



Reprinted
April 10, 2013

ENGROSSED HOUSE BILL No. 1135

DIGEST OF HB 1135 (Updated April 9, 2013 4:57 pm - DI 104)

Citations Affected: IC 16-18; IC 16-34; IC 16-37; IC 16-38; IC 25-1; IC 25-22.5; IC 25-23; IC 25-23.4; IC 34-6; IC 34-18; IC 35-51; noncode.

Synopsis: Midwives. Requires the local health officer to make a permanent record of the person in attendance at a birth and the location of the birth. Includes complications resulting from a home delivery in the definition of "birth problems" for purposes of the birth problems registry. Requires the state department of health to adopt rules to establish reporting requirements regarding birth problems for home deliveries. Establishes the midwifery committee to provide information
(Continued next page)

Effective: July 1, 2013.

Lehe, Frizzell, Brown C, Turner

(SENATE SPONSORS — MILLER PATRICIA, KRUSE, STOOPS)

January 10, 2013, read first time and referred to Committee on Public Health.
February 18, 2013, amended, reported — Do Pass.
February 20, 2013, read second time, amended, ordered engrossed.
February 21, 2013, engrossed.
February 25, 2013, read third time, passed. Yeas 63, nays 32.

SENATE ACTION

February 27, 2013, read first time and referred to Committee on Health and Provider Services.
April 4, 2013, amended, reported favorably — Do Pass.
April 9, 2013, read second time, amended, ordered engrossed.

C
O
P
Y



Digest Continued

and recommendations to the medical licensing board (board) concerning the certification of a certified direct entry midwife (CDEM). Establishes certification of a CDEM beginning January 1, 2014, and sets qualifications. Requires the board to: (1) establish continuing education requirements; (2) develop peer review procedures; and (3) adopt rules concerning liability insurance and the competent practice of a CDEM. Requires a physician to examine a client of a CDEM at least one time during the client's first trimester and one time during the client's third trimester. Requires a physician to supervise a CDEM. Allows a CDEM to administer certain prescription drugs only under a physician's order. Establishes a Class D felony for practicing midwifery without a certificate. Adds culpability standards to the crimes of practicing medicine or osteopathic medicine and acting as a physician assistant without a license.

C
o
p
y



Reprinted
April 10, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1135

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

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

1 SECTION 1. IC 16-18-2-163, AS AMENDED BY P.L.77-2012,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 163. (a) "Health care provider", for purposes of
4 IC 16-21 and IC 16-41, means any of the following:
5 (1) An individual, a partnership, a corporation, a professional
6 corporation, a facility, or an institution licensed or legally
7 authorized by this state to provide health care or professional
8 services as a licensed physician, a psychiatric hospital, a hospital,
9 a health facility, an emergency ambulance service (IC 16-31-3),
10 a dentist, a registered or licensed practical nurse, a midwife, an
11 optometrist, a pharmacist, a podiatrist, a chiropractor, a physical
12 therapist, a respiratory care practitioner, an occupational therapist,
13 a psychologist, a paramedic, an emergency medical technician, an
14 advanced emergency medical technician, or a person who is an
15 officer, employee, or agent of the individual, partnership,
16 corporation, professional corporation, facility, or institution acting
17 in the course and scope of the person's employment.

EH 1135—LS 6438/DI 14+



C
O
P
Y

- 1 (2) A college, university, or junior college that provides health
 2 care to a student, a faculty member, or an employee, and the
 3 governing board or a person who is an officer, employee, or agent
 4 of the college, university, or junior college acting in the course
 5 and scope of the person's employment.
- 6 (3) A blood bank, community mental health center, community
 7 mental retardation center, community health center, or migrant
 8 health center.
- 9 (4) A home health agency (as defined in IC 16-27-1-2).
- 10 (5) A health maintenance organization (as defined in
 11 IC 27-13-1-19).
- 12 (6) A health care organization whose members, shareholders, or
 13 partners are health care providers under subdivision (1).
- 14 (7) A corporation, partnership, or professional corporation not
 15 otherwise qualified under this subsection that:
- 16 (A) provides health care as one (1) of the corporation's,
 17 partnership's, or professional corporation's functions;
- 18 (B) is organized or registered under state law; and
- 19 (C) is determined to be eligible for coverage as a health care
 20 provider under IC 34-18 for the corporation's, partnership's, or
 21 professional corporation's health care function.
- 22 Coverage for a health care provider qualified under this subdivision is
 23 limited to the health care provider's health care functions and does not
 24 extend to other causes of action.
- 25 (b) "Health care provider", for purposes of IC 16-35, has the
 26 meaning set forth in subsection (a). However, for purposes of IC 16-35,
 27 the term also includes a health facility (as defined in section 167 of this
 28 chapter).
- 29 (c) "Health care provider", for purposes of IC 16-36-5, means an
 30 individual licensed or authorized by this state to provide health care or
 31 professional services as:
- 32 (1) a licensed physician;
- 33 (2) a registered nurse;
- 34 (3) a licensed practical nurse;
- 35 (4) an advanced practice nurse;
- 36 (5) a ~~licensed~~ **certified** nurse midwife;
- 37 (6) a paramedic;
- 38 (7) an emergency medical technician;
- 39 (8) an advanced emergency medical technician; or
- 40 (9) an emergency medical responder, as defined by section 109.8
 41 of this chapter.
- 42 The term includes an individual who is an employee or agent of a

C
 O
 P
 Y



1 health care provider acting in the course and scope of the individual's
2 employment.

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

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

16 (2) A blood bank, laboratory, community mental health center,
17 community mental retardation center, community health center,
18 or migrant health center.

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

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

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

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

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

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

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

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

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

36 SECTION 2. IC 16-34-2-1.1, AS AMENDED BY P.L.193-2011,
37 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2013]: Sec. 1.1. (a) An abortion shall not be performed except
39 with the voluntary and informed consent of the pregnant woman upon
40 whom the abortion is to be performed. Except in the case of a medical
41 emergency, consent to an abortion is voluntary and informed only if the
42 following conditions are met:

C
o
p
y



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

10 (A) The name of the physician performing the abortion, the
 11 physician's medical license number, and an emergency
 12 telephone number where the physician or the physician's
 13 designee may be contacted on a twenty-four (24) hour a day,
 14 seven (7) day a week basis.

15 (B) That follow-up care by the physician or the physician's
 16 designee (if the designee is licensed under IC 25-22.5) and is
 17 available on an appropriate and timely basis when clinically
 18 necessary.

19 (C) The nature of the proposed procedure.

20 (D) Objective scientific information of the risks of and
 21 alternatives to the procedure, including:

- 22 (i) the risk of infection and hemorrhage;
- 23 (ii) the potential danger to a subsequent pregnancy; and
- 24 (iii) the potential danger of infertility.

25 (E) That human physical life begins when a human ovum is
 26 fertilized by a human sperm.

27 (F) The probable gestational age of the fetus at the time the
 28 abortion is to be performed, including:

- 29 (i) a picture or drawing of a fetus;
- 30 (ii) the dimensions of a fetus; and
- 31 (iii) relevant information on the potential survival of an
 32 unborn fetus;

33 at this stage of development.

34 (G) That objective scientific information shows that a fetus
 35 can feel pain at or before twenty (20) weeks of postfertilization
 36 age.

37 (H) The medical risks associated with carrying the fetus to
 38 term.

39 (I) The availability of fetal ultrasound imaging and
 40 auscultation of fetal heart tone services to enable the pregnant
 41 woman to view the image and hear the heartbeat of the fetus
 42 and how to obtain access to these services.

C
o
p
y



- 1 (J) That the pregnancy of a child less than fifteen (15) years of
 2 age may constitute child abuse under Indiana law if the act
 3 included an adult and must be reported to the department of
 4 child services or the local law enforcement agency under
 5 IC 31-33-5.
- 6 (2) At least eighteen (18) hours before the abortion, the pregnant
 7 woman will be informed orally and in writing of the following:
- 8 (A) That medical assistance benefits may be available for
 9 prenatal care, childbirth, and neonatal care from the county
 10 office of the division of family resources.
- 11 (B) That the father of the unborn fetus is legally required to
 12 assist in the support of the child. In the case of rape, the
 13 information required under this clause may be omitted.
- 14 (C) That adoption alternatives are available and that adoptive
 15 parents may legally pay the costs of prenatal care, childbirth,
 16 and neonatal care.
- 17 (D) That there are physical risks to the pregnant woman in
 18 having an abortion, both during the abortion procedure and
 19 after.
- 20 (E) That Indiana has enacted the safe haven law under
 21 IC 31-34-2.5.
- 22 (F) The:
- 23 (i) Internet web site address of the state department of
 24 health's web site; and
- 25 (ii) description of the information that will be provided on
 26 the web site and that are;
- 27 described in section 1.5 of this chapter.
- 28 (3) The pregnant woman certifies in writing, before the abortion
 29 is performed, that:
- 30 (A) the information required by subdivisions (1) and (2) has
 31 been provided to the pregnant woman;
- 32 (B) the pregnant woman has been offered the opportunity to
 33 view the fetal ultrasound imaging and hear the auscultation of
 34 the fetal heart tone if the fetal heart tone is audible and that the
 35 woman has:
- 36 (i) viewed or refused to view the offered fetal ultrasound
 37 imaging; and
- 38 (ii) listened to or refused to listen to the offered auscultation
 39 of the fetal heart tone if the fetal heart tone is audible; and
- 40 (C) the pregnant woman has been given a written copy of the
 41 printed materials described in section 1.5 of this chapter.
- 42 (b) Before an abortion is performed, the pregnant woman shall view

C
O
P
Y



1 the fetal ultrasound imaging and hear the auscultation of the fetal heart
 2 tone if the fetal heart tone is audible unless the pregnant woman
 3 certifies in writing, before the abortion is performed, that the pregnant
 4 woman does not want to view the fetal ultrasound imaging.

5 SECTION 3. IC 16-37-2-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this
 7 chapter, "person in attendance at birth" means one (1) of the following:

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

16 SECTION 4. IC 16-37-2-4 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. A local health officer
 18 may accept a certificate of birth presented for filing not more than four
 19 (4) years after the birth occurred if the attending physician, **certified**
 20 **nurse midwife, certified direct entry** midwife, or other person
 21 desiring to file the certificate states the reason for the delay in writing.
 22 This statement shall be made a part of the certificate of birth.

23 SECTION 5. IC 16-37-2-9 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) The local health
 25 officer shall make a permanent record of the following from a birth
 26 certificate:

- 27 (1) Name.
 28 (2) Sex.
 29 (3) Date of birth.
 30 (4) Place of birth.
 31 (5) Name of the parents.
 32 (6) Birthplace of the parents.
 33 (7) The date of filing of the certificate of birth.
 34 **(8) The person in attendance at the birth.**
 35 **(9) Location of birth, including whether the birth occurred at**
 36 **a hospital, licensed health care facility, home, or other**
 37 **non-health care facility.**

38 (b) Except as provided in subsection (c), the permanent record shall
 39 be open to public inspection.

40 (c) The birth record of an adopted child remains subject to the
 41 confidentiality provisions of IC 31-19 regarding the release of adoption
 42 information.



C
O
P
Y

1 SECTION 6. IC 16-38-4-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this
 3 chapter, "birth problems" means one (1) or more of the following
 4 conditions:

- 5 (1) A structural deformation.
 6 (2) A developmental malformation.
 7 (3) A genetic, inherited, or biochemical disease.
 8 (4) A condition of a chronic nature, including central nervous
 9 system hemorrhage or infection of the central nervous system,
 10 that may result in a need for long term health care.
 11 (5) A pervasive developmental disorder that is recognized in a
 12 child before the child becomes five (5) years of age.
 13 (6) A fetal alcohol spectrum disorder that is recognized before a
 14 child becomes five (5) years of age.
 15 (7) Any other severe disability that is:
 16 (A) designated in a rule adopted by the state department; and
 17 (B) recognized in a child after birth and before the child
 18 becomes three (3) years of age.

