

February 18, 1998

ENGROSSED SENATE BILL No. 212

DIGEST OF SB 212 (Updated February 17, 1998 1:31 pm - DI 77)

Citations Affected: IC 4-7; IC 25-1; IC 25-22.5; IC 25-23; IC 25-23.6; IC 36-2.

Synopsis: Various health matters. Provides that cloning a human being is against the public policy of Indiana. Prohibits the auditor of state and each county auditor from releasing or transferring funds to any person that performs research regarding or an activity facilitating the cloning or attempted cloning of a human being. Provides that this prohibition is retroactive to the date on which the prohibited activity began and ends two years after the person stops performing the prohibited activity. Subjects certain health care practitioners to disciplinary sanctions if the practitioner continues to practice the practitioner's profession although the practitioner has become unfit to practice due to professional incompetence that includes the undertaking of activities that the practitioner is not qualified by training or experience to undertake. Removes a provision that makes it a Class D felony to practice midwifery without a license issued under the article governing
(Continued next page)

Effective: See text of bill.

Miller, Sipes

(HOUSE SPONSOR — C. BROWN)

January 6, 1998, read first time and referred to Committee on Health and Environmental Affairs.

January 15, 1998, amended, reported favorably — Do Pass.

January 20, 1998, read second time, ordered engrossed. Engrossed.

January 26, 1998, read third time, passed. Yeas 48, nays 1.

HOUSE ACTION

January 29, 1998, read first time and referred to Committee on Public Health.

February 17, 1998, amended, reported — Do Pass.

ES 212—LS 6937/DI 93+



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Digest Continued

the licensing of physicians. Authorizes the Indiana state board of nursing to license by endorsement an applicant who has completed and achieved a passing score on the English version of the Canadian Nurse Association Testing Service Examination, is currently licensed as a registered nurse in a Canadian province or another state, and meets all other requirements for receiving a license to practice as a registered nurse under Indiana law. Establishes continuing education requirements for advanced practice nurses to renew their authority to prescribe legend drugs. Provides that an individual who is certified by an organization that is affiliated with the National Association of Alcoholism and Drug Abuse Counselors or the International Certification and Reciprocity Consortium - Alcohol and Other Drug Abuse, Inc., as a drug abuse counselor, an alcoholism counselor, or a drug abuse and alcoholism counselor and who is eligible to act as a drug abuse counselor, an alcoholism counselor, or a drug abuse and alcoholism counselor in a program approved by the division of mental health is subject to the same standards of practice and investigation procedures that govern a licensed mental health counselor. Provides for a Class A infraction for a certified counselor to counsel or practice hypnotism to recover an alleged memory of child abuse. Establishes the drug abuse and alcoholism advisory committee.

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February 18, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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ENGROSSED SENATE BILL No. 212

A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

- 1 SECTION 1. IC 4-7-1-18 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 18. (a) This section applies to a person that**
4 **receives or is entitled to receive state funds or federal funds that**
5 **are controlled by the state.**
6 **(b) As used in this section, "cloning" means the growing or**
7 **creation of a human being from a single cell or cells of a genetically**
8 **identical human being through asexual reproduction. The term**
9 **does not include the following:**
10 **(1) A treatment or procedure to enhance human reproductive**
11 **capability through the manipulation of human oocytes or**
12 **embryos, including the following:**
13 **(A) In vitro fertilization.**
14 **(B) Gamete intrafallopian transfer.**

