

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1233 be amended to read as follows:

- 1           Page 47, line 12, delete "review whether to allow a physician to  
2           adopt" and insert "**oversee the adoption of**".
- 3           Page 47, line 15, delete "if such a protocol is recommended by the  
4           board" and insert "**in the protocol**".
- 5           Page 53, between lines 20 and 21, begin a new paragraph and insert:  
6           "SECTION 92. IC 25-26-16-1, AS AMENDED BY P.L.1-2009,  
7           SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8           JULY 1, 2011]: Sec. 1. As used in this chapter,  
9           "protocol" means the policies, procedures, and protocols of a:  
10           **(1) hospital listed in IC 16-18-2-161(a)(1); or**  
11           **(2) physician licensed under IC 25-22.5;**  
12           concerning the adjustment of a patient's drug regimen by a pharmacist.
- 13           SECTION 93. IC 25-26-16-3, AS AMENDED BY P.L.98-2006,  
14           SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15           JULY 1, 2011]: Sec. 3. (a) At the time of admission to a hospital that  
16           has adopted a protocol under this chapter, the following apply:  
17           (1) The admitting practitioner shall signify in writing in the form  
18           and manner prescribed by the hospital whether the protocol  
19           applies in the care and treatment of the patient.  
20           (2) A pharmacist may adjust the drug therapy regimen of the  
21           patient pursuant to the:  
22           (A) written authorization of the admitting practitioner under  
23           subdivision (1); and  
24           (B) protocols of the hospital.
- 25           The pharmacist shall review the appropriate medical records of  
26           the patient to determine whether the admitting practitioner has  
27           authorized the use of a specific protocol before adjusting the  
28           patient's drug therapy regimen. The admitting practitioner may at  
29           any time modify or cancel a protocol by entering the modification  
30           or cancellation in the patient's medical record.

1 (b) Notwithstanding subsection (a)(2), if a protocol involves  
 2 parenteral nutrition of the patient, the pharmacist shall communicate  
 3 with the admitting practitioner to receive approval to begin the  
 4 protocol. The authorization of the admitting practitioner to use the  
 5 protocol shall be entered immediately in the patient's medical record,  
 6 if required by the protocol.

7 SECTION 94. IC 25-26-16-3.5 IS ADDED TO THE INDIANA  
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2011]: **Sec. 3.5. (a) This section does not**  
 10 **apply to a protocol adopted in a hospital.**

11 (b) Upon authorization of a physician who has adopted a  
 12 protocol under this chapter, the following apply:

13 (1) The physician shall signify in writing whether the protocol  
 14 applies in the care and treatment of the patient.

15 (2) A pharmacist may adjust the drug therapy regimen of the  
 16 patient under the authorization of the physician.

17 (3) The pharmacist shall review the appropriate medical  
 18 records of the patient to determine whether the physician has  
 19 authorized the use of a specific protocol before adjusting the  
 20 patient's drug therapy regimen.

21 (c) The physician who has adopted a protocol under this  
 22 chapter:

23 (1) shall take appropriate actions to assure that the  
 24 pharmacist has the appropriate training to administer the  
 25 protocol; and

26 (2) may at any time modify or cancel a protocol by entering  
 27 the modification or cancellation in the patient's medical  
 28 record.

29 SECTION 95. IC 25-26-16-4.5 IS ADDED TO THE INDIANA  
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2011]: **Sec. 4.5. (a) This section does not**  
 32 **apply to a pharmacist who is practicing in a hospital.**

33 (b) As used in this section, "direct supervision" means that the  
 34 supervising physician is readily available to consult with the  
 35 pharmacist while the protocol services are being provided.

36 (c) This section applies to a pharmacist who is practicing under  
 37 physician authorization. The pharmacist must be under the direct  
 38 supervision of the physician. The protocols must be developed by  
 39 health care professionals, including the physician and pharmacist.

40 (d) The protocols developed under this chapter must, at a  
 41 minimum, require that the medical records of the patient are  
 42 available to both the patient's physician and the pharmacist and  
 43 that the procedures performed by the pharmacist relate to a  
 44 condition for which the patient has first seen the physician or other  
 45 licensed practitioner.

46 SECTION 96. IC 25-26-16-5 IS AMENDED TO READ AS  
 47 FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 5. (a) If a hospital or**

1 private mental health institution elects to implement, revise, or renew  
2 a protocol under this chapter, the governing board of the hospital or  
3 private mental health institution shall consult with that facility's  
4 medical staff, pharmacists, and other health care providers selected by  
5 the governing board. However, the governing board is the ultimate  
6 authority regarding the terms, implementation, revision, and renewal  
7 of the protocol.

8 **(b) If a physician elects to implement, revise, or renew a**  
9 **protocol in a setting other than a hospital or private mental health**  
10 **institution, the physician shall consult with a pharmacist. However,**  
11 **the physician is the ultimate authority regarding the terms,**  
12 **implementation, revision, and renewal of the protocol.**

13 SECTION 97. IC 25-26-16-7 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. A protocol of a  
15 health care facility **or a physician that is** developed under this chapter  
16 must be reviewed at least annually."

17 Renumber all SECTIONS consecutively.

(Reference is to EHB 1233 as printed April 15, 2011.)

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Senator GROOMS