19 **(8) Complications resulting from a home delivery. As used in**
 20 **this subdivision, "home" includes the delivery of a viable fetus**
 21 **at a home or other non-health care facility.**

22 SECTION 7. IC 16-38-4-7 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) The state
 24 department shall adopt rules under IC 4-22-2 to:

- 25 (1) define a birth problem; and
 26 (2) establish reporting requirements regarding birth problems for:
 27 (A) hospitals;
 28 (B) physicians;
 29 (C) local health departments; ~~and~~
 30 (D) **home deliveries, as described in section 1(8) of this**
 31 **chapter; and**
 32 (E) other health care providers designated by the state
 33 department.

34 (b) In adopting rules regarding the reporting of birth problems, the
 35 state department shall give consideration to the following factors:

- 36 (1) The extent to which a condition can be measured or identified.
 37 (2) The extent to which there is a known intervention for a
 38 condition.
 39 (3) The significance of the burden imposed on the life of the
 40 individual by a condition.
 41 (4) Other factors that the state department determines appropriate.

42 SECTION 8. IC 16-38-4-9 IS AMENDED TO READ AS

C
O
P
Y



1 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) **Certified** nurse
 2 midwives, **certified direct entry midwives**, and individuals and
 3 entities described in section 7(a)(2) of this chapter shall report each
 4 confirmed case of a birth problem that is recognized at the time of birth
 5 to the registry not later than sixty (60) days after the birth. An
 6 individual or entity described in section 7(a)(2) of this chapter who
 7 recognizes a birth problem in a child after birth but before the child is
 8 five (5) years of age shall report the birth problem to the registry not
 9 later than sixty (60) days after recognizing the birth problem.
 10 Information may be provided to amend or clarify an earlier reported
 11 case.

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

17 (c) Exchange of information between state department registries is
 18 authorized. The state department may use information from another
 19 registry administered by the state department. Information used from
 20 other registries remains subject to the confidentiality restrictions on the
 21 other registries.

22 SECTION 9. IC 25-1-1.1-4, AS AMENDED BY P.L.28-2012,
 23 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2013]: Sec. 4. (a) This section applies to an individual who is
 25 applying for, or will be applying for, an initial license or an initial
 26 certificate under one (1) of the following:

- 27 (1) IC 25-2.5 (acupuncturists).
 28 (2) IC 25-10 (chiropractors).
 29 (3) IC 25-13 (dental hygienists).
 30 (4) IC 25-14 (dentists).
 31 (5) IC 25-14.5 (dietitians).
 32 (6) IC 25-17.3 (genetic counselors).
 33 (7) IC 25-19 (health facility and residential care facility
 34 administrators).
 35 (8) IC 25-21.8 (massage therapists).
 36 (9) IC 25-22.5 (physicians).
 37 (10) IC 25-23 (nurses).
 38 **(11) IC 25-23.4 (Certified direct entry midwives).**
 39 ~~(11)~~ **(12) IC 25-23.5 (occupational therapists).**
 40 ~~(12)~~ **(13) IC 25-23.6 (social workers, marriage and family**
 41 **therapists, and counselors).**
 42 ~~(13)~~ **(14) IC 25-24 (optometrists).**



C
o
p
y

- 1 ~~(14)~~ **(15)** IC 25-26 (pharmacists).
 2 ~~(15)~~ **(16)** IC 25-27 (physical therapists).
 3 ~~(16)~~ **(17)** IC 25-27.5 (physician assistants).
 4 ~~(17)~~ **(18)** IC 25-29 (podiatrists).
 5 ~~(18)~~ **(19)** IC 25-33 (psychologists).
 6 ~~(19)~~ **(20)** IC 25-34.5 (respiratory care practitioners).
 7 ~~(20)~~ **(21)** IC 25-35.6 (speech pathologists and audiologists).
 8 ~~(21)~~ **(22)** IC 25-38.1 (veterinarians).
- 9 (b) As used in this chapter, "national criminal history background
 10 check" means the criminal history record system maintained by the
 11 Federal Bureau of Investigation based on fingerprint identification or
 12 any other method of positive identification.
- 13 (c) An individual applying for an initial license or initial certificate
 14 specified in subsection (a) shall submit to a national criminal history
 15 background check at the cost of the individual.
- 16 (d) The state police department shall release the results of a national
 17 criminal history background check conducted under this section to the
 18 Indiana professional licensing agency.
- 19 (e) A board, a commission, or a committee may conduct a random
 20 audit and require an individual seeking a renewal of a license or a
 21 certificate specified in subsection (a) to submit to a national criminal
 22 history background check at the cost of the individual.
- 23 SECTION 10. IC 25-1-2-2.1, AS AMENDED BY SEA 558-2013,
 24 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2013]: Sec. 2.1. Rather than being issued annually, the
 26 following permits, licenses, certificates of registration, or evidences of
 27 authority granted by a state agency must be issued for a period of two
 28 (2) years or for the period specified in the article under which the
 29 permit, license, certificate of registration, or evidence of authority is
 30 issued if the period specified in the article is longer than two (2) years:
- 31 (1) Certified public accountants, public accountants, and
 32 accounting practitioners.
 33 (2) Architects and landscape architects.
 34 (3) Dry cleaners.
 35 (4) Professional engineers.
 36 (5) Professional surveyors.
 37 (6) Real estate brokers.
 38 (7) Real estate agents.
 39 (8) Security dealers' licenses issued by the securities
 40 commissioner.
 41 (9) Dental hygienists.
 42 (10) Dentists.



C
 O
 P
 Y

- 1 (11) Veterinarians.
- 2 (12) Physicians.
- 3 (13) Chiropractors.
- 4 (14) Physical therapists.
- 5 (15) Optometrists.
- 6 (16) Pharmacists and assistants, drugstores or pharmacies.
- 7 (17) Motels and mobile home community licenses.
- 8 (18) Nurses.
- 9 (19) Podiatrists.
- 10 (20) Occupational therapists and occupational therapy assistants.
- 11 (21) Respiratory care practitioners.
- 12 (22) Social workers, marriage and family therapists, and mental
- 13 health counselors.
- 14 (23) Real estate appraiser licenses and certificates issued by the
- 15 real estate appraiser licensure and certification board.
- 16 (24) Wholesale legend drug distributors.
- 17 (25) Physician assistants.
- 18 (26) Dietitians.
- 19 (27) Athlete agents.
- 20 (28) Manufactured home installers.
- 21 (29) Home inspectors.
- 22 (30) Massage therapists.
- 23 (31) Interior designers.
- 24 (32) Genetic counselors.
- 25 **(33) Direct entry midwives.**
- 26 SECTION 11. IC 25-1-2-6, AS AMENDED BY SEA 558-2013,
- 27 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2013]: Sec. 6. (a) As used in this section, "license" includes
- 29 all occupational and professional licenses, registrations, permits, and
- 30 certificates issued under the Indiana Code, and "licensee" includes all
- 31 occupational and professional licensees, registrants, permittees, and
- 32 certificate holders regulated under the Indiana Code.
- 33 (b) This section applies to the following entities that regulate
- 34 occupations or professions under the Indiana Code:
- 35 (1) Indiana board of accountancy.
- 36 (2) Indiana grain buyers and warehouse licensing agency.
- 37 (3) Indiana auctioneer commission.
- 38 (4) Board of registration for architects and landscape architects.
- 39 (5) State board of cosmetology and barber examiners.
- 40 (6) Medical licensing board of Indiana.
- 41 (7) Secretary of state.
- 42 (8) State board of dentistry.

COPY



- 1 (9) State board of funeral and cemetery service.
- 2 (10) Worker's compensation board of Indiana.
- 3 (11) Indiana state board of health facility administrators.
- 4 (12) Committee of hearing aid dealer examiners.
- 5 (13) Indiana state board of nursing.
- 6 (14) Indiana optometry board.
- 7 (15) Indiana board of pharmacy.
- 8 (16) Indiana plumbing commission.
- 9 (17) Board of podiatric medicine.
- 10 (18) Private investigator and security guard licensing board.
- 11 (19) State board of registration for professional engineers.
- 12 (20) State psychology board.
- 13 (21) Indiana real estate commission.
- 14 (22) Speech-language pathology and audiology board.
- 15 (23) Department of natural resources.
- 16 (24) Board of chiropractic examiners.
- 17 (25) Mining board.
- 18 (26) Indiana board of veterinary medical examiners.
- 19 (27) State department of health.
- 20 (28) Indiana physical therapy committee.
- 21 (29) Respiratory care committee.
- 22 (30) Occupational therapy committee.
- 23 (31) Behavioral health and human services licensing board.
- 24 (32) Real estate appraiser licensure and certification board.
- 25 (33) State board of registration for professional surveyors.
- 26 (34) Physician assistant committee.
- 27 (35) Indiana dietitians certification board.
- 28 (36) Attorney general (only for the regulation of athlete agents).
- 29 (37) Manufactured home installer licensing board.
- 30 (38) Home inspectors licensing board.
- 31 (39) State board of massage therapy.
- 32 **(40) Midwifery committee.**
- 33 ~~(40)~~ **(41)** Any other occupational or professional agency created
- 34 after June 30, 1981.

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

COPY



1 notice.

2 (d) Notwithstanding any other law, the entities included in
3 subsection (b) shall send notice of the expiration of a license to each
4 individual whose license has expired within thirty (30) days following
5 the expiration of the license. The notice must meet the following
6 requirements:

- 7 (1) Inform the individual of the following:
8 (A) That the individual's license has expired.
9 (B) Any requirements that must be met before reinstatement
10 of a license may occur.
11 (2) Be sent electronically. However, if the entity does not have an
12 electronic mail address on record for the individual, the notice
13 must be sent via United States mail.

14 SECTION 12. IC 25-1-5-3, AS AMENDED BY P.L.84-2010,
15 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2013]: Sec. 3. (a) There is established the Indiana professional
17 licensing agency. The agency shall perform all administrative
18 functions, duties, and responsibilities assigned by law or rule to the
19 executive director, secretary, or other statutory administrator of the
20 following:

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



C
o
p
y

- 1 (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- 2 **(20) Midwifery committee (IC 25-23.4-2-1).**
- 3 (b) Nothing in this chapter may be construed to give the agency
- 4 policy making authority, which authority remains with each board.
- 5 SECTION 13. IC 25-1-5-10, AS AMENDED BY P.L.84-2010,
- 6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2013]: Sec. 10. (a) As used in this section, "provider" means
- 8 an individual licensed, certified, registered, or permitted by any of the
- 9 following:
- 10 (1) Board of chiropractic examiners (IC 25-10-1).
- 11 (2) State board of dentistry (IC 25-14-1).
- 12 (3) Indiana state board of health facility administrators
- 13 (IC 25-19-1).
- 14 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 15 (5) Indiana state board of nursing (IC 25-23-1).
- 16 (6) Indiana optometry board (IC 25-24).
- 17 (7) Indiana board of pharmacy (IC 25-26).
- 18 (8) Board of podiatric medicine (IC 25-29-2-1).
- 19 (9) Speech-language pathology and audiology board
- 20 (IC 25-35.6-2).
- 21 (10) State psychology board (IC 25-33).
- 22 (11) Indiana board of veterinary medical examiners
- 23 (IC 25-38.1-2).
- 24 (12) Indiana physical therapy committee (IC 25-27).
- 25 (13) Respiratory care committee (IC 25-34.5).
- 26 (14) Occupational therapy committee (IC 25-23.5).
- 27 (15) Behavioral health and human services licensing board
- 28 (IC 25-23.6).
- 29 (16) Physician assistant committee (IC 25-27.5).
- 30 (17) Indiana athletic trainers board (IC 25-5.1-2-1).
- 31 (18) Indiana dietitians certification board (IC 25-14.5-2-1).
- 32 **(19) Midwifery committee (IC 25-23.4-2-1).**
- 33 (b) The agency shall create and maintain a provider profile for each
- 34 provider described in subsection (a).
- 35 (c) A provider profile must contain the following information:
- 36 (1) The provider's name.
- 37 (2) The provider's license, certification, registration, or permit
- 38 number.
- 39 (3) The provider's license, certification, registration, or permit
- 40 type.
- 41 (4) The date the provider's license, certification, registration, or
- 42 permit was issued.

