
SENATE BILL No. 342

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-163; IC 16-34-2-1.1; IC 16-37-2; IC 16-38-4-9; IC 25-1; IC 25-22.5; IC 25-23-1; IC 25-23.4; IC 34-6-2; IC 34-18-2.

Synopsis: Midwives. Establishes the midwifery board (board). Sets qualifications for a certified direct entry midwife (CDEM). Requires the board to: (1) establish continuing education requirements; (2) develop peer review procedures; and (3) adopt rules concerning the competent practice of CDEMs. Establishes penalties for practicing midwifery without a license. Adds culpability standards to the crimes of practicing medicine or osteopathic medicine and acting as a physician assistant without a license. Allows CDEMs to administer certain prescription drugs. Allows certain individuals to act under the supervision of a CDEM. Repeals the definition of "midwife" in the medical malpractice law, and adds a definition of "certified nurse midwife". Makes conforming changes.

Effective: July 1, 2011.

Simpson

January 11, 2011, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 342



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

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

1 SECTION 1. IC 16-18-2-163, AS AMENDED BY P.L.108-2007,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 163. (a) "Health care provider", for purposes of
4 IC 16-21 and IC 16-41, means any of the following:

5 (1) An individual, a partnership, a corporation, a professional
6 corporation, a facility, or an institution licensed or legally
7 authorized by this state to provide health care or professional
8 services as a licensed physician, a psychiatric hospital, a hospital,
9 a health facility, an emergency ambulance service (IC 16-31-3),
10 a dentist, a registered or licensed practical nurse, a **certified**
11 **nurse** midwife, a **certified direct entry midwife**, an optometrist,
12 a pharmacist, a podiatrist, a chiropractor, a physical therapist, a
13 respiratory care practitioner, an occupational therapist, a
14 psychologist, a paramedic, an emergency medical technician, an
15 emergency medical technician-basic advanced, an emergency
16 medical technician-intermediate, or a person who is an officer,
17 employee, or agent of the individual, partnership, corporation,



1 professional corporation, facility, or institution acting in the
 2 course and scope of the person's employment.
 3 (2) A college, university, or junior college that provides health
 4 care to a student, a faculty member, or an employee, and the
 5 governing board or a person who is an officer, employee, or agent
 6 of the college, university, or junior college acting in the course
 7 and scope of the person's employment.
 8 (3) A blood bank, community mental health center, community
 9 mental retardation center, community health center, or migrant
 10 health center.
 11 (4) A home health agency (as defined in IC 16-27-1-2).
 12 (5) A health maintenance organization (as defined in
 13 IC 27-13-1-19).
 14 (6) A health care organization whose members, shareholders, or
 15 partners are health care providers under subdivision (1).
 16 (7) A corporation, partnership, or professional corporation not
 17 otherwise qualified under this subsection that:
 18 (A) provides health care as one (1) of the corporation's,
 19 partnership's, or professional corporation's functions;
 20 (B) is organized or registered under state law; and
 21 (C) is determined to be eligible for coverage as a health care
 22 provider under IC 34-18 for the corporation's, partnership's, or
 23 professional corporation's health care function.
 24 Coverage for a health care provider qualified under this subdivision is
 25 limited to the health care provider's health care functions and does not
 26 extend to other causes of action.
 27 (b) "Health care provider", for purposes of IC 16-35, has the
 28 meaning set forth in subsection (a). However, for purposes of IC 16-35,
 29 the term also includes a health facility (as defined in section 167 of this
 30 chapter).
 31 (c) "Health care provider", for purposes of IC 16-36-5, means an
 32 individual licensed or authorized by this state to provide health care or
 33 professional services as:
 34 (1) a licensed physician;
 35 (2) a registered nurse;
 36 (3) a licensed practical nurse;
 37 (4) an advanced practice nurse;
 38 (5) a ~~licensed~~ **certified** nurse midwife or a **certified direct entry**
 39 **midwife**;
 40 (6) a paramedic;
 41 (7) an emergency medical technician;
 42 (8) an emergency medical technician-basic advanced;

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1 (9) an emergency medical technician-intermediate; or
 2 (10) a first responder, as defined under IC 16-18-2-131.
 3 The term includes an individual who is an employee or agent of a
 4 health care provider acting in the course and scope of the individual's
 5 employment.

6 (d) "Health care provider", for purposes of IC 16-40-4, means any
 7 of the following:

8 (1) An individual, a partnership, a corporation, a professional
 9 corporation, a facility, or an institution licensed or authorized by
 10 the state to provide health care or professional services as a
 11 licensed physician, a psychiatric hospital, a hospital, a health
 12 facility, an emergency ambulance service (IC 16-31-3), an
 13 ambulatory outpatient surgical center, a dentist, an optometrist, a
 14 pharmacist, a podiatrist, a chiropractor, a psychologist, or a
 15 person who is an officer, employee, or agent of the individual,
 16 partnership, corporation, professional corporation, facility, or
 17 institution acting in the course and scope of the person's
 18 employment.

19 (2) A blood bank, laboratory, community mental health center,
 20 community mental retardation center, community health center,
 21 or migrant health center.

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

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

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

27 (6) A corporation, partnership, or professional corporation not
 28 otherwise specified in this subsection that:

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

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

32 (C) is determined to be eligible for coverage as a health care
 33 provider under IC 34-18 for the corporation's, partnership's, or
 34 professional corporation's health care function.

35 (7) A person that is designated to maintain the records of a person
 36 described in subdivisions (1) through (6).

37 (e) "Health care provider", for purposes of IC 16-45-4, has the
 38 meaning set forth in 47 CFR 54.601(a).

39 SECTION 2. IC 16-34-2-1.1, AS AMENDED BY P.L.44-2009,
 40 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2011]: Sec. 1.1. (a) An abortion shall not be performed except
 42 with the voluntary and informed consent of the pregnant woman upon

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1 whom the abortion is to be performed. Except in the case of a medical
 2 emergency, consent to an abortion is voluntary and informed only if the
 3 following conditions are met:

4 (1) At least eighteen (18) hours before the abortion and in the
 5 presence of the pregnant woman, the physician who is to perform
 6 the abortion, the referring physician or a physician assistant (as
 7 defined in IC 25-27.5-2-10), an advanced practice nurse (as
 8 defined in IC 25-23-1-1(b)), or a **certified nurse** midwife (as
 9 defined in ~~IC 34-18-2-19~~ **IC 34-18-2-6.5**) to whom the
 10 responsibility has been delegated by the physician who is to
 11 perform the abortion or the referring physician has orally
 12 informed the pregnant woman of the following:

13 (A) The name of the physician performing the abortion.

14 (B) The nature of the proposed procedure or treatment.

15 (C) The risks of and alternatives to the procedure or treatment.

16 (D) The probable gestational age of the fetus, including an
 17 offer to provide:

18 (i) a picture or drawing of a fetus;

19 (ii) the dimensions of a fetus; and

20 (iii) relevant information on the potential survival of an
 21 unborn fetus;

22 at this stage of development.

23 (E) The medical risks associated with carrying the fetus to
 24 term.

25 (F) The availability of fetal ultrasound imaging and
 26 auscultation of fetal heart tone services to enable the pregnant
 27 woman to view the image and hear the heartbeat of the fetus
 28 and how to obtain access to these services.

29 (2) At least eighteen (18) hours before the abortion, the pregnant
 30 woman will be orally informed of the following:

31 (A) That medical assistance benefits may be available for
 32 prenatal care, childbirth, and neonatal care from the county
 33 office of the division of family resources.

34 (B) That the father of the unborn fetus is legally required to
 35 assist in the support of the child. In the case of rape, the
 36 information required under this clause may be omitted.

37 (C) That adoption alternatives are available and that adoptive
 38 parents may legally pay the costs of prenatal care, childbirth,
 39 and neonatal care.

40 (3) The pregnant woman certifies in writing, before the abortion
 41 is performed, that the information required by subdivisions (1)
 42 and (2) has been provided.

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1 (b) Before an abortion is performed, the pregnant woman may, upon
2 the pregnant woman's request, view the fetal ultrasound imaging and
3 hear the auscultation of the fetal heart tone if the fetal heart tone is
4 audible.

5 SECTION 3. IC 16-37-2-1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. As used in this
7 chapter, "person in attendance at birth" means one (1) of the following:

- 8 (1) A licensed attending physician.
- 9 (2) ~~An attending~~ **A certified direct entry** midwife or **a certified**
10 **nurse midwife.**
- 11 (3) Another individual who:
 - 12 (A) holds a license of the type designated by the governing
13 board of a hospital, after consultation with the hospital's
14 medical staff, to attend births at the hospital; and
 - 15 (B) is in attendance at the birth.

