February 18, 2013

HOUSE BILL No. 1135

DIGEST OF HB 1135 (Updated February 18, 2013 1:36 pm - DI 77)

Citations Affected: IC 16-18; IC 16-34; IC 16-37; IC 16-38; IC 25-1; IC 25-22.5; IC 25-23; IC 25-23.4; IC 34-6; IC 34-18; IC 34-30; IC 35-51; noncode.

Synopsis: Midwives. Requires the local health officer to make a permanent record of the person in attendance at a birth. Establishes the midwifery board (board). Sets qualifications for a certified direct entry midwife (CDEM). Requires the board to: (1) establish continuing education requirements; (2) develop peer review procedures; and (3) adopt rules concerning liability insurance and the competent practice of CDEMs. Establishes procedures and qualifications for certain practicing CDEMs to receive a license. Establishes penalties for practicing midwifery without a license. Provides that certain individuals may not be held jointly or severally liable for the acts or omissions of a CDEM. Provides that a hospital must enter certain information in an infant's medical record during the postpartum period if the infant was born in a setting other than a hospital or a birthing center. Adds culpability standards to the crimes of practicing medicine or osteopathic medicine and acting as a physician assistant without a license. Allows CDEMs to administer certain prescription drugs. Allows certain individuals to act under the supervision of a CDEM. Repeals the definition of "midwife" in the medical malpractice law, and adds the definition of "certified nurse midwife". Makes conforming changes.

Effective: July 1, 2013.

Lehe, Frizzell, Brown C, Turner

January 10, 2013, read first time and referred to Committee on Public Health.
February 18, 2013, amended, reported — Do Pass.

C o p y

February 18, 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

HOUSE BILL No. 1135

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

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

SECTION 1. IC 16-18-2-163, AS AMENDED BY P.L.77-2012, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 163. (a) "Health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following:

(1) An individual, a partnership, 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 licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a midwife, an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, an advanced 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, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

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

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

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

(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:

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

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

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

Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.

(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35, the term also includes a health facility (as defined in section 167 of this chapter).

(c) "Health care provider", for purposes of IC 16-36-5, means an individual licensed or authorized by this state to provide health care or professional services as:

(1) a licensed physician;

(2) a registered nurse;

(3) a licensed practical nurse;

(4) an advanced practice nurse;

(5) a ~~licensed~~ **certified** nurse midwife **or a certified direct entry midwife;**

(6) a paramedic;

(7) an emergency medical technician;

(8) an advanced emergency medical technician; or

(9) an emergency medical responder, as defined by section 109.8 of this chapter.

C o p y

The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.

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

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or authorized by the state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), an ambulatory outpatient surgical center, a dentist, an optometrist, a pharmacist, a podiatrist, a chiropractor, a psychologist, 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 blood bank, laboratory, community mental health center, community mental retardation center, community health center, or migrant health center.

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

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

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

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

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

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

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

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

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

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

C o p y

following conditions are met:

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

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

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

(C) The nature of the proposed procedure.

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

(i) the risk of infection and hemorrhage;

(ii) the potential danger to a subsequent pregnancy; and

(iii) the potential danger of infertility.

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

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

(i) a picture or drawing of a fetus;

(ii) the dimensions of a fetus; and

(iii) relevant information on the potential survival of an unborn fetus;

at this stage of development.

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

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

(I) The availability of fetal ultrasound imaging and auscultation of fetal heart tone services to enable the pregnant woman to view the image and hear the heartbeat of the fetus

C o p y

and how to obtain access to these services.

(J) That the pregnancy of a child less than fifteen (15) years of age may constitute child abuse under Indiana law if the act included an adult and must be reported to the department of child services or the local law enforcement agency under IC 31-33-5.

(2) At least eighteen (18) hours before the abortion, the pregnant woman will be informed orally and in writing of the following:

(A) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care from the county office of the division of family resources.

