April 9, 2013

ENGROSSED
SENATE BILL No. 273

DIGEST OF SB 273 (Updated April 8, 2013 2:11 pm - DI 77)

Citations Affected: IC 16-18; IC 25-1; IC 25-3.7; IC 25-14.5; IC 25-22.1; IC 25-22.5; IC 25-23; IC 34-18; IC 35-51; noncode.

Synopsis: Professions and occupations. Amends the definition of "ambulatory outpatient surgical center" to require that a certified registered nurse anesthetist (CRNA) administer the anesthetic under the direction of and in the immediate presence of a physician Requires anesthesiologist assistants to be licensed and to work under a supervising anesthesiologist. Establishes the anesthesiologist assistant committee to make recommendations to the medical licensing board concerning the licensure of anesthesiologist assistants. Makes it a Class B misdemeanor for an individual who professes to be an anesthesiologist assistant or uses the title "anesthesiologist assistant" without being licensed. Requires that, with certain exceptions, an individual who: (1) professes to be a licensed dietitian; or (2) implies by words or letters that the individual is a licensed dietitian; must be licensed. Removes and amends certain provisions providing for certification of dietitians. Changes the name of the Indiana dietitians certification board to the Indiana dietitians licensing board. Specifies that an individual who is a certified dietitian on June 30, 2013,

(Continued next page)

Effective: Upon passage; July 1, 2013.

Miller Patricia, Bray
(HOUSE SPONSORS — CLERE, BACON)

January 8, 2013, read first time and referred to Committee on Health and Provider Services.
February 21, 2013, amended, reported favorably — Do Pass.
February 25, 2013, read second time, ordered engrossed. Engrossed.
February 26, 2013, read third time, passed. Yeas 47, nays 3.

HOUSE ACTION

March 4, 2013, read first time and referred to Committee on Public Health.
April 9, 2013, amended, reported — Do Pass.

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Digest Continued

becomes a licensed dietitian beginning July 1, 2013. Provides that an individual may not profess to be a certified music therapist or use the term "music therapy" to describe the therapy provided unless the individual holds and maintains the credentialing administered by the Certification Board for Music Therapists (CBMT). Provides that the law concerning certification of music therapists does not apply to the practice of an occupation or a profession for which an individual is licensed, certified, or registered in Indiana by a state agency if the individual is practicing within the scope of the license, certificate, or registration of the individual. Requires the Indiana professional licensing agency (agency) to maintain a hyperlink to the Internet web site for the CBMT on the Internet web site of the agency. Allows a CRNA to administer anesthesia under the direction of and in the immediate presence of a podiatrist if specified conditions are met. (Current law allows a CRNA to administer anesthesia under the direction of and in the immediate presence of a physician.) Requires the health finance commission to study certain issues concerning CRNAs. Makes conforming changes.

C o p y

April 9, 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.

C o p y

ENGROSSED
SENATE BILL No. 273

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:

SECTION 1. IC 16-18-2-14, AS AMENDED BY P.L.96-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) "Ambulatory outpatient surgical center", for purposes of IC 16-21 and IC 16-38-2, means a public or private institution that meets the following conditions:

(1) Is established, equipped, and operated primarily for the purpose of performing surgical procedures and services.

(2) Is operated under the supervision of at least one (1) licensed physician or under the supervision of the governing board of the hospital if the center is affiliated with a hospital.

(3) Permits a surgical procedure to be performed only by a physician, dentist, or podiatrist who meets the following conditions:

(A) Is qualified by education and training to perform the surgical procedure.

(B) Is legally authorized to perform the procedure.

(C) Is privileged to perform surgical procedures in at least one

(1) hospital within the county or an Indiana county adjacent to the county in which the ambulatory outpatient surgical center is located.

(D) Is admitted to the open staff of the ambulatory outpatient surgical center.

(4) Requires that:

(A) a licensed physician with specialized training or experience in the administration of an anesthetic supervise the administration of the anesthetic to a patient; **or**

(B) a certified registered nurse anesthetist administer the anesthetic under the direction of and in the immediate presence of a physician;

and remain present in the facility during the surgical procedure, except when only a local infiltration anesthetic is administered.

(5) Provides at least one (1) operating room and, if anesthetics other than local infiltration anesthetics are administered, at least one (1) postanesthesia recovery room.

(6) Is equipped to perform diagnostic x-ray and laboratory examinations required in connection with any surgery performed.

(7) Does not provide accommodations for patient stays of longer than twenty-four (24) hours.

(8) Provides full-time services of registered and licensed nurses for the professional care of the patients in the postanesthesia recovery room.

(9) Has available the necessary equipment and trained personnel to handle foreseeable emergencies such as a defibrillator for cardiac arrest, a tracheotomy set for airway obstructions, and a blood bank or other blood supply.

(10) Maintains a written agreement with at least one (1) hospital for immediate acceptance of patients who develop complications or require postoperative confinement.

(11) Provides for the periodic review of the center and the center's operations by a committee of at least three (3) licensed physicians having no financial connections with the center.

(12) Maintains adequate medical records for each patient.

(13) Meets all additional minimum requirements as established by the state department for building and equipment requirements.

(14) Meets the rules and other requirements established by the state department for the health, safety, and welfare of the patients.

(b) The term does not include a birthing center.

SECTION 2. IC 25-1-1.1-4, AS AMENDED BY P.L.28-2012, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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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 25-3.7 (anesthesiologist assistants).

~~(2)~~ **(3)** IC 25-10 (chiropractors).

~~(3)~~ **(4)** IC 25-13 (dental hygienists).

~~(4)~~ **(5)** IC 25-14 (dentists).

~~(5)~~ **(6)** IC 25-14.5 (dietitians).

~~(6)~~ **(7)** IC 25-17.3 (genetic counselors).

~~(7)~~ **(8)** IC 25-19 (health facility and residential care facility administrators).

~~(8)~~ **(9)** IC 25-21.8 (massage therapists).

~~(9)~~ **(10)** IC 25-22.5 (physicians).

~~(10)~~ **(11)** IC 25-23 (nurses).

~~(11)~~ **(12)** IC 25-23.5 (occupational therapists).

~~(12)~~ **(13)** IC 25-23.6 (social workers, marriage and family therapists, and counselors).

~~(13)~~ **(14)** IC 25-24 (optometrists).

~~(14)~~ **(15)** IC 25-26 (pharmacists).

~~(15)~~ **(16)** IC 25-27 (physical therapists).

~~(16)~~ **(17)** IC 25-27.5 (physician assistants).

~~(17)~~ **(18)** IC 25-29 (podiatrists).

~~(18)~~ **(19)** IC 25-33 (psychologists).

~~(19)~~ **(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.

SECTION 3. IC 25-1-2-2.1, AS AMENDED BY P.L.84-2010,

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SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

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

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(32) Genetic counselors.

(33) Anesthesiologist assistants.

SECTION 4. IC 25-1-2-6, AS AMENDED BY P.L.197-2011, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

(1) Indiana board of accountancy.
(2) Indiana grain buyers and warehouse licensing agency.
(3) Indiana auctioneer commission.
(4) Board of registration for architects and landscape architects.
(5) State board of cosmetology and barber examiners.
(6) Medical licensing board of Indiana.
(7) Secretary of state.
(8) State board of dentistry.
(9) State board of funeral and cemetery service.
(10) Worker's compensation board of Indiana.
(11) Indiana state board of health facility administrators.
(12) Committee of hearing aid dealer examiners.
(13) Indiana state board of nursing.
(14) Indiana optometry board.
(15) Indiana board of pharmacy.
(16) Indiana plumbing commission.
(17) Board of podiatric medicine.
(18) Private investigator and security guard licensing board.
(19) State board of registration for professional engineers.
(20) State psychology board.
(21) Indiana real estate commission.
(22) Speech-language pathology and audiology board.
(23) Department of natural resources.
(24) Board of chiropractic examiners.
(25) Mining board.
(26) Indiana board of veterinary medical examiners.
(27) State department of health.
(28) Indiana physical therapy committee.
(29) Respiratory care committee.
(30) Occupational therapy committee.
(31) Behavioral health and human services licensing board.

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(32) Real estate appraiser licensure and certification board.
(33) State board of registration for land surveyors.
(34) Physician assistant committee.
(35) Indiana dietitians ~~certification~~ **licensing** board.
(36) Attorney general (only for the regulation of athlete agents).
(37) Manufactured home installer licensing board.
(38) Home inspectors licensing board.
(39) State board of massage therapy.
(40) Anesthesiologist assistant committee.
~~(40)~~ **(41)** Any other occupational or professional agency created after June 30, 1981.

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

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

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

SECTION 5. IC 25-1-4-0.3, AS AMENDED BY SEA 558-2013, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 0.3. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Anesthesiologist assistant committee (IC 25-3.7).
~~(2)~~ **(3)** Board of registration for architects and landscape architects (IC 25-4-1-2).
~~(3)~~ **(4)** Indiana athletic trainers board (IC 25-5.1-2-1).
~~(4)~~ **(5)** Indiana auctioneer commission (IC 25-6.1-2-1).

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

SECTION 6. IC 25-1-5-3, AS AMENDED BY P.L.84-2010,

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SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) There is established the Indiana professional licensing agency. The agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

(1) Anesthesiologist assistant committee (IC 25-3.7).

~~(1)~~ **(2)** Board of chiropractic examiners (IC 25-10-1).

~~(2)~~ **(3)** State board of dentistry (IC 25-14-1).

~~(3)~~ **(4)** Indiana state board of health facility administrators (IC 25-19-1).

~~(4)~~ **(5)** Medical licensing board of Indiana (IC 25-22.5-2).

~~(5)~~ **(6)** Indiana state board of nursing (IC 25-23-1).

~~(6)~~ **(7)** Indiana optometry board (IC 25-24).

~~(7)~~ **(8)** Indiana board of pharmacy (IC 25-26).

~~(8)~~ **(9)** Board of podiatric medicine (IC 25-29-2-1).

~~(9)~~ **(10)** Speech-language pathology and audiology board (IC 25-35.6-2).

~~(10)~~ **(11)** State psychology board (IC 25-33).

~~(11)~~ **(12)** Indiana board of veterinary medical examiners (IC 25-38.1-2).

~~(12)~~ **(13)** Committee of hearing aid dealer examiners (IC 25-20).

~~(13)~~ **(14)** Indiana physical therapy committee (IC 25-27).

~~(14)~~ **(15)** Respiratory care committee (IC 25-34.5).

~~(15)~~ **(16)** Occupational therapy committee (IC 25-23.5).

~~(16)~~ **(17)** Behavioral health and human services licensing board (IC 25-23.6).

~~(17)~~ **(18)** Physician assistant committee (IC 25-27.5).

~~(18)~~ **(19)** Indiana athletic trainers board (IC 25-5.1-2-1).

~~(19)~~ **(20)** Indiana dietitians ~~certification~~ **licensing** board (IC 25-14.5-2-1).

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

SECTION 7. IC 25-1-5-10, AS AMENDED BY P.L.84-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the following:

(1) Anesthesiologist assistant committee (IC 25-3.7).

~~(1)~~ **(2)** Board of chiropractic examiners (IC 25-10-1).

~~(2)~~ **(3)** State board of dentistry (IC 25-14-1).

~~(3)~~ **(4)** Indiana state board of health facility administrators

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

(b) The agency shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:

(1) The provider's name.

(2) The provider's license, certification, registration, or permit number.

(3) The provider's license, certification, registration, or permit type.

(4) The date the provider's license, certification, registration, or permit was issued.

(5) The date the provider's license, certification, registration, or permit expires.

(6) The current status of the provider's license, certification, registration, or permit.

(7) The provider's city and state of record.

(8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or committee described in subsection (a).

(d) The agency shall make provider profiles available to the public.

(e) The computer gateway administered by the office of technology established by IC 4-13.1-2-1 shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally

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available to the public on the Internet.

(f) The agency may adopt rules under IC 4-22-2 to implement this section.