ES 212—LS 6937/DI 93+



- 1 **(C) Zygote intrafallopian transfer.**
 2 **(2) Biomedical research to develop cells, tissues, and organs**
 3 **that does not involve growing or creating an entire human**
 4 **being.**
 5 **(c) Cloning is against the public policy of Indiana.**
 6 **(d) The auditor of state may not draw warrants on the treasurer**
 7 **of state or authorize disbursement through electronic funds**
 8 **transfer in conformity with IC 4-8.1-2-7 to a person that performs:**
 9 **(1) research regarding; or**
 10 **(2) an activity facilitating;**
 11 **the cloning or attempted cloning of a human being.**
 12 **(e) The prohibition under subsection (d):**
 13 **(1) is retroactive to the date on which an activity described in**
 14 **subsection (d)(1) or (d)(2) began; and**
 15 **(2) ends two (2) years after the date the entity no longer**
 16 **performs an activity described in subsection (d)(1) or (d)(2).**
 17 SECTION 2. IC 25-1-7-1, AS AMENDED BY P.L.147-1997,
 18 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 1998]: Sec. 1. As used in this chapter:
 20 "Board" means the appropriate agency listed in the definition of
 21 regulated occupation in this section.
 22 "Director" refers to the director of the division of consumer
 23 protection.
 24 "Division" refers to the division of consumer protection, office of
 25 the attorney general.
 26 "Licensee" means a person who is:
 27 (1) licensed, certified, or registered by a board listed in this
 28 section **or certified under IC 25-23.6-12**; and
 29 (2) the subject of a complaint filed with the division.
 30 "Person" means an individual, a partnership, a limited liability
 31 company, or a corporation.
 32 "Regulated occupation" means an occupation in which a person is
 33 licensed, certified, or registered by one (1) of the following:
 34 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 35 (2) Board of registration for architects (IC 25-4-1-2).
 36 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
 37 (4) State board of barber examiners (IC 25-7-5-1).
 38 (5) State boxing commission (IC 25-9-1).
 39 (6) Board of chiropractic examiners (IC 25-10-1).
 40 (7) State board of cosmetology examiners (IC 25-8-3-1).
 41 (8) State board of dental examiners (IC 25-14-1).
 42 (9) State board of funeral and cemetery service (IC 25-15-9).



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- 1 (10) State board of registration for professional engineers
2 (IC 25-31-1-3).
3 (11) Indiana state board of health facility administrators
4 (IC 25-19-1).
5 (12) Medical licensing board of Indiana (IC 25-22.5-2).
6 (13) Indiana state board of nursing (IC 25-23-1).
7 (14) Indiana optometry board (IC 25-24).
8 (15) Indiana board of pharmacy (IC 25-26).
9 (16) Indiana plumbing commission (IC 25-28.5-1-3).
10 (17) Board of podiatric medicine (IC 25-29-2-1).
11 (18) Board of environmental health specialists (IC 25-32-1).
12 (19) State psychology board (IC 25-33).
13 (20) Speech-language pathology and audiology board
14 (IC 25-35.6-2).
15 (21) Indiana real estate commission (IC 25-34.1-2).
16 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
17 (23) Department of natural resources for purposes of licensing
18 water well drillers under IC 25-39-3.
19 (24) Respiratory care committee (IC 25-34.5).
20 (25) Private detectives licensing board (IC 25-30-1-5.1).
21 (26) Occupational therapy committee (IC 25-23.5).
22 (27) Social worker, marriage and family therapist, and mental
23 health counselor board (IC 25-23.6).
24 (28) Real estate appraiser licensure and certification board
25 (IC 25-34.1-8).
26 (29) State board of registration for land surveyors
27 (IC 25-21.5-2-1).
28 (30) Physician assistant committee (IC 25-27.5).
29 (31) Indiana athletic trainers certification board (IC 25-5.1-2-1).
30 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
31 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
32 (34) Any other occupational or professional agency created after
33 June 30, 1981.

34 SECTION 3. IC 25-1-9-4, AS AMENDED BY P.L.149-1997,
35 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 1998]: Sec. 4. (a) A practitioner shall conduct the
37 practitioner's practice in accordance with the standards established by
38 the board regulating the profession in question and is subject to the
39 exercise of the disciplinary sanctions under section 9 of this chapter if,
40 after a hearing, the board finds:

- 41 (1) a practitioner has:
42 (A) engaged in or knowingly cooperated in fraud or material



