

SENATE BILL No. 268

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-22.5-1-2; IC 25-23-1.

Synopsis: Certified registered nurse anesthetists. Includes a registered certified nurse anesthetist in the definition of an "advanced practice nurse". Allows a registered certified nurse anesthetist to administer anesthesia under the direction of and in the immediate presence of a podiatrist or a dentist if the podiatrist or dentist is certified to administer anesthesia. (Current law allows a registered certified nurse anesthetist to administer anesthesia under the direction of and in the immediate presence of a physician.)

Effective: July 1, 2013.

Miller Patricia

January 8, 2013, read first time and referred to Committee on Health and Provider Services.

C
o
p
y



First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

C
o
p
y

SENATE BILL No. 268



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

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

1 SECTION 1. IC 25-22.5-1-2, AS AMENDED BY P.L.77-2012,
 2 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2013]: Sec. 2. (a) This article, as it relates to the unlawful or
 4 unauthorized practice of medicine or osteopathic medicine, does not
 5 apply to any of the following:
 6 (1) A student in training in a medical school approved by the
 7 board, or while performing duties as an intern or a resident in a
 8 hospital under the supervision of the hospital's staff or in a
 9 program approved by the medical school.
 10 (2) A person who renders service in case of emergency where no
 11 fee or other consideration is contemplated, charged, or received.
 12 (3) A paramedic (as defined in IC 16-18-2-266), an advanced
 13 emergency medical technician (as defined in IC 16-18-2-6.5), an
 14 emergency medical technician (as defined in IC 16-18-2-112), or
 15 a person with equivalent certification from another state who
 16 renders advanced life support (as defined in IC 16-18-2-7), or
 17 basic life support (as defined in IC 16-18-2-33.5):



- 1 (A) during a disaster emergency declared by the governor
 2 under IC 10-14-3-12 in response to an act that the governor in
 3 good faith believes to be an act of terrorism (as defined in
 4 IC 35-31.5-2-329); and
 5 (B) in accordance with the rules adopted by the Indiana
 6 emergency medical services commission or the disaster
 7 emergency declaration of the governor.
- 8 (4) Commissioned medical officers or medical service officers of
 9 the armed forces of the United States, the United States Public
 10 Health Service, and medical officers of the United States
 11 Department of Veterans Affairs in the discharge of their official
 12 duties in Indiana.
- 13 (5) An individual who is not a licensee who resides in another
 14 state or country and is authorized to practice medicine or
 15 osteopathic medicine there, who is called in for consultation by an
 16 individual licensed to practice medicine or osteopathic medicine
 17 in Indiana.
- 18 (6) A person administering a domestic or family remedy to a
 19 member of the person's family.
- 20 (7) A member of a church practicing the religious tenets of the
 21 church if the member does not make a medical diagnosis,
 22 prescribe or administer drugs or medicines, perform surgical or
 23 physical operations, or assume the title of or profess to be a
 24 physician.
- 25 (8) A school corporation and a school employee who acts under
 26 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 27 (9) A chiropractor practicing the chiropractor's profession under
 28 IC 25-10 or to an employee of a chiropractor acting under the
 29 direction and supervision of the chiropractor under IC 25-10-1-13.
- 30 (10) A dental hygienist practicing the dental hygienist's profession
 31 under IC 25-13.
- 32 (11) A dentist practicing the dentist's profession under IC 25-14.
- 33 (12) A hearing aid dealer practicing the hearing aid dealer's
 34 profession under IC 25-20.
- 35 (13) A nurse practicing the nurse's profession under IC 25-23.
 36 However, a certified registered nurse anesthetist (as defined in
 37 IC 25-23-1-1.4) may administer anesthesia if the certified
 38 registered nurse anesthetist acts under the direction of and in the
 39 immediate presence of a physician, **podiatrist, or dentist under**
 40 **the requirements set forth in IC 25-23-1-30.**
- 41 (14) An optometrist practicing the optometrist's profession under
 42 IC 25-24.

