

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 273**

Citations Affected: IC 25-1; IC 25-3.7; IC 25-14.5; IC 25-22.1; IC 25-22.5; IC 25-23-1-30; IC 34-18-2-14; IC 35-51-25-1.

Synopsis: Professions and occupations. Conference committee report for ESB 273. Requires anesthesiologist assistants to be licensed and to work under a supervising anesthesiologist. Requires the medical licensing board of Indiana to administer the licensure of anesthesiologist assistants. Makes it a Class B misdemeanor for an individual to profess to be an anesthesiologist assistant or use 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 to provide instead for licensure of dietitians. 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), and provides for exceptions. Requires a certified music therapist to collaborate with the client's physician, psychologist, or other health or mental health professional if the client has certain health conditions. Allows a certified registered nurse anesthetist (CRNA) to administer anesthesia for 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 during the 2013 legislative interim issues concerning: (1) CRNAs; and (2) ambulatory outpatient surgical centers. **(This conference committee report: (1) deletes the establishment of an anesthesiologist assistant committee and transfers oversight responsibilities to the medical licensing board of Indiana; (2) removes language concerning a dietitian diagnosing for patients and language concerning dietitians from other countries practicing in Indiana; (3) modifies language concerning a CRNA providing anesthesia for a podiatrist; (4) incorporates changes made by other legislation that has been enrolled in order to avoid conflicts; and (5) adds language directing the health finance commission to study issues concerning ambulatory outpatient surgical centers.)**

Effective: Upon passage; July 1, 2013.

Adopted	Rejected
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CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 273 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 25-1-1.1-4, AS AMENDED BY P.L.28-2012,
3 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2013]: Sec. 4. (a) This section applies to an individual who is
5 applying for, or will be applying for, an initial license or an initial
6 certificate under one (1) of the following:
7 (1) IC 25-2.5 (acupuncturists).
8 **(2) IC 25-3.7 (anesthesiologist assistants).**
9 ~~(2)~~ **(3)** IC 25-10 (chiropractors).
10 ~~(3)~~ **(4)** IC 25-13 (dental hygienists).
11 ~~(4)~~ **(5)** IC 25-14 (dentists).
12 ~~(5)~~ **(6)** IC 25-14.5 (dietitians).
13 ~~(6)~~ **(7)** IC 25-17.3 (genetic counselors).
14 ~~(7)~~ **(8)** IC 25-19 (health facility and residential care facility
15 administrators).
16 ~~(8)~~ **(9)** IC 25-21.8 (massage therapists).
17 ~~(9)~~ **(10)** IC 25-22.5 (physicians).
18 ~~(10)~~ **(11)** IC 25-23 (nurses).
19 ~~(11)~~ **(12)** IC 25-23.5 (occupational therapists).
20 ~~(12)~~ **(13)** IC 25-23.6 (social workers, marriage and family
21 therapists, and counselors).
22 ~~(13)~~ **(14)** IC 25-24 (optometrists).

- 1 ~~(14)~~ **(15)** IC 25-26 (pharmacists).
 2 ~~(15)~~ **(16)** IC 25-27 (physical therapists).
 3 ~~(16)~~ **(17)** IC 25-27.5 (physician assistants).
 4 ~~(17)~~ **(18)** IC 25-29 (podiatrists).
 5 ~~(18)~~ **(19)** IC 25-33 (psychologists).
 6 ~~(19)~~ **(20)** IC 25-34.5 (respiratory care practitioners).
 7 ~~(20)~~ **(21)** IC 25-35.6 (speech pathologists and audiologists).
 8 ~~(21)~~ **(22)** IC 25-38.1 (veterinarians).
- 9 (b) As used in this chapter, "national criminal history background
 10 check" means the criminal history record system maintained by the
 11 Federal Bureau of Investigation based on fingerprint identification or
 12 any other method of positive identification.
- 13 (c) An individual applying for an initial license or initial certificate
 14 specified in subsection (a) shall submit to a national criminal history
 15 background check at the cost of the individual.
- 16 (d) The state police department shall release the results of a national
 17 criminal history background check conducted under this section to the
 18 Indiana professional licensing agency.
- 19 (e) A board, a commission, or a committee may conduct a random
 20 audit and require an individual seeking a renewal of a license or a
 21 certificate specified in subsection (a) to submit to a national criminal
 22 history background check at the cost of the individual.
- 23 SECTION 2. IC 25-1-2-2.1, AS AMENDED BY P.L.84-2010,
 24 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2013]: Sec. 2.1. Rather than being issued annually, the
 26 following permits, licenses, certificates of registration, or evidences of
 27 authority granted by a state agency must be issued for a period of two
 28 (2) years or for the period specified in the article under which the
 29 permit, license, certificate of registration, or evidence of authority is
 30 issued if the period specified in the article is longer than two (2) years:
- 31 (1) Certified public accountants, public accountants, and
 32 accounting practitioners.
 33 (2) Architects and landscape architects.
 34 (3) Dry cleaners.
 35 (4) Professional engineers.
 36 (5) Land surveyors.
 37 (6) Real estate brokers.
 38 (7) Real estate agents.
 39 (8) Security dealers' licenses issued by the securities
 40 commissioner.
 41 (9) Dental hygienists.
 42 (10) Dentists.
 43 (11) Veterinarians.
 44 (12) Physicians.
 45 (13) Chiropractors.
 46 (14) Physical therapists.
 47 (15) Optometrists.
 48 (16) Pharmacists and assistants, drugstores or pharmacies.
 49 (17) Motels and mobile home community licenses.
 50 (18) Nurses.

- 1 (19) Podiatrists.
- 2 (20) Occupational therapists and occupational therapy assistants.
- 3 (21) Respiratory care practitioners.
- 4 (22) Social workers, marriage and family therapists, and mental
- 5 health counselors.
- 6 (23) Real estate appraiser licenses and certificates issued by the
- 7 real estate appraiser licensure and certification board.
- 8 (24) Wholesale legend drug distributors.
- 9 (25) Physician assistants.
- 10 (26) Dietitians.
- 11 (27) Athlete agents.
- 12 (28) Manufactured home installers.
- 13 (29) Home inspectors.
- 14 (30) Massage therapists.
- 15 (31) Interior designers.
- 16 (32) Genetic counselors.
- 17 **(33) Anesthesiologist assistants.**

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

- 25 (1) Board of chiropractic examiners (IC 25-10-1).
- 26 (2) State board of dentistry (IC 25-14-1).
- 27 (3) Indiana state board of health facility administrators
- 28 (IC 25-19-1).
- 29 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 30 (5) Indiana state board of nursing (IC 25-23-1).
- 31 (6) Indiana optometry board (IC 25-24).
- 32 (7) Indiana board of pharmacy (IC 25-26).
- 33 (8) Board of podiatric medicine (IC 25-29-2-1).
- 34 (9) Speech-language pathology and audiology board
- 35 (IC 25-35.6-2).
- 36 (10) State psychology board (IC 25-33).
- 37 (11) Indiana board of veterinary medical examiners
- 38 (IC 25-38.1-2).
- 39 (12) Committee of hearing aid dealer examiners (IC 25-20).
- 40 (13) Indiana physical therapy committee (IC 25-27).
- 41 (14) Respiratory care committee (IC 25-34.5).
- 42 (15) Occupational therapy committee (IC 25-23.5).
- 43 (16) Behavioral health and human services licensing board
- 44 (IC 25-23.6).
- 45 (17) Physician assistant committee (IC 25-27.5).
- 46 (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- 47 (19) Indiana dietitians ~~certification~~ **licensing** board
- 48 (IC 25-14.5-2-1).
- 49 (b) Nothing in this chapter may be construed to give the agency
- 50 policy making authority, which authority remains with each board.