- 1 deception in order to obtain a license to practice;
 2 (B) engaged in fraud or material deception in the course of
 3 professional services or activities; or
 4 (C) advertised services in a false or misleading manner;
 5 (2) a practitioner has been convicted of a crime that has a direct
 6 bearing on the practitioner's ability to continue to practice
 7 competently;
 8 (3) a practitioner has knowingly violated any state statute or rule,
 9 or federal statute or regulation, regulating the profession in
 10 question;
 11 (4) a practitioner has continued to practice although the
 12 practitioner has become unfit to practice due to:
 13 (A) professional incompetence: ~~that~~
 14 (i) ~~includes~~ **including** the undertaking of professional
 15 activities that the practitioner is not qualified by training or
 16 experience to undertake; and
 17 (ii) ~~does not include~~ **including** activities performed under
 18 IC 16-21-2-9;
 19 (B) failure to keep abreast of current professional theory or
 20 practice;
 21 (C) physical or mental disability; or
 22 (D) addiction to, abuse of, or severe dependency upon alcohol
 23 or other drugs that endanger the public by impairing a
 24 practitioner's ability to practice safely;
 25 (5) a practitioner has engaged in a course of lewd or immoral
 26 conduct in connection with the delivery of services to the public;
 27 (6) a practitioner has allowed the practitioner's name or a license
 28 issued under this chapter to be used in connection with an
 29 individual who renders services beyond the scope of that
 30 individual's training, experience, or competence;
 31 (7) a practitioner has had disciplinary action taken against the
 32 practitioner or the practitioner's license to practice in any other
 33 state or jurisdiction on grounds similar to those under this
 34 chapter;
 35 (8) a practitioner has diverted:
 36 (A) a legend drug (as defined in IC 16-18-2-199); or
 37 (B) any other drug or device issued under a drug order (as
 38 defined in IC 16-42-19-3) for another person; or
 39 (9) a practitioner, except as otherwise provided by law, has
 40 knowingly prescribed, sold, or administered any drug classified
 41 as a narcotic, addicting, or dangerous drug to a habitue or addict.
 42 (b) A certified copy of the record of disciplinary action is conclusive



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1 evidence of the other jurisdiction's disciplinary action under subsection
2 (a)(7).

3 SECTION 4. IC 25-22.5-8-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) A person who
5 violates this article by unlawfully practicing medicine or osteopathic
6 medicine commits a Class C felony.

7 ~~(b) A person who practices midwifery without the license required~~
8 ~~under this article commits a Class D felony.~~

9 ~~(c)~~ A person who acts as a physician's assistant without registering
10 with the board as required under this article commits a Class D felony.

11 SECTION 5. IC 25-23-1-11, AS AMENDED BY P.L.181-1996,
12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 UPON PASSAGE]: Sec. 11. (a) Any person who applies to the board
14 for a license to practice as a registered nurse must:

15 (1) not have:

16 (A) been convicted of a crime that has a direct bearing on the
17 person's ability to practice competently; or

18 (B) committed an act that would constitute a ground for a
19 disciplinary sanction under IC 25-1-9;

20 (2) have completed:

21 (A) the prescribed curriculum and met the graduation
22 requirements of a state accredited program of registered
23 nursing that only accepts students who have a high school
24 diploma or its equivalent as determined by the board; or

25 (B) the prescribed curriculum and graduation requirements of
26 a nursing education program in a foreign country that is
27 substantially equivalent to a board approved program as
28 determined by the board. The board may by rule adopted under
29 IC 4-22-2 require an applicant under this subsection to
30 successfully complete an examination approved by the board
31 to measure the applicant's qualifications and background in the
32 practice of nursing and proficiency in the English language;
33 and

34 (3) be physically and mentally capable of and professionally
35 competent to safely engage in the practice of nursing as
36 determined by the board.

37 The board may not require a person to have a baccalaureate degree in
38 nursing as a prerequisite for licensure.

39 (b) The applicant must pass an examination in such subjects as the
40 board may determine.

41 (c) The board may issue by endorsement a license to practice as a
42 registered nurse to an applicant who has been licensed as a registered

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1 nurse, by examination, under the laws of another state if the applicant
 2 presents proof satisfactory to the board that, at the time that the
 3 applicant applies for an Indiana license by endorsement, the applicant
 4 **holds a current license in another state and** possesses credentials
 5 and qualifications that are substantially equivalent to requirements in
 6 Indiana for licensure by examination. The board may specify by rule
 7 what constitutes substantial equivalence under this subsection.

8 **(d) An applicant who:**

9 **(1) has completed the English version of the Canadian Nurse**
 10 **Association Testing Service Examination;**

11 **(2) achieved the passing score required on the examination at**
 12 **the time the examination was taken;**

13 **(3) is currently licensed in a Canadian province or another**
 14 **state; and**

15 **(4) meets the other requirements under this section;**

16 **may be licensed by endorsement.**

17 ~~(d)~~ (e) Each applicant for examination and registration to practice
 18 as a registered nurse shall pay a fee set by the board. The board may set
 19 a proctoring fee to be paid by applicants who are graduates of a state
 20 accredited school in another state. Payment of the fee or fees shall be
 21 made by the applicant prior to the date of examination.