(B) That the father of the unborn fetus is legally required to assist in the support of the child. In the case of rape, the information required under this clause may be omitted.

(C) That adoption alternatives are available and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.

(D) That there are physical risks to the pregnant woman in having an abortion, both during the abortion procedure and after.

(E) That Indiana has enacted the safe haven law under IC 31-34-2.5.

(F) The:

(i) Internet web site address of the state department of health's web site; and

(ii) description of the information that will be provided on the web site and that are;

described in section 1.5 of this chapter.

(3) The pregnant woman certifies in writing, before the abortion is performed, that:

(A) the information required by subdivisions (1) and (2) has been provided to the pregnant woman;

(B) the pregnant woman has been offered the opportunity to view the fetal ultrasound imaging and hear the auscultation of the fetal heart tone if the fetal heart tone is audible and that the woman has:

(i) viewed or refused to view the offered fetal ultrasound imaging; and

(ii) listened to or refused to listen to the offered auscultation of the fetal heart tone if the fetal heart tone is audible; and

(C) the pregnant woman has been given a written copy of the printed materials described in section 1.5 of this chapter.

C o p y

(b) Before an abortion is performed, the pregnant woman shall view the fetal ultrasound imaging and hear the auscultation of the fetal heart tone if the fetal heart tone is audible unless the pregnant woman certifies in writing, before the abortion is performed, that the pregnant woman does not want to view the fetal ultrasound imaging.

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

(1) A licensed attending physician.

(2) ~~An attending~~ **A certified direct entry** midwife or **a certified** nurse midwife.

(3) Another individual who:

(A) holds a license of the type designated by the governing board of a hospital, after consultation with the hospital's medical staff, to attend births at the hospital; and

(B) is in attendance at the birth.

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

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

(1) Name.

(2) Sex.

(3) Date of birth.

(4) Place of birth.

(5) Name of the parents.

(6) Birthplace of the parents.

(7) The date of filing of the certificate of birth.

(8) The person in attendance at the birth.

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

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

SECTION 6. IC 16-38-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) **Certified** nurse

C o p y

midwives, **certified direct entry midwives,** and individuals and entities described in section 7(a)(2) of this chapter shall report each confirmed case of a birth problem that is recognized at the time of birth to the registry not later than sixty (60) days after the birth. An individual or entity described in section 7(a)(2) of this chapter who recognizes a birth problem in a child after birth but before the child is five (5) years of age shall report the birth problem to the registry not later than sixty (60) days after recognizing the birth problem. Information may be provided to amend or clarify an earlier reported case.

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

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

SECTION 7. IC 25-1-2-2.1, AS AMENDED BY P.L.84-2010, 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.

C o p y

(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.
(32) Genetic counselors.
(33) Direct entry midwives.

SECTION 8. 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.

C o p y

(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.
(32) Real estate appraiser licensure and certification board.
(33) State board of registration for land surveyors.
(34) Physician assistant committee.
(35) Indiana dietitians certification 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) Midwifery board.
~~(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

C o p y

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 9. IC 25-1-4-0.3, AS AMENDED BY P.L.84-2010, SECTION 8, 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) 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 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).

(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 25-27-1).

(22) Physician assistant committee (IC 25-27.5).

C o p y

(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 25-38.1-2).
(33) Midwifery board (IC 25-23.4-2-1).

SECTION 10. IC 25-1-5-3, AS AMENDED BY P.L.84-2010, 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) 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).
(11) Indiana board of veterinary medical examiners (IC 25-38.1-2).
(12) Committee of hearing aid dealer examiners (IC 25-20).
(13) Indiana physical therapy committee (IC 25-27).
(14) Respiratory care committee (IC 25-34.5).
(15) Occupational therapy committee (IC 25-23.5).
(16) Behavioral health and human services licensing board

C o p y

(IC 25-23.6).
(17) Physician assistant committee (IC 25-27.5).
(18) Indiana athletic trainers board (IC 25-5.1-2-1).
(19) Indiana dietitians certification board (IC 25-14.5-2-1).
(20) Midwifery board (IC 25-23.4-2-1).