1 SECTION 4. IC 25-1-5-10, AS AMENDED BY P.L.84-2010,
 2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2013]: Sec. 10. (a) As used in this section, "provider" means
 4 an individual licensed, certified, registered, or permitted by any of the
 5 following:

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

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

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

- 32 (1) The provider's name.
- 33 (2) The provider's license, certification, registration, or permit
 34 number.
- 35 (3) The provider's license, certification, registration, or permit
 36 type.
- 37 (4) The date the provider's license, certification, registration, or
 38 permit was issued.
- 39 (5) The date the provider's license, certification, registration, or
 40 permit expires.
- 41 (6) The current status of the provider's license, certification,
 42 registration, or permit.
- 43 (7) The provider's city and state of record.
- 44 (8) A statement of any disciplinary action taken against the
 45 provider within the previous ten (10) years by a board or
 46 committee described in subsection (a).

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

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

1 available to the public on the Internet.

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

4 SECTION 5. IC 25-1-8-1, AS AMENDED BY SEA 558-2013,
5 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2013]: Sec. 1. As used in this chapter, "board" means any of
7 the following:

- 8 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 9 (2) Board of registration for architects and landscape architects
10 (IC 25-4-1-2).
- 11 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 12 (4) Board of chiropractic examiners (IC 25-10-1).
- 13 (5) State board of cosmetology and barber examiners
14 (IC 25-8-3-1).
- 15 (6) State board of dentistry (IC 25-14-1).
- 16 (7) State board of funeral and cemetery service (IC 25-15).
- 17 (8) State board of registration for professional engineers
18 (IC 25-31-1-3).
- 19 (9) Indiana state board of health facility administrators
20 (IC 25-19-1).
- 21 (10) Medical licensing board of Indiana (IC 25-22.5-2).
- 22 (11) Mining board (IC 22-10-1.5-2).
- 23 (12) Indiana state board of nursing (IC 25-23-1).
- 24 (13) Indiana optometry board (IC 25-24).
- 25 (14) Indiana board of pharmacy (IC 25-26).
- 26 (15) Indiana plumbing commission (IC 25-28.5-1-3).
- 27 (16) State psychology board (IC 25-33).
- 28 (17) Speech-language pathology and audiology board
29 (IC 25-35.6-2).
- 30 (18) Indiana real estate commission (IC 25-34.1-2-1).
- 31 (19) Indiana board of veterinary medical examiners
32 (IC 25-38.1-2-1).
- 33 (20) Department of insurance (IC 27-1).
- 34 (21) State police department (IC 10-11-2-4), for purposes of
35 certifying polygraph examiners under IC 25-30-2.
- 36 (22) Department of natural resources for purposes of licensing
37 water well drillers under IC 25-39-3.
- 38 (23) Private investigator and security guard licensing board
39 (IC 25-30-1-5.2).
- 40 (24) Occupational therapy committee (IC 25-23.5-2-1).
- 41 (25) Behavioral health and human services licensing board
42 (IC 25-23.6-2-1).
- 43 (26) Real estate appraiser licensure and certification board
44 (IC 25-34.1-8).
- 45 (27) State board of registration for professional surveyors
46 (IC 25-21.5-2-1).
- 47 (28) Physician assistant committee (IC 25-27.5).
- 48 (29) Indiana athletic trainers board (IC 25-5.1-2-1).
- 49 (30) Board of podiatric medicine (IC 25-29-2-1).
- 50 (31) Indiana dietitians ~~certification~~ **licensing** board

- 1 (IC 25-14.5-2-1).
 2 (32) Indiana physical therapy committee (IC 25-27).
 3 (33) Manufactured home installer licensing board (IC 25-23.7).
 4 (34) Home inspectors licensing board (IC 25-20.2-3-1).
 5 (35) State board of massage therapy (IC 25-21.8-2-1).
 6 (36) Any other occupational or professional agency created after
 7 June 30, 1981.
- 8 SECTION 6. IC 25-1-8-6, AS AMENDED BY P.L.84-2010,
 9 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2013]: Sec. 6. (a) As used in this section, "board" means any
 11 of the following:
- 12 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 - 13 (2) Board of registration for architects and landscape architects
 14 (IC 25-4-1-2).
 - 15 (3) Indiana athletic trainers board (IC 25-5.1-2-1).
 - 16 (4) Indiana auctioneer commission (IC 25-6.1-2-1).
 - 17 (5) Board of chiropractic examiners (IC 25-10-1).
 - 18 (6) State board of cosmetology and barber examiners
 19 (IC 25-8-3-1).
 - 20 (7) State board of dentistry (IC 25-14-1).
 - 21 (8) Indiana dietitians ~~certification~~ **licensing** board
 22 (IC 25-14.5-2-1).
 - 23 (9) State board of registration for professional engineers
 24 (IC 25-31-1-3).
 - 25 (10) State board of funeral and cemetery service (IC 25-15-9).
 - 26 (11) Indiana state board of health facility administrators
 27 (IC 25-19-1).
 - 28 (12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
 - 29 (13) Home inspectors licensing board (IC 25-20.2-3-1).
 - 30 (14) State board of registration for land surveyors
 31 (IC 25-21.5-2-1).
 - 32 (15) Manufactured home installer licensing board (IC 25-23.7).
 - 33 (16) Medical licensing board of Indiana (IC 25-22.5-2).
 - 34 (17) Indiana state board of nursing (IC 25-23-1).
 - 35 (18) Occupational therapy committee (IC 25-23.5).
 - 36 (19) Indiana optometry board (IC 25-24).
 - 37 (20) Indiana board of pharmacy (IC 25-26).
 - 38 (21) Indiana physical therapy committee (IC 25-27).
 - 39 (22) Physician assistant committee (IC 25-27.5).
 - 40 (23) Indiana plumbing commission (IC 25-28.5-1-3).
 - 41 (24) Board of podiatric medicine (IC 25-29-2-1).
 - 42 (25) Private investigator and security guard licensing board
 43 (IC 25-30-1-5.2).
 - 44 (26) State psychology board (IC 25-33).
 - 45 (27) Indiana real estate commission (IC 25-34.1-2).
 - 46 (28) Real estate appraiser licensure and certification board
 47 (IC 25-34.1-8).
 - 48 (29) Respiratory care committee (IC 25-34.5).
 - 49 (30) Behavioral health and human services licensing board
 50 (IC 25-23.6).