SECTION 8. IC 25-1-8-1, AS AMENDED BY SEA 558-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2-1).
(4) Board of chiropractic examiners (IC 25-10-1).
(5) State board of cosmetology and barber examiners (IC 25-8-3-1).
(6) State board of dentistry (IC 25-14-1).
(7) State board of funeral and cemetery service (IC 25-15).
(8) State board of registration for professional engineers (IC 25-31-1-3).
(9) Indiana state board of health facility administrators (IC 25-19-1).
(10) Medical licensing board of Indiana (IC 25-22.5-2).
(11) Mining board (IC 22-10-1.5-2).
(12) Indiana state board of nursing (IC 25-23-1).
(13) Indiana optometry board (IC 25-24).
(14) Indiana board of pharmacy (IC 25-26).
(15) Indiana plumbing commission (IC 25-28.5-1-3).
(16) State psychology board (IC 25-33).
(17) Speech-language pathology and audiology board (IC 25-35.6-2).
(18) Indiana real estate commission (IC 25-34.1-2-1).
(19) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
(20) Department of insurance (IC 27-1).
(21) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
(22) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
(23) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(24) Occupational therapy committee (IC 25-23.5-2-1).
(25) Behavioral health and human services licensing board (IC 25-23.6-2-1).

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(26) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(27) State board of registration for professional surveyors (IC 25-21.5-2-1).
(28) Physician assistant committee (IC 25-27.5).
(29) Indiana athletic trainers board (IC 25-5.1-2-1).
(30) Board of podiatric medicine (IC 25-29-2-1).
(31) Indiana dietitians ~~certification~~ **licensing** board (IC 25-14.5-2-1).
(32) Indiana physical therapy committee (IC 25-27).
(33) Manufactured home installer licensing board (IC 25-23.7).
(34) Home inspectors licensing board (IC 25-20.2-3-1).
(35) State board of massage therapy (IC 25-21.8-2-1).
(36) Anesthesiologist assistant committee (IC 25-3.7).
~~(36)~~ **(37)** Any other occupational or professional agency created after June 30, 1981.

SECTION 9. IC 25-1-8-6, AS AMENDED BY P.L.84-2010, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) As used in this section, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana athletic trainers board (IC 25-5.1-2-1).
(4) Indiana auctioneer commission (IC 25-6.1-2-1).
(5) Board of chiropractic examiners (IC 25-10-1).
(6) State board of cosmetology and barber examiners (IC 25-8-3-1).
(7) State board of dentistry (IC 25-14-1).
(8) Indiana dietitians ~~certification~~ **licensing** board (IC 25-14.5-2-1).
(9) State board of registration for professional engineers (IC 25-31-1-3).
(10) State board of funeral and cemetery service (IC 25-15-9).
(11) Indiana state board of health facility administrators (IC 25-19-1).
(12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
(13) Home inspectors licensing board (IC 25-20.2-3-1).
(14) State board of registration for land surveyors (IC 25-21.5-2-1).
(15) Manufactured home installer licensing board (IC 25-23.7).
(16) Medical licensing board of Indiana (IC 25-22.5-2).

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(17) Indiana state board of nursing (IC 25-23-1).
(18) Occupational therapy committee (IC 25-23.5).
(19) Indiana optometry board (IC 25-24).
(20) Indiana board of pharmacy (IC 25-26).
(21) Indiana physical therapy committee (IC 25-27).
(22) Physician assistant committee (IC 25-27.5).
(23) Indiana plumbing commission (IC 25-28.5-1-3).
(24) Board of podiatric medicine (IC 25-29-2-1).
(25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(26) State psychology board (IC 25-33).
(27) Indiana real estate commission (IC 25-34.1-2).
(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(29) Respiratory care committee (IC 25-34.5).
(30) Behavioral health and human services licensing board (IC 25-23.6).
(31) Speech-language pathology and audiology board (IC 25-35.6-2).
(32) Indiana board of veterinary medical examiners (IC 25-38.1).
(33) State board of massage therapy (IC 25-21.8-2-1).
(34) Anesthesiologist assistant committee (IC 25-3.7).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.
(2) Payment of the current renewal fee established by the board under section 2 of this chapter.
(3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under

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IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee equal to the current initial application fee.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 10. IC 25-1-9-1, AS AMENDED BY P.L.84-2010, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Board of chiropractic examiners (IC 25-10-1).

(2) State board of dentistry (IC 25-14-1).

(3) Indiana state board of health facility administrators (IC 25-19-1).

(4) Medical licensing board of Indiana (IC 25-22.5-2).

(5) Indiana state board of nursing (IC 25-23-1).

(6) Indiana optometry board (IC 25-24).

(7) Indiana board of pharmacy (IC 25-26).

(8) Board of podiatric medicine (IC 25-29-2-1).

(9) Speech-language pathology and audiology board (IC 25-35.6-2).

(10) State psychology board (IC 25-33).

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(11) Indiana board of veterinary medical examiners (IC 25-38.1-2).
(12) Indiana physical therapy committee (IC 25-27-1).
(13) Respiratory care committee (IC 25-34.5).
(14) Occupational therapy committee (IC 25-23.5).
(15) Behavioral health and human services licensing board (IC 25-23.6).
(16) Physician assistant committee (IC 25-27.5).
(17) Indiana athletic trainers board (IC 25-5.1-2-1).
(18) Indiana dietitians ~~certification~~ **licensing** board (IC 25-14.5-2-1).
(19) Anesthesiologist assistant committee (IC 25-3.7).

SECTION 11. IC 25-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

ARTICLE 3.7. ANESTHESIOLOGIST ASSISTANTS

Chapter 1. Application

Sec. 1. This article does not apply to the following:
(1) An anesthesiologist assistant trainee.
(2) An anesthesiologist assistant employed in the service of the federal government while performing duties incident to that employment.
(3) A certified registered nurse anesthetist.

Sec. 2. This article grants a supervising or designated anesthesiologist the authority to delegate, as the anesthesiologist determines is appropriate, those medical services the anesthesiologist typically performs and is qualified to perform.

Sec. 3. This article does not grant authority to an anesthesiologist assistant to practice independently of an anesthesiologist's supervision.

Chapter 2. Definitions

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

Sec. 2. "Administer a drug" means the direct application of a drug, whether by injection, inhalation, ingestion, or any other means, to the body of a patient.

Sec. 3. "Anesthesiologist" means an individual who:
(1) has completed a residency in anesthesiology approved by the American Board of Anesthesiology or the American Osteopathic Board of Anesthesiology; and
(2) holds an unlimited license under IC 25-22.5 to practice medicine or osteopathic medicine.

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Sec. 4. "Anesthesiologist assistant" means an individual who:

(1) meets the qualifications under this article; and

(2) is licensed under this article.

Sec. 5. "Approved program" means a program for the education and training of anesthesiologist assistants that is accredited by the Commission on Accreditation of Allied Health Education Programs or its successor organization.

Sec. 6. "Board" refers to the medical licensing board of Indiana.

Sec. 7. "Committee" refers to the anesthesiologist assistant committee established by IC 25-3.7-3-1.

Sec. 8. "Designated anesthesiologist" means an anesthesiologist to whom responsibility for the supervision of an anesthesiologist assistant is temporarily designated when the supervising anesthesiologist is unavailable.

Sec. 9. "NCCAA" refers to the National Commission on Certification of Anesthesiologist Assistants.

Sec. 10. "Prescribe" means to direct, order, or designate the use of or manner of using a drug, medicine, or treatment by spoken or written words or other means.

Sec. 11. "Supervision" means:

(1) overseeing the activities of, and accepting responsibility for, the medical services rendered by the anesthesiologist assistant; and

(2) maintaining physical proximity that allows the anesthesiologist to return to reestablish direct contact with the patient to meet medical needs and address any urgent or emergent clinical problems at all times that medical services are rendered by the anesthesiologist assistant.

Sec. 12. "Trainee" means an individual who is currently enrolled in either an approved program or an educational program that has applied for accreditation by the Commission on Accreditation of Allied Health Education Programs or its successor organization.

Chapter 3. Anesthesiologist Assistant Committee

Sec. 1. The anesthesiologist assistant committee is established.

Sec. 2. (a) The committee consists of five (5) members appointed by the governor for a term of three (3) years.

(b) Subject to section 2.5 of this chapter, the committee must include the following:

(1) Two (2) anesthesiologist assistants licensed under this article.

(2) Two (2) anesthesiologists.

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(3) One (1) individual who:

(A) is a resident of Indiana; and

(B) is not associated with anesthesiologists or anesthesiologist assistants in any way other than as a consumer.

Sec. 2.5. (a) Notwithstanding section 2 of this chapter, when making the initial appointments to the committee under section 2 of this chapter, the governor shall do the following:

(1) Appoint one (1) anesthesiologist and one (1) individual who is certified by the NCCAA to serve for terms of three (3) years.

(2) Appoint one (1) anesthesiologist and one (1) faculty member from an approved program to serve for terms of two (2) years.

(3) Appoint the member described in section 2(b)(3) of this chapter to serve for a term of one (1) year.

(b) This section expires July 1, 2016.

Sec. 3. An anesthesiologist assistant appointed to the committee must continue to practice as an anesthesiologist assistant while serving as a member of the committee.

Sec. 4. A member of the committee may be removed by the governor for cause.

Sec. 5. (a) The committee shall have regular meetings, called at the request of:

(1) the chairperson; or

(2) a majority of the members appointed by the committee, and upon the advice and consent of the executive director of the Indiana professional licensing agency;

for the transaction of business that comes before the committee under this article. At the first committee meeting of each calendar year, the committee shall elect a chairperson and any other officer considered necessary by the committee by an affirmative vote of a majority of the members appointed to the committee.

(b) Three (3) members of the committee constitute a quorum. An affirmative vote of a majority of the members appointed to the committee is required for the committee to take action on any business.

(c) The committee shall do the following:

(1) Consider the qualifications of individuals who apply for an initial license under this article.

(2) Approve or reject license applications.

(3) Approve or reject license renewal applications.

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(4) Propose rules to the board concerning the competent practice of anesthesiologist assistants and the administration of this article.

(5) Recommend to the board the amounts of fees required under this article.

Sec. 6. (a) After considering the committee's proposed rules, the board shall adopt rules under IC 4-22-2 establishing standards for the following:

(1) The competent practice of anesthesiologist assistants.

(2) The renewal of licenses issued under this article.

(3) Standards for the administration of this article.

(b) The rules adopted under subsection (a) may require the supervising or designated anesthesiologist to be physically present in the immediate area during the placement of needles or catheters for the initiation of spinal, epidural, or regional anesthesia and the placement of arterial and deep vein catheters or monitors for invasive monitoring or vascular access.

(c) After considering the committee's recommendations for fees, the board shall establish fees under IC 25-1-8-2.

Sec. 7. Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Chapter 4. Licensure

Sec. 1. An individual must be licensed by the committee before the individual may practice as an anesthesiologist assistant. The committee may issue a license as an anesthesiologist assistant to an applicant who does the following:

(1) Submits an application on a form approved by the committee.

(2) Pays the fee established by the board upon the recommendation of the committee.

(3) Is certified by the NCCAA or its successor organization.

(4) Submits to the committee any other information the committee considers necessary to evaluate the applicant's qualifications.

Sec. 2. The committee may refuse to issue a license or may issue a probationary license to an individual if the individual has been:

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(1) disciplined by an administrative agency in Indiana or another jurisdiction; or

(2) convicted of a felony.

Sec. 3. (a) If the committee issues a probationary license under section 2 of this chapter, the committee may require the individual who holds the license to meet at least one (1) of the following conditions:

(1) Report regularly to the committee upon a matter that is the basis for the probation.

(2) Limit practice to areas prescribed by the committee.

(3) Continue or renew professional education.

(4) Pay restitution or engage in community service without compensation for a number of hours specified by the committee.

(5) Submit to care, counseling, or treatment by a physician approved by the committee for a matter that is the basis for the probation, at the expense of the individual who holds the probationary license.

(b) The committee shall remove a limitation placed on a probationary license if the committee finds that the deficiency that caused the limitation has been remedied.

Sec. 4. (a) The committee may grant a temporary license to any applicant who has met all the requirements for licensure under section 1 of this chapter except the certifying examination requirement under section 1(4) of this chapter and who has:

(1) applied to take the next available examination; or

(2) taken the examination and is waiting for the results.

(b) If an applicant either fails to take the next available examination or fails to achieve a satisfactory score on the examination, the applicant's temporary license is revoked without further action by the committee.

(c) A temporary license may be issued only for an applicant's first application.

Sec. 5. (a) A license issued by the committee expires on a date established by the Indiana professional licensing agency under IC 25-1-5-4 in the next even-numbered year following the year in which the license was issued.

