

Adopted Rejected

# COMMITTEE REPORT

YES: 10  
NO: 1

## MR. SPEAKER:

Your Committee on Public Health, to which was referred Senate Bill 273, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 16-18-2-14, AS AMENDED BY P.L.96-2005,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2013]: Sec. 14. (a) "Ambulatory outpatient surgical center",
- 6 for purposes of IC 16-21 and IC 16-38-2, means a public or private
- 7 institution that meets the following conditions:
- 8 (1) Is established, equipped, and operated primarily for the
- 9 purpose of performing surgical procedures and services.
- 10 (2) Is operated under the supervision of at least one (1) licensed
- 11 physician or under the supervision of the governing board of the
- 12 hospital if the center is affiliated with a hospital.
- 13 (3) Permits a surgical procedure to be performed only by a
- 14 physician, dentist, or podiatrist who meets the following
- 15 conditions:

- 1 (A) Is qualified by education and training to perform the
- 2 surgical procedure.
- 3 (B) Is legally authorized to perform the procedure.
- 4 (C) Is privileged to perform surgical procedures in at least one
- 5 (1) hospital within the county or an Indiana county adjacent to
- 6 the county in which the ambulatory outpatient surgical center
- 7 is located.
- 8 (D) Is admitted to the open staff of the ambulatory outpatient
- 9 surgical center.
- 10 (4) Requires that:
- 11 (A) a licensed physician with specialized training or
- 12 experience in the administration of an anesthetic supervise the
- 13 administration of the anesthetic to a patient; **or**
- 14 **(B) a certified registered nurse anesthetist administer the**
- 15 **anesthetic under the direction of and in the immediate**
- 16 **presence of a physician;**
- 17 and remain present in the facility during the surgical procedure,
- 18 except when only a local infiltration anesthetic is administered.
- 19 (5) Provides at least one (1) operating room and, if anesthetics
- 20 other than local infiltration anesthetics are administered, at least
- 21 one (1) postanesthesia recovery room.
- 22 (6) Is equipped to perform diagnostic x-ray and laboratory
- 23 examinations required in connection with any surgery performed.
- 24 (7) Does not provide accommodations for patient stays of longer
- 25 than twenty-four (24) hours.
- 26 (8) Provides full-time services of registered and licensed nurses
- 27 for the professional care of the patients in the postanesthesia
- 28 recovery room.
- 29 (9) Has available the necessary equipment and trained personnel
- 30 to handle foreseeable emergencies such as a defibrillator for
- 31 cardiac arrest, a tracheotomy set for airway obstructions, and a
- 32 blood bank or other blood supply.
- 33 (10) Maintains a written agreement with at least one (1) hospital
- 34 for immediate acceptance of patients who develop complications
- 35 or require postoperative confinement.
- 36 (11) Provides for the periodic review of the center and the center's
- 37 operations by a committee of at least three (3) licensed physicians
- 38 having no financial connections with the center.