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

SECTION 11. 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) 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).
(11) Indiana board of veterinary medical examiners (IC 25-38.1-2).
(12) Indiana physical therapy committee (IC 25-27).
(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 board (IC 25-14.5-2-1).
(19) Midwifery board (IC 25-23.4-2-1).

(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

C o p y

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 available to the public on the Internet.

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

SECTION 12. IC 25-1-7-1, AS AMENDED BY P.L.42-2011, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) 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).

Copy

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

SECTION 13. IC 25-1-8-1, AS AMENDED BY P.L.42-2011,

C o p y

SECTION 52, 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).
(26) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(27) State board of registration for land surveyors (IC 25-21.5-2-1).

C o p y

(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 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) Midwifery board (IC 25-23.4-2-1).
~~(36)~~ **(37)** Any other occupational or professional agency created after June 30, 1981.

SECTION 14. 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 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).
(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).

C o p y

(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) Midwifery board (IC 25-23.4-2-1).

(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 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,

C o p y

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 15. 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).

(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

C o p y

(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 board (IC 25-14.5-2-1).
(19) Midwifery board (IC 25-23.4-2-1).

SECTION 16. 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 member of the person's family.
(7) A member of a church practicing the religious tenets of the

C o p y

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.

(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 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

C o p y

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 **certified** midwife **or a certified direct entry 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.

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

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

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

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

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

(a) "Board" means the Indiana state board of nursing.

(b) "Advanced practice nurse" means:

(1) a nurse practitioner;

(2) a **certified** nurse midwife; or

(3) a clinical nurse specialist;

who is a registered nurse qualified to practice nursing in a specialty role based upon the additional knowledge and skill gained through a formal organized program of study and clinical experience, or the equivalent as determined by the board, which does not limit but extends or expands the function of the nurse which may be initiated by

C o p y

the client or provider in settings that shall include hospital outpatient clinics and health maintenance organizations.

(c) "Human response" means those signs, symptoms, behaviors, and processes that denote the individual's interaction with the environment.

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

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

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

(1) defining the scope of practice ~~for midwifery;~~ **of a certified nurse midwife;** and

(2) for implementing this section.

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

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

ARTICLE 23.4. CERTIFIED DIRECT ENTRY MIDWIVES

Chapter 1. Definitions

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

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

Sec. 3. "Board" refers to the midwifery board established by IC 25-23.4-2-1.

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

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

Copy

(1) An individual engaged in the practice of medicine under IC 25-22.5.

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

(3) An individual providing emergency medical services.

Sec. 5. "Intrapartum period" means the period that begins when a woman starts labor and ends when the woman gives birth.

Sec. 6. "Licensed certified direct entry midwife" means an individual who is a certified direct entry midwife and licensed under this article.

Sec. 7. "Licensing agency" refers to the Indiana professional licensing agency.

Sec. 8. "Practice of midwifery" means services delivered by a licensed certified direct entry midwife, including, for compensation, to advise, attend, or assist a woman during pregnancy, labor, natural childbirth, or the postpartum period. The term includes the following:

(1) Providing the mother with individualized prenatal care.

(2) Identifying and referring women who require obstetrical attention.

(3) Providing the mother with continuous direct participation and assistance during labor and delivery.

(4) Administering medications as provided in IC 25-23.4-4-5.

(5) Providing the mother with postpartum support.

(6) Providing normal newborn care.

Sec. 9. "Postpartum period" means the six (6) week period after a birth.

Chapter 2. Midwifery Board

Sec. 1. The midwifery board is established.

Sec. 2. (a) The board consists of nine (9) members appointed by the governor as follows:

(1) Four (4) members who are licensed certified direct entry midwives.

(2) Two (2) members who are licensed under IC 25-22.5 and who practice in the area of obstetrics, one (1) of whom has experience acting as a collaborative home birth physician with a midwife.

