



February 28, 2003

# SENATE BILL No. 548

DIGEST OF SB 548 (Updated February 26, 2003 3:14 PM - DI 104)

**Citations Affected:** IC 5-2; IC 9-19; IC 9-30; IC 16-18; IC 16-31; IC 25-22.5; IC 34-6; IC 34-18; noncode.

**Synopsis:** Emergency medical services. Allows public safety training board members to appoint designees to represent them at board proceedings. Makes changes to permit the differentiation of intermediate and basic advanced levels of emergency medical technician certification in addition to the levels currently in use. Establishes a detailed disciplinary process for offenses committed by certified individuals. Permits the collection of fees and exempts certain individuals. Creates the emergency medical services fund and requires that fees collected by the state emergency management agency be deposited in the fund. Provides for the regulation of emergency medical dispatch agencies and personnel.

**Effective:** July 1, 2003.

**Merritt**

January 23, 2003, read first time and referred to Committee on Health and Provider Services.  
February 27, 2003, amended, reported favorably — Do Pass.

C  
O  
P  
Y



February 28, 2003

First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

C  
O  
P  
Y

## SENATE BILL No. 548

\_\_\_\_\_

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

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

- 1 SECTION 1. IC 5-2-10.5-6 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. The board is  
3 composed of the following members:  
4 (1) The executive director of the department of fire and building  
5 services **or the executive director's designee**.  
6 (2) The chairperson of the board of firefighting personnel  
7 standards and education.  
8 (3) The director of the state emergency management agency **or**  
9 **the director's designee**.  
10 (4) The commissioner of the department of environmental  
11 management **or the commissioner's designee**.  
12 (5) The state fire marshal **or the state fire marshal's designee**.  
13 (6) **The deputy director of the emergency medical services**  
14 **division of the state emergency management agency or the**  
15 **deputy director's designee**.  
16 (7) Five (5) individuals appointed by the governor, not more than  
17 three (3) of whom may represent the same political party, as

SB 548—LS 7824/DI 108+



1 follows:

- 2 (A) A professional firefighter.  
 3 (B) A volunteer firefighter.  
 4 (C) A public safety employee who is not a firefighter.  
 5 (D) A municipal or county building inspector.  
 6 (E) A member of the medical profession.

7 SECTION 2. IC 9-19-14.5-1 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. A privately owned  
 9 vehicle belonging to a **certified paramedic, certified emergency**  
 10 **medical technician-intermediate, certified emergency medical**  
 11 **technician-basic advanced**, certified emergency medical technician,  
 12 certified emergency medical service driver, or certified emergency  
 13 medical service first responder while traveling in the line of duty in  
 14 connection with emergency medical services activities may display  
 15 green lights, subject to the following restrictions and conditions:

- 16 (1) The lights may not have a light source less than fifty (50)  
 17 candlepower.  
 18 (2) All lights shall be placed on the top of the vehicle.  
 19 (3) Not more than two (2) green lights may be displayed on a  
 20 vehicle and each light must be of the flashing or revolving type  
 21 and visible at three hundred sixty (360) degrees.  
 22 (4) The lights must consist of a lamp with a green lens and not of  
 23 an uncolored lens with a green bulb. However, the revolving  
 24 lights may contain multiple bulbs.  
 25 (5) The green lights may not be a part of the regular head lamps  
 26 displayed on the vehicle.  
 27 (6) For a person authorized under this chapter to display a green  
 28 light on the person's vehicle, the person must first secure a written  
 29 permit from the director of the state emergency management  
 30 agency to use the light. The permit must be carried by the person  
 31 when the light is displayed.

32 SECTION 3. IC 9-30-6-6 IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) A physician or a person  
 34 trained in obtaining bodily substance samples and acting under the  
 35 direction of or under a protocol prepared by a physician, who:

- 36 (1) obtains a blood, urine, or other bodily substance sample from  
 37 a person, regardless of whether the sample is taken for diagnostic  
 38 purposes or at the request of a law enforcement officer under this  
 39 section; or  
 40 (2) performs a chemical test on blood, urine, or other bodily  
 41 substance obtained from a person;  
 42 shall deliver the sample or disclose the results of the test to a law

SB 548—LS 7824/DI 108+



C  
O  
P  
Y

1 enforcement officer who requests the sample or results as a part of a  
 2 criminal investigation. Samples and test results shall be provided to a  
 3 law enforcement officer even if the person has not consented to or  
 4 otherwise authorized their release.

5 (b) A physician, a hospital, or an agent of a physician or hospital is  
 6 not civilly or criminally liable for any of the following:

- 7 (1) Disclosing test results in accordance with this section.
- 8 (2) Delivering a blood, urine, or other bodily substance sample in  
 9 accordance with this section.
- 10 (3) Obtaining a blood, urine, or other bodily substance sample in  
 11 accordance with this section.
- 12 (4) Disclosing to the prosecuting attorney or the deputy  
 13 prosecuting attorney for use at or testifying at the criminal trial of  
 14 the person as to facts observed or opinions formed.
- 15 (5) Failing to treat a person from whom a blood, urine, or other  
 16 bodily substance sample is obtained at the request of a law  
 17 enforcement officer if the person declines treatment.
- 18 (6) Injury to a person arising from the performance of duties in  
 19 good faith under this section.

20 (c) For the purposes of this chapter, IC 9-30-5, or IC 9-30-9:

- 21 (1) the privileges arising from a patient-physician relationship do  
 22 not apply to the samples, test results, or testimony described in  
 23 this section; and
- 24 (2) samples, test results, and testimony may be admitted in a  
 25 proceeding in accordance with the applicable rules of evidence.

26 (d) The exceptions to the patient-physician relationship specified in  
 27 subsection (c) do not affect those relationships in a proceeding not  
 28 covered by this chapter, IC 9-30-5, or IC 9-30-9.

29 (e) The test results and samples obtained by a law enforcement  
 30 officer under subsection (a) may be disclosed only to a prosecuting  
 31 attorney or a deputy prosecuting attorney for use as evidence in a  
 32 criminal proceeding under this chapter, IC 9-30-5, or IC 9-30-9.

33 (f) This section does not require a physician or a person under the  
 34 direction of a physician to perform a chemical test.

35 (g) A physician or a person trained in obtaining bodily substance  
 36 samples and acting under the direction of or under a protocol prepared  
 37 by a physician shall obtain a blood, urine, or other bodily substance  
 38 sample if the following exist:

- 39 (1) A law enforcement officer requests that the sample be  
 40 obtained.
- 41 (2) The law enforcement officer has certified in writing the  
 42 following:

C  
O  
P  
Y



- 1 (A) That the officer has probable cause to believe the person
- 2 from whom the sample is to be obtained has violated
- 3 IC 9-30-5.
- 4 (B) That the person from whom the sample is to be obtained
- 5 has been transported to a hospital or other medical facility.
- 6 (C) That the person from whom the sample is to be obtained
- 7 has been involved in a motor vehicle accident that resulted in
- 8 the serious bodily injury or death of another.
- 9 (D) That the accident that caused the serious bodily injury or
- 10 death of another occurred not more than three (3) hours before
- 11 the time the sample is requested.
- 12 (3) Not more than the use of reasonable force is necessary to
- 13 obtain the sample.
- 14 (h) If the person:
- 15 (1) from whom the bodily substance sample is to be obtained
- 16 under this section does not consent; and
- 17 (2) resists the taking of a sample;
- 18 the law enforcement officer may use reasonable force to assist an
- 19 individual, who must be authorized under this section to obtain a
- 20 sample, in the taking of the sample.
- 21 (i) The person authorized under this section to obtain a bodily
- 22 substance sample shall take the sample in a medically accepted
- 23 manner.
- 24 (j) A law enforcement officer may transport the person to a place
- 25 other than a hospital where the sample may be obtained by any of the
- 26 following persons who are trained in obtaining bodily substance
- 27 samples and who have been engaged to obtain samples under this
- 28 section:
- 29 (1) A physician holding an unlimited license to practice medicine
- 30 or osteopathy.
- 31 (2) A registered nurse.
- 32 (3) A licensed practical nurse.
- 33 (4) ~~An advanced emergency medical technician~~ **technician-basic**
- 34 **advanced** (as defined in ~~IC 16-18-2-6~~ **IC 16-18-2-112.5**).
- 35 (5) **An emergency medical technician-intermediate (as defined**
- 36 **in IC 16-18-2-112.7).**
- 37 (6) A paramedic (as defined in **IC 16-18-2-266**).
- 38 SECTION 4. IC 16-18-2-7, AS AMENDED BY P.L.17-2002,
- 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2003]: Sec. 7. (a) "Advanced life support", for purposes of
- 41 IC 16-31, means care that is given:
- 42 (1) at the scene of:

COPY



- 1 (A) an accident;  
 2 (B) an act of terrorism (as defined in IC 35-41-1-26.5), if the  
 3 governor has declared a disaster emergency under IC 10-4-1-7  
 4 in response to the act of terrorism; or  
 5 (C) an illness;  
 6 (2) during transport; or  
 7 (3) at a hospital;  
 8 by a paramedic or an ~~advanced~~ emergency medical  
 9 technician-**intermediate** and that is more advanced than the care  
 10 usually provided by an emergency medical technician **or an**  
 11 **emergency medical technician-basic advanced**.  
 12 (b) The term may include any of the following:  
 13 (1) Defibrillation.  
 14 (2) Endotracheal intubation.  
 15 (3) Parenteral injections of appropriate medications. ~~including~~  
 16 ~~administration of epinephrine through an auto-injector~~.  
 17 (4) Electrocardiogram interpretation.  
 18 (5) Emergency management of trauma and illness.  
 19 SECTION 5. IC 16-18-2-10 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) "Agency", for  
 21 **the purposes of IC 16-31-8.5, has the meaning set forth in**  
 22 **IC 16-31-8.5-1**.  
 23 (b) "Agency", for purposes of IC 16-41-37, has the meaning set  
 24 forth in IC 16-41-37-1.  
 25 SECTION 6. IC 16-18-2-33.5, AS AMENDED BY P.L.93-2002,  
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2003]: Sec. 33.5. (a) "Basic life support", for purposes of  
 28 IC 16-31, means the following:  
 29 (1) Assessment of emergency patients.  
 30 (2) Administration of oxygen.  
 31 (3) Use of mechanical breathing devices.  
 32 (4) Application of anti-shock trousers.  
 33 (5) Performance of cardiopulmonary resuscitation.  
 34 (6) Application of dressings and bandage materials.  
 35 (7) Application of splinting and immobilization devices.  
 36 (8) Use of lifting and moving devices to ensure safe transport.  
 37 (9) Use of an automatic or a semiautomatic defibrillator if the  
 38 defibrillator is used in accordance with training procedures  
 39 established by the Indiana emergency medical services  
 40 commission.  
 41 (10) Administration by an emergency medical technician **or**  
 42 **emergency medical technician-basic advanced** of epinephrine

C  
o  
p  
y

1 through an auto-injector.

