Adopted	Rejected

COMMITTEE REPORT

YES: 8
NO: 3

MR. SPEAKER:

Your Committee on **Government and Regulatory Reform**, to which was referred Senate Bill 302, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

Delete the title and insert the following:

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

Page 1, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 2. IC 25-1-2-2.1, AS AMENDED BY P.L.200-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

(1) Certified public accountants, public accountants, and accounting practitioners.

(2) Architects and landscape architects.

(3) Dry cleaners.

(4) Professional engineers.
(5) Land surveyors.
(6) Real estate brokers.
(7) Real estate agents.
(8) Security dealers' licenses issued by the securities commissioner.
(9) Dental hygienists.
(10) Dentists.
(11) Veterinarians.
(12) Physicians.
(13) Chiropractors.
(14) Physical therapists.
(15) Optometrists.
(16) Pharmacists and assistants, drugstores or pharmacies.
(17) Motels and mobile home community licenses.
(18) Nurses.
(19) Podiatrists.
(20) Occupational therapists and occupational therapy assistants.
(21) Respiratory care practitioners.
(22) Social workers, marriage and family therapists, and mental health counselors.
(23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
(24) Wholesale legend drug distributors.
(25) Physician assistants.
(26) Dietitians.
(27) Hypnotists.
(28) Athlete agents.
(29) Manufactured home installers.
(30) Home inspectors.
(31) Registered interior designers.
(32) Massage therapists.
(33) Automatic fire sprinkler fitters.

SECTION 3. IC 25-1-2-6, AS AMENDED BY P.L.185-2007, SECTION 1, AND AS AMENDED BY P.L.200-2007, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses,

registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

(1) Indiana board of accountancy.

(2) Indiana grain buyers and warehouse licensing agency.

(3) Indiana auctioneer commission.

(4) Board of registration for architects **and** landscape architects. ~~and registered interior designers.~~

(5) State board of barber examiners.

(6) State board of cosmetology examiners.

(7) Medical licensing board of Indiana.

(8) Secretary of state.

(9) State board of dentistry.

(10) State board of funeral and cemetery service.

(11) Worker's compensation board of Indiana.

(12) Indiana state board of health facility administrators.

(13) Committee of hearing aid dealer examiners.

(14) Indiana state board of nursing.

(15) Indiana optometry board.

(16) Indiana board of pharmacy.

(17) Indiana plumbing commission.

(18) Board of podiatric medicine.

(19) Private ~~*detectives*~~ *investigator and security guard* licensing board.

(20) State board of registration for professional engineers.

(21) Board of environmental health specialists.

(22) State psychology board.

(23) Indiana real estate commission.

(24) Speech-language pathology and audiology board.

(25) Department of natural resources.

(26) State boxing commission.

(27) Board of chiropractic examiners.

(28) Mining board.

(29) Indiana board of veterinary medical examiners.

(30) State department of health.

(31) Indiana physical therapy committee.
(32) Respiratory care committee.
(33) Occupational therapy committee.
(34) Social worker, marriage and family therapist, and mental health counselor board.
(35) Real estate appraiser licensure and certification board.
(36) State board of registration for land surveyors.
(37) Physician assistant committee.
(38) Indiana dietitians certification board.
(39) Indiana hypnotist committee.
(40) Attorney general (only for the regulation of athlete agents).
(41) Manufactured home installer licensing board.
(42) Home inspectors licensing board.
(43) State board of massage therapy.
(44) Fire prevention and building safety commission.
~~*(43)*~~ ~~*(44)*~~ **(45)** Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 4. IC 25-1-4-0.3, AS AMENDED BY P.L.185-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 0.3. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects **and** landscape architects ~~and registered interior designers~~ (IC 25-4-1-2).
(3) Indiana athletic trainers board (IC 25-5.1-2-1).
(4) Indiana auctioneer commission (IC 25-6.1-2-1).
(5) State board of barber examiners (IC 25-7-5-1).
(6) State boxing commission (IC 25-9-1).
(7) Board of chiropractic examiners (IC 25-10-1).