16 SECTION 4. IC 16-37-2-4 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. A local health officer
18 may accept a certificate of birth presented for filing not more than four
19 (4) years after the birth occurred if the attending physician, **certified**
20 **nurse midwife, certified direct entry** midwife, or other person
21 desiring to file the certificate states the reason for the delay in writing.
22 This statement shall be made a part of the certificate of birth.

23 SECTION 5. IC 16-38-4-9 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) **Certified** nurse
25 midwives, **certified direct entry midwives**, and individuals and
26 entities described in section 7(a)(2) of this chapter shall report each
27 confirmed case of a birth problem that is recognized at the time of birth
28 to the registry not later than sixty (60) days after the birth. An
29 individual or entity described in section 7(a)(2) of this chapter who
30 recognizes a birth problem in a child after birth but before the child is
31 five (5) years of age shall report the birth problem to the registry not
32 later than sixty (60) days after recognizing the birth problem.
33 Information may be provided to amend or clarify an earlier reported
34 case.

35 (b) A person required to report information to the registry under this
36 section may use, when completing reports required by this chapter,
37 information submitted to any other public or private registry or required
38 to be filed with federal, state, or local agencies. However, the state
39 department may require additional, definitive information.

40 (c) Exchange of information between state department registries is
41 authorized. The state department may use information from another
42 registry administered by the state department. Information used from

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1 other registries remains subject to the confidentiality restrictions on the
2 other registries.

3 SECTION 6. IC 25-1-2-2.1, AS AMENDED BY P.L.84-2010,
4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2011]: Sec. 2.1. Rather than being issued annually, the
6 following permits, licenses, certificates of registration, or evidences of
7 authority granted by a state agency must be issued for a period of two
8 (2) years or for the period specified in the article under which the
9 permit, license, certificate of registration, or evidence of authority is
10 issued if the period specified in the article is longer than two (2) years:

- 11 (1) Certified public accountants, public accountants, and
12 accounting practitioners.
- 13 (2) Architects and landscape architects.
- 14 (3) Dry cleaners.
- 15 (4) Professional engineers.
- 16 (5) Land surveyors.
- 17 (6) Real estate brokers.
- 18 (7) Real estate agents.
- 19 (8) Security dealers' licenses issued by the securities
20 commissioner.
- 21 (9) Dental hygienists.
- 22 (10) Dentists.
- 23 (11) Veterinarians.
- 24 (12) Physicians.
- 25 (13) Chiropractors.
- 26 (14) Physical therapists.
- 27 (15) Optometrists.
- 28 (16) Pharmacists and assistants, drugstores or pharmacies.
- 29 (17) Motels and mobile home community licenses.
- 30 (18) Nurses.
- 31 (19) Podiatrists.
- 32 (20) Occupational therapists and occupational therapy assistants.
- 33 (21) Respiratory care practitioners.
- 34 (22) Social workers, marriage and family therapists, and mental
35 health counselors.
- 36 (23) Real estate appraiser licenses and certificates issued by the
37 real estate appraiser licensure and certification board.
- 38 (24) Wholesale legend drug distributors.
- 39 (25) Physician assistants.
- 40 (26) Dietitians.
- 41 (27) Athlete agents.
- 42 (28) Manufactured home installers.

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- 1 (29) Home inspectors.
 2 (30) Massage therapists.
 3 (31) Interior designers.
 4 (32) Genetic counselors.
 5 **(33) Direct entry midwives.**
 6 SECTION 7. IC 25-1-2-6, AS AMENDED BY P.L.84-2010,
 7 SECTION 7, AND AS AMENDED BY P.L.113-2010, SECTION 100,
 8 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) As used in this section,
 10 "license" includes all occupational and professional licenses,
 11 registrations, permits, and certificates issued under the Indiana Code,
 12 and "licensee" includes all occupational and professional licensees,
 13 registrants, permittees, and certificate holders regulated under the
 14 Indiana Code.
 15 (b) This section applies to the following entities that regulate
 16 occupations or professions under the Indiana Code:
 17 (1) Indiana board of accountancy.
 18 (2) Indiana grain buyers and warehouse licensing agency.
 19 (3) Indiana auctioneer commission.
 20 (4) Board of registration for architects and landscape architects.
 21 ~~(5) State board of barber examiners.~~
 22 ~~(6) (5) State board of cosmetology and barber examiners.~~
 23 ~~(7) (6) Medical licensing board of Indiana.~~
 24 ~~(8) (7) Secretary of state.~~
 25 ~~(9) (8) State board of dentistry.~~
 26 ~~(10) (9) State board of funeral and cemetery service.~~
 27 ~~(11) (10) Worker's compensation board of Indiana.~~
 28 ~~(12) (11) Indiana state board of health facility administrators.~~
 29 ~~(13) (12) Committee of hearing aid dealer examiners.~~
 30 ~~(14) (13) Indiana state board of nursing.~~
 31 ~~(15) (14) Indiana optometry board.~~
 32 ~~(16) (15) Indiana board of pharmacy.~~
 33 ~~(17) (16) Indiana plumbing commission.~~
 34 ~~(18) (17) Board of podiatric medicine.~~
 35 ~~(19) (18) Private investigator and security guard licensing board.~~
 36 ~~(20) (19) State board of registration for professional engineers.~~
 37 ~~(21) Board of environmental health specialists.~~
 38 ~~(22) (20) State psychology board.~~
 39 ~~(23) (21) Indiana real estate commission.~~
 40 ~~(24) (22) Speech-language pathology and audiology board.~~
 41 ~~(25) (23) Department of natural resources.~~
 42 ~~(26) (24) State athletic commission.~~

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- 1 ~~(26)~~ ~~(25)~~ **(24)** Board of chiropractic examiners.
 2 ~~(27)~~ ~~(26)~~ **(25)** Mining board.
 3 ~~(28)~~ ~~(27)~~ **(26)** Indiana board of veterinary medical examiners.
 4 ~~(29)~~ ~~(28)~~ **(27)** State department of health.
 5 ~~(30)~~ ~~(29)~~ **(28)** Indiana physical therapy committee.
 6 ~~(31)~~ ~~(30)~~ **(29)** Respiratory care committee.
 7 ~~(32)~~ ~~(31)~~ **(30)** Occupational therapy committee.
 8 ~~(33)~~ ~~(32)~~ **(31)** Behavioral health and human services licensing
 9 board.
 10 ~~(34)~~ ~~(33)~~ **(32)** Real estate appraiser licensure and certification
 11 board.
 12 ~~(35)~~ ~~(34)~~ **(33)** State board of registration for land surveyors.
 13 ~~(36)~~ ~~(35)~~ **(34)** Physician assistant committee.
 14 ~~(37)~~ ~~(36)~~ **(35)** Indiana dietitians certification board.
 15 ~~(38)~~ *Indiana hypnotist committee.*
 16 ~~(39)~~ ~~(37)~~ **(36)** Attorney general (only for the regulation of athlete
 17 agents).
 18 ~~(40)~~ ~~(38)~~ **(37)** Manufactured home installer licensing board.
 19 ~~(41)~~ ~~(39)~~ **(38)** Home inspectors licensing board.
 20 ~~(42)~~ ~~(40)~~ **(39)** State board of massage therapy.
 21 **(40) Midwifery board.**
 22 ~~(43)~~ **(41)** Any other occupational or professional agency created
 23 after June 30, 1981.

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

33 SECTION 8. IC 25-1-4-0.3, AS AMENDED BY P.L.84-2010,
 34 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2011]: Sec. 0.3. As used in this chapter, "board" means any of
 36 the following:

- 37 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 38 (2) Board of registration for architects and landscape architects
 39 (IC 25-4-1-2).
 40 (3) Indiana athletic trainers board (IC 25-5.1-2-1).
 41 (4) Indiana auctioneer commission (IC 25-6.1-2-1).
 42 (5) Board of chiropractic examiners (IC 25-10-1).