2 (11) **For an emergency medical technician-basic advanced, the**  
 3 **following:**

4 (A) **Electrocardiogram interpretation.**

5 (B) **Manual external defibrillation.**

6 (C) **Intravenous fluid therapy.**

7 (12) Other procedures authorized by the Indiana emergency  
 8 medical services commission, including procedures contained in  
 9 the revised national emergency medical technician basic training  
 10 curriculum guide.

11 (b) Except as provided by:

12 (1) **subsection (a)(10) and the training and certification**  
 13 **standards established under IC 16-31-2-9(4);**

14 (2) **subsection (a)(11)(C); and**

15 (3) **the training standards established under IC 16-31-2-9(5);**  
 16 **in subsection (a)(10) and by the training and certification standards**  
 17 **established under IC 16-31-2-9(5), the term does not include invasive**  
 18 **medical care techniques or advanced life support. except as provided**  
 19 **by the training and certification standards established under**  
 20 **IC 16-31-2-9(4).**

21 SECTION 7. IC 16-18-2-112.5 IS ADDED TO THE INDIANA  
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2003]: **Sec. 112.5 "Emergency medical**  
 24 **technician-basic advanced", for purposes of IC 16-31, means an**  
 25 **individual who is certified under IC 16-31 to provide basic life**  
 26 **support at the scene of an accident or illness or during transport.**

27 SECTION 8. IC 16-18-2-112.7 IS ADDED TO THE INDIANA  
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2003]: **Sec. 112.7. "Emergency medical**  
 30 **technician-intermediate", for purposes of IC 16-31, means an**  
 31 **individual who can perform at least one (1) of but not all the**  
 32 **procedures of a paramedic and who:**

33 (1) **has completed a prescribed course in advanced life**  
 34 **support;**

35 (2) **has been certified by the Indiana emergency medical**  
 36 **services commission;**

37 (3) **is associated with a single supervising hospital; and**

38 (4) **is affiliated with a provider organization.**

39 SECTION 9. IC 16-18-2-143, AS AMENDED BY P.L.81-2002,  
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2003]: Sec. 143. (a) "Fund", for purposes of IC 16-26-2, has  
 42 the meaning set forth in IC 16-26-2-2.



C  
o  
p  
y

1 (b) "Fund", for purposes of IC 16-31-8.5, has the meaning set  
2 forth in IC 16-31-8.5-2.

3 (c) "Fund", for purposes of IC 16-46-5, has the meaning set forth in  
4 IC 16-46-5-3.

5 ~~(c)~~ (d) "Fund", for purposes of IC 16-46-12, has the meaning set  
6 forth in IC 16-46-12-1.

7 SECTION 10. IC 16-18-2-163, AS AMENDED BY P.L.148-1999,  
8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2003]: Sec. 163. (a) "Health care provider", for purposes of  
10 IC 16-21 and IC 16-41, means any of the following:

11 (1) An individual, a partnership, a corporation, a professional  
12 corporation, a facility, or an institution licensed or legally  
13 authorized by this state to provide health care or professional  
14 services as a licensed physician, a psychiatric hospital, a hospital,  
15 a health facility, an emergency ambulance service (IC 16-31-3),  
16 a dentist, a registered or licensed practical nurse, a midwife, an  
17 optometrist, a pharmacist, a podiatrist, a chiropractor, a physical  
18 therapist, a respiratory care practitioner, an occupational therapist,  
19 a psychologist, a paramedic, an emergency medical technician, ~~or~~  
20 ~~an advanced emergency technician, technician-basic advanced,~~  
21 ~~or an emergency medical technician-intermediate,~~ or a person  
22 who is an officer, employee, or agent of the individual,  
23 partnership, corporation, professional corporation, facility, or  
24 institution acting in the course and scope of the person's  
25 employment.

26 (2) A college, university, or junior college that provides health  
27 care to a student, a faculty member, or an employee, and the  
28 governing board or a person who is an officer, employee, or agent  
29 of the college, university, or junior college acting in the course  
30 and scope of the person's employment.

31 (3) A blood bank, community mental health center, community  
32 mental retardation center, community health center, or migrant  
33 health center.

34 (4) A home health agency (as defined in IC 16-27-1-2).

35 (5) A health maintenance organization (as defined in  
36 IC 27-13-1-19).

37 (6) A health care organization whose members, shareholders, or  
38 partners are health care providers under subdivision (1).

39 (7) A corporation, partnership, or professional corporation not  
40 otherwise qualified under this subsection that:

41 (A) provides health care as one (1) of the corporation's,  
42 partnership's, or professional corporation's functions;

C  
o  
p  
y



1 (B) is organized or registered under state law; and  
 2 (C) is determined to be eligible for coverage as a health care  
 3 provider under IC 34-18 for the corporation's, partnership's, or  
 4 professional corporation's health care function.

5 Coverage for a health care provider qualified under this subdivision is  
 6 limited to the health care provider's health care functions and does not  
 7 extend to other causes of action.

8 (b) "Health care provider", for purposes of IC 16-35, has the  
 9 meaning set forth in subsection (a). However, for purposes of IC 16-35,  
 10 the term also includes a health facility (as defined in section 167 of this  
 11 chapter).

12 (c) "Health care provider", for purposes of IC 16-36-5, means an  
 13 individual licensed or authorized by this state to provide health care or  
 14 professional services as:

- 15 (1) a licensed physician;
- 16 (2) a registered nurse;
- 17 (3) a licensed practical nurse;
- 18 (4) an advanced practice nurse;
- 19 (5) a licensed nurse midwife;
- 20 (6) a paramedic;
- 21 (7) an emergency medical technician;
- 22 (8) an ~~advanced~~ emergency medical technician-**basic advanced**;
- 23 **or**
- 24 (9) **an emergency medical technician-intermediate; or**
- 25 (10) a first responder, as defined under IC 16-18-2-131.

26 The term includes an individual who is an employee or agent of a  
 27 health care provider acting in the course and scope of the individual's  
 28 employment.

29 SECTION 11. IC 16-18-2-295, AS AMENDED BY P.L.256-1999,  
 30 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2003]: Sec. 295. (a) "Provider", for purposes of IC 16-38-5,  
 32 IC 16-39 (except for IC 16-39-7) and IC 16-41-1 through IC 16-41-9  
 33 and IC 16-41-37, means any of the following:

- 34 (1) An individual (other than an individual who is an employee or  
 35 a contractor of a hospital, a facility, or an agency described in  
 36 subdivision (2) or (3)) who is licensed, registered, or certified as  
 37 a health care professional, including the following:
  - 38 (A) A physician.
  - 39 (B) A psychotherapist.
  - 40 (C) A dentist.
  - 41 (D) A registered nurse.
  - 42 (E) A licensed practical nurse.



C  
 o  
 p  
 y

- 1 (F) An optometrist.
- 2 (G) A podiatrist.
- 3 (H) A chiropractor.
- 4 (I) A physical therapist.
- 5 (J) A psychologist.
- 6 (K) An audiologist.
- 7 (L) A speech-language pathologist.
- 8 (M) A dietitian.
- 9 (N) An occupational therapist.
- 10 (O) A respiratory therapist.
- 11 (P) A pharmacist.
- 12 (2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or
- 13 described in IC 12-24-1 or IC 12-29.
- 14 (3) A health facility licensed under IC 16-28-2.
- 15 (4) A home health agency licensed under IC 16-27-1.
- 16 (5) An employer of a certified emergency medical technician, a
- 17 certified ~~advanced~~ emergency medical technician-**basic**
- 18 **advanced, a certified emergency medical**
- 19 **technician-intermediate**, or a certified paramedic.
- 20 (6) The state department or a local health department or an
- 21 employee, agent, designee, or contractor of the state department
- 22 or local health department.
- 23 (b) "Provider", for purposes of IC 16-39-7-1, has the meaning set
- 24 forth in IC 16-39-7-1(a).
- 25 SECTION 12. IC 16-18-2-337 IS AMENDED TO READ AS
- 26 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 337. "Sponsoring" or
- 27 "supervising hospital", for purposes of IC 16-31, means a hospital:
- 28 (1) that is licensed under IC 16-21-2 or under the licensing law of
- 29 another state; and
- 30 (2) that has been certified by the emergency medical services
- 31 commission to sponsor or supervise paramedics, ~~advanced~~
- 32 emergency medical ~~technicians~~, **technician-intermediates**, and
- 33 provider organizations in providing advanced life support.
- 34 SECTION 13. IC 16-18-2-368.3 IS ADDED TO THE INDIANA
- 35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 36 [EFFECTIVE JULY 1, 2003]: **Sec. 368.3. "Volunteer medic", for**
- 37 **purposes of IC 16-31-3, means a first responder, an emergency**
- 38 **medical technician, an emergency medical technician-basic**
- 39 **advanced, an emergency medical technician-intermediate, or a**
- 40 **paramedic certified under IC 16-31 who:**
- 41 (1) **is a volunteer firefighter acting as:**
- 42 (A) **a first responder;**

COPY



- 1           **(B) an emergency medical technician;**
- 2           **(C) an emergency medical technician-basic advanced;**
- 3           **(D) an emergency medical technician-intermediate; or**
- 4           **(E) a paramedic;**
- 5           **certified under IC-31, for a volunteer fire department; or**
- 6           **(2) works as a first responder, an emergency medical**
- 7           **technician, an emergency medical technician-basic advanced,**
- 8           **an emergency medical technician-intermediate, or a**
- 9           **paramedic certified under IC 16-31 for a volunteer provider**
- 10           **organization and who:**
- 11           **(A) as a result of a written application, has been elected or**
- 12           **appointed to membership in a volunteer provider**
- 13           **organization;**
- 14           **(B) performs the work related duties assigned and orders**
- 15           **given to the volunteer medic by the officers of the**
- 16           **volunteer provider organization, including orders or duties**
- 17           **involving education and training; and**
- 18           **(C) is listed on a roster of volunteer medics that is kept by**
- 19           **the volunteer provider organization and that has been**
- 20           **approved by the designated officers of the volunteer**
- 21           **provider organization.**

22           SECTION 14. IC 16-18-2-368.5 IS ADDED TO THE INDIANA  
 23           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 24           [EFFECTIVE JULY 1, 2003]: **Sec. 368.5. "Volunteer provider**  
 25           **organization", for purposes of IC 16-31-3, means a provider**  
 26           **organization (as defined in section 296 of this chapter) of which a**  
 27           **majority of the members do not receive compensation or receive**  
 28           **nominal compensation (as defined in IC 36-8-12-2) for the**  
 29           **member's services.**