(8) State board of cosmetology examiners (IC 25-8-3-1).
(9) State board of dentistry (IC 25-14-1).
(10) Indiana dietitians certification board (IC 25-14.5-2-1).
(11) State board of registration for professional engineers (IC 25-31-1-3).
(12) Board of environmental health specialists (IC 25-32-1).
(13) State board of funeral and cemetery service (IC 25-15-9).
(14) Indiana state board of health facility administrators (IC 25-19-1).
(15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
(16) Home inspectors licensing board (IC 25-20.2-3-1).
(17) Indiana hypnotist committee (IC 25-20.5-1-7).
(18) State board of registration for land surveyors (IC 25-21.5-2-1).
(19) Manufactured home installer licensing board (IC 25-23.7).
(20) Medical licensing board of Indiana (IC 25-22.5-2).
(21) Indiana state board of nursing (IC 25-23-1).
(22) Occupational therapy committee (IC 25-23.5).
(23) Indiana optometry board (IC 25-24).
(24) Indiana board of pharmacy (IC 25-26).
(25) Indiana physical therapy committee (IC 25-27-1).
(26) Physician assistant committee (IC 25-27.5).
(27) Indiana plumbing commission (IC 25-28.5-1-3).
(28) Board of podiatric medicine (IC 25-29-2-1).
(29) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(30) State psychology board (IC 25-33).
(31) Indiana real estate commission (IC 25-34.1-2).
(32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(33) Respiratory care committee (IC 25-34.5).
(34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
(35) Speech-language pathology and audiology board (IC 25-35.6-2).
(36) Indiana board of veterinary medical examiners (IC 15-5-1.1).
(37) Fire prevention and building safety commission (IC 22-12-2-1).

SECTION 5. IC 25-1-7-1, AS AMENDED BY P.L.185-2007, SECTION 4, AS AMENDED BY P.L.193-2007, SECTION 4, AND AS AMENDED BY P.L.200-2007, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. As used in this chapter:

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

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

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

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

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

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

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects **and** landscape architects ~~and registered interior designers~~ (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) Board of chiropractic examiners (IC 25-10-1).

(7) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15-9).

(10) State board of registration for professional engineers (IC 25-31-1-3).

(11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Medical licensing board of Indiana (IC 25-22.5-2).

(13) Indiana state board of nursing (IC 25-23-1).

(14) Indiana optometry board (IC 25-24).

(15) Indiana board of pharmacy (IC 25-26).

(16) Indiana plumbing commission (IC 25-28.5-1-3).

(17) Board of podiatric medicine (IC 25-29-2-1).
(18) Board of environmental health specialists (IC 25-32-1).
(19) State psychology board (IC 25-33).
(20) Speech-language pathology and audiology board (IC 25-35.6-2).
(21) Indiana real estate commission (IC 25-34.1-2).
(22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
(23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
(24) Respiratory care committee (IC 25-34.5).
(25) Private ~~*detectives*~~ *investigator and security guard* licensing board ~~*(IC 25-30-1-5.1).*~~ *(IC 25-30-1-5.2).*
(26) Occupational therapy committee (IC 25-23.5).
(27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(29) State board of registration for land surveyors (IC 25-21.5-2-1).
(30) Physician assistant committee (IC 25-27.5).
(31) Indiana athletic trainers board (IC 25-5.1-2-1).
(32) Indiana dietitians certification board (IC 25-14.5-2-1).
(33) Indiana hypnotist committee (IC 25-20.5-1-7).
(34) Indiana physical therapy committee (IC 25-27).
(35) Manufactured home installer licensing board (IC 25-23.7).
(36) Home inspectors licensing board (IC 25-20.2-3-1).
(37) State department of health.
~~*(37)*~~ **(38)** *State board of massage therapy (IC 25-21.8-2-1).*
(39) Fire prevention and building safety commission (IC 22-12-2-1).
~~(38)~~ **(40)** Any other occupational or professional agency created after June 30, 1981.