- 1 (31) Speech-language pathology and audiology board
 2 (IC 25-35.6-2).
 3 (32) Indiana board of veterinary medical examiners (IC 25-38.1).
 4 (33) State board of massage therapy (IC 25-21.8-2-1).
 5 (b) This section does not apply to a license, certificate, or
 6 registration that has been revoked or suspended.
 7 (c) Notwithstanding any other law regarding the reinstatement of a
 8 delinquent or lapsed license, certificate, or registration and except as
 9 provided in section 8 of this chapter, the holder of a license, certificate,
 10 or registration that was issued by the board that is three (3) years or less
 11 delinquent must be reinstated upon meeting the following
 12 requirements:
 13 (1) Submission of the holder's completed renewal application.
 14 (2) Payment of the current renewal fee established by the board
 15 under section 2 of this chapter.
 16 (3) Payment of a reinstatement fee established by the Indiana
 17 professional licensing agency.
 18 (4) If a law requires the holder to complete continuing education
 19 as a condition of renewal, the holder:
 20 (A) shall provide the board with a sworn statement, signed by
 21 the holder, that the holder has fulfilled the continuing
 22 education requirements required by the board; or
 23 (B) shall, if the holder has not complied with the continuing
 24 education requirements, meet any requirements imposed under
 25 IC 25-1-4-5 and IC 25-1-4-6.
 26 (d) Notwithstanding any other law regarding the reinstatement of a
 27 delinquent or lapsed license, certificate, or registration and except as
 28 provided in section 8 of this chapter, unless a statute specifically does
 29 not allow a license, certificate, or registration to be reinstated if it has
 30 lapsed for more than three (3) years, the holder of a license, certificate,
 31 or registration that was issued by the board that is more than three (3)
 32 years delinquent must be reinstated upon meeting the following
 33 requirements:
 34 (1) Submission of the holder's completed renewal application.
 35 (2) Payment of the current renewal fee established by the board
 36 under section 2 of this chapter.
 37 (3) Payment of a reinstatement fee equal to the current initial
 38 application fee.
 39 (4) If a law requires the holder to complete continuing education
 40 as a condition of renewal, the holder:
 41 (A) shall provide the board with a sworn statement, signed by
 42 the holder, that the holder has fulfilled the continuing
 43 education requirements required by the board; or
 44 (B) shall, if the holder has not complied with the continuing
 45 education requirements, meet any requirements imposed under
 46 IC 25-1-4-5 and IC 25-1-4-6.
 47 (5) Complete such remediation and additional training as deemed
 48 appropriate by the board given the lapse of time involved.
 49 (6) Any other requirement that is provided for in statute or rule
 50 that is not related to fees.

1 SECTION 7. IC 25-1-9-1, AS AMENDED BY P.L.84-2010,
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 1. As used in this chapter, "board" means any of
4 the following:

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

28 SECTION 8. IC 25-3.7 IS ADDED TO THE INDIANA CODE AS
29 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
30 2013]:

31 **ARTICLE 3.7. ANESTHESIOLOGIST ASSISTANTS**

32 **Chapter 1. Application**

33 **Sec. 1. This article does not apply to the following:**

- 34 (1) **An anesthesiologist assistant trainee.**
- 35 (2) **An anesthesiologist assistant employed in the service of the**
36 **federal government while performing duties incident to that**
37 **employment.**
- 38 (3) **A certified registered nurse anesthetist.**

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

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

46 **Chapter 2. Definitions**

47 **Sec. 1. The definitions in this chapter apply throughout this**
48 **article.**

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

1 **Sec. 3. "Anesthesiologist" means an individual who:**

2 (1) has completed a residency in anesthesiology approved by
3 the American Board of Anesthesiology or the American
4 Osteopathic Board of Anesthesiology; and

5 (2) holds an unlimited license under IC 25-22.5 to practice
6 medicine or osteopathic medicine.

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

8 (1) meets the qualifications under this article; and

9 (2) is licensed under this article.

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

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

15 **Sec. 7. "Designated anesthesiologist" means an anesthesiologist**
16 **to whom responsibility for the supervision of an anesthesiologist**
17 **assistant is temporarily designated when the supervising**
18 **anesthesiologist is unavailable.**

19 **Sec. 8. "NCCAA" refers to the National Commission on**
20 **Certification of Anesthesiologist Assistants.**

21 **Sec. 9. "Supervision" means:**

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

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

30 **Sec. 10. "Trainee" means an individual who is currently**
31 **enrolled in either an approved program or an educational program**
32 **that has applied for accreditation by the Commission on**
33 **Accreditation of Allied Health Education Programs or its successor**
34 **organization.**

35 **Chapter 3. Board Duties and Rules**

36 **Sec. 1. (a) The board shall do the following:**

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

39 (2) Approve or reject license applications.

40 (3) Approve or reject license renewal applications.

41 (4) Adopt rules under IC 4-22-2 concerning the following:

42 (A) The competent practice of anesthesiologist assistants.

43 (B) The renewal of licenses issued under this article.

44 (C) Standards for the administration of this article.

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

51 **Sec. 2. The board shall determine the amounts of fees required**

1 under this article and establish fees under IC 25-1-8-2.

2 **Chapter 4. Licensure**

3 **Sec. 1. An individual must be licensed by the board before the**
4 **individual may practice as an anesthesiologist assistant. The board**
5 **may issue a license as an anesthesiologist assistant to an applicant**
6 **who does the following:**

- 7 (1) Submits an application on a form approved by the board.
8 (2) Pays the fee established by the board.
9 (3) Is certified by the NCCAA or its successor organization.
10 (4) Submits to the board any other information the board
11 considers necessary to evaluate the applicant's qualifications.

12 **Sec. 2. The board may refuse to issue a license or may issue a**
13 **probationary license to an individual if the individual has been:**

- 14 (1) disciplined by an administrative agency in Indiana or
15 another jurisdiction; or
16 (2) convicted of a felony.

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

- 20 (1) Report regularly to the board upon a matter that is the
21 basis for the probation.
22 (2) Limit practice to areas prescribed by the board.
23 (3) Continue or renew professional education.
24 (4) Pay restitution or engage in community service without
25 compensation for a number of hours specified by the board.
26 (5) Submit to care, counseling, or treatment by a physician
27 approved by the board for a matter that is the basis for the
28 probation, at the expense of the individual who holds the
29 probationary license.

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

33 **Sec. 4. (a) The board may grant a temporary license to any**
34 **applicant who has met all the requirements for licensure under**
35 **section 1 of this chapter except for passage of an examination**
36 **required by the NCCAA and who has:**

- 37 (1) applied to take the next available examination; or
38 (2) taken the examination and is waiting for the results.

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

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

45 **Sec. 5. (a) A license issued by the board expires on a date**
46 **established by the Indiana professional licensing agency under**
47 **IC 25-1-5-4 in the next even-numbered year following the year in**
48 **which the license is issued.**

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

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

1 (2) submitting proof of meeting the criteria for recertification
 2 or continued certification by the NCCAA or its successor
 3 organization, including any continuing education
 4 requirements.

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

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

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

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

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

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

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

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

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

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

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

38 (1) the individual's license has lapsed; or
 39 (2) the individual is on inactive status under this section;
 40 is considered to be practicing without a license and is subject to
 41 discipline under IC 25-1-9.

42 Sec. 10. The board shall do the following:

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

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

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

50 Chapter 5. Scope of Practice

51 Sec. 1. (a) This chapter does not allow independent practice by

1 an anesthesiologist assistant.

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

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

5 (1) under the supervision of an anesthesiologist; and

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

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

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

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

18 (3) Implement medically accepted monitoring techniques.

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

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

24 (6) Administer:

25 (A) anesthetic drugs;

26 (B) adjuvant drugs; and

27 (C) accessory drugs.

28 (7) Implement:

29 (A) spinal;

30 (B) epidural; and

31 (C) regional;

32 anesthetic procedures.

33 (8) Administer:

34 (A) blood;

35 (B) blood products; and

36 (C) supportive fluids.

37 (9) Place deep vein catheters and arterial catheters.

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

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

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

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

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

4 (1) is consistent with this article;

5 (2) delineates:

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

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

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

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

16 (5) is updated annually; and

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

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

20 (1) the terms of the protocol; and

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

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

25 (f) An anesthesiologist or an anesthesiologist assistant who
 26 violates the written practice protocol described in this section may
 27 be disciplined under IC 25-1-9.

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

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

33 Sec. 3. A patient must:

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

37 (2) consent in writing to receive the care from the
 38 anesthesiologist assistant.

39 Sec. 4. (a) An anesthesiologist may not supervise more than four
 40 (4) anesthesiologist assistants.

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

43 Chapter 6. Unauthorized Practice; Penalty; Sanctions

44 Sec. 1. An individual may not:

45 (1) profess to be an anesthesiologist assistant;

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

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

51 unless the person is licensed under this article.