30           SECTION 15. IC 16-31-2-9, AS AMENDED BY P.L.93-2002,  
 31           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32           JULY 1, 2003]: **Sec. 9.** The commission shall establish the following:

- 33           (1) Standards for persons who provide emergency medical
- 34           services and who are not licensed or regulated under IC 16-31-3.
- 35           (2) Training and certification standards for the use of automatic
- 36           and semiautomatic defibrillators by first responders.
- 37           (3) Training ~~and certification~~ standards for the administration of
- 38           antidotes, vaccines, and antibiotics to prepare for or respond to a
- 39           terrorist or military attack.
- 40           (4) Training and certification standards for the administration of
- 41           epinephrine through an auto-injector by:
- 42           (A) an emergency medical technician; or

COPY



- 1 (B) an ~~advanced~~ emergency medical technician-**basic**
- 2 **advanced.**
- 3 (5) Training ~~and certification~~ standards to permit the use of
- 4 antidote kits **containing atropine and pralidoxime chloride** for
- 5 the treatment of exposure to ~~chemical agent VX (nerve agent)~~
- 6 **nerve agents** by ~~advanced an~~ emergency medical ~~technicians~~
- 7 **technician-basic advanced**, and emergency medical technicians
- 8 **who an emergency medical technician, or a first responder.**
- 9 ~~work for emergency medical service providers located in:~~
- 10 (A) a county having a population of more than eight thousand
- 11 (8,000) but less than nine thousand (9,000);
- 12 (B) a county having a population of more than sixteen
- 13 thousand seven hundred (16,700) but less than seventeen
- 14 thousand (17,000);
- 15 (C) a county having a population of more than seventeen
- 16 thousand (17,000) but less than seventeen thousand five
- 17 hundred (17,500);
- 18 (D) a county having a population of more than seventeen
- 19 thousand five hundred (17,500) but less than eighteen
- 20 thousand (18,000);
- 21 (E) a county having a population of more than thirty-six
- 22 thousand (36,000) but less than thirty-six thousand
- 23 seventy-five (36,075);
- 24 (F) a county having a population of more than thirty-seven
- 25 thousand (37,000) but less than thirty-eight thousand (38,000);
- 26 ~~and~~
- 27 (G) a county having a population of more than one hundred
- 28 five thousand (105,000) but less than one hundred ten
- 29 thousand (110,000).

30 SECTION 16. IC 16-31-2-11, AS AMENDED BY P.L.127-2001,  
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2003]: Sec. 11. (a) The commission shall develop procedures  
 33 for ongoing review of all emergency ambulance services.

34 (b) The commission may review any pre-hospital ambulance rescue  
 35 or report record regarding an emergency patient that is utilized or  
 36 compiled by an emergency ambulance service employing paramedics,  
 37 **emergency medical technicians-intermediate**, emergency medical  
 38 technicians, or ~~advanced~~ emergency medical ~~technicians:~~  
 39 **technicians-basic advanced.** However, except as provided in  
 40 subsection (d), those records shall remain confidential and may be used  
 41 solely for the purpose of compiling data and statistics. The use of such  
 42 data or statistics is subject to IC 4-1-6.



COPY

1 (c) The commission may develop and oversee experimental study  
 2 projects conducted by ambulance service providers in limited  
 3 geographic areas of Indiana. These study projects must be developed  
 4 and conducted in accordance with rules adopted by the commission  
 5 under IC 4-22-2. These study projects must be designed to test the  
 6 efficacy of new patient care techniques and new ambulance service  
 7 systems.

8 (d) This subsection applies to emergency ambulance services that  
 9 are provided by or under a contract with an entity that is a public  
 10 agency for purposes of IC 5-14-3. The following information, if  
 11 contained in a pre-hospital ambulance rescue or report record regarding  
 12 an emergency patient, is public information and must be made  
 13 available for inspection and copying under IC 5-14-3:

14 (1) The date and time of the request for ambulance services.

15 (2) The reason for the request for assistance.

16 (3) The time and nature of the response to the request for  
 17 ambulance services.

18 (4) The time of arrival at the scene where the patient was located.

19 (5) The time of departure from the scene where the patient was  
 20 located.

21 (6) The name of the facility, if any, to which the patient was  
 22 delivered for further treatment and the time of arrival at that  
 23 facility.

24 SECTION 17. IC 16-31-3-5 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. **(a)** The commission  
 26 shall waive any rule for a person who provides emergency ambulance  
 27 service, an emergency medical technician, **an emergency medical**  
 28 **technician-basic advanced, an emergency medical**  
 29 **technician-intermediate, a paramedic,** or an ambulance when  
 30 operating from a location in an adjoining state by contract with an  
 31 Indiana unit of government to provide emergency ambulance or  
 32 medical services to patients who are picked up or treated in Indiana.

33 **(b) The commission may waive any rule, including a rule**  
 34 **establishing a fee, for a person who submits facts demonstrating**  
 35 **that:**

36 **(1) compliance with the rule will impose an undue hardship on**  
 37 **the person; and**

38 **(2) either;**

39 **(A) noncompliance with the rule; or**

40 **(B) compliance with an alternative requirement approved**  
 41 **by the commission;**

42 **will not jeopardize the quality of patient care. However, the**

C  
O  
P  
Y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

commission may not waive a rule that sets forth educational requirements for a person regulated under this article.

(c) A waiver granted under subsection (b)(2)(B) is conditioned upon compliance with the alternative requirement approved under subsection (b).

(d) The commission shall establish an expiration date for any waiver that is granted.

(e) The commission may renew a waiver if the person makes the same demonstration required for the original waiver.

SECTION 18. IC 16-31-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) Except as provided in subsection (b), to renew a certificate issued under this chapter upon expiration of the certificate for any reason, a person must comply with any continuing education requirements that have been established by the commission. To renew a certificate issued under this chapter after a ~~suspension, revocation or termination~~ of the certificate, a person must comply with all the requirements of this chapter that apply to the original certification.

(b) A renewal of an emergency medical technician, **an emergency medical technician-basic advanced, an emergency medical technician-intermediate, or a paramedic** certificate shall be issued to an individual who meets the following conditions:

- (1) While holding a valid ~~emergency medical technician~~ certificate, enters the armed forces of the United States, including:
  - (A) the army;
  - (B) the navy;
  - (C) the air force;
  - (D) the marines; or
  - (E) the coast guard;

but excluding the guard and reserve components of those forces.

(2) Is discharged from the armed forces of the United States **within** forty-eight (48) months after the individual entered the armed forces.

(3) Successfully completes, not more than nine (9) months after the individual's discharge from the armed forces of the United States, a refresher course approved by the commission.

(4) Applies for the certificate renewal not more than one (1) year after the individual's discharge from the armed forces of the United States.

(5) Passes the written and practical skills examinations.

(c) **A renewal of an emergency medical technician, an emergency medical technician-basic advanced, an emergency**

C  
O  
P  
Y



1 **medical technician-intermediate, or a paramedic certificate must**  
2 **be issued to an individual who meets the following conditions:**

3 **(1) While holding a valid certificate, the individual is called to**  
4 **active military duty as a member of the Indiana national**  
5 **guard or a reserve component of the armed forces of the**  
6 **United States, including:**

- 7 **(A) the army;**
- 8 **(B) the navy;**
- 9 **(C) the air force;**
- 10 **(D) the marines; or**
- 11 **(E) the coast guard.**

12 **(2) Provides the emergency medical services commission with**  
13 **a copy of the document from the armed forces that called the**  
14 **individual to active duty.**

15 **(3) Applies for the certificate renewal not more than one**  
16 **hundred twenty (120) days after the individual leaves active**  
17 **duty.**

18 SECTION 19. IC 16-31-3-13 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. ~~Certificates issued~~  
20 ~~under this chapter shall be issued without cost to applicants.~~ **(a) Except**  
21 **as provided in subsection (d), the commission may adopt rules**  
22 **under IC 4-22-2 to establish a fee schedule for activities performed**  
23 **under this chapter, IC 16-31-2, and IC 16-31-3.5.**

24 **(b) The fee schedule established in the rules adopted under this**  
25 **section must be reasonably calculated to cover the costs of**  
26 **administering this chapter, IC 16-31-2, and IC 16-31-3.5.**

27 **(c) The fees collected under this section must be deposited in the**  
28 **emergency medical services fund established by IC 16-31-8.5-3.**

29 **(d) The commission may not establish a fee for the certification**  
30 **of a volunteer provider organization or:**

- 31 **(1) a first responder;**
- 32 **(2) an emergency medical technician;**
- 33 **(3) an emergency medical technician-basic advanced;**
- 34 **(4) an emergency medical technician-intermediate; or**
- 35 **(5) a paramedic;**

36 **who is a volunteer medic.**

37 SECTION 20. IC 16-31-3-14 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. ~~(a) Except as~~  
39 ~~provided in subsection (d), after notice and hearing the commission~~  
40 ~~may suspend or revoke a certificate issued under this chapter for failure~~  
41 ~~to comply and maintain compliance with or for violation of any~~  
42 ~~applicable provisions, standards, or other requirements of this chapter~~

C  
o  
p  
y



1 or rules adopted under this chapter. A person holding a certificate  
2 issued under this article must comply with the applicable standards  
3 and rules established under this article. A certificate holder is  
4 subject to disciplinary sanctions under subsection (b) if the state  
5 emergency management agency determines that the certificate  
6 holder:

- 7 (1) engaged in or knowingly cooperated in fraud or material  
8 deception in order to obtain a certificate, including cheating  
9 on a certification examination;
- 10 (2) engaged in fraud or material deception in the course of  
11 professional services or activities;
- 12 (3) advertised services or goods in a false or misleading  
13 manner;
- 14 (4) falsified or knowingly allowed another person to falsify  
15 attendance records or certificates of completion of continuing  
16 education courses required under this article or rules adopted  
17 under this article;
- 18 (5) is convicted of a crime, if the act that resulted in the  
19 conviction has a direct bearing on determining if the  
20 certificate holder should be entrusted to provide emergency  
21 medical services;
- 22 (6) is convicted of violating IC 9-19-14.5;
- 23 (7) fails to comply and maintain compliance with or violates  
24 any applicable provision, standard, or other requirement of  
25 this article or rules adopted under this article;
- 26 (8) continues to practice if the certificate holder becomes unfit  
27 to practice due to:
  - 28 (A) professional incompetence that includes the  
29 undertaking of professional activities that the certificate  
30 holder is not qualified by training or experience to  
31 undertake;
  - 32 (B) failure to keep abreast of current professional theory  
33 or practice;
  - 34 (C) physical or mental disability; or
  - 35 (D) addiction to, abuse of, or dependency on alcohol or  
36 other drugs that endanger the public by impairing the  
37 certificate holder's ability to practice safely;
- 38 (9) engages in a course of lewd or immoral conduct in  
39 connection with the delivery of services to the public;
- 40 (10) allows the certificate holder's name or a certificate issued  
41 under this article to be used in connection with a person who  
42 renders services beyond the scope of that person's training,