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- 1 (6) State board of cosmetology and barber examiners
 2 (IC 25-8-3-1).
 3 (7) State board of dentistry (IC 25-14-1).
 4 (8) Indiana dietitians certification board (IC 25-14.5-2-1).
 5 (9) State board of registration for professional engineers
 6 (IC 25-31-1-3).
 7 (10) State board of funeral and cemetery service (IC 25-15-9).
 8 (11) Indiana state board of health facility administrators
 9 (IC 25-19-1).
 10 (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
 11 (13) Home inspectors licensing board (IC 25-20.2-3-1).
 12 (14) State board of registration for land surveyors
 13 (IC 25-21.5-2-1).
 14 (15) Manufactured home installer licensing board (IC 25-23.7).
 15 (16) Medical licensing board of Indiana (IC 25-22.5-2).
 16 (17) Indiana state board of nursing (IC 25-23-1).
 17 (18) Occupational therapy committee (IC 25-23.5).
 18 (19) Indiana optometry board (IC 25-24).
 19 (20) Indiana board of pharmacy (IC 25-26).
 20 (21) Indiana physical therapy committee (IC 25-27-1).
 21 (22) Physician assistant committee (IC 25-27.5).
 22 (23) Indiana plumbing commission (IC 25-28.5-1-3).
 23 (24) Board of podiatric medicine (IC 25-29-2-1).
 24 (25) Private investigator and security guard licensing board
 25 (IC 25-30-1-5.2).
 26 (26) State psychology board (IC 25-33).
 27 (27) Indiana real estate commission (IC 25-34.1-2).
 28 (28) Real estate appraiser licensure and certification board
 29 (IC 25-34.1-8).
 30 (29) Respiratory care committee (IC 25-34.5).
 31 (30) Behavioral health and human services licensing board
 32 (IC 25-23.6).
 33 (31) Speech-language pathology and audiology board
 34 (IC 25-35.6-2).
 35 (32) Indiana board of veterinary medical examiners
 36 (IC 25-38.1-2).
 37 **(33) Midwifery board (IC 25-23.4-2-1).**

38 SECTION 9. IC 25-1-5-3, AS AMENDED BY P.L.84-2010,
 39 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2011]: Sec. 3. (a) There is established the Indiana professional
 41 licensing agency. The agency shall perform all administrative
 42 functions, duties, and responsibilities assigned by law or rule to the

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1 executive director, secretary, or other statutory administrator of the
2 following:

- 3 (1) Board of chiropractic examiners (IC 25-10-1).
- 4 (2) State board of dentistry (IC 25-14-1).
- 5 (3) Indiana state board of health facility administrators
6 (IC 25-19-1).
- 7 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 8 (5) Indiana state board of nursing (IC 25-23-1).
- 9 (6) Indiana optometry board (IC 25-24).
- 10 (7) Indiana board of pharmacy (IC 25-26).
- 11 (8) Board of podiatric medicine (IC 25-29-2-1).
- 12 (9) Speech-language pathology and audiology board
13 (IC 25-35.6-2).
- 14 (10) State psychology board (IC 25-33).
- 15 (11) Indiana board of veterinary medical examiners
16 (IC 25-38.1-2).
- 17 (12) Committee of hearing aid dealer examiners (IC 25-20).
- 18 (13) Indiana physical therapy committee (IC 25-27).
- 19 (14) Respiratory care committee (IC 25-34.5).
- 20 (15) Occupational therapy committee (IC 25-23.5).
- 21 (16) Behavioral health and human services licensing board
22 (IC 25-23.6).
- 23 (17) Physician assistant committee (IC 25-27.5).
- 24 (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- 25 (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- 26 **(20) Midwifery board (IC 25-23.4-2).**

27 (b) Nothing in this chapter may be construed to give the agency
28 policy making authority, which authority remains with each board.

29 SECTION 10. IC 25-1-5-10, AS AMENDED BY P.L.84-2010,
30 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2011]: Sec. 10. (a) As used in this section, "provider" means
32 an individual licensed, certified, registered, or permitted by any of the
33 following:

- 34 (1) Board of chiropractic examiners (IC 25-10-1).
- 35 (2) State board of dentistry (IC 25-14-1).
- 36 (3) Indiana state board of health facility administrators
37 (IC 25-19-1).
- 38 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 39 (5) Indiana state board of nursing (IC 25-23-1).
- 40 (6) Indiana optometry board (IC 25-24).
- 41 (7) Indiana board of pharmacy (IC 25-26).
- 42 (8) Board of podiatric medicine (IC 25-29-2-1).

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- 1 (9) Speech-language pathology and audiology board
- 2 (IC 25-35.6-2).
- 3 (10) State psychology board (IC 25-33).
- 4 (11) Indiana board of veterinary medical examiners
- 5 (IC 25-38.1-2).
- 6 (12) Indiana physical therapy committee (IC 25-27).
- 7 (13) Respiratory care committee (IC 25-34.5).
- 8 (14) Occupational therapy committee (IC 25-23.5).
- 9 (15) Behavioral health and human services licensing board
- 10 (IC 25-23.6).
- 11 (16) Physician assistant committee (IC 25-27.5).
- 12 (17) Indiana athletic trainers board (IC 25-5.1-2-1).
- 13 (18) Indiana dietitians certification board (IC 25-14.5-2-1).
- 14 **(19) Midwifery board (IC 25-23.4-2-1).**
- 15 (b) The agency shall create and maintain a provider profile for each
- 16 provider described in subsection (a).
- 17 (c) A provider profile must contain the following information:
- 18 (1) The provider's name.
- 19 (2) The provider's license, certification, registration, or permit
- 20 number.
- 21 (3) The provider's license, certification, registration, or permit
- 22 type.
- 23 (4) The date the provider's license, certification, registration, or
- 24 permit was issued.
- 25 (5) The date the provider's license, certification, registration, or
- 26 permit expires.
- 27 (6) The current status of the provider's license, certification,
- 28 registration, or permit.
- 29 (7) The provider's city and state of record.
- 30 (8) A statement of any disciplinary action taken against the
- 31 provider within the previous ten (10) years by a board or
- 32 committee described in subsection (a).
- 33 (d) The agency shall make provider profiles available to the public.
- 34 (e) The computer gateway administered by the office of technology
- 35 established by IC 4-13.1-2-1 shall make the information described in
- 36 subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally
- 37 available to the public on the Internet.
- 38 (f) The agency may adopt rules under IC 4-22-2 to implement this
- 39 section.
- 40 SECTION 11. IC 25-1-7-1, AS AMENDED BY P.L.84-2010,
- 41 SECTION 12, AND AS AMENDED BY P.L.113-2010, SECTION
- 42 101, IS CORRECTED AND AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2011]: Sec. 1. As used in this chapter:
 2 "Board" means the appropriate agency listed in the definition of
 3 regulated occupation in this section.
 4 "Director" refers to the director of the division of consumer
 5 protection.
 6 "Division" refers to the division of consumer protection, office of
 7 the attorney general.
 8 "Licensee" means a person who is:
 9 (1) licensed, certified, or registered by a board listed in this
 10 section; and
 11 (2) the subject of a complaint filed with the division.
 12 "Person" means an individual, a partnership, a limited liability
 13 company, or a corporation.
 14 "Regulated occupation" means an occupation in which a person is
 15 licensed, certified, or registered by one (1) of the following:
 16 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 17 (2) Board of registration for architects and landscape architects
 18 (IC 25-4-1-2).
 19 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
 20 ~~(4) State board of barber examiners (IC 25-7-5-1).~~
 21 ~~(4) State athletic commission (IC 25-9-1).~~
 22 ~~(5) (4) Board of chiropractic examiners (IC 25-10-1).~~
 23 ~~(6) (5) State board of cosmetology and barber examiners~~
 24 ~~(IC 25-8-3-1).~~
 25 ~~(7) (6) State board of dentistry (IC 25-14-1).~~
 26 ~~(8) (7) State board of funeral and cemetery service (IC 25-15-9).~~
 27 ~~(9) (8) State board of registration for professional engineers~~
 28 ~~(IC 25-31-1-3).~~
 29 ~~(10) (9) Indiana state board of health facility administrators~~
 30 ~~(IC 25-19-1).~~
 31 ~~(11) (10) Medical licensing board of Indiana (IC 25-22.5-2).~~
 32 ~~(12) (11) Indiana state board of nursing (IC 25-23-1).~~
 33 ~~(13) (12) Indiana optometry board (IC 25-24).~~
 34 ~~(14) (13) Indiana board of pharmacy (IC 25-26).~~
 35 ~~(15) (14) Indiana plumbing commission (IC 25-28.5-1-3).~~
 36 ~~(16) (15) Board of podiatric medicine (IC 25-29-2-1).~~
 37 ~~(17) Board of environmental health specialists (IC 25-32-1).~~
 38 ~~(17) (18) (16) State psychology board (IC 25-33).~~
 39 ~~(18) (19) (17) Speech-language pathology and audiology board~~
 40 ~~(IC 25-35.6-2).~~
 41 ~~(19) (20) (18) Indiana real estate commission (IC 25-34.1-2).~~
 42 ~~(20) (21) (19) Indiana board of veterinary medical examiners~~