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

3 SECTION 9. IC 25-14.5-1-2 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. "Board" refers to the
 5 Indiana dietitians ~~certification~~ **licensing** board established by
 6 IC 25-14.5-2-1.

7 SECTION 10. IC 25-14.5-1-4 IS REPEALED [EFFECTIVE JULY
 8 1, 2013]. Sec. 4. "Certified dietitian" refers to a person certified under
 9 this article to practice dietetics. Activities of a certified dietitian do not
 10 include the medical differential diagnoses of the health status of an
 11 individual.

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

15 (+) was is located in the United States and

16 (2) was regionally accredited;

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

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

29 (1) food;

30 (2) nutrition; and

31 (3) basic sciences;

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

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

43 SECTION 14. IC 25-14.5-1-8.5 IS ADDED TO THE INDIANA
 44 CODE AS A NEW SECTION TO READ AS FOLLOWS
 45 [EFFECTIVE JULY 1, 2013]: **Sec. 8.5. "Licensed dietitian" refers**
 46 **to a person licensed under this article to practice dietetics.**
 47 **Activities of a licensed dietitian do not include a medical diagnosis.**

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

51 (+) determining and recommending nutrient needs based on

1 nutritional assessment and medical problems relative to medically
2 prescribed diets, including:

- 3 (A) tube feedings;
4 (B) specialized intravenous solutions; and
5 (C) specialized oral feedings;
6 (2) interactions of prescription drugs with food and nutrients; or
7 (3) developing and managing food services operations that have
8 the chief function of providing nutrition therapy services and
9 providing medically prescribed diets.

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

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

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

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

31 SECTION 17. IC 25-14.5-1-11.1 IS ADDED TO THE INDIANA
32 CODE AS A NEW SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2013]: **Sec. 11.1. "Nutrition assessment"**
34 **means the systematic process of obtaining, verifying, and**
35 **interpreting biochemical, anthropometric, physical, and dietary**
36 **data in order to make decisions about the nature and cause of**
37 **nutrition related problems. Nutrition assessment is an ongoing,**
38 **dynamic process that involves not only initial data collection, but**
39 **also reassessment and analysis of client or community needs, and**
40 **provides the foundation for nutritional recommendation including**
41 **enteral and parenteral nutrition.**

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

- 50 (1) Nutrition assessment.
51 (2) Nutrition intervention.

1 **(3) Nutrition monitoring and evaluation.**

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

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

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

11 **(3) Providing nutrition counseling in health and disease.**

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

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

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

23 **(1) food and other sources of nutrients; and**

24 **(2) meal preparation;**

25 **while being cognizant of cultural background and socioeconomic**
26 **status.**

27 SECTION 21. IC 25-14.5-1-11.6 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2013]: **Sec. 11.6. "Nutrition intervention"**
30 **refers to purposefully planned actions intended to positively**
31 **change nutrition related behavior, risk factors, environmental**
32 **conditions, or aspects of health status for:**

33 **(1) an individual;**

34 **(2) an individual's family or caregiver;**

35 **(3) target groups; or**

36 **(4) the community at large.**

37 SECTION 22. IC 25-14.5-1-11.7 IS ADDED TO THE INDIANA
38 CODE AS A NEW SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2013]: **Sec. 11.7. "Nutrition monitoring and**
40 **evaluation" means identifying patient or client outcomes relevant**
41 **to the nutrition assessment and intervention plans and goals**
42 **established for the patient or client and comparing those outcomes**
43 **with the previous status, intervention goals, or a reference**
44 **standard to determine the progress made in achieving the desired**
45 **outcomes of nutrition care and determining whether planned**
46 **interventions for the patient or client should be continued or**
47 **revised.**

48 SECTION 23. IC 25-14.5-1-13 IS AMENDED TO READ AS
49 FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 13. "Practice**
50 **experience" means a preprofessional, documented, supervised practice**
51 **in dietetics services that is acceptable to the board in compliance with**

1 requirements for ~~certification~~. **licensure**. It may be or may **Practice**
 2 **experience must** include a documented, supervised practice
 3 experience that is a component of the educational requirements for
 4 ~~certification~~. **licensure**.

5 SECTION 24. IC 25-14.5-1-14 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) "Practice of
 7 dietetics" means the integration and application of the principles
 8 derived from the sciences of nutrition, biochemistry, food, physiology,
 9 management, and behavioral and social sciences to achieve and
 10 maintain people's health through the provision of nutrition therapy
 11 services. **The practice of dietetics includes:**

- 12 (1) **conducting nutrition assessments;**
- 13 (2) **engaging in nutrition care processes;**
- 14 (3) **providing nutrition care services;**
- 15 (4) **providing nutrition counseling;**
- 16 (5) **engaging in nutrition interventions; and**
- 17 (6) **providing nutrition monitoring and evaluation.**

18 (b) **A licensed dietitian shall do the following:**

- 19 (1) **Engage in the nutrition care process to provide safe and**
 20 **effective quality nutrition care services and medical nutrition**
 21 **therapy.**
- 22 (2) **Develop a plan of care for each patient who is referred and**
 23 **be responsible for implementation and modification of the**
 24 **plan.**
- 25 (3) **Consult with the referring practitioner.**
- 26 (4) **Notify the referring practitioner regarding any**
 27 **contraindicated or unjustified treatment.**
- 28 (5) **Practice in accordance with the standards established by**
 29 **the board and the commission on dietetic registration**
 30 **regulating the profession.**

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

34 SECTION 26. IC 25-14.5-2-2 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The board consists
 36 of seven (7) members appointed by the governor as follows:

- 37 (1) Four (4) members who are ~~certified~~ **licensed** under this article
 38 and currently provide and have provided services in the practice
 39 of dietetics in Indiana for a minimum of three (3) years.
- 40 (2) One (1) member who is a physician licensed under IC 25-22.5.
- 41 (3) One (1) member who is a registered nurse licensed under
 42 IC 25-23.
- 43 (4) One (1) member representing the public who is a resident of
 44 Indiana and has never been associated with dietetics in any way
 45 other than as a consumer.

46 SECTION 27. IC 25-14.5-2-5 IS AMENDED TO READ AS
 47 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) The board shall
 48 adopt rules under IC 4-22-2 establishing standards for:

- 49 (1) professional responsibility or a code of ethics for the
 50 profession of dietetics;
- 51 (2) applicant qualifications of a ~~certified~~ **licensed** dietitian;