C  
o  
p  
y



- 1 experience, or competence;
- 2 (11) is subjected to disciplinary action in another state or
- 3 jurisdiction on grounds similar to those contained in this
- 4 chapter. For purposes of this subdivision, a certified copy of
- 5 a record of disciplinary action constitutes prima facie
- 6 evidence of a disciplinary action in another jurisdiction;
- 7 (12) assists another person in committing an act that would
- 8 constitute a ground for disciplinary sanction under this
- 9 chapter; or
- 10 (13) allows a certificate issued by the commission to be:
  - 11 (A) used by another person; or
  - 12 (B) displayed to the public when the certificate is expired,
  - 13 inactive, invalid, revoked or suspended.
- 14 (b) On motion of the commission or on the verified written
- 15 complaint of an interested person, the director of the state emergency
- 16 management agency shall conduct an investigation. The state
- 17 emergency management agency may issue an order under
- 18 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions
- 19 if the state emergency management agency determines that a
- 20 certificate holder is subject to disciplinary sanctions under
- 21 subsection (a):
  - 22 (1) Revocation of a certificate holder's certificate for a period
  - 23 not to exceed seven (7) years.
  - 24 (2) Suspension of a certificate holder's certificate for a period
  - 25 not to exceed seven (7) years.
  - 26 (3) Censure of a certificate holder.
  - 27 (4) Issuance of a letter of reprimand.
  - 28 (5) Assessment of a civil penalty against the certificate holder
  - 29 in accordance with the following:
    - 30 (A) The civil penalty may not exceed five hundred dollars
    - 31 (\$500) per day per violation.
    - 32 (B) If the certificate holder fails to pay the civil penalty
    - 33 within the time specified by the state emergency
    - 34 management agency, the state emergency management
    - 35 agency may suspend the certificate holder's certificate
    - 36 without additional proceedings.
  - 37 (6) Placement of a certificate holder on probation status and
  - 38 requirement of the certificate holder to:
    - 39 (A) report regularly to the state emergency management
    - 40 agency upon the matters that are the basis of probation;
    - 41 (B) limit practice to those areas prescribed by the state
    - 42 emergency management agency;

COPY



1 (C) continue or renew professional education approved by  
2 the state emergency management agency until a  
3 satisfactory degree of skill has been attained in those areas  
4 that are the basis of the probation; or

5 (D) perform or refrain from performing any acts,  
6 including community restitution or service without  
7 compensation, that the state emergency management  
8 agency considers appropriate to the public interest or to  
9 the rehabilitation or treatment of the certificate holder.

10 The state emergency management agency may withdraw or  
11 modify this probation if the state emergency management  
12 agency finds after a hearing that the deficiency that required  
13 disciplinary action is remedied or that changed circumstances  
14 warrant a modification of the order.

15 (c) Except as provided in subsection (d), the commission may  
16 initiate proceedings to suspend or revoke a certificate on the  
17 commission's own motion or on the verified written complaint of an  
18 interested person. All proceedings to suspend or revoke a certificate  
19 shall be conducted in accordance with IC 4-21.5-3. If an applicant or  
20 a certificate holder has engaged in or knowingly cooperated in  
21 fraud or material deception to obtain a certificate, including  
22 cheating on the certification examination, the state emergency  
23 management agency may rescind the certificate if it has been  
24 granted, void the examination or other fraudulent or deceptive  
25 material, and prohibit the applicant from reapplying for the  
26 certificate for a length of time established by the state emergency  
27 management agency.

28 (d) The commission or the director may, on finding that the public  
29 health or safety is in imminent danger, temporarily suspend a certificate  
30 without hearing for not more than ninety (90) days on notice to the  
31 certificate holder. The state emergency management agency may  
32 deny certification to an applicant who would be subject to  
33 disciplinary sanctions under subsection (b) if that person was a  
34 certificate holder or who has had disciplinary action taken against  
35 the applicant or the applicant's certificate to practice in another  
36 state or jurisdiction or who has practiced without a certificate in  
37 violation of the law. A certified copy of the record of disciplinary  
38 action is conclusive evidence of the other jurisdiction's disciplinary  
39 action.

40 (e) On suspension, revocation, or termination of a certificate, the  
41 provision of the service shall cease. The state emergency  
42 management agency may order a certificate holder to submit to a

C  
o  
p  
y



1 reasonable physical or mental examination if the certificate  
2 holder's physical or mental capacity to practice safely and  
3 competently is at issue in a disciplinary proceeding. Failure to  
4 comply with a state emergency management agency order to  
5 submit to a physical or mental examination makes a certificate  
6 holder liable to temporary suspension under subsection (i).

7 (f) A written complaint filed with the commission and information  
8 pertaining to the complaint are confidential until one (1) of following  
9 occurs:

10 (1) Notice is sent under IC 4-21.5-3 that certification suspension  
11 or revocation proceedings relating to the complaint or information  
12 have been initiated.

13 (2) Notice is sent under section 17 of this chapter that a hearing  
14 is to be held concerning the imposition of a fine for a violation  
15 relating to the complaint or information.

16 (3) The complaint or information is required to be disclosed by  
17 the order of a court.

18 **Except as provided under subsection (a)(6), subsection (g), and**  
19 **section 14.5 of this chapter, a certificate may not be denied,**  
20 **revoked, or suspended because the applicant or certificate holder**  
21 **has been convicted of an offense. The acts from which the**  
22 **applicant's or certificate holder's conviction resulted may,**  
23 **however, be considered as to whether the applicant or certificate**  
24 **holder should be entrusted to serve the public in a specific capacity.**

25 (g) The commission may suspend or revoke a certificate under this  
26 section for not more than seven (7) years from the date the suspension  
27 or revocation is effective. After the time set by the commission has  
28 expired, the certificate holder may apply for renewal of the certificate  
29 under this chapter. The state emergency management agency may  
30 deny, suspend, or revoke a certificate issued under this chapter if  
31 the individual who holds or is applying for the certificate is  
32 convicted of any of the following:

33 (1) Possession of cocaine, a narcotic drug, or  
34 methamphetamine under IC 35-48-4-6.

35 (2) Possession of a controlled substance under IC 35-48-4-7(a).

36 (3) Fraudulently obtaining a controlled substance under  
37 IC 35-48-4-7(b).

38 (4) Manufacture of paraphernalia as a Class D felony under  
39 IC 35-48-4-8.1(b).

40 (5) Dealing in paraphernalia as a Class D felony under  
41 IC 35-48-4-8.5(b).

42 (6) Possession of paraphernalia as a Class D felony under

C  
o  
p  
y



- 1           **IC 35-48-4-8.3(b).**  
 2           **(7) Possession of marijuana, hash oil, or hashish as a Class D**  
 3           **felony under IC 35-48-4-11.**  
 4           **(8) Maintaining a common nuisance under IC 35-48-4-13.**  
 5           **(9) An offense relating to registration, labeling, and**  
 6           **prescription forms under IC 35-48-4-14.**  
 7           **(10) Conspiracy under IC 35-41-5-2 to commit an offense**  
 8           **listed in subdivisions (1) through (9).**  
 9           **(11) Attempt under IC 35-41-5-1 to commit an offense listed**  
 10           **in subdivisions (1) through (10).**  
 11           **(12) An offense in any other jurisdiction in which the elements**  
 12           **of the offense for which the conviction was entered are**  
 13           **substantially similar to the elements of an offense described**  
 14           **by subdivisions (1) through (11).**  
 15           **(h) A decision of the state emergency management agency under**  
 16           **subsections (b) through (g) may be appealed to the commission**  
 17           **under IC 4-21.5-3-7.**  
 18           **(i) The state emergency management agency may temporarily**  
 19           **suspend a certificate holder's certificate under IC 4-21.5-4 before**  
 20           **a final adjudication or during the appeals process if the state**  
 21           **emergency management agency finds that a certificate holder**  
 22           **would represent a clear and immediate danger to the public's**  
 23           **health, safety, or property if the certificate holder were allowed to**  
 24           **continue to practice.**  
 25           **(j) On receipt of a complaint or information alleging that a**  
 26           **person certified under this chapter or IC 16-31-3.5 has engaged in**  
 27           **or is engaging in a practice that is subject to disciplinary sanctions**  
 28           **under this chapter, the state emergency management agency must**  
 29           **initiate an investigation against the person.**  
 30           **(k) The state emergency management agency shall conduct a**  
 31           **factfinding investigation as the state emergency management**  
 32           **agency considers proper in relation to the complaint.**  
 33           **(l) The state emergency management agency may reinstate a**  
 34           **certificate that has been suspended under this section if the state**  
 35           **emergency management agency is satisfied that the applicant is**  
 36           **able to practice with reasonable skill, competency, and safety to the**  
 37           **public. As a condition of reinstatement, the state emergency**  
 38           **management agency may impose disciplinary or corrective**  
 39           **measures authorized under this chapter.**  
 40           **(m) The state emergency management agency may not reinstate**  
 41           **a certificate that has been revoked under this chapter.**  
 42           **(n) The state emergency management agency must be consistent**

C  
O  
P  
Y



1 in the application of sanctions authorized in this chapter.  
2 Significant departures from prior decisions involving similar  
3 conduct must be explained in the state emergency management  
4 agency's findings or orders.

5 (o) A certificate holder may not surrender the certificate  
6 holder's certificate without the written approval of the state  
7 emergency management agency, and the state emergency  
8 management agency may impose any conditions appropriate to the  
9 surrender or reinstatement of a surrendered certificate.

10 (p) For purposes of this section, "certificate holder" means a  
11 person who holds:

- 12 (1) an unlimited certificate;
- 13 (2) a limited or probationary certificate; or
- 14 (3) an inactive certificate.