(3) One (1) certified nurse midwife with experience in the practice of home births.

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

(5) One (1) member representing the public who is not

C o p y

associated with the profession of midwifery or obstetrics other than as a consumer.

(b) Notwithstanding subsection (a)(1), a certified direct entry midwife appointed to the board under subsection (a)(1) after June 30, 2013, and before July 1, 2014, is not required to be licensed under this article. However, a certified direct entry midwife appointed to the board after June 30, 2013, and before July 1, 2014, under subsection (a), must be a Certified Professional Midwife by the North American Registry of Midwives.

Sec. 3. (a) The term of each board member is four (4) years.

(b) A board member may be reappointed for not more than three (3) consecutive terms.

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

(d) Board members annually shall select a chairperson and a vice chairperson from among the board's members.

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

(b) With the approval of the executive director of the licensing agency, the board may meet upon:

(1) the call of the chairperson; or

(2) the request of a majority of the members of the board.

(c) Four (4) members of the board constitute a quorum.

(d) The affirmative vote of four (4) members of the board is required for the board to take action.

Sec. 5. The licensing agency shall provide staff support for the board.

Sec. 6. (a) The board shall do the following:

(1) Establish as a requirement for licensure as a certified direct entry midwife the Certified Professional Midwife (CPM) credentials developed by the North American Registry of Midwives or a successor organization.

(2) Establish fees for the licensure of certified direct entry midwives.

(3) Establish annual continuing education requirements for license renewal, which must include continuing education in pharmacology.

(4) Develop a peer review procedure, using as guidelines the peer review procedures established by:

(A) the Indiana Midwives Association or a successor

C o p y

organization; and

(B) the North American Registry of Midwives or a successor organization.

(5) Adopt rules under IC 4-22-2 that define the competent practice for certified direct entry midwives. Rules adopted under this subdivision must limit the practice of certified direct entry midwives to nonhospital settings.

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

(A) liability insurance is available to certified direct entry midwives in Indiana; and

(B) the cost of the liability insurance is comparable to the cost of liability insurance for licensed home birth midwives in other states.

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

(b) The board may not adopt rules to grant a certified direct entry midwife prescriptive authority. However, this subsection does not limit a certified direct entry midwife's authority to administer prescription drugs under IC 25-23.4-4-5.

Sec. 7. The board shall adopt rules under IC 4-22-2 to administer this article.

Chapter 3. Certified Direct Entry Midwifery Licensing

Sec. 1. (a) This section does not apply to an individual who has a limited license under IC 25-23-1-13.1 to practice midwifery as a certified nurse midwife and is practicing within the scope of that license.

(b) After July 1, 2014, an individual may not engage in the practice of midwifery unless:

(1) the individual is licensed or certified by a board under IC 25-1-5 and is acting within the scope of the person's license or certification; or

(2) the individual has a certified direct entry midwife license under this article.

(c) To become licensed as a certified direct entry midwife, an applicant must satisfy the following requirements:

(1) Be at least twenty-one (21) years of age.

(2) Possess a high school degree or its equivalent.

(3) Satisfactorily complete educational curriculum approved by:

C o p y

(A) the Midwifery Education Accreditation Council (MEAC) or a successor organization; or

(B) the educational equivalent of a Midwifery Education Accreditation Council curriculum approved by the board.

(4) Acquire and document practical experience as outlined in the Certified Professional Midwife credentialing process in accordance with the standards of the North American Registry of Midwives or a successor organization.

(5) Obtain certification by an accredited association in adult cardiopulmonary resuscitation that is approved by the board.

(6) Complete the program sponsored by the American Academy of Pediatrics in neonatal resuscitation, excluding endotracheal intubation and the administration of drugs.

(7) Comply with the birth requirements of the Certified Professional Midwife credentialing process, observe an additional twenty (20) births, assist with an additional twenty (20) births, and act as the primary attendant for an additional twenty (20) births.