- 1 (3) the administration of this article;
- 2 (4) the number of hours of continuing education needed for
- 3 renewal of ~~certification~~ **licensure** and the procedures for
- 4 approving continuing education courses and programs; and
- 5 (5) establishing fees under IC 25-1-8-2 as described in subsection
- 6 (b).
- 7 (b) The board shall establish, charge, and collect fees under
- 8 IC 25-1-8-2 for:
- 9 (1) the filing of an application for a ~~certificate~~ **license** under this
- 10 article;
- 11 (2) the original issuance of a ~~certificate~~ **license** under this article;
- 12 (3) a renewal of a ~~certificate~~ **license** issued in accordance with
- 13 this article;
- 14 (4) the replacement of a ~~certificate~~ **license** or renewal ~~certificate~~
- 15 **license** lost or destroyed; and
- 16 (5) any other purposes prescribed by IC 25-1-8-2.
- 17 SECTION 28. IC 25-14.5-2-5.1 IS ADDED TO THE INDIANA
- 18 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 19 **[EFFECTIVE JULY 1, 2013]: Sec. 5.1. (a) The rules adopted by the**
- 20 **Indiana dietitians certification board before July 1, 2013,**
- 21 **concerning certification of dietitians are considered after June 30,**
- 22 **2013, the rules of the Indiana dietitians licensing board. However,**
- 23 **the terms "certify", "certified", or "certification" in the rules must**
- 24 **be construed as "license", "licensed", or "licensure" to be**
- 25 **consistent with this chapter.**
- 26 **(b) Before July 1, 2014, the Indiana dietitians licensing board**
- 27 **shall revise, update, or repeal the rules described in this section to**
- 28 **reflect the change from certification to licensure by legislation**
- 29 **enacted in the 2013 session of the general assembly.**
- 30 **(c) This section expires December 31, 2014.**
- 31 SECTION 29. IC 25-14.5-2-6 IS AMENDED TO READ AS
- 32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The board shall
- 33 hold meetings as follows:
- 34 (1) A meeting for the purpose of organization must be held not
- 35 more than thirty (30) days after the board members are appointed.
- 36 (2) The board shall hold at least ~~two~~ ~~(2)~~ **four (4)** regular meetings
- 37 each calendar year. At the first regular meeting each year, the
- 38 board shall elect a chairperson and vice chairperson.
- 39 (3) Special meetings may be held at the discretion of the
- 40 chairperson.
- 41 (4) Meetings may be held at such time as the board or chairperson
- 42 shall determine.
- 43 (b) A quorum of the board consists of four (4) members.
- 44 (c) A secretary of the board shall be elected by the board and shall
- 45 hold office at the pleasure of the board.
- 46 **(d) The board shall receive and process complaints and**
- 47 **investigate alleged violations of this article by an individual**
- 48 **licensed under this article. The board may:**
- 49 **(1) examine witnesses; and**
- 50 **(2) administer oaths.**
- 51 **(e) If:**

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

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

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

7 SECTION 30. IC 25-14.5-3-1 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The board ~~may~~ **shall**
 9 require a person who applies for a ~~certified dietitian certificate~~ **license**
 10 to have:

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

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

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

21 SECTION 31. IC 25-14.5-3-2 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The board ~~may~~ **shall**
 23 require a person who:

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

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

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

33 SECTION 32. IC 25-14.5-3-3 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. The board may
 35 require a person who applies for a ~~certificate~~ **license** as a ~~certified~~
 36 **licensed** dietitian to have completed a documented, supervised practice
 37 experience of not less than ~~nine hundred (900)~~ **one thousand two**
 38 **hundred (1,200)** hours under the supervision of a certified dietitian, ~~or~~
 39 a registered dietitian, **or a licensed dietitian.**

40 SECTION 33. IC 25-14.5-4-1 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. To qualify for a
 42 ~~certificate~~ **license** under this article, an individual must do the
 43 following:

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

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

50 (3) Pay the application, examination, and ~~certification~~ **licensure**

1 fees established by the board.

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

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

7 SECTION 34. IC 25-14.5-4-2 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. Except as provided
9 in section 3 of this chapter, the board shall issue a ~~certificate~~ **license** to
10 an individual who:

11 (1) meets the conditions set forth in section 1 of this chapter; and
12 (2) is otherwise qualified for ~~certification~~ **licensure** under this
13 article.

14 SECTION 35. IC 25-14.5-4-3.2 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2013]: **Sec. 3.2. (a) The board may grant a**
17 **temporary or provisional license to an applicant who meets the**
18 **qualifications for licensure under this article.**

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

22 SECTION 36. IC 25-14.5-4-4 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) Except as
24 provided in subsection (b), the board may issue a ~~certificate~~ **license** to
25 an applicant for ~~certification~~ **licensure** if the applicant presents
26 evidence that the applicant has been issued a certificate, **license, or**
27 **registration** in a state that has requirements for certification,
28 **licensure, or registration** that are, by the board's determination,
29 equivalent to the requirements for ~~certification~~ **licensure** in Indiana. An
30 applicant applying for a ~~certificate~~ **license** under this subsection is not
31 required to take an examination given by the board under IC 25-14.5-5.

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

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

38 SECTION 37. IC 25-14.5-4-5 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. All ~~certificates~~
40 **licenses** shall be effective when issued by the board.

41 SECTION 38. IC 25-14.5-4-6 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) A ~~certified~~
43 **licensed** dietitian must display the ~~certificate~~ **license** in a conspicuous
44 part of the office in which the ~~certified~~ **licensed** dietitian practices
45 nutrition therapy services.

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

1 SECTION 39. IC 25-14.5-4-7 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2013]: **Sec. 7. (a) The board may issue a**
 4 **license to an applicant for licensure if the applicant presents**
 5 **evidence that the applicant has been issued a license in a state that**
 6 **has requirements for licensure that are equivalent to or more**
 7 **stringent than the requirements for licensure in Indiana.**

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

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

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

17 SECTION 40. IC 25-14.5-4-8 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) A certified dietitian who**
 20 **holds a certification under this article on June 30, 2013, becomes**
 21 **a licensed dietitian beginning July 1, 2013, as provided in this**
 22 **article.**

23 (b) This section expires December 31, 2016.

24 SECTION 41. IC 25-14.5-5-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The board shall
 26 determine:

- 27 (1) a date and time when;
- 28 (2) a location in Indiana where; and
- 29 (3) the supervision under which;

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

31 SECTION 42. IC 25-14.5-5-3 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. Examinations shall
 33 be: ~~given at least two (2) times each year.~~

34 (1) supervised; and

35 (2) conducted online;

36 **and may be conducted after a student receives approval from the**
 37 **commission on dietetic registration to take the examination.**

38 SECTION 43. IC 25-14.5-5-4 IS REPEALED [EFFECTIVE JULY
 39 1, 2013]. ~~Sec. 4. (a) The board shall give notice at least sixty (60) days~~
 40 ~~before the administration of each examination in a manner the board~~
 41 ~~considers appropriate.~~

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

45 SECTION 44. IC 25-14.5-6-1, AS AMENDED BY P.L.1-2006,
 46 SECTION 437, IS AMENDED TO READ AS FOLLOWS
 47 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) A ~~certificate~~ **license** issued
 48 by the board expires on a date established by the agency under
 49 IC 25-1-5-4 in the next even-numbered year following the year in
 50 which the ~~certificate~~ **license** was issued.

51 (b) An individual may renew a ~~certificate~~ **license** by paying a

1 renewal fee on or before the expiration date of the ~~certificate~~ **license**.

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

5 SECTION 45. IC 25-14.5-6-2 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A ~~certified~~ **licensed**
7 dietitian may renew a ~~certificate~~ **license** by:

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

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

12 SECTION 46. IC 25-14.5-6-3 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The board shall
14 mail an application for renewal to a ~~certified~~ **licensed** dietitian at least
15 sixty (60) days before the date on which the ~~certified~~ **licensed**
16 dietitian's ~~certificate~~ **license** expires.

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

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

21 (1) satisfactorily complete the renewal application;

22 (2) return the application to the board; and

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

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

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

28 (1) verify the accuracy of the application;

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

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

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

36 SECTION 47. IC 25-14.5-6-4, AS AMENDED BY P.L.105-2008,
37 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2013]: Sec. 4. (a) A ~~certificate~~ **license** may be reinstated by
39 the board not later than three (3) years after its expiration if the
40 applicant for reinstatement meets the requirements under
41 IC 25-1-8-6(c).