(b) An anesthesiologist assistant may renew a license by:

(1) paying a renewal fee on or before the expiration date of the license; and

(2) submitting proof of meeting the criteria for recertification or continued certification by the NCCAA or its successor

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organization, including any continuing education requirements.

(c) If an anesthesiologist assistant fails to pay a renewal fee on or before the expiration date of a license, the license becomes invalid without further action by the committee.

Sec. 6. (a) The committee shall reinstate an invalid license up to three (3) years after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a license expired, the individual holding the license may renew the license by satisfying the requirements for renewal established by the board and meeting the requirements under IC 25-1-8-6.

Sec. 7. When an individual who is licensed under this chapter retires from practice, the individual shall notify the committee in writing, and the individual is no longer required to pay renewal fees.

Sec. 8. (a) If an anesthesiologist assistant surrenders a license to the committee, the committee may reinstate the license upon written request by the individual.

(b) If the committee reinstates a license, the committee may impose conditions on the license appropriate to the reinstatement.

(c) An anesthesiologist assistant may not surrender a license without written approval by the committee if a disciplinary proceeding under this article is pending against the individual.

Sec. 9. (a) An anesthesiologist assistant who notifies the committee in writing may elect to place the anesthesiologist assistant's license on inactive status.

(b) The renewal fee for an inactive license is one-half (1/2) of the renewal fee to maintain an active license.

(c) If an individual with an inactive license elects to activate the license, the individual shall pay the renewal fee less any of the amount paid for the inactive license.

(d) An individual who practices as an anesthesiologist assistant while:

(1) the individual's license has lapsed; or

(2) the individual is on inactive status under this section;

is considered to be practicing without a license and is subject to discipline under IC 25-1-9.

Sec. 10. The board shall do the following:

(1) Subject to IC 25-1-17, develop reciprocal licensing standards for individuals who have received medical training

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by a branch of the United States armed forces.

(2) Subject to IC 25-1-8-2, establish the amounts of fees required under this article.

(3) Adopt rules under IC 4-22-2 necessary to implement this article.

Chapter 5. Scope of Practice

Sec. 1. (a) This chapter does not allow the independent practice by an anesthesiologist assistant.

(b) This chapter does not exempt an anesthesiologist assistant from the requirements of IC 16-41-35-29.

Sec. 2. (a) An anesthesiologist assistant may practice only:

(1) under the supervision of an anesthesiologist; and

(2) as described in a written practice protocol adopted under subsection (d).

(b) An anesthesiologist assistant may assist the supervising anesthesiologist or designated anesthesiologist in developing and implementing an anesthesia care plan for the patient. In providing medical services under the supervision of an anesthesiologist, an anesthesiologist assistant has authority to do any of the following:

(1) Obtain a comprehensive patient history and perform relevant elements of a physical exam.

(2) Pretest and calibrate anesthesia delivery systems and obtain and interpret information from the systems and monitors.

(3) Implement medically accepted monitoring techniques.

(4) Establish basic and advanced airway interventions, including intubation of the trachea and performance of ventilatory support.

(5) Administer intermittent vasoactive drugs and start and adjust vasoactive infusions.

(6) Administer:

(A) anesthetic drugs;

(B) adjuvant drugs; and

(C) accessory drugs.

(7) Implement:

(A) spinal;

(B) epidural; and

(C) regional;

anesthetic procedures.

(8) Administer:

(A) blood;

(B) blood products; and

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(C) supportive fluids.

(9) Place deep vein catheters and arterial catheters.

(10) Provide assistance to a cardiopulmonary resuscitation team in response to a life threatening situation.

(11) Participate in administrative, research, and clinical teaching activities as authorized by the supervising anesthesiologist or designated anesthesiologist.

(12) Perform other medical services not prohibited by law under the supervision of an anesthesiologist that an anesthesiologist assistant has been trained and is proficient to perform.

(c) The supervising or designated anesthesiologist shall personally participate in the induction of general anesthesia except in emergency cases when the supervising or designated anesthesiologist is needed to address another emergency of short duration.

(d) Each anesthesiologist who agrees to act as the supervising anesthesiologist of an anesthesiologist assistant shall adopt a written practice protocol that:

(1) is consistent with this article;

(2) delineates:

(A) the medical services that the anesthesiologist assistant is authorized to provide; and

(B) the manner in which the anesthesiologist will supervise the anesthesiologist assistant;

(3) is based on relevant quality assurance standards, including regular review by the supervising anesthesiologist of the medical records of the patients cared for by the anesthesiologist assistant;

(4) is signed by the anesthesiologist and anesthesiologist assistant;

(5) is updated annually; and

(6) is made available to the board upon request.

(e) The supervising anesthesiologist shall oversee the anesthesiologist assistant in accordance with:

(1) the terms of the protocol; and

(2) any rules adopted by the board for the supervision of an anesthesiologist assistant.

The board may randomly audit or inspect any written practice protocol under which an anesthesiologist assistant works.

(f) An anesthesiologist or an anesthesiologist assistant who violates the written practice protocol described in this section may

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be disciplined under IC 25-1-9.

(g) This chapter may not be construed as requiring an anesthesiologist assistant to obtain prescriptive authority to administer anesthesia.

(h) An anesthesiologist assistant may not perform interventional pain management, as defined by the board.

Sec. 3. A patient must:

(1) be notified that an anesthesiologist assistant is going to provide care to the patient before any care may be provided by the anesthesiologist assistant; and

(2) consent to receive the care from the anesthesiologist assistant.

Sec. 4. (a) An anesthesiologist may not supervise a greater number of anesthesiologist assistants than permitted under the reimbursement rules promulgated by the federal Centers for Medicare and Medicaid Services, or its successor organization.

(b) Subsection (a) does not restrict the number of other qualified anesthesia providers that an anesthesiologist may supervise.

Chapter 6. Unauthorized Practice; Penalty; Sanctions

Sec. 1. An individual may not:

(1) profess to be an anesthesiologist assistant;

(2) use the title "anesthesiologist assistant"; or

(3) use the initials "A.A." or any other words, letters, abbreviations, or insignia indicating or implying that the individual is an anesthesiologist assistant licensed under this article;

unless the person is licensed under this article.

Sec. 2. An individual who recklessly, knowingly, or intentionally violates this chapter commits a Class B misdemeanor.

SECTION 12. IC 25-14.5-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. "Board" refers to the Indiana dietitians ~~certification~~ **licensing** board established by IC 25-14.5-2-1.

SECTION 13. IC 25-14.5-1-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 4. "Certified dietitian" refers to a person certified under this article to practice dietetics. Activities of a certified dietitian do not include the medical differential diagnoses of the health status of an individual.~~

SECTION 14. IC 25-14.5-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. "Degree" means a degree received from a college or university that

~~(1) was located in the United States; and~~

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~~(2) was regionally accredited;~~
~~at the time the degree was conferred.~~ **is a United States regionally accredited body recognized by the council for higher education accreditation and the United States Department of Education at the time the degree is received.**

SECTION 15. IC 25-14.5-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. "Dietetics" means the integration, ~~and application of principles derived from the science of food and nutrition to provide for all aspects of nutrition therapy for individuals and groups, including nutrition therapy services (as defined in section 12 of this chapter) and medical nutrition therapy (as defined in section 9 of this chapter).~~ **application, and communication of principles derived from:**

(1) food;
(2) nutrition;
(3) social sciences;
(4) business; and
(5) basic sciences;

to achieve and maintain optimal nutrition status for individuals through the development, provision, and management of effective food and nutrition services in a variety of settings.

SECTION 16. IC 25-14.5-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. "Examination" means an examination for the ~~certification~~ **licensure** of dietitians used or approved by the board. The examination ~~may be created by the board, created by a person as determined by and approved by the board, or created in part by the board and in part by a person or entity other than the board.~~ **shall be administered by the commission on dietetic registration.**

SECTION 17. IC 25-14.5-1-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 8.5. "Licensed dietitian" refers to a person licensed under this article to practice dietetics. Activities of a licensed dietitian do not include the medical differential diagnosis of the health status of an individual.**

SECTION 18. IC 25-14.5-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. "Medical nutrition therapy" means ~~the component of nutrition therapy that concerns:~~

~~(1) determining and recommending nutrient needs based on nutritional assessment and medical problems relative to medically prescribed diets, including:~~

~~(A) tube feedings;~~

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~~(B) specialized intravenous solutions; and~~
~~(C) specialized oral feedings;~~
~~(2) interactions of prescription drugs with food and nutrients; or~~
~~(3) developing and managing food services operations that have the chief function of providing nutrition therapy services and providing medically prescribed diets.~~

the use of specific nutrition services for the purpose of disease management to treat an individual for or rehabilitate an individual from an injury or physical condition. The term includes:

(1) interpreting dietary data and recommending nutrient needs relative to medically prescribed diets, including:
(A) tube feedings;
(B) specialized intravenous solutions; and
(C) specialized oral feedings;
(2) identifying prescription drug interactions with food; and
(3) developing and managing food service operations, the chief function of which is nutrition care and the provision of medically prescribed diets.

SECTION 19. IC 25-14.5-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. "Medically prescribed diet" means a diet that is:

(1) prescribed when specific food or nutrient levels need to be monitored or altered, or both, as a component of a treatment ~~regimen~~ **program** for an individual whose health status is impaired or at risk due to disease, injury, or surgery; and
(2) performed **only** as initiated by or in consultation with a physician licensed to practice medicine in Indiana.

SECTION 20. IC 25-14.5-1-11.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.1. "Nutrition assessment" means the systematic process of obtaining, verifying, and interpreting biochemical, anthropometric, physical, and dietary data in order to make decisions about the nature and cause of nutrition related problems. Nutrition assessment is an ongoing, dynamic process that involves not only initial data collection, but also reassessment and analysis of client or community needs, and provides the foundation for nutrition diagnosis and nutritional recommendation including enteral and parenteral nutrition.**

SECTION 21. IC 25-14.5-1-11.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.2. "Nutrition care process" means the systematic problem solving method that dietitians use to**

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think critically and make decisions when providing medical nutrition therapy or addressing nutrition related problems and to provide safe, effective, and high quality care. The nutrition care process consists of the following four (4) distinct but interrelated steps:

(1) Nutrition assessment.

(2) Nutrition diagnosis.

(3) Nutrition intervention.

(4) Nutrition monitoring and evaluation.

SECTION 22. IC 25-14.5-1-11.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.3. "Nutrition care services" refers to the following:**

(1) Assessing the nutrition needs of individuals and groups to determine what resources and constraints exist.

(2) Establishing priorities, goals, and objectives that meet nutrition needs and are consistent with available resources and constraints.

(3) Providing nutrition counseling in health and disease.

(4) Developing, implementing, and managing nutrition care systems.

(5) Evaluating, making changes in, and maintaining appropriate standards of quality in food and nutrition care services.

SECTION 23. IC 25-14.5-1-11.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.4. "Nutrition counseling" means advising and assisting individuals or groups on appropriate nutrition intake by integrating information from the nutrition assessment with information on:**

(1) food and other sources of nutrients; and

(2) meal preparation;

while being cognizant of cultural background and socioeconomic status.

SECTION 24. IC 25-14.5-1-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.5. "Nutrition diagnosis" means identifying and labeling nutritional problems that a licensed dietitian is responsible for treating independently.**

SECTION 25. IC 25-14.5-1-11.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.6. "Nutrition intervention"**

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refers to purposefully planned actions intended to positively change nutrition related behavior, risk factors, environmental conditions, or aspects of health status for:

(1) an individual;

(2) an individual's family or caregiver;

(3) target groups; or

(4) the community at large.

SECTION 26. IC 25-14.5-1-11.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.7. "Nutrition monitoring and evaluation" means identifying patient or client outcomes relevant to the nutrition diagnosis and intervention plans and goals established for the patient or client and comparing those outcomes with the previous status, intervention goals, or a reference standard to determine the progress made in achieving the desired outcomes of nutrition care and determining whether planned interventions for the patient or client should be continued or revised.**

SECTION 27. IC 25-14.5-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. "Practice experience" means a preprofessional, documented, supervised practice in dietetics services that is acceptable to the board in compliance with requirements for ~~certification.~~ **licensure.** ~~It may be or may~~ **Practice experience must** include a documented, supervised practice experience that is a component of the educational requirements for ~~certification.~~ **licensure.**

SECTION 28. IC 25-14.5-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. **(a)** "Practice of dietetics" means the integration and application of the principles derived from the sciences of nutrition, biochemistry, food, physiology, management, and behavioral and social sciences to achieve and maintain people's health through the provision of nutrition therapy services. **The practice of dietetics includes:**

(1) conducting nutrition assessments;

(2) engaging in nutrition care processes;

(3) providing nutrition care services;

(4) providing nutrition counseling;

(5) making nutrition diagnoses;

(6) engaging in nutrition interventions; and

(7) providing nutrition monitoring and evaluation.

