February 22, 2013

SENATE BILL No. 273

DIGEST OF SB 273 (Updated February 20, 2013 6:41 pm - DI 104)

Citations Affected: IC 25-1; IC 25-3.7; IC 25-22.5; IC 34-18; IC 35-51.

Synopsis: Anesthesiologist assistant licensure. Requires anesthesiologist assistants to be licensed and to work under a supervising anesthesiologist. Establishes the anesthesiologist assistant committee to make recommendations to the medical licensing board concerning the licensure of anesthesiologist assistants. Establishes requirements of the protocol entered into between the supervising anesthesiologist and the anesthesiologist assistant. Makes it a Class D felony for a person who acts as an anesthesiologist assistant without the required license. Makes it a Class B misdemeanor for an individual who professes to be an anesthesiologist assistant or uses the title "anesthesiologist assistant" without being licensed.

Effective: July 1, 2013.

Miller Patricia

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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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. 273

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

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

SECTION 1. IC 25-1-1.1-4, AS AMENDED BY P.L.28-2012, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) This section applies to an individual who is applying for, or will be applying for, an initial license or an initial certificate under one (1) of the following:

(1) IC 25-2.5 (acupuncturists).

(2) IC 25-3.7 (anesthesiologist assistants).

~~(2)~~ **(3)** IC 25-10 (chiropractors).

~~(3)~~ **(4)** IC 25-13 (dental hygienists).

~~(4)~~ **(5)** IC 25-14 (dentists).

~~(5)~~ **(6)** IC 25-14.5 (dietitians).

~~(6)~~ **(7)** IC 25-17.3 (genetic counselors).

~~(7)~~ **(8)** IC 25-19 (health facility and residential care facility administrators).

~~(8)~~ **(9)** IC 25-21.8 (massage therapists).

~~(9)~~ **(10)** IC 25-22.5 (physicians).

~~(10)~~ **(11)** IC 25-23 (nurses).

~~(11)~~ **(12)** IC 25-23.5 (occupational therapists).
~~(12)~~ **(13)** IC 25-23.6 (social workers, marriage and family therapists, and counselors).
~~(13)~~ **(14)** IC 25-24 (optometrists).
~~(14)~~ **(15)** IC 25-26 (pharmacists).
~~(15)~~ **(16)** IC 25-27 (physical therapists).
~~(16)~~ **(17)** IC 25-27.5 (physician assistants).
~~(17)~~ **(18)** IC 25-29 (podiatrists).
~~(18)~~ **(19)** IC 25-33 (psychologists).
~~(19)~~ **(20)** IC 25-34.5 (respiratory care practitioners).
~~(20)~~ **(21)** IC 25-35.6 (speech pathologists and audiologists).
~~(21)~~ **(22)** IC 25-38.1 (veterinarians).

(b) As used in this chapter, "national criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(c) An individual applying for an initial license or initial certificate specified in subsection (a) shall submit to a national criminal history background check at the cost of the individual.

(d) The state police department shall release the results of a national criminal history background check conducted under this section to the Indiana professional licensing agency.

(e) A board, a commission, or a committee may conduct a random audit and require an individual seeking a renewal of a license or a certificate specified in subsection (a) to submit to a national criminal history background check at the cost of the individual.

SECTION 2. IC 25-1-2-2.1, AS AMENDED BY P.L.84-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

(1) Certified public accountants, public accountants, and accounting practitioners.
(2) Architects and landscape architects.
(3) Dry cleaners.
(4) Professional engineers.
(5) Land surveyors.
(6) Real estate brokers.
(7) Real estate agents.

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(8) Security dealers' licenses issued by the securities commissioner.
(9) Dental hygienists.
(10) Dentists.
(11) Veterinarians.
(12) Physicians.
(13) Chiropractors.
(14) Physical therapists.
(15) Optometrists.
(16) Pharmacists and assistants, drugstores or pharmacies.
(17) Motels and mobile home community licenses.
(18) Nurses.
(19) Podiatrists.
(20) Occupational therapists and occupational therapy assistants.
(21) Respiratory care practitioners.
(22) Social workers, marriage and family therapists, and mental health counselors.
(23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
(24) Wholesale legend drug distributors.
(25) Physician assistants.
(26) Dietitians.
(27) Athlete agents.
(28) Manufactured home installers.
(29) Home inspectors.
(30) Massage therapists.
(31) Interior designers.
(32) Genetic counselors.
(33) Anesthesiologist assistants.

SECTION 3. IC 25-1-2-6, AS AMENDED BY P.L.197-2011, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:
(1) Indiana board of accountancy.
(2) Indiana grain buyers and warehouse licensing agency.
(3) Indiana auctioneer commission.
(4) Board of registration for architects and landscape architects.

