facilities. [emphasis added]. (Exhibit Y).

*ISDH already licenses other health facility employs.* ISDH currently certifies QMA's and CNA's, which are most often found in the health care facilities it regulates.

*ISDH is already a member of the HFA Board.* ISDH's direct involvement with regulating the HFA license already exists. Indiana statute requires that the state health commissioner or the commissioner's designee serve as a member of the HFA Board. IC 25-19-1-2.

- **Increased efficiency and reduced costs for IPLA administration**

ISDH's Health Care Regulatory Services Commission currently staffs the Long Term Care Division and Health Care Training Division and can easily absorb the regulation and licensing of health facility administrators. Reassignment would eliminate the only the regulatory board housed with IPLA that deals with long term health care facilities. The reassignment would also eliminate the administrative costs associated with the semi-monthly HFA law exam proctored by IPLA, the HFA board meeting held once every two months, and the biennial license renewal.

- **National trend to house HFA regulation under Department of Health**

Twenty (20) states presently house the Health Facility Administrator regulation with the Department of Health (Exhibit X).

- **Other reports recommend reassignment**

The Government Efficiency Report recommends that the Indiana State Board of Health Facility Administrators should fall under the auspices of the Indiana State Department of Health (Exhibit D, p.4). IPLA's recommendation is supported by the OMB PROBE Report (Exhibits B & C) which suggests that several licensed activities can be served by an individual board instead of having several boards handle similar functions (as established above in this recommendation).

## Recommendation #6 Indiana Dietitians Certification Board

**Eliminate** the Indiana Dietitians Certification Board (Board) due to the lack of additional consumer protection the certification provides, the lack of consumer and professional interest, and the availability of a national registration that is already title protected by Indiana statute.

### Indiana Dietitians Certification Board: Snapshot

<b>Certificate(s) Regulated</b>	Certified Dietitians	<b>Avg. # of Certificates Issued Per Year<sup>2</sup></b>	80
<b>Year Created</b>	1994	<b># of Consumer Complaints Filed in 2007, 2008, &amp; 2009</b>	1
<b># of Active Certificates</b>	1, 131	<b>Total # of Complaints Filed in Last 5 Years</b>	1
<b>Revenue Per Year<sup>1</sup></b>	\$11,311	<b>Total # of Disciplined Certificates<sup>3</sup></b>	1
<b>Application Fee</b>	\$20.00	<b># of States with Board (Including Indiana)</b>	30
<b>Biennial Renewal Fee</b>	\$20.00	<b># of States Not Regulating Profession</b>	7

1 – For years 2005 – 2008

2 – For years 2006 – 2008

3 – For years 2005 - 2009

### Argument in Support of Recommendation

- Current State certification does not provide additional consumer protection**

Before becoming a “certified dietitian” in Indiana, an applicant for certification must first become a “registered dietitian” by passing a national examination. Although, to a consumer, these two titles could appear to represent varying levels of professional competency, there is in fact no practical difference between the two titles. Indiana’s regulatory scheme does nothing more than offer nationally registered dietitians the opportunity to represent themselves as “certified” when practicing in the State of Indiana. State certification is also unnecessary due to the fact that a “registered dietitian” is already title protected in Indiana by IC 25-14.5-7-3, which makes it a criminal act for a person to use the title “registered dietitian” unless he or she is nationally registered. *See* IC 25-14.5-7-3. Moreover, a person may practice dietetics in Indiana *without national registration or state certification*. Accordingly, there is no additional protection afforded to consumers by providing a voluntary State

“certification” mirroring a national registration that is already title protected for a profession that may be practiced without either.

- **Lack of professional interest**

There is a low volume of activity with the license itself as only eighty (80) “certifications” are issued annually. With such low activity, the Board has not met since August 2006. According to the Commission on Dietetic Registration, as of May 1, 2009, there were 1580 individuals listed as having the national registration in Indiana. There were 1111 individuals certified by IPLA as of the same date. This means that thirty percent (30%) of the registered dietitians in Indiana do not take advantage of the voluntary certification offered in the State.