(b) A licensed dietitian shall do the following:

(1) Engage in the nutrition care process to and provide safe

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and effective quality nutrition care services and medical nutrition therapy.

(2) Develop a plan of care for each patient who is referred and be responsible for implementation and modification of the plan.

(3) Consult with the referring practitioner regarding any contraindicated or unjustified treatment.

(4) Practice in accordance with the standards established by the board and the commission on dietetic registration regulating the profession.

SECTION 29. IC 25-14.5-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The Indiana dietitians ~~certification~~ **licensing** board is established.

SECTION 30. IC 25-14.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The board consists of seven (7) members appointed by the governor as follows:

(1) Four (4) members who are ~~certified~~ **licensed** under this article and currently provide and have provided services in the practice of dietetics in Indiana for a minimum of three (3) years.

(2) One (1) member who is a physician licensed under IC 25-22.5.

(3) One (1) member who is a registered nurse licensed under IC 25-23.

(4) One (1) member representing the public who is a resident of Indiana and has never been associated with dietetics in any way other than as a consumer.

SECTION 31. IC 25-14.5-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) The board shall adopt rules under IC 4-22-2 establishing standards for:

(1) professional responsibility or a code of ethics for the profession of dietetics;

(2) applicant qualifications of a ~~certified~~ **licensed** dietitian;

(3) the administration of this article;

(4) the number of hours of continuing education needed for renewal of ~~certification~~ **licensure** and the procedures for approving continuing education courses and programs; and

(5) establishing fees under IC 25-1-8-2 as described in subsection (b).

(b) The board shall establish, charge, and collect fees under IC 25-1-8-2 for:

(1) the filing of an application for a ~~certificate~~ **license** under this article;

(2) the original issuance of a ~~certificate~~ **license** under this article;

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(3) a renewal of a ~~certificate~~ **license** issued in accordance with this article;

(4) the replacement of a ~~certificate~~ **license** or renewal ~~certificate~~ **license** lost or destroyed; and

(5) any other purposes prescribed by IC 25-1-8-2.

SECTION 32. IC 25-14.5-2-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 5.1. (a) The rules adopted by the Indiana dietitians certification board before July 1, 2013, concerning certification of dietitians are considered after June 30, 2013, the rules of the Indiana dietitians licensing board. However, the terms "certify", "certified", or "certification" in the rules must be construed as "license", "licensed", or "licensure" to be consistent with this chapter.**

(b) Before July 1, 2014, the Indiana dietitians licensing board shall revise, update, or repeal the rules described in this section to reflect the change from certification to licensure by legislation enacted in the 2013 session of the general assembly.

(c) This section expires December 31, 2014.

SECTION 33. IC 25-14.5-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The board shall hold meetings as follows:

(1) A meeting for the purpose of organization must be held not more than thirty (30) days after the board members are appointed.

(2) The board shall hold at least ~~two (2)~~ **four (4)** regular meetings each calendar year. At the first regular meeting each year, the board shall elect a chairperson and vice chairperson.

(3) Special meetings may be held at the discretion of the chairperson.

(4) Meetings may be held at such time as the board or chairperson shall determine.

(b) A quorum of the board consists of four (4) members.

(c) A secretary of the board shall be elected by the board and shall hold office at the pleasure of the board.

(d) The board shall receive and process complaints and investigate alleged violations of this article. The board may:

(1) issue subpoenas;

(2) examine witnesses; and

(3) administer oaths.

(e) If:

(1) the board receives a complaint against a person who is not licensed under this article; and

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(2) after review of the complaint, the board believes that further action may be necessary;

the board shall refer the matter to the office of the attorney general for investigation and any necessary legal action.

SECTION 34. IC 25-14.5-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The board ~~may~~ **shall** require a person who applies for a ~~certified~~ dietitian ~~certificate~~ **license** to have:

(1) completed a major course of study in human nutrition, nutrition education, **public health nutrition,** food and nutrition, ~~and~~ dietetics, or food systems management **or an equivalent major course of study as approved by the board;** ~~and~~

(2) received a baccalaureate or higher degree from a regionally accredited college or university located in the United States or its territories; **and**

(3) successfully completed the registration examination for dietitians administered by the commission on dietetic registration.

SECTION 35. IC 25-14.5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The board ~~may~~ **shall** require a person who:

(1) applies for a ~~certificate~~ **license** as a ~~certified~~ **licensed** dietitian; and

(2) has obtained the person's education outside of the United States and its territories;

to have the person's academic degree or degrees validated by an organization approved by the board. The validating organization must state that the degree is equivalent to a baccalaureate or master's degree conferred by a regionally accredited college or university located in the United States.

SECTION 36. IC 25-14.5-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. The board may require a person who applies for a ~~certificate~~ **license** as a ~~certified~~ **licensed** dietitian to have completed a documented, supervised practice experience of not less than ~~nine hundred (900)~~ **one thousand two hundred (1,200)** hours under the supervision of a certified dietitian, ~~or~~ a registered dietitian, **or a licensed dietitian.**

SECTION 37. IC 25-14.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. To qualify for a ~~certificate~~ **license** under this article, an individual must do the following:

(1) Satisfy the requirements of IC 25-14.5-3.

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(2) Satisfactorily complete an application for ~~certification,~~ **licensure** furnished by the board, in accordance with the rules adopted by the board. The application must be verified by the applicant and filed at least thirty (30) days before the administration of the examination.

(3) Pay the application, examination, and ~~certification~~ **licensure** fees established by the board.

(4) Except to the extent that section 4 of this chapter applies, successfully pass the qualifying examination adopted by the board as described in IC 25-14.5-5.

(5) Provide proof that the individual is at least twenty-one (21) years of age.

SECTION 38. IC 25-14.5-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. **(a)** Except as provided in section 3 of this chapter, the board shall issue a ~~certificate~~ **license** to an individual who:

(1) meets the conditions set forth in section 1 of this chapter; and

(2) is otherwise qualified for ~~certification~~ **licensure** under this article.

(b) Beginning July 1, 2013, the board may waive the examination requirement and shall grant a license to any applicant who:

(1) makes satisfactory application to the board and is registered with the commission on dietetic registration; or

(2) received a baccalaureate or post-baccalaureate degree from an accredited college or university in the United States with:

(A) a program in dietetics or nutrition; or

(B) an equivalent major course of study as approved by the board;

and has completed an approved educational experience and met the educational requirement of the commission on dietetic registration.

SECTION 39. IC 25-14.5-4-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 3.2. (a) The board may grant a temporary or provisional license to an applicant who meets the qualifications for licensure under this article.**

(b) A temporary or provisional license issued under subsection (a) is valid only until the next regularly scheduled meeting of the board.

SECTION 40. IC 25-14.5-4-4 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) Except as provided in subsection (b), the board may issue a ~~certificate~~ **license** to an applicant for ~~certification~~ **licensure** if the applicant presents evidence that the applicant has been issued a certificate, **license, or registration** in a state that has requirements for certification, **licensure, or registration** that are, by the board's determination, equivalent to the requirements for ~~certification~~ **licensure** in Indiana. An applicant applying for a ~~certificate~~ **license** under this subsection is not required to take an examination given by the board under IC 25-14.5-5.

(b) The board may refuse to issue a ~~certificate~~ **license** under subsection (a) if the applicant has failed an examination given by the board under IC 25-14.5-5.

(c) The fee an applicant for ~~certification~~ **licensure** must pay for a ~~certificate~~ **license** issued under subsection (a) shall be set by the board under IC 25-14.5-2-5.

SECTION 41. IC 25-14.5-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. All ~~certificates~~ **licenses** shall be effective when issued by the board.

SECTION 42. IC 25-14.5-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) A ~~certified~~ **licensed** dietitian must display the ~~certificate~~ **license** in a conspicuous part of the office in which the ~~certified~~ **licensed** dietitian practices nutrition therapy services.

(b) Whenever practicing the profession of dietetics outside of or away from the office or place of business, the ~~certified~~ **licensed** dietitian shall make available to each patient the ~~certified~~ **licensed** dietitian's name, office address, and the number of the ~~certificate.~~ **license.**

SECTION 43. IC 25-14.5-4-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 7. (a) The board may issue a license to an applicant for licensure if the applicant presents evidence that the applicant has been issued a license in a state that has requirements for licensure that are equivalent to or more stringent than the requirements for licensure in Indiana.**

(b) An applicant under subsection (a) shall pay a fee set by the board.

(c) If the board determines that the license in the issuing state is equivalent to or more stringent than the requirements for licensure in Indiana, the applicant is not required to take an examination if all other requirements are met.

(d) The board may refuse to issue a license under subsection (a)

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if the applicant has at any time failed an examination given by the board.

SECTION 44. IC 25-14.5-4-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) A certified dietitian who holds a certification under this article on June 30, 2013, becomes a licensed dietitian beginning July 1, 2013, as provided in this article.**

(b) This section expires December 31, 2016.

SECTION 45. IC 25-14.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The board shall determine:

(1) a date and time when;

(2) a location in Indiana where; and

(3) the supervision under which;

applicants for ~~certification~~ **licensure** shall be examined.

SECTION 46. IC 25-14.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. Examinations shall be ~~given at least two (2) times each year.~~ **conducted online and may be conducted after a student receives approval from the commission on dietetic registration to take the examination.**

SECTION 47. IC 25-14.5-5-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 4. (a) The board shall give notice at least sixty (60) days before the administration of each examination in a manner the board considers appropriate.~~

~~(b) The board shall notify each applicant for certification of the time and place of the administration of the first examination for which the applicant is eligible to sit.~~

SECTION 48. IC 25-14.5-6-1, AS AMENDED BY P.L.1-2006, SECTION 437, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) A ~~certificate~~ **license** issued by the board expires on a date established by the agency under IC 25-1-5-4 in the next even-numbered year following the year in which the ~~certificate~~ **license** was issued.

(b) An individual may renew a ~~certificate~~ **license** by paying a renewal fee on or before the expiration date of the ~~certificate.~~ **license.**

(c) If an individual fails to pay a renewal fee on or before the expiration date of a ~~certificate,~~ **license,** the ~~certificate~~ **license** becomes invalid.

SECTION 49. IC 25-14.5-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A ~~certified~~ **licensed** dietitian may renew a ~~certificate~~ **license** by:

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(1) paying a renewal fee as set by the board; and
(2) subject to IC 25-1-4-3, providing a sworn statement attesting that the ~~certified~~ **licensed** dietitian has completed the continuing education required by the board.

SECTION 50. IC 25-14.5-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The board shall mail an application for renewal to a ~~certified~~ **licensed** dietitian at least sixty (60) days before the date on which the ~~certified~~ **licensed** dietitian's ~~certificate~~ **license** expires.

(b) The application must be mailed to the ~~certified~~ **licensed** dietitian's most recent address as it appears on the record of the board.

(c) A ~~certified~~ **licensed** dietitian filing for renewal of a ~~certificate~~ **license** must:
(1) satisfactorily complete the renewal application;
(2) return the application to the board; and
(3) submit to the board the required renewal fee;
before expiration of the ~~certified~~ **licensed** dietitian's current ~~certificate.~~ **license.**

(d) Upon receipt of the application and fee submitted under subsection (c), the board shall:
(1) verify the accuracy of the application;
(2) determine whether the continuing education requirement has been met; and
(3) verify that all other requirements under this article have been met.

(e) When the board is satisfied that all conditions under subsection (d) have been met, the board shall issue to the applicant a notice of ~~certificate~~ **license** renewal that shall be valid for two (2) years.

SECTION 51. IC 25-14.5-6-4, AS AMENDED BY P.L.105-2008, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A ~~certificate~~ **license** may be reinstated by the board not later than three (3) years after its expiration if the applicant for reinstatement meets the requirements under IC 25-1-8-6(c).

