

# SENATE BILL No. 273

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-14; IC 25-22.5-1-2; IC 25-23-1-7; IC 25-23-1-30.

**Synopsis:** Certified registered nurse anesthetists. Provides that a certified registered nurse anesthetist may administer anesthesia as a certified registered nurse anesthetist in the surgical facility of an ambulatory outpatient surgical center without having a licensed physician with specialized training in anesthetics remain in the surgical facility during surgery. Transfers regulation of certified registered nurse anesthetists to the Indiana state board of nursing. Makes conforming amendments.

**Effective:** July 1, 1998.

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January 7, 1998, read first time and referred to Committee on Health and Environmental Affairs.

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Introduced

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.

## SENATE BILL No. 273

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

- 1 SECTION 1. IC 16-18-2-14 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 14. "Ambulatory  
3 outpatient surgical center", for purposes of IC 16-21, means a public or  
4 private institution that meets the following conditions:  
5 (1) Is established, equipped, and operated primarily for the  
6 purpose of performing surgical procedures and services.  
7 (2) Is operated under the supervision of at least one (1) licensed  
8 physician or under the supervision of the governing board of the  
9 hospital if the center is affiliated with a hospital.  
10 (3) Permits a surgical procedure to be performed only by a  
11 physician, dentist, or podiatrist who meets the following  
12 conditions:  
13 (A) Is qualified by education and training to perform the  
14 surgical procedure.  
15 (B) Is legally authorized to perform the procedure.  
16 (C) Is privileged to perform surgical procedures in at least one  
17 (1) hospital within the county or an Indiana county adjacent to



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- 1 the county in which the ambulatory outpatient surgical center  
 2 is located.
- 3 (D) Is admitted to the open staff of the ambulatory outpatient  
 4 surgical center.
- 5 (4) Requires that a:
- 6 (A) licensed physician with specialized training or experience  
 7 in the administration of an anesthetic; ~~supervise the~~  
 8 ~~administration of or~~
- 9 **(B) certified registered nurse anesthetist (as defined in**  
 10 **IC 25-23-1-1.4);**
- 11 **administer** the anesthetic to a patient and remain present in the  
 12 facility during the surgical procedure, except when only a local  
 13 infiltration anesthetic is administered.
- 14 (5) Provides at least one (1) operating room and, if anesthetics  
 15 other than local infiltration anesthetics are administered, at least  
 16 one (1) postanesthesia recovery room.
- 17 (6) Is equipped to perform diagnostic x-ray and laboratory  
 18 examinations required in connection with any surgery performed.
- 19 (7) Does not provide accommodations for patient stays of longer  
 20 than twenty-four (24) hours.
- 21 (8) Provides full-time services of registered and licensed nurses  
 22 for the professional care of the patients in the postanesthesia  
 23 recovery room.
- 24 (9) Has available the necessary equipment and trained personnel  
 25 to handle foreseeable emergencies such as a defibrillator for  
 26 cardiac arrest, a tracheotomy set for airway obstructions, and a  
 27 blood bank or other blood supply.
- 28 (10) Maintains a written agreement with at least one (1) hospital  
 29 for immediate acceptance of patients who develop complications  
 30 or require postoperative confinement.
- 31 (11) Provides for the periodic review of the center and the center's  
 32 operations by a committee of at least three (3) licensed physicians  
 33 having no financial connections with the center.
- 34 (12) Maintains adequate medical records for each patient.
- 35 (13) Meets all additional minimum requirements as established by  
 36 the state department for building and equipment requirements.
- 37 (14) Meets the rules and other requirements established by the  
 38 state department for the health, safety, and welfare of the patients.
- 39 SECTION 2. IC 25-22.5-1-2, AS AMENDED BY P.L.227-1995,  
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 1998]: Sec. 2. (a) This article, as it relates to the unlawful or  
 42 unauthorized practice of medicine or osteopathic medicine, does not