(8) Provide proof to the board that the applicant has obtained the Certified Professional Midwife credential as administered by the North American Registry of Midwives or a successor organization.

(9) Present additional documentation or certifications required by the board. The board may adopt standards that require more training than required by the North American Registry of Midwives.

(d) The board shall exempt an individual from the requirements under subsection (c) and grant the individual a certified direct entry midwife license if the individual:

(1) holds a Certified Professional Midwife credential as administered by the North American Registry of Midwives not later than December 31, 2014; and

(2) files an initial application with the board not later than December 31, 2014.

This subsection expires January 15, 2015.

(e) Until the board is prepared to accept and act upon an initial application under subsection (d), an individual who:

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

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

C o p y

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

Sec. 2. The board shall establish formal education requirements in addition to those required in section 1 of this chapter. The requirements must include course material on:

(1) emergency life support procedures;

(2) identification of high risk births for mothers;

(3) identification of potential complications during labor; and

(4) other material the board specifies.

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

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

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

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

(1) meet continuing education requirements set by the board; and

(2) maintain a Certified Professional Midwife credential.

Sec. 5. The board:

(1) shall adopt rules under IC 4-22-2 to set the fees for issuance of a license under this article; and

(2) may adopt rules under IC 4-22-2 to set other fees the board considers necessary to administer this article.

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

Sec. 7. The board may issue a license to an individual who is licensed as a midwife in another state with requirements that the board determines are at least equal to the licensing requirements of this article.

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

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

Chapter 4. Informed Consent for the Practice of Certified

C o p y

Direct Entry Midwifery

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

(1) The certified direct entry midwife must provide the potential client with an informed disclosure of practice form.

(2) The potential client must sign and date the form.

(3) The certified direct entry midwife must sign and date the form.

(4) If the potential client refuses a procedure or treatment required by law, the potential client must so indicate on a separate procedure or treatment form.

(5) The certified direct entry midwife must have an emergency plan for the care of the client if an emergency arises. As part of the emergency plan, the client must sign a release of the client's medical records that allows the certified direct entry midwife to provide the client's medical records to a physician if an emergency arises.

(6) The certified direct entry midwife must make an effort to have a written agreement with a physician to provide for consultation and backup care for the client. The backup physician should be located in an area close to where the delivery will occur. The board shall set standards for determining:

(A) the type of effort sufficient to have a written agreement with a physician to provide for backup care for the client; and

(B) the geographic area close enough to the planned location of the delivery to make the backup physician a reasonable choice to provide backup care.

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

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

(b) The board shall, in cooperation with the medical licensing board or professional organizations of physicians, develop a list of physicians willing to provide backup care as described in subsection (a)(6) and make the list available to certified direct entry midwives.

Sec. 2. A certified direct entry midwife may not perform on a

C o p y

client a specific procedure or treatment that is not described on the informed disclosure of practice form described in section 1 of this chapter until both of the following occur:

(1) The specific procedure or treatment is disclosed to the client in writing on a form that is separate from the informed disclosure of practice form.

(2) The client agrees to the procedure or treatment by signing the procedure or treatment form.

Sec. 3. The informed disclosure of practice form must be in writing and must contain the following information:

(1) A description of the certified direct entry midwife's education and training in midwifery, including completion of continuing education courses and participation in the peer review process.

(2) The certified direct entry midwife's experience level in the field of midwifery.

(3) The certified direct entry midwife's philosophy of practice.

(4) Antepartum, intrapartum, and postpartum conditions requiring consultation, transfer of care, and transport to a hospital.

(5) The emergency medical backup plan, including the emergency plan and the agreement with a physician for backup care required under section 1 of this chapter.

(6) The services to be provided to the client by the certified direct entry midwife.

(7) The certified direct entry midwife's current licensure status.

(8) A detailed explanation of treatments and procedures.

(9) A detailed description of the risks and expected benefits of midwifery care.