(b) A ~~certificate~~ **license** that has been expired for more than three (3) years may be reinstated by the board if the holder of the ~~certificate~~ **license** satisfies the requirements for reinstatement under IC 25-1-8-6(d).

SECTION 52. IC 25-14.5-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The board may classify a ~~certificate~~ **license** as inactive if the board receives written notification from a ~~certified~~ **licensed** dietitian stating that the ~~certified~~

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licensed dietitian will not maintain an office or practice dietetics in Indiana.

(b) The renewal fee for an inactive ~~certificate~~ **license** must be one-half (1/2) the ~~certificate~~ **license** renewal fee set by the board under IC 25-14.5-2-5(b)(3).

(c) The holder of an inactive ~~certificate~~ **license** is not required to fulfill continuing education requirements set by the board.

SECTION 53. IC 25-14.5-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. The board may issue a ~~certificate~~ **license** to the holder of an inactive ~~certificate~~ **license** under section 6 of this chapter if the applicant meets the requirements under IC 25-1-8-6.

SECTION 54. IC 25-14.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Except as provided in section 3 of this chapter, an individual who is not ~~certified~~ **licensed** under this article may not:

(1) profess to be a ~~certified~~ **licensed** dietitian; or

(2) imply by words or letters such as ~~"CD"~~ **"LD"** that the individual is a ~~certified~~ **licensed** dietitian.

SECTION 55. IC 25-14.5-7-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1.3. (a) This article may not be construed to limit the practice of dietetics by a person who does not use a title specified in this article and who is one (1) of the following:**

(1) A health care professional licensed, registered, or certified under this title.

(2) A student enrolled in a program accredited by the commission on accreditation for dietetic education in dietetics and pursuing a course of study to gain licensure under this article, if the activities in which the student is engaged are performed under the supervision of a licensed dietitian.

(3) A nonresident of Indiana if the person:

(A) performs service in Indiana for not more than five (5) days in any one (1) month and not more than fifteen (15) days in one (1) calendar year; and

(B) is authorized to perform the services under the laws of the state or country in which the person is a resident.

(4) A person or a retailer who furnishes oral or written nutrition information related to food, food materials, or dietary supplements or the marketing of food, food materials, or dietary supplements.

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(5) A person providing weight control services through a program that:

(A) has been reviewed by a licensed dietitian; and

(B) provides consultation from a dietitian licensed under this article or from another state, or a physician licensed under IC 25-22.5.

(6) A dietitian serving in:

(A) the armed forces;

(B) the public health service of the United States; or

(C) the Veterans Administration.

(7) A person who has completed the educational and preprofessional practice requirements to sit for the licensure examination but who has not yet passed the examination, if the person practices under the supervision of a dietitian licensed under this article for a period of one (1) year after completing the licensure education requirements.

(8) A person who provides nutritional or dietetic information based upon information that is available to the public, including the following:

(A) Principles of good nutrition and food preparation.

(B) Food to be included in the normal daily diet.

(C) The essential nutrients needed by the body.

(D) Recommended amounts of the essential nutrients based on published information, as long as the published information and source are made available, upon request, at the time of consultation.

(E) The actions of nutrients on the body.

(F) The effects of deficiencies or excesses of nutrients.

(G) Food and supplements that are good sources of essential nutrients.

(9) A person who practices dietetics or nutrition care services for a close relative (as defined by IC 2-7-1-1.7) or a person living in the same household.

(b) This section does not prohibit a person described in subsection (a) from qualifying for licensure under this article.

SECTION 56. IC 25-14.5-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. ~~(a) A dietitian registered by the commission on dietetic registration may use the title "registered dietitian" and the designation "RD" but may not profess to be a certified dietitian when practicing dietetics in Indiana without being certified by the board.~~

~~(b)~~ Nothing in this article may be construed to prohibit or limit any

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person from:

(1) **publishing information or** disseminating **published or** free information;

(2) conducting a class or seminar; or

(3) giving a speech related to nutrition.

~~(c) Nothing in this article may be construed to require direct third-party reimbursement to persons certified under this article.~~

SECTION 57. IC 25-22.1 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

ARTICLE 22.1. MUSIC THERAPISTS

Chapter 1. Definitions

Sec. 1. As used in this article, "music therapy" means the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan for the client that identifies the goals and objectives and potential strategies of the music therapy services appropriate for the client using music therapy intervention, which may include music improvisation, receptive music listening, song writing, lyric discussion, music imagery, music performance, learning through music, and movement to music.

Chapter 2. Activity by Noncertified Individuals

Sec. 1. This chapter does not apply to the practice of an occupation or a profession for which an individual is licensed, certified, or registered in Indiana by a state agency if the individual is practicing within the scope of the license, certificate, or registration of the individual.

Sec. 2. Except as provided in section 1 of this chapter, an individual may not:

(1) profess to be a certified music therapist or a music therapist;

(2) use the initials "MT-BC" or any other words, letters, abbreviations, or insignia indicating or implying that the individual is a certified music therapist; or

(3) use the term "music therapy" to describe the therapy provided by the individual;

unless the individual holds and maintains the credentialing administered by the Certification Board for Music Therapists.

Chapter 3. Duties and Responsibilities

Sec. 1. If a certified music therapist identifies functional deficits in the client's physical, psychological, cognitive, communication, or

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social skills that might affect the client's participation in music therapy, the certified music therapist shall refer the client to an appropriate professional for a comprehensive evaluation of the identified deficits.

Sec. 2. The Indiana professional licensing agency established by IC 25-1-5-3 shall maintain a hyperlink to the Internet web site for the Certification Board for Music Therapists on the Internet web site of the Indiana professional licensing agency.

SECTION 58. IC 25-22.5-1-1.1, AS AMENDED BY P.L.90-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.1. As used in this article:

(a) "Practice of medicine or osteopathic medicine" means any one (1) or a combination of the following:

(1) Holding oneself out to the public as being engaged in:

(A) the diagnosis, treatment, correction, or prevention of any disease, ailment, defect, injury, infirmity, deformity, pain, or other condition of human beings;

(B) the suggestion, recommendation, or prescription or administration of any form of treatment, without limitation;

(C) the performing of any kind of surgical operation upon a human being, including tattooing, except for tattooing (as defined in IC 35-42-2-7), in which human tissue is cut, burned, or vaporized by the use of any mechanical means, laser, or ionizing radiation, or the penetration of the skin or body orifice by any means, for the intended palliation, relief, or cure; or

(D) the prevention of any physical, mental, or functional ailment or defect of any person.

(2) The maintenance of an office or a place of business for the reception, examination, or treatment of persons suffering from disease, ailment, defect, injury, infirmity, deformity, pain, or other conditions of body or mind.

(3) Attaching the designation "doctor of medicine", "M.D.", "doctor of osteopathy", "D.O.", "osteopathic medical physician", "physician", "surgeon", or "physician and surgeon", either alone or in connection with other words, or any other words or abbreviations to a name, indicating or inducing others to believe that the person is engaged in the practice of medicine or osteopathic medicine (as defined in this section).

(4) Providing diagnostic or treatment services to a person in Indiana when the diagnostic or treatment services:

(A) are transmitted through electronic communications; and

(B) are on a regular, routine, and nonepisodic basis or under

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an oral or written agreement to regularly provide medical services.

In addition to the exceptions described in section 2 of this chapter, a nonresident physician who is located outside Indiana does not practice medicine or osteopathy in Indiana by providing a second opinion to a licensee or diagnostic or treatment services to a patient in Indiana following medical care originally provided to the patient while outside Indiana.

(b) "Board" refers to the medical licensing board of Indiana.

(c) "Diagnose or diagnosis" means to examine a patient, parts of a patient's body, substances taken or removed from a patient's body, or materials produced by a patient's body to determine the source or nature of a disease or other physical or mental condition, or to hold oneself out or represent that a person is a physician and is so examining a patient. It is not necessary that the examination be made in the presence of the patient; it may be made on information supplied either directly or indirectly by the patient.

(d) "Drug or medicine" means any medicine, compound, or chemical or biological preparation intended for internal or external use of humans, and all substances intended to be used for the diagnosis, cure, mitigation, or prevention of diseases or abnormalities of humans, which are recognized in the latest editions published of the United States Pharmacopoeia or National Formulary, or otherwise established as a drug or medicine.

(e) "Licensee" means any individual holding a valid unlimited license issued by the board under this article.

(f) "Prescribe or prescription" means to direct, order, or designate the use of or manner of using a drug, medicine, or treatment, by spoken or written words or other means.

(g) "Physician" means any person who holds the degree of doctor of medicine or doctor of osteopathy or its equivalent and who holds a valid unlimited license to practice medicine or osteopathic medicine in Indiana.

(h) "Medical school" means a nationally accredited college of medicine or of osteopathic medicine approved by the board.

(i) "Physician assistant" means an individual who:

(1) is supervised by a physician;

(2) graduated from a physician assistant program accredited by an accrediting agency; ~~(as defined in IC 25-27.5-2-4.5);~~

(3) passed the examination administered by the National Commission on Certification of Physician Assistants (NCCPA) and maintains certification; and

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(4) has been licensed by the physician assistant committee under IC 25-27.5.

(j) "Agency" refers to the Indiana professional licensing agency under IC 25-1-5.

(k) "Anesthesiologist assistant" means an individual who has been licensed by the anesthesiologist assistant committee under IC 25-3.7.

SECTION 59. IC 25-22.5-1-2, AS AMENDED BY P.L.77-2012, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

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

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

(3) A paramedic (as defined in IC 16-18-2-266), an 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

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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.
(10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.
(11) A dentist practicing the dentist's profession under IC 25-14.
(12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.
(13) A nurse practicing the nurse's profession under IC 25-23. However, a certified registered nurse anesthetist (as defined in IC 25-23-1-1.4) may administer anesthesia if the certified registered nurse anesthetist acts under the direction of and in the immediate presence of a physician **or podiatrist under the requirements set forth in IC 25-23-1-30.**
(14) An optometrist practicing the optometrist's profession under IC 25-24.
(15) A pharmacist practicing the pharmacist's profession under IC 25-26.
(16) A physical therapist practicing the physical therapist's profession under IC 25-27.
(17) A podiatrist practicing the podiatrist's profession under IC 25-29.
(18) A psychologist practicing the psychologist's profession under IC 25-33.
(19) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.
(20) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of

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an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

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

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

(A) a physician;
(B) a psychiatric hospital;
(C) a hospital;
(D) a health maintenance organization or limited service health maintenance organization;
(E) a health facility;
(F) a dentist;
(G) a registered or licensed practical nurse;
(H) a midwife;
(I) an optometrist;
(J) a podiatrist;
(K) a chiropractor;
(L) a physical therapist; or
(M) a psychologist.

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

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

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

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

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

(28) An anesthesiologist assistant practicing the anesthesiologist assistant profession under IC 25-3.7.

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

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excluded from the application of this article if:

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

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

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

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 60. 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 violates this article by unlawfully practicing medicine or osteopathic medicine commits a Class C felony.

(b) A person who practices midwifery without the license required under this article commits a Class D felony.

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

(d) A person who acts as an anesthesiologist assistant without the license required under IC 25-3.7 commits a Class D felony.

SECTION 61. IC 25-23-1-30, AS AMENDED BY P.L.177-2009, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 30. (a) A certified registered nurse anesthetist may administer anesthesia if the certified registered nurse anesthetist acts under the direction of and in the immediate presence of:

(1) a physician; **or**

(2) a podiatrist licensed under IC 25-29 if:

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(A) the administration of the anesthesia takes place in a hospital;

(B) a physician who is licensed under IC 25-22.5 is:

(i) in the immediate vicinity of the patient to whom the anesthesia will be administered;

(ii) able to respond to a medical emergency in a timely manner; and

(iii) not encumbered, while anesthesia is administered to the patient, by other duties that may prevent the physician from responding to a medical emergency in a timely manner; and

(C) the patient:

(i) is notified that a certified registered nurse anesthetist is going to administer the anesthesia; and

(ii) consents to the anesthesia being administered by a certified registered nurse anesthetist.

(b) Nothing in this chapter shall be construed as requiring a certified registered nurse anesthetist to obtain prescriptive authority to administer anesthesia under subsection (a).

SECTION 62. 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, **anesthesiologist assistant,** 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.

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(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.

SECTION 63. IC 35-51-25-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 25:

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

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

IC 25-3.7-7-2 (Concerning anesthesiologist assistants).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IC 25-21.5-5-10 (Concerning land surveyors).