- **Lack of consumer interest**

No consumer complaints have been filed against dietitians in the past three (3) years. (Exhibit U, pp. 17-19). There has been only one (1) consumer complaint leading to one (1) disciplinary action by the OAG against dietitians since 2005. According to the Board’s director, board staff rarely, if ever, field questions about dietitian certification from the public.

- **National trend**

Thirty (30) states have a dietetics board. Seven (7) states do not issue a dietitian license of any kind. (Exhibit Z).

- **Other reports support elimination**

The Commission noted the duplicity of the Indiana dietitian certification. All Indiana dietitians who seek to use the title “Certified Dietitian” are required to be nationally certified first (Exhibit D, p. 4). Indiana serves as nothing more than a “certification checker” for Hoosiers for a profession that does not even require the state certification to practice dietetics or to provide nutrition therapy services. In the PROBE Report, OMB encouraged consideration of private trade organizations to certify and accredit professions in lieu of licensure (Exhibit C, p. 23).

- **There are viable alternatives**

Indiana already protects the term “registered dietitian” by making it a criminal act to use the term if an individual is not registered with the Commission on Dietetic Registration. IC 25-14.5-7-1. Of the seven (7) states that do not regulate the profession, three (3) of those states protect the registered dietitian title in this manner. In lieu of protecting a voluntary title (“certified”) that is not used by a significant number of registered dietitians and that is not mandatory to practice the profession, this preexisting statute is a viable alternative that provides the same consumer protection without the added regulatory costs to the State.

**Recommendation #7**

**Controlled Substances Advisory Committee**

**Merge** the Controlled Substances Advisory Committee (CSAC) into the Indiana State Board of Pharmacy (Pharmacy Board) and other health-related boards that regulate licenses with prescriptive authority to eliminate redundant regulatory functions.

**Controlled Substance Registrations: Snapshot**

<b>Registrant(s) Regulated</b>	Controlled Substances Registrations	<b>No. of Hearings in Last Five (5) Years</b>	n/a
<b>Year Board Created</b>	1976	<b>No. of CSR's Issued by CSAC in 2008</b>	87
<b># of Active Registrants</b>	26,863	<b>No. of CSR's Issued by Medical Licensing Bd.</b>	1,230
<b>Revenue Per Year</b>	n/a	<b>No. of CSR's Issued by Other Health Boards:<sup>11</sup></b>	1,920
<b>Application Fee</b>	\$100/facilities \$60/practioners	<b>Total # of CSAC Disciplined Registrants</b>	n/a
<b>Biennial Renewal Fee</b>	Same	<b># of States with Controlled Substance Registration</b>	32

1 – For years 2005 – 2008

2 – For years 2007 – 2009

3 – For years 2005 - 2009

**Argument in Support of Recommendation**

- **Background Information & Role of CSAC**

Pursuant to IC 35-48-3-3, a person must be registered with the Pharmacy Board to manufacture, distribute, dispense, prescribe or conduct research with controlled substances. This registration is referred to as controlled substances registration (CSR) and is essentially a state equivalent DEA registration.

CSAC is a sixteen (16) member advisory committee that serves as a consultative and advising body to the Pharmacy Board in all matters relating to the classification of controlled substances and discipline of CSR's. I.C. 35-48-3-4. Practitioner CSR's are issued by a practitioner's licensing board (e.g. a physician is issued a CSR by the

<sup>11</sup> Pharmacy Board, Dental Board, Veterinary Board, Nursing Board, Podiatry Board, Physician Asst. Committee, etc.

Medical Licensing Board). The Pharmacy Board, through CSAC, issues all facility CSR's. CSAC makes recommendations to the Pharmacy Board for disciplinary action taken on CSR's. I.C. 35-48-3-1 *et al.*

To summarize, CSAC serves four (4) regulatory functions: (1) To make recommendations to the Pharmacy Board for the issuance of facility CSR's; (2) To recommend discipline to the Pharmacy Board regarding all CSR's; (3) To recommend updates to the Pharmacy Board for the State's controlled substances list; and (4) To administer the State's prescription monitoring program.