COPY



- 1 (5) The date the provider's license, certification, registration, or
 2 permit expires.
- 3 (6) The current status of the provider's license, certification,
 4 registration, or permit.
- 5 (7) The provider's city and state of record.
- 6 (8) A statement of any disciplinary action taken against the
 7 provider within the previous ten (10) years by a board or
 8 committee described in subsection (a).
- 9 (d) The agency shall make provider profiles available to the public.
- 10 (e) The computer gateway administered by the office of technology
 11 established by IC 4-13.1-2-1 shall make the information described in
 12 subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally
 13 available to the public on the Internet.
- 14 (f) The agency may adopt rules under IC 4-22-2 to implement this
 15 section.
- 16 SECTION 14. IC 25-1-7-1, AS AMENDED BY SEA 558-2013,
 17 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2013]: Sec. 1. As used in this chapter:
- 19 "Board" means the appropriate agency listed in the definition of
 20 regulated occupation in this section.
- 21 "Director" refers to the director of the division of consumer
 22 protection.
- 23 "Division" refers to the division of consumer protection, office of
 24 the attorney general.
- 25 "Licensee" means a person who is:
- 26 (1) licensed, certified, or registered by a board listed in this
 27 section; and
- 28 (2) the subject of a complaint filed with the division.
- 29 "Person" means an individual, a partnership, a limited liability
 30 company, or a corporation.
- 31 "Regulated occupation" means an occupation in which a person is
 32 licensed, certified, or registered by one (1) of the following:
- 33 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 34 (2) Board of registration for architects and landscape architects
 35 (IC 25-4-1-2).
- 36 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 37 (4) Board of chiropractic examiners (IC 25-10-1).
- 38 (5) State board of cosmetology and barber examiners
 39 (IC 25-8-3-1).
- 40 (6) State board of dentistry (IC 25-14-1).
- 41 (7) State board of funeral and cemetery service (IC 25-15-9).
- 42 (8) State board of registration for professional engineers

C
O
P
Y

- 1 (IC 25-31-1-3).
 2 (9) Indiana state board of health facility administrators
 3 (IC 25-19-1).
 4 (10) Medical licensing board of Indiana (IC 25-22.5-2).
 5 (11) Indiana state board of nursing (IC 25-23-1).
 6 (12) Indiana optometry board (IC 25-24).
 7 (13) Indiana board of pharmacy (IC 25-26).
 8 (14) Indiana plumbing commission (IC 25-28.5-1-3).
 9 (15) Board of podiatric medicine (IC 25-29-2-1).
 10 (16) State psychology board (IC 25-33).
 11 (17) Speech-language pathology and audiology board
 12 (IC 25-35.6-2).
 13 (18) Indiana real estate commission (IC 25-34.1-2).
 14 (19) Indiana board of veterinary medical examiners (IC 25-38.1).
 15 (20) Department of natural resources for purposes of licensing
 16 water well drillers under IC 25-39-3.
 17 (21) Respiratory care committee (IC 25-34.5).
 18 (22) Private investigator and security guard licensing board
 19 (IC 25-30-1-5.2).
 20 (23) Occupational therapy committee (IC 25-23.5).
 21 (24) Behavioral health and human services licensing board
 22 (IC 25-23.6).
 23 (25) Real estate appraiser licensure and certification board
 24 (IC 25-34.1-8).
 25 (26) State board of registration for professional surveyors
 26 (IC 25-21.5-2-1).
 27 (27) Physician assistant committee (IC 25-27.5).
 28 (28) Indiana athletic trainers board (IC 25-5.1-2-1).
 29 (29) Indiana dietitians certification board (IC 25-14.5-2-1).
 30 (30) Indiana physical therapy committee (IC 25-27).
 31 (31) Manufactured home installer licensing board (IC 25-23.7).
 32 (32) Home inspectors licensing board (IC 25-20.2-3-1).
 33 (33) State department of health, for out-of-state mobile health
 34 care entities.
 35 (34) State board of massage therapy (IC 25-21.8-2-1).
 36 **(35) Midwifery committee (IC 25-23.4-2-1).**
 37 ~~(35)~~ **(36)** Any other occupational or professional agency created
 38 after June 30, 1981.

39 SECTION 15. IC 25-22.5-1-2, AS AMENDED BY P.L.77-2012,
 40 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2013]: Sec. 2. (a) This article, as it relates to the unlawful or
 42 unauthorized practice of medicine or osteopathic medicine, does not

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

apply to any of the following:

- (1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.
- (2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.
- (3) A paramedic (as defined in IC 16-18-2-266), an advanced emergency medical technician (as defined in IC 16-18-2-6.5), an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7), or basic life support (as defined in IC 16-18-2-33.5):
 - (A) during a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-31.5-2-329); and
 - (B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.
- (4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.
- (5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.
- (6) A person administering a domestic or family remedy to a member of the person's family.
- (7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.
- (8) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- (9) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.

C
o
p
y



- 1 (10) A dental hygienist practicing the dental hygienist's profession
- 2 under IC 25-13.
- 3 (11) A dentist practicing the dentist's profession under IC 25-14.
- 4 (12) A hearing aid dealer practicing the hearing aid dealer's
- 5 profession under IC 25-20.
- 6 (13) A nurse practicing the nurse's profession under IC 25-23.
- 7 However, a certified registered nurse anesthetist (as defined in
- 8 IC 25-23-1-1.4) may administer anesthesia if the certified
- 9 registered nurse anesthetist acts under the direction of and in the
- 10 immediate presence of a physician.
- 11 (14) An optometrist practicing the optometrist's profession under
- 12 IC 25-24.
- 13 (15) A pharmacist practicing the pharmacist's profession under
- 14 IC 25-26.
- 15 (16) A physical therapist practicing the physical therapist's
- 16 profession under IC 25-27.
- 17 (17) A podiatrist practicing the podiatrist's profession under
- 18 IC 25-29.
- 19 (18) A psychologist practicing the psychologist's profession under
- 20 IC 25-33.
- 21 (19) A speech-language pathologist or audiologist practicing the
- 22 pathologist's or audiologist's profession under IC 25-35.6.
- 23 (20) An employee of a physician or group of physicians who
- 24 performs an act, a duty, or a function that is customarily within
- 25 the specific area of practice of the employing physician or group
- 26 of physicians, if the act, duty, or function is performed under the
- 27 direction and supervision of the employing physician or a
- 28 physician of the employing group within whose area of practice
- 29 the act, duty, or function falls. An employee may not make a
- 30 diagnosis or prescribe a treatment and must report the results of
- 31 an examination of a patient conducted by the employee to the
- 32 employing physician or the physician of the employing group
- 33 under whose supervision the employee is working. An employee
- 34 may not administer medication without the specific order of the
- 35 employing physician or a physician of the employing group.
- 36 Unless an employee is licensed or registered to independently
- 37 practice in a profession described in subdivisions (9) through
- 38 (18), nothing in this subsection grants the employee independent
- 39 practitioner status or the authority to perform patient services in
- 40 an independent practice in a profession.
- 41 (21) A hospital licensed under IC 16-21 or IC 12-25.
- 42 (22) A health care organization whose members, shareholders, or

C
o
p
y



1 partners are individuals, partnerships, corporations, facilities, or
 2 institutions licensed or legally authorized by this state to provide
 3 health care or professional services as:

4 (A) a physician;

5 (B) a psychiatric hospital;

6 (C) a hospital;

7 (D) a health maintenance organization or limited service
 8 health maintenance organization;

9 (E) a health facility;

10 (F) a dentist;

11 (G) a registered or licensed practical nurse;

12 (H) a **certified nurse midwife or a certified direct entry**
 13 **midwife;**

14 (I) an optometrist;

15 (J) a podiatrist;

16 (K) a chiropractor;

17 (L) a physical therapist; or

18 (M) a psychologist.

19 (23) A physician assistant practicing the physician assistant
 20 profession under IC 25-27.5.

21 (24) A physician providing medical treatment under section 2.1
 22 of this chapter.

23 (25) An attendant who provides attendant care services (as
 24 defined in IC 16-18-2-28.5).

25 (26) A personal services attendant providing authorized attendant
 26 care services under IC 12-10-17.1.

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

29 (b) A person described in subsection (a)(9) through (a)(18) is not
 30 excluded from the application of this article if:

31 (1) the person performs an act that an Indiana statute does not
 32 authorize the person to perform; and

33 (2) the act qualifies in whole or in part as the practice of medicine
 34 or osteopathic medicine.

35 (c) An employment or other contractual relationship between an
 36 entity described in subsection (a)(21) through (a)(22) and a licensed
 37 physician does not constitute the unlawful practice of medicine under
 38 this article if the entity does not direct or control independent medical
 39 acts, decisions, or judgment of the licensed physician. However, if the
 40 direction or control is done by the entity under IC 34-30-15 (or
 41 IC 34-4-12.6 before its repeal), the entity is excluded from the
 42 application of this article as it relates to the unlawful practice of



C
O
P
Y

- 1 medicine or osteopathic medicine.
- 2 (d) This subsection does not apply to a prescription or drug order for
- 3 a legend drug that is filled or refilled in a pharmacy owned or operated
- 4 by a hospital licensed under IC 16-21. A physician licensed in Indiana
- 5 who permits or authorizes a person to fill or refill a prescription or drug
- 6 order for a legend drug except as authorized in IC 16-42-19-11 through
- 7 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A
- 8 person who violates this subsection commits the unlawful practice of
- 9 medicine under this chapter.
- 10 (e) A person described in subsection (a)(8) shall not be authorized
- 11 to dispense contraceptives or birth control devices.
- 12 SECTION 16. IC 25-22.5-2-7, AS AMENDED BY P.L.225-2007,
- 13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2013]: Sec. 7. (a) The board shall do the following:
- 15 (1) Adopt rules and forms necessary to implement this article that
- 16 concern, but are not limited to, the following areas:
- 17 (A) Qualification by education, residence, citizenship,
- 18 training, and character for admission to an examination for
- 19 licensure or by endorsement for licensure.
- 20 (B) The examination for licensure.
- 21 (C) The license or permit.
- 22 (D) Fees for examination, permit, licensure, and registration.
- 23 (E) Reinstatement of licenses and permits.
- 24 (F) Payment of costs in disciplinary proceedings conducted by
- 25 the board.
- 26 (2) Administer oaths in matters relating to the discharge of its
- 27 official duties.
- 28 (3) Enforce this article and assign to the personnel of the agency
- 29 duties as may be necessary in the discharge of the board's duty.
- 30 (4) Maintain, through the agency, full and complete records of all
- 31 applicants for licensure or permit and of all licenses and permits
- 32 issued.
- 33 (5) Make available, upon request, the complete schedule of
- 34 minimum requirements for licensure or permit.
- 35 (6) Issue, at the board's discretion, a temporary permit to an
- 36 applicant for the interim from the date of application until the
- 37 next regular meeting of the board.
- 38 (7) Issue an unlimited license, a limited license, or a temporary
- 39 medical permit, depending upon the qualifications of the
- 40 applicant, to any applicant who successfully fulfills all of the
- 41 requirements of this article.
- 42 (8) Adopt rules establishing standards for the competent practice

C
o
p
y



1 of medicine, osteopathic medicine, or any other form of practice
2 regulated by a limited license or permit issued under this article.
3 (9) Adopt rules regarding the appropriate prescribing of Schedule
4 III or Schedule IV controlled substances for the purpose of weight
5 reduction or to control obesity.

6 (10) Adopt rules establishing standards for office based
7 procedures that require moderate sedation, deep sedation, or
8 general anesthesia.

9 **(11) Adopt rules as set forth in IC 25-23.4 concerning the**
10 **certification of certified direct entry midwives.**

- 11 (b) The board may adopt rules that establish:
12 (1) certification requirements for child death pathologists;
13 (2) an annual training program for child death pathologists under
14 IC 16-35-7-3(b)(2); and
15 (3) a process to certify a qualified child death pathologist.