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

46 SECTION 48. IC 25-14.5-6-6 IS AMENDED TO READ AS
47 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The board may
48 classify a ~~certificate~~ **license** as inactive if the board receives written
49 notification from a ~~certified~~ **licensed** dietitian stating that the ~~certified~~
50 **licensed** dietitian will not maintain an office or practice dietetics in

1 Indiana.

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

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

7 SECTION 49. IC 25-14.5-6-7 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. The board may issue
9 a ~~certificate~~ **license** to the holder of an inactive ~~certificate~~ **license** under
10 section 6 of this chapter if the applicant meets the requirements under
11 IC 25-1-8-6.

12 SECTION 50. IC 25-14.5-7-1 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. Except as provided
14 in section 3 of this chapter, an individual who is not ~~certified~~ **licensed**
15 under this article may not:

- 16 (1) profess to be a ~~certified~~ **licensed** dietitian; or
17 (2) imply by words or letters such as "~~CD~~" "**LD**" that the
18 individual is a ~~certified~~ **licensed** dietitian.

19 SECTION 51. IC 25-14.5-7-1.3 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2013]: **Sec. 1.3. (a) This article may not be**
22 **construed to limit the practice of dietetics by a person who does not**
23 **use a title specified in this article and who is one (1) of the**
24 **following:**

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

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

32 (3) **A nonresident of Indiana if the person:**

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

36 (B) **is authorized to perform the services under the laws of**
37 **the state in which the person is a resident if the laws are**
38 **substantially similar to the laws under this article.**

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

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

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

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

49 (6) **A dietitian serving in:**

50 (A) **the armed forces;**

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

- 1 **(C) the Veterans Administration.**
 2 **(7) A person who has completed the educational and**
 3 **preprofessional practice requirements to sit for the licensure**
 4 **examination but who has not yet passed the examination, if**
 5 **the person practices under the supervision of a dietitian**
 6 **licensed under this article for a period of one (1) year after**
 7 **completing the licensure education requirements.**
 8 **(8) A person who provides nutritional or dietetic information**
 9 **based upon information that is available to the public,**
 10 **including the following:**
 11 **(A) Principles of good nutrition and food preparation.**
 12 **(B) Food to be included in the normal daily diet.**
 13 **(C) The essential nutrients needed by the body.**
 14 **(D) Recommended amounts of the essential nutrients based**
 15 **on published information, as long as the published**
 16 **information and source are made available, upon request,**
 17 **at the time of consultation.**
 18 **(E) The actions of nutrients on the body.**
 19 **(F) The effects of deficiencies or excesses of nutrients.**
 20 **(G) Food and supplements that are good sources of**
 21 **essential nutrients.**
 22 **(9) A person who practices dietetics or nutrition care services**
 23 **for a close relative (as defined by IC 2-7-1-1.7) or a person**
 24 **living in the same household.**
 25 **(b) This section does not prohibit a person described in**
 26 **subsection (a) from qualifying for licensure under this article.**
 27 SECTION 52. IC 25-14.5-7-3 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. ~~(a)~~ A dietitian
 29 registered by the commission on dietetic registration may use the title
 30 "registered dietitian" and the designation "RD" but may not profess to
 31 be a certified dietitian when practicing dietetics in Indiana without
 32 being certified by the board.
 33 ~~(b)~~ Nothing in this article may be construed to prohibit or limit any
 34 person from:
 35 (1) **publishing information or disseminating published or free**
 36 **information;**
 37 (2) conducting a class or seminar; or
 38 (3) giving a speech related to nutrition.
 39 ~~(c)~~ Nothing in this article may be construed to require direct
 40 third-party reimbursement to persons certified under this article.
 41 SECTION 53. IC 25-22.1 IS ADDED TO THE INDIANA CODE
 42 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY
 43 1, 2013]:
 44 **ARTICLE 22.1. MUSIC THERAPISTS**
 45 **Chapter 1. Definitions**
 46 **Sec. 1. As used in this article, "music therapy" means the**
 47 **clinical and evidence-based use of music interventions to**
 48 **accomplish individualized goals within a therapeutic relationship**
 49 **through an individualized music therapy treatment plan for the**
 50 **client that identifies the goals and objectives and potential**
 51 **strategies of the music therapy services appropriate for the client**

1 using music therapy intervention, which may include music
 2 improvisation, receptive music listening, song writing, lyric
 3 discussion, music imagery, music performance, learning through
 4 music, and movement to music.

5 **Chapter 2. Activity by Noncertified Individuals**

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

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

- 13 (1) **profess to be a certified music therapist or a music**
 14 **therapist;**
 15 (2) **use the initials "MT-BC" or any other words, letters,**
 16 **abbreviations, or insignia indicating or implying that the**
 17 **individual is a certified music therapist; or**
 18 (3) **use the term "music therapy" to describe the therapy**
 19 **provided by the individual;**

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

22 **Chapter 3. Duties and Responsibilities**

23 **Sec. 1. (a) Before providing music therapy services to a client for**
 24 **a medical, developmental, or mental health condition, the certified**
 25 **music therapist shall collaborate with the client's physician,**
 26 **psychologist, or other health or mental health professional to**
 27 **review the client's diagnosis, treatment needs, and treatment plan.**

28 **(b) While providing music therapy services to a client, a**
 29 **certified music therapist shall collaborate with:**

- 30 (1) **the client's treatment team; or**
 31 (2) **if the client does not have a treatment team, the client's**
 32 **physician, psychologist, or health or mental health**
 33 **professional;**

34 **to review the client's diagnosis, treatment needs, and treatment**
 35 **plan.**

36 **Sec. 2. If a certified music therapist identifies functional deficits**
 37 **in the client's physical, psychological, cognitive, communication, or**
 38 **social skills, the certified music therapist shall refer the client to**
 39 **appropriate professionals for comprehensive evaluation of the**
 40 **identified deficits.**

41 **SECTION 54. IC 25-22.5-1-1.1, AS AMENDED BY SEA**
 42 **589-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS**
 43 **[EFFECTIVE JULY 1, 2013]: Sec. 1.1. As used in this article:**

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

- 46 (1) Holding oneself out to the public as being engaged in:
 47 (A) the diagnosis, treatment, correction, or prevention of any
 48 disease, ailment, defect, injury, infirmity, deformity, pain, or
 49 other condition of human beings;
 50 (B) the suggestion, recommendation, or prescription or
 51 administration of any form of treatment, without limitation;