- 1 (12) Maintains adequate medical records for each patient.
- 2 (13) Meets all additional minimum requirements as established by
- 3 the state department for building and equipment requirements.
- 4 (14) Meets the rules and other requirements established by the
- 5 state department for the health, safety, and welfare of the patients.
- 6 (b) The term does not include a birthing center."
- 7 Page 4, line 31, strike "certification" and insert "**licensing**".
- 8 Page 5, line 18, delete "P.L.84-2010," and insert "SEA-558-2013,
- 9 SECTION 26,".
- 10 Page 5, line 19, delete "SECTION 8,".
- 11 Page 5, line 32, strike "certification" and insert "**licensing**".
- 12 Page 5, line 42, delete "land" and insert "professional".
- 13 Page 7, line 14, strike "certification" and insert "**licensing**".
- 14 Page 8, line 2, strike "certification" and insert "**licensing**".
- 15 Page 8, line 28, delete "P.L.42-2011," and insert "SEA-558-2013,
- 16 SECTION 29,".
- 17 Page 8, line 29, delete "SECTION 52,".
- 18 Page 9, line 27, delete "land" and insert "professional".
- 19 Page 9, line 32, strike "certification" and insert "**licensing**".
- 20 Page 10, line 11, strike "certification" and insert "**licensing**".
- 21 Page 12, line 32, strike "certification" and insert "**licensing**".
- 22 Page 13, between lines 1 and 2, begin a new line block indented and
- 23 insert:
- 24 **"(3) A certified registered nurse anesthetist."**
- 25 Page 14, line 16, delete "The" and insert "**Subject to section 2.5 of**
- 26 **this chapter, the**".
- 27 Page 14, delete line 17.
- 28 Page 14, line 18, delete "(2) An anesthesiologist assistant" and
- 29 insert "**(1) Two (2) anesthesiologist assistants**".
- 30 Page 14, line 19, delete "(3)" and insert "**(2)**".
- 31 Page 14, line 20, delete "(4)" and insert "**(3)**".
- 32 Page 14, line 22, after "with" insert "**anesthesiologists or**".
- 33 Page 14, between lines 23 and 24, begin a new paragraph and insert:
- 34 **"Sec. 2.5. (a) Notwithstanding section 2 of this chapter, when**
- 35 **making the initial appointments to the committee under section 2**
- 36 **of this chapter, the governor shall do the following:**
- 37 **(1) Appoint one (1) anesthesiologist and one (1) individual**
- 38 **who is certified by the NCCAA to serve for terms of three (3)**

- 1           **years.**
- 2           **(2) Appoint one (1) anesthesiologist and one (1) faculty**
- 3           **member from an approved program to serve for terms of two**
- 4           **(2) years.**
- 5           **(3) Appoint the member described in section 2(b)(3) of this**
- 6           **chapter to serve for a term of one (1) year.**
- 7           **(b) This section expires July 1, 2016."**
- 8           Page 15, line 37, delete "grant" and insert "**issue**".
- 9           Page 16, delete line 1.
- 10          Page 16, line 2, delete "(4) Passes the certifying examination
- 11          administered" and insert "**(3) Is certified**".
- 12          Page 16, line 3, delete "and maintains current" and insert ".".
- 13          Page 16, delete line 4.
- 14          Page 16, line 5, delete "(5)" and insert "**(4)**".
- 15          Page 16, delete lines 8 through 16.
- 16          Page 16, line 18, delete "if:" and insert "**if the individual has been:**
- 17               **(1) disciplined by an administrative agency in Indiana or**
- 18               **another jurisdiction; or**
- 19               **(2) convicted of a felony."**
- 20          Page 16, delete lines 19 through 26.
- 21          Page 16, line 35, delete "Engage" and insert "**Pay restitution or**
- 22          **engage**".
- 23          Page 16, line 35, delete "restitution or".
- 24          Page 16, line 39, delete "designated" and insert "**approved**".
- 25          Page 16, line 40, delete "probation." and insert "**probation, at the**
- 26          **expense of the individual who holds the probationary license.**".
- 27          Page 16, line 42, delete "if, after a hearing," and insert "**if**".
- 28          Page 17, line 21, after "recertification" insert "**or continued**
- 29          **certification**".
- 30          Page 17, line 22, after "by" insert "**the**".
- 31          Page 17, line 26, delete "and must be returned to the committee."
- 32          and insert "**without further action by the committee.**".
- 33          Page 17, line 35, delete "(a) An" and insert "**When an**".
- 34          Page 17, line 35, after "chapter" insert "**retires from practice, the**
- 35          **individual**".
- 36          Page 17, line 36, delete "when the individual retires from" and insert
- 37          "**, and the individual is no longer required to pay renewal fees.**".
- 38          Page 17, delete lines 37 through 41.