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IC 25-21.5-13-2 (Concerning land surveyors).
IC 25-21.8-7-1 (Concerning massage therapists).
IC 25-22.5-8-2 (Concerning ~~physicians).~~ **health care providers).**
IC 25-22.5-8-3 (Concerning physicians).
IC 25-23-1-27 (Concerning nurses).
IC 25-23.5-3-2 (Concerning occupational therapists).
IC 25-23.6-3-3 (Concerning marriage and family therapists).
IC 25-23.6-4-4 (Concerning marriage and family therapists).
IC 25-23.6-4.5-4 (Concerning marriage and family therapists).
~~IC 25-23.6-4.7-7~~ **IC 25-23.6-7-7** (Concerning marriage and family therapists).
IC 25-23.6-10.1-6 (Concerning marriage and family therapists).
IC 25-23.6-11-1 (Concerning marriage and family therapists).
IC 25-23.6-11-2 (Concerning marriage and family therapists).
IC 25-23.6-11-3 (Concerning marriage and family therapists).
IC 25-23.7-7-5 (Concerning manufactured home installers).
IC 25-24-1-18 (Concerning optometrists).
IC 25-24-3-17 (Concerning optometrists).
IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-27-1-12 (Concerning physical therapists).
IC 25-27.5-7-2 (Concerning physician assistants).
IC 25-28.5-1-31 (Concerning plumbers).
IC 25-29-9-1 (Concerning podiatrists).
IC 25-30-1-21 (Concerning private investigator firms, security guards, and polygraph examiners).
IC 25-30-1.3-23 (Concerning private investigator firms, security guards, and polygraph examiners).
IC 25-31-1-13 (Concerning engineers).
IC 25-31-1-27 (Concerning engineers).

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IC 25-31.5-8-7 (Concerning soil scientists).
IC 25-33-1-15 (Concerning psychologists).
IC 25-34.5-3-2 (Concerning respiratory care specialists).
IC 25-35.6-3-10 (Concerning speech pathologists and audiologists).
IC 25-36.1-1-2 (Concerning surgical technologists).
IC 25-36.5-1-10 (Concerning timber buyers).
IC 25-36.5-1-15 (Concerning timber buyers).
IC 25-38.1-4-10 (Concerning veterinarians).
IC 25-38.1-4-11 (Concerning veterinarians).
IC 25-39-5-1 (Concerning water well drilling contractors).
IC 25-39-5-7 (Concerning water well drilling contractors).
IC 25-41-1-2 (Concerning behavior analysts).

SECTION 64. [EFFECTIVE JULY 1, 2013] **(a)As used in this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3.**

(b) The commission shall study during the 2013 interim issues concerning whether it is appropriate to amend certain statutes to allow certified registered nurse anesthetists to be classified as advanced practice nurses.

(c) This SECTION expires December 31, 2013.

SECTION 65. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 273, 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 15, line 18, after "(b)" insert "**The rules adopted under subsection (a) may require the supervising or designated anesthesiologist to be physically present in the immediate area during the placement of needles or catheters for the initiation of spinal, epidural, or regional anesthesia and the placement of arterial and deep vein catheters or monitors for invasive monitoring or vascular access.**

(c)".

Page 19, line 12, after "(9)" insert "**Place deep venous catheters and arterial catheters.**

(10)".

Page 19, line 14, delete "(10)" and insert "**(11)**".

Page 19, line 17, delete "(11)" and insert "**(12)**".

Page 19, line 21, delete "be" and insert "**personally participate in the induction of general anesthesia except in emergency cases when the supervising or designated anesthesiologist is needed to address another emergency of short duration.**".

Page 19, delete lines 22 through 28.

Page 20, line 17, delete "and".

Page 20, line 18, after "(3)" insert "**perform interventional pain management, as defined by the board; and**

(4)".

Page 20, between lines 19 and 20, begin a new paragraph and insert:

"**Sec. 4. A patient must:**

(1) be notified that an anesthesiologist assistant is going to provide care to the patient before any care may be provided by the anesthesiologist assistant; and

(2) consent to receive the care from the anesthesiologist assistant.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 273 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 273, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-14, AS AMENDED BY P.L.96-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) "Ambulatory outpatient surgical center", for purposes of IC 16-21 and IC 16-38-2, means a public or private institution that meets the following conditions:

(1) Is established, equipped, and operated primarily for the purpose of performing surgical procedures and services.

(2) Is operated under the supervision of at least one (1) licensed physician or under the supervision of the governing board of the hospital if the center is affiliated with a hospital.

(3) Permits a surgical procedure to be performed only by a physician, dentist, or podiatrist who meets the following conditions:

(A) Is qualified by education and training to perform the surgical procedure.

(B) Is legally authorized to perform the procedure.

(C) Is privileged to perform surgical procedures in at least one (1) hospital within the county or an Indiana county adjacent to the county in which the ambulatory outpatient surgical center is located.

(D) Is admitted to the open staff of the ambulatory outpatient surgical center.

(4) Requires that:

(A) a licensed physician with specialized training or experience in the administration of an anesthetic supervise the administration of the anesthetic to a patient; **or**

(B) a certified registered nurse anesthetist administer the anesthetic under the direction of and in the immediate presence of a physician;

and remain present in the facility during the surgical procedure, except when only a local infiltration anesthetic is administered.

(5) Provides at least one (1) operating room and, if anesthetics other than local infiltration anesthetics are administered, at least one (1) postanesthesia recovery room.

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(6) Is equipped to perform diagnostic x-ray and laboratory examinations required in connection with any surgery performed.
(7) Does not provide accommodations for patient stays of longer than twenty-four (24) hours.
(8) Provides full-time services of registered and licensed nurses for the professional care of the patients in the postanesthesia recovery room.
(9) Has available the necessary equipment and trained personnel to handle foreseeable emergencies such as a defibrillator for cardiac arrest, a tracheotomy set for airway obstructions, and a blood bank or other blood supply.
(10) Maintains a written agreement with at least one (1) hospital for immediate acceptance of patients who develop complications or require postoperative confinement.
(11) Provides for the periodic review of the center and the center's operations by a committee of at least three (3) licensed physicians having no financial connections with the center.
(12) Maintains adequate medical records for each patient.
(13) Meets all additional minimum requirements as established by the state department for building and equipment requirements.
(14) Meets the rules and other requirements established by the state department for the health, safety, and welfare of the patients.

(b) The term does not include a birthing center.".

Page 4, line 31, strike "certification" and insert "**licensing**".

Page 5, line 18, delete "P.L.84-2010," and insert "SEA-558-2013, SECTION 26,".

Page 5, line 19, delete "SECTION 8,".

Page 5, line 32, strike "certification" and insert "**licensing**".

Page 5, line 42, delete "land" and insert "professional".

Page 7, line 14, strike "certification" and insert "**licensing**".

Page 8, line 2, strike "certification" and insert "**licensing**".

Page 8, line 28, delete "P.L.42-2011," and insert "SEA-558-2013, SECTION 29,".

Page 8, line 29, delete "SECTION 52,".

Page 9, line 27, delete "land" and insert "professional".

Page 9, line 32, strike "certification" and insert "**licensing**".

Page 10, line 11, strike "certification" and insert "**licensing**".

Page 12, line 32, strike "certification" and insert "**licensing**".

Page 13, between lines 1 and 2, begin a new line block indented and insert:

"**(3) A certified registered nurse anesthetist.**".

Page 14, line 16, delete "The" and insert "**Subject to section 2.5 of**

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this chapter, the".

Page 14, delete line 17.

Page 14, line 18, delete "(2) An anesthesiologist assistant" and insert "**(1) Two (2) anesthesiologist assistants**".

Page 14, line 19, delete "(3)" and insert "**(2)**".

Page 14, line 20, delete "(4)" and insert "**(3)**".

Page 14, line 22, after "with" insert "**anesthesiologists or**".

Page 14, between lines 23 and 24, begin a new paragraph and insert:

"**Sec. 2.5. (a) Notwithstanding section 2 of this chapter, when making the initial appointments to the committee under section 2 of this chapter, the governor shall do the following:**

(1) Appoint one (1) anesthesiologist and one (1) individual who is certified by the NCCAA to serve for terms of three (3) years.

(2) Appoint one (1) anesthesiologist and one (1) faculty member from an approved program to serve for terms of two (2) years.

(3) Appoint the member described in section 2(b)(3) of this chapter to serve for a term of one (1) year.

(b) This section expires July 1, 2016.".

Page 15, line 37, delete "grant" and insert "**issue**".

Page 16, delete line 1.

Page 16, line 2, delete "(4) Passes the certifying examination administered" and insert "**(3) Is certified**".

Page 16, line 3, delete "and maintains current" and insert "**.**".

Page 16, delete line 4.

Page 16, line 5, delete "(5)" and insert "**(4)**".

Page 16, delete lines 8 through 16.

Page 16, line 18, delete "if:" and insert "**if the individual has been:**

(1) disciplined by an administrative agency in Indiana or another jurisdiction; or

(2) convicted of a felony.".

Page 16, delete lines 19 through 26.

Page 16, line 35, delete "Engage" and insert "**Pay restitution or engage**".

Page 16, line 35, delete "restitution or".

Page 16, line 39, delete "designated" and insert "**approved**".

Page 16, line 40, delete "probation." and insert "**probation, at the expense of the individual who holds the probationary license.**".

Page 16, line 42, delete "if, after a hearing," and insert "**if**".

Page 17, line 21, after "recertification" insert "**or continued certification**".

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Page 17, line 22, after "by" insert "**the**".

Page 17, line 26, delete "and must be returned to the committee." and insert "**without further action by the committee.**".

Page 17, line 35, delete "(a) An" and insert "**When an**".

Page 17, line 35, after "chapter" insert "**retires from practice, the individual**".

Page 17, line 36, delete "when the individual retires from" and insert "**, and the individual is no longer required to pay renewal fees.**".

Page 17, delete lines 37 through 41.

Page 18, between lines 21 and 22, begin a new paragraph and insert:

"**Sec. 10. The board shall do the following:**

(1) Subject to IC 25-1-17, develop reciprocal licensing standards for individuals who have received medical training by a branch of the United States armed forces.

(2) Subject to IC 25-1-8-2, establish the amounts of fees required under this article.

(3) Adopt rules under IC 4-22-2 necessary to implement this article.".

Page 19, line 18, delete "venous" and insert "**vein**".

Page 19, line 39, after "provide;" insert "**and**".

Page 19, line 41, delete "and".

Page 20, line 3, delete "assistant." and insert "**assistant;**".

Page 20, between lines 3 and 4, begin a new line block indented and insert:

"**(4) is signed by the anesthesiologist and anesthesiologist assistant;**

(5) is updated annually; and

(6) is made available to the board upon request.".

Page 20, delete lines 17 through 25, begin a new paragraph and insert:

"**(h) An anesthesiologist assistant may not perform interventional pain management, as defined by the board.**".

Page 20, line 26, delete "4." and insert "**3.**".

Page 20, delete line 32.

Page 20, line 33, delete "1." and insert "**4.**".

Page 20, delete lines 39 through 42.

Delete page 21.

Page 22, delete lines 1 through 15.

Page 22, line 16, delete "7." insert "**6.**".

Page 22, line 20, delete "Use" and insert "**use**".

Page 22, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 9. IC 25-14.5-1-2 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. "Board" refers to the Indiana dietitians ~~certification~~ **licensing** board established by IC 25-14.5-2-1.

SECTION 10. IC 25-14.5-1-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 4. "Certified dietitian" refers to a person certified under this article to practice dietetics. Activities of a certified dietitian do not include the medical differential diagnoses of the health status of an individual.~~

SECTION 11. IC 25-14.5-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. "Degree" means a degree received from a college or university that

~~(1) was located in the United States; and~~

~~(2) was regionally accredited;~~

~~at the time the degree was conferred.~~ **is a United States regionally accredited body recognized by the council for higher education accreditation and the United States Department of Education at the time the degree is received.**

SECTION 12. IC 25-14.5-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. "Dietetics" means the integration, ~~and application of principles derived from the science of food and nutrition to provide for all aspects of nutrition therapy for individuals and groups, including nutrition therapy services (as defined in section 12 of this chapter) and medical nutrition therapy (as defined in section 9 of this chapter).~~ **application, and communication of principles derived from:**

(1) food;

(2) nutrition;

(3) social sciences;

(4) business; and

(5) basic sciences;

to achieve and maintain optimal nutrition status for individuals through the development, provision, and management of effective food and nutrition services in a variety of settings.