- 1 (C) the performing of any kind of surgical operation upon a
 2 human being, including tattooing, except for tattooing (as
 3 defined in IC 35-42-2-7), in which human tissue is cut, burned,
 4 or vaporized by the use of any mechanical means, laser, or
 5 ionizing radiation, or the penetration of the skin or body orifice
 6 by any means, for the intended palliation, relief, or cure; or
 7 (D) the prevention of any physical, mental, or functional
 8 ailment or defect of any person.
- 9 (2) The maintenance of an office or a place of business for the
 10 reception, examination, or treatment of persons suffering from
 11 disease, ailment, defect, injury, infirmity, deformity, pain, or other
 12 conditions of body or mind.
- 13 (3) Attaching the designation "doctor of medicine", "M.D.",
 14 "doctor of osteopathy", "D.O.", "osteopathic medical physician",
 15 "physician", "surgeon", or "physician and surgeon", either alone
 16 or in connection with other words, or any other words or
 17 abbreviations to a name, indicating or inducing others to believe
 18 that the person is engaged in the practice of medicine or
 19 osteopathic medicine (as defined in this section).
- 20 (4) Providing diagnostic or treatment services to a person in
 21 Indiana when the diagnostic or treatment services:
 22 (A) are transmitted through electronic communications; and
 23 (B) are on a regular, routine, and nonepisodic basis or under
 24 an oral or written agreement to regularly provide medical
 25 services.
- 26 In addition to the exceptions described in section 2 of this chapter,
 27 a nonresident physician who is located outside Indiana does not
 28 practice medicine or osteopathy in Indiana by providing a second
 29 opinion to a licensee or diagnostic or treatment services to a
 30 patient in Indiana following medical care originally provided to
 31 the patient while outside Indiana.
- 32 (b) "Board" refers to the medical licensing board of Indiana.
- 33 (c) "Diagnose or diagnosis" means to examine a patient, parts of a
 34 patient's body, substances taken or removed from a patient's body, or
 35 materials produced by a patient's body to determine the source or
 36 nature of a disease or other physical or mental condition, or to hold
 37 oneself out or represent that a person is a physician and is so examining
 38 a patient. It is not necessary that the examination be made in the
 39 presence of the patient; it may be made on information supplied either
 40 directly or indirectly by the patient.
- 41 (d) "Drug or medicine" means any medicine, compound, or
 42 chemical or biological preparation intended for internal or external use
 43 of humans, and all substances intended to be used for the diagnosis,
 44 cure, mitigation, or prevention of diseases or abnormalities of humans,
 45 which are recognized in the latest editions published of the United
 46 States Pharmacopoeia or National Formulary, or otherwise established
 47 as a drug or medicine.
- 48 (e) "Licensee" means any individual holding a valid unlimited
 49 license issued by the board under this article.
- 50 (f) "Prescribe or prescription" means to direct, order, or designate

1 the use of or manner of using a drug, medicine, or treatment, by spoken
2 or written words or other means.

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

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

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

10 (1) is supervised by a physician;

11 (2) graduated from an approved physician assistant program
12 described in IC 25-27.5-2-2;

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

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

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

20 **(k) "Anesthesiologist assistant" means an individual who has
21 been licensed by the board under IC 25-3.7.**

22 SECTION 55. IC 25-22.5-1-2, AS AMENDED BY P.L.77-2012,
23 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2013]: Sec. 2. (a) This article, as it relates to the unlawful or
25 unauthorized practice of medicine or osteopathic medicine, does not
26 apply to any of the following:

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

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

33 (3) A paramedic (as defined in IC 16-18-2-266), an advanced
34 emergency medical technician (as defined in IC 16-18-2-6.5), an
35 emergency medical technician (as defined in IC 16-18-2-112), or
36 a person with equivalent certification from another state who
37 renders advanced life support (as defined in IC 16-18-2-7), or
38 basic life support (as defined in IC 16-18-2-33.5):

39 (A) during a disaster emergency declared by the governor
40 under IC 10-14-3-12 in response to an act that the governor in
41 good faith believes to be an act of terrorism (as defined in
42 IC 35-31.5-2-329); and

43 (B) in accordance with the rules adopted by the Indiana
44 emergency medical services commission or the disaster
45 emergency declaration of the governor.

46 (4) Commissioned medical officers or medical service officers of
47 the armed forces of the United States, the United States Public
48 Health Service, and medical officers of the United States
49 Department of Veterans Affairs in the discharge of their official
50 duties in Indiana.

- 1 (5) An individual who is not a licensee who resides in another
2 state or country and is authorized to practice medicine or
3 osteopathic medicine there, who is called in for consultation by an
4 individual licensed to practice medicine or osteopathic medicine
5 in Indiana.
- 6 (6) A person administering a domestic or family remedy to a
7 member of the person's family.
- 8 (7) A member of a church practicing the religious tenets of the
9 church if the member does not make a medical diagnosis,
10 prescribe or administer drugs or medicines, perform surgical or
11 physical operations, or assume the title of or profess to be a
12 physician.
- 13 (8) A school corporation and a school employee who acts under
14 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 15 (9) A chiropractor practicing the chiropractor's profession under
16 IC 25-10 or to an employee of a chiropractor acting under the
17 direction and supervision of the chiropractor under IC 25-10-1-13.
- 18 (10) A dental hygienist practicing the dental hygienist's profession
19 under IC 25-13.
- 20 (11) A dentist practicing the dentist's profession under IC 25-14.
- 21 (12) A hearing aid dealer practicing the hearing aid dealer's
22 profession under IC 25-20.
- 23 (13) A nurse practicing the nurse's profession under IC 25-23.
24 However, a certified registered nurse anesthetist (as defined in
25 IC 25-23-1-1.4) may administer anesthesia if the certified
26 registered nurse anesthetist acts:
- 27 (A) under the direction of and in the immediate presence of a
28 physician; or
- 29 (B) for a podiatrist if the requirements set forth in
30 IC 25-23-1-30 are met.
- 31 (14) An optometrist practicing the optometrist's profession under
32 IC 25-24.
- 33 (15) A pharmacist practicing the pharmacist's profession under
34 IC 25-26.
- 35 (16) A physical therapist practicing the physical therapist's
36 profession under IC 25-27.
- 37 (17) A podiatrist practicing the podiatrist's profession under
38 IC 25-29.
- 39 (18) A psychologist practicing the psychologist's profession under
40 IC 25-33.
- 41 (19) A speech-language pathologist or audiologist practicing the
42 pathologist's or audiologist's profession under IC 25-35.6.
- 43 (20) An employee of a physician or group of physicians who
44 performs an act, a duty, or a function that is customarily within
45 the specific area of practice of the employing physician or group
46 of physicians, if the act, duty, or function is performed under the
47 direction and supervision of the employing physician or a
48 physician of the employing group within whose area of practice
49 the act, duty, or function falls. An employee may not make a
50 diagnosis or prescribe a treatment and must report the results of

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

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

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

16 (A) a physician;

17 (B) a psychiatric hospital;

18 (C) a hospital;

19 (D) a health maintenance organization or limited service
 20 health maintenance organization;

21 (E) a health facility;

22 (F) a dentist;

23 (G) a registered or licensed practical nurse;

24 (H) a midwife;

25 (I) an optometrist;

26 (J) a podiatrist;

27 (K) a chiropractor;

28 (L) a physical therapist; or

29 (M) a psychologist.

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

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

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

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

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

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

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

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

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

48 (c) An employment or other contractual relationship between an
 49 entity described in subsection (a)(21) through (a)(22) and a licensed
 50 physician does not constitute the unlawful practice of medicine under

1 this article if the entity does not direct or control independent medical
 2 acts, decisions, or judgment of the licensed physician. However, if the
 3 direction or control is done by the entity under IC 34-30-15 (or
 4 IC 34-4-12.6 before its repeal), the entity is excluded from the
 5 application of this article as it relates to the unlawful practice of
 6 medicine or osteopathic medicine.

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

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

17 SECTION 56. IC 25-22.5-8-2, AS AMENDED BY P.L.90-2007,
 18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2013]: Sec. 2. (a) A person who violates this article by
 20 unlawfully practicing medicine or osteopathic medicine commits a
 21 Class C felony.

