



February 15, 2012

**ENGROSSED
HOUSE BILL No. 1186**

DIGEST OF HB 1186 (Updated February 13, 2012 4:38 pm - DI 110)

Citations Affected: IC 9-19; IC 16-18; IC 16-31; IC 25-22.5; IC 34-6.

Synopsis: Paramedic licensing. Provides for the licensure of paramedics by the emergency medical services commission. (Current law provides for the certification of paramedics by the emergency medical services commission). Provides that certain provisions relating to the unlawful or unauthorized practice of medicine do not apply to respiratory care practitioners practicing respiratory care. Requires the health finance commission to study during the 2012 legislative interim issues concerning the licensing of paramedics. Makes conforming changes.

Effective: July 1, 2012.

Brown T, Welch, Frye R, Sullivan

(SENATE SPONSOR — MILLER)

January 9, 2012, read first time and referred to Committee on Public Health.
January 23, 2012, reported — Do Pass.
January 26, 2012, read second time, ordered engrossed. Engrossed.
January 27, 2012, read third time, passed. Yeas 91, nays 0.

SENATE ACTION

February 1, 2012, read first time and referred to Committee on Public Policy.
February 14, 2012, amended, reported favorably — Do Pass.

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EH 1186—LS 6790/DI 77+



February 15, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1186

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 9-19-14.5-1, AS AMENDED BY P.L.138-2009,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 1. A privately owned vehicle belonging to a
4 ~~certified~~ **licensed** paramedic, certified emergency medical
5 technician-intermediate, certified emergency medical technician-basic
6 advanced, certified emergency medical technician, certified emergency
7 medical service driver, or certified emergency medical service first
8 responder while traveling in the line of duty in connection with
9 emergency medical services activities may display flashing or
10 revolving green lights, subject to the following restrictions and
11 conditions:

- 12 (1) The lights may not have a light source less than fifty (50)
13 candlepower.
14 (2) All lights must be prominently displayed on the top of the
15 vehicle.
16 (3) Not more than two (2) green lights may be displayed on a
17 vehicle, and each light must be of the flashing or revolving type

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1 and visible at three hundred sixty (360) degrees.

2 (4) The lights must consist of:

3 (A) a lamp with a green lens; or

4 (B) a green light emitting diode (LED).

5 However, the revolving lights may contain multiple bulbs.

6 (5) The green lights may not be a part of the regular head lamps
7 displayed on the vehicle.

8 (6) For a person to be authorized under this chapter to display a
9 flashing or revolving green light on the person's vehicle, the
10 person must first secure a written permit from the executive
11 director of the department of homeland security to use the light.
12 The permit must be carried by the person when the light is
13 displayed.

14 SECTION 2. IC 16-18-2-266 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 266. "Paramedic", for
16 purposes of IC 16-31, means an individual who:

17 (1) is:

18 (A) affiliated with a certified paramedic organization;

19 (B) employed by a sponsoring hospital approved by the
20 commission; or

21 (C) employed by a supervising hospital with a contract for
22 inservice education with a sponsoring hospital approved by the
23 commission;

24 (2) has completed a prescribed course in advanced life support;
25 and

26 (3) has been ~~certified~~ **licensed** by the Indiana emergency medical
27 services commission.

28 SECTION 3. IC 16-18-2-295, AS AMENDED BY P.L.41-2007,
29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2012]: Sec. 295. (a) "Provider", for purposes of IC 16-21-8,
31 has the meaning set forth in IC 16-21-8-0.5.

32 (b) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for
33 IC 16-39-7), ~~and~~ IC 16-41-1 through IC 16-41-9, and IC 16-41-37,
34 means any of the following:

35 (1) An individual (other than an individual who is an employee or
36 a contractor of a hospital, a facility, or an agency described in
37 subdivision (2) or (3)) who is licensed, registered, or certified as
38 a health care professional, including the following:

39 (A) A physician.

40 (B) A psychotherapist.

41 (C) A dentist.

42 (D) A registered nurse.

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- 1 (E) A licensed practical nurse.
 2 (F) An optometrist.
 3 (G) A podiatrist.
 4 (H) A chiropractor.
 5 (I) A physical therapist.
 6 (J) A psychologist.
 7 (K) An audiologist.
 8 (L) A speech-language pathologist.
 9 (M) A dietitian.
 10 (N) An occupational therapist.
 11 (O) A respiratory therapist.
 12 (P) A pharmacist.
 13 (Q) A sexual assault nurse examiner.
 14 (2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or
 15 described in IC 12-24-1 or IC 12-29.
 16 (3) A health facility licensed under IC 16-28-2.
 17 (4) A home health agency licensed under IC 16-27-1.
 18 (5) An employer of a certified emergency medical technician, a
 19 certified emergency medical technician-basic advanced, a
 20 certified emergency medical technician-intermediate, or a
 21 **certified licensed** paramedic.
 22 (6) The state department or a local health department or an
 23 employee, agent, designee, or contractor of the state department
 24 or local health department.
 25 (c) "Provider", for purposes of IC 16-39-7-1, has the meaning set
 26 forth in IC 16-39-7-1(a).
 27 **(d) "Provider", for purposes of IC 16-48-1, has the meaning set**
 28 **forth in IC 16-48-1-3.**
 29 SECTION 4. IC 16-31-2-2, AS AMENDED BY P.L.68-2009,
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2012]: Sec. 2. (a) The commission is composed of thirteen
 32 (13) members. The governor shall appoint the members for four (4)
 33 year terms as follows:
 34 (1) One (1) must be appointed from a volunteer fire department
 35 that provides emergency medical service.
 36 (2) One (1) must be appointed from a full-time municipal fire or
 37 police department that provides emergency medical service.
 38 (3) One (1) must be a nonprofit provider of emergency ambulance
 39 services organized on a volunteer basis other than a volunteer fire
 40 department.
 41 (4) One (1) must be a provider of private ambulance services.
 42 (5) One (1) must be a state **certified licensed** paramedic.

