

Emergency Rule
LSA Document #19-58(E)

DIGEST

Temporarily adds a list of disqualifying crimes and related provisions, implementing [IC 25-1-1.1-6](#). Statutory authority: [IC 25-1-1.1-6](#). Effective January 30, 2019.

SECTION 1. This document implements [IC 25-1-1.1-6](#) regarding disqualifying criminal history for licensure by the manufactured home installer licensing board, and includes in SECTION 4 of this document an explicit list of crimes that will disqualify an individual from receiving a license.

SECTION 2. An applicant for licensure who has a disqualifying criminal history may still be granted a license based on the criteria stated in [IC 25-1-1.1-6\(f\)](#).

SECTION 3. This document and [IC 25-1-1.1-6](#) do not limit the authority of the manufactured home installer licensing board to issue a license on probation if appropriate under [IC 25-1-11-19](#) or any other applicable statute.

SECTION 4. This SECTION contains the list of disqualifying crimes as follows:

- (1) Adoption deception, as set forth in [IC 35-46-1-9.5](#).
- (2) Agricultural terrorism, as set forth in [IC 35-47-12-2](#).
- (3) Arson, as set forth in [IC 35-43-1-1](#).
- (4) Attempted murder, as set forth in [IC 35-41-5-1](#).
- (5) Battery, neglect, or exploitation of endangered adult or person with mental or physical disability, as set forth in [IC 35-46-1-13](#).
- (6) Burglary as a Level 2 or 3 felony, as set forth in [IC 35-43-2-1](#).
- (7) Burglary, as set forth in [IC 35-43-2-1](#).
- (8) Check deception, as set forth in [IC 35-43-5-5](#).
- (9) Check fraud, as set forth in [IC 35-43-5-12](#).
- (10) Child exploitation as a Level 4 or 5 felony, as set forth in [IC 35-42-4-4\(c\)](#) or [IC 35-42-4-4\(b\)](#).
- (11) Child exploitation, possession of child pornography, as set forth in [IC 35-42-4-4\(b\)\(1\)](#).
- (12) Child molesting, as set forth in [IC 35-42-4-3](#).
- (13) Child seduction, as set forth in [IC 35-42-4-7](#).
- (14) Child solicitation, as set forth in [IC 35-42-4-6](#).
- (15) Corrupt business influence, as set forth in [IC 35-45-6-2](#).
- (16) Counterfeiting, as set forth in [IC 35-43-5-2](#).
- (17) Criminal confinement, as set forth in [IC 35-42-3-3\(a\)](#).
- (18) Criminal deviate conduct, as formerly set forth in [IC 35-42-4-2](#), now repealed.
- (19) Criminal mischief, institution criminal mischief, or controlled substances criminal mischief, as set forth in [IC 35-43-1-2](#).
- (20) Criminal stalking, as set forth in [IC 35-45-10-5](#).
- (21) Criminal trespass, as set forth in [IC 35-43-2-2](#).
- (22) Dealing in a controlled substance by a practitioner, as set forth in [IC 35-48-4-1.5](#).
- (23) Dealing in a counterfeit substance, as set forth in [IC 35-48-4-5](#).
- (24) Dealing in a schedule I, II, or III controlled substance, as set forth in [IC 35-48-4-2](#).
- (25) Dealing in a schedule IV controlled substance, as set forth in [IC 35-48-4-3](#).
- (26) Dealing in a schedule V controlled substance, as set forth in [IC 35-48-4-4](#).
- (27) Dealing in a substance represented to be a controlled substance, as set forth in [IC 35-48-4-4.5](#).
- (28) Dealing in a synthetic drug or synthetic drug lookalike substance, as set forth in [IC 35-48-4-10.5](#).
- (29) Dealing in cocaine or narcotic drug, as set forth in [IC 35-48-4-1](#).
- (30) Dealing in marijuana, hash oil, hashish, or salvia, as set forth in [IC 35-48-4-10](#).
- (31) Dealing in methamphetamine, as set forth in [IC 35-48-4-1.1](#).
- (32) Dealing in paraphernalia, as set forth in [IC 35-48-4-8.5](#).
- (33) Deception, as set forth in [IC 35-43-5-3](#).
- (34) Dumping controlled substance waste, as set forth in [IC 35-48-4-4.1](#).
- (35) Enhanced offenses of home improvement fraud, as set forth in [IC 35-43-6-13](#).
- (36) Enticing or taking a patient away or aiding a patient to escape from the custody of an administrator or superintendent, as set forth in [IC 12-24-17-7](#).