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- 1 (IC 25-38.1).
- 2 ~~(21)~~ ~~(22)~~ **(20)** Department of natural resources for purposes of
- 3 licensing water well drillers under IC 25-39-3.
- 4 ~~(22)~~ ~~(23)~~ **(21)** Respiratory care committee (IC 25-34.5).
- 5 ~~(23)~~ ~~(24)~~ **(22)** Private investigator and security guard licensing
- 6 board (IC 25-30-1-5.2).
- 7 ~~(24)~~ ~~(25)~~ **(23)** Occupational therapy committee (IC 25-23.5).
- 8 ~~(25)~~ ~~(26)~~ **(24)** Behavioral health and human services licensing
- 9 board (IC 25-23.6).
- 10 ~~(26)~~ ~~(27)~~ **(25)** Real estate appraiser licensure and certification
- 11 board (IC 25-34.1-8).
- 12 ~~(27)~~ ~~(28)~~ **(26)** State board of registration for land surveyors
- 13 (IC 25-21.5-2-1).
- 14 ~~(28)~~ ~~(29)~~ **(27)** Physician assistant committee (IC 25-27.5).
- 15 ~~(29)~~ ~~(30)~~ **(28)** Indiana athletic trainers board (IC 25-5.1-2-1).
- 16 ~~(30)~~ ~~(31)~~ **(29)** Indiana dietitians certification board
- 17 (IC 25-14.5-2-1).
- 18 ~~(32)~~ *Indiana hypnotist committee (IC 25-20.5-1-7).*
- 19 ~~(31)~~ ~~(33)~~ **(30)** Indiana physical therapy committee (IC 25-27).
- 20 ~~(32)~~ ~~(34)~~ **(31)** Manufactured home installer licensing board
- 21 (IC 25-23.7).
- 22 ~~(33)~~ ~~(35)~~ **(32)** Home inspectors licensing board (IC 25-20.2-3-1).
- 23 ~~(34)~~ ~~(36)~~ **(33)** State department of health, for out-of-state mobile
- 24 health care entities.
- 25 ~~(35)~~ ~~(37)~~ **(34)** State board of massage therapy (IC 25-21.8-2-1).
- 26 **(35) Midwifery board (IC 25-23.4-2-1).**
- 27 ~~(36)~~ ~~(38)~~ **(36)** Any other occupational or professional agency
- 28 created after June 30, 1981.

29 SECTION 12. IC 25-1-8-1, AS AMENDED BY P.L.84-2010,
 30 SECTION 14, AND AS AMENDED BY P.L.113-2010, SECTION
 31 102, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2011]: Sec. 1. As used in this chapter, "board"
 33 means any of the following:

- 34 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 35 (2) Board of registration for architects and landscape architects
- 36 (IC 25-4-1-2).
- 37 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 38 ~~(4)~~ *State board of barber examiners (IC 25-7-5-1).*
- 39 ~~(4)~~ *State athletic commission (IC 25-9-1).*
- 40 ~~(5)~~ **(4)** Board of chiropractic examiners (IC 25-10-1).
- 41 ~~(6)~~ **(5)** State board of cosmetology *and barber examiners*
- 42 (IC 25-8-3-1).

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- 1 ~~(7)~~ **(6)** State board of dentistry (IC 25-14-1).
- 2 ~~(8)~~ **(7)** State board of funeral and cemetery service (IC 25-15).
- 3 ~~(9)~~ **(8)** State board of registration for professional engineers
- 4 (IC 25-31-1-3).
- 5 ~~(10)~~ **(9)** Indiana state board of health facility administrators
- 6 (IC 25-19-1).
- 7 ~~(11)~~ **(10)** Medical licensing board of Indiana (IC 25-22.5-2).
- 8 ~~(12)~~ **(11)** Mining board (IC 22-10-1.5-2).
- 9 ~~(13)~~ **(12)** Indiana state board of nursing (IC 25-23-1).
- 10 ~~(14)~~ **(13)** Indiana optometry board (IC 25-24).
- 11 ~~(15)~~ **(14)** Indiana board of pharmacy (IC 25-26).
- 12 ~~(16)~~ **(15)** Indiana plumbing commission (IC 25-28.5-1-3).
- 13 ~~(17)~~ *Board of environmental health specialists (IC 25-32-1)*.
- 14 ~~(17)~~ ~~(18)~~ **(16)** State psychology board (IC 25-33).
- 15 ~~(18)~~ ~~(19)~~ **(17)** Speech-language pathology and audiology board
- 16 (IC 25-35.6-2).
- 17 ~~(19)~~ ~~(20)~~ **(18)** Indiana real estate commission (IC 25-34.1-2-1).
- 18 ~~(20)~~ ~~(21)~~ **(19)** Indiana board of veterinary medical examiners
- 19 (IC 25-38.1-2-1).
- 20 ~~(21)~~ ~~(22)~~ **(20)** Department of insurance (IC 27-1).
- 21 ~~(22)~~ ~~(23)~~ **(21)** State police department (IC 10-11-2-4), for
- 22 purposes of certifying polygraph examiners under IC 25-30-2.
- 23 ~~(23)~~ ~~(24)~~ **(22)** Department of natural resources for purposes of
- 24 licensing water well drillers under IC 25-39-3.
- 25 ~~(24)~~ ~~(25)~~ **(23)** Private investigator and security guard licensing
- 26 board (IC 25-30-1-5.2).
- 27 ~~(25)~~ ~~(26)~~ **(24)** Occupational therapy committee (IC 25-23.5-2-1).
- 28 ~~(26)~~ ~~(27)~~ **(25)** Behavioral health and human services licensing
- 29 board (IC 25-23.6-2-1).
- 30 ~~(27)~~ ~~(28)~~ **(26)** Real estate appraiser licensure and certification
- 31 board (IC 25-34.1-8).
- 32 ~~(28)~~ ~~(29)~~ **(27)** State board of registration for land surveyors
- 33 (IC 25-21.5-2-1).
- 34 ~~(29)~~ ~~(30)~~ **(28)** Physician assistant committee (IC 25-27.5).
- 35 ~~(30)~~ ~~(31)~~ **(29)** Indiana athletic trainers board (IC 25-5.1-2-1).
- 36 ~~(31)~~ ~~(32)~~ **(30)** Board of podiatric medicine (IC 25-29-2-1).
- 37 ~~(32)~~ ~~(33)~~ **(31)** Indiana dietitians certification board
- 38 (IC 25-14.5-2-1).
- 39 ~~(33)~~ ~~(34)~~ **(32)** Indiana physical therapy committee (IC 25-27).
- 40 ~~(34)~~ ~~(35)~~ **(33)** Manufactured home installer licensing board
- 41 (IC 25-23.7).
- 42 ~~(35)~~ ~~(36)~~ **(34)** Home inspectors licensing board (IC 25-20.2-3-1).

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- 1 ~~(36) (37)~~ **(35)** State board of massage therapy (IC 25-21.8-2-1).
- 2 **(36) Midwifery board (IC 25-23.4-2-1).**
- 3 ~~(37) (38)~~ Any other occupational or professional agency created
- 4 after June 30, 1981.