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- 1 (6) One (1) must be a licensed physician who:
 2 (A) has a primary interest, training, and experience in
 3 emergency medical services; and
 4 (B) is currently practicing in an emergency medical services
 5 facility.
 6 (7) One (1) must be a chief executive officer of a hospital that
 7 provides emergency ambulance services.
 8 (8) One (1) must be a registered nurse who has supervisory or
 9 administrative responsibility in a hospital emergency department.
 10 (9) One (1) must be a licensed physician who:
 11 (A) has a primary interest, training, and experience in trauma
 12 care; and
 13 (B) is practicing in a trauma facility.
 14 (10) One (1) must be a state certified emergency medical service
 15 technician.
 16 (11) One (1) must be an individual who:
 17 (A) represents the public at large; and
 18 (B) is not in any way related to providing emergency medical
 19 services.
 20 (12) One (1) must be a program director (as defined in 836
 21 IAC 4-2-2(12)(B)(iii)) for a commission certified advanced life
 22 support training institution.
 23 (13) One (1) must be the deputy executive director appointed
 24 under IC 10-19-5-3 to manage the division of preparedness and
 25 training of the department of homeland security or the designee
 26 of the deputy executive director.
 27 (b) The chief executive officer of a hospital appointed under
 28 subsection (a)(7) may designate another administrator of the hospital
 29 to serve for the chief executive officer on the commission.
 30 (c) Not more than seven (7) members may be from the same
 31 political party.
 32 SECTION 5. IC 16-31-2-7, AS AMENDED BY P.L.20-2008,
 33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2012]: Sec. 7. The commission shall do the following:
 35 (1) Develop and promote, in cooperation with state, regional, and
 36 local public and private organizations, agencies, and persons, a
 37 statewide program for the provision of emergency medical
 38 services that must include the following:
 39 (A) Preparation of state, regional, and local emergency
 40 ambulance service plans.
 41 (B) Provision of consultative services to state, regional, and
 42 local organizations and agencies in developing and

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1 implementing emergency ambulance service programs.
 2 (C) Promotion of a statewide system of emergency medical
 3 service facilities by developing minimum standards,
 4 procedures, and guidelines in regard to personnel, equipment,
 5 supplies, communications, facilities, and location of such
 6 centers.
 7 (D) Promotion of programs for the training of personnel
 8 providing emergency medical services and programs for the
 9 education of the general public in first aid techniques and
 10 procedures. The training shall be held in various local
 11 communities of the state and shall be conducted by agreement
 12 with publicly and privately supported educational institutions
 13 or hospitals licensed under IC 16-21, wherever appropriate.
 14 (E) Promotion of coordination of emergency communications,
 15 resources, and procedures throughout Indiana and, in
 16 cooperation with interested state, regional, and local public
 17 and private agencies, organizations, and persons, the
 18 development of an effective state, regional, and local
 19 emergency communications system.
 20 (F) Organizing and sponsoring a statewide emergency medical
 21 services conference to provide continuing education for
 22 persons providing emergency medical services.
 23 (2) Regulate, inspect, and certify **or license** services, facilities,
 24 and personnel engaged in providing emergency medical services
 25 as provided in this article.
 26 (3) Adopt rules required to implement an approved system of
 27 emergency medical services.
 28 (4) Adopt rules concerning triage and transportation protocols for
 29 the transportation of trauma patients consistent with the field
 30 triage decision scheme of the American College of Surgeons
 31 Committee on Trauma.
 32 (5) Apply for, receive, and accept gifts, bequests, grants-in-aid,
 33 state, federal, and local aid, and other forms of financial
 34 assistance for the support of emergency medical services.
 35 (6) Employ necessary administrative staff.
 36 SECTION 6. IC 16-31-2-12, AS ADDED BY P.L.101-2006,
 37 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2012]: Sec. 12. The commission may impose a reasonable fee
 39 for the issuance of a certification **or license** under this chapter. The
 40 commission shall deposit the fee in the emergency medical services
 41 fund established by IC 16-31-8.5-3.
 42 SECTION 7. IC 16-31-3-1, AS AMENDED BY P.L.74-2006,

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1 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), a
3 person other than:

- 4 (1) a licensed physician;
5 (2) a registered nurse or an individual acting under the
6 supervision of a licensed physician; or
7 (3) a person providing health care in a hospital or an ambulatory
8 outpatient surgical center licensed under IC 16-21;

9 may not furnish, operate, conduct, maintain, advertise, or otherwise be
10 engaged in providing emergency medical services, except for the use
11 of an automated external defibrillator, as a part of the regular course of
12 doing business, either paid or voluntary, unless that person holds a
13 valid certificate **or license** issued by the commission.

14 (b) A:

- 15 (1) licensed physician;
16 (2) registered nurse or an individual acting under the supervision
17 of a licensed physician; or
18 (3) person providing health care in a hospital or an ambulatory
19 outpatient surgical center licensed under IC 16-21;

20 who operates a business of transporting emergency patients by
21 ambulance or using a nontransporting emergency medical services
22 vehicle must hold a valid certificate issued by the commission under
23 this article.

24 SECTION 8. IC 16-31-3-2, AS AMENDED BY P.L.71-2008,
25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2012]: Sec. 2. The commission shall establish standards for
27 persons required to be certified **or licensed** by the commission to
28 provide emergency medical services. To be certified **or licensed**, a
29 person must meet the following minimum requirements:

30 (1) The personnel certified **or licensed** under this chapter must do
31 the following:

32 (A) Meet the standards for education and training established
33 by the commission by rule.

34 (B) Successfully complete a basic or an inservice course of
35 education and training on sudden infant death syndrome that
36 is certified by the commission in conjunction with the state
37 health commissioner.

38 (C) Beginning January 1, 2009, successfully complete a basic
39 or an inservice course of education and training on autism that
40 is certified by the commission.

41 (2) Ambulances to be used must conform with the requirements
42 of the commission and must either be:

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- 1 (A) covered by insurance issued by a company licensed to do
- 2 business in Indiana in the amounts and under the terms
- 3 required in rules adopted by the commission; or
- 4 (B) owned by a governmental entity covered under IC 34-13-3.
- 5 (3) Emergency ambulance service shall be provided in accordance
- 6 with rules adopted by the commission. However, the rules
- 7 adopted under this chapter may not prohibit the dispatch of an
- 8 ambulance to aid an emergency patient because an emergency
- 9 medical technician is not immediately available to staff the
- 10 ambulance.
- 11 (4) Ambulances must be equipped with a system of emergency
- 12 medical communications approved by the commission. The
- 13 emergency medical communication system must properly
- 14 integrate and coordinate appropriate local and state emergency
- 15 communications systems and reasonably available area
- 16 emergency medical facilities with the general public's need for
- 17 emergency medical services.
- 18 (5) Emergency medical communications shall be provided in
- 19 accordance with rules adopted by the commission.
- 20 (6) A nontransporting emergency medical services vehicle must
- 21 conform with the commission's requirements.
- 22 SECTION 9. IC 16-31-3-3, AS AMENDED BY P.L.22-2005,
- 23 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2012]: Sec. 3. (a) A certificate **or license** is not required for
- 25 a person who provides emergency ambulance service, an emergency
- 26 medical technician, an emergency medical technician-basic advanced,
- 27 an ambulance, a nontransporting emergency medical services vehicle,
- 28 or advanced life support when doing any of the following:
- 29 (1) Providing assistance to persons certified to provide emergency
- 30 ambulance service or to emergency medical technicians.
- 31 (2) Operating from a location or headquarters outside Indiana to
- 32 provide emergency ambulance services to patients who are picked
- 33 up outside Indiana for transportation to locations within Indiana.
- 34 (3) Providing emergency medical services during a major
- 35 catastrophe or disaster with which persons or ambulances
- 36 certified to provide emergency ambulance services are
- 37 insufficient or unable to cope.
- 38 (b) An agency or instrumentality of the United States and any
- 39 paramedic, emergency medical technician-intermediate, emergency
- 40 medical technician-basic advanced, emergency medical technician, or
- 41 first responder of the agency or instrumentality is not required to:
- 42 (1) be certified **or licensed**; or