1 Page 18, between lines 21 and 22, begin a new paragraph and insert:  
 2 **"Sec. 10. The board shall do the following:**  
 3 **(1) Subject to IC 25-1-17, develop reciprocal licensing**  
 4 **standards for individuals who have received medical training**  
 5 **by a branch of the United States armed forces.**  
 6 **(2) Subject to IC 25-1-8-2, establish the amounts of fees**  
 7 **required under this article.**  
 8 **(3) Adopt rules under IC 4-22-2 necessary to implement this**  
 9 **article."**

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

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

12 Page 19, line 41, delete "and".

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

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

16 **"(4) is signed by the anesthesiologist and anesthesiologist**  
 17 **assistant;**  
 18 **(5) is updated annually; and**  
 19 **(6) is made available to the board upon request."**

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

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

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

25 Page 20, delete line 32.

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

27 Page 20, delete lines 39 through 42.

28 Delete page 21.

29 Page 22, delete lines 1 through 15.

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

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

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

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

37 **SECTION 10. IC 25-14.5-1-4 IS REPEALED [EFFECTIVE JULY**  
 38 **1, 2013]. Sec. 4. "Certified dietitian" refers to a person certified under**

1 this article to practice dietetics. Activities of a certified dietitian do not  
 2 include the medical differential diagnoses of the health status of an  
 3 individual.

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

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

8 (2) was regionally accredited;

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

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

21 (1) food;

22 (2) nutrition;

23 (3) social sciences;

24 (4) business; and

25 (5) basic sciences;

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

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

37 SECTION 14. IC 25-14.5-1-8.5 IS ADDED TO THE INDIANA  
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 2013]: **Sec. 8.5. "Licensed dietitian" refers**  
 2 **to a person licensed under this article to practice dietetics.**  
 3 **Activities of a licensed dietitian do not include the medical**  
 4 **differential diagnosis of the health status of an individual.**

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

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

11 (A) tube feedings;

12 (B) specialized intravenous solutions; and

13 (C) specialized oral feedings;

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

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

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

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

23 (A) tube feedings;

24 (B) specialized intravenous solutions; and

25 (C) specialized oral feedings;

26 (2) identifying prescription drug interactions with food; and

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

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

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

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

1 SECTION 17. IC 25-14.5-1-11.1 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2013]: **Sec. 11.1. "Nutrition assessment"**  
4 **means the systematic process of obtaining, verifying, and**  
5 **interpreting biochemical, anthropometric, physical, and dietary**  
6 **data in order to make decisions about the nature and cause of**  
7 **nutrition related problems. Nutrition assessment is an ongoing,**  
8 **dynamic process that involves not only initial data collection, but**  
9 **also reassessment and analysis of client or community needs, and**  
10 **provides the foundation for nutrition diagnosis and nutritional**  
11 **recommendation including enteral and parenteral nutrition.**

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

- 21 (1) **Nutrition assessment.**
- 22 (2) **Nutrition diagnosis.**
- 23 (3) **Nutrition intervention.**
- 24 (4) **Nutrition monitoring and evaluation.**

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

- 29 (1) **Assessing the nutrition needs of individuals and groups to**  
30 **determine what resources and constraints exist.**
- 31 (2) **Establishing priorities, goals, and objectives that meet**  
32 **nutrition needs and are consistent with available resources**  
33 **and constraints.**
- 34 (3) **Providing nutrition counseling in health and disease.**
- 35 (4) **Developing, implementing, and managing nutrition care**  
36 **systems.**
- 37 (5) **Evaluating, making changes in, and maintaining**  
38 **appropriate standards of quality in food and nutrition care**

1           **services.**

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

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

9           (2) **meal preparation;**

10 **while being cognizant of cultural background and socioeconomic**  
11 **status.**

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

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

23           (1) **an individual;**

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

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

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

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

38           SECTION 24. IC 25-14.5-1-13 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. "Practice  
 2 experience" means a preprofessional, documented, supervised practice  
 3 in dietetics services that is acceptable to the board in compliance with  
 4 requirements for ~~certification~~. **licensure. It may be or may Practice**  
 5 **experience must** include a documented, supervised practice  
 6 experience that is a component of the educational requirements for  
 7 ~~certification~~. **licensure.**

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

- 15 **(1) conducting nutrition assessments;**
- 16 **(2) engaging in nutrition care processes;**
- 17 **(3) providing nutrition care services;**
- 18 **(4) providing nutrition counseling;**
- 19 **(5) making nutrition diagnoses;**
- 20 **(6) engaging in nutrition interventions; and**
- 21 **(7) providing nutrition monitoring and evaluation.**