15 SECTION 21. IC 16-31-3-14.5, AS AMENDED BY P.L.1-2002,  
16 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2003]: Sec. 14.5. The ~~commission~~ **state emergency**  
18 **management agency** may issue an order under IC 4-21.5-3-6 to  
19 deny an applicant's request for certification or permanently revoke  
20 a ~~license~~ or certificate under procedures provided by section 14 of this  
21 chapter if the individual who holds the ~~license~~ or certificate issued  
22 under this title is convicted of any of the following:

- 23 (1) Dealing in or manufacturing cocaine, a narcotic drug, or  
24 methamphetamine under IC 35-48-4-1.
- 25 (2) Dealing in a schedule I, II, or III controlled substance under  
26 IC 35-48-4-2.
- 27 (3) Dealing in a schedule IV controlled substance under  
28 IC 35-48-4-3.
- 29 (4) Dealing in a schedule V controlled substance under  
30 IC 35-48-4-4.
- 31 (5) Dealing in a substance represented to be a controlled  
32 substance under IC 35-48-4-4.5.
- 33 (6) Knowingly or intentionally manufacturing, advertising,  
34 distributing, or possessing with intent to manufacture, advertise,  
35 or distribute a substance represented to be a controlled substance  
36 under IC 35-48-4-4.6.
- 37 (7) Dealing in a counterfeit substance under IC 35-48-4-5.
- 38 (8) Dealing in marijuana, hash oil, or hashish under  
39 IC 35-48-4-10(b).
- 40 (9) Conspiracy under IC 35-41-5-2 to commit an offense listed in  
41 subdivisions (1) through (8).
- 42 (10) Attempt under IC 35-41-5-1 to commit an offense listed in

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

subdivisions (1) through (8).  
(11) A crime of violence (as defined in IC 35-50-1-2(a)).  
(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).

SECTION 22. IC 16-31-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. (a) The ~~director~~ **state emergency management agency may issue an order to may penalize an ambulance service provider or a person certified under this chapter who has practiced without a certificate in violation of this article imposing a civil penalty of** not more than five hundred dollars (\$500) per occurrence. ~~for a violation of a patient care standard or rule that is established by the commission under rules adopted under IC 4-22-2.~~

(b) ~~A civil penalty may be imposed only after a hearing on the imposition of the penalty has been held by the director or the director's designee. Notice of the hearing must be mailed to the provider at least ten (10) days before the date set for the hearing. A decision of the state emergency management agency under subsection (a) may be appealed to the commission under IC 4-21.5-3-7.~~

(c) ~~An ambulance service provider or a person certified under this chapter who is penalized under this chapter may appeal the determination under IC 4-21.5. At the hearing, the provider or certified person is entitled to do the following:~~

- ~~(1) Be represented by an attorney;~~
- ~~(2) Present evidence in that person's behalf;~~
- ~~(3) Cross-examine witnesses.~~

SECTION 23. IC 16-31-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. The commission shall appoint an advanced life support operations subcommittee to advise the commission on the development of:

- (1) standards for the certification of:
  - (A) provider organizations;
  - (B) paramedics;
  - (C) ~~advanced~~ emergency medical technicians; **technician-intermediates;** and
  - (D) supervising hospitals; and
- (2) rules governing the operation of advanced life support services.

SECTION 24. IC 16-31-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. The commission

C  
o  
p  
y



1 shall adopt rules under IC 4-22-2 that promote the orderly development  
 2 of advanced life support services in Indiana. The rules must include the  
 3 following:

4 (1) Requirements and procedures for the certification of provider  
 5 organizations, paramedics, ~~advanced~~ emergency medical  
 6 ~~technicians;~~ **technician-intermediates**, and supervising hospitals.

7 (2) Rules governing the operation of advanced life support  
 8 services, including the medications and procedures that may be  
 9 administered and performed by paramedics and ~~advanced~~  
 10 emergency medical ~~technicians;~~ **technician-intermediates**.

11 SECTION 25. IC 16-31-3-21 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. (a) Notwithstanding  
 13 any other law, a certified paramedic or ~~an advanced a certified~~  
 14 emergency medical technician-**intermediate** may perform advanced  
 15 life support in an emergency according to the rules of the commission.

16 (b) Notwithstanding any other law, a person may, during a course  
 17 of instruction in advanced life support, perform advanced life support  
 18 according to the rules of the commission.

19 SECTION 26. IC 16-31-3-23, AS ADDED BY P.L.17-2002,  
 20 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2003]: Sec. 23. An emergency medical technician or ~~advanced~~  
 22 emergency medical technician-**basic advanced** who is certified under  
 23 this article may administer epinephrine through an auto-injector to an  
 24 individual who is experiencing symptoms of an allergic reaction or  
 25 anaphylaxis.

26 SECTION 27. IC 16-31-3.5 IS ADDED TO THE INDIANA CODE  
 27 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2003]:

29 **Chapter 3.5. Emergency Medical Dispatch**

30 **Sec 1. (a) The definitions in this section apply throughout this**  
 31 **chapter.**

32 (b) **"Medical director" means a licensed physician who provides**  
 33 **emergency medical dispatch medical direction to the emergency**  
 34 **medical dispatch agency and works with the local emergency**  
 35 **medical services medical director, if not the same person.**

36 (c) **"Emergency medical dispatcher" means a person who is**  
 37 **trained to provide emergency medical dispatch services and who**  
 38 **is certified under this chapter.**

39 (d) **"Emergency medical dispatching" means the reception,**  
 40 **evaluation, processing, provision of dispatch life support,**  
 41 **management of requests for emergency medical assistance, and**  
 42 **participation in ongoing evaluation and improvement of the**



C  
o  
p  
y

1 emergency medical dispatch process. This process includes  
2 identifying the nature of the request, prioritizing the severity of the  
3 request, dispatching the necessary resources, providing medical aid  
4 and safety instructions to the callers, and coordinating the  
5 responding resources as needed, but does not include call routing  
6 per se.

7 (e) "Emergency medical dispatch agency" means any person  
8 that provides emergency medical dispatching for emergency  
9 medical assistance that is certified under this chapter.

10 Sec. 2. This chapter does not apply to a person who solely  
11 dispatches prescheduled emergency medical transports.

12 Sec. 3. (a) An individual may not furnish, operate, conduct,  
13 maintain, advertise, or otherwise be engaged as an emergency  
14 medical dispatcher unless that individual is certified by the  
15 commission as an emergency medical dispatcher.

16 (b) A person may not furnish, operate, conduct, maintain,  
17 advertise, or otherwise be engaged as an emergency medical  
18 dispatch agency unless certified by the commission as an  
19 emergency medical dispatch agency.

20 Sec. 4. (a) To be certified as an emergency medical dispatcher,  
21 an individual must:

- 22 (1) meet the standards for education and training established
- 23 by the commission;
- 24 (2) successfully complete a written competency examination
- 25 approved by the commission; and
- 26 (3) pay the fee established by the commission.

27 (b) An emergency medical dispatcher certificate expires two (2)  
28 years after the date of its issuance. To renew a certificate, an  
29 emergency medical dispatcher must:

- 30 (1) meet the education and training renewal standards
- 31 established by the commission; and
- 32 (2) pay the fee established by the commission.

33 (c) An emergency medical dispatcher must follow protocols,  
34 procedures, standards, and policies established by the commission.

35 (d) An emergency medical dispatcher is required to keep the  
36 commission informed of the entity or agency that employs or  
37 supervises the dispatcher's activities as an emergency medical  
38 dispatcher.

39 (e) An emergency medical dispatcher is required to report to the  
40 commission whenever an action has taken place that may justify  
41 the revocation or suspension of a certificate issued by the  
42 commission.

C  
O  
P  
Y



1           **Sec. 5. (a) To be certified as an emergency medical dispatch**  
2 **agency, a person must:**

3           **(1) meet the standards established by the commission; and**

4           **(2) pay the fee established by the commission.**

5           **(b) An emergency medical dispatch agency certificate expires**  
6 **two (2) years after the date of its issuance. To renew a certificate,**  
7 **an emergency medical dispatch agency must:**

8           **(1) meet the renewal requirements established by the**  
9 **commission; and**

10           **(2) pay the fee established by the commission.**

11           **(c) The emergency medical dispatch agency must be operated in**  
12 **a safe, efficient, and effective manner in accordance with**  
13 **commission approved standards that include the following**  
14 **requirements:**

15           **(1) All personnel providing emergency medical dispatch**  
16 **services must be certified as emergency medical dispatchers**  
17 **by the commission before functioning alone in an online**  
18 **capacity.**

19           **(2) The protocols, procedures, standards, and policies used by**  
20 **an emergency medical dispatch agency to dispatch emergency**  
21 **medical aid must comply with the requirements established by**  
22 **the commission.**

23           **(3) The commission must require the emergency medical**  
24 **dispatch agency to appoint a dispatch medical director to**  
25 **provide supervision and oversight over the medical aspects of**  
26 **the operation of the emergency medical dispatch agency.**

27           **(d) The commission may require the submission of periodic**  
28 **reports from a emergency medical dispatch agency. The**  
29 **emergency medical dispatch agency must submit such reports in**  
30 **the manner and with the frequency required by the commission.**

31           **(e) An emergency medical dispatch agency is required to report**  
32 **to the commission whenever an action occurs that may justify the**  
33 **revocation or suspension of a certificate issued by the commission.**

34           **Sec. 6. (a) The commission must require emergency medical**  
35 **dispatchers to participate in continuing emergency medical**  
36 **dispatch education and training.**

37           **(b) An emergency medical dispatcher education and training**  
38 **course must be approved by the commission and must be**  
39 **conducted by an instructor or instructors that meet qualifications**  
40 **established by the commission.**

41           **(c) A person may not offer or conduct a training course that is**  
42 **represented as a course for emergency medical dispatcher**

C  
O  
P  
Y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

**certification unless the course is approved by the commission and the instructor or instructors meet the qualifications established by the commission.**

**Sec. 7. The commission shall adopt rules under IC 4-22-2 to implement this chapter.**

SECTION 28. IC 16-31-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) ~~An ambulance attendant or~~ **A certified emergency medical technician or a certified emergency medical technician-basic advanced** who provides emergency ~~ambulance medical~~ **medical** services to an emergency patient is not liable for an act or omission in providing those services unless the act or omission constitutes negligence or willful misconduct. If the ~~attendant or emergency medical technician or emergency medical technician-basic advanced~~ **is not liable for an act or omission, no other person incurs liability by reason of an agency relationship with the attendant or emergency medical technician or emergency medical technician-basic advanced.**

(b) This section does not affect the liability of a driver of an ambulance for negligent operation of the ambulance.

SECTION 29. IC 16-31-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. An act or omission of a paramedic or ~~advanced~~ **an emergency medical technician-intermediate** done or omitted in good faith while providing advanced life support to a patient or trauma victim does not impose liability upon the paramedic or ~~advanced~~ **emergency medical technician-intermediate**, the authorizing physician, the hospital, or the officers, members of the staff, nurses, or other employees of the hospital or the local governmental unit if the advanced life support is provided:

- (1) in connection with an emergency;
  - (2) in good faith; and
  - (3) under the written or oral direction of a licensed physician;
- unless the act or omission was a result of negligence or willful misconduct.