SECTION 13. IC 25-14.5-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. "Examination" means an examination for the ~~certification~~ **licensure** of dietitians used or approved by the board. The examination ~~may be created by the board, created by a person as determined by and approved by the board, or created in part by the board and in part by a person or entity other than the board.~~ **shall be administered by the commission on dietetic registration.**

SECTION 14. IC 25-14.5-1-8.5 IS ADDED TO THE INDIANA

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CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 8.5. "Licensed dietitian" refers to a person licensed under this article to practice dietetics. Activities of a licensed dietitian do not include the medical differential diagnosis of the health status of an individual.**

SECTION 15. IC 25-14.5-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. "Medical nutrition therapy" means ~~the component of nutrition therapy that concerns:~~

~~(1) determining and recommending nutrient needs based on nutritional assessment and medical problems relative to medically prescribed diets, including:~~

~~(A) tube feedings;~~

~~(B) specialized intravenous solutions; and~~

~~(C) specialized oral feedings;~~

~~(2) interactions of prescription drugs with food and nutrients; or~~

~~(3) developing and managing food services operations that have the chief function of providing nutrition therapy services and providing medically prescribed diets.~~

the use of specific nutrition services for the purpose of disease management to treat an individual for or rehabilitate an individual from an injury or physical condition. The term includes:

(1) interpreting dietary data and recommending nutrient needs relative to medically prescribed diets, including:

(A) tube feedings;

(B) specialized intravenous solutions; and

(C) specialized oral feedings;

(2) identifying prescription drug interactions with food; and

(3) developing and managing food service operations, the chief function of which is nutrition care and the provision of medically prescribed diets.

SECTION 16. IC 25-14.5-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. "Medically prescribed diet" means a diet that is:

(1) prescribed when specific food or nutrient levels need to be monitored or altered, or both, as a component of a treatment ~~regimen~~ **program** for an individual whose health status is impaired or at risk due to disease, injury, or surgery; and

(2) performed **only** as initiated by or in consultation with a physician licensed to practice medicine in Indiana.

SECTION 17. IC 25-14.5-1-11.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.1. "Nutrition assessment"**

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means the systematic process of obtaining, verifying, and interpreting biochemical, anthropometric, physical, and dietary data in order to make decisions about the nature and cause of nutrition related problems. Nutrition assessment is an ongoing, dynamic process that involves not only initial data collection, but also reassessment and analysis of client or community needs, and provides the foundation for nutrition diagnosis and nutritional recommendation including enteral and parenteral nutrition.

SECTION 18. IC 25-14.5-1-11.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.2. "Nutrition care process" means the systematic problem solving method that dietitians use to think critically and make decisions when providing medical nutrition therapy or addressing nutrition related problems and to provide safe, effective, and high quality care. The nutrition care process consists of the following four (4) distinct but interrelated steps:**

(1) Nutrition assessment.

(2) Nutrition diagnosis.

(3) Nutrition intervention.

(4) Nutrition monitoring and evaluation.

SECTION 19. IC 25-14.5-1-11.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.3. "Nutrition care services" refers to the following:**

(1) Assessing the nutrition needs of individuals and groups to determine what resources and constraints exist.

(2) Establishing priorities, goals, and objectives that meet nutrition needs and are consistent with available resources and constraints.

(3) Providing nutrition counseling in health and disease.

(4) Developing, implementing, and managing nutrition care systems.

(5) Evaluating, making changes in, and maintaining appropriate standards of quality in food and nutrition care services.

SECTION 20. IC 25-14.5-1-11.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.4. "Nutrition counseling" means advising and assisting individuals or groups on appropriate nutrition intake by integrating information from the nutrition assessment with information on:**

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(1) food and other sources of nutrients; and

(2) meal preparation;

while being cognizant of cultural background and socioeconomic status.

SECTION 21. IC 25-14.5-1-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.5. "Nutrition diagnosis" means identifying and labeling nutritional problems that a licensed dietitian is responsible for treating independently.**

SECTION 22. IC 25-14.5-1-11.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.6. "Nutrition intervention" refers to purposefully planned actions intended to positively change nutrition related behavior, risk factors, environmental conditions, or aspects of health status for:**

(1) an individual;

(2) an individual's family or caregiver;

(3) target groups; or

(4) the community at large.

SECTION 23. IC 25-14.5-1-11.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.7. "Nutrition monitoring and evaluation" means identifying patient or client outcomes relevant to the nutrition diagnosis and intervention plans and goals established for the patient or client and comparing those outcomes with the previous status, intervention goals, or a reference standard to determine the progress made in achieving the desired outcomes of nutrition care and determining whether planned interventions for the patient or client should be continued or revised.**

SECTION 24. IC 25-14.5-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. "Practice experience" means a preprofessional, documented, supervised practice in dietetics services that is acceptable to the board in compliance with requirements for ~~certification.~~ **licensure.** ~~It may be or may~~ **Practice experience must** include a documented, supervised practice experience that is a component of the educational requirements for ~~certification.~~ **licensure.**

SECTION 25. IC 25-14.5-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. **(a)** "Practice of dietetics" means the integration and application of the principles derived from the sciences of nutrition, biochemistry, food, physiology,

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management, and behavioral and social sciences to achieve and maintain people's health through the provision of nutrition therapy services. **The practice of dietetics includes:**

(1) conducting nutrition assessments;

(2) engaging in nutrition care processes;

(3) providing nutrition care services;

(4) providing nutrition counseling;

(5) making nutrition diagnoses;

(6) engaging in nutrition interventions; and

(7) providing nutrition monitoring and evaluation.

(b) A licensed dietitian shall do the following:

(1) Engage in the nutrition care process to and provide safe and effective quality nutrition care services and medical nutrition therapy.

(2) Develop a plan of care for each patient who is referred and be responsible for implementation and modification of the plan.

(3) Consult with the referring practitioner regarding any contraindicated or unjustified treatment.

(4) Practice in accordance with the standards established by the board and the commission on dietetic registration regulating the profession.

SECTION 26. IC 25-14.5-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The Indiana dietitians ~~certification~~ **licensing** board is established.

SECTION 27. IC 25-14.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The board consists of seven (7) members appointed by the governor as follows:

(1) Four (4) members who are ~~certified~~ **licensed** under this article and currently provide and have provided services in the practice of dietetics in Indiana for a minimum of three (3) years.

(2) One (1) member who is a physician licensed under IC 25-22.5.

(3) One (1) member who is a registered nurse licensed under IC 25-23.

(4) One (1) member representing the public who is a resident of Indiana and has never been associated with dietetics in any way other than as a consumer.

SECTION 28. IC 25-14.5-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) The board shall adopt rules under IC 4-22-2 establishing standards for:

(1) professional responsibility or a code of ethics for the profession of dietetics;

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(2) applicant qualifications of a ~~certified~~ **licensed** dietitian;

(3) the administration of this article;

(4) the number of hours of continuing education needed for renewal of ~~certification~~ **licensure** and the procedures for approving continuing education courses and programs; and

(5) establishing fees under IC 25-1-8-2 as described in subsection (b).

(b) The board shall establish, charge, and collect fees under IC 25-1-8-2 for:

(1) the filing of an application for a ~~certificate~~ **license** under this article;

(2) the original issuance of a ~~certificate~~ **license** under this article;

(3) a renewal of a ~~certificate~~ **license** issued in accordance with this article;

(4) the replacement of a ~~certificate~~ **license** or renewal ~~certificate~~ **license** lost or destroyed; and

(5) any other purposes prescribed by IC 25-1-8-2.

SECTION 29. IC 25-14.5-2-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 5.1. (a) The rules adopted by the Indiana dietitians certification board before July 1, 2013, concerning certification of dietitians are considered after June 30, 2013, the rules of the Indiana dietitians licensing board. However, the terms "certify", "certified", or "certification" in the rules must be construed as "license", "licensed", or "licensure" to be consistent with this chapter.**

(b) Before July 1, 2014, the Indiana dietitians licensing board shall revise, update, or repeal the rules described in this section to reflect the change from certification to licensure by legislation enacted in the 2013 session of the general assembly.

(c) This section expires December 31, 2014.

SECTION 30. IC 25-14.5-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The board shall hold meetings as follows:

(1) A meeting for the purpose of organization must be held not more than thirty (30) days after the board members are appointed.

(2) The board shall hold at least ~~two (2)~~ **four (4)** regular meetings each calendar year. At the first regular meeting each year, the board shall elect a chairperson and vice chairperson.

(3) Special meetings may be held at the discretion of the chairperson.

(4) Meetings may be held at such time as the board or chairperson

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shall determine.

(b) A quorum of the board consists of four (4) members.

(c) A secretary of the board shall be elected by the board and shall hold office at the pleasure of the board.

(d) The board shall receive and process complaints and investigate alleged violations of this article. The board may:

(1) issue subpoenas;

(2) examine witnesses; and

(3) administer oaths.

(e) If:

(1) the board receives a complaint against a person who is not licensed under this article; and

(2) after review of the complaint, the board believes that further action may be necessary;

the board shall refer the matter to the office of the attorney general for investigation and any necessary legal action.

SECTION 31. IC 25-14.5-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The board ~~may~~ **shall** require a person who applies for a ~~certified~~ dietitian ~~certificate~~ **license** to have:

(1) completed a major course of study in human nutrition, nutrition education, **public health nutrition,** food and nutrition, ~~and~~ dietetics, or food systems management **or an equivalent major course of study as approved by the board;** ~~and~~

(2) received a baccalaureate or higher degree from a regionally accredited college or university located in the United States or its territories; **and**

(3) successfully completed the registration examination for dietitians administered by the commission on dietetic registration.

SECTION 32. IC 25-14.5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The board ~~may~~ **shall** require a person who:

(1) applies for a ~~certificate~~ **license** as a ~~certified~~ **licensed** dietitian; and

(2) has obtained the person's education outside of the United States and its territories;

to have the person's academic degree or degrees validated by an organization approved by the board. The validating organization must state that the degree is equivalent to a baccalaureate or master's degree conferred by a regionally accredited college or university located in the United States.

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SECTION 33. IC 25-14.5-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. The board may require a person who applies for a ~~certificate~~ **license** as a ~~certified~~ **licensed** dietitian to have completed a documented, supervised practice experience of not less than ~~nine hundred (900)~~ **one thousand two hundred (1,200)** hours under the supervision of a certified dietitian, ~~or~~ a registered dietitian, **or a licensed dietitian.**

SECTION 34. IC 25-14.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. To qualify for a ~~certificate~~ **license** under this article, an individual must do the following:

(1) Satisfy the requirements of IC 25-14.5-3.

(2) Satisfactorily complete an application for ~~certification,~~ **licensure** furnished by the board, in accordance with the rules adopted by the board. The application must be verified by the applicant and filed at least thirty (30) days before the administration of the examination.

(3) Pay the application, examination, and ~~certification~~ **licensure** fees established by the board.

(4) Except to the extent that section 4 of this chapter applies, successfully pass the qualifying examination adopted by the board as described in IC 25-14.5-5.

(5) Provide proof that the individual is at least twenty-one (21) years of age.

SECTION 35. IC 25-14.5-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. **(a)** Except as provided in section 3 of this chapter, the board shall issue a ~~certificate~~ **license** to an individual who:

(1) meets the conditions set forth in section 1 of this chapter; and

(2) is otherwise qualified for ~~certification~~ **licensure** under this article.

(b) Beginning July 1, 2013, the board may waive the examination requirement and shall grant a license to any applicant who:

(1) makes satisfactory application to the board and is registered with the commission on dietetic registration; or

(2) received a baccalaureate or post-baccalaureate degree from an accredited college or university in the United States with:

(A) a program in dietetics or nutrition; or

(B) an equivalent major course of study as approved by the board;

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and has completed an approved educational experience and met the educational requirement of the commission on dietetic registration.

SECTION 36. IC 25-14.5-4-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 3.2. (a) The board may grant a temporary or provisional license to an applicant who meets the qualifications for licensure under this article.**

(b) A temporary or provisional license issued under subsection (a) is valid only until the next regularly scheduled meeting of the board.