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

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

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

37 SECTION 27. IC 25-14.5-2-2 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The board consists

- 1 of seven (7) members appointed by the governor as follows:
- 2 (1) Four (4) members who are ~~certified~~ **licensed** under this article
- 3 and currently provide and have provided services in the practice
- 4 of dietetics in Indiana for a minimum of three (3) years.
- 5 (2) One (1) member who is a physician licensed under IC 25-22.5.
- 6 (3) One (1) member who is a registered nurse licensed under
- 7 IC 25-23.
- 8 (4) One (1) member representing the public who is a resident of
- 9 Indiana and has never been associated with dietetics in any way
- 10 other than as a consumer.

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

- 14 (1) professional responsibility or a code of ethics for the
- 15 profession of dietetics;
- 16 (2) applicant qualifications of a ~~certified~~ **licensed** dietitian;
- 17 (3) the administration of this article;
- 18 (4) the number of hours of continuing education needed for
- 19 renewal of ~~certification~~ **licensure** and the procedures for
- 20 approving continuing education courses and programs; and
- 21 (5) establishing fees under IC 25-1-8-2 as described in subsection
- 22 (b).

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

- 25 (1) the filing of an application for a ~~certificate~~ **license** under this
- 26 article;
- 27 (2) the original issuance of a ~~certificate~~ **license** under this article;
- 28 (3) a renewal of a ~~certificate~~ **license** issued in accordance with
- 29 this article;
- 30 (4) the replacement of a ~~certificate~~ **license** or renewal ~~certificate~~
- 31 **license** lost or destroyed; and
- 32 (5) any other purposes prescribed by IC 25-1-8-2.

33 SECTION 29. IC 25-14.5-2-5.1 IS ADDED TO THE INDIANA  
 34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2013]: **Sec. 5.1. (a) The rules adopted by the**  
 36 **Indiana dietitians certification board before July 1, 2013,**  
 37 **concerning certification of dietitians are considered after June 30,**  
 38 **2013, the rules of the Indiana dietitians licensing board. However,**

1 the terms "certify", "certified", or "certification" in the rules must  
2 be construed as "license", "licensed", or "licensure" to be  
3 consistent with this chapter.

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

8 (c) This section expires December 31, 2014.

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

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

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

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

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

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

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

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

26 (1) issue subpoenas;

27 (2) examine witnesses; and

28 (3) administer oaths.

29 (e) If:

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

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

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

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

- 1 to have:
- 2 (1) completed a major course of study in human nutrition,
- 3 nutrition education, **public health nutrition**, food and nutrition,
- 4 ~~and~~ dietetics, or food systems management **or an equivalent**
- 5 **major course of study as approved by the board; and**
- 6 (2) received a baccalaureate or higher degree from a regionally
- 7 accredited college or university located in the United States or its
- 8 territories; **and**
- 9 **(3) successfully completed the registration examination for**
- 10 **dietitians administered by the commission on dietetic**
- 11 **registration.**

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

- 15 (1) applies for a ~~certificate license~~ **as a certified licensed** dietitian;
- 16 and
- 17 (2) has obtained the person's education outside of the United
- 18 States and its territories;

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

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

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

- 35 (1) Satisfy the requirements of IC 25-14.5-3.
- 36 (2) Satisfactorily complete an application for ~~certification;~~
- 37 **licensure** furnished by the board, in accordance with the rules
- 38 adopted by the board. The application must be verified by the

1 applicant and filed at least thirty (30) days before the  
2 administration of the examination.

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

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

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

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

- 14 (1) meets the conditions set forth in section 1 of this chapter; and
- 15 (2) is otherwise qualified for ~~certification~~ **licensure** under this  
16 article.