- (37) Exploitation of dependent or endangered adult, financial exploitation of endangered adult, as set forth in [IC 35-46-1-12](#).
- (38) Extraction resistant or conversion resistant ephedrine or pseudoephedrine, as set forth in [IC 35-44.1-2-3](#) [sic, [IC 35-48-4-14.3](#)].
- (39) False document, as set forth in [IC 23-18-12-10](#) [sic, [IC 23-0.5-2-9](#)].
- (40) False government issued ID, as set forth in [IC 35-43-5-2.5](#).
- (41) False identity statement, as set forth in [IC 35-44.1-2-4](#).
- (42) False reporting, false informing, as set forth in [IC 35-44.1-2-8](#) [sic, [IC 35-44.1-2-3](#)].
- (43) Firearm, explosive, or deadly weapon; possession in commercial or chartered aircraft, as set forth in [IC 35-47-6-1](#).
- (44) Fraud on financial institutions, as set forth in [IC 35-43-5-8](#).
- (45) Fraud, as set forth in [IC 35-43-5-4](#).
- (46) Home improvement fraud, as set forth in [IC 35-43-6-12](#).
- (47) Identity deception, as set forth in [IC 35-43-5-3.5](#).
- (48) Impersonation of a public servant, as set forth in [IC 35-44.1-2-6](#).
- (49) Inappropriate communication with a child, as set forth in [IC 35-42-4-13](#).
- (50) Incest, as set forth in [IC 35-46-1-3](#).
- (51) Inhaling toxic vapors, as set forth in [IC 35-46-6-2](#).
- (52) Inmate fraud, as set forth in [IC 35-43-5-20](#).
- (53) Insurance fraud, as set forth in [IC 35-43-5-7.2](#).
- (54) Insurance fraud, insurance application fraud, as set forth in [IC 35-43-5-4.5](#).
- (55) Intentional signing of false document, as set forth in [IC 23-0.5-2-9](#).
- (56) Interfering with drug or alcohol screening test, as set forth in [IC 35-43-5-19](#).
- (57) Kidnapping, as set forth in [IC 35-42-3-2](#).
- (58) Loansharking, as set forth in [IC 35-45-7-2](#).
- (59) Making a false sales document, as set forth in [IC 35-43-5-16](#).
- (60) Manufacture of paraphernalia, as set forth in [IC 35-48-4-8.1](#).
- (61) Manufacturing methamphetamine, as set forth in [IC 35-48-4-1.2](#).
- (62) Medicaid fraud, as set forth in [IC 35-43-5-7.1](#).
- (63) Money laundering, defenses, as set forth in [IC 35-45-15-5](#).
- (64) Murder, as set forth in [IC 35-42-1-1](#).
- (65) Neglect of a dependent, child selling, as set forth in [IC 35-46-1-4](#).
- (66) Neglect, abuse, or maltreatment of a patient in a state institution, as set forth in [IC 12-24-17-3](#).
- (67) Notario publico deception, as set forth in [IC 35-43-5-3.7](#).
- (68) Notary fraud, notarial fraud, as set forth in [IC 35-43-5-23](#).
- (69) Offenses relating to registration labeling and prescription forms, as set forth in [IC 35-48-4-14](#).
- (70) Operating a vehicle while intoxicated causing death, as set forth in [IC 9-30-5-5](#).
- (71) Operating a vehicle while intoxicated causing serious bodily injury, as set forth in [IC 9-30-5-4](#).
- (72) Perjury, as set forth in [IC 35-44.1-2-1](#).
- (73) Pharmacy or NPLeX retailer; sale of ephedrine or pseudoephedrine; maximum purchase amounts; record keeping and electronic transmission of sales to NPLeX, as set forth in [IC 35-48-4-14.7](#).
- (74) Possession of device or substance to interfere with drug or alcohol screening test, as set forth in [IC 35-43-5-18](#).
- (75) Possession of fraudulent sales document manufacturing device, as set forth in [IC 35-43-5-15](#).
- (76) Profiting from adoption, as set forth in [IC 35-46-1-9](#).
- (77) Promotion of human trafficking, sexual trafficking of a minor, human trafficking, as set forth in [IC 35-42-4-4](#) [sic, [IC 35-42-3.5](#)].
- (78) Rape, as set forth in [IC 35-42-4-1](#).
- (79) Reporting or documenting battery, neglect, or exploitation, as set forth in [IC 35-46-1-14](#).
- (80) Residential entry, as set forth in [IC 35-43-2-1.5](#).
- (81) Resisting law enforcement as a felony, as set forth in [IC 35-44.1-3-1](#).
- (82) Robbery as a Level 2 or 3 felony, as set forth in [IC 35-42-5-1](#).
- (83) Robbery, as set forth in [IC 35-42-5-1](#).
- (84) Sex offender Internet offense, as set forth in [IC 35-42-4-12](#).
- (85) Sex offender residency restrictions, as set forth in [IC 35-42-4-11](#).
- (86) Sex offender unmanned aerial vehicle offense, as set forth in [IC 35-42-4-12.5](#).
- (87) Sexual battery, as set forth in [IC 35-42-4-8](#).
- (88) Sexual misconduct with a minor as a Level 1 or 2 felony, as set forth in [IC 35-42-4-9\(a\)\(2\)](#) or [IC 35-42-4-9\(b\)\(2\)](#).
- (89) Sexual misconduct with a minor, as set forth in [IC 35-42-4-9\(a\)](#).