5 SECTION 13. IC 25-1-8-6, AS AMENDED BY P.L.84-2010,
 6 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2011]: Sec. 6. (a) As used in this section, "board" means any
 8 of the following:

- 9 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 10 (2) Board of registration for architects and landscape architects
- 11 (IC 25-4-1-2).
- 12 (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- 13 (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- 14 (5) Board of chiropractic examiners (IC 25-10-1).
- 15 (6) State board of cosmetology and barber examiners
- 16 (IC 25-8-3-1).
- 17 (7) State board of dentistry (IC 25-14-1).
- 18 (8) Indiana dietitians certification board (IC 25-14.5-2-1).
- 19 (9) State board of registration for professional engineers
- 20 (IC 25-31-1-3).
- 21 (10) State board of funeral and cemetery service (IC 25-15-9).
- 22 (11) Indiana state board of health facility administrators
- 23 (IC 25-19-1).
- 24 (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- 25 (13) Home inspectors licensing board (IC 25-20.2-3-1).
- 26 (14) State board of registration for land surveyors
- 27 (IC 25-21.5-2-1).
- 28 (15) Manufactured home installer licensing board (IC 25-23.7).
- 29 (16) Medical licensing board of Indiana (IC 25-22.5-2).
- 30 (17) Indiana state board of nursing (IC 25-23-1).
- 31 (18) Occupational therapy committee (IC 25-23.5).
- 32 (19) Indiana optometry board (IC 25-24).
- 33 (20) Indiana board of pharmacy (IC 25-26).
- 34 (21) Indiana physical therapy committee (IC 25-27).
- 35 (22) Physician assistant committee (IC 25-27.5).
- 36 (23) Indiana plumbing commission (IC 25-28.5-1-3).
- 37 (24) Board of podiatric medicine (IC 25-29-2-1).
- 38 (25) Private investigator and security guard licensing board
- 39 (IC 25-30-1-5.2).
- 40 (26) State psychology board (IC 25-33).
- 41 (27) Indiana real estate commission (IC 25-34.1-2).
- 42 (28) Real estate appraiser licensure and certification board

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- 1 (IC 25-34.1-8).
- 2 (29) Respiratory care committee (IC 25-34.5).
- 3 (30) Behavioral health and human services licensing board
- 4 (IC 25-23.6).
- 5 (31) Speech-language pathology and audiology board
- 6 (IC 25-35.6-2).
- 7 (32) Indiana board of veterinary medical examiners (IC 25-38.1).
- 8 (33) State board of massage therapy (IC 25-21.8-2-1).
- 9 **(34) Midwifery board (IC 25-23.4-2-1).**
- 10 (b) This section does not apply to a license, certificate, or
- 11 registration that has been revoked or suspended.
- 12 (c) Notwithstanding any other law regarding the reinstatement of a
- 13 delinquent or lapsed license, certificate, or registration and except as
- 14 provided in section 8 of this chapter, the holder of a license, certificate,
- 15 or registration that was issued by the board that is three (3) years or less
- 16 delinquent must be reinstated upon meeting the following
- 17 requirements:
- 18 (1) Submission of the holder's completed renewal application.
- 19 (2) Payment of the current renewal fee established by the board
- 20 under section 2 of this chapter.
- 21 (3) Payment of a reinstatement fee established by the Indiana
- 22 professional licensing agency.
- 23 (4) If a law requires the holder to complete continuing education
- 24 as a condition of renewal, the holder:
- 25 (A) shall provide the board with a sworn statement, signed by
- 26 the holder, that the holder has fulfilled the continuing
- 27 education requirements required by the board; or
- 28 (B) shall, if the holder has not complied with the continuing
- 29 education requirements, meet any requirements imposed under
- 30 IC 25-1-4-5 and IC 25-1-4-6.
- 31 (d) Notwithstanding any other law regarding the reinstatement of a
- 32 delinquent or lapsed license, certificate, or registration and except as
- 33 provided in section 8 of this chapter, unless a statute specifically does
- 34 not allow a license, certificate, or registration to be reinstated if it has
- 35 lapsed for more than three (3) years, the holder of a license, certificate,
- 36 or registration that was issued by the board that is more than three (3)
- 37 years delinquent must be reinstated upon meeting the following
- 38 requirements:
- 39 (1) Submission of the holder's completed renewal application.
- 40 (2) Payment of the current renewal fee established by the board
- 41 under section 2 of this chapter.
- 42 (3) Payment of a reinstatement fee equal to the current initial

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- application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
 - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
 - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 14. IC 25-22.5-1-2, AS AMENDED BY P.L.177-2009, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: 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.
- (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 emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5), an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7), 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 10-14-3-12 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

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- 1 Department of Veterans Affairs in the discharge of their official
- 2 duties in Indiana.
- 3 (5) An individual who is not a licensee who resides in another
- 4 state or country and is authorized to practice medicine or
- 5 osteopathic medicine there, who is called in for consultation by an
- 6 individual licensed to practice medicine or osteopathic medicine
- 7 in Indiana.
- 8 (6) A person administering a domestic or family remedy to a
- 9 member of the person's family.
- 10 (7) A member of a church practicing the religious tenets of the
- 11 church if the member does not make a medical diagnosis,
- 12 prescribe or administer drugs or medicines, perform surgical or
- 13 physical operations, or assume the title of or profess to be a
- 14 physician.
- 15 (8) A school corporation and a school employee who acts under
- 16 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 17 (9) A chiropractor practicing the chiropractor's profession under
- 18 IC 25-10 or to an employee of a chiropractor acting under the
- 19 direction and supervision of the chiropractor under IC 25-10-1-13.
- 20 (10) A dental hygienist practicing the dental hygienist's profession
- 21 under IC 25-13.
- 22 (11) A dentist practicing the dentist's profession under IC 25-14.
- 23 (12) A hearing aid dealer practicing the hearing aid dealer's
- 24 profession under IC 25-20.
- 25 (13) A nurse practicing the nurse's profession under IC 25-23.
- 26 However, a certified registered nurse anesthetist (as defined in
- 27 IC 25-23-1-1.4) may administer anesthesia if the certified
- 28 registered nurse anesthetist acts under the direction of and in the
- 29 immediate presence of a physician.
- 30 (14) An optometrist practicing the optometrist's profession under
- 31 IC 25-24.
- 32 (15) A pharmacist practicing the pharmacist's profession under
- 33 IC 25-26.
- 34 (16) A physical therapist practicing the physical therapist's
- 35 profession under IC 25-27.
- 36 (17) A podiatrist practicing the podiatrist's profession under
- 37 IC 25-29.
- 38 (18) A psychologist practicing the psychologist's profession under
- 39 IC 25-33.
- 40 (19) A speech-language pathologist or audiologist practicing the
- 41 pathologist's or audiologist's profession under IC 25-35.6.
- 42 (20) An employee of a physician or group of physicians who

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1 performs an act, a duty, or a function that is customarily within
 2 the specific area of practice of the employing physician or group
 3 of physicians, if the act, duty, or function is performed under the
 4 direction and supervision of the employing physician or a
 5 physician of the employing group within whose area of practice
 6 the act, duty, or function falls. An employee may not make a
 7 diagnosis or prescribe a treatment and must report the results of
 8 an examination of a patient conducted by the employee to the
 9 employing physician or the physician of the employing group
 10 under whose supervision the employee is working. An employee
 11 may not administer medication without the specific order of the
 12 employing physician or a physician of the employing group.
 13 Unless an employee is licensed or registered to independently
 14 practice in a profession described in subdivisions (9) through
 15 (18), nothing in this subsection grants the employee independent
 16 practitioner status or the authority to perform patient services in
 17 an independent practice in a profession.

18 (21) A hospital licensed under IC 16-21 or IC 12-25.

19 (22) A health care organization whose members, shareholders, or
 20 partners are individuals, partnerships, corporations, facilities, or
 21 institutions licensed or legally authorized by this state to provide
 22 health care or professional services as:

23 (A) a physician;

24 (B) a psychiatric hospital;

25 (C) a hospital;

26 (D) a health maintenance organization or limited service
 27 health maintenance organization;

28 (E) a health facility;

29 (F) a dentist;

30 (G) a registered or licensed practical nurse;

31 (H) a **certified nurse midwife or a certified direct entry**
 32 **midwife;**

33 (I) an optometrist;

34 (J) a podiatrist;

35 (K) a chiropractor;

36 (L) a physical therapist; or

37 (M) a psychologist.

38 (23) A physician assistant practicing the physician assistant
 39 profession under IC 25-27.5.

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

42 (25) An attendant who provides attendant care services (as

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1 defined in IC 16-18-2-28.5).

2 (26) A personal services attendant providing authorized attendant

3 care services under IC 12-10-17.1.

4 (b) A person described in subsection (a)(9) through (a)(18) is not

5 excluded from the application of this article if:

6 (1) the person performs an act that an Indiana statute does not

7 authorize the person to perform; and

8 (2) the act qualifies in whole or in part as the practice of medicine

9 or osteopathic medicine.

10 (c) An employment or other contractual relationship between an

11 entity described in subsection (a)(21) through (a)(22) and a licensed

12 physician does not constitute the unlawful practice of medicine under

13 this article if the entity does not direct or control independent medical

14 acts, decisions, or judgment of the licensed physician. However, if the

15 direction or control is done by the entity under IC 34-30-15 (or

16 IC 34-4-12.6 before its repeal), the entity is excluded from the

17 application of this article as it relates to the unlawful practice of

18 medicine or osteopathic medicine.