22 ~~(e)~~ (f) Any person who holds a license to practice as a registered
 23 nurse in Indiana may use the title "Registered Nurse" and the
 24 abbreviation "R.N.". No other person shall practice or advertise as or
 25 assume the title of registered nurse or use the abbreviation of "R.N." or
 26 any other words, letters, signs, or figures to indicate that the person
 27 using same is a registered nurse.

28 ~~(f)~~ (g) Any person holding a license or certificate of registration to
 29 practice nursing as a registered nurse issued by the board which is valid
 30 on December 1, 1971, shall be considered to be licensed as a registered
 31 nurse under this chapter.

32 SECTION 6. IC 25-23-1-19.5 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 19.5. (a) The board
 34 shall establish a program under which advanced practice nurses who
 35 meet the requirements established by the board are authorized to
 36 prescribe legend drugs, including controlled substances (as defined in
 37 IC 35-48-1).

38 (b) The authority granted by the board under this section:

39 (1) shall be granted initially to an advanced practice nurse for two

40 (2) years; and

41 (2) is subject to renewal indefinitely for successive periods of two

42 (2) years.

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1 (c) The rules adopted under section 7 of this chapter concerning the
 2 authority of advanced practice nurses to prescribe legend drugs must
 3 do the following:

4 (1) Require an advanced practice nurse or a prospective advanced
 5 practice nurse who seeks the authority to submit an application to
 6 the board.

7 (2) Require, as a prerequisite to the initial granting of the
 8 authority, the successful completion by the applicant of a graduate
 9 level course in pharmacology providing at least two (2) semester
 10 hours of academic credit.

11 (3) Require, as a condition of the renewal of the authority, the
 12 completion by the advanced practice nurse ~~during the two (2)~~
 13 ~~years immediately preceding the renewal of the authority of at~~
 14 ~~least thirty (30) hours of continuing education; at least (8) hours~~
 15 ~~of which must be in pharmacology; of the following continuing~~
 16 ~~education requirements:~~

17 (A) **An applicant for renewal who initially received**
 18 **prescriptive authority less than twelve (12) months before**
 19 **the expiration date of the prescriptive authority is not**
 20 **required to complete a continuing education requirement**
 21 **before the renewal.**

22 (B) **An applicant for renewal who initially received**
 23 **prescriptive authority at least twelve (12) months but less**
 24 **than twenty-four (24) months before the expiration date of**
 25 **the prescriptive authority shall submit proof to the board**
 26 **that the applicant has successfully completed at least**
 27 **fifteen (15) contact hours of continuing education. The**
 28 **hours must:**

29 (i) **be obtained after the date the applicant initially**
 30 **received prescriptive authority but before the expiration**
 31 **date of the prescriptive authority;**

32 (ii) **include at least four (4) contact hours of**
 33 **pharmacology; and**

34 (iii) **be approved by a nationally approved sponsor of**
 35 **continuing education for nurses, approved by the board,**
 36 **and listed by the health professions bureau as approved**
 37 **hours.**

38 (C) **An applicant for renewal who initially received**
 39 **prescriptive authority at least twenty-four (24) months**
 40 **before the expiration date of the prescriptive authority**
 41 **shall submit proof to the board that the applicant has**
 42 **successfully completed at least thirty (30) contact hours of**



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1 continuing education. The hours must:

- 2 (i) be obtained within the two (2) years immediately
 3 preceding the renewal;
 4 (ii) include at least eight (8) contact hours of
 5 pharmacology; and
 6 (iii) be approved by a nationally approved sponsor of
 7 continuing education for nurses, approved by the board,
 8 and listed by the health professions bureau as approved
 9 hours.

10 SECTION 7. IC 25-23.6-12 IS ADDED TO THE INDIANA CODE
 11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 12 JANUARY 1, 1999]:

13 **Chapter 12. Certification by Organization Affiliated with a**
 14 **National Association**

15 **Sec. 1. (a) An individual who is:**

- 16 (1) certified by an organization that is affiliated with the
 17 National Association of Alcoholism and Drug Abuse
 18 Counselors or the International Certification and Reciprocity
 19 Consortium - Alcohol and Other Drug Abuse, Inc., as a drug
 20 abuse counselor, an alcoholism counselor, or a drug abuse and
 21 alcoholism counselor; and
 22 (2) eligible to act as a drug abuse counselor, an alcoholism
 23 counselor, or a drug abuse and alcoholism counselor in a
 24 program approved by the division of mental health;

25 is subject to the same standards of practice and investigation
 26 procedures that govern a mental health counselor licensed under
 27 this article.