16 SECTION 17. IC 25-22.5-8-2, AS AMENDED BY P.L.90-2007,
17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2013]: Sec. 2. (a) A person who **knowingly or intentionally**
19 violates this article by unlawfully practicing medicine or osteopathic
20 medicine commits a Class C felony.

21 (b) A person who, **before January 1, 2014**, practices midwifery
22 without the license required under this article commits a Class D
23 felony.

24 (c) A person who **knowingly or intentionally** acts as a physician
25 assistant without the license required under IC 25-27.5 commits a Class
26 D felony.

27 SECTION 18. IC 25-23-1-1 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this
29 chapter:

- 30 (a) "Board" means the Indiana state board of nursing.
31 (b) "Advanced practice nurse" means:
32 (1) a nurse practitioner;
33 (2) a **certified** nurse midwife; or
34 (3) a clinical nurse specialist;

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

42 (c) "Human response" means those signs, symptoms, behaviors, and

C
o
p
y



processes that denote the individual's interaction with the environment.

SECTION 19. IC 25-23-1-13.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13.1. (a) An applicant who desires to practice **certified nurse** midwifery shall present to the board the applicant's license as a registered nurse and a diploma earned by the applicant from a school of midwifery approved or licensed by the board or licensing agency for midwives that is located in any state.

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

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

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

(d) **A certified nurse who holds a license to practice midwifery under this section (formerly referred to as a "midwife" before the repeal of IC 34-18-2-19) shall, beginning July 1, 2013, be known as a "certified nurse midwife".**

SECTION 20. IC 25-23.4 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

ARTICLE 23.4. CERTIFIED DIRECT ENTRY MIDWIVES

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

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

Sec. 3. "Board" refers to the medical licensing board of Indiana.

Sec. 4. (a) "Certified direct entry midwife" or "CDEM" means an individual who has completed and passed the credentialing process as administered by the North American Registry of Midwives or a successor organization and meets requirements established by the board.

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

- (1) An individual engaged in the practice of medicine under IC 25-22.5.
- (2) A certified nurse midwife engaged only in the practice of midwifery under IC 25-23.



C
o
p
y

- 1 **(3) An individual providing emergency medical services.**
- 2 **Sec. 5. "Certified direct entry midwife" means an individual**
- 3 **who is a certified direct entry midwife and certified under this**
- 4 **article.**
- 5 **Sec. 6. "Committee" refers to the midwifery committee**
- 6 **established under IC 25-23.4-2.**
- 7 **Sec. 7. "Intrapartum period" means the period that begins**
- 8 **when a woman starts labor and ends when the woman gives birth.**
- 9 **Sec. 8. "Licensing agency" refers to the Indiana professional**
- 10 **licensing agency.**
- 11 **Sec. 9. "Postpartum period" means the six (6) week period after**
- 12 **a birth.**
- 13 **Sec. 10. "Practice of midwifery" means services delivered by a**
- 14 **licensed certified direct entry midwife, including, for**
- 15 **compensation, to advise, attend, or assist a woman during**
- 16 **pregnancy, labor, natural childbirth, or the postpartum period.**
- 17 **The term includes the following:**
- 18 **(1) Providing the mother with individualized prenatal care.**
- 19 **(2) Identifying and referring women who require obstetrical**
- 20 **attention.**
- 21 **(3) Providing the mother with continuous direct participation**
- 22 **and assistance during labor and delivery.**
- 23 **(4) Administering medications as provided in IC 25-23.4-4-5.**
- 24 **(5) Providing the mother with postpartum support.**
- 25 **(6) Providing normal newborn care.**
- 26 **Chapter 2. Midwifery Committee**
- 27 **Sec. 1. The midwifery committee is established to provide**
- 28 **recommendations and information to the board.**
- 29 **Sec. 2. (a) The committee consists of nine (9) members**
- 30 **appointed by the governor as follows:**
- 31 **(1) Three (3) members who are certified direct entry**
- 32 **midwives.**
- 33 **(2) Two (2) members who are licensed under IC 25-22.5 and**
- 34 **who practice in the area of obstetrics, one (1) of whom has**
- 35 **experience acting as a collaborative home birth physician with**
- 36 **a midwife.**
- 37 **(3) One (1) certified nurse midwife with experience in the**
- 38 **practice of home births.**
- 39 **(4) One (1) member who is licensed under IC 25-22.5 and who**
- 40 **practices in the area of family practice.**
- 41 **(5) One (1) member who is licensed under IC 25-22.5 and who**
- 42 **practices in the area of pediatrics.**

COPY



1 **(6) One (1) member representing the public who is not**
 2 **associated with the profession of midwifery or obstetrics other**
 3 **than as a consumer.**

4 **(b) Notwithstanding subsection (a)(1), a certified direct entry**
 5 **midwife appointed to the committee under subsection (a)(1) after**
 6 **June 30, 2013, and before July 1, 2014, is not required to be**
 7 **certified under this article. However, a certified direct entry**
 8 **midwife appointed to the committee after June 30, 2013, and**
 9 **before July 1, 2014, under subsection (a), must be a Certified**
 10 **Professional Midwife (CPM) by the North American Registry of**
 11 **Midwives.**

12 **Sec. 3. (a) The term of each committee member is four (4) years.**

13 **(b) A committee member may be reappointed for not more than**
 14 **three (3) consecutive terms.**

15 **(c) A committee member serves until the committee member's**
 16 **successor is appointed. A vacancy occurring in the membership of**
 17 **the committee for any cause shall be filled by appointment by the**
 18 **governor for the unexpired term.**

19 **(d) Committee members annually shall select a chairperson and**
 20 **a vice chairperson from among the committee's members.**

21 **Sec. 4. (a) The committee shall meet at least one (1) time each**
 22 **year at the call of the chairperson.**

23 **(b) With the approval of the executive director of the licensing**
 24 **agency, the committee may meet upon:**

25 **(1) the call of the chairperson; or**

26 **(2) the request of a majority of the members of the committee.**

27 **(c) Five (5) members of the committee constitute a quorum.**

28 **(d) The affirmative vote of five (5) members of the committee is**
 29 **required for the committee to take action.**

30 **Sec. 5. The licensing agency shall provide staff support for the**
 31 **committee.**

32 **Sec. 6. (a) The board shall, after receiving information,**
 33 **proposals, or recommendations from the committee, do the**
 34 **following:**

35 **(1) Establish as a requirement for certification as a certified**
 36 **direct entry midwife the Certified Professional Midwife**
 37 **credentials developed by the North American Registry of**
 38 **Midwives or a successor organization.**

39 **(2) Establish fees for the certification of certified direct entry**
 40 **midwives.**

41 **(3) Establish annual continuing education requirements for**
 42 **certification renewal, which must include continuing**

C
O
P
Y



1 education in pharmacology. The requirements established
 2 under this subdivision must provide for at least fifteen (15)
 3 hours of continuing education every twelve (12) months.
 4 (4) Develop a peer review procedure, using as guidelines the
 5 peer review procedures established by:
 6 (A) the Indiana Midwives Association or a successor
 7 organization; and
 8 (B) the North American Registry of Midwives or a
 9 successor organization.
 10 (5) Adopt rules under IC 4-22-2 that define the competent
 11 practice for certified direct entry midwives. Rules adopted
 12 under this subdivision must limit the practice of certified
 13 direct entry midwives to nonhospital settings.
 14 (6) Adopt rules under IC 4-22-2 requiring a certified direct
 15 entry midwife to maintain sufficient liability insurance.
 16 (7) Adopt rules under IC 4-22-2 that establish standards for
 17 an emergency plan of care, including that a plan must allow
 18 for the timely provision of emergency care at a hospital.
 19 (b) The board may not adopt rules to grant a certified direct
 20 entry midwife prescriptive authority other than the authority
 21 specified in IC 25-23.4-4-5.
 22 Sec. 7. The committee may propose rules to the board for
 23 adoption. The board shall adopt rules under IC 4-22-2 to
 24 administer this article.
 25 Chapter 3. Certified Direct Entry Midwifery Certification
 26 Sec. 0.5. This chapter is effective beginning January 1, 2014.
 27 Sec. 1. (a) This section does not apply to an individual who has
 28 a license under IC 25-23-1-13.1 to practice midwifery as a certified
 29 nurse midwife and is practicing within the scope of that license.
 30 (b) After July 1, 2014, an individual may not engage in the
 31 practice of midwifery unless:
 32 (1) the individual is licensed or certified by a board under
 33 IC 25-1-5 and is acting within the scope of the person's license
 34 or certification; or
 35 (2) the individual has a certified direct entry midwife
 36 certification under this article and is supervised by a
 37 physician as set forth in this article.
 38 (c) To become certified as a certified direct entry midwife, an
 39 applicant must satisfy the following requirements:
 40 (1) Be at least twenty-one (21) years of age.
 41 (2) Possess at least:
 42 (A) an associate's degree in nursing or other similar

COPY



- 1 science related associate's degree; or
- 2 (B) a bachelor's degree;
- 3 from a postsecondary educational institution.
- 4 (3) Satisfactorily complete educational curriculum approved
- 5 by:
- 6 (A) the Midwifery Education Accreditation Council
- 7 (MEAC) or a successor organization; or
- 8 (B) the educational equivalent of a Midwifery Education
- 9 Accreditation Council curriculum approved by the board.
- 10 (4) Acquire and document practical experience as outlined in
- 11 the Certified Professional Midwife credentialing process in
- 12 accordance with the standards of the North American
- 13 Registry of Midwives or a successor organization.
- 14 (5) Obtain certification by an accredited association in adult
- 15 cardiopulmonary resuscitation that is approved by the board.
- 16 (6) Complete the program sponsored by the American
- 17 Academy of Pediatrics in neonatal resuscitation, excluding
- 18 endotracheal intubation and the administration of drugs.
- 19 (7) Comply with the birth requirements of the Certified
- 20 Professional Midwife credentialing process, observe an
- 21 additional twenty (20) births, be directly supervised by a
- 22 physician for twenty (20) births, assist with an additional
- 23 twenty (20) births, and act as the primary attendant for an
- 24 additional twenty (20) births.
- 25 (8) Provide proof to the board that the applicant has obtained
- 26 the Certified Professional Midwife credential as administered
- 27 by the North American Registry of Midwives or a successor
- 28 organization.
- 29 (9) Present additional documentation or certifications
- 30 required by the board. The board may adopt standards that
- 31 require more training than required by the North American
- 32 Registry of Midwives.
- 33 (d) The board may exempt an applicant from the education
- 34 requirements in subsection (c)(2) if the applicant provides proof to
- 35 the board that the applicant is enrolled in a program that will
- 36 satisfy the requirements of subsection (c)(2). An exemption under
- 37 this subsection applies for an individual for not more than two (2)
- 38 years. This subsection expires June 30, 2016.
- 39 Sec. 2. The board shall, after receiving recommendations from
- 40 the committee, establish formal education requirements in addition
- 41 to those required in section 1 of this chapter. The requirements
- 42 must include course material on:

COPY



- 1 (1) emergency life support procedures;
- 2 (2) identification of high risk births for mothers;
- 3 (3) identification of potential complications during labor; and
- 4 (4) other material the board specifies.

5 Sec. 3. The board shall grant a certificate to practice certified
 6 direct entry midwifery to an applicant who satisfies the
 7 requirements of sections 1 and 2 of this chapter.

8 Sec. 4. (a) A certificate issued under this chapter expires after
 9 two (2) years, on a date established by the licensing agency. Failure
 10 to renew a certificate on or before the expiration date makes the
 11 certificate invalid without any action by the board.

12 (b) The board shall adopt fees under IC 25-1-8-2.

13 (c) To be eligible for the renewal of a certificate issued under
 14 this chapter, an individual must:

- 15 (1) meet continuing education requirements set by the board;
- 16 and
- 17 (2) maintain a Certified Professional Midwife credential.

18 Sec. 5. The board:

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

23 Sec. 6. After July 1, 2014, only an individual who is certified
 24 under this article may use the title "certified direct entry midwife".

25 Sec. 7. The board may issue a certificate to an individual who is
 26 licensed or certified as a midwife in another state with
 27 requirements that the board determines are at least equal to the
 28 certification requirements of this article.