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- 1 apply to any of the following:
- 2 (1) A student in training in a medical school approved by the  
3 board, or while performing duties as an intern or a resident in a  
4 hospital under the supervision of the hospital's staff or in a  
5 program approved by the medical school.
- 6 (2) A person who renders service in case of emergency where no  
7 fee or other consideration is contemplated, charged, or received.
- 8 (3) Commissioned medical officers or medical service officers of  
9 the armed forces of the United States, the United States Public  
10 Health Service, and medical officers of the United States  
11 Department of Veterans Affairs in the discharge of their official  
12 duties in Indiana.
- 13 (4) An individual who is not a licensee who resides in another  
14 state or country and is authorized to practice medicine or  
15 osteopathic medicine there who is called in for consultation by an  
16 individual licensed to practice medicine or osteopathic medicine  
17 in Indiana.
- 18 (5) A person administering a domestic or family remedy to a  
19 member of the person's family.
- 20 (6) A member of a church practicing the religious tenets of the  
21 church if the member does not make a medical diagnosis,  
22 prescribe or administer drugs or medicines, perform surgical or  
23 physical operations, or assume the title of or profess to be a  
24 physician.
- 25 (7) A school corporation and a school employee who acts under  
26 IC 34-4-16.5-3.5.
- 27 (8) A chiropractor practicing the chiropractor's profession under  
28 IC 25-10 or to an employee of a chiropractor acting under the  
29 direction and supervision of the chiropractor under IC 25-10-1-13.
- 30 (9) A dental hygienist practicing the dental hygienist's profession  
31 under IC 25-13.
- 32 (10) A dentist practicing the dentist's profession under IC 25-14.
- 33 (11) A hearing aid dealer practicing the hearing aid dealer's  
34 profession under IC 25-20.
- 35 (12) A nurse practicing the nurse's profession under IC 25-23.  
36 However, a registered nurse may administer anesthesia if the  
37 registered nurse acts under the direction of and in the immediate  
38 presence of a physician and holds a certificate of completion of a  
39 course in anesthesia approved by the American Association of  
40 Nurse Anesthetists or a course approved by the board.
- 41 (13) An optometrist practicing the optometrist's profession under  
42 IC 25-24.

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- 1 (14) A pharmacist practicing the pharmacist's profession under  
2 IC 25-26.
- 3 (15) A physical therapist practicing the physical therapist's  
4 profession under IC 25-27.
- 5 (16) A podiatrist practicing the podiatrist's profession under  
6 IC 25-29.
- 7 (17) A psychologist practicing the psychologist's profession under  
8 IC 25-33.
- 9 (18) A speech-language pathologist or audiologist practicing the  
10 pathologist's or audiologist's profession under IC 25-35.6.
- 11 (19) An employee of a physician or group of physicians who  
12 performs an act, a duty, or a function that is customarily within  
13 the specific area of practice of the employing physician or group  
14 of physicians, if the act, duty, or function is performed under the  
15 direction and supervision of the employing physician or a  
16 physician of the employing group within whose area of practice  
17 the act, duty, or function falls. An employee may not make a  
18 diagnosis or prescribe a treatment and must report the results of  
19 an examination of a patient conducted by the employee to the  
20 employing physician or the physician of the employing group  
21 under whose supervision the employee is working. An employee  
22 may not administer medication without the specific order of the  
23 employing physician or a physician of the employing group.  
24 Unless an employee is licensed or registered to independently  
25 practice in a profession described in subdivisions (8) through  
26 (17), nothing in this subsection grants the employee independent  
27 practitioner status or the authority to perform patient services in  
28 an independent practice in a profession.
- 29 (20) A hospital licensed under IC 16-21 or IC 12-25.
- 30 (21) A health care organization whose members, shareholders, or  
31 partners are individuals, partnerships, corporations, facilities, or  
32 institutions licensed or legally authorized by this state to provide  
33 health care or professional services as:
- 34 (A) a physician;  
35 (B) a psychiatric hospital;  
36 (C) a hospital;  
37 (D) a health maintenance organization or limited service  
38 health maintenance organization;  
39 (E) a health facility;  
40 (F) a dentist;  
41 (G) a registered or licensed practical nurse;  
42 (H) a midwife;