28 (b) The board shall investigate and prosecute a complaint
 29 against an individual described in subsection (a) in the same
 30 manner as a licensed mental health counselor.

31 (c) If the board determines after a hearing that an individual
 32 described in subsection (a) should be disciplined, the board shall
 33 submit its findings and recommendations within thirty (30) days to
 34 the organization affiliated with the National Association of
 35 Alcoholism and Drug Abuse Counselors or the International
 36 Certification and Reciprocity Consortium - Alcohol and Other
 37 Drug Abuse, Inc., that certified the individual.

38 **Sec. 2. (a) Each organization that is affiliated with the National**
 39 **Association of Alcoholism and Drug Abuse Counselors or the**
 40 **International Certification and Reciprocity Consortium - Alcohol**
 41 **and Other Drug Abuse, Inc., as a drug abuse counselor, an**
 42 **alcoholism counselor, or a drug abuse and alcoholism counselor**



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1 must provide the bureau with a list of names and addresses of
 2 individuals who are certified by the organization and who reside in
 3 the state.

4 (b) The bureau shall maintain a registry containing the names
 5 and addresses of individuals reported under subsection (a) and
 6 individuals licensed under this article.

7 **Sec. 3. An individual who is certified by an organization that is**
 8 **affiliated with the National Association of Alcoholism and Drug**
 9 **Abuse Counselors or the International Certification and**
 10 **Reciprocity Consortium - Alcohol and Other Drug Abuse, Inc., as**
 11 **a drug abuse counselor, an alcoholism counselor, or a drug abuse**
 12 **and alcoholism counselor may not practice counseling or**
 13 **hypnotism to recover an alleged memory of child abuse or other**
 14 **similar condition.**

15 **Sec. 4. (a) The drug abuse and alcoholism advisory committee**
 16 **is established.**

17 (b) The committee consists of three (3) drug abuse and
 18 alcoholism counselors described in section 1(a) of this chapter who
 19 are appointed and serve at the will of the director of the bureau.
 20 Not more than two (2) of the committee members may be from the
 21 same political party.

22 (c) The committee shall:

- 23 (1) assist the board in developing rules for the administration
 24 of this chapter; and
 25 (2) perform duties assigned by the board.

26 **Sec. 5. A person who violates this chapter commits a Class A**
 27 **infraction.**

28 SECTION 8. IC 36-2-9-20 IS ADDED TO THE INDIANA CODE
 29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: **Sec. 20. (a) This section applies to a person that**
 31 **receives or is entitled to receive funds controlled by the county.**

32 (b) As used in this section, "cloning" means the growing or
 33 creation of a human being from a single cell or cells of a genetically
 34 identical human being through asexual reproduction. The term
 35 does not include the following:

- 36 (1) A treatment or procedure to enhance human reproductive
 37 capability through the manipulation of human oocytes or
 38 embryos, including the following:
 39 (A) In vitro fertilization.
 40 (B) Gamete intrafallopian transfer.
 41 (C) Zygote intrafallopian transfer.
 42 (2) Biomedical research to develop cells, tissues, and organs



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1 that does not involve growing or creating an entire human
2 being.
3 (c) Cloning is against the public policy of Indiana.
4 (d) The county auditor may not draw warrants on the county
5 treasurer on behalf of a person that performs:
6 (1) research regarding; or
7 (2) an activity facilitating;
8 the cloning or attempted cloning of a human being.
9 (e) The prohibition under subsection (d):
10 (1) is retroactive to the date on which an activity described in
11 subsection (d)(1) or (d)(2) began; and
12 (2) ends two (2) years after the date the entity no longer
13 performs an activity described in subsection (d)(1) or (d)(2).
14 SECTION 9. An emergency is declared for this act.

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SENATE MOTION

Mr. President: I move that Senator Sipes be added as second author of Senate Bill 212.

MILLER

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Environmental Affairs, to which was referred Senate Bill 212, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 5, delete ";" and insert ":".

Page 2, line 5, delete ":".

Page 2, reset in roman lines 6 through 10.

Page 2, line 6, strike "includes" and insert "**including**".