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

32 (b) After July 1, 2014, an individual who knowingly or
 33 intentionally practices midwifery without a certificate required
 34 under this article commits a Class D felony.

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

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

- 39 (1) The certified direct entry midwife must provide the
- 40 potential client with an informed disclosure of practice form.
- 41 (2) The potential client must sign and date the form.
- 42 (3) The certified direct entry midwife must sign and date the

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

- form.
- (4) If the potential client refuses a procedure or treatment required by law, the potential client must so indicate on a separate procedure or treatment form.
- (5) The certified direct entry midwife must have an emergency plan for the care of the client if an emergency arises. As part of the emergency plan, the client must sign a release of the client's medical records that allows the certified direct entry midwife to provide the client's medical records to a physician if an emergency arises.
- (6) The certified direct entry midwife must have a written agreement with a physician to provide for consultation and backup care for the client. The physician shall examine the client at least one (1) time during the client's first trimester and one (1) time during the client's third trimester. The backup physician should be located in an area close to where the delivery will occur. The board shall set standards for determining the geographic area close enough to the planned location of the delivery to make the backup physician a reasonable choice to provide backup care.
- (7) The certified direct entry midwife must provide the client with a list of options for additional screening and assessments, including visits to a physician.
- (8) The certified direct entry midwife must maintain medical records on the client through the entire course of care and transfer the medical records to a treating physician if an emergency arises.
- (b) The board shall develop a list of physicians willing to provide backup care as described in subsection (a)(6) and make the list available to certified direct entry midwives.
- (c) A certified direct entry midwife may not have a minor as a client unless the minor's parent or guardian has agreed in writing to use the certified direct entry midwife and the rest of the requirements of this article have been met.
- Sec. 2. A certified direct entry midwife may not perform on a client a specific procedure or treatment that is not described on the informed disclosure of practice form described in section 1 of this chapter until both of the following occur:
 - (1) The specific procedure or treatment is disclosed to the client in writing on a form that is separate from the informed disclosure of practice form.
 - (2) The client agrees to the procedure or treatment by signing

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

- the procedure or treatment form.
- Sec. 3. The informed disclosure of practice form must be in writing and must contain the following information:**
- (1) A description of the certified direct entry midwife's education and training in midwifery, including completion of continuing education courses and participation in the peer review process.**
 - (2) The certified direct entry midwife's experience level in the field of midwifery.**
 - (3) The certified direct entry midwife's philosophy of practice.**
 - (4) Antepartum, intrapartum, and postpartum period conditions requiring consultation, transfer of care, and transport to a hospital.**
 - (5) The emergency medical backup plan, including the emergency plan and the agreement with a physician for backup care required under section 1 of this chapter.**
 - (6) The services to be provided to the client by the certified direct entry midwife and that a physician is required to examine the client at least one (1) time during the client's first trimester and one (1) time during the client's third trimester.**
 - (7) The certified direct entry midwife's current certification status.**
 - (8) A detailed explanation of treatments and procedures.**
 - (9) A detailed description of the risks and expected benefits of midwifery care.**
 - (10) The availability of a grievance process in a case in which a client is dissatisfied with the performance of the certified direct entry midwife.**
 - (11) A statement that if the client is advised by the certified direct entry midwife or a collaborating physician that the client is or has become at risk (as described in IC 25-23.4-6), the certified direct entry midwife:**
 - (A) shall refer the client to a physician for consultation;**
 - (B) may refuse to provide or continue care; and**
 - (C) may transfer care of the client to a physician.**
 - (12) A statement disclosing whether or not the certified direct entry midwife maintains liability insurance.**
 - (13) That state certification of a certified direct entry midwife does not ensure that a home setting for delivery of a child is safe.**
 - (14) A statement that the client understands that the client is waiving the right to sue a physician or health care provider**

C
O
P
Y



1 for the acts or omissions of the client's certified direct entry
2 midwife.

3 Sec. 4. (a) Before March 31 every year, a certified direct entry
4 midwife shall provide an annual report to the board regarding
5 each birth the previous year that the certified direct entry midwife
6 assists. A report must summarize the following on a form
7 prescribed by the board:

- 8 (1) Vital statistics.
- 9 (2) Scope of care.
- 10 (3) Transport information.
- 11 (4) Physician referral.

12 (b) A certified direct entry midwife may not reveal the identity
13 of the clients referred to in a report under subsection (a).

14 (c) The board shall compile the data from the reports collected
15 under subsection (a) and submit the data to the state department
16 of health.

17 Sec. 5. (a) Except as provided in subsection (b), a certified direct
18 entry midwife may not dispense or administer prescription drugs.

19 (b) A certified direct entry midwife may not administer a drug
20 intravenously and may, with a physician's order, administer:

- 21 (1) vitamin K, either orally or through intramuscular
22 injection;
- 23 (2) postpartum antihemorrhagic drugs in emergency
24 situations;
- 25 (3) local anesthetics by infiltration or topical application, only
26 for postpartum repair of lacerations, tears, and episiotomy;
- 27 (4) oxygen;
- 28 (5) Rhogam;
- 29 (6) prophylactic eye agents; and
- 30 (7) prophylactic antibiotics for Group B Strep (also known as
31 Beta Strep).

32 The board may adopt rules specifying the circumstances under
33 which a certified direct entry midwife may administer the
34 substances listed in this subsection.

35 Sec. 6. After a client has given birth, the certified direct entry
36 midwife shall:

- 37 (1) provide the client with a statement indicating that the
38 newborn infant should be examined by a pediatrician or
39 family practice physician for check-ups beginning within two
40 (2) weeks after birth; and
- 41 (2) identify with the client a pediatrician or family practice
42 physician for the care of the infant.

C
O
P
Y



Chapter 5. Supervision of Certified Direct Entry Midwives

Sec. 1. (a) A certified direct entry midwife must be supervised by a supervising physician licensed under IC 25-22.5. Supervision under this chapter does not require the physical presence of the supervising physician at the time when and the place where the certified direct entry midwife renders services.

(b) A supervising physician shall review all patient encounters that the certified direct entry midwife has with a patient who is the client of the certified direct entry midwife.

Sec. 2. The board shall adopt rules under IC 4-22-2 to determine the following concerning supervision by a physician:

(1) The number of certified direct entry midwives that a physician may supervise.

(2) The time frame that is sufficient for a supervising physician to perform the review required under this section.

Sec. 3. A physician supervising a certified direct entry midwife under this chapter shall do the following:

(1) Register with the board the physician's intent to supervise a certified direct entry midwife. The registration must include the following:

(A) The name, the business address, and the telephone number of the supervising physician.

(B) The name, the business address, and the telephone number of the certified direct entry midwife.

(C) Any other information required by the board.

(2) Submit a statement to the board that the physician will exercise supervision over the certified direct entry midwife in accordance with the rules adopted by the board.

(3) Maintain a written agreement with the certified direct entry midwife that:

(A) states that the physician will exercise supervision over the certified direct entry midwife in accordance with the rules adopted by the board; and

(B) defines the relationship of the supervising physician with the certified direct entry midwife and describes the certified direct entry midwife's and client's access to the supervising physician.

The agreement must be signed by the physician and the certified direct entry midwife, updated annually, and made available to the board upon request.

Sec. 4. The supervising physician may not have a disciplinary action restriction that limits the physician's ability to supervise a

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

certified direct entry midwife.

Sec. 5. A certified direct entry midwife shall notify the board of any changes or additions to supervising physicians not more than thirty (30) days after the change or addition.

Chapter 6. Management of At-Risk Clients

Sec. 1. (a) A certified direct entry midwife must provide an initial screening of a client that includes an assessment of health conditions that require a referral to a physician under subsection (c).

(b) A certified direct entry midwife shall refer a client to a physician in the client's first and third trimester of pregnancy.

(c) If a client has a health condition that makes the client at risk, the certified direct entry midwife shall:

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

(d) The board shall adopt rules under IC 4-22-2 establishing the health conditions that require a referral to a physician under subsection (c).

Sec. 2. (a) If the certified direct entry midwife, physician, and client agree that the certified direct entry midwife may continue to provide services to the at-risk client, the certified direct entry midwife shall enter into a collaborative plan of treatment with a physician licensed under IC 25-22.5.

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

- (1)** The circumstances that would require consultation or referral with a physician.
- (2)** The circumstances that would require transfer of responsibility for the primary care of the at-risk client.
- (3)** The services to be provided by the certified direct entry midwife and the licensed physician.

Chapter 7. Hospital Services

Sec. 1. This article may not be construed to require a hospital to extend clinical privileges to a certified direct entry midwife.

SECTION 21. IC 34-6-2-81 IS REPEALED [EFFECTIVE JULY 1, 2013]. Sec. 81. "Midwife", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-19.

SECTION 22. IC 34-18-2-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6.5. "Certified nurse midwife" means a registered nurse who holds a license to practice midwifery**

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

under IC 25-23-1-13.1.

SECTION 23. IC 34-18-2-14, AS AMENDED BY P.L.77-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. "Health care provider" means any of the following:

- (1) An individual, a partnership, a limited liability company, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a physician, psychiatric hospital, hospital, health facility, emergency ambulance service (IC 16-18-2-107), dentist, registered or licensed practical nurse, physician assistant, **certified nurse** midwife, optometrist, podiatrist, chiropractor, physical therapist, respiratory care practitioner, occupational therapist, psychologist, paramedic, advanced emergency medical technician, or emergency medical technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.
- (2) A college, university, or junior college that provides health care to a student, faculty member, or employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.
- (3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.
- (4) A home health agency (as defined in IC 16-27-1-2).
- (5) A health maintenance organization (as defined in IC 27-13-1-19).
- (6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).
- (7) A corporation, limited liability company, partnership, or professional corporation not otherwise qualified under this section that:
 - (A) as one (1) of its functions, provides health care;
 - (B) is organized or registered under state law; and
 - (C) is determined to be eligible for coverage as a health care provider under this article for its health care function.
 Coverage for a health care provider qualified under this subdivision is limited to its health care functions and does not extend to other causes of action.

C
o
p
y



1 SECTION 24. IC 34-18-2-19 IS REPEALED [EFFECTIVE JULY
2 1, 2013]. ~~Sec. 19: "Midwife" means a registered nurse who holds a
3 limited license to practice midwifery under IC 25-23-1-13.1.~~

4 SECTION 25. IC 35-51-25-1, AS AMENDED BY SEA 85-2013,
5 SECTION 147, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2013]: Sec. 1. The following statutes define
7 crimes in IC 25:

8 IC 25-2.1-13-3 (Concerning accountants).

9 IC 25-2.5-3-4 (Concerning acupuncturists).

10 IC 25-5.1-4-2 (Concerning athletic trainers).

11 IC 25-5.2-2-12 (Concerning athlete agents).

12 IC 25-6.1-7-1 (Concerning auctioneers and auctions).

13 IC 25-6.1-7-2 (Concerning auctioneers and auctions).

14 IC 25-8-15.4-25 (Concerning beauty culture).

15 IC 25-10-1-11 (Concerning chiropractors).

16 IC 25-11-1-12 (Concerning collection agencies).

17 IC 25-13-1-3 (Concerning dental hygienists).

18 IC 25-14-1-25 (Concerning dentists).

19 IC 25-14-4-6 (Concerning dentists).

20 IC 25-14.5-7-2 (Concerning dietitians).

21 IC 25-16-1-18 (Concerning employment services).

22 IC 25-17.3-5-3 (Concerning genetic counselors).

23 IC 25-17.6-8-2 (Concerning geologists).

24 IC 25-18-1-19 (Concerning distress sales).

25 IC 25-20-1-21 (Concerning hearing aid dealers).

26 IC 25-20.7-5-1 (Concerning interior designers).

27 IC 25-21.5-5-10 (Concerning professional surveyors).

28 IC 25-21.5-13-2 (Concerning professional surveyors).

29 IC 25-21.8-7-1 (Concerning massage therapists).

30 IC 25-22.5-8-2 (Concerning physicians).

31 IC 25-22.5-8-3 (Concerning physicians).

32 IC 25-23-1-27 (Concerning nurses).

33 **IC 25-23.4-3-8 (Concerning certified direct entry midwives).**

34 IC 25-23.5-3-2 (Concerning occupational therapists).

35 IC 25-23.6-3-3 (Concerning marriage and family therapists).

36 IC 25-23.6-4-4 (Concerning marriage and family therapists).

37 IC 25-23.6-4.5-4 (Concerning marriage and family therapists).

38 IC 25-23.6-7-7 (Concerning marriage and family therapists).

39 IC 25-23.6-10.1-6 (Concerning marriage and family therapists).

40 IC 25-23.6-11-1 (Concerning marriage and family therapists).

41 IC 25-23.6-11-2 (Concerning marriage and family therapists).

42 IC 25-23.6-11-3 (Concerning marriage and family therapists).

C
o
p
y



- 1 IC 25-23.7-7-5 (Concerning manufactured home installers).
 2 IC 25-24-1-18 (Concerning optometrists).
 3 IC 25-24-3-17 (Concerning optometrists).
 4 IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug
 5 stores).
 6 IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug
 7 stores).
 8 IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug
 9 stores).
 10 IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug
 11 stores).
 12 IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug
 13 stores).
 14 IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug
 15 stores).
 16 IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug
 17 stores).
 18 IC 25-27-1-12 (Concerning physical therapists).
 19 IC 25-27.5-7-2 (Concerning physician assistants).
 20 IC 25-28.5-1-31 (Concerning plumbers).
 21 IC 25-29-9-1 (Concerning podiatrists).
 22 IC 25-30-1-21 (Concerning private investigator firms, security
 23 guards, and polygraph examiners).
 24 IC 25-30-1.3-23 (Concerning private investigator firms, security
 25 guards, and polygraph examiners).
 26 IC 25-31-1-13 (Concerning engineers).
 27 IC 25-31-1-27 (Concerning engineers).
 28 IC 25-31.5-8-7 (Concerning soil scientists).
 29 IC 25-33-1-15 (Concerning psychologists).
 30 IC 25-34.5-3-2 (Concerning respiratory care specialists).
 31 IC 25-35.6-3-10 (Concerning speech pathologists and
 32 audiologists).
 33 IC 25-36.1-1-2 (Concerning surgical technologists).
 34 IC 25-36.5-1-10 (Concerning timber buyers).
 35 IC 25-36.5-1-15 (Concerning timber buyers).
 36 IC 25-38.1-4-10 (Concerning veterinarians).
 37 IC 25-38.1-4-11 (Concerning veterinarians).
 38 IC 25-39-5-1 (Concerning water well drilling contractors).
 39 IC 25-39-5-7 (Concerning water well drilling contractors).
 40 IC 25-41-1-2 (Concerning behavior analysts).
 41 SECTION 26. [EFFECTIVE JULY 1, 2013] (a) As used in this
 42 SECTION, "committee" refers to the midwifery committee

C
o
p
y

1 established by IC 25-23.4-2-1, as added by this act.
 2 (b) Notwithstanding IC 25-23.4-2-2, as added by this act, the
 3 governor shall appoint the initial members of the committee before
 4 September 1, 2013, for terms expiring as follows:
 5 (1) One (1) member appointed under IC 25-23.4-2-2(a)(1), as
 6 added by this act, one (1) member appointed under
 7 IC 25-23.4-2-2(a)(2), as added by this act, and one (1) member
 8 appointed under IC 25-23.4-2-2(a)(4), as added by this act, for
 9 a term expiring August 31, 2017.
 10 (2) One (1) member appointed under IC 25-23.4-2-2(a)(1), as
 11 added by this act, and one (1) member appointed under
 12 IC 25-23.4-2-2(a)(2), as added by this act, for a term expiring
 13 August 31, 2016.
 14 (3) One (1) member appointed under IC 25-23.4-2-2(a)(1), as
 15 added by this act, and one (1) member appointed under
 16 IC 25-23.4-2-2(a)(3), as added by this act, for a term expiring
 17 August 31, 2015.
 18 (4) One (1) member appointed under IC 25-23.4-2-2(a)(5), as
 19 added by this act, and one (1) member appointed under
 20 IC 25-23.4-2-2(a)(6), as added by this act, for a term expiring
 21 August 31, 2014.
 22 (c) This SECTION expires September 1, 2018.
 23 SECTION 27. [EFFECTIVE JULY 1, 2013] (a) As used in this
 24 SECTION, "commission" refers to the health finance commission
 25 established by IC 2-5-23-3.
 26 (b) The commission shall study during the 2013 interim issues
 27 concerning facilitating the availability of liability insurance for
 28 certified direct entry midwives who are certified under IC 25-23.4.
 29 (c) This SECTION expires December 31, 2013.

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1135, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 5. IC 16-37-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) The local health officer shall make a permanent record of the following from a birth certificate:

- (1) Name.
- (2) Sex.
- (3) Date of birth.
- (4) Place of birth.
- (5) Name of the parents.
- (6) Birthplace of the parents.
- (7) The date of filing of the certificate of birth.
- (8) The person in attendance at the birth.**

(b) Except as provided in subsection (c), the permanent record shall be open to public inspection.

(c) The birth record of an adopted child remains subject to the confidentiality provisions of IC 31-19 regarding the release of adoption information."

Page 24, line 13, delete "seven (7)" and insert "**nine (9)**".

Page 24, line 15, delete "Three (3)" and insert "**Four (4)**".

Page 24, between lines 22 and 23, begin a new line block indented and insert:

"(4) One (1) member who is licensed under IC 25-22.5 and who practices in the area of pediatrics or family practice."

Page 24, line 23, delete "(4)" and insert "**(5)**".

Page 24, line 23, delete "public." and insert "**public who is not associated with the profession of midwifery or obstetrics other than as a consumer.**".

Page 25, between lines 28 and 29, begin a new line block indented and insert:

"(6) Adopt rules under IC 4-22-2 requiring a certified direct entry midwife to maintain sufficient liability insurance, if the board finds:

- (A) liability insurance is available to certified direct entry midwives in Indiana; and**
- (B) the cost of the liability insurance is comparable to the**

C
O
P
Y



cost of liability insurance for licensed home birth midwives in other states.

(7) Adopt rules under IC 4-22-2 that establish standards for an emergency plan of care, including that a plan must allow for the timely provision of emergency care at a hospital."

Page 26, line 24, delete "Observe" and insert **"Comply with the birth requirements of the Certified Professional Midwife credentialing process, observe an additional"**.

Page 26, line 40, delete "July 1," and insert **"December 31,"**.

Page 26, line 42, delete "July 1," and insert **"December 31,"**.

Page 27, line 1, delete "July 30, 2014." and insert **"January 15, 2015."**

Page 27, between lines 1 and 2, begin a new paragraph and insert: **"(e) Until the board is prepared to accept and act upon an initial application under subsection (d), an individual who:**

(1) holds a Certified Professional Midwife credential as administered by the North American Registry of Midwives; and

(2) has submitted an initial application with the Indiana professional licensing agency;

may engage in the practice of midwifery. An individual's authority to practice midwifery under this subsection expires upon the issuance of a license to the individual or denial of the individual's application by the board. This subsection expires July 1, 2014."

Page 27, line 12, delete "four" and insert **"two (2)"**.

Page 27, line 13, delete "(4)".

Page 27, line 18, after "must" insert **":**

(1)".

Page 27, line 19, delete "board." and insert **"board; and"**.

Page 27, between lines 19 and 20, begin a new line block indented and insert:

"(2) maintain a Certified Professional Midwife credential."

Page 27, line 36, delete "the following:" and insert **"a Class D felony."**

Page 27, delete lines 37 through 39.

Page 27, line 42, after "Sec. 1." insert **"(a)"**.

Page 28, line 12, after "arises." insert **"As part of the emergency plan, the client must sign a release of the client's medical records that allows the certified direct entry midwife to provide the client's medical records to a physician if an emergency arises."**

Page 28, line 14, after "for" insert **"consultation and"**.

Page 28, between lines 23 and 24, begin a new line block indented

C
O
P
Y



and insert:

"(7) The certified direct entry midwife must provide the client with a list of options for additional screening and assessments, including visits to a physician.

(8) The certified direct entry midwife must maintain medical records on the client through the entire course of care and transfer the medical records to a treating physician if an emergency arises."

Page 28, line 24, beginning with "The" begin a new paragraph and insert:

"(b)".

Page 28, line 27, delete "subdivision (6)" and insert **"subsection (a)(6)".**

Page 29, between lines 32 and 33, begin a new line block indented and insert:

"(14) A statement that the client understands that the client is waiving the right to sue a physician or health care provider for the acts or omissions of the certified direct entry midwife.

(15) A statement that under IC 25-23.4-6 a health care provider (as defined in IC 34-18-2-14) may not be held jointly or severally liable for the acts or omissions of a:

(A) certified direct entry midwife; or

(B) licensed physician who has entered into a collaborative agreement under IC 25-23.4-5 with a certified direct entry midwife;

for the acts or omissions of the licensed physician while the physician assists or collaborates with the certified direct entry midwife to perform midwifery."

Page 30, between lines 1 and 2, begin a new paragraph and insert:

"(c) The board shall compile the data from the reports collected under subsection (a) and submit the data to the state department of health."

Page 30, between lines 18 and 19, begin a new paragraph and insert:

"Sec. 6. After a client has given birth, the certified direct entry midwife shall:

(1) provide the client with a statement indicating that the newborn infant should be examined by a pediatrician or family practice physician for check-ups beginning within two

(2) weeks after birth; and

(2) identify with the client a pediatrician or family practice physician for the care of the infant."

Page 30, line 20, after "Sec. 1." insert **"(a) A certified direct entry**

C
O
P
Y



midwife must provide an initial screening of a client that includes an assessment of health conditions that require a referral to a physician under subsection (b).

(b)".

Page 30, between lines 24 and 25, begin a new paragraph and insert:

"(c) The board shall adopt rules under IC 4-22-2 establishing the health conditions that require a referral to a physician under subsection (b)."

Page 30, between lines 37 and 38, begin a new paragraph and insert:

"Chapter 6. Liability of Health Care Providers

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

(b) A physician who enters into a collaborative plan of treatment with a certified direct entry midwife under this article may not be held jointly or severally liable for the acts or omissions of a certified direct entry midwife.

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

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

under the supervision of a certified direct entry midwife.

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

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

Page 30, line 38, delete "Chapter 6. Certified Direct Entry Midwifery" and insert **"Chapter 7. Hospital"**.

Page 30, between lines 40 and 41, begin a new paragraph and insert: **"Sec. 2. If an infant:**

- (1) was delivered in a setting other than a hospital or a birthing center (as defined by IC 16-18-2-36.5); and**
- (2) is taken to a hospital for care during the postpartum period;**

C
O
P
Y



the hospital shall enter information into the infant's medical record indicating the specific location of the infant's birth and the name of the individual who delivered the infant."

Page 32, between lines 13 and 14, begin a new paragraph and insert:
"SECTION 26. IC 34-30-2-99.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 99.7. IC 25-23.4-6-1 (Concerning:**

- (1) a health care provider for the errors or omissions of a certified direct entry midwife; and**
- (2) a physician who enters into a collaborative plan of treatment with a certified direct entry midwife).**

SECTION 27. IC 34-30-2-99.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 99.8. IC 25-23.4-6-2 (Concerning an employee, a student, an intern, a trainee, or an apprentice of a certified direct entry midwife)."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1135 as introduced.)

CLERE, Chair

Committee Vote: yeas 11, nays 1.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1135 be amended to read as follows:

Page 25, line 25, delete "Four (4)" and insert "**Five (5)**".

Page 25, line 26, delete "four (4)" and insert "**five (5)**".

Page 31, line 6, after "of the" insert "**client's**".

Page 31, line 8, delete "IC 34-18-2-14)" and insert "**IC 34-18-2-14), other than the client's certified direct entry midwife,**".

Page 31, line 9, delete "of a:" and insert "**of:**".

Page 31, line 10, after "(A)" insert "**the client's**".

Page 31, line 11, after "(B)" insert "**the**".