SECTION 30. IC 16-31-6-4, AS ADDED BY P.L.156-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) This section does not apply to an act or omission that was a result of gross negligence or willful or intentional misconduct.

(b) An act or omission of a paramedic, an ~~advanced~~ **emergency medical technician-intermediate**, an **emergency medical technician-basic advanced**, **an emergency medical technician**, or a

C  
o  
p  
y



1 person with equivalent certification from another state that is  
2 performed or made while providing advanced life support or basic life  
3 support to a patient or trauma victim does not impose liability upon the  
4 paramedic, the ~~advanced~~ emergency medical technician-**intermediate**,  
5 the emergency medical technician-**basic advanced, an emergency**  
6 **medical technician**, the person with equivalent certification from  
7 another state, a hospital, a provider organization, a governmental entity,  
8 or an employee or other staff of a hospital, provider organization, or  
9 governmental entity if the advanced life support or basic life support  
10 is provided in good faith:

11 (1) in connection with a disaster emergency declared by the  
12 governor under IC 10-4-1-7 in response to an act that the  
13 governor in good faith believes to be an act of terrorism (as  
14 defined in IC 35-41-1-26.5); and

15 (2) in accordance with the rules adopted by the Indiana  
16 emergency medical services commission or the disaster  
17 emergency declaration of the governor.

18 SECTION 31. IC 16-31-8.5 IS ADDED TO THE INDIANA CODE  
19 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2003]:

21 **Chapter 8.5. Emergency Medical Services Fund**

22 **Sec. 1. As used in this chapter, "agency" refers to the state**  
23 **emergency management agency established by IC 10-8-2-1.**

24 **Sec. 2. As used in this chapter, "fund" refers to the emergency**  
25 **medical services fund established by section 3 of this chapter.**

26 **Sec. 3. The emergency medical services fund is established for**  
27 **the purposes of defraying the personal services expense, other**  
28 **operating expense, and capital outlay of the:**

- 29 (1) commission; and
- 30 (2) employees of the agency.

31 **Sec. 4. The agency shall administer the fund. Money collected**  
32 **under IC 16-31-3-13 must be deposited at least monthly with the**  
33 **treasurer of state. Expenses of administering the fund shall be paid**  
34 **from money in the fund.**

35 **Sec. 5. The treasurer of state shall deposit money deposited with**  
36 **the treasurer of state under section 4 of this chapter in the fund.**  
37 **The treasurer of state shall invest the money in the fund that is not**  
38 **currently needed to meet the obligations of the fund in the same**  
39 **manner as other public funds may be invested.**

40 **Sec. 6. Money in the fund at the end of a state fiscal year does**  
41 **not revert to the state general fund.**

42 SECTION 32. IC 25-22.5-1-2, AS AMENDED BY P.L.255-2001,

C  
o  
p  
y



1 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2003]: Sec. 2. (a) This article, as it relates to the unlawful or  
3 unauthorized practice of medicine or osteopathic medicine, does not  
4 apply to any of the following:

5 (1) A student in training in a medical school approved by the  
6 board, or while performing duties as an intern or a resident in a  
7 hospital under the supervision of the hospital's staff or in a  
8 program approved by the medical school.

9 (2) A person who renders service in case of emergency where no  
10 fee or other consideration is contemplated, charged, or received.

11 (3) A paramedic (as defined in IC 16-18-2-266), an ~~advanced~~  
12 emergency medical ~~technician~~ **technician-basic advanced** (as  
13 defined in ~~IC 16-18-2-6~~ **IC 16-18-2-112.7**), an **emergency**  
14 **medical technician-intermediate (as defined in**  
15 **IC 16-18-2-112.5)**, an emergency medical technician (as defined  
16 in IC 16-18-2-112), or a person with equivalent certification from  
17 another state who renders advanced life support (as defined in  
18 IC 16-18-2-7) or basic life support (as defined in  
19 IC 16-18-2-33.5):

20 (A) during a disaster emergency declared by the governor  
21 under IC 10-4-1-7 in response to an act that the governor in  
22 good faith believes to be an act of terrorism (as defined in  
23 IC 35-41-1-26.5); and

24 (B) in accordance with the rules adopted by the Indiana  
25 emergency medical services commission or the disaster  
26 emergency declaration of the governor.

27 (4) Commissioned medical officers or medical service officers of  
28 the armed forces of the United States, the United States Public  
29 Health Service, and medical officers of the United States  
30 Department of Veterans Affairs in the discharge of their official  
31 duties in Indiana.

32 (5) An individual who is not a licensee who resides in another  
33 state or country and is authorized to practice medicine or  
34 osteopathic medicine there, who is called in for consultation by an  
35 individual licensed to practice medicine or osteopathic medicine  
36 in Indiana.

37 (6) A person administering a domestic or family remedy to a  
38 member of the person's family.

39 (7) A member of a church practicing the religious tenets of the  
40 church if the member does not make a medical diagnosis,  
41 prescribe or administer drugs or medicines, perform surgical or  
42 physical operations, or assume the title of or profess to be a



C  
o  
p  
y

- 1 physician.
- 2 (8) A school corporation and a school employee who acts under
- 3 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 4 (9) A chiropractor practicing the chiropractor's profession under
- 5 IC 25-10 or to an employee of a chiropractor acting under the
- 6 direction and supervision of the chiropractor under IC 25-10-1-13.
- 7 (10) A dental hygienist practicing the dental hygienist's profession
- 8 under IC 25-13.
- 9 (11) A dentist practicing the dentist's profession under IC 25-14.
- 10 (12) A hearing aid dealer practicing the hearing aid dealer's
- 11 profession under IC 25-20.
- 12 (13) A nurse practicing the nurse's profession under IC 25-23.
- 13 However, a registered nurse may administer anesthesia if the
- 14 registered nurse acts under the direction of and in the immediate
- 15 presence of a physician and holds a certificate of completion of a
- 16 course in anesthesia approved by the American Association of
- 17 Nurse Anesthetists or a course approved by the board.
- 18 (14) An optometrist practicing the optometrist's profession under
- 19 IC 25-24.
- 20 (15) A pharmacist practicing the pharmacist's profession under
- 21 IC 25-26.
- 22 (16) A physical therapist practicing the physical therapist's
- 23 profession under IC 25-27.
- 24 (17) A podiatrist practicing the podiatrist's profession under
- 25 IC 25-29.
- 26 (18) A psychologist practicing the psychologist's profession under
- 27 IC 25-33.
- 28 (19) A speech-language pathologist or audiologist practicing the
- 29 pathologist's or audiologist's profession under IC 25-35.6.
- 30 (20) An employee of a physician or group of physicians who
- 31 performs an act, a duty, or a function that is customarily within
- 32 the specific area of practice of the employing physician or group
- 33 of physicians, if the act, duty, or function is performed under the
- 34 direction and supervision of the employing physician or a
- 35 physician of the employing group within whose area of practice
- 36 the act, duty, or function falls. An employee may not make a
- 37 diagnosis or prescribe a treatment and must report the results of
- 38 an examination of a patient conducted by the employee to the
- 39 employing physician or the physician of the employing group
- 40 under whose supervision the employee is working. An employee
- 41 may not administer medication without the specific order of the
- 42 employing physician or a physician of the employing group.

C  
O  
P  
Y

- 1 Unless an employee is licensed or registered to independently  
 2 practice in a profession described in subdivisions (9) through  
 3 (18), nothing in this subsection grants the employee independent  
 4 practitioner status or the authority to perform patient services in  
 5 an independent practice in a profession.  
 6 (21) A hospital licensed under IC 16-21 or IC 12-25.  
 7 (22) A health care organization whose members, shareholders, or  
 8 partners are individuals, partnerships, corporations, facilities, or  
 9 institutions licensed or legally authorized by this state to provide  
 10 health care or professional services as:  
 11 (A) a physician;  
 12 (B) a psychiatric hospital;  
 13 (C) a hospital;  
 14 (D) a health maintenance organization or limited service  
 15 health maintenance organization;  
 16 (E) a health facility;  
 17 (F) a dentist;  
 18 (G) a registered or licensed practical nurse;  
 19 (H) a midwife;  
 20 (I) an optometrist;  
 21 (J) a podiatrist;  
 22 (K) a chiropractor;  
 23 (L) a physical therapist; or  
 24 (M) a psychologist.  
 25 (23) A physician assistant practicing the physician assistant's  
 26 profession under IC 25-27.5.  
 27 (24) A physician providing medical treatment under  
 28 IC 25-22.5-1-2.1.  
 29 (25) An attendant who provides care services as defined in  
 30 IC 16-27-1-0.5.  
 31 (26) A personal services attendant providing authorized attendant  
 32 care services under IC 12-10-17.  
 33 (b) A person described in subsection (a)(9) through (a)(18) is not  
 34 excluded from the application of this article if:  
 35 (1) the person performs an act that an Indiana statute does not  
 36 authorize the person to perform; and  
 37 (2) the act qualifies in whole or in part as the practice of medicine  
 38 or osteopathic medicine.  
 39 (c) An employment or other contractual relationship between an  
 40 entity described in subsection (a)(21) through (a)(22) and a licensed  
 41 physician does not constitute the unlawful practice of medicine under  
 42 this article if the entity does not direct or control independent medical

C  
O  
P  
Y

1 acts, decisions, or judgment of the licensed physician. However, if the  
 2 direction or control is done by the entity under IC 34-30-15 (or  
 3 IC 34-4-12.6 before its repeal), the entity is excluded from the  
 4 application of this article as it relates to the unlawful practice of  
 5 medicine or osteopathic medicine.

6 (d) This subsection does not apply to a prescription or drug order for  
 7 a legend drug that is filled or refilled in a pharmacy owned or operated  
 8 by a hospital licensed under IC 16-21. A physician licensed in Indiana  
 9 who permits or authorizes a person to fill or refill a prescription or drug  
 10 order for a legend drug except as authorized in IC 16-42-19-11 through  
 11 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A  
 12 person who violates this subsection commits the unlawful practice of  
 13 medicine under this chapter.

14 (e) A person described in subsection (a)(8) shall not be authorized  
 15 to dispense contraceptives or birth control devices.