- (90) Stolen valor fraud, as set forth in [IC 35-43-5-22](#).
- (91) Synthetic drug or synthetic drug lookalike substance, as set forth in [IC 35-48-4-11.5](#).
- (92) Synthetic identity deception, as set forth in [IC 35-43-5-3.8](#).
- (93) Tampering with a water supply, poisoning, as set forth in [IC 35-43-1-5](#).
- (94) Terrorism, as set forth in [IC 35-47-12-1](#).
- (95) Terroristic deception, as set forth in [IC 35-43-5-3.6](#).
- (96) Terroristic mischief, as set forth in [IC 35-47-12-3](#).
- (97) Theft, as set forth in [IC 35-43-4-2](#).
- (98) Unauthorized adoption advertising, as set forth in [IC 35-46-1-21](#).
- (99) Unauthorized adoption facilitation, as set forth in [IC 35-46-1-22](#).
- (100) Unlawful employment near children, as set forth in [IC 35-42-4-10](#).
- (101) Unlawful entry of school property by a serious sex offender, as set forth in [IC 35-42-4-14](#).
- (102) Unlawful manufacture, distribution, or possession of counterfeit substance, as set forth in [IC 35-48-4-4.6](#).
- (103) Unlawful possession of a card skimming device, as set forth in [IC 35-43-5-4.3](#).
- (104) Unlawful possession of a firearm by a serious violent felon, as set forth in [IC 35-47-4-5](#).
- (105) Unlawful sale or possession of a transaction manipulation device, as set forth in [IC 35-43-5-4.6](#).
- (106) Unlawful use of "synthetic urine," as set forth in [IC 35-43-5-19.5](#).
- (107) Vicarious sexual gratification, sexual conduct in presence of a minor, as set forth in [IC 35-42-4-5\(a\)](#) and [IC 35-42-4-5\(b\)](#).
- (108) Violation of 25-28.5-1 (unauthorized practice of plumbing) under [IC 25-28.5-1-31](#).
- (109) Violation of civil rights ([IC 35-46-2-1](#)).
- (110) Violation of [IC 25-10-1](#) (unauthorized practice of chiropractic) under [IC 25-10-1-11](#).
- (111) Violation of [IC 25-11-1](#) (violation of the collection agency statute) under [IC 25-11-1-12](#).
- (112) Violation of [IC 25-13-1](#) (unauthorized practice of a dental hygienist) under [IC 25-13-1-3](#).
- (113) Violation of [IC 25-14.3](#) (violation of diabetes educator statute) under [IC 25-14.3-5-1](#).
- (114) Violation of [IC 25-14.5](#) (unauthorized practice of a dietitian) under [IC 25-14.5-7-2](#).
- (115) Violation of [IC 25-14-1](#) (unauthorized practice of dentistry) under [IC 25-14-1-25](#).
- (116) Violation of [IC 25-14-1-25.5](#) (preventing a dentist from following retirement procedures) under [IC 25-14-1-25.5](#).
- (117) Violation of [IC 25-14-4](#) (unlawful referral services for a dentist) under [IC 25-14-4-6](#).
- (118) Violation of [IC 25-16-1](#) (violation of employment services statute) under [IC 25-16-1-18](#).