Page 31, line 12, delete "a" and insert "**the client's**".

Page 31, line 15, after "the" insert "**client's**".

Page 32, line 41, delete "IC 34-18-2-14)" and insert "**IC 34-18-2-14), other than the client's certified direct entry**".

EH 1135—LS 6438/DI 14+



C
O
P
Y

midwife,".

Page 33, line 7, delete "a" and insert "**the client's**".

Page 33, line 21, delete "a" and insert "**the client's**".

Page 37, line 23, delete "2018" and insert "**2017**".

Page 37, line 27, delete "2017" and insert "**2016**".

Page 37, line 31, delete "2016" and insert "**2015**".

Page 37, between lines 31 and 32, begin a new line block indented and insert:

"(4) One (1) member appointed under IC 25-23.4-2-2(a)(1), as added by this act, and one (1) member appointed under IC 25-23.4-2-2(a)(5), as added by this act, for a term expiring August 31, 2014."

(Reference is to HB 1135 as printed February 18, 2013.)

LEHE

HOUSE MOTION

Mr. Speaker: I move that House Bill 1135 be amended to read as follows:

Page 33, delete lines 26 through 33.

(Reference is to HB 1135 as printed February 18, 2013.)

LEHE

HOUSE MOTION

Mr. Speaker: I move that House Bill 1135 be amended to read as follows:

Page 33, delete lines 34 through 38.

Page 34, line 15, delete "certified direct".

Page 34, line 16, delete "entry midwife,".

Re-number all SECTIONS consecutively.

(Reference is to HB 1135 as printed February 18, 2013.)

BROWN T

C
o
p
y



HOUSE MOTION

Mr. Speaker: I move that House Bill 1135 be amended to read as follows:

Page 25, line 39, after "pharmacology." insert "**The requirements established under this subdivision must provide for at least fifteen (15) hours of continuing education every twelve (12) months.**".

(Reference is to HB 1135 as printed February 18, 2013.)

BACON

 COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1135, 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 2, line 36, after "licensed" delete "certified" and insert "**registered**".

Page 2, line 36, delete "or a certified direct entry" and insert ";".

Page 2, delete line 37.

Page 4, line 6, delete "certified" and insert "**registered**".

Page 6, line 10, delete "a certified" and insert "**a registered**".

Page 6, line 20, delete "certified" and insert "**registered**".

Page 6, between lines 35 and 36, begin a new line block indented and insert:

"(9) Location of birth, including whether the birth occurred at a hospital, licensed health care facility, home, or other non-health care facility."

Page 6, between lines 40 and 41, begin a new paragraph and insert:
 "SECTION 6. IC 16-38-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this chapter, "birth problems" means one (1) or more of the following conditions:

- (1) A structural deformation.
- (2) A developmental malformation.
- (3) A genetic, inherited, or biochemical disease.
- (4) A condition of a chronic nature, including central nervous system hemorrhage or infection of the central nervous system, that may result in a need for long term health care.

EH 1135—LS 6438/DI 14+



COPY

- (5) A pervasive developmental disorder that is recognized in a child before the child becomes five (5) years of age.
- (6) A fetal alcohol spectrum disorder that is recognized before a child becomes five (5) years of age.
- (7) Any other severe disability that is:
 - (A) designated in a rule adopted by the state department; and
 - (B) recognized in a child after birth and before the child becomes three (3) years of age.

(8) Complications resulting from a home delivery. As used in this subdivision, "home" includes the delivery of a viable fetus at a home or other non-health care facility.

SECTION 7. IC 16-38-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) The state department shall adopt rules under IC 4-22-2 to:

- (1) define a birth problem; and
- (2) establish reporting requirements regarding birth problems for:
 - (A) hospitals;
 - (B) physicians;
 - (C) local health departments; ~~and~~
 - (D) **homes, as described in section 1(8) of this chapter; and**
 - (E) other health care providers designated by the state department.

(b) In adopting rules regarding the reporting of birth problems, the state department shall give consideration to the following factors:

- (1) The extent to which a condition can be measured or identified.
- (2) The extent to which there is a known intervention for a condition.
- (3) The significance of the burden imposed on the life of the individual by a condition.
- (4) Other factors that the state department determines appropriate."

Page 6, line 42, delete "Certified" and insert "**Registered**".

Page 7, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 9. IC 25-1-1.1-4, AS AMENDED BY P.L.28-2012, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) This section applies to an individual who is applying for, or will be applying for, an initial license or an initial certificate under one (1) of the following:

- (1) IC 25-2.5 (acupuncturists).
- (2) IC 25-10 (chiropractors).
- (3) IC 25-13 (dental hygienists).
- (4) IC 25-14 (dentists).

EH 1135—LS 6438/DI 14+



C
O
P
Y

- (5) IC 25-14.5 (dietitians).
- (6) IC 25-17.3 (genetic counselors).
- (7) IC 25-19 (health facility and residential care facility administrators).
- (8) IC 25-21.8 (massage therapists).
- (9) IC 25-22.5 (physicians).
- (10) IC 25-23 (nurses).
- (11) IC 25-23.4 (Certified direct entry midwives).**
- ~~(H)~~ **(12)** IC 25-23.5 (occupational therapists).
- ~~(+2)~~ **(13)** IC 25-23.6 (social workers, marriage and family therapists, and counselors).
- ~~(+3)~~ **(14)** IC 25-24 (optometrists).
- ~~(+4)~~ **(15)** IC 25-26 (pharmacists).
- ~~(+5)~~ **(16)** IC 25-27 (physical therapists).
- ~~(+6)~~ **(17)** IC 25-27.5 (physician assistants).
- ~~(+7)~~ **(18)** IC 25-29 (podiatrists).
- ~~(+8)~~ **(19)** IC 25-33 (psychologists).
- ~~(+9)~~ **(20)** IC 25-34.5 (respiratory care practitioners).
- ~~(+20)~~ **(21)** IC 25-35.6 (speech pathologists and audiologists).
- ~~(+21)~~ **(22)** IC 25-38.1 (veterinarians).

(b) As used in this chapter, "national criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(c) An individual applying for an initial license or initial certificate specified in subsection (a) shall submit to a national criminal history background check at the cost of the individual.

(d) The state police department shall release the results of a national criminal history background check conducted under this section to the Indiana professional licensing agency.

(e) A board, a commission, or a committee may conduct a random audit and require an individual seeking a renewal of a license or a certificate specified in subsection (a) to submit to a national criminal history background check at the cost of the individual."

Page 7, line 21, delete "P.L.84-2010," and insert "SEA 558-2013, SECTION 24,".

Page 7, line 22, delete "SECTION 6,".

Page 7, line 34, delete "Land" and insert "Professional".

Page 8, line 24, delete "P.L.197-2011," and insert "SEA 558-2013, SECTION 25,".

Page 8, line 25, delete "SECTION 73,".

Page 9, line 23, delete "land" and insert "professional".



C
O
P
Y

- Page 9, line 30, delete "board." and insert "**committee**".
- Page 10, delete lines 12 through 42.
- Page 11, delete lines 1 through 16.
- Page 12, line 5, delete "board" and insert "**committee**".
- Page 12, line 35, delete "board" and insert "**committee**".
- Page 13, line 19, delete "P.L.42-2011," and insert "SEA 558-2013, SECTION 28,".
- Page 13, line 20, delete "SECTION 51,".
- Page 14, line 28, delete "land" and insert "professional".
- Page 14, line 39, delete "board" and insert "**committee**".
- Page 14, delete line 42.
- Delete pages 15 through 18.
- Page 19, delete lines 1 through 5.
- Page 21, line 21, after "(H) a" delete "certified" and insert "**registered nurse**".
- Page 22, delete lines 20 through 29, begin a new paragraph and insert:
 "SECTION 17. IC 25-22.5-2-7, AS AMENDED BY P.L.225-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) The board shall do the following:
- (1) Adopt rules and forms necessary to implement this article that concern, but are not limited to, the following areas:
 - (A) Qualification by education, residence, citizenship, training, and character for admission to an examination for licensure or by endorsement for licensure.
 - (B) The examination for licensure.
 - (C) The license or permit.
 - (D) Fees for examination, permit, licensure, and registration.
 - (E) Reinstatement of licenses and permits.
 - (F) Payment of costs in disciplinary proceedings conducted by the board.
 - (2) Administer oaths in matters relating to the discharge of its official duties.
 - (3) Enforce this article and assign to the personnel of the agency duties as may be necessary in the discharge of the board's duty.
 - (4) Maintain, through the agency, full and complete records of all applicants for licensure or permit and of all licenses and permits issued.
 - (5) Make available, upon request, the complete schedule of minimum requirements for licensure or permit.
 - (6) Issue, at the board's discretion, a temporary permit to an applicant for the interim from the date of application until the

C
O
P
Y



next regular meeting of the board.

(7) Issue an unlimited license, a limited license, or a temporary medical permit, depending upon the qualifications of the applicant, to any applicant who successfully fulfills all of the requirements of this article.

(8) Adopt rules establishing standards for the competent practice of medicine, osteopathic medicine, or any other form of practice regulated by a limited license or permit issued under this article.

(9) Adopt rules regarding the appropriate prescribing of Schedule III or Schedule IV controlled substances for the purpose of weight reduction or to control obesity.

(10) Adopt rules establishing standards for office based procedures that require moderate sedation, deep sedation, or general anesthesia.

(11) Adopt rules as set forth in IC 25-23.4 concerning the certification of certified direct entry midwives.

(b) The board may adopt rules that establish:

(1) certification requirements for child death pathologists;

(2) an annual training program for child death pathologists under IC 16-35-7-3(b)(2); and

(3) a process to certify a qualified child death pathologist.

Page 22, delete lines 20 through 29, begin a new paragraph and insert:

SECTION 18. IC 25-22.5-8-2, AS AMENDED BY P.L.90-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A person who **knowingly or intentionally** violates this article by unlawfully practicing medicine or osteopathic medicine commits a Class C felony.

(b) A person who, **before January 1, 2014**, practices midwifery without the license required under this article commits a Class D felony.

(c) A person who **knowingly or intentionally** acts as a physician assistant without the license required under IC 25-27.5 commits a Class D felony."

Page 22, line 36, delete "certified" and insert "**registered**".

Page 23, line 7, delete "certified" and insert "**registered**".

Page 23, line 11, delete "certified" and insert "**registered**".

Page 23, line 14, strike "limited".

Page 23, line 15, delete "certified" and insert "**registered**".

Page 23, line 18, delete "certified" and insert "**registered**".

Page 23, line 21, delete "limited".

Page 23, line 24, delete ""certified" and insert ""**registered**".

C
o
p
y



Page 23, line 35, delete "midwifery board established by" and insert **"medical licensing board of Indiana."**

Page 23, delete line 36.

Page 23, line 40, delete "met" and insert **"meets"**.

Page 24, line 3, delete "certified" and insert **"registered"**.

Page 24, line 6, after "5." insert **"Committee" refers to the midwifery committee established under IC 25-23.4-2.**

Sec. 6."

Page 24, line 8, delete "6." and insert **"7."**

Page 24, line 11, delete "7." and insert **"8."**

Page 24, line 13, delete "8." and insert **"9. "Postpartum period" means the six (6) week period after a birth.**

Sec. 10."

Page 24, delete lines 26 through 27.

Page 24, line 28, delete "Board" and insert **"Committee"**.

Page 24, line 29, delete "board" and insert **"committee"**.

Page 24, line 29, delete "established." and insert **"established to provide recommendations and information to the board."**

Page 24, line 30, delete "board" and insert **"committee"**.

Page 24, line 32, delete "Four (4)" and insert **"Three (3)"**.

Page 24, line 38, delete "certified" and insert **"registered"**.

Page 24, line 41, delete "pediatrics or".

Page 24, line 42, after "(5)" insert **"One (1) member who is licensed under IC 25-22.5 and who practices in the area of pediatrics.**

(6)"

Page 25, line 4, delete "board" and insert **"committee"**.

Page 25, line 7, delete "board" and insert **"committee"**.

Page 25, line 9, after "Midwife" insert **"(CPM)"**.