16 SECTION 33. IC 34-6-2-37.2 IS ADDED TO THE INDIANA  
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2003]: **Sec. 37.2. "Emergency medical  
 19 technician-basic advanced", for purposes of IC 34-18, has the  
 20 meaning set forth in IC 34-18-2-12.1.**

21 SECTION 34. IC 34-6-2-37.4 IS ADDED TO THE INDIANA  
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2003]: **Sec. 37.4. "Emergency medical  
 24 technician-intermediate", for purposes of IC 34-18, has the  
 25 meaning set forth in IC 34-18-2-12.2.**

26 SECTION 35. IC 34-18-2-4 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 4. "Ambulance service"**  
 28 **means a person who employs:**

- 29 (1) emergency medical technicians;  
 30 (2) ~~advanced emergency medical technicians;~~ **technicians-basic  
 31 advanced;**  
 32 **(3) emergency medical technicians-intermediate;** or  
 33 ~~(4) paramedics.~~

34 SECTION 36. IC 34-18-2-12.1 IS ADDED TO THE INDIANA  
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2003]: **Sec. 12.1. (a) "Emergency medical  
 37 technician-basic advanced" has the meaning set forth in  
 38 IC 16-18-2-112.5.**

39 **(b) The term does not include a person while the person is  
 40 operating an emergency vehicle.**

41 SECTION 37. IC 34-18-2-12.2 IS ADDED TO THE INDIANA  
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



C  
 o  
 p  
 y

1 [EFFECTIVE JULY 1, 2003]: **Sec. 12.2. (a) "Emergency medical**  
2 **technician-intermediate" has the meaning set forth in**  
3 **IC 16-18-2-112.7.**

4 **(b) The term does not include a person while the person is**  
5 **operating an emergency vehicle.**

6 SECTION 38. IC 34-18-2-14 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. "Health care  
8 provider" means any of the following:

9 (1) An individual, a partnership, a limited liability company, a  
10 corporation, a professional corporation, a facility, or an institution  
11 licensed or legally authorized by this state to provide health care  
12 or professional services as a physician, psychiatric hospital,  
13 hospital, health facility, emergency ambulance service  
14 (IC 16-18-2-107), dentist, registered or licensed practical nurse,  
15 physician assistant, midwife, optometrist, podiatrist, chiropractor,  
16 physical therapist, respiratory care practitioner, occupational  
17 therapist, psychologist, paramedic, emergency medical ~~technician,~~  
18 **technician-intermediate, emergency medical technician-basic**  
19 **advanced,** or ~~advanced~~ emergency medical technician, or a  
20 person who is an officer, employee, or agent of the individual,  
21 partnership, corporation, professional corporation, facility, or  
22 institution acting in the course and scope of the person's  
23 employment.

24 (2) A college, university, or junior college that provides health  
25 care to a student, faculty member, or employee, and the governing  
26 board or a person who is an officer, employee, or agent of the  
27 college, university, or junior college acting in the course and  
28 scope of the person's employment.

29 (3) A blood bank, community mental health center, community  
30 mental retardation center, community health center, or migrant  
31 health center.

32 (4) A home health agency (as defined in IC 16-27-1-2).

33 (5) A health maintenance organization (as defined in  
34 IC 27-13-1-19).

35 (6) A health care organization whose members, shareholders, or  
36 partners are health care providers under subdivision (1).

37 (7) A corporation, limited liability company, partnership, or  
38 professional corporation not otherwise qualified under this section  
39 that:

40 (A) as one (1) of its functions, provides health care;

41 (B) is organized or registered under state law; and

42 (C) is determined to be eligible for coverage as a health care

C  
o  
p  
y



1 provider under this article for its health care function.  
2 Coverage for a health care provider qualified under this  
3 subdivision is limited to its health care functions and does not  
4 extend to other causes of action.

5 SECTION 39. THE FOLLOWING ARE REPEALED [EFFECTIVE  
6 JULY 1, 2003]: IC 16-18-2-6; IC 16-31-3-15; IC 16-31-6.5-1;  
7 IC 34-6-2-4; IC 34-18-2-3; .

8 SECTION 40. [EFFECTIVE JULY 1, 2003] **(a) Notwithstanding**  
9 **IC 16-31-3.5-3(a), as added by this act, the prohibition against an**  
10 **individual acting as an emergency medical dispatcher unless the**  
11 **individual is certified by the Indiana emergency medical services**  
12 **commission as an emergency medical dispatcher does not apply to**  
13 **an individual before July 1, 2005.**

14 **(b) Notwithstanding IC 16-31-3.5-3(b), as added by this act, the**  
15 **prohibition against a person acting as an emergency medical**  
16 **dispatch agency unless the person is certified by the Indiana**  
17 **emergency medical services commission as an emergency medical**  
18 **dispatch agency does not apply to a person before July 1, 2005.**

C  
o  
p  
y



## COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 548, 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 1, line 14, delete "." and insert "**or the deputy director's designee.**".

Page 2, line 10, delete "technician-advanced," and insert "**technician-basic advanced,**".

Page 2, delete lines 31 through 41, begin a new paragraph and insert:

"SECTION 3. IC 9-30-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) A physician or a person trained in obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician, who:

- (1) obtains a blood, urine, or other bodily substance sample from a person, regardless of whether the sample is taken for diagnostic purposes or at the request of a law enforcement officer under this section; or
- (2) performs a chemical test on blood, urine, or other bodily substance obtained from a person;

shall deliver the sample or disclose the results of the test to a law enforcement officer who requests the sample or results as a part of a criminal investigation. Samples and test results shall be provided to a law enforcement officer even if the person has not consented to or otherwise authorized their release.

(b) A physician, a hospital, or an agent of a physician or hospital is not civilly or criminally liable for any of the following:

- (1) Disclosing test results in accordance with this section.
- (2) Delivering a blood, urine, or other bodily substance sample in accordance with this section.
- (3) Obtaining a blood, urine, or other bodily substance sample in accordance with this section.
- (4) Disclosing to the prosecuting attorney or the deputy prosecuting attorney for use at or testifying at the criminal trial of the person as to facts observed or opinions formed.
- (5) Failing to treat a person from whom a blood, urine, or other bodily substance sample is obtained at the request of a law enforcement officer if the person declines treatment.
- (6) Injury to a person arising from the performance of duties in good faith under this section.

SB 548—LS 7824/DI 108+



C  
O  
P  
Y

(c) For the purposes of this chapter, IC 9-30-5, or IC 9-30-9:

(1) the privileges arising from a patient-physician relationship do not apply to the samples, test results, or testimony described in this section; and

(2) samples, test results, and testimony may be admitted in a proceeding in accordance with the applicable rules of evidence.

(d) The exceptions to the patient-physician relationship specified in subsection (c) do not affect those relationships in a proceeding not covered by this chapter, IC 9-30-5, or IC 9-30-9.

(e) The test results and samples obtained by a law enforcement officer under subsection (a) may be disclosed only to a prosecuting attorney or a deputy prosecuting attorney for use as evidence in a criminal proceeding under this chapter, IC 9-30-5, or IC 9-30-9.

(f) This section does not require a physician or a person under the direction of a physician to perform a chemical test.

(g) A physician or a person trained in obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician shall obtain a blood, urine, or other bodily substance sample if the following exist:

(1) A law enforcement officer requests that the sample be obtained.

(2) The law enforcement officer has certified in writing the following:

(A) That the officer has probable cause to believe the person from whom the sample is to be obtained has violated IC 9-30-5.

(B) That the person from whom the sample is to be obtained has been transported to a hospital or other medical facility.

(C) That the person from whom the sample is to be obtained has been involved in a motor vehicle accident that resulted in the serious bodily injury or death of another.

(D) That the accident that caused the serious bodily injury or death of another occurred not more than three (3) hours before the time the sample is requested.

(3) Not more than the use of reasonable force is necessary to obtain the sample.

(h) If the person:

(1) from whom the bodily substance sample is to be obtained under this section does not consent; and

(2) resists the taking of a sample;

the law enforcement officer may use reasonable force to assist an individual, who must be authorized under this section to obtain a

C  
O  
P  
Y



sample, in the taking of the sample.

(i) The person authorized under this section to obtain a bodily substance sample shall take the sample in a medically accepted manner.

(j) A law enforcement officer may transport the person to a place other than a hospital where the sample may be obtained by any of the following persons who are trained in obtaining bodily substance samples and who have been engaged to obtain samples under this section:

- (1) A physician holding an unlimited license to practice medicine or osteopathy.
- (2) A registered nurse.
- (3) A licensed practical nurse.
- (4) An ~~advanced~~ emergency medical ~~technician~~ **technician-basic advanced** (as defined in ~~IC 16-18-2-6~~ **IC 16-18-2-112.5**).
- (5) An **emergency medical technician-intermediate** (as defined in **IC 16-18-2-112.7**).
- (6) A paramedic (as defined in **IC 16-18-2-266**).

Page 3, line 15, delete "technician-advanced." and insert "**technician-basic advanced**."

Page 4, line 4, delete "technician-advanced" and insert "**technician-basic advanced**".

Page 4, line 6, delete "technician-advanced," and insert "**technician-basic advanced,**".

Page 4, line 16, after "training" insert "**and certification**".

Page 4, line 17, delete "IC 16-31-2-9(5);" and insert "**IC 16-31-2-9(4);**".

Page 4, line 19, delete "and certification".

Page 4, line 20, delete "IC 16-31-2-9(4);" and insert "**IC 16-31-2-9(5);**".

Page 4, line 29, delete "technician-advanced," and insert "**technician-basic advanced,**".

Page 4, line 30, delete "this article" and insert "**IC 16-31**".

Page 4, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 8. IC 16-18-2-112.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 112.7. "Emergency medical technician-intermediate"**, for purposes of IC 16-31, means an individual who can perform at least one (1) of but not all the procedures of a paramedic and who:

- (1) has completed a prescribed course in advanced life support;



C  
O  
P  
Y

- (2) has been certified by the Indiana emergency medical services commission;**
- (3) is associated with a single supervising hospital; and**
- (4) is affiliated with a provider organization."**

Page 5, line 12, strike "or".

Page 5, line 13, strike "advanced".

Page 5, line 13, strike "technician," and insert **"technician-basic advanced, or an emergency medical technician-intermediate,"**

Page 6, line 13, delete "technician-advanced;" and insert **"technician-basic advanced;"**.