SECTION 6. IC 25-1-8-1, AS AMENDED BY P.L.185-2007, SECTION 5, AND AS AMENDED BY P.L.200-2007, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. As used in this chapter, "board" means any of the following:
(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects **and** landscape architects ~~and registered interior designers~~ (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2-1).
(4) State board of barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).
(6) Board of chiropractic examiners (IC 25-10-1).
(7) State board of cosmetology examiners (IC 25-8-3-1).
(8) State board of dentistry (IC 25-14-1).
(9) State board of funeral and cemetery service (IC 25-15).
(10) State board of registration for professional engineers (IC 25-31-1-3).
(11) Indiana state board of health facility administrators (IC 25-19-1).
(12) Medical licensing board of Indiana (IC 25-22.5-2).
(13) Mining board (IC 22-10-1.5-2).
(14) Indiana state board of nursing (IC 25-23-1).
(15) Indiana optometry board (IC 25-24).
(16) Indiana board of pharmacy (IC 25-26).
(17) Indiana plumbing commission (IC 25-28.5-1-3).
(18) Board of environmental health specialists (IC 25-32-1).
(19) State psychology board (IC 25-33).
(20) Speech-language pathology and audiology board (IC 25-35.6-2).
(21) Indiana real estate commission (IC 25-34.1-2-1).
(22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).
(23) Department of insurance (IC 27-1).
(24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
(25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
(26) Private ~~*detectives*~~ *investigator and security guard* licensing board ~~*(IC 25-30-1-5.1).*~~ *(IC 25-30-1-5.2).*
(27) Occupational therapy committee (IC 25-23.5-2-1).
(28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
(29) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(30) State board of registration for land surveyors (IC 25-21.5-2-1).

(31) Physician assistant committee (IC 25-27.5).

(32) Indiana athletic trainers board (IC 25-5.1-2-1).

(33) Board of podiatric medicine (IC 25-29-2-1).

(34) Indiana dietitians certification board (IC 25-14.5-2-1).

(35) Indiana physical therapy committee (IC 25-27).

(36) Manufactured home installer licensing board (IC 25-23.7).

(37) Home inspectors licensing board (IC 25-20.2-3-1).

(38) State board of massage therapy (IC 25-21.8-2-1).

(39) Fire prevention and building safety commission (IC 22-12-2-1) for purposes of registering automatic fire sprinkler fitters.

~~*(38)*~~ ~~*(39)*~~ **(40)** Any other occupational or professional agency created after June 30, 1981.".

Page 3, line 7, strike "(IC 15-5-1.1)." and insert "**(IC 25-38.1).**".

Page 3, between lines 8 and 9, begin a new line block indented and insert:

"**(38) Fire prevention and building safety commission (IC 22-12-2-1).**".

Page 4, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 8. IC 25-1-11-1, AS AMENDED BY P.L.185-2007, SECTION 7, AND AS AMENDED BY P.L.200-2007, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects **and** landscape architects ~~and registered interior designers~~ (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) State board of cosmetology examiners (IC 25-8-3-1).

(7) State board of registration of land surveyors (IC 25-21.5-2-1).

(8) State board of funeral and cemetery service (IC 25-15-9).

(9) State board of registration for professional engineers (IC 25-31-1-3).

(10) Indiana plumbing commission (IC 25-28.5-1-3).

(11) Indiana real estate commission (IC 25-34.1-2-1).

(12) Real estate appraiser licensure **and** certification board (IC 25-34.1-8).

(13) Private ~~*detectives*~~ *investigator and security guard* licensing board ~~*(IC 25-30-1-5.1).*~~ *(IC 25-30-1-5.2).*

(14) Manufactured home installer licensing board (IC 25-23.7).

(15) Home inspectors licensing board (IC 25-20.2-3-1).

(16) State board of massage therapy (IC 25-21.8-2-1).

(17) Fire prevention and building safety commission (IC 22-12-2-1).".