C
O
P
Y

- 1 (15) A pharmacist practicing the pharmacist's profession under
2 IC 25-26.
- 3 (16) A physical therapist practicing the physical therapist's
4 profession under IC 25-27.
- 5 (17) A podiatrist practicing the podiatrist's profession under
6 IC 25-29.
- 7 (18) A psychologist practicing the psychologist's profession under
8 IC 25-33.
- 9 (19) A speech-language pathologist or audiologist practicing the
10 pathologist's or audiologist's profession under IC 25-35.6.
- 11 (20) An employee of a physician or group of physicians who
12 performs an act, a duty, or a function that is customarily within
13 the specific area of practice of the employing physician or group
14 of physicians, if the act, duty, or function is performed under the
15 direction and supervision of the employing physician or a
16 physician of the employing group within whose area of practice
17 the act, duty, or function falls. An employee may not make a
18 diagnosis or prescribe a treatment and must report the results of
19 an examination of a patient conducted by the employee to the
20 employing physician or the physician of the employing group
21 under whose supervision the employee is working. An employee
22 may not administer medication without the specific order of the
23 employing physician or a physician of the employing group.
24 Unless an employee is licensed or registered to independently
25 practice in a profession described in subdivisions (9) through
26 (18), nothing in this subsection grants the employee independent
27 practitioner status or the authority to perform patient services in
28 an independent practice in a profession.
- 29 (21) A hospital licensed under IC 16-21 or IC 12-25.
- 30 (22) A health care organization whose members, shareholders, or
31 partners are individuals, partnerships, corporations, facilities, or
32 institutions licensed or legally authorized by this state to provide
33 health care or professional services as:
- 34 (A) a physician;
35 (B) a psychiatric hospital;
36 (C) a hospital;
37 (D) a health maintenance organization or limited service
38 health maintenance organization;
39 (E) a health facility;
40 (F) a dentist;
41 (G) a registered or licensed practical nurse;
42 (H) a midwife;

C
o
p
y

- 1 (I) an optometrist;
 2 (J) a podiatrist;
 3 (K) a chiropractor;
 4 (L) a physical therapist; or
 5 (M) a psychologist.
- 6 (23) A physician assistant practicing the physician assistant
 7 profession under IC 25-27.5.
- 8 (24) A physician providing medical treatment under section 2.1
 9 of this chapter.
- 10 (25) An attendant who provides attendant care services (as
 11 defined in IC 16-18-2-28.5).
- 12 (26) A personal services attendant providing authorized attendant
 13 care services under IC 12-10-17.1.
- 14 (27) A respiratory care practitioner practicing the practitioner's
 15 profession under IC 25-34.5.
- 16 (b) A person described in subsection (a)(9) through (a)(18) is not
 17 excluded from the application of this article if:
- 18 (1) the person performs an act that an Indiana statute does not
 19 authorize the person to perform; and
- 20 (2) the act qualifies in whole or in part as the practice of medicine
 21 or osteopathic medicine.
- 22 (c) An employment or other contractual relationship between an
 23 entity described in subsection (a)(21) through (a)(22) and a licensed
 24 physician does not constitute the unlawful practice of medicine under
 25 this article if the entity does not direct or control independent medical
 26 acts, decisions, or judgment of the licensed physician. However, if the
 27 direction or control is done by the entity under IC 34-30-15 (or
 28 IC 34-4-12.6 before its repeal), the entity is excluded from the
 29 application of this article as it relates to the unlawful practice of
 30 medicine or osteopathic medicine.
- 31 (d) This subsection does not apply to a prescription or drug order for
 32 a legend drug that is filled or refilled in a pharmacy owned or operated
 33 by a hospital licensed under IC 16-21. A physician licensed in Indiana
 34 who permits or authorizes a person to fill or refill a prescription or drug
 35 order for a legend drug except as authorized in IC 16-42-19-11 through
 36 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A
 37 person who violates this subsection commits the unlawful practice of
 38 medicine under this chapter.
- 39 (e) A person described in subsection (a)(8) shall not be authorized
 40 to dispense contraceptives or birth control devices.
- 41 SECTION 2. IC 25-23-1-1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this

C
O
P
Y

- 1 chapter:
- 2 (a) "Board" means the Indiana state board of nursing.
- 3 (b) "Advanced practice nurse" means:
- 4 (1) a nurse practitioner;
- 5 (2) a nurse midwife; **or**
- 6 (3) a clinical nurse specialist; **or**
- 7 **(4) a certified registered nurse anesthetist;**
- 8 who is a registered nurse qualified to practice nursing in a specialty
- 9 role based upon the additional knowledge and skill gained through a
- 10 formal organized program of study and clinical experience, or the
- 11 equivalent as determined by the board, which does not limit but
- 12 extends or expands the function of the nurse which may be initiated by
- 13 the client or provider in settings that shall include hospital outpatient
- 14 clinics and health maintenance organizations.
- 15 (c) "Human response" means those signs, symptoms, behaviors, and
- 16 processes that denote the individual's interaction with the environment.
- 17 SECTION 3. IC 25-23-1-30, AS AMENDED BY P.L.177-2009,
- 18 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2013]: Sec. 30. (a) A certified registered nurse anesthetist may
- 20 administer anesthesia if the certified registered nurse anesthetist acts
- 21 under the direction of and in the immediate presence of:
- 22 **(1) a physician; or**
- 23 **(2) a podiatrist licensed under IC 25-29 or a dentist licensed**
- 24 **under IC 25-14 if the podiatrist or dentist directing the**
- 25 **certified registered nurse anesthetist holds a certificate to**
- 26 **administer anesthesia to patients.**
- 27 (b) Nothing in this chapter shall be construed as requiring a certified
- 28 registered nurse anesthetist to obtain prescriptive authority to
- 29 administer anesthesia under subsection (a).

C
O
P
Y