- **Redundant regulatory body**

*The health care board that issues a CSR and regulates a practitioner's license should also regulate the CSR.* Even though a given health care board issues a CSR to a practitioner, CSAC is responsible by statute for discipline of that CSR. CSAC consistently defers to the action a board took on a practitioner's license when making a decision on a CSR application or renewal, but the CSAC meeting is every sixty (60) days, meaning that a practitioner may have a valid license to practice and then have to *revisit the exact same issues* through a personal appearance with CSAC regarding his/her CSR (even though the respective board takes no issue with the practitioner prescribing). A board issuing both a license and CSR to a practitioner would be in the best position to regulate and discipline a licensee.

*The Pharmacy Board should review facility CSR applications.* A facility that keeps an inventory of controlled substances must hold a CSR. Such facilities include state university researchers and animal control clinics. CSAC presently makes recommendations to the Pharmacy Board for approval of facility CSR applications. This step is unnecessary, both because the approval of CSR applications require no particular professional expertise and because review of the applications is essentially an administrative function that IPLA staff has the ability to provide. Accordingly, the Pharmacy Board could easily and seamlessly absorb the responsibility of facilitating CSR application review.

*The Pharmacy Board should manage Indiana's prescription monitoring program.* The Committee is too large and meets too infrequently to serve as an administrator of this technologically complex program. The program's purpose, policy, and functionality are explicitly spelled out by statute. This leaves few management decisions for the regulatory body governing the program. As such, CSAC is not directly involved in the management of this program, and the Pharmacy Board could easily absorb what little responsibility the Committee has over it.

*The Pharmacy Board already manages the controlled substances list.* CSAC makes recommendations to the Pharmacy Board for updates to the controlled substances list. The Pharmacy Board, in turn, makes recommendations to the General Assembly. In the past five (5) years, CSAC's only recommendation to the Pharmacy Board has been to update the state's controlled substances list to match the federal list. This recommendation was not made as a result of a personal initiative of the Committee,

but was instead prompted by the Indiana State Police. Accordingly, CSAC's involvement in this update was unnecessary and redundant.

- **Increased efficiency and lower costs for IPLA administration**  
Merger of the Committee with the Pharmacy Board would lower IPLA administrative costs by eliminating the redundancy of the Committee. By eliminating the sixteen (16) member positions on CSAC, IPLA would also save monies on per diem, travel expenses, and internal administrative costs.
- **Viable alternative**  
As stated above, the Indiana Board of Pharmacy is positioned to assume CSAC responsibilities seamlessly. Considering it is already the final arbiter of CSAC recommendations, the assumption of these responsibilities will place little to no burden on the Pharmacy Board. As to CSAC's administration of INSPECT, the program is presently operated by internal staff and all policy matters can be addressed by the Pharmacy Board when necessary. IPLA also recommends that any decision regarding discipline on a CSR issued by other boards with prescriptive regulatory authority (e.g. Medical Licensing Board, Dental Board) should be made by the respective board and not the Pharmacy Board. The board that issues the CSR and the license to the practitioner is in the best position to determine if the licensee should be permitted to write prescriptions for controlled substances.

**Recommendation #8**

**Committee of Indiana Hearing Aid Dealer Examiners**

**Merge** the Committee of Indiana Hearing Aid Dealer (HAD) Examiners into the Speech-Language Pathology and Audiology Board to increase efficiency and reduce IPLA administrative costs.

**Committee of Indiana Hearing Aid Dealer Examiners: Snapshot**

<b>Registrant(s) Regulated</b>	Hearing Aid Dealers	<b>Avg. # of Certificates of Registration Issued Per Year <sup>2</sup></b>	56
<b>Year Created</b>	1967	<b># of Consumer Complaints Under Investigation as of September 10, 2009</b>	3
<b># of Active Dealers</b>	233	<b># of Disciplinary Complaints Filed in 2008 &amp; 2009. <sup>3</sup></b>	0
<b>Revenue Per Year <sup>1</sup></b>	\$9,175.00	<b>Total # of Disciplined Registrants</b>	n/a
<b>HAD Examination Application Fee</b>	\$60.00	<b># of States with Independent Board (Including Indiana)</b>	45
<b>Biennial Renewal of Certificate of Registration</b>	\$40.00	<b>No. of States Merge Audiology Bd. with Hearing Aid Dealer Bd.</b>	5

1 – For years 2005 - 2008

2 – For years 2006 - 2008

3 – For years 2005 - 2009

**Argument in Support of Recommendation**

- **Government Efficiency Commission Report on IPLA**

In its report on IPLA, the Government Efficiency Commission suggested that the Committee of Indiana Hearing Aid Examiners merited elimination or a merger with another health board to make professional licensing more consistent, reliable, and efficient in the State of Indiana. To support its recommendation, the Commission noted that the Committee had engaged in very few disciplinary actions over the years and that it failed to see the necessity in licensure requirements for dealers of these products. (Exhibit D, p. 4).