Page 4, delete lines 15 through 37, begin a new paragraph and insert:

"SECTION 9. IC 25-1-14-2, AS ADDED BY P.L.179-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. **(a)** A member of a board, committee, or commission may participate in a meeting of the board, committee, or commission:

(1) **except as provided in subsections (b) and (c),** at which at least a quorum is physically present at the place where the meeting is conducted; and

(2) by using a means of communication that permits:

(A) all other members participating in the meeting; and

(B) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(b) A member of a board, committee, or commission may participate in an emergency meeting of the board, committee, or commission to consider disciplinary sanctions under IC 25-1-9-10 or IC 25-1-11-13 by using a means of communication that permits:

(1) all other members participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member of the state boxing commission may participate in meetings of the commission to consider the final approval of a permit for a particular boxing or sparring match or exhibition

under IC 25-9-1-6(b) by using a means of communication that permits:

(1) all other members participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(d) A member who participates in a meeting under subsection (b) or (c):

(1) is considered to be present at the meeting;

(2) shall be counted for purposes of establishing a quorum; and

(3) may vote at the meeting.".

Page 6, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 13. IC 25-2.5-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) An applicant may, upon the payment of a fee established by the board, be granted a license if the applicant:

(1) submits satisfactory evidence to the board that the applicant has been licensed to practice acupuncture in another state or authorized in another country ~~under qualifications substantially equivalent to those specified in this chapter for a license~~ to practice acupuncture;

(2) meets the requirements of section 1(1) through 1(4) of this chapter; and

(3) shows to the satisfaction of the board that the applicant has:

(A) successfully completed a clean needle technique course substantially equivalent to a clean needle technique course accepted by the National Certification Commission for Acupuncture and Oriental Medicine;

(B) successfully completed a three (3) year postsecondary training program or acupuncture college program that meets the standards substantially equivalent to the standards for a three (3) year postsecondary training program or acupuncture college program approved by the Accreditation Commission for Acupuncture and Oriental Medicine and that is accepted by the National Certification

Commission of Acupuncture and Oriental Medicine; and (C) passed an examination substantially equivalent to the examination required by the National Certification Commission for Acupuncture and Oriental Medicine for diplomate status.

(b) An applicant may, upon the payment of a fee established by the board, be granted a professional's license to practice acupuncture if the applicant submits satisfactory evidence to the board that the applicant is a:

(1) chiropractor licensed under IC 25-10;

(2) dentist licensed under IC 25-14; or

(3) podiatrist licensed under IC 25-29;

with at least two hundred (200) hours of acupuncture training.

(c) The board shall:

(1) compile, at least once every two (2) years, a list of courses and institutions that provide training approved for the purpose of qualifying an individual for a professional's license under subsection (b); and

(2) adopt rules that set forth procedures for the case by case approval of training under subsection (b).

(d) If an individual's license described in subsection (b)(1), (b)(2), or (b)(3) is subject to any restrictions as the result of disciplinary action taken against the individual by the board that regulates the individual's profession, the same restrictions shall be applied to the individual's professional's license to practice acupuncture.

(e) An individual's professional's license issued under subsection (b) shall be suspended if the individual's license described under subsection (b)(1), (b)(2), or (b)(3) is suspended.

(f) An individual's professional's license issued under subsection (b) shall be revoked if the individual's license described under subsection (b)(1), (b)(2), or (b)(3) is revoked.

(g) The practice of acupuncture by an individual issued a professional's license under subsection (b) is limited to the scope of practice of the individual's license described in subsection (b)(1), (b)(2), or (b)(3).".

Page 24, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 36. IC 25-16.5 IS ADDED TO THE INDIANA CODE

AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

ARTICLE 16.5. FIRE SPRINKLER FITTERS

Chapter 1. Regulation of Fire Sprinkler Fitters

Sec. 1. "Automatic fire sprinkler system", for fire protection purposes, means an integrated system of underground and overhead piping designed in accordance with the rules of the commission. The system may include:

(1) a water supply, including:

(A) a gravity tank;

(B) a fire pump;

(C) a reservoir;

(D) a pressure tank; or

(E) a connection beginning at the supply side of a gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems;

(2) an aboveground network of specially sized or hydraulically designed piping installed in a building or part of a building to which sprinklers are connected in a systematic pattern;

(3) a controlling valve and a device for actuating an alarm when the system is in operation; and

(4) activation of the system by heat from a fire and discharge of water over the fire area.