19 (d) This subsection does not apply to a prescription or drug order for

20 a legend drug that is filled or refilled in a pharmacy owned or operated

21 by a hospital licensed under IC 16-21. A physician licensed in Indiana

22 who permits or authorizes a person to fill or refill a prescription or drug

23 order for a legend drug except as authorized in IC 16-42-19-11 through

24 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A

25 person who violates this subsection commits the unlawful practice of

26 medicine under this chapter.

27 (e) A person described in subsection (a)(8) shall not be authorized

28 to dispense contraceptives or birth control devices.

29 SECTION 15. IC 25-22.5-8-2, AS AMENDED BY P.L.90-2007,

30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

31 JULY 1, 2011]: Sec. 2. (a) A person who **knowingly or intentionally**

32 violates this article by unlawfully practicing medicine or osteopathic

33 medicine commits a Class C felony.

34 ~~(b) A person who practices midwifery without the license required~~

35 ~~under this article commits a Class D felony.~~

36 ~~(c)~~ (b) A person who **knowingly or intentionally** acts as a

37 physician assistant without the license required under IC 25-27.5

38 commits a Class D felony.

39 SECTION 16. IC 25-23-1-1 IS AMENDED TO READ AS

40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. As used in this

41 chapter:

42 (a) "Board" means the Indiana state board of nursing.

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1 (b) "Advanced practice nurse" means:

- 2 (1) a nurse practitioner;
 3 (2) a **certified** nurse midwife; or
 4 (3) a clinical nurse specialist;

5 who is a registered nurse qualified to practice nursing in a specialty
 6 role based upon the additional knowledge and skill gained through a
 7 formal organized program of study and clinical experience, or the
 8 equivalent as determined by the board, which does not limit but
 9 extends or expands the function of the nurse which may be initiated by
 10 the client or provider in settings that shall include hospital outpatient
 11 clinics and health maintenance organizations.

12 (c) "Human response" means those signs, symptoms, behaviors, and
 13 processes that denote the individual's interaction with the environment.

14 SECTION 17. IC 25-23-1-13.1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13.1. (a) An applicant
 16 who desires to practice **certified nurse** midwifery shall present to the
 17 board the applicant's license as a registered nurse and a diploma earned
 18 by the applicant from a school of midwifery approved or licensed by
 19 the board or licensing agency for midwives that is located in any state.

20 (b) The applicant shall submit to an examination in **certified nurse**
 21 midwifery prescribed or administered by the board. If the application
 22 and qualifications are approved by the board, the applicant is entitled
 23 to receive a limited license that allows the applicant to practice
 24 midwifery **as a certified nurse midwife.**

25 (c) The board shall adopt rules under ~~IC 25-23-1-7~~: **section 7 of this**
 26 **chapter:**

- 27 (1) defining the scope of practice ~~for midwifery~~; **of a certified**
 28 **nurse midwife**; and
 29 (2) for implementing this section.

30 SECTION 18. IC 25-23.4 IS ADDED TO THE INDIANA CODE
 31 AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2011]:

33 **ARTICLE 23.4. CERTIFIED DIRECT ENTRY MIDWIVES**

34 **Chapter 1. Definitions**

35 **Sec. 1. The definitions in this chapter apply throughout this**
 36 **article.**

37 **Sec. 2. "Antepartum period" means the period that begins when**
 38 **a woman becomes pregnant and ends when the birthing period**
 39 **begins.**

40 **Sec. 3. "Board" refers to the midwifery board established by**
 41 **IC 25-23.4-2-1.**

42 **Sec. 4. (a) "Certified direct entry midwife" or "CDEM" means**

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1 an individual who has completed and passed the credentialing
2 process as administered by the North American Registry of
3 Midwives or a successor organization and met requirements
4 established by the board.

5 (b) The term does not include any of the following:

6 (1) An individual engaged in the practice of medicine under
7 IC 25-22.5.

8 (2) A certified nurse midwife engaged in the practice of
9 midwifery only under IC 25-23.

10 (3) An individual providing emergency medical services.

11 Sec. 5. "Intrapartum period" means the period that begins when
12 a woman starts labor and ends when the woman gives birth.

13 Sec. 6. "Licensed certified direct entry midwife" means an
14 individual who is a certified direct entry midwife and licensed
15 under this article.

16 Sec. 7. "Licensing agency" refers to the Indiana professional
17 licensing agency.

18 Sec. 8. "Practice of midwifery" means services delivered by a
19 licensed certified direct entry midwife, for compensation, to advise,
20 attend, or assist a woman during pregnancy, labor, natural
21 childbirth, or the postpartum period. The term includes the
22 following:

23 (1) Providing the mother with individualized prenatal care.

24 (2) Identifying and referring women who require obstetrical
25 attention.

26 (3) Providing the mother with continuous direct participation
27 and assistance during labor and delivery.

28 (4) Administering medications as provided in IC 25-23.4-4-5.

29 (5) Providing the mother with postpartum support.

30 Sec. 9. "Postpartum period" means the six (6) week period after
31 a birth.

32 Chapter 2. Midwifery Board

33 Sec. 1. The midwifery board is established.

34 Sec. 2. (a) The board consists of seven (7) members appointed by
35 the governor as follows:

36 (1) Three (3) members who are licensed certified direct entry
37 midwives.

38 (2) Two (2) members who have unlimited licenses to practice
39 medicine in Indiana, one (1) of whom has experience acting as
40 a collaborative home birth physician with a midwife.

41 (3) One (1) certified nurse midwife with experience in the
42 practice of home births.

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1 **(4) One (1) member representing the public.**
2 **(b) Notwithstanding subsection (a)(1), a certified direct entry**
3 **midwife appointed to the board under subsection (a)(1) after June**
4 **30, 2011, and before July 1, 2012, is not required to be licensed**
5 **under this article. However, a certified direct entry midwife**
6 **appointed to the board after June 30, 2011, and before July 1,**
7 **2012, under subsection (a), must be a Certified Professional**
8 **Midwife by the North American Registry of Midwives.**
9 **Sec. 3. (a) The term of each board member is four (4) years.**
10 **(b) A board member may be reappointed for not more than**
11 **three (3) consecutive terms.**
12 **(c) A board member serves until the board member's successor**
13 **is appointed. A vacancy occurring in the membership of the board**
14 **for any cause shall be filled by appointment by the governor for the**
15 **unexpired term.**
16 **(d) Board members annually shall select a chairperson and a**
17 **vice chairperson from among the board's members.**
18 **Sec. 4. (a) The board shall meet at least one (1) time each year**
19 **at the call of the chairperson.**
20 **(b) With the approval of the executive director of the licensing**
21 **agency, the board may meet upon:**
22 **(1) the call of the chairperson; or**
23 **(2) the request of a majority of the members of the board.**
24 **(c) Four (4) members of the board constitute a quorum.**
25 **(d) The affirmative vote of four (4) members of the board is**
26 **required for the board to take action.**
27 **Sec. 5. The licensing agency shall provide staff support for the**
28 **board.**
29 **Sec. 6. (a) The board shall do the following:**
30 **(1) Establish as a requirement for licensure as a certified**
31 **direct entry midwife the Certified Professional Midwife**
32 **(CPM) credentials developed by the North American Registry**
33 **of Midwives or a successor organization.**
34 **(2) Establish fees for the licensure of certified direct entry**
35 **midwives. The amount of the license fee must be the lesser of**
36 **the following:**
37 **(A) The amount determined by the board to be sufficient**
38 **for the administration of this article.**
39 **(B) Five hundred dollars (\$500).**
40 **(3) Establish annual continuing education requirements for**
41 **license renewal, which must include continuing education in**
42 **pharmacology.**

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1 **(4) Develop a peer review procedure, using as guidelines the**
 2 **peer review procedures established by:**

3 **(A) the Indiana Midwives Association or a successor**
 4 **organization; and**

5 **(B) the North American Registry of Midwives or a**
 6 **successor organization.**

7 **(5) Adopt rules under IC 4-22-2 that define the competent**
 8 **practice for certified direct entry midwives. Rules adopted**
 9 **under this subdivision must limit the practice of certified**
 10 **direct entry midwives to nonhospital settings.**

11 **(b) The board may not adopt rules to grant a certified direct**
 12 **entry midwife prescriptive authority. However, this subsection**
 13 **does not limit a certified direct entry midwife's authority to**
 14 **administer prescription drugs under IC 25-23.4-4-5.**