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1 (2) conform to the standards prescribed under this chapter.
 2 SECTION 10. IC 16-31-3-6 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) As used in this
 4 section, "volunteer fire department" has the meaning set forth in
 5 IC 36-8-12-2.

6 (b) As used in this section, "volunteer firefighter" has the meaning
 7 set forth in IC 36-8-12-2.

8 (c) A certificate **or paramedic license** is not required for a
 9 volunteer fire department or volunteer firefighter to engage in
 10 extrication or rescue services.

11 SECTION 11. IC 16-31-3-7 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. The commission may
 13 not withhold certification **or licensure** from a person providing
 14 emergency medical services that include extrication and rescue
 15 services because the person is not affiliated with a hospital, law
 16 enforcement agency, or fire department.

17 SECTION 12. IC 16-31-3-8 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. An application for
 19 a certificate **or license** must be made upon the forms, provide the
 20 information, and be in accordance with the procedures prescribed by
 21 the commission.

22 SECTION 13. IC 16-31-3-9 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. Except as otherwise
 24 provided in this chapter, all certificates **and licenses** are valid for a
 25 period specified by the commission unless earlier suspended, revoked,
 26 or terminated.

27 SECTION 14. IC 16-31-3-10 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) Except as
 29 provided in subsection (b), to renew a certificate **or license** issued
 30 under this chapter upon expiration of the certificate **or license** for any
 31 reason, a person must comply with any continuing education
 32 requirements that have been established by the commission. To renew
 33 a certificate **or license** issued under this chapter after a revocation of
 34 the certificate **or license**, a person must comply with all the
 35 requirements of this chapter that apply to the original certification **or**
 36 **licensure**.

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

42 (1) While holding a valid certificate **or license**, enters the armed

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1 forces of the United States, including:

- 2 (A) the Army;
 3 (B) the Navy;
 4 (C) the Air Force;
 5 (D) the Marines; or
 6 (E) the Coast Guard;

7 but excluding the guard and reserve components of those forces.

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

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

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

17 (5) Passes the written and practical skills examinations.

18 (c) A renewal of an emergency medical technician, an emergency
 19 medical technician-basic advanced, **or** an emergency medical
 20 technician-intermediate ~~or a paramedic certificate~~ **or a paramedic**
 21 **license** must be issued to an individual who meets the following
 22 conditions:

23 (1) While holding a valid certificate **or license**, the individual is
 24 called to active military duty as a member of the Indiana National
 25 Guard or a reserve component of the armed forces of the United
 26 States, including:

- 27 (A) the Army;
 28 (B) the Navy;
 29 (C) the Air Force;
 30 (D) the Marines; or
 31 (E) the Coast Guard.

32 (2) The individual provides the emergency medical services
 33 commission with a copy of the document from the armed forces
 34 that called the individual to active duty.

35 (3) The individual applies for the certificate **or license** renewal
 36 not more than one hundred twenty (120) days after the individual
 37 leaves active duty.

38 SECTION 15. IC 16-31-3-11 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. A certificate **or**
 40 **license** issued under this chapter is not assignable or transferable.

41 SECTION 16. IC 16-31-3-12 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. An official entry

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1 made upon a certificate **or license** may not be defaced, removed, or
2 obliterated.

3 SECTION 17. IC 16-31-3-13.5, AS ADDED BY P.L.101-2006,
4 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2012]: Sec. 13.5. The commission may impose a reasonable
6 fee for the issuance of a certification **or license** under this chapter. The
7 commission shall deposit the fee in the emergency medical services
8 fund established by IC 16-31-8.5-3.

9 SECTION 18. IC 16-31-3-14, AS AMENDED BY P.L.182-2011,
10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2012]: Sec. 14. (a) A person holding a certificate **or license**
12 issued under this article must comply with the applicable standards and
13 rules established under this article. A certificate holder **or license**
14 **holder** is subject to disciplinary sanctions under subsection (b) if the
15 department of homeland security determines that the certificate holder
16 **or license holder**:

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

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- 1 (D) addiction to, abuse of, or dependency on alcohol or other
- 2 drugs that endanger the public by impairing the certificate
- 3 holder's **or license holder's** ability to practice safely;
- 4 (9) engages in a course of lewd or immoral conduct in connection
- 5 with the delivery of services to the public;
- 6 (10) allows the certificate holder's **or license holder's** name or a
- 7 certificate **or license** issued under this article to be used in
- 8 connection with a person who renders services beyond the scope
- 9 of that person's training, experience, or competence;
- 10 (11) is subjected to disciplinary action in another state or
- 11 jurisdiction on grounds similar to those contained in this chapter.
- 12 For purposes of this subdivision, a certified copy of a record of
- 13 disciplinary action constitutes prima facie evidence of a
- 14 disciplinary action in another jurisdiction;
- 15 (12) assists another person in committing an act that would
- 16 constitute a ground for disciplinary sanction under this chapter;
- 17 or
- 18 (13) allows a certificate **or license** issued by the commission to
- 19 be:
- 20 (A) used by another person; or
- 21 (B) displayed to the public when the certificate **or license** is
- 22 expired, inactive, invalid, revoked, or suspended.
- 23 (b) The department of homeland security may issue an order under
- 24 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
- 25 the department of homeland security determines that a certificate
- 26 holder **or license holder** is subject to disciplinary sanctions under
- 27 subsection (a):
- 28 (1) Revocation of a certificate holder's certificate **or license**
- 29 **holder's license** for a period not to exceed seven (7) years.
- 30 (2) Suspension of a certificate holder's certificate **or license**
- 31 **holder's license** for a period not to exceed seven (7) years.
- 32 (3) Censure of a certificate holder **or license holder**.
- 33 (4) Issuance of a letter of reprimand.
- 34 (5) Assessment of a civil penalty against the certificate holder **or**
- 35 **license holder** in accordance with the following:
- 36 (A) The civil penalty may not exceed five hundred dollars
- 37 (\$500) per day per violation.
- 38 (B) If the certificate holder **or license holder** fails to pay the
- 39 civil penalty within the time specified by the department of
- 40 homeland security, the department of homeland security may
- 41 suspend the certificate holder's certificate **or license holder's**
- 42 **license** without additional proceedings.

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(6) Placement of a certificate holder **or license holder** on probation status and requirement of the certificate holder **or license holder** to:

- (A) report regularly to the department of homeland security upon the matters that are the basis of probation;
- (B) limit practice to those areas prescribed by the department of homeland security;
- (C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
- (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder **or license holder**.

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder **or license holder** has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate **or license**, including cheating on the certification **or licensure** examination, the department of homeland security may rescind the certificate **or license** if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate **or license** for a length of time established by the department of homeland security.

(d) The department of homeland security may deny certification **or licensure** to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder **or license holder**, has had disciplinary action taken against the applicant or the applicant's certificate **or license** to practice in another state or jurisdiction, or has practiced without a certificate **or license** in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department of homeland security may order a certificate holder **or license holder** to submit to a reasonable physical or mental examination if the certificate holder's **or license holder's** physical or mental capacity to practice safely and competently is at issue in a

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1 disciplinary proceeding. Failure to comply with a department of
2 homeland security order to submit to a physical or mental examination
3 makes a certificate holder **or license holder** liable to temporary
4 suspension under subsection (i).

5 (f) Except as provided under subsection (a), subsection (g), and
6 section 14.5 of this chapter, a certificate **or license** may not be denied,
7 revoked, or suspended because the applicant, ~~or~~ certificate holder, **or**
8 **license holder** has been convicted of an offense. The acts from which
9 the applicant's, ~~or~~ certificate holder's, **or license holder's** conviction
10 resulted may be considered as to whether the applicant or certificate
11 holder **or license holder** should be entrusted to serve the public in a
12 specific capacity.

13 (g) The department of homeland security may deny, suspend, or
14 revoke a certificate **or license** issued under this article if the individual
15 who holds or is applying for the certificate **or license** is convicted of
16 any of the following:

- 17 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 18 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 19 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 20 (4) Fraudulently obtaining a controlled substance under
21 IC 35-48-4-7(b).
- 22 (5) Manufacture of paraphernalia as a Class D felony under
23 IC 35-48-4-8.1(b).
- 24 (6) Dealing in paraphernalia as a Class D felony under
25 IC 35-48-4-8.5(b).
- 26 (7) Possession of paraphernalia as a Class D felony under
27 IC 35-48-4-8.3(b).
- 28 (8) Possession of marijuana, hash oil, hashish, salvia, or a
29 synthetic cannabinoid as a Class D felony under IC 35-48-4-11.
- 30 (9) Maintaining a common nuisance under IC 35-48-4-13.
- 31 (10) An offense relating to registration, labeling, and prescription
32 forms under IC 35-48-4-14.
- 33 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed
34 in subdivisions (1) through (10).
- 35 (12) Attempt under IC 35-41-5-1 to commit an offense listed in
36 subdivisions (1) through (10).
- 37 (13) An offense in any other jurisdiction in which the elements of
38 the offense for which the conviction was entered are substantially
39 similar to the elements of an offense described by subdivisions (1)
40 through (12).

41 (h) A decision of the department of homeland security under
42 subsections (b) through (g) may be appealed to the commission under

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- 1 IC 4-21.5-3-7.
- 2 (i) The department of homeland security may temporarily suspend
- 3 a certificate holder's certificate **or license holder's license** under
- 4 IC 4-21.5-4 before a final adjudication or during the appeals process if
- 5 the department of homeland security finds that a certificate holder **or**
- 6 **license holder** would represent a clear and immediate danger to the
- 7 public's health, safety, or property if the certificate holder **or license**
- 8 **holder** were allowed to continue to practice.
- 9 (j) On receipt of a complaint or information alleging that a person
- 10 certified **or licensed** under this chapter or IC 16-31-3.5 has engaged in
- 11 or is engaging in a practice that is subject to disciplinary sanctions
- 12 under this chapter, the department of homeland security must initiate
- 13 an investigation against the person.
- 14 (k) The department of homeland security shall conduct a factfinding
- 15 investigation as the department of homeland security considers proper
- 16 in relation to the complaint.
- 17 (l) The department of homeland security may reinstate a certificate
- 18 **or license** that has been suspended under this section if the department
- 19 of homeland security is satisfied that the applicant is able to practice
- 20 with reasonable skill, competency, and safety to the public. As a
- 21 condition of reinstatement, the department of homeland security may
- 22 impose disciplinary or corrective measures authorized under this
- 23 chapter.
- 24 (m) The department of homeland security may not reinstate a
- 25 certificate **or license** that has been revoked under this chapter.
- 26 (n) The department of homeland security must be consistent in the
- 27 application of sanctions authorized in this chapter. Significant
- 28 departures from prior decisions involving similar conduct must be
- 29 explained in the department of homeland security's findings or orders.
- 30 (o) A certificate holder may not surrender the certificate holder's
- 31 certificate, **and a license holder may not surrender the license**
- 32 **holder's license**, without the written approval of the department of
- 33 homeland security, and the department of homeland security may
- 34 impose any conditions appropriate to the surrender or reinstatement of
- 35 a surrendered certificate **or license**.
- 36 (p) For purposes of this section, "certificate holder" means a person
- 37 who holds:
- 38 (1) an unlimited certificate;
- 39 (2) a limited or probationary certificate; or
- 40 (3) an inactive certificate.
- 41 (q) For purposes of this section, "license holder" means a person
- 42 who holds:

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- 1 **(1) an unlimited license;**
 2 **(2) a limited or probationary license; or**
 3 **(3) an inactive license.**

4 SECTION 19. IC 16-31-3-14.5, AS AMENDED BY P.L.182-2011,
 5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2012]: Sec. 14.5. The department of homeland security may
 7 issue an order under IC 4-21.5-3-6 to deny an applicant's request for
 8 certification **or licensure** or permanently revoke a certificate **or license**
 9 under procedures provided by section 14 of this chapter if the
 10 individual who holds the certificate **or license** issued under this title is
 11 convicted of any of the following:

- 12 (1) Dealing in or manufacturing cocaine or a narcotic drug under
 13 IC 35-48-4-1.
 14 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
 15 (3) Dealing in a schedule I, II, or III controlled substance under
 16 IC 35-48-4-2.
 17 (4) Dealing in a schedule IV controlled substance under
 18 IC 35-48-4-3.
 19 (5) Dealing in a schedule V controlled substance under
 20 IC 35-48-4-4.
 21 (6) Dealing in a substance represented to be a controlled
 22 substance under IC 35-48-4-4.5.
 23 (7) Knowingly or intentionally manufacturing, advertising,
 24 distributing, or possessing with intent to manufacture, advertise,
 25 or distribute a substance represented to be a controlled substance
 26 under IC 35-48-4-4.6.
 27 (8) Dealing in a counterfeit substance under IC 35-48-4-5.
 28 (9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic
 29 cannabinoid under IC 35-48-4-10(b).
 30 (10) Conspiracy under IC 35-41-5-2 to commit an offense listed
 31 in subdivisions (1) through (9).
 32 (11) Attempt under IC 35-41-5-1 to commit an offense listed in
 33 subdivisions (1) through (9).
 34 (12) A crime of violence (as defined in IC 35-50-1-2(a)).
 35 (13) An offense in any other jurisdiction in which the elements of
 36 the offense for which the conviction was entered are substantially
 37 similar to the elements of an offense described under subdivisions
 38 (1) through (12).

39 SECTION 20. IC 16-31-3-16 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. A person who is not
 41 certified **or licensed** under this chapter and identifies or holds out to
 42 other persons that the person is:

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- 1 (1) certified **or licensed** under this chapter; or
 2 (2) authorized to do any act allowed under this chapter;
 3 commits a Class C misdemeanor.

4 SECTION 21. IC 16-31-3-17, AS AMENDED BY P.L.1-2009,
 5 SECTION 116, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) The department of homeland
 7 security established by IC 10-19-2-1 may issue an order to a person
 8 who has practiced without a certificate **or license** in violation of this
 9 article imposing a civil penalty of not more than five hundred dollars
 10 (\$500) per occurrence.

11 (b) A decision of the department of homeland security under
 12 subsection (a) may be appealed to the commission under IC 4-21.5-3-7.

13 SECTION 22. IC 16-31-3-20 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. The commission
 15 shall adopt rules under IC 4-22-2 that promote the orderly development
 16 of advanced life support services in Indiana. The rules must include the
 17 following:

18 (1) Requirements and procedures for the certification of provider
 19 organizations, ~~paramedics~~, emergency medical
 20 technicians-intermediate, and supervising hospitals.

21 **(2) Requirements and procedures for the licensure of
 22 paramedics.**

23 ~~(2)~~ **(3)** Rules governing the operation of advanced life support
 24 services, including the medications and procedures that may be
 25 administered and performed by paramedics and emergency
 26 medical technicians-intermediate.

27 SECTION 23. IC 16-31-3-21 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) Notwithstanding
 29 any other law, a ~~certified licensed~~ paramedic or a certified emergency
 30 medical technician-intermediate may perform advanced life support in
 31 an emergency according to the rules of the commission.

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

35 SECTION 24. IC 16-31-6-4 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section does
 37 not apply to an act or omission that was a result of gross negligence or
 38 willful or intentional misconduct.

39 (b) An act or omission of a paramedic, an emergency medical
 40 technician-intermediate, an emergency medical technician-basic
 41 advanced, an emergency medical technician, or a person with
 42 equivalent certification **or licensure** from another state that is

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

10 (1) in connection with a disaster emergency declared by the
 11 governor under IC 10-14-3-12 in response to an act that the
 12 governor in good faith believes to be an act of terrorism (as
 13 defined in IC 35-41-1-26.5); and

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

17 SECTION 25. IC 16-31-8-1 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The emergency
 19 medical services restitution fund is established for the purpose of
 20 reimbursing persons who:

21 (1) are certified **or licensed** under IC 16-31-3; and

22 (2) provided emergency medical services to individuals injured as
 23 a result of an accident caused by an individual who:

24 (A) was operating a vehicle while intoxicated at the time the
 25 accident occurred; and

26 (B) was subsequently convicted under IC 9-30-5 of that
 27 offense.

28 SECTION 26. IC 25-22.5-1-2, AS AMENDED BY P.L.177-2009,
 29 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2012]: Sec. 2. (a) This article, as it relates to the unlawful or
 31 unauthorized practice of medicine or osteopathic medicine, does not
 32 apply to any of the following:

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

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

39 (3) A paramedic (as defined in IC 16-18-2-266), an emergency
 40 medical technician-basic advanced (as defined in
 41 IC 16-18-2-112.5), an emergency medical technician-intermediate
 42 (as defined in IC 16-18-2-112.7), an emergency medical

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- 1 technician (as defined in IC 16-18-2-112), or a person with
- 2 equivalent certification from another state who renders advanced
- 3 life support (as defined in IC 16-18-2-7), or basic life support (as
- 4 defined in IC 16-18-2-33.5):
- 5 (A) during a disaster emergency declared by the governor
- 6 under IC 10-14-3-12 in response to an act that the governor in
- 7 good faith believes to be an act of terrorism (as defined in
- 8 IC 35-41-1-26.5); and
- 9 (B) in accordance with the rules adopted by the Indiana
- 10 emergency medical services commission or the disaster
- 11 emergency declaration of the governor.
- 12 (4) Commissioned medical officers or medical service officers of
- 13 the armed forces of the United States, the United States Public
- 14 Health Service, and medical officers of the United States
- 15 Department of Veterans Affairs in the discharge of their official
- 16 duties in Indiana.
- 17 (5) An individual who is not a licensee who resides in another
- 18 state or country and is authorized to practice medicine or
- 19 osteopathic medicine there, who is called in for consultation by an
- 20 individual licensed to practice medicine or osteopathic medicine
- 21 in Indiana.
- 22 (6) A person administering a domestic or family remedy to a
- 23 member of the person's family.
- 24 (7) A member of a church practicing the religious tenets of the
- 25 church if the member does not make a medical diagnosis,
- 26 prescribe or administer drugs or medicines, perform surgical or
- 27 physical operations, or assume the title of or profess to be a
- 28 physician.
- 29 (8) A school corporation and a school employee who acts under
- 30 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 31 (9) A chiropractor practicing the chiropractor's profession under
- 32 IC 25-10 or to an employee of a chiropractor acting under the
- 33 direction and supervision of the chiropractor under IC 25-10-1-13.
- 34 (10) A dental hygienist practicing the dental hygienist's profession
- 35 under IC 25-13.
- 36 (11) A dentist practicing the dentist's profession under IC 25-14.
- 37 (12) A hearing aid dealer practicing the hearing aid dealer's
- 38 profession under IC 25-20.
- 39 (13) A nurse practicing the nurse's profession under IC 25-23.
- 40 However, a certified registered nurse anesthetist (as defined in
- 41 IC 25-23-1-1.4) may administer anesthesia if the certified
- 42 registered nurse anesthetist acts under the direction of and in the

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

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- 1 (F) a dentist;
- 2 (G) a registered or licensed practical nurse;
- 3 (H) a midwife;
- 4 (I) an optometrist;
- 5 (J) a podiatrist;
- 6 (K) a chiropractor;
- 7 (L) a physical therapist; or
- 8 (M) a psychologist.
- 9 (23) A physician assistant practicing the physician assistant
- 10 profession under IC 25-27.5.
- 11 (24) A physician providing medical treatment under
- 12 IC 25-22.5-1-2.1.
- 13 (25) An attendant who provides attendant care services (as
- 14 defined in IC 16-18-2-28.5).
- 15 (26) A personal services attendant providing authorized attendant
- 16 care services under IC 12-10-17.1.
- 17 **(27) A respiratory care practitioner practicing the**
- 18 **practitioner's profession under IC 25-34.5.**
- 19 (b) A person described in subsection (a)(9) through (a)(18) is not
- 20 excluded from the application of this article if:
- 21 (1) the person performs an act that an Indiana statute does not
- 22 authorize the person to perform; and
- 23 (2) the act qualifies in whole or in part as the practice of medicine
- 24 or osteopathic medicine.
- 25 (c) An employment or other contractual relationship between an
- 26 entity described in subsection (a)(21) through (a)(22) and a licensed
- 27 physician does not constitute the unlawful practice of medicine under
- 28 this article if the entity does not direct or control independent medical
- 29 acts, decisions, or judgment of the licensed physician. However, if the
- 30 direction or control is done by the entity under IC 34-30-15 (or
- 31 IC 34-4-12.6 before its repeal), the entity is excluded from the
- 32 application of this article as it relates to the unlawful practice of
- 33 medicine or osteopathic medicine.
- 34 (d) This subsection does not apply to a prescription or drug order for
- 35 a legend drug that is filled or refilled in a pharmacy owned or operated
- 36 by a hospital licensed under IC 16-21. A physician licensed in Indiana
- 37 who permits or authorizes a person to fill or refill a prescription or drug
- 38 order for a legend drug except as authorized in IC 16-42-19-11 through
- 39 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A
- 40 person who violates this subsection commits the unlawful practice of
- 41 medicine under this chapter.
- 42 (e) A person described in subsection (a)(8) shall not be authorized

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1 to dispense contraceptives or birth control devices.
 2 SECTION 27. IC 34-6-2-55, AS AMENDED BY P.L.138-2006,
 3 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2012]: Sec. 55. (a) "Health care services", for purposes of
 5 IC 34-30-13, has the meaning set forth in IC 27-13-1-18(a).
 6 (b) "Health care services", for purposes of IC 34-30-13.5, means:
 7 (1) any services provided by an individual licensed under:
 8 (A) IC 25-2.5;
 9 (B) IC 25-10;
 10 (C) IC 25-13;
 11 (D) IC 25-14;
 12 (E) IC 25-22.5;
 13 (F) IC 25-23;
 14 (G) IC 25-23.5;
 15 (H) IC 25-23.6;
 16 (I) IC 25-24;
 17 (J) IC 25-26;
 18 (K) IC 25-27;
 19 (L) IC 25-27.5;
 20 (M) IC 25-29;
 21 (N) IC 25-33;
 22 (O) IC 25-34.5; or
 23 (P) IC 25-35.6;
 24 (2) services provided as the result of hospitalization;
 25 (3) services incidental to the furnishing of services described in
 26 subdivisions (1) or (2);
 27 (4) any services by individuals: ~~certified as:~~
 28 (A) **licensed as** paramedics;
 29 (B) **certified as** emergency medical technicians-intermediate;
 30 (C) **certified as** emergency medical technicians-advanced;
 31 (D) **certified as** emergency medical technicians
 32 basic-advanced; or
 33 (E) **certified as** emergency medical technicians under
 34 IC 16-31-2;
 35 (5) any services provided by individuals certified as first
 36 responders under IC 16-31-2; or
 37 (6) any other services or goods furnished for the purpose of
 38 preventing, alleviating, curing, or healing human illness, physical
 39 disability, or injury.
 40 SECTION 28. [EFFECTIVE JULY 1, 2012] (a) **As used in this**
 41 **SECTION, "commission" refers to the health finance commission**
 42 **established by IC 2-5-23-3.**

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- 1 **(b) The commission shall study during the 2012 legislative**
- 2 **interim issues concerning the licensing of paramedics.**
- 3 **(c) This SECTION expires December 31, 2012.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1186, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN T, Chair

Committee Vote: yeas 9, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill No. 1186, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 12.

Page 2, delete lines 26 through 42.

Delete pages 3 through 8.

Page 9, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 2. IC 16-18-2-266 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 266. "Paramedic", for purposes of IC 16-31, means an individual who:

(1) is:

(A) affiliated with a certified paramedic organization;

(B) employed by a sponsoring hospital approved by the commission; or

(C) employed by a supervising hospital with a contract for inservice education with a sponsoring hospital approved by the commission;

(2) has completed a prescribed course in advanced life support; and

(3) has been ~~certified~~ **licensed** by the Indiana emergency medical services commission."

Page 11, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 5. IC 16-31-2-7, AS AMENDED BY P.L.20-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. The commission shall do the following:

(1) Develop and promote, in cooperation with state, regional, and local public and private organizations, agencies, and persons, a statewide program for the provision of emergency medical

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services that must include the following:

- (A) Preparation of state, regional, and local emergency ambulance service plans.
 - (B) Provision of consultative services to state, regional, and local organizations and agencies in developing and implementing emergency ambulance service programs.
 - (C) Promotion of a statewide system of emergency medical service facilities by developing minimum standards, procedures, and guidelines in regard to personnel, equipment, supplies, communications, facilities, and location of such centers.
 - (D) Promotion of programs for the training of personnel providing emergency medical services and programs for the education of the general public in first aid techniques and procedures. The training shall be held in various local communities of the state and shall be conducted by agreement with publicly and privately supported educational institutions or hospitals licensed under IC 16-21, wherever appropriate.
 - (E) Promotion of coordination of emergency communications, resources, and procedures throughout Indiana and, in cooperation with interested state, regional, and local public and private agencies, organizations, and persons, the development of an effective state, regional, and local emergency communications system.
 - (F) Organizing and sponsoring a statewide emergency medical services conference to provide continuing education for persons providing emergency medical services.
- (2) Regulate, inspect, and certify **or license** services, facilities, and personnel engaged in providing emergency medical services as provided in this article.
 - (3) Adopt rules required to implement an approved system of emergency medical services.
 - (4) Adopt rules concerning triage and transportation protocols for the transportation of trauma patients consistent with the field triage decision scheme of the American College of Surgeons Committee on Trauma.
 - (5) Apply for, receive, and accept gifts, bequests, grants-in-aid, state, federal, and local aid, and other forms of financial assistance for the support of emergency medical services.
 - (6) Employ necessary administrative staff.

SECTION 6. IC 16-31-2-12, AS ADDED BY P.L.101-2006, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2012]: Sec. 12. The commission may impose a reasonable fee for the issuance of a certification **or license** under this chapter. The commission shall deposit the fee in the emergency medical services fund established by IC 16-31-8.5-3.

SECTION 7. IC 16-31-3-1, AS AMENDED BY P.L.74-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), a person other than:

- (1) a licensed physician;
- (2) a registered nurse or an individual acting under the supervision of a licensed physician; or
- (3) a person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

may not furnish, operate, conduct, maintain, advertise, or otherwise be engaged in providing emergency medical services, except for the use of an automated external defibrillator, as a part of the regular course of doing business, either paid or voluntary, unless that person holds a valid certificate **or license** issued by the commission.

(b) A:

- (1) licensed physician;
- (2) registered nurse or an individual acting under the supervision of a licensed physician; or
- (3) person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

who operates a business of transporting emergency patients by ambulance or using a nontransporting emergency medical services vehicle must hold a valid certificate issued by the commission under this article.

SECTION 8. IC 16-31-3-2, AS AMENDED BY P.L.71-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The commission shall establish standards for persons required to be certified **or licensed** by the commission to provide emergency medical services. To be certified **or licensed**, a person must meet the following minimum requirements:

- (1) The personnel certified **or licensed** under this chapter must do the following:
 - (A) Meet the standards for education and training established by the commission by rule.
 - (B) Successfully complete a basic or an inservice course of education and training on sudden infant death syndrome that is certified by the commission in conjunction with the state health commissioner.



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- (C) Beginning January 1, 2009, successfully complete a basic or an inservice course of education and training on autism that is certified by the commission.
- (2) Ambulances to be used must conform with the requirements of the commission and must either be:
 - (A) covered by insurance issued by a company licensed to do business in Indiana in the amounts and under the terms required in rules adopted by the commission; or
 - (B) owned by a governmental entity covered under IC 34-13-3.
- (3) Emergency ambulance service shall be provided in accordance with rules adopted by the commission. However, the rules adopted under this chapter may not prohibit the dispatch of an ambulance to aid an emergency patient because an emergency medical technician is not immediately available to staff the ambulance.
- (4) Ambulances must be equipped with a system of emergency medical communications approved by the commission. The emergency medical communication system must properly integrate and coordinate appropriate local and state emergency communications systems and reasonably available area emergency medical facilities with the general public's need for emergency medical services.
- (5) Emergency medical communications shall be provided in accordance with rules adopted by the commission.
- (6) A nontransporting emergency medical services vehicle must conform with the commission's requirements."

Page 11, after line 42, begin a new paragraph and insert:

"SECTION 10. IC 16-31-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) As used in this section, "volunteer fire department" has the meaning set forth in IC 36-8-12-2.

(b) As used in this section, "volunteer firefighter" has the meaning set forth in IC 36-8-12-2.

(c) A certificate **or paramedic license** is not required for a volunteer fire department or volunteer firefighter to engage in extrication or rescue services.

SECTION 11. IC 16-31-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. The commission may not withhold certification **or licensure** from a person providing emergency medical services that include extrication and rescue services because the person is not affiliated with a hospital, law enforcement agency, or fire department.



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SECTION 12. IC 16-31-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. An application for a certificate **or license** must be made upon the forms, provide the information, and be in accordance with the procedures prescribed by the commission.

SECTION 13. IC 16-31-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. Except as otherwise provided in this chapter, all certificates **and licenses** are valid for a period specified by the commission unless earlier suspended, revoked, or terminated."

Page 12, line 3, after "certificate" insert "**or license**".

Page 12, line 4, after "certificate" insert "**or license**".

Page 12, line 6, after "certificate" insert "**or license**".

Page 12, line 7, delete "," and insert "**or license**".

Page 12, line 9, delete "." and insert "**or licensure**".

Page 12, line 12, after "certificate" insert "**or a paramedic license**".

Page 12, line 14, delete "," and insert "**or license**".

Page 12, line 28, after "certificate" insert "**or license**".

Page 12, line 34, after "certificate" insert "**or a paramedic license**".

Page 12, line 36, delete "," and insert "**or license**".

Page 13, line 6, after "certificate" insert "**or license**".

Page 13, between lines 8 and 9, begin a new paragraph and insert:
"SECTION 15. IC 16-31-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. A certificate **or license** issued under this chapter is not assignable or transferable.

SECTION 16. IC 16-31-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. An official entry made upon a certificate **or license** may not be defaced, removed, or obliterated.

SECTION 17. IC 16-31-3-13.5, AS ADDED BY P.L.101-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13.5. The commission may impose a reasonable fee for the issuance of a certification **or license** under this chapter. The commission shall deposit the fee in the emergency medical services fund established by IC 16-31-8.5-3.

SECTION 18. IC 16-31-3-14, AS AMENDED BY P.L.182-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) A person holding a certificate **or license** issued under this article must comply with the applicable standards and rules established under this article. A certificate holder **or license holder** is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder

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or license holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate **or license**, including cheating on a certification **or licensure** examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder **or license holder** should be entrusted to provide emergency medical services;
- (6) is convicted of violating IC 9-19-14.5;
- (7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;
- (8) continues to practice if the certificate holder **or license holder** becomes unfit to practice due to:
 - (A) professional incompetence that includes the undertaking of professional activities that the certificate holder **or license holder** is not qualified by training or experience to undertake;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's **or license holder's** ability to practice safely;
- (9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (10) allows the certificate holder's **or license holder's** name or a certificate **or license** issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;
- (11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;
- (12) assists another person in committing an act that would

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constitute a ground for disciplinary sanction under this chapter;
or

(13) allows a certificate **or license** issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate **or license** is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder **or license holder** is subject to disciplinary sanctions under subsection (a):

(1) Revocation of a certificate holder's certificate **or license holder's license** for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate **or license holder's license** for a period not to exceed seven (7) years.

(3) Censure of a certificate holder **or license holder**.

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder **or license holder** in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.

(B) If the certificate holder **or license holder** fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate **or license holder's license** without additional proceedings.

(6) Placement of a certificate holder **or license holder** on probation status and requirement of the certificate holder **or license holder** to:

(A) report regularly to the department of homeland security upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department of homeland security;

(C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the

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certificate holder **or license holder**.

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder **or license holder** has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate **or license**, including cheating on the certification **or licensure** examination, the department of homeland security may rescind the certificate **or license** if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate **or license** for a length of time established by the department of homeland security.

(d) The department of homeland security may deny certification **or licensure** to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder **or license holder**, has had disciplinary action taken against the applicant or the applicant's certificate **or license** to practice in another state or jurisdiction, or has practiced without a certificate **or license** in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department of homeland security may order a certificate holder **or license holder** to submit to a reasonable physical or mental examination if the certificate holder's **or license holder's** physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department of homeland security order to submit to a physical or mental examination makes a certificate holder **or license holder** liable to temporary suspension under subsection (i).

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

(g) The department of homeland security may deny, suspend, or revoke a certificate **or license** issued under this article if the individual who holds or is applying for the certificate **or license** is convicted of

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any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
 - (2) Possession of methamphetamine under IC 35-48-4-6.1.
 - (3) Possession of a controlled substance under IC 35-48-4-7(a).
 - (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
 - (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
 - (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
 - (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
 - (8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid as a Class D felony under IC 35-48-4-11.
 - (9) Maintaining a common nuisance under IC 35-48-4-13.
 - (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
 - (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
 - (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
 - (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through (12).
- (h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.
- (i) The department of homeland security may temporarily suspend a certificate holder's certificate **or license holder's license** under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder **or license holder** would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder **or license holder** were allowed to continue to practice.
- (j) On receipt of a complaint or information alleging that a person certified **or licensed** under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the department of homeland security must initiate an investigation against the person.
- (k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper

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in relation to the complaint.

(l) The department of homeland security may reinstate a certificate **or license** that has been suspended under this section if the department of homeland security is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the department of homeland security may impose disciplinary or corrective measures authorized under this chapter.

(m) The department of homeland security may not reinstate a certificate **or license** that has been revoked under this chapter.

(n) The department of homeland security must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department of homeland security's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate, **and a license holder may not surrender the license holder's license**, without the written approval of the department of homeland security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate **or license**.

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

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

(q) For purposes of this section, "license holder" means a person who holds:

- (1) an unlimited license;**
- (2) a limited or probationary license; or**
- (3) an inactive license.**

SECTION 19. IC 16-31-3-14.5, AS AMENDED BY P.L.182-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification **or licensure** or permanently revoke a certificate **or license** under procedures provided by section 14 of this chapter if the individual who holds the certificate **or license** issued under this title is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under

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IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

(12) A crime of violence (as defined in IC 35-50-1-2(a)).

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

SECTION 20. IC 16-31-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. A person who is not certified **or licensed** under this chapter and identifies or holds out to other persons that the person is:

(1) certified **or licensed** under this chapter; or

(2) authorized to do any act allowed under this chapter;

commits a Class C misdemeanor.

SECTION 21. IC 16-31-3-17, AS AMENDED BY P.L.1-2009, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) The department of homeland security established by IC 10-19-2-1 may issue an order to a person who has practiced without a certificate **or license** in violation of this article imposing a civil penalty of not more than five hundred dollars (\$500) per occurrence.

(b) A decision of the department of homeland security under subsection (a) may be appealed to the commission under IC 4-21.5-3-7."

Page 13, between lines 16 and 17, begin a new line block indented and insert:



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"(2) Requirements and procedures for the licensure of paramedics."

Page 13, line 17, strike "(2)" and insert "(3)".

Page 13, line 19, delete "licensed".

Page 13, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 24. IC 16-31-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section does not apply to an act or omission that was a result of gross negligence or willful or intentional misconduct.

(b) An act or omission of a paramedic, an emergency medical technician-intermediate, an emergency medical technician-basic advanced, an emergency medical technician, or a person with equivalent certification **or licensure** from another state that is performed or made while providing advanced life support or basic life support to a patient or trauma victim does not impose liability upon the paramedic, the emergency medical technician-intermediate, the emergency medical technician-basic advanced, an emergency medical technician, the person with equivalent certification **or licensure** from another state, a hospital, a provider organization, a governmental entity, or an employee or other staff of a hospital, provider organization, or governmental entity if the advanced life support or basic life support is provided in good faith:

- (1) in connection with 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
- (2) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

SECTION 25. IC 16-31-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The emergency medical services restitution fund is established for the purpose of reimbursing persons who:

- (1) are certified **or licensed** under IC 16-31-3; and
- (2) provided emergency medical services to individuals injured as a result of an accident caused by an individual who:
 - (A) was operating a vehicle while intoxicated at the time the accident occurred; and
 - (B) was subsequently convicted under IC 9-30-5 of that offense."

Delete pages 14 through 16.



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Page 17, delete lines 1 through 13.

Page 17, line 25, delete "licensed".

Page 17, line 25, reset in roman "(as defined in IC 16-18-2-266)".

Page 17, line 25, delete "licensed" and insert ",".

Page 17, line 26, delete "under IC 16-31-3.2,".

Page 20, between lines 2 and 3, begin a new line block indented and insert:

"(27) A respiratory care practitioner practicing the practitioner's profession under IC 25-34.5."

Page 20, delete lines 28 through 42.

Page 21, delete lines 1 through 3.

Page 21, delete line 42.

Delete pages 22 through 24, begin a new paragraph and insert:

"SECTION 28. [EFFECTIVE JULY 1, 2012] (a) As used in this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3.

(b) The commission shall study during the 2012 legislative interim issues concerning the licensing of paramedics.

(c) This SECTION expires December 31, 2012."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1186 as printed January 23, 2012.)

ALTING, Chairperson

Committee Vote: Yeas 9, Nays 0.

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