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

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

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

28 SECTION 57. IC 25-23-1-30, AS AMENDED BY P.L.177-2009,
 29 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2013]: Sec. 30. (a) A certified registered nurse anesthetist may
 31 administer anesthesia if the certified registered nurse anesthetist acts
 32 under the direction of and in the immediate presence of:

33 **(1) a physician; or**

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

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

37 **(B) a physician who is licensed under IC 25-22.5 is
 38 available to respond immediately and in person to a
 39 medical emergency; and**

40 **(C) the patient or the patient's representative:**

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

43 **(ii) consents in writing to the administration of the
 44 anesthesia by a certified registered nurse anesthetist.**

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

48 SECTION 58. IC 34-18-2-14, AS AMENDED BY P.L.77-2012,
 49 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 50 JULY 1, 2013]: Sec. 14. "Health care provider" means any of the
 51 following:

- 1 (1) An individual, a partnership, a limited liability company, a
 2 corporation, a professional corporation, a facility, or an institution
 3 licensed or legally authorized by this state to provide health care
 4 or professional services as a physician, psychiatric hospital,
 5 hospital, health facility, emergency ambulance service
 6 (IC 16-18-2-107), dentist, registered or licensed practical nurse,
 7 physician assistant, **anesthesiologist assistant**, midwife,
 8 optometrist, podiatrist, chiropractor, physical therapist, respiratory
 9 care practitioner, occupational therapist, psychologist, paramedic,
 10 advanced emergency medical technician, or emergency medical
 11 technician, or a person who is an officer, employee, or agent of
 12 the individual, partnership, corporation, professional corporation,
 13 facility, or institution acting in the course and scope of the
 14 person's employment.
- 15 (2) A college, university, or junior college that provides health
 16 care to a student, faculty member, or employee, and the governing
 17 board or a person who is an officer, employee, or agent of the
 18 college, university, or junior college acting in the course and
 19 scope of the person's employment.
- 20 (3) A blood bank, community mental health center, community
 21 mental retardation center, community health center, or migrant
 22 health center.
- 23 (4) A home health agency (as defined in IC 16-27-1-2).
- 24 (5) A health maintenance organization (as defined in
 25 IC 27-13-1-19).
- 26 (6) A health care organization whose members, shareholders, or
 27 partners are health care providers under subdivision (1).
- 28 (7) A corporation, limited liability company, partnership, or
 29 professional corporation not otherwise qualified under this section
 30 that:
- 31 (A) as one (1) of its functions, provides health care;
 32 (B) is organized or registered under state law; and
 33 (C) is determined to be eligible for coverage as a health care
 34 provider under this article for its health care function.
- 35 Coverage for a health care provider qualified under this
 36 subdivision is limited to its health care functions and does not
 37 extend to other causes of action.
- 38 SECTION 59. IC 35-51-25-1, AS ADDED BY P.L.70-2011,
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 25:
- 41 IC 25-2.1-13-3 (Concerning accountants).
 42 IC 25-2.5-3-4 (Concerning acupuncturists).
 43 **IC 25-3.7-6-2 (Concerning anesthesiologist assistants).**
 44 IC 25-5.1-4-2 (Concerning athletic trainers).
 45 IC 25-5.2-2-12 (Concerning athlete agents).
 46 IC 25-6.1-7-1 (Concerning auctioneers and auctions).
 47 IC 25-6.1-7-2 (Concerning auctioneers and auctions).
 48 IC 25-8-15.4-25 (Concerning beauty culture).
 49 IC 25-10-1-11 (Concerning chiropractors).
 50 IC 25-11-1-12 (Concerning collection agencies).

- 1 IC 25-13-1-3 (Concerning dental hygienists).
- 2 IC 25-14-1-25 (Concerning dentists).
- 3 IC 25-14-4-6 (Concerning dentists).
- 4 IC 25-14.5-7-2 (Concerning dietitians).
- 5 IC 25-16-1-18 (Concerning employment services).
- 6 IC 25-17.3-5-3 (Concerning genetic counselors).
- 7 IC 25-17.6-8-2 (Concerning geologists).
- 8 IC 25-18-1-19 (Concerning distress sales).
- 9 IC 25-20-1-21 (Concerning hearing aid dealers).
- 10 IC 25-20.7-5-1 (Concerning interior designers).
- 11 IC 25-21.5-5-10 (Concerning land surveyors).
- 12 IC 25-21.5-13-2 (Concerning land surveyors).
- 13 IC 25-21.8-7-1 (Concerning massage therapists).
- 14 IC 25-22.5-8-2 (Concerning ~~physicians~~ **health care providers**).
- 15 IC 25-22.5-8-3 (Concerning physicians).
- 16 IC 25-23-1-27 (Concerning nurses).
- 17 IC 25-23.5-3-2 (Concerning occupational therapists).
- 18 IC 25-23.6-3-3 (Concerning marriage and family therapists).
- 19 IC 25-23.6-4-4 (Concerning marriage and family therapists).
- 20 IC 25-23.6-4.5-4 (Concerning marriage and family therapists).
- 21 ~~IC 25-23.6-4.7-7~~ **IC 25-23.6-7-7** (Concerning marriage and
- 22 family therapists).
- 23 IC 25-23.6-10.1-6 (Concerning marriage and family therapists).
- 24 IC 25-23.6-11-1 (Concerning marriage and family therapists).
- 25 IC 25-23.6-11-2 (Concerning marriage and family therapists).
- 26 IC 25-23.6-11-3 (Concerning marriage and family therapists).
- 27 IC 25-23.7-7-5 (Concerning manufactured home installers).
- 28 IC 25-24-1-18 (Concerning optometrists).
- 29 IC 25-24-3-17 (Concerning optometrists).
- 30 IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug
- 31 stores).
- 32 IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug
- 33 stores).
- 34 IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug
- 35 stores).
- 36 IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug
- 37 stores).
- 38 IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug
- 39 stores).
- 40 IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug
- 41 stores).
- 42 IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug
- 43 stores).
- 44 IC 25-27-1-12 (Concerning physical therapists).
- 45 IC 25-27.5-7-2 (Concerning physician assistants).
- 46 IC 25-28.5-1-31 (Concerning plumbers).
- 47 IC 25-29-9-1 (Concerning podiatrists).
- 48 IC 25-30-1-21 (Concerning private investigator firms, security
- 49 guards, and polygraph examiners).
- 50 IC 25-30-1.3-23 (Concerning private investigator firms, security

- 1 guards, and polygraph examiners).
2 IC 25-31-1-13 (Concerning engineers).
3 IC 25-31-1-27 (Concerning engineers).
4 IC 25-31.5-8-7 (Concerning soil scientists).
5 IC 25-33-1-15 (Concerning psychologists).
6 IC 25-34.5-3-2 (Concerning respiratory care specialists).
7 IC 25-35.6-3-10 (Concerning speech pathologists and
8 audiologists).
9 IC 25-36.1-1-2 (Concerning surgical technologists).
10 IC 25-36.5-1-10 (Concerning timber buyers).
11 IC 25-36.5-1-15 (Concerning timber buyers).
12 IC 25-38.1-4-10 (Concerning veterinarians).
13 IC 25-38.1-4-11 (Concerning veterinarians).
14 IC 25-39-5-1 (Concerning water well drilling contractors).
15 IC 25-39-5-7 (Concerning water well drilling contractors).
16 IC 25-41-1-2 (Concerning behavior analysts).
- 17 SECTION 60. [EFFECTIVE JULY 1, 2013] **(a) As used in this**
18 **SECTION, "commission" refers to the health finance commission**
19 **established by IC 2-5-23-3.**
- 20 **(b) The commission shall study the following during the 2013**
21 **legislative interim:**
- 22 **(1) Whether it is appropriate to amend certain statutes to**
23 **allow certified registered nurse anesthetists to be classified as**
24 **advanced practice nurses.**
- 25 **(2) Issues concerning ambulatory outpatient surgical centers.**
- 26 **(c) This SECTION expires December 31, 2013.**
- 27 SECTION 61. **An emergency is declared for this act.**
(Reference is to ESB 273 as reprinted April 16, 2013.)

Conference Committee Report
on
Engrossed Senate Bill 273

Signed by:

Senator Miller Patricia
Chairperson

Representative Clere

Senator Stoops

Representative Brown C

Senate Conferees

House Conferees