Page 25, line 10, delete "board" and insert **"committee"**.

Page 25, line 11, delete "board" and insert **"committee"**.

Page 25, line 13, after "A" delete "board" and insert **"committee"**.

Page 25, line 13, after "the" delete "board" and insert **"committee"**.

Page 25, line 14, delete "board" and insert **"committee"**.

Page 25, line 17, delete "Board" and insert **"Committee"**.

Page 25, line 18, delete "board's" and insert **"committee's"**.

Page 25, line 19, delete "board" and insert **"committee"**.

Page 25, line 22, delete "board" and insert **"committee"**.

Page 25, line 24, delete "board." and insert **"committee."**

Page 25, line 25, delete "board" and insert **"committee"**.

Page 25, line 26, delete "board" and insert **"committee"**.

Page 25, line 27, delete "board" and insert **"committee"**.

C
O
P
Y



- Page 25, line 29, delete "board." and insert "**committee**".
- Page 25, line 30, after "shall" insert "**, after receiving information, proposals, or recommendations from the committee,**".
- Page 25, line 33, delete "(CPM)".
- Page 26, line 11, delete ", if the" and insert ".".
- Page 26, delete lines 12 through 17.
- Page 26, line 22, delete ". However, this subsection" and insert "**other than the authority specified in IC 25-23.4-4-5.**".
- Page 26, delete lines 23 through 24.
- Page 26, line 25, after "7." insert "**The committee may propose rules to the board for adoption.**".
- Page 26, line 27, delete "Licensing" and insert "**Certification**".
- Page 26, between lines 27 and 28, begin a new paragraph and insert: "**Sec. 0.5. This chapter is effective beginning January 1, 2014.**".
- Page 26, line 29, delete "limited".
- Page 26, line 37, delete "license" and insert "**certification**".
- Page 26, line 38, delete "." and insert "**and is supervised by a physician as set forth in this article.**".
- Page 26, line 39, delete "licensed" and insert "**certified**".
- Page 26, line 42, delete "a high school degree or its equivalent." and insert "**at least:**
- (A) **an associate's degree in nursing or other similar science related associate's degree; or**
 - (B) **a bachelor's degree;**
- from a postsecondary educational institution.**".
- Page 27, line 18, after "births," insert "**be directly supervised by a physician for twenty (20) births,**".
- Page 27, delete lines 29 through 42.
- Page 28, delete lines 1 through 6.
- Page 28, line 7, after "shall" insert "**, after receiving recommendations from the committee,**".
- Page 28, line 14, delete "license" and insert "**certificate**".
- Page 28, line 17, delete "license" and insert "**certificate**".
- Page 28, line 19, after "a" delete "license" and insert "**certificate**".
- Page 28, line 19, after "makes the" delete "license" and insert "**certificate**".
- Page 28, line 22, delete "license" and insert "**certificate**".
- Page 28, line 29, delete "license" and insert "**certificate**".
- Page 28, line 32, delete "licensed" and insert "**certified**".
- Page 28, line 34, delete "license" and insert "**certificate**".
- Page 28, line 35, after "licensed" insert "**or certified**".
- Page 28, line 36, delete "licensing" and insert "**certification**".

C
O
P
Y



Page 28, line 39, delete "limited".

Page 28, line 40, delete "certified" and insert "**registered**".

Page 28, line 42, delete "license" and insert "**certificate**".

Page 29, line 20, delete "make an effort to".

Page 29, line 22, after "client." insert "**The physician shall examine the client at least one (1) time during the client's first trimester and one (1) time during the client's third trimester.**".

Page 29, line 25, delete ":".

Page 29, delete lines 26 through 28.

Page 29, line 29, delete "(B)".

Page 29, run in lines 25 through 29.

Page 29, line 39, delete ", in cooperation with the medical licensing".

Page 29, line 40, delete "board or professional organizations of physicians,".

Page 30, between lines 1 and 2, begin a new paragraph and insert:

"(c) A certified direct entry midwife may not have a minor as a client unless the minor's parent or guardian has agreed in writing to use the certified direct entry midwife and the rest of the requirements of this article have been met."

Page 30, line 20, after "postpartum" insert "**period**".

Page 30, line 27, delete "." and insert "**and that a physician is required to examine the client at least one (1) time during the client's first trimester and one (1) time during the client's third trimester.**".

Page 30, line 28, delete "licensure" and insert "**certification**".

Page 31, line 37, after "may" insert "**not administer a drug intravenously and may, with a physician's order,**".

Page 32, line 18, after "5." insert "**Supervision of Certified Direct Entry Midwives**

Sec. 1. (a) A certified direct entry midwife must be supervised by a supervising physician licensed under IC 25-22.5. Supervision under this chapter does not require the physical presence of the supervising physician at the time when and the place where the certified direct entry midwife renders services.

(b) A supervising physician shall review all patient encounters that the certified direct entry midwife has with a patient who is the client of the certified direct entry midwife.

Sec. 2. The board shall adopt rules under IC 4-22-2 to determine the following concerning supervision by a physician:

(1) The number of certified direct entry midwives that a physician may supervise.



C
O
P
Y

(2) The time frame that is sufficient for a supervising physician to perform the review required under this section.

Sec. 3. A physician supervising a certified direct entry midwife under this chapter shall do the following:

(1) Register with the board the physician's intent to supervise a certified direct entry midwife. The registration must include the following:

(A) The name, the business address, and the telephone number of the supervising physician.

(B) The name, the business address, and the telephone number of the certified direct entry midwife.

(C) Any other information required by the board.

(2) Submit a statement to the board that the physician will exercise supervision over the certified direct entry midwife in accordance with the rules adopted by the board.

(3) Maintain a written agreement with the certified direct entry midwife that:

(A) states that the physician will exercise supervision over the certified direct entry midwife in accordance with the rules adopted by the board; and

(B) defines the relationship of the supervising physician with the certified direct entry midwife and describes the certified direct entry midwife's and client's access to the supervising physician.

The agreement must be signed by the physician and the certified direct entry midwife, updated annually, and made available to the board upon request.

Sec. 4. The supervising physician may not have a disciplinary action restriction that limits the physician's ability to supervise a certified direct entry midwife.

Sec. 5. A certified direct entry midwife shall notify the board of any changes or additions to supervising physicians not more than thirty (30) days after the change or addition.

Chapter 6."

Page 32, line 22, delete "(b)." and insert "(c)."

Page 32, line 23, after "(b)" insert "A certified direct entry midwife shall refer a client to a physician in the client's first and third trimester of pregnancy.

(c)".

Page 32, line 28, delete "(c)" and insert "(d)".

Page 32, line 30, delete "(b)." and insert "(c)."

Page 33, line 2, delete "6." and insert "7.".

C
O
P
Y



Page 33, line 14, delete "licensure" and insert "**certification**".

Page 33, line 16, delete "licensure" and insert "**certification**".

Page 33, line 28, delete "7." and insert "**8.**".

Page 33, delete lines 34 through 38.

Page 34, line 7, delete "certified nurse," and insert "**registered nurse**".

Page 34, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 24. IC 34-18-2-24.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2013]: **Sec. 24.7. "Registered nurse midwife means a registered nurse who holds a license to practice midwifery under IC 25-23-1-13.1."**

Page 35, line 1, delete "IC 25-23.4-6-1" and insert "**IC 25-23.4-7-1**".

Page 35, line 8, delete "IC 25-23.4-6-2" and insert "**IC 25-23.4-7-2**".

Page 35, line 11, delete "AS ADDED BY P.L.70-2011," and insert "AS AMENDED BY SEA 85-2013, SECTION 147,".

Page 35, line 12, delete "SECTION 1,".

Page 35, line 33, delete "land" and insert "professional".

Page 35, line 34, delete "land" and insert "professional".

Page 35, line 39, after "concerning" insert "**certified direct entry**".

Page 36, line 2, delete "IC 25-23.6-4.7-7" and insert "IC 25-23.6-7-7".

Page 37, line 6, delete ""board" refers to the midwifery board" and insert "**committee" refers to the midwifery committee**".

Page 37, line 9, delete "board" and insert "**committee**".

Page 37, line 24, delete "IC 25-23.4-2-2(a)(1)," and insert "**IC 25-23.4-2-2(a)(5)**".

Page 37, line 26, delete "IC 25-23.4-2-2(a)(5)," and insert "**IC 25-23.4-2-2(a)(6)**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1135 as reprinted February 21, 2013.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 11, Nays 1.

C
O
P
Y



SENATE MOTION

Madam President: I move that Engrossed House Bill 1135 be amended to read as follows:

- Page 2, line 36, delete "registered" and insert "**certified**".
- Page 4, line 5, delete "registered" and insert "**certified**".
- Page 6, line 10, delete "registered" and insert "**certified**".
- Page 6, line 19, delete "registered" and insert "**certified**".
- Page 7, line 30, delete "homes," and insert "**home deliveries,**".
- Page 7, line 42, delete "Registered" and insert "**Certified**".
- Page 18, line 11, delete "registered" and insert "**certified**".
- Page 20, line 32, delete "registered" and insert "**certified**".
- Page 21, line 3, delete "registered" and insert "**certified**".
- Page 21, line 7, delete "registered" and insert "**certified**".
- Page 21, line 11, delete "registered" and insert "**certified**".
- Page 21, line 14, delete "registered" and insert "**certified**".
- Page 21, line 17, delete "registered" and insert "**certified**".
- Page 21, line 20, delete ""registered" and insert ""**certified**".
- Page 21, line 40, delete "registered" and insert "**certified**".

Page 22, line 1, after "5." insert ""**Certified direct entry midwife**" means an individual who is a certified direct entry midwife and certified under this article.

Sec. 6."

- Page 22, line 3, delete "6." and insert "7."
- Page 22, delete lines 5 through 7.
- Page 22, line 30, delete "licensed".
- Page 22, line 36, delete "registered" and insert "**certified**".
- Page 23, line 6, delete "licensed" and insert "**certified**".
- Page 23, line 34, delete "licensure" and insert "**certification**".
- Page 23, line 38, delete "licensure" and insert "**certification**".
- Page 23, line 41, delete "license" and insert "**certification**".
- Page 26, line 24, delete "registered" and insert "**certified**".
- Page 28, line 24, delete "IC 25-23.4-5-1)," and insert "**IC 25-23.4-6),"**
- Page 28, line 31, delete "licensure" and insert "**certification**".
- Page 32, between lines 26 and 27, begin a new paragraph and insert:
"SECTION 22. IC 34-18-2-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6.5. "Certified nurse midwife" means a registered nurse who holds a license to practice midwifery under IC 25-23-1-13.1."**
- Page 32, line 37, delete "registered" and insert "**certified**".

EH 1135—LS 6438/DI 14+



C
O
P
Y

Page 33, delete lines 29 through 33.
Page 36, line 28, delete "licensed" and insert "**certified**".
Renumber all SECTIONS consecutively.

(Reference is to EHB 1135 as printed April 5, 2013.)

MILLER PATRICIA

SENATE MOTION

Madam President: I move that Engrossed House Bill 1135 be amended to read as follows:

Page 25, between lines 31 and 32, begin a new paragraph and insert:

"(d) The board may exempt an applicant from the education requirements in subsection (c)(2) if the applicant provides proof to the board that the applicant is enrolled in a program that will satisfy the requirements of subsection (c)(2). An exemption under this subsection applies for an individual for not more than two (2) years. This subsection expires June 30, 2016."

(Reference is to EHB 1135 as printed April 5, 2013.)

MILLER PATRICIA

SENATE MOTION

Madam President: I move that Engrossed House Bill 1135 be amended to read as follows:

Page 28, delete lines 38 through 42.
Page 29, delete lines 1 through 6.
Page 31, delete lines 37 through 42.
Page 32, delete lines 1 through 20.
Page 32, line 21, delete "8." and insert "7".
Page 33, delete lines 34 through 42.
Page 34, delete lines 1 through 3.
Renumber all SECTIONS consecutively.

(Reference is to EHB 1135 as printed April 5, 2013.)

MILLER PATRICIA

C
O
P
Y