- (119) Violation of [IC 25-17.3-5](#) (violation of genetic counselors statute) under [IC 25-17.3-5-3](#).
- (120) Violation of [IC 25-17.6-8-2](#) (unauthorized practice of professional geologist) under [IC 25-17.6-8-2](#).
- (121) Violation of [IC 25-2.1-12](#) (unauthorized practice of accounting) under [IC 25-2.1-13-3](#).
- (122) Violation of [IC 25-2.5](#) (unauthorized practice of acupuncture) under [IC 25-2.5-3-4](#).
- (123) Violation of [IC 25-20.7-5-1](#) (unauthorized practice of interior designer) under [IC 25-20.7-5-1](#).
- (124) Violation of [IC 25-20-1](#) (unauthorized practice of hearing aid dealer) under [IC 25-20-1-21](#).
- (125) Violation of [IC 25-21.5-13-2](#) (unauthorized practice of surveying) under [IC 25-21.5-13-2](#).
- (126) Violation of [IC 25-21.5-5-10](#) (making false statements in an application to become a surveyor) under [IC 25-21.5-5-1](#).
- (127) Violation of [IC 25-21.8](#) (unauthorized practice of massage therapy) under [IC 25-21.8-7-1](#).
- (128) Violation of [IC 25-22.5](#) (unauthorized practice of medicine, osteopathic medicine, midwifery, or physician assistant) under [IC 25-22.5-8-1](#) and [IC 25-22.5-8-2](#).
- (129) Violation of [IC 25-23.4](#) (unauthorized practice of direct entry midwife) under [IC 25-23.4-3-7](#).
- (130) Violation of [IC 25-23.5-3](#) (unauthorized practice of occupational therapy) under [IC 25-23.5-3-2](#).
- (131) Violation of [IC 25-23.6](#) (unauthorized use of counselor license) under [IC 25-23.6-11-2](#).
- (132) Violation of [IC 25-23.6-10.1](#) (unauthorized practice of addiction counselor or therapist) under [IC 25-23.6-10.1-6](#).
- (133) Violation of [IC 25-23.6-11-1](#) (unauthorized use of term psychotherapy or clinical psychology) under [IC 25-23.6-11-1](#).
- (134) Violation of [IC 25-23.6-11-3](#) (presenting false information to the marriage and family therapy board to obtain license) under [IC 25-23.6-11-3](#).
- (135) Violation of [IC 25-23.6-3](#) (unauthorized practice of marriage and family therapy) under [IC 25-23.6-3-3](#).
- (136) Violation of [IC 25-23.6-4](#) (unauthorized practice of social work) under [IC 25-23.6-4-4](#).
- (137) Violation of [IC 25-23.6-7-6](#) (providing false information about counselor's educational background) under [IC 25-23.6-7-7](#).
- (138) Violation of [IC 25-23.7-7-5](#) (unauthorized practice of home installing) under [IC 25-23.7-7-5](#).
- (139) Violation of [IC 25-23-1](#) (unauthorized practice of nursing) under [IC 25-23-1-27](#).
- (140) Violation of [IC 25-24-1](#) (unauthorized practice of optometry) under [IC 25-24-1-18](#).