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

- 20 **(1) makes satisfactory application to the board and is**
- 21 **registered with the commission on dietetic registration; or**
- 22 **(2) received a baccalaureate or post-baccalaureate degree**
- 23 **from an accredited college or university in the United States**
- 24 **with:**

- 25 **(A) a program in dietetics or nutrition; or**
- 26 **(B) an equivalent major course of study as approved by the**
- 27 **board;**

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

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

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

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

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

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

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

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

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

30 SECTION 40. IC 25-14.5-4-7 IS ADDED TO THE INDIANA  
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) **The board may issue a**  
 33 **license to an applicant for licensure if the applicant presents**  
 34 **evidence that the applicant has been issued a license in a state that**  
 35 **has requirements for licensure that are equivalent to or more**  
 36 **stringent than the requirements for licensure in Indiana.**

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

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

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

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

14           **(b) This section expires December 31, 2016.**

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

- 18           (1) a date and time when;
- 19           (2) a location in Indiana where; and
- 20           (3) the supervision under which;

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

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

27           SECTION 44. IC 25-14.5-5-4 IS REPEALED [EFFECTIVE JULY  
 28 1, 2013]. ~~Sec. 4. (a) The board shall give notice at least sixty (60) days~~  
 29 ~~before the administration of each examination in a manner the board~~  
 30 ~~considers appropriate.~~

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

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

1 which the ~~certificate~~ **license** was issued.

2 (b) An individual may renew a ~~ertificate~~ **license** by paying a

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

4 (c) If an individual fails to pay a renewal fee on or before the

5 expiration date of a ~~ertificate~~ **license**, the ~~ertificate~~ **license** becomes

6 invalid.

7 SECTION 46. IC 25-14.5-6-2 IS AMENDED TO READ AS

8 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A ~~ertified licensed~~

9 dietitian may renew a ~~ertificate~~ **license** by:

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

11 (2) subject to IC 25-1-4-3, providing a sworn statement attesting

12 that the ~~ertified licensed~~ dietitian has completed the continuing

13 education required by the board.

14 SECTION 47. IC 25-14.5-6-3 IS AMENDED TO READ AS

15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The board shall

16 mail an application for renewal to a ~~ertified licensed~~ dietitian at least

17 sixty (60) days before the date on which the ~~ertified licensed~~

18 dietitian's ~~ertificate~~ **license** expires.

19 (b) The application must be mailed to the ~~ertified licensed~~

20 dietitian's most recent address as it appears on the record of the board.

21 (c) A ~~ertified licensed~~ dietitian filing for renewal of a ~~ertificate~~

22 **license** must:

23 (1) satisfactorily complete the renewal application;

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

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

26 before expiration of the ~~ertified licensed~~ dietitian's current ~~ertificate~~

27 **license**.

28 (d) Upon receipt of the application and fee submitted under

29 subsection (c), the board shall:

30 (1) verify the accuracy of the application;

31 (2) determine whether the continuing education requirement has

32 been met; and

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

34 met.

35 (e) When the board is satisfied that all conditions under subsection

36 (d) have been met, the board shall issue to the applicant a notice of

37 ~~ertificate~~ **license** renewal that shall be valid for two (2) years.

38 SECTION 48. IC 25-14.5-6-4, AS AMENDED BY P.L.105-2008,

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

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

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

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

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

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

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

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

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

- 1           **(1) A health care professional licensed, registered, or certified**  
2           **under this title.**
- 3           **(2) A student enrolled in a program accredited by the**  
4           **commission on accreditation for dietetic education in dietetics**  
5           **and pursuing a course of study to gain licensure under this**  
6           **article, if the activities in which the student is engaged are**  
7           **performed under the supervision of a licensed dietitian.**
- 8           **(3) A nonresident of Indiana if the person:**
  - 9               **(A) performs service in Indiana for not more than five (5)**  
10              **days in any one (1) month and not more than fifteen (15)**  
11              **days in one (1) calendar year; and**
  - 12              **(B) is authorized to perform the services under the laws of**  
13              **the state or country in which the person is a resident.**
- 14           **(4) A person or a retailer who furnishes oral or written**  
15           **nutrition information related to food, food materials, or**  
16           **dietary supplements or the marketing of food, food materials,**  
17           **or dietary supplements.**
- 18           **(5) A person providing weight control services through a**  
19           **program that:**
  - 20               **(A) has been reviewed by a licensed dietitian; and**
  - 21               **(B) provides consultation from a dietitian licensed under**  
22               **this article or from another state, or a physician licensed**  
23               **under IC 25-22.5.**
- 24           **(6) A dietitian serving in:**
  - 25               **(A) the armed forces;**
  - 26               **(B) the public health service of the United States; or**
  - 27               **(C) the Veterans Administration.**
- 28           **(7) A person who has completed the educational and**  
29           **preprofessional practice requirements to sit for the licensure**  
30           **examination but who has not yet passed the examination, if**  
31           **the person practices under the supervision of a dietitian**  
32           **licensed under this article for a period of one (1) year after**  
33           **completing the licensure education requirements.**
- 34           **(8) A person who provides nutritional or dietetic information**  
35           **based upon information that is available to the public,**  
36           **including the following:**
  - 37               **(A) Principles of good nutrition and food preparation.**
  - 38               **(B) Food to be included in the normal daily diet.**