Sec. 2. "Certificate holder" means a person who is registered under this chapter as an automatic fire sprinkler fitter.

Sec. 3. "Certified automatic fire sprinkler system fitter" means an individual who:

(1) has fulfilled the requirements of a sprinkler fitter apprenticeship program; and

(2) holds a Certificate of Completion issued by the Bureau of Apprenticeship and Training, United States Department of Labor.

Sec. 4. "Commission" means the fire prevention and building safety commission established by IC 22-12-2-1.

Sec. 5. "Sprinkler fitter apprenticeship program" means a

program approved by the United States Department of Labor under Title 29 CFR Part 29.

Sec. 6. An individual who is not a certificate holder may not:

(1) profess to be a certified automatic fire sprinkler system fitter; or

(2) use the initials "CAFSF" or any other words, letters, abbreviations, or insignia indicating or implying that the individual is a certified automatic fire sprinkler system fitter unless the individual:

(A) has fulfilled the requirements of a sprinkler fitter apprenticeship program;

(B) holds a Certificate of Completion issued by the Bureau of Apprenticeship and Training, United States Department of Labor;

(C) has completed and submitted a certificate of registration to be a certified automatic fire sprinkler system fitter on a form prescribed by the commission; and

(D) has paid the registration fee established by the commission under rules adopted under section 8(a) of this chapter.

Sec. 7. The commission shall maintain a registry of certified automatic fire sprinkler system fitters.

Sec. 8. (a) The commission shall establish a fee for registration under this chapter by rules adopted under IC 4-22-2.

(b) The commission may adopt other rules under IC 4-22-2 to implement this chapter.

Sec. 9. An individual who knowingly, recklessly, or intentionally violates section 6 of this chapter commits a Class B misdemeanor.

Sec. 10. A person commits a Class B misdemeanor if the person:

(1) knowingly or intentionally:

(A) conducts a business involving the installation, maintenance, replacement, or repair of an automatic fire sprinkler system; or

(B) engages in the practical installation of an automatic fire sprinkler system; and

(2) does any of the following:

(A) Presents as a person's own the certificate of registration as a certified automatic fire sprinkler system

fitter of another.

(B) Gives false or materially misleading information of any kind to lead a consumer to believe that service is to be or was provided by a certified automatic sprinkler system fitter.

(C) Impersonates another certificate holder.

SECTION 37. IC 25-19-1-2, AS AMENDED BY P.L.145-2006, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) There is created the Indiana state board of health facility administrators composed of ~~fourteen (14)~~ **thirteen (13)** members as follows:

(1) The state health commissioner or the commissioner's designee.

(2) The director of the division of family resources or the director's designee.

(3) The state long term care ombudsman or the state long term care ombudsman's designee.

(4) The chief administrative officer of the Indiana University medical center at Indianapolis or the chief administrative officer's designee.

(5) One (1) member of the medical profession holding an unlimited license to practice medicine in Indiana.

~~(6) One (1) hospital administrator who must hold an executive position in an Indiana hospital.~~

~~(7)~~ **(6)** Four (4) administrators of licensed proprietary health facilities.

~~(8)~~ **(7)** Two (2) administrators of licensed nonproprietary health facilities.

~~(9)~~ **(8)** Two (2) members representing the public at large, who:

(A) are residents of Indiana; and

(B) have never been associated with health facility services or administration in any way other than as a resident or a family member of a resident of a health facility.

(b) Those members of the board other than the representatives of state agencies and institutions shall be appointed by the governor after consultation with the associations and societies appropriate to the disciplines and professions representative of the position to be filled. The original and all subsequent physician and hospital administrator

appointments shall be for terms of four (4) years. All appointments shall be for four (4) year terms, except that in case of a vacancy prior to term completion, the appointment shall be for the remainder of the unexpired term. Any vacancy, either prior to or at term completion, shall be filled by the governor after consultation with the associations and societies appropriate to the discipline or professions representative of the vacancy. In all cases, the appointees shall serve until their successors are appointed and qualified.

