



February 22, 2013

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## SENATE BILL No. 268

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DIGEST OF SB 268 (Updated February 20, 2013 6:43 pm - DI 104)

**Citations Affected:** IC 25-22.5; IC 25-23.

**Synopsis:** Certified registered nurse anesthetists. Allows a registered certified nurse anesthetist to administer anesthesia under the direction of and in the immediate presence of a podiatrist if specified conditions are met. (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.

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### Miller Patricia

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January 8, 2013, read first time and referred to Committee on Health and Provider Services.  
February 21, 2013, amended, reported favorably — Do Pass.

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SB 268—LS 6881/DI 104+



February 22, 2013

First Regular Session 118th General Assembly (2013)

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

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

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

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## SENATE BILL No. 268

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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):

SB 268—LS 6881/DI 104+



- 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 **or podiatrist under the**  
 40 **requirements set forth in IC 25-23-1-30.**
- 41 (14) An optometrist practicing the optometrist's profession under  
 42 IC 25-24.

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- 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;

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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 25-23-1-30, AS AMENDED BY P.L.177-2009,  
 42 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

COPY



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 in the  
9 immediate vicinity of the patient to whom the anesthesia  
10 will be administered; and  
11 (C) the patient:  
12 (i) is notified that a certified registered nurse anesthetist  
13 is going to administer the anesthesia; and  
14 (ii) consents to the anesthesia being administered by a  
15 certified registered nurse anesthetist.  
16 (b) Nothing in this chapter shall be construed as requiring a certified  
17 registered nurse anesthetist to obtain prescriptive authority to  
18 administer anesthesia under subsection (a).

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## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 268, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 39, delete ", podiatrist, or dentist" and insert "**or podiatrist**".

Page 4, delete lines 41 through 42.

Page 5, delete lines 1 through 16.

Page 5, line 23, delete "or a dentist licensed" and insert "**if:**

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

**(B) a physician who is licensed under IC 25-22.5 is in the immediate vicinity of the patient to whom the anesthesia will be administered; and**

**(C) the patient:**

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

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

Page 5, delete lines 24 through 26.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 268 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 11, Nays 0.

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