(10) The availability of a grievance process in a case in which a client is dissatisfied with the performance of the certified direct entry midwife.

(11) A statement that if the client is advised by the certified direct entry midwife or a collaborating physician that the client is or has become at risk (as described in IC 25-23.4-5-1), the certified direct entry midwife:

(A) shall refer the client to a physician for consultation;

(B) may refuse to provide or continue care; and

(C) may transfer care of the client to a physician.

(12) A statement disclosing whether or not the certified direct entry midwife maintains liability insurance.

C o p y

(13) That state licensure of a certified direct entry midwife does not ensure that a home setting for delivery of a child is safe.

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

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

(A) certified direct entry midwife; or

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

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

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

(1) Vital statistics.

(2) Scope of care.

(3) Transport information.

(4) Physician referral.

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

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

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

(b) A certified direct entry midwife may administer:

(1) vitamin K, either orally or through intramuscular injection;

(2) postpartum antihemorrhagic drugs in emergency situations;

(3) local anesthetics by infiltration or topical application, only for postpartum repair of lacerations, tears, and episiotomy;

(4) oxygen;

(5) Rhogam;

(6) prophylactic eye agents; and

C o p y

(7) prophylactic antibiotics for Group B Strep (also known as Beta Strep).

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

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

(1) provide the client with a statement indicating that the newborn infant should be examined by a pediatrician or family practice physician for check-ups beginning within two (2) weeks after birth; and

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

Chapter 5. Management of At-Risk Clients

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

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

(1) refer the client to a physician licensed under IC 25-22.5; and

(2) consult with the physician concerning the client's care.

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

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

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

(1) The circumstances that would require consultation or referral with a physician.

(2) The circumstances that would require transfer of responsibility for the primary care of the at-risk client.

(3) The services to be provided by the certified direct entry midwife and the licensed physician.

Chapter 6. Liability of Health Care Providers

Sec. 1. (a) A health care provider (as defined in IC 34-18-2-14) may not be held jointly or severally liable for the acts or omissions

C o p y

of the client's certified direct entry midwife.

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

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

(1) An employee of a certified direct entry midwife.

(2) A student, an intern, a trainee, or an apprentice who is:

(A) pursuing a course of study to gain licensure under this article; or

(B) accumulating the experience required for licensure under this article;

under the supervision of a certified direct entry midwife.

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

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

Chapter 7. Hospital Services

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

Sec. 2. If an infant:

(1) was delivered in a setting other than a hospital or a birthing center (as defined by IC 16-18-2-36.5); and

(2) is taken to a hospital for care during the postpartum period;

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

SECTION 21. IC 34-6-2-19.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 19.3. "Certified nurse midwife", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-6.5.**

SECTION 22. IC 34-6-2-81 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 81. "Midwife", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-19.~~

SECTION 23. IC 34-18-2-6.5 IS ADDED TO THE INDIANA

C o p y

CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6.5. "Certified nurse midwife" means a registered nurse who holds a limited license to practice midwifery under IC 25-23-1-13.1.**

SECTION 24. IC 34-18-2-14, AS AMENDED BY P.L.77-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. "Health care provider" means any of the following:

(1) An individual, a partnership, a limited liability company, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a physician, psychiatric hospital, hospital, health facility, emergency ambulance service (IC 16-18-2-107), dentist, registered or licensed practical nurse, physician assistant, **certified nurse,** midwife, **certified direct entry midwife,** optometrist, podiatrist, chiropractor, physical therapist, respiratory care practitioner, occupational therapist, psychologist, paramedic, advanced emergency medical technician, or emergency medical technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, faculty member, or employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

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

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

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

(7) A corporation, limited liability company, partnership, or professional corporation not otherwise qualified under this section that:

(A) as one (1) of its functions, provides health care;

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

(C) is determined to be eligible for coverage as a health care provider under this article for its health care function.