15 **Sec. 7. The board shall adopt rules under IC 4-22-2 to**
 16 **administer this article.**

17 **Chapter 3. Certified Direct Entry Midwifery Licensing**

18 **Sec. 1. (a) This section does not apply to an individual who has**
 19 **a limited license under IC 25-23-1-13.1 to practice midwifery as a**
 20 **certified nurse midwife and is practicing within the scope of that**
 21 **license.**

22 **(b) After July 1, 2012, an individual may not engage in the**
 23 **practice of midwifery unless:**

24 **(1) the individual is licensed or certified by a board under**
 25 **IC 25-1-5 and is acting within the scope of the person's license**
 26 **or certification; or**

27 **(2) the individual has a certified direct entry midwife license**
 28 **under this article.**

29 **(c) To become licensed as a certified direct entry midwife, an**
 30 **applicant must satisfy the following requirements:**

31 **(1) Be at least twenty-one (21) years of age.**

32 **(2) Possess a high school degree or its equivalent.**

33 **(3) Satisfactorily complete educational curriculum approved**
 34 **by:**

35 **(A) the Midwifery Education Accreditation Council**
 36 **(MEAC) or a successor organization; or**

37 **(B) the educational equivalent of a Midwifery Education**
 38 **Accreditation Council curriculum approved by the board.**

39 **(4) Acquire and document practical experience as outlined in**
 40 **the Certified Professional Midwife credentialing process in**
 41 **accordance with the standards of the North American**
 42 **Registry of Midwives or a successor organization.**

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- 1 **(5) Obtain certification by the accredited association in adult**
- 2 **cardiopulmonary resuscitation.**
- 3 **(6) Complete the program sponsored by the American**
- 4 **Academy of Pediatrics in neonatal resuscitation, excluding**
- 5 **endotracheal intubation and the administration of drugs.**
- 6 **(7) Observe twenty (20) births, assist with an additional**
- 7 **twenty (20) births, and act as the primary attendant for an**
- 8 **additional twenty (20) births.**
- 9 **(8) Provide proof to the board that the applicant has obtained**
- 10 **the Certified Professional Midwife credential as administered**
- 11 **by the North American Registry of Midwives or a successor**
- 12 **organization.**
- 13 **(9) Present additional documentation or certifications**
- 14 **required by the board. The board may adopt standards that**
- 15 **require more training than required by the North American**
- 16 **Registry of Midwives.**
- 17 **(d) The board shall exempt an individual from the requirements**
- 18 **under subsection (c) and grant the individual a certified direct**
- 19 **entry midwife license if the individual:**
- 20 **(1) holds a Certified Professional Midwife credential as**
- 21 **administered by the North American Registry of Midwives**
- 22 **not later than July 1, 2012; and**
- 23 **(2) files an initial application with the board not later than**
- 24 **July 1, 2012.**
- 25 **This subsection expires July 30, 2012.**
- 26 **Sec. 2. The board shall establish formal education requirements**
- 27 **in addition to those required in section 1 of this chapter. The**
- 28 **requirements must include course material on:**
- 29 **(1) emergency life support procedures;**
- 30 **(2) identification of high risk births for mothers;**
- 31 **(3) identification of potential complications during labor; and**
- 32 **(4) other material the board specifies.**
- 33 **Sec. 3. The board shall grant a license to practice certified direct**
- 34 **entry midwifery to an applicant who satisfies the requirements of**
- 35 **sections 1 and 2 of this chapter.**
- 36 **Sec. 4. (a) A license issued under this chapter expires after four**
- 37 **(4) years, on a date established by the licensing agency. Failure to**
- 38 **renew a license on or before the expiration date makes the license**
- 39 **invalid without any action by the board.**
- 40 **(b) The board shall adopt fees under IC 25-1-8-2.**
- 41 **(c) To be eligible for the renewal of a license issued under this**
- 42 **chapter, an individual must meet continuing education**

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requirements set by the board.

Sec. 5. The board:

- (1) shall adopt rules under IC 4-22-2 to set the fees for issuance of a license under this article; and
- (2) may adopt rules under IC 4-22-2 to set other fees the board considers necessary to administer this article.

Sec. 6. After July 1, 2012, only an individual who is licensed under this article may use the title "certified direct entry midwife".

Sec. 7. The board may issue a license to an individual who is licensed as a midwife in another state with requirements that the board determines are at least equal to the licensing requirements of this article.

Sec. 8. (a) This section does not apply to an individual who has a limited license under IC 25-23-1-13.1 to practice midwifery as a certified nurse midwife.

(b) After July 1, 2012, an individual who knowingly or intentionally practices midwifery without a license required under this article commits the following:

- (1) A Class A misdemeanor on the first violation.
- (2) A Class D felony on the second and any subsequent unrelated violation.

Sec. 9. (a) A registered nurse who holds a limited license to practice midwifery under IC 25-23-1-13.1 (formerly referred to as a "midwife" before the repeal of IC 34-18-2-19 by an enrolled act in the 2011 session of the general assembly) shall, beginning July 1, 2011, be known as a "certified nurse midwife", as provided in IC 34-18-2-6.5.

(b) This section expires December 31, 2014.

Chapter 4. Informed Consent for the Practice of Certified Direct Entry Midwifery

Sec. 1. All the following must occur before a certified direct entry midwife may accept a client for midwifery care:

- (1) The certified direct entry midwife must provide the potential client with an informed disclosure of practice form.
- (2) The potential client must sign and date the form.
- (3) The certified direct entry midwife must sign and date the form.
- (4) If the potential client refuses a procedure or treatment required by law, the potential client must so indicate on a separate procedure or treatment form.
- (5) The certified direct entry midwife must have an emergency plan for the care of the client if an emergency

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arises.
(6) The certified direct entry midwife must make an effort to have a written agreement with a physician to provide for backup care for the client. The backup physician should be located in an area close to where the delivery will occur. The board shall set standards for determining:

- (A) the type of effort sufficient to have a written agreement with a physician to provide for backup care for the client; and**
- (B) the geographic area close enough to the planned location of the delivery to make the backup physician a reasonable choice to provide backup care.**

The board shall, in cooperation with the medical licensing board or professional organizations of physicians, develop a list of physicians willing to provide backup care and make the list available to certified direct entry midwives.

Sec. 2. A certified direct entry midwife may not perform on a client a specific procedure or treatment that is not described on the informed disclosure of practice form described in section 1 of this chapter until both of the following occur:

- (1) The specific procedure or treatment is disclosed to the client in writing on a form that is separate from the informed disclosure of practice form.**
- (2) The client agrees to the procedure or treatment by signing the procedure or treatment form.**

Sec. 3. The informed disclosure of practice form must be in writing and must contain the following information:

- (1) A description of the certified direct entry midwife's education and training in midwifery, including completion of continuing education courses and participation in the peer review process.**
- (2) The certified direct entry midwife's experience level in the field of midwifery.**
- (3) The certified direct entry midwife's philosophy of practice.**
- (4) Antepartum, intrapartum, and postpartum conditions requiring consultation, transfer of care, and transport to a hospital.**
- (5) The emergency medical backup plan, including the emergency plan and the agreement with a physician for backup care required under section 1 of this chapter.**
- (6) The services to be provided to the client by the certified direct entry midwife.**

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- 1 **(7) The certified direct entry midwife's current licensure**
- 2 **status.**
- 3 **(8) A detailed explanation of treatments and procedures.**
- 4 **(9) A detailed description of the risks and expected benefits of**
- 5 **midwifery care.**
- 6 **(10) The availability of a grievance process in a case in which**
- 7 **a client is dissatisfied with the performance of the certified**
- 8 **direct entry midwife.**
- 9 **(11) A statement that if the client is advised by the certified**
- 10 **direct entry midwife or a collaborating physician that the**
- 11 **client is or has become at risk (as described in IC 25-23.4-5-1),**
- 12 **the certified direct entry midwife:**
 - 13 **(A) shall refer the client to a physician for consultation;**
 - 14 **(B) may refuse to provide or continue care; and**
 - 15 **(C) may transfer care of the client to a physician.**
- 16 **(12) A statement disclosing whether or not the certified direct**
- 17 **entry midwife maintains liability insurance.**
- 18 **(13) That state licensure of a certified direct entry midwife**
- 19 **does not ensure that a home setting for delivery of a child is**
- 20 **safe.**
- 21 **(14) That the client understands that the client is waiving the**
- 22 **right to sue a physician or health care provider for the acts or**
- 23 **omissions of the certified direct entry midwife.**
- 24 **(15) A statement that under IC 25-23.4-6 a health care**
- 25 **provider (as defined in IC 34-18-2-14) may not be held jointly**
- 26 **or severally liable for the acts or omissions of a:**
 - 27 **(A) certified direct entry midwife; or**
 - 28 **(B) licensed physician who has entered into a collaborative**
 - 29 **agreement under IC 25-23.4-5 with a certified direct entry**
 - 30 **midwife, for the acts or omissions of the licensed physician**
 - 31 **while the physician assists or collaborates with the certified**
 - 32 **direct entry midwife to perform midwifery.**
- 33 **Sec. 4. (a) Before March 31 every year, a certified direct entry**
- 34 **midwife shall provide an annual report to the board regarding**
- 35 **each birth the previous year that the certified direct entry midwife**
- 36 **assists. A report must summarize the following on a form**
- 37 **prescribed by the board:**
 - 38 **(1) Vital statistics.**
 - 39 **(2) Scope of care.**
 - 40 **(3) Transport information.**
 - 41 **(4) Physician referral.**
- 42 **(b) A certified direct entry midwife may not reveal the identity**