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- 1 (I) an optometrist;  
 2 (J) a podiatrist;  
 3 (K) a chiropractor;  
 4 (L) a physical therapist; or  
 5 (M) a psychologist.
- 6 (22) A physician assistant practicing the physician assistant's  
 7 profession under IC 25-27.5.
- 8 (b) A person described in subsection (a)(8) through (a)(17) is not  
 9 excluded from the application of this article if:
- 10 (1) the person performs an act that an Indiana statute does not  
 11 authorize the person to perform; and  
 12 (2) the act qualifies in whole or in part as the practice of medicine  
 13 or osteopathic medicine.
- 14 (c) An employment or other contractual relationship between an  
 15 entity described in subsection (a)(20) through (a)(21) and a licensed  
 16 physician does not constitute the unlawful practice of medicine under  
 17 this article if the entity does not direct or control independent medical  
 18 acts, decisions, or judgment of the licensed physician. However, if the  
 19 direction or control is done by the entity under IC 34-4-12.6, the entity  
 20 is excluded from the application of this article as it relates to the  
 21 unlawful practice of medicine or osteopathic medicine.
- 22 (d) This subsection does not apply to a prescription or drug order for  
 23 a legend drug that is filled or refilled in a pharmacy owned or operated  
 24 by a hospital licensed under IC 16-21. A physician licensed in Indiana  
 25 who permits or authorizes a person to fill or refill a prescription or drug  
 26 order for a legend drug except as authorized in IC 16-42-19-11 through  
 27 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A  
 28 person who violates this subsection commits the unlawful practice of  
 29 medicine under this chapter.
- 30 (e) A person described in subsection (a)(7) shall not be authorized  
 31 to dispense contraceptives or birth control devices.
- 32 SECTION 3. IC 25-23-1-7, AS AMENDED BY P.L.127-1994,  
 33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 1998]: Sec. 7. (a) The board shall do the following:
- 35 (1) Adopt under IC 4-22-2 rules necessary to enable it to carry  
 36 into effect this chapter.  
 37 (2) Prescribe standards and approve curricula for nursing  
 38 education programs preparing persons for licensure under this  
 39 chapter.  
 40 (3) Provide for surveys of such programs at such times as it  
 41 considers necessary.  
 42 (4) Accredite such programs as meet the requirements of this

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- 1 chapter and of the board.
- 2 (5) Deny or withdraw accreditation from nursing education
- 3 programs for failure to meet prescribed curricula or other
- 4 standards.
- 5 (6) Examine, license, and renew the license of qualified
- 6 applicants.
- 7 (7) Issue subpoenas, compel the attendance of witnesses, and
- 8 administer oaths to persons giving testimony at hearings.
- 9 (8) Cause the prosecution of all persons violating this chapter and
- 10 have power to incur necessary expenses for these prosecutions.
- 11 (9) Adopt rules under IC 4-22-2 that do the following:
- 12 (A) Prescribe standards for:
- 13 (i) the competent practice of registered, practical, and
- 14 advanced practice nursing; **and**
- 15 **(ii) practice by certified registered nurse anesthetists.**
- 16 (B) Establish with the approval of the medical licensing board
- 17 created by IC 25-22.5-2-1 requirements that advanced practice
- 18 nurses must meet to be granted authority to prescribe legend
- 19 drugs and to retain that authority.
- 20 (10) Keep a record of all its proceedings.
- 21 (11) Collect and distribute annually demographic information on
- 22 the number and type of registered nurses and licensed practical
- 23 nurses employed in Indiana.
- 24 (12) Notify each registered nurse and licensed practical nurse
- 25 residing in Indiana when final rules concerning the practice of
- 26 nursing are published in the Indiana register.
- 27 (b) The board may do the following:
- 28 (1) Create ad hoc subcommittees representing the various nursing
- 29 specialties and interests of the profession of nursing. Persons
- 30 appointed to a subcommittee serve for terms as determined by the
- 31 board.
- 32 (2) Utilize the appropriate subcommittees so as to assist the board
- 33 with its responsibilities. The assistance provided by the
- 34 subcommittees may include the following:
- 35 (A) Recommendation of rules necessary to carry out the duties
- 36 of the board.
- 37 (B) Recommendations concerning educational programs and
- 38 requirements.
- 39 (C) Recommendations regarding examinations and licensure
- 40 of applicants.
- 41 (3) Appoint nurses to serve on each of the ad hoc subcommittees.
- 42 (c) Nurses appointed under subsection (b) must:

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- 1 (1) be committed to advancing and safeguarding the nursing
- 2 profession as a whole; and
- 3 (2) represent nurses who practice in the field directly affected by
- 4 a subcommittee's actions.

5 SECTION 4. IC 25-23-1-30 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 30. Nothing in this  
7 chapter shall be construed as requiring a certified registered nurse  
8 anesthetist to obtain prescriptive authority to administer anesthesia  
9 ~~under IC 25-22.5-1-2(12):~~ **as a certified registered nurse anesthetist.**

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