- 1           **(C) The essential nutrients needed by the body.**
- 2           **(D) Recommended amounts of the essential nutrients based**
- 3           **on published information, as long as the published**
- 4           **information and source are made available, upon request,**
- 5           **at the time of consultation.**
- 6           **(E) The actions of nutrients on the body.**
- 7           **(F) The effects of deficiencies or excesses of nutrients.**
- 8           **(G) Food and supplements that are good sources of**
- 9           **essential nutrients.**
- 10          **(9) A person who practices dietetics or nutrition care services**
- 11          **for a close relative (as defined by IC 2-7-1-1.7) or a person**
- 12          **living in the same household.**

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

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

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

- 23            (1) **publishing information or disseminating published or free**  
 24            **information;**
- 25            (2) **conducting a class or seminar; or**
- 26            (3) **giving a speech related to nutrition.**

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

29          SECTION 54. IC 25-22.1 IS ADDED TO THE INDIANA CODE  
 30          AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY  
 31          1, 2013]:

32          **ARTICLE 22.1. MUSIC THERAPISTS**

33          **Chapter 1. Definitions**

34          **Sec. 1. As used in this article, "music therapy" means the**  
 35          **clinical and evidence-based use of music interventions to**  
 36          **accomplish individualized goals within a therapeutic relationship**  
 37          **through an individualized music therapy treatment plan for the**  
 38          **client that identifies the goals and objectives and potential**

1 strategies of the music therapy services appropriate for the client  
2 using music therapy intervention, which may include music  
3 improvisation, receptive music listening, song writing, lyric  
4 discussion, music imagery, music performance, learning through  
5 music, and movement to music.

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

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

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

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

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

23 **Chapter 3. Duties and Responsibilities**

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

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

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

36 Page 28, between lines 10 and 11, begin a new paragraph and insert:  
37 "SECTION 14. IC 25-23-1-30, AS AMENDED BY P.L.177-2009,  
38 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2013]: Sec. 30. (a) A certified registered nurse anesthetist may  
2 administer anesthesia if the certified registered nurse anesthetist acts  
3 under the direction of and in the immediate presence of:

- 4 (1) a physician; or
- 5 (2) a podiatrist licensed under IC 25-29 if:
  - 6 (A) the administration of the anesthesia takes place in a
  - 7 hospital;
  - 8 (B) a physician who is licensed under IC 25-22.5 is:
    - 9 (i) in the immediate vicinity of the patient to whom the
    - 10 anesthesia will be administered;
    - 11 (ii) able to respond to a medical emergency in a timely
    - 12 manner; and
    - 13 (iii) not encumbered, while anesthesia is administered to
    - 14 the patient, by other duties that may prevent the
    - 15 physician from responding to a medical emergency in a
    - 16 timely manner; and
    - 17 (C) the patient:
      - 18 (i) is notified that a certified registered nurse anesthetist
      - 19 is going to administer the anesthesia; and
      - 20 (ii) consents to the anesthesia being administered by a
      - 21 certified registered nurse anesthetist.

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

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

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

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

- 1       **(c) This SECTION expires December 31, 2013.**
- 2       **SECTION 70. An emergency is declared for this act."**
- 3       Renumber all SECTIONS consecutively.  
      (Reference is to SB 273 as printed February 22, 2013.)

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

---

Representative Clere