Page 2, line 9, strike "does".

Page 2, line 9, strike "include" and insert "**including**".

Page 2, line 13, reset in roman "or".

Page 2, line 16, delete "or".

Page 2, delete lines 17 through 25.

Page 3, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 2. IC 25-22.5-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) A person who violates this article by unlawfully practicing medicine or osteopathic medicine commits a Class C felony.

(b) ~~A person who practices midwifery without the license required under this article commits a Class D felony.~~

(~~c~~) A person who acts as a physician's assistant without registering with the board as required under this article commits a Class D felony."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 212 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 212, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-7-1-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18. (a) This section applies to a person that receives or is entitled to receive state funds or federal funds that are controlled by the state.**

(b) As used in this section, "cloning" means the growing or creation of a human being from a single cell or cells of a genetically identical human being through asexual reproduction. The term does not include the following:

(1) A treatment or procedure to enhance human reproductive capability through the manipulation of human oocytes or embryos, including the following:

(A) In vitro fertilization.

(B) Gamete intrafallopian transfer.

(C) Zygote intrafallopian transfer.

(2) Biomedical research to develop cells, tissues, and organs that does not involve growing or creating an entire human being.

(c) Cloning is against the public policy of Indiana.

(d) The auditor of state may not draw warrants on the treasurer of state or authorize disbursement through electronic funds transfer in conformity with IC 4-8.1-2-7 to a person that performs:

(1) research regarding; or

(2) an activity facilitating;

the cloning or attempted cloning of a human being.

(e) The prohibition under subsection (d):

(1) is retroactive to the date on which an activity described in subsection (d)(1) or (d)(2) began; and

(2) ends two (2) years after the date the entity no longer performs an activity described in subsection (d)(1) or (d)(2).

SECTION 2. IC 25-1-7-1, AS AMENDED BY P.L.147-1997, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



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JULY 1, 1998]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section **or certified under IC 25-23.6-12**; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dental examiners (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.



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- (24) Respiratory care committee (IC 25-34.5).
- (25) Private detectives licensing board (IC 25-30-1-5.1).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers certification board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Any other occupational or professional agency created after June 30, 1981."

Page 3, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 5. IC 25-23-1-11, AS AMENDED BY P.L.181-1996, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Any person who applies to the board for a license to practice as a registered nurse must:

- (1) not have:
 - (A) been convicted of a crime that has a direct bearing on the person's ability to practice competently; or
 - (B) committed an act that would constitute a ground for a disciplinary sanction under IC 25-1-9;
- (2) have completed:
 - (A) the prescribed curriculum and met the graduation requirements of a state accredited program of registered nursing that only accepts students who have a high school diploma or its equivalent as determined by the board; or
 - (B) the prescribed curriculum and graduation requirements of a nursing education program in a foreign country that is substantially equivalent to a board approved program as determined by the board. The board may by rule adopted under IC 4-22-2 require an applicant under this subsection to successfully complete an examination approved by the board to measure the applicant's qualifications and background in the practice of nursing and proficiency in the English language; and
- (3) be physically and mentally capable of and professionally competent to safely engage in the practice of nursing as determined by the board.

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The board may not require a person to have a baccalaureate degree in nursing as a prerequisite for licensure.

(b) The applicant must pass an examination in such subjects as the board may determine.

(c) The board may issue by endorsement a license to practice as a registered nurse to an applicant who has been licensed as a registered nurse, by examination, under the laws of another state if the applicant presents proof satisfactory to the board that, at the time that the applicant applies for an Indiana license by endorsement, the applicant **holds a current license in another state and** possesses credentials and qualifications that are substantially equivalent to requirements in Indiana for licensure by examination. The board may specify by rule what constitutes substantial equivalence under this subsection.

(d) An applicant who:

(1) has completed the English version of the Canadian Nurse Association Testing Service Examination;

(2) achieved the passing score required on the examination at the time the examination was taken;

(3) is currently licensed in a Canadian province or another state; and

(4) meets the other requirements under this section;

may be licensed by endorsement.

(d) (e) Each applicant for examination and registration to practice as a registered nurse shall pay a fee set by the board. The board may set a proctoring fee to be paid by applicants who are graduates of a state accredited school in another state. Payment of the fee or fees shall be made by the applicant prior to the date of examination.