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(5) State board of cosmetology and barber examiners.
(6) Medical licensing board of Indiana.
(7) Secretary of state.
(8) State board of dentistry.
(9) State board of funeral and cemetery service.
(10) Worker's compensation board of Indiana.
(11) Indiana state board of health facility administrators.
(12) Committee of hearing aid dealer examiners.
(13) Indiana state board of nursing.
(14) Indiana optometry board.
(15) Indiana board of pharmacy.
(16) Indiana plumbing commission.
(17) Board of podiatric medicine.
(18) Private investigator and security guard licensing board.
(19) State board of registration for professional engineers.
(20) State psychology board.
(21) Indiana real estate commission.
(22) Speech-language pathology and audiology board.
(23) Department of natural resources.
(24) Board of chiropractic examiners.
(25) Mining board.
(26) Indiana board of veterinary medical examiners.
(27) State department of health.
(28) Indiana physical therapy committee.
(29) Respiratory care committee.
(30) Occupational therapy committee.
(31) Behavioral health and human services licensing board.
(32) Real estate appraiser licensure and certification board.
(33) State board of registration for land surveyors.
(34) Physician assistant committee.
(35) Indiana dietitians certification board.
(36) Attorney general (only for the regulation of athlete agents).
(37) Manufactured home installer licensing board.
(38) Home inspectors licensing board.
(39) State board of massage therapy.
(40) Anesthesiologist assistant committee.
~~(40)~~ **(41)** Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew

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and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

(d) Notwithstanding any other law, the entities included in subsection (b) shall send notice of the expiration of a license to each individual whose license has expired within thirty (30) days following the expiration of the license. The notice must meet the following requirements:

(1) Inform the individual of the following:

(A) That the individual's license has expired.

(B) Any requirements that must be met before reinstatement of a license may occur.

(2) Be sent electronically. However, if the entity does not have an electronic mail address on record for the individual, the notice must be sent via United States mail.

SECTION 4. IC 25-1-4-0.3, AS AMENDED BY P.L.84-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 0.3. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Anesthesiologist assistant committee (IC 25-3.7).

~~(2)~~ **(3)** Board of registration for architects and landscape architects (IC 25-4-1-2).

~~(3)~~ **(4)** Indiana athletic trainers board (IC 25-5.1-2-1).

~~(4)~~ **(5)** Indiana auctioneer commission (IC 25-6.1-2-1).

~~(5)~~ **(6)** Board of chiropractic examiners (IC 25-10-1).

~~(6)~~ **(7)** State board of cosmetology and barber examiners (IC 25-8-3-1).

~~(7)~~ **(8)** State board of dentistry (IC 25-14-1).

~~(8)~~ **(9)** Indiana dietitians certification board (IC 25-14.5-2-1).

~~(9)~~ **(10)** State board of registration for professional engineers (IC 25-31-1-3).

~~(10)~~ **(11)** State board of funeral and cemetery service (IC 25-15-9).

~~(11)~~ **(12)** Indiana state board of health facility administrators (IC 25-19-1).

~~(12)~~ **(13)** Committee of hearing aid dealer examiners (IC 25-20-1-1.5).

~~(13)~~ **(14)** Home inspectors licensing board (IC 25-20.2-3-1).

~~(14)~~ **(15)** State board of registration for land surveyors

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(IC 25-21.5-2-1).
~~(15)~~ **(16)** Manufactured home installer licensing board (IC 25-23.7).
~~(16)~~ **(17)** Medical licensing board of Indiana (IC 25-22.5-2).
~~(17)~~ **(18)** Indiana state board of nursing (IC 25-23-1).
~~(18)~~ **(19)** Occupational therapy committee (IC 25-23.5).
~~(19)~~ **(20)** Indiana optometry board (IC 25-24).
~~(20)~~ **(21)** Indiana board of pharmacy (IC 25-26).
~~(21)~~ **(22)** Indiana physical therapy committee (IC 25-27-1).
~~(22)~~ **(23)** Physician assistant committee (IC 25-27.5).
~~(23)~~ **(24)** Indiana plumbing commission (IC 25-28.5-1-3).
~~(24)~~ **(25)** Board of podiatric medicine (IC 25-29-2-1).
~~(25)~~ **(26)** Private investigator and security guard licensing board (IC 25-30-1-5.2).
~~(26)~~ **(27)** State psychology board (IC 25-33).
~~(27)~~ **(28)** Indiana real estate commission (IC 25-34.1-2).
~~(28)~~ **(29)** Real estate appraiser licensure and certification board (IC 25-34.1-8).
~~(29)~~ **(30)** Respiratory care committee (IC 25-34.5).
~~(30)~~ **(31)** Behavioral health and human services licensing board (IC 25-23.6).
~~(31)~~ **(32)** Speech-language pathology and audiology board (IC 25-35.6-2).
~~(32)~~ **(33)** Indiana board of veterinary medical examiners (IC 25-38.1-2).

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

(1) Anesthesiologist assistant committee (IC 25-3.7).