Page 7, line 7, delete "technician-advanced," and insert **"technician-basic advanced,"**

Page 7, between lines 23 and 24, begin a new paragraph and insert:

**"SECTION 12. IC 16-18-2-368.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 368.3. "Volunteer medic", for purposes of IC 16-31-3, means a first responder, an emergency medical technician, an emergency medical technician-basic advanced, an emergency medical technician-intermediate, or a paramedic certified under IC 16-31 who:**

- (1) is a volunteer firefighter acting as:**

- (A) a first responder;**
- (B) an emergency medical technician;**
- (C) an emergency medical technician-basic advanced;**
- (D) an emergency medical technician-intermediate; or**
- (E) a paramedic;**

**certified under IC-31, for a volunteer fire department; or**

- (2) works as a first responder, an emergency medical technician, an emergency medical technician-basic advanced, an emergency medical technician-intermediate, or a paramedic certified under IC 16-31 for a volunteer provider organization and who:**

**(A) as a result of a written application, has been elected or appointed to membership in a volunteer provider organization;**

**(B) performs the work related duties assigned and orders given to the volunteer medic by the officers of the volunteer provider organization, including orders or duties involving education and training; and**

**(C) is listed on a roster of volunteer medics that is kept by the volunteer provider organization and that has been approved by the designated officers of the volunteer**

C  
o  
p  
y



**provider organization.**

SECTION 13. IC 16-18-2-368.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 368.5. "Volunteer provider organization", for purposes of IC 16-31-3, means a provider organization (as defined in section 296 of this chapter) of which a majority of the members do not receive compensation or receive nominal compensation (as defined in IC 36-8-12-2) for the member's services."**

Page 7, line 37, delete "technician-advanced." and insert "technician-**basic advanced**."

Page 7, line 39, after "kits" insert "**containing atropine and pralidoxime chloride**".

Page 7, line 39, strike "chemical agent VX".

Page 7, line 40, strike "(nerve agent)" and insert "**nerve agents**".

Page 7, line 41, delete "technician-advanced" and insert "**technician-basic advanced**".

Page 7, line 41, strike "and emergency medical technicians who" and insert "**an emergency medical technician, or a first responder**".

Page 7, strike line 42.

Page 8, strike lines 1 through 20, begin a new paragraph and insert:

"SECTION 14. IC 16-31-2-11, AS AMENDED BY P.L.127-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) The commission shall develop procedures for ongoing review of all emergency ambulance services.

(b) The commission may review any pre-hospital ambulance rescue or report record regarding an emergency patient that is utilized or compiled by an emergency ambulance service employing paramedics, **emergency medical technicians-intermediate**, emergency medical technicians, or ~~advanced~~ emergency medical ~~technicians-technicians-basic advanced~~. However, except as provided in subsection (d), those records shall remain confidential and may be used solely for the purpose of compiling data and statistics. The use of such data or statistics is subject to IC 4-1-6.

(c) The commission may develop and oversee experimental study projects conducted by ambulance service providers in limited geographic areas of Indiana. These study projects must be developed and conducted in accordance with rules adopted by the commission under IC 4-22-2. These study projects must be designed to test the efficacy of new patient care techniques and new ambulance service systems.

(d) This subsection applies to emergency ambulance services that



C  
O  
P  
Y

are provided by or under a contract with an entity that is a public agency for purposes of IC 5-14-3. The following information, if contained in a pre-hospital ambulance rescue or report record regarding an emergency patient, is public information and must be made available for inspection and copying under IC 5-14-3:

- (1) The date and time of the request for ambulance services.
- (2) The reason for the request for assistance.
- (3) The time and nature of the response to the request for ambulance services.
- (4) The time of arrival at the scene where the patient was located.
- (5) The time of departure from the scene where the patient was located.
- (6) The name of the facility, if any, to which the patient was delivered for further treatment and the time of arrival at that facility."

Page 8, line 25, delete "technician-advanced," and insert "**technician-basic advanced**,".

Page 8, line 39, after "care." insert "**However, the commission may not waive a rule that sets forth educational requirements for a person regulated under this article.**"

Page 9, line 15, delete "technician-advanced," and insert "**technician-basic advanced**,".

Page 9, between lines 35 and 36, begin a new paragraph and insert:

**"(c) A renewal of an emergency medical technician, an emergency medical technician-basic advanced, an emergency medical technician-intermediate, or a paramedic certificate must be issued to an individual who meets the following conditions:**

**(1) While holding a valid certificate, the individual is called to active military duty as a member of the Indiana national guard or a reserve component of the armed forces of the United States, including:**

- (A) the army;**
- (B) the navy;**
- (C) the air force;**
- (D) the marines; or**
- (E) the coast guard.**

**(2) Provides the emergency medical services commission with a copy of the document from the armed forces that called the individual to active duty.**

**(3) Applies for the certificate renewal not more than one hundred twenty (120) days after the individual leaves active duty."**



C  
O  
P  
Y

Page 9, line 38, delete "The" and insert "**Except as provided in subsection (d), the**".

Page 10, between lines 4 and 5, begin a new paragraph and insert:

**"(d) The commission may not establish a fee for the certification of a volunteer provider organization or:**

- (1) a first responder;**
- (2) an emergency medical technician;**
- (3) an emergency medical technician-basic advanced;**
- (4) an emergency medical technician-intermediate; or**
- (5) a paramedic;**

**who is a volunteer medic."**

Page 11, line 3, delete "severe".

Page 12, line 2, delete "When imposing a civil penalty, the state emergency".

Page 12, delete line 3.

Page 12, line 4, delete "ability to pay the amount assessed".

Page 12, line 8, delete "However, a".

Page 12, delete lines 9 through 11.

Page 18, line 6, delete "technician-advanced" and insert "**technician-basic advanced**".

Page 20, line 38, delete "technician-advanced" and insert "**technician-basic advanced**".

Page 21, line 2, delete "technician-advanced" and insert "**technician-basic advanced**".

Page 21, line 5, delete "technician-advanced." and insert "**technician-basic advanced.**".

Page 21, line 30, delete "technician-advanced," and insert "**technician-basic advanced,**".

Page 21, line 35, delete "technician-advanced," and insert "**technician-basic advanced,**".

Page 22, delete lines 29 through 31.

Page 22, line 32, delete "7." and insert "**6.**".

Page 22, between lines 33 and 34, begin a new paragraph and insert:  
**"SECTION 30. IC 25-22.5-1-2, AS AMENDED BY P.L.255-2001, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:**

- (1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.**



C  
O  
P  
Y

- (2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.
- (3) A paramedic (as defined in IC 16-18-2-266), an ~~advanced~~ emergency medical ~~technician~~ **technician-basic advanced** (as defined in ~~IC 16-18-2-6~~ **IC 16-18-2-112.7**), **an emergency medical technician-intermediate (as defined in IC 16-18-2-112.5)**, an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7) or basic life support (as defined in IC 16-18-2-33.5):
- (A) during a disaster emergency declared by the governor under IC 10-4-1-7 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and
  - (B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.
- (4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.
- (5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.
- (6) A person administering a domestic or family remedy to a member of the person's family.
- (7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.
- (8) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- (9) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.
- (10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.

C  
O  
P  
Y



- (11) A dentist practicing the dentist's profession under IC 25-14.
- (12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.
- (13) A nurse practicing the nurse's profession under IC 25-23. However, a registered nurse may administer anesthesia if the registered nurse acts under the direction of and in the immediate presence of a physician and holds a certificate of completion of a course in anesthesia approved by the American Association of Nurse Anesthetists or a course approved by the board.
- (14) An optometrist practicing the optometrist's profession under IC 25-24.
- (15) A pharmacist practicing the pharmacist's profession under IC 25-26.
- (16) A physical therapist practicing the physical therapist's profession under IC 25-27.
- (17) A podiatrist practicing the podiatrist's profession under IC 25-29.
- (18) A psychologist practicing the psychologist's profession under IC 25-33.
- (19) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.
- (20) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.
- (21) A hospital licensed under IC 16-21 or IC 12-25.
- (22) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or

C  
O  
P  
Y

institutions licensed or legally authorized by this state to provide health care or professional services as:

- (A) a physician;
- (B) a psychiatric hospital;
- (C) a hospital;
- (D) a health maintenance organization or limited service health maintenance organization;
- (E) a health facility;
- (F) a dentist;
- (G) a registered or licensed practical nurse;
- (H) a midwife;
- (I) an optometrist;
- (J) a podiatrist;
- (K) a chiropractor;
- (L) a physical therapist; or
- (M) a psychologist.

(23) A physician assistant practicing the physician assistant's profession under IC 25-27.5.

(24) A physician providing medical treatment under IC 25-22.5-1-2.1.

(25) An attendant who provides care services as defined in IC 16-27-1-0.5.

(26) A personal services attendant providing authorized attendant care services under IC 12-10-17.

(b) A person described in subsection (a)(9) through (a)(18) is not excluded from the application of this article if:

- (1) the person performs an act that an Indiana statute does not authorize the person to perform; and
- (2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana

C  
O  
P  
Y



who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 31. IC 34-6-2-37.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2003]: **Sec. 37.2. "Emergency medical technician-basic advanced", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-12.1.**

SECTION 32. IC 34-6-2-37.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2003]: **Sec. 37.4. "Emergency medical technician-intermediate", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-12.2.**

SECTION 33. IC 34-18-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. "Ambulance service" means a person who employs:

- (1) emergency medical technicians;
- (2) ~~advanced~~ emergency medical technicians; **technicians-basic advanced;**
- (3) emergency medical technicians-intermediate; or**
- ~~(3)~~ **(4) paramedics.**

SECTION 34. IC 34-18-2-12.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2003]: **Sec. 12.1. (a) "Emergency medical technician-basic advanced" has the meaning set forth in IC 16-18-2-112.5.**

**(b) The term does not include a person while the person is operating an emergency vehicle.**

SECTION 35. IC 34-18-2-12.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2003]: **Sec. 12.2. (a) "Emergency medical technician-intermediate" has the meaning set forth in IC 16-18-2-112.7.**

**(b) The term does not include a person while the person is operating an emergency vehicle.**

SECTION 36. IC 34-18-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. "Health care provider" means any of the following:

C  
o  
p  
y



(1) An individual, a partnership, a limited liability company, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a physician, psychiatric hospital, hospital, health facility, emergency ambulance service (IC 16-18-2-107), dentist, registered or licensed practical nurse, physician assistant, midwife, optometrist, podiatrist, chiropractor, physical therapist, respiratory care practitioner, occupational therapist, psychologist, paramedic, emergency medical ~~technician~~, **technician-intermediate, emergency medical technician-basic advanced**, or ~~advanced~~ emergency medical technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, faculty member, or employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, limited liability company, partnership, or professional corporation not otherwise qualified under this section that:

(A) as one (1) of its functions, provides health care;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under this article for its health care function.

Coverage for a health care provider qualified under this subdivision is limited to its health care functions and does not extend to other causes of action."

Page 22, line 35, after ":" insert "IC 16-18-2-6;"

Page 22, line 35, delete "." and insert "; IC 34-6-2-4; IC 34-18-2-3."

C  
O  
P  
Y



Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to SB 548 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

C  
o  
p  
y