- (141) Violation of [IC 25-26-13-25\(d\)](#) (improper refilling of a prescription) under [IC 25-26-13-25](#).
- (142) Violation of [IC 25-26-13-29\(a\)](#) (unlawful display of pharmacy permit) under [IC 25-26-13-29](#).
- (143) Violation of [IC 25-26-19-9](#) (unauthorized practice of pharmacy technician) under [IC 25-26-19-9](#).
- (144) Violation of [IC 25-26-21](#) (unauthorized providing of home medical equipment) under [IC 25-26-21-11](#).
- (145) Violation of [IC 25-27.5-7](#) (unauthorized practice of physician assistant) under [IC 25-27.5-7-2](#).
- (146) Violation of [IC 25-27-1](#) (unauthorized practice of physical therapy) under [IC 25-27-1-12](#).
- (147) Violation of [IC 25-29](#) (unauthorized practice of podiatry) under [IC 25-29-9-1](#).
- (148) Violation of [IC 25-3.7](#) (unauthorized practice of an anesthesiologist assistant) under [IC 25-3.7-2-2](#).
- (149) Violation of [IC 25-30-1](#) (unauthorized practice of being a private investigator) under [IC 25-30-1-21](#).
- (150) Violation of [IC 25-30-1.3](#) (unauthorized operation of a security agency) under [IC 25-30-1.3-23](#).
- (151) Violation of [IC 25-31.5-8-7](#) (unauthorized practice as a professional soil scientist) under [IC 25-31.5-8-7](#).
- (152) Violation of [IC 25-31-1](#) (unauthorized practice of engineering) under [IC 25-31-1-27](#).
- (153) Violation of [IC 25-31-1-13](#) (making a false statement in an application to become an engineer) under [IC 25-31-1-13](#).
- (154) Violation of [IC 25-33-1-14](#) (unlawful use of title psychologist) under [IC 25-33-1-15](#).
- (155) Violation of [IC 25-34.5-3](#) (unauthorized practice of respiratory care) under [IC 25-34.5-3-2](#).
- (156) Violation of [IC 25-35.6](#) (unauthorized practice of speech pathology and audiology) under [IC 25-35.6-3-10](#).
- (157) Violation of [IC 25-36.1-2](#) (violation of certified surgical technologist statute) under [IC 25-36.1-2-3](#).
- (158) Violation of [IC 25-36.5-1-10](#) (unauthorized practice of timber buying or timber buying agent) under [IC 25-36.5-1-10](#) and [IC 25-36.5-1-15](#).
- (159) Violation of [IC 25-38.1](#) (unauthorized practice of veterinary medicine) under [IC 25-38.1-4-10](#).
- (160) Violation of [IC 25-38.1](#) (unauthorized practice of veterinary technician) under [IC 25-38.1-4-11](#).
- (161) Violation of [IC 25-39-5](#) (unlawful drilling and well installation) under [IC 25-39-5-1](#), [IC 25-39-5-2](#), [IC 25-39-5-3](#), [IC 25-39-5-4](#), [IC 25-39-5-5](#), [IC 25-39-5-6](#), and [IC 25-39-5-7](#).
- (162) Violation of [IC 25-41-1-1](#) (unauthorized practice of behavior analyst) under [IC 25-41-1-2](#).
- (163) Violation of [IC 25-5.1-4-1](#) (unauthorized practice of athletic trainer) under [IC 25-5.1-4-2](#).
- (164) Violation of [IC 25-5.2-2-12](#) (an athletic agent providing false information to an athlete) under [IC 25-5.2-2-12](#).
- (165) Violation of [IC 25-6.1-7-1](#) (unauthorized practice of auctioneering) under [IC 25-6.1-7-1](#).
- (166) Violation of [IC 25-6.1-7-2](#) (violation of auctioneering statute) under [IC 25-6.1-7-2](#).
- (167) Violation of [IC 25-8-15.4](#) (unauthorized operation of a tanning facility) under [IC 25-8-15.4-25](#).
- (168) Voluntary manslaughter, as set forth in [IC 35-42-1-4](#) [*sic*, [IC 35-42-1-3](#)].
- (169) Welfare fraud, as set forth in [IC 35-43-5-7](#).
- (170) Worker's compensation fraud, as set forth in [IC 35-43-5-21](#).

SECTION 5. A crime in any other jurisdiction for which the elements of the crime for which conviction was entered are substantially similar to the elements of a crime included on the list in SECTION 4 of this document shall also be a crime that will disqualify an individual from receiving a license and therefore included on the list.

SECTION 6. The fee for a petition under [IC 25-1-1.1-6\(h\)](#) for a determination as to whether the individual's misdemeanor or felony conviction will disqualify the individual from receiving a license or certification shall be twenty-five dollars (\$25).

SECTION 7. SECTIONS 1 through 6 of this document take effect January 30, 2019.

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