- **Increased efficiency and reduced costs for IPLA administration**  
Merger of the boards would lower IPLA administrative costs that are necessary to support Hearing Aid Dealers as an independent board including member per diem and travel expenses.
- **National examples of merged boards**  
Five (5) states currently place hearing aid licensure with the Speech-Language Pathology Audiology Board.
- **Lack of consumer interest**  
The Office of the Attorney General has not pursued a disciplinary action against a HAD since 2007.
- **Lack of professional interest**  
There are currently two hundred and thirty-three (233) actively registered hearing aid dealers in the State of Indiana and thirty-five (35) pending applications. Only three (3) other IPLA boards license/register fewer individuals. Until recently, the Board was meeting four (4) times per year.

## Recommendation #9 Home Inspector Licensing Board

**Eliminate** the Home Inspector Licensing Board (Board) due to the lack of consumer, professional, and national interest, the cost impediment to practice, and the availability of viable alternatives to State regulation.

### Home Inspector Licensing Board: Snapshot

<b>License(s) Regulated</b>	Home Inspectors	<b>Avg. # of Licenses Issued Per Year<sup>2</sup></b>	78
<b>Year Created</b>	2005	<b>Total # Consumer Complaints Under Investigation as of September 10, 2009</b>	16
<b># of Active Licenses</b>	184 <sup>12</sup>	<b>Avg. # of Disciplinary Complaints Filed Per Yr.<sup>3</sup></b>	2.4
<b>Revenue Per Year<sup>1</sup></b>	\$183,750.00 <sup>13</sup>	<b>Total # of Disciplined Licensees</b>	1
<b>Application Fee</b>	\$450.00	<b># of States with Board (Including Indiana)</b>	9
<b>Biennial Renewal Fee</b>	\$400.00	<b># of States Not Regulating License</b>	16

1 – From January 2005 to June 2008

2 – From January 2006 to May 2009

3 – From January 2006 to May 2009

### Argument in Support of Recommendation

- **Lack of consumer interest**

There has been little consumer demand for a home inspector license with very few consumer complaints filed since its creation. On average, approximately two (2) administrative complaints are filed each year. The Office of the Attorney General has pursued only seven (7) disciplinary actions against home inspectors since 2005 (2.4 complaints annually), ranking 26<sup>th</sup> out of IPLA's 38 boards and commissions in total number of complaints.

<sup>12</sup> As of September 22, 2009, only 184 of the 756 actively licensed home inspectors had renewed their license by the October 1, 2009 renewal deadline.

<sup>13</sup> Based on 750 biennial renewals and 75 new applicants annually.

- **Lack of professional interest**  
There is a low volume of activity with the license itself as thirty-three (33) licenses have been issued in all of 2009 (27<sup>th</sup> out of 38 boards). The Board only meets twice per year (the statutory minimum, and down from ten meetings in its first year) due to the low volume of activity.
- **Lack of national interest**  
Only a handful of states have a separate home inspector board with sixteen (16) having no regulation. Michigan, Ohio, and Illinois do not have a home inspector board.
- **Cost is a barrier to practice**  
The cost to the practitioner creates an economic barrier to practice. In the first two years of licensure, licensees will pay over \$1,000 to maintain their license, and will pay nearly \$500 or more every bi-annual renewal for insurance, renewal fees, and continuing education.
- **There are viable alternatives**  
There are two main professional associations (the National Association of Home Inspectors and the American Society of Home Inspectors) that provide ethics standards, training, certification, examination, and education to home inspectors. Indiana license law was modeled after the code of conduct for these associations. These associations could easily fill the void from the elimination of state licensure.