

David,

You might inquire how other professions in the state are able to satisfactorily comply with continuing education requirements with online classes through the Indiana Professional Licensing Agency. I would encourage you to find a way to allow these classes to be completed online in a much less burdensome way for those with a license that are wanting to renew their license and need CE hours. This can be dealt with legislatively, but should not be necessary.

Mark Messmer  
State Senator district 48

**From:** Dawna Smith [<mailto:Dawna.Smith@iga.in.gov>]  
**Sent:** Tuesday, September 13, 2016 3:54 PM  
**To:** 'Mark Messmer'  
**Subject:** FW: Senator Mark Messmer/Home termite inspector license questions

**From:** Scott, David E [<mailto:scottde@purdue.edu>]  
**Sent:** Tuesday, September 13, 2016 3:40 PM  
**To:** Dawna Smith  
**Cc:** Waltz, Robert D; Reed, Leo A; George Saxton; Groves, Delvin Brett; Whitford, Fred .  
**Subject:** RE: Senator Mark Messmer/Home termite inspector license questions

Dear Ms. Smith,

Responses to your inquiries have been provided below. Please let me know if you have any additional questions.

**From:** Mark Messmer [<mailto:mark795@psi.net>]  
**Sent:** Tuesday, September 13, 2016 8:27 AM  
**To:** Dawna Smith  
**Subject:** FW: Messmer/Home inspector license question

Who gives the State Chemist the authority to make the rules on termite inspectors unilaterally? Is it granted by IPLA? Is it state law? The State Chemist is not allowing any continuing education classes to be completed online. All must be done in person with limited availability.  
Mark

IC 15-16-5-49 creates the licensing requirement for commercial for-hire wood destroying pest inspectors. IC 15-16-5-45 gives the state chemist rulemaking authority for setting standards for licensing for inspectors. These provisions have been part of IC 15-16-5 (formerly IC 15-3-3.6) since 1996.

The requirements for certification standards for wood destroying pest inspectors are provided in 355 IAC 4-1-3. The requirements for continuing education of pest inspectors (apparently a primary point of contention) are provided in 355 IAC 4-7. This rule was finalized in May 2009. It formalized through the formal public rulemaking procedure, continuing education requirements that prior to that time had been established by agency policy only.

355 IAC 4-7-4 establishes the criteria that the state chemist must follow in approving continuing education programs for credit. To the issue of approving on-line training for continuing education credit, 355 IAC 4-7-4(d)(7) requires that training provider “must have an effective mechanism for the person responsible for the training to verify participation of the certified applicator or registered technician from the start to the conclusion of the CCH event.” Up to this point, the provisions in 355 IAC 4-7-4(d)(7) has been a sticking point. No on-line training provider has provided a mechanism to insure who was being trained on-line and how they verified start to finish participation of the trainee. However, that very question has been raised before the Indiana Pesticide Review Board (IC 15-16-4-42) at their 8-18-16 meeting and will be discussed again at their 11-30-16 meeting.

**From:** Mark Messmer [<mailto:mark795@psci.net>]

**Sent:** Wednesday, September 07, 2016 10:30 AM

**To:** Dawna Smith

**Subject:** Home inspector license question

Dawna,

I had a person stop in my office today and ask about a seemingly over restrictive rule for home inspectors that also get a wood destroying insect license (termites). He retired two years ago because the rules for renewing his license were excessively burdensome. It is possible there has been a change in the past year, but I would like some clarification on current license requirements in this area.

What he said the requirements were then, **1)** was a requirement for 10 hours of continuing education every five years, raised up from 5 hours on his previous renewal. **If the continuing education requirement for inspectors was ever as low as 5 hours over 5 years, it was before 2009.** **2)** The State Chemist controlled the classes that were approved for CE hours and did not allow any CE hours to be completed online. **See explanation above.** **3)** There were no approved classes south of Indianapolis. A typical scenario would be a class in Kentucky or Ohio that **Not true. Qualified training programs were approved wherever program sponsors determined to hold them Many were held in the Indianapolis area.** **4)** required him to sit in an 8 hour class and only qualify for 1 hour of CE credit. **Not true. If only one hour of inspector credit was applicable for a training program, that is the only attendance hour required.** He also said there is a **5)** requirement for him to have a license for him as an individual, as well as a license for his company, even if he is the only employee of the company. **True. The Business license covers the for-hire recognition of the business to operate in the state with one or with many qualified employees. The individual inspector license speaks to the qualifications of the individual to perform the regulated activities. That regulatory structure has been in place since 1996.**

Please see what you can find out on the **6)** current licensing requirement for home inspectors with an additional termite inspector designation.

Mark Messmer