C o p y

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

SECTION 26. IC 34-30-2-99.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 99.7. IC 25-23.4-6-1 (Concerning:**

(1) a health care provider for the errors or omissions of a certified direct entry midwife; and

(2) a physician who enters into a collaborative plan of treatment with a certified direct entry midwife).

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

SECTION 28. 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 25-5.1-4-2 (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).
IC 25-21.5-13-2 (Concerning land surveyors).

C o p y

IC 25-21.8-7-1 (Concerning massage therapists).
IC 25-22.5-8-2 (Concerning physicians).
IC 25-22.5-8-3 (Concerning physicians).
IC 25-23-1-27 (Concerning nurses).
IC 25-23.4-3-8 (Concerning midwives).
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 (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).
IC 25-31.5-8-7 (Concerning soil scientists).

C o p y

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 29. [EFFECTIVE JULY 1, 2013] **(a) As used in this SECTION, "board" refers to the midwifery board established by IC 25-23.4-2-1, as added by this act.**

(b) Notwithstanding IC 25-23.4-2-2, as added by this act, the governor shall appoint the initial members of the board before September 1, 2013, for terms expiring as follows:

(1) One (1) member appointed under IC 25-23.4-2-2(a)(1), as added by this act, one (1) member appointed under IC 25-23.4-2-2(a)(2), as added by this act, and one (1) member appointed under IC 25-23.4-2-2(a)(4), as added by this act, for a term expiring August 31, 2018.

(2) One (1) member appointed under IC 25-23.4-2-2(a)(1), as added by this act, and one (1) member appointed under IC 25-23.4-2-2(a)(2), as added by this act, for a term expiring August 31, 2017.

(3) One (1) member appointed under IC 25-23.4-2-2(a)(1), as added by this act, and one (1) member appointed under IC 25-23.4-2-2(a)(3), as added by this act, for a term expiring August 31, 2016.

(c) This SECTION expires September 1, 2018.

SECTION 30. [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 facilitating the availability of liability insurance for certified direct entry midwives who are licensed under IC 25-23.4.

(c) This SECTION expires December 31, 2013.

C o p y

COMMITTEE REPORT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) liability insurance is available to certified direct entry midwives in Indiana; and

(B) the cost of the liability insurance is comparable to the

C o p y

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

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

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

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

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

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

Page 27, between lines 1 and 2, begin a new paragraph and insert:

"**(e) Until the board is prepared to accept and act upon an initial application under subsection (d), an individual who:**

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

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

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

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

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

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

(1)".

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

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

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

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

Page 27, delete lines 37 through 39.

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

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

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

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

C o p y

and insert:

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

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

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

"**(b)**".

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

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

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

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

(A) certified direct entry midwife; or

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

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

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

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

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

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

(1) provide the client with a statement indicating that the newborn infant should be examined by a pediatrician or family practice physician for check-ups beginning within two (2) weeks after birth; and

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

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

C o p y

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

(b)".

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

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

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

"**Chapter 6. Liability of Health Care Providers**

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

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

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

(1) An employee of a certified direct entry midwife.

(2) A student, an intern, a trainee, or an apprentice who is:

(A) pursuing a course of study to gain licensure under this article; or

(B) accumulating the experience required for licensure under this article;

under the supervision of a certified direct entry midwife.

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

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

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

Page 30, between lines 40 and 41, begin a new paragraph and insert:

"**Sec. 2. If an infant:**

(1) was delivered in a setting other than a hospital or a birthing center (as defined by IC 16-18-2-36.5); and

(2) is taken to a hospital for care during the postpartum period;

C o p y

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

Page 32, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 26. IC 34-30-2-99.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 99.7. IC 25-23.4-6-1 (Concerning:**

(1) a health care provider for the errors or omissions of a certified direct entry midwife; and

(2) a physician who enters into a collaborative plan of treatment with a certified direct entry midwife).

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

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1135 as introduced.)

CLERE, Chair

Committee Vote: yeas 11, nays 1.

C o p y