SECTION 37. IC 25-14.5-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) Except as provided in subsection (b), the board may issue a ~~certificate~~ **license** to an applicant for ~~certification~~ **licensure** if the applicant presents evidence that the applicant has been issued a certificate, **license, or registration** in a state that has requirements for certification, **licensure, or registration** that are, by the board's determination, equivalent to the requirements for ~~certification~~ **licensure** in Indiana. An applicant applying for a ~~certificate~~ **license** under this subsection is not required to take an examination given by the board under IC 25-14.5-5.

(b) The board may refuse to issue a ~~certificate~~ **license** under subsection (a) if the applicant has failed an examination given by the board under IC 25-14.5-5.

(c) The fee an applicant for ~~certification~~ **licensure** must pay for a ~~certificate~~ **license** issued under subsection (a) shall be set by the board under IC 25-14.5-2-5.

SECTION 38. IC 25-14.5-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. All ~~certificates~~ **licenses** shall be effective when issued by the board.

SECTION 39. IC 25-14.5-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) A ~~certified~~ **licensed** dietitian must display the ~~certificate~~ **license** in a conspicuous part of the office in which the ~~certified~~ **licensed** dietitian practices nutrition therapy services.

(b) Whenever practicing the profession of dietetics outside of or away from the office or place of business, the ~~certified~~ **licensed** dietitian shall make available to each patient the ~~certified~~ **licensed** dietitian's name, office address, and the number of the ~~certificate.~~ **license.**

SECTION 40. IC 25-14.5-4-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2013]: **Sec. 7. (a) The board may issue a license to an applicant for licensure if the applicant presents evidence that the applicant has been issued a license in a state that has requirements for licensure that are equivalent to or more stringent than the requirements for licensure in Indiana.**

(b) An applicant under subsection (a) shall pay a fee set by the board.

(c) If the board determines that the license in the issuing state is equivalent to or more stringent than the requirements for licensure in Indiana, the applicant is not required to take an examination if all other requirements are met.

(d) The board may refuse to issue a license under subsection (a) if the applicant has at any time failed an examination given by the board.

SECTION 41. IC 25-14.5-4-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) A certified dietitian who holds a certification under this article on June 30, 2013, becomes a licensed dietitian beginning July 1, 2013, as provided in this article.**

(b) This section expires December 31, 2016.

SECTION 42. IC 25-14.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The board shall determine:

(1) a date and time when;

(2) a location in Indiana where; and

(3) the supervision under which;

applicants for ~~certification~~ **licensure** shall be examined.

SECTION 43. IC 25-14.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. Examinations shall be ~~given at least two (2) times each year.~~ **conducted online and may be conducted after a student receives approval from the commission on dietetic registration to take the examination.**

SECTION 44. IC 25-14.5-5-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 4. (a) The board shall give notice at least sixty (60) days before the administration of each examination in a manner the board considers appropriate.~~

~~(b) The board shall notify each applicant for certification of the time and place of the administration of the first examination for which the applicant is eligible to sit.~~

SECTION 45. IC 25-14.5-6-1, AS AMENDED BY P.L.1-2006, SECTION 437, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2013]: Sec. 1. (a) A ~~certificate~~ **license** issued by the board expires on a date established by the agency under IC 25-1-5-4 in the next even-numbered year following the year in which the ~~certificate~~ **license** was issued.

(b) An individual may renew a ~~certificate~~ **license** by paying a renewal fee on or before the expiration date of the ~~certificate.~~ **license.**

(c) If an individual fails to pay a renewal fee on or before the expiration date of a ~~certificate,~~ **license,** the ~~certificate~~ **license** becomes invalid.

SECTION 46. IC 25-14.5-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A ~~certified~~ **licensed** dietitian may renew a ~~certificate~~ **license** by:

(1) paying a renewal fee as set by the board; and

(2) subject to IC 25-1-4-3, providing a sworn statement attesting that the ~~certified~~ **licensed** dietitian has completed the continuing education required by the board.

SECTION 47. IC 25-14.5-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The board shall mail an application for renewal to a ~~certified~~ **licensed** dietitian at least sixty (60) days before the date on which the ~~certified~~ **licensed** dietitian's ~~certificate~~ **license** expires.

(b) The application must be mailed to the ~~certified~~ **licensed** dietitian's most recent address as it appears on the record of the board.

(c) A ~~certified~~ **licensed** dietitian filing for renewal of a ~~certificate~~ **license** must:

(1) satisfactorily complete the renewal application;

(2) return the application to the board; and

(3) submit to the board the required renewal fee;

before expiration of the ~~certified~~ **licensed** dietitian's current ~~certificate.~~ **license.**

(d) Upon receipt of the application and fee submitted under subsection (c), the board shall:

(1) verify the accuracy of the application;

(2) determine whether the continuing education requirement has been met; and

(3) verify that all other requirements under this article have been met.

(e) When the board is satisfied that all conditions under subsection (d) have been met, the board shall issue to the applicant a notice of ~~certificate~~ **license** renewal that shall be valid for two (2) years.

SECTION 48. IC 25-14.5-6-4, AS AMENDED BY P.L.105-2008, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2013]: Sec. 4. (a) A ~~certificate~~ **license** may be reinstated by the board not later than three (3) years after its expiration if the applicant for reinstatement meets the requirements under IC 25-1-8-6(c).

(b) A ~~certificate~~ **license** that has been expired for more than three (3) years may be reinstated by the board if the holder of the ~~certificate~~ **license** satisfies the requirements for reinstatement under IC 25-1-8-6(d).

SECTION 49. IC 25-14.5-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The board may classify a ~~certificate~~ **license** as inactive if the board receives written notification from a ~~certified~~ **licensed** dietitian stating that the ~~certified~~ **licensed** dietitian will not maintain an office or practice dietetics in Indiana.

(b) The renewal fee for an inactive ~~certificate~~ **license** must be one-half (1/2) the ~~certificate~~ **license** renewal fee set by the board under IC 25-14.5-2-5(b)(3).

(c) The holder of an inactive ~~certificate~~ **license** is not required to fulfill continuing education requirements set by the board.

SECTION 50. IC 25-14.5-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. The board may issue a ~~certificate~~ **license** to the holder of an inactive ~~certificate~~ **license** under section 6 of this chapter if the applicant meets the requirements under IC 25-1-8-6.

SECTION 51. IC 25-14.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Except as provided in section 3 of this chapter, an individual who is not ~~certified~~ **licensed** under this article may not:

(1) profess to be a ~~certified~~ **licensed** dietitian; or

(2) imply by words or letters such as ~~"CD"~~ **"LD"** that the individual is a ~~certified~~ **licensed** dietitian.

SECTION 52. IC 25-14.5-7-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1.3. (a) This article may not be construed to limit the practice of dietetics by a person who does not use a title specified in this article and who is one (1) of the following:**

(1) A health care professional licensed, registered, or certified under this title.

(2) A student enrolled in a program accredited by the commission on accreditation for dietetic education in dietetics and pursuing a course of study to gain licensure under this

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article, if the activities in which the student is engaged are performed under the supervision of a licensed dietitian.

(3) A nonresident of Indiana if the person:

(A) performs service in Indiana for not more than five (5) days in any one (1) month and not more than fifteen (15) days in one (1) calendar year; and

(B) is authorized to perform the services under the laws of the state or country in which the person is a resident.

(4) A person or a retailer who furnishes oral or written nutrition information related to food, food materials, or dietary supplements or the marketing of food, food materials, or dietary supplements.

(5) A person providing weight control services through a program that:

(A) has been reviewed by a licensed dietitian; and

(B) provides consultation from a dietitian licensed under this article or from another state, or a physician licensed under IC 25-22.5.

(6) A dietitian serving in:

(A) the armed forces;

(B) the public health service of the United States; or

(C) the Veterans Administration.

(7) A person who has completed the educational and preprofessional practice requirements to sit for the licensure examination but who has not yet passed the examination, if the person practices under the supervision of a dietitian licensed under this article for a period of one (1) year after completing the licensure education requirements.

(8) A person who provides nutritional or dietetic information based upon information that is available to the public, including the following:

(A) Principles of good nutrition and food preparation.

(B) Food to be included in the normal daily diet.

(C) The essential nutrients needed by the body.

(D) Recommended amounts of the essential nutrients based on published information, as long as the published information and source are made available, upon request, at the time of consultation.

(E) The actions of nutrients on the body.

(F) The effects of deficiencies or excesses of nutrients.

(G) Food and supplements that are good sources of essential nutrients.

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(9) A person who practices dietetics or nutrition care services for a close relative (as defined by IC 2-7-1-1.7) or a person living in the same household.

(b) This section does not prohibit a person described in subsection (a) from qualifying for licensure under this article.

SECTION 53. IC 25-14.5-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. ~~(a) A dietitian registered by the commission on dietetic registration may use the title "registered dietitian" and the designation "RD" but may not profess to be a certified dietitian when practicing dietetics in Indiana without being certified by the board.~~

~~(b)~~ Nothing in this article may be construed to prohibit or limit any person from:

(1) **publishing information or** disseminating **published or** free information;

(2) conducting a class or seminar; or

(3) giving a speech related to nutrition.

~~(c) Nothing in this article may be construed to require direct third-party reimbursement to persons certified under this article.~~

SECTION 54. IC 25-22.1 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

ARTICLE 22.1. MUSIC THERAPISTS

Chapter 1. Definitions

Sec. 1. As used in this article, "music therapy" means the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan for the client that identifies the goals and objectives and potential strategies of the music therapy services appropriate for the client using music therapy intervention, which may include music improvisation, receptive music listening, song writing, lyric discussion, music imagery, music performance, learning through music, and movement to music.

Chapter 2. Activity by Noncertified Individuals

Sec. 1. This chapter does not apply to the practice of an occupation or a profession for which an individual is licensed, certified, or registered in Indiana by a state agency if the individual is practicing within the scope of the license, certificate, or registration of the individual.

Sec. 2. Except as provided in section 1 of this chapter, an individual may not:

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(1) profess to be a certified music therapist or a music therapist;

(2) use the initials "MT-BC" or any other words, letters, abbreviations, or insignia indicating or implying that the individual is a certified music therapist; or

(3) use the term "music therapy" to describe the therapy provided by the individual;

unless the individual holds and maintains the credentialing administered by the Certification Board for Music Therapists.

Chapter 3. Duties and Responsibilities

Sec. 1. If a certified music therapist identifies functional deficits in the client's physical, psychological, cognitive, communication, or social skills that might affect the client's participation in music therapy, the certified music therapist shall refer the client to an appropriate professional for a comprehensive evaluation of the identified deficits.

Sec. 2. The Indiana professional licensing agency established by IC 25-1-5-3 shall maintain a hyperlink to the Internet web site for the Certification Board for Music Therapists on the Internet web site of the Indiana professional licensing agency.".

Page 25, line 39, delete "." and insert "**or podiatrist under the requirements set forth in IC 25-23-1-30.**".

Page 28, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 14. IC 25-23-1-30, AS AMENDED BY P.L.177-2009, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 30. (a) A certified registered nurse anesthetist may administer anesthesia if the certified registered nurse anesthetist acts under the direction of and in the immediate presence of:

(1) a physician; **or**

(2) a podiatrist licensed under IC 25-29 if:

(A) the administration of the anesthesia takes place in a hospital;

(B) a physician who is licensed under IC 25-22.5 is:

(i) in the immediate vicinity of the patient to whom the anesthesia will be administered;

(ii) able to respond to a medical emergency in a timely manner; and

(iii) not encumbered, while anesthesia is administered to the patient, by other duties that may prevent the physician from responding to a medical emergency in a timely manner; and

(C) the patient:

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(i) is notified that a certified registered nurse anesthetist is going to administer the anesthesia; and

(ii) consents to the anesthesia being administered by a certified registered nurse anesthetist.

(b) Nothing in this chapter shall be construed as requiring a certified registered nurse anesthetist to obtain prescriptive authority to administer anesthesia under subsection (a).".

Page 31, after line 4, begin a new paragraph and insert:

"SECTION 69. [EFFECTIVE JULY 1, 2013] **(a)As used in this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3.**

(b) The commission shall study during the 2013 interim issues concerning whether it is appropriate to amend certain statutes to allow certified registered nurse anesthetists to be classified as advanced practice nurses.

(c) This SECTION expires December 31, 2013.

SECTION 70. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 273 as printed February 22, 2013.)

CLERE, Chair

Committee Vote: yeas 10, nays 1.

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