(e) (f) Any person who holds a license to practice as a registered nurse in Indiana may use the title "Registered Nurse" and the abbreviation "R.N.". No other person shall practice or advertise as or assume the title of registered nurse or use the abbreviation of "R.N." or any other words, letters, signs, or figures to indicate that the person using same is a registered nurse.

(f) (g) Any person holding a license or certificate of registration to practice nursing as a registered nurse issued by the board which is valid on December 1, 1971, shall be considered to be licensed as a registered nurse under this chapter."

Page 4, after line 22, begin a new paragraph and insert:

"SECTION 7. IC 25-23.6-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999]:

Chapter 12. Certification by Organization Affiliated with a



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National Association**Sec. 1. (a) An individual who is:**

(1) certified by an organization that is affiliated with the National Association of Alcoholism and Drug Abuse Counselors or the International Certification and Reciprocity Consortium - Alcohol and Other Drug Abuse, Inc., as a drug abuse counselor, an alcoholism counselor, or a drug abuse and alcoholism counselor; and

(2) eligible to act as a drug abuse counselor, an alcoholism counselor, or a drug abuse and alcoholism counselor in a program approved by the division of mental health;

is subject to the same standards of practice and investigation procedures that govern a mental health counselor licensed under this article.

(b) The board shall investigate and prosecute a complaint against an individual described in subsection (a) in the same manner as a licensed mental health counselor.

(c) If the board determines after a hearing that an individual described in subsection (a) should be disciplined, the board shall submit its findings and recommendations within thirty (30) days to the organization affiliated with the National Association of Alcoholism and Drug Abuse Counselors or the International Certification and Reciprocity Consortium - Alcohol and Other Drug Abuse, Inc., that certified the individual.

Sec. 2. (a) Each organization that is affiliated with the National Association of Alcoholism and Drug Abuse Counselors or the International Certification and Reciprocity Consortium - Alcohol and Other Drug Abuse, Inc., as a drug abuse counselor, an alcoholism counselor, or a drug abuse and alcoholism counselor must provide the bureau with a list of names and addresses of individuals who are certified by the organization and who reside in the state.

(b) The bureau shall maintain a registry containing the names and addresses of individuals reported under subsection (a) and individuals licensed under this article.

Sec. 3. An individual who is certified by an organization that is affiliated with the National Association of Alcoholism and Drug Abuse Counselors or the International Certification and Reciprocity Consortium - Alcohol and Other Drug Abuse, Inc., as a drug abuse counselor, an alcoholism counselor, or a drug abuse and alcoholism counselor may not practice counseling or hypnosis to recover an alleged memory of child abuse or other

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similar condition.

Sec. 4. (a) The drug abuse and alcoholism advisory committee is established.

(b) The committee consists of three (3) drug abuse and alcoholism counselors described in section 1(a) of this chapter who are appointed and serve at the will of the director of the bureau. Not more than two (2) of the committee members may be from the same political party.

(c) The committee shall:

- (1)** assist the board in developing rules for the administration of this chapter; and
- (2)** perform duties assigned by the board.

Sec. 5. A person who violates this chapter commits a Class A infraction.

SECTION 8. IC 36-2-9-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20. (a)** This section applies to a person that receives or is entitled to receive funds controlled by the county.

(b) As used in this section, "cloning" means the growing or creation of a human being from a single cell or cells of a genetically identical human being through asexual reproduction. The term does not include the following:

- (1)** A treatment or procedure to enhance human reproductive capability through the manipulation of human oocytes or embryos, including the following:
 - (A)** In vitro fertilization.
 - (B)** Gamete intrafallopian transfer.
 - (C)** Zygote intrafallopian transfer.

(2) Biomedical research to develop cells, tissues, and organs that does not involve growing or creating an entire human being.

(c) Cloning is against the public policy of Indiana.

(d) The county auditor may not draw warrants on the county treasurer on behalf of a person that performs:

- (1)** research regarding; or
- (2)** an activity facilitating;

the cloning or attempted cloning of a human being.

(e) The prohibition under subsection (d):

- (1)** is retroactive to the date on which an activity described in subsection (d)(1) or (d)(2) began; and
- (2)** ends two (2) years after the date the entity no longer performs an activity described in subsection (d)(1) or (d)(2).



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SECTION 9. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 212 as printed January 16, 1998.)

GULLING, Chair

Committee Vote: yeas 12, nays 0.

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