(c) The governor may remove any member of the board other than the representative of a state agency or institution for misconduct, incapacity, incompetence, or neglect of duty after the member has been served with a written statement of charges and has been given an opportunity to be heard. Designated representatives of the state agencies or institutions may be removed by the original appointing authority for any of those causes.

SECTION 38. IC 25-19-1-6, AS AMENDED BY P.L.1-2006, SECTION 439, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) The board shall elect from its membership annually a ~~chairman, vice chairman and secretary~~ **chairperson and vice chairperson** and shall adopt rules to govern its proceedings.

(b) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

(c) The Indiana professional licensing agency shall supply necessary personnel to assist the board in the performance of its duties.

~~(b) Eight (8)~~ **(d) Seven (7)** members of the board ~~including three (3) members who are health facility administrators and one (1) member who is an officer of the board,~~ constitute a quorum for consideration of all matters before the board. A majority vote of the quorum is required for action of the board.".

Delete page 25.

Page 26, delete lines 1 through 23.

Page 36, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 52. IC 25-27.5-6-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 8. (a) This section applies to a physician assistant:**

(1) licensed in Indiana or licensed or authorized to practice in any other state or territory of the United States; or

(2) credentialed as a physician assistant by a federal employer.

(b) As used in this section, "emergency" means an event or a condition that is an emergency, a disaster, or a public health emergency under IC 10-14.

(c) A physician assistant who responds to a need for medical care created by an emergency may render care that the physician assistant is able to provide without the supervision required under this chapter, but with such supervision as is available.

(d) A physician who supervises a physician assistant providing medical care in response to an emergency is not required to meet the requirements under this chapter for a supervising physician.".

Page 47, line 4, delete "[EFFECTIVE JULY 1, 2008]" and insert "[EFFECTIVE JANUARY 1, 2009]".

Page 47, line 9, delete "forty-eight (48)" and insert "**seventy-two (72)**".

Page 47, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 65. IC 35-48-7-3 IS REPEALED [EFFECTIVE JANUARY 1, 2009].".

Page 47, line 15, delete "IC 25-26-13-8;" and insert "IC 25-26-13-8.".

Page 47, delete line 16, begin a new paragraph and insert:

"SECTION 66. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.**

(b) Before July 1, 2008, the office shall apply to the United States Department of Health and Human Services for an amendment to the state Medicaid plan to provide coverage for adults and children for medically necessary umbilical cord transplants and other related procedures under the state Medicaid program (IC 12-15) if the Medicaid recipient's provider receives prior approval for the procedure from the office.

(c) The office may not implement the plan amendment until the office files an affidavit with the governor attesting that the plan amendment applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the plan amendment is approved.

(d) If the office receives a plan amendment under this SECTION from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (c), the office shall implement the plan amendment not more than sixty (60) days after the governor receives the affidavit.

(e) The office may adopt rules under IC 4-22-2 necessary to implement this SECTION.

(f) This SECTION expires December 31, 2013.

SECTION 67. [EFFECTIVE JULY 1, 2008] **(a) The definitions in IC 25-16.5-1, as added by this act, apply throughout this SECTION.**

(b) Notwithstanding IC 25-16.5-1, as added by this act, an individual who, before July 1, 2010, professes to be an automatic fire system sprinkler system fitter does not violate IC 25-16.5-1, as added by this act, and may not be disciplined or sanctioned for the failure to be a certificate holder.

(c) This SECTION expires January 1, 2011.

SECTION 68. [EFFECTIVE JULY 1, 2008] **(a) Notwithstanding IC 25-16.5-1-8(b), as added by this act, the fire safety and building safety commission shall carry out the duties imposed upon the commission under IC 25-16.5, as added by this act, under interim written guidelines approved by the executive director of the department of homeland security.**

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 25-16.5-1-8(b), as added by this act.

1 **(2) December 31, 2009.**

2 SECTION 69. **An emergency is declared for this act.**".

3 Renumber all SECTIONS consecutively.

(Reference is to SB 302 as printed January 25, 2008.)

and when so amended that said bill do pass.

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Representative Stevenson