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- 1 of the clients referred to in a report under subsection (a).
- 2 **Sec. 5. (a) Except as provided in subsection (b), a certified direct**
- 3 **entry midwife may not dispense or administer prescription drugs.**
- 4 **(b) A certified direct entry midwife may administer:**
- 5 **(1) vitamin K, either orally or through intramuscular**
- 6 **injection;**
- 7 **(2) postpartum antihemorrhagic drugs in emergency**
- 8 **situations;**
- 9 **(3) local anesthetics by infiltration or topical application, only**
- 10 **for postpartum repair of lacerations, tears, and episiotomy;**
- 11 **(4) oxygen;**
- 12 **(5) Rhogam;**
- 13 **(6) prophylactic eye agents; and**
- 14 **(7) prophylactic antibiotics for Group B Strep (also known as**
- 15 **Beta Strep).**

16 **The board may adopt rules specifying the circumstances under**
 17 **which a certified direct entry midwife may administer the**
 18 **substances listed in this subsection.**

19 **Chapter 5. Management of At Risk Clients**

20 **Sec. 1. A client is considered at risk if the client has any of the**
 21 **following conditions:**

- 22 **(1) Preeclampsia.**
- 23 **(2) Type 1 diabetes.**
- 24 **(3) Severe chronic hypertension.**
- 25 **(4) Severe anemia.**
- 26 **(5) Any other condition determined by the board.**

27 **Sec. 2. If a client is at risk, the certified direct entry midwife**
 28 **shall:**

- 29 **(1) refer the client to a physician licensed under IC 25-22.5;**
 30 **and**
- 31 **(2) consult with the physician concerning the client's care.**

32 **Sec. 3. (a) If the certified direct entry midwife, physician, and**
 33 **client agree that the certified direct entry midwife may continue to**
 34 **provide services to the at risk client, the certified direct entry**
 35 **midwife shall enter into a collaborative plan of treatment with a**
 36 **physician licensed under IC 25-22.5.**

37 **(b) The collaborative plan of treatment under subsection (a)**
 38 **must include the following provisions:**

- 39 **(1) The circumstances that would require consultation or**
 40 **referral with a physician.**
- 41 **(2) The circumstances that would require transfer of**
 42 **responsibility for the primary care of the at risk client.**

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(3) The services to be provided by the certified direct entry midwife and the licensed physician.

Chapter 6. Liability of Health Care Providers

Sec. 1. A health care provider (as defined in IC 34-18-2-14) may not be held jointly or severally liable for the acts or omissions of a certified direct entry midwife.

Sec. 2. (a) This section applies only to the following:

- (1) An employee of a certified direct entry midwife.
- (2) A student, an intern, a trainee, or an apprentice who is:
 - (A) pursuing a course of study to gain licensure under this article; or
 - (B) accumulating the experience required for licensure under this article;

under the supervision of a certified direct entry midwife.

(b) A person described in subsection (a) may perform an act, a duty, or a function of the practice of midwifery that is customarily within the specific area of practice of the employing certified direct entry midwife if the act, duty, or function is performed under the direction and supervision of the employing certified direct entry midwife.

(c) A person described in subsection (a) may not be held jointly or severally liable for the acts or omissions of a certified direct entry midwife.

Chapter 7. Right to Certified Direct Entry Midwifery Services

Sec. 1. Except as otherwise provided by law, an individual is entitled to:

- (1) give birth in the presence of; and
- (2) receive assistance during the birth process from;

a certified direct entry midwife.

Sec. 2. This article may not be construed to require a hospital to extend clinical privileges to a certified direct entry midwife.

SECTION 19. IC 34-6-2-19.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 19.3. "Certified nurse midwife", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-6.5.**

SECTION 20. IC 34-18-2-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 6.5. "Certified nurse midwife" means a registered nurse who holds a limited license to practice midwifery under IC 25-23-1-13.1.**

SECTION 21. IC 34-18-2-14 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. "Health care
 2 provider" means any of the following:
 3 (1) An individual, a partnership, a limited liability company, a
 4 corporation, a professional corporation, a facility, or an institution
 5 licensed or legally authorized by this state to provide health care
 6 or professional services as a physician, a psychiatric hospital, a
 7 hospital, a health facility, an emergency ambulance service
 8 (IC 16-18-2-107), a dentist, a registered or licensed practical
 9 nurse, a physician assistant, a **certified nurse** midwife, a
 10 **certified direct entry midwife**, an optometrist, a podiatrist, a
 11 chiropractor, a physical therapist, a respiratory care practitioner,
 12 an occupational therapist, a psychologist, a paramedic, an
 13 emergency medical technician-intermediate, an emergency
 14 medical technician-basic advanced, or an emergency medical
 15 technician, or a person who is an officer, employee, or agent of
 16 the individual, partnership, corporation, professional corporation,
 17 facility, or institution acting in the course and scope of the
 18 person's employment.
 19 (2) A college, university, or junior college that provides health
 20 care to a student, faculty member, or employee, and the governing
 21 board or a person who is an officer, employee, or agent of the
 22 college, university, or junior college acting in the course and
 23 scope of the person's employment.
 24 (3) A blood bank, community mental health center, community
 25 mental retardation center, community health center, or migrant
 26 health center.
 27 (4) A home health agency (as defined in IC 16-27-1-2).
 28 (5) A health maintenance organization (as defined in
 29 IC 27-13-1-19).
 30 (6) A health care organization whose members, shareholders, or
 31 partners are health care providers under subdivision (1).
 32 (7) A corporation, limited liability company, partnership, or
 33 professional corporation not otherwise qualified under this section
 34 that:
 35 (A) as one (1) of its functions, provides health care;
 36 (B) is organized or registered under state law; and
 37 (C) is determined to be eligible for coverage as a health care
 38 provider under this article for its health care function.
 39 Coverage for a health care provider qualified under this
 40 subdivision is limited to its health care functions and does not
 41 extend to other causes of action.
 42 SECTION 22. THE FOLLOWING ARE REPEALED [EFFECTIVE

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1 JULY 1, 2011]: IC 34-6-2-81; IC 34-18-2-19.
 2 SECTION 23. [EFFECTIVE JULY 1, 2011] (a) As used in this
 3 SECTION, "board" refers to the midwifery board established by
 4 IC 25-23.4-2-1, as added by this act.
 5 (b) Notwithstanding IC 25-23.4-2-2, as added by this act, the
 6 governor shall appoint the initial members of the board before
 7 September 1, 2011, for terms expiring as follows:
 8 (1) One (1) member appointed under IC 25-23.4-2-2(a)(1), as
 9 added by this act, one (1) member appointed under
 10 IC 25-23.4-2-2(a)(2), as added by this act, and one (1) member
 11 appointed under IC 25-23.4-2-2(a)(4), as added by this act, for
 12 a term expiring August 31, 2012.
 13 (2) One (1) member appointed under IC 25-23.4-2-2(a)(1), as
 14 added by this act, and one (1) member appointed under
 15 IC 25-23.4-2-2(a)(2), as added by this act, for a term expiring
 16 August 31, 2013.
 17 (3) One (1) member appointed under IC 25-23.4-2-2(a)(1), as
 18 added by this act, and one (1) member appointed under
 19 IC 25-23.4-2-2(a)(3), as added by this act, for a term expiring
 20 August 31, 2014.
 21 (c) This SECTION expires September 1, 2014.

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