# 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 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 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.

(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.

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 **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 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 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 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 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 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:

"**(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.

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.

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

**and when so amended that said bill do pass .**

Committee Vote: Yeas 9, Nays 0.

**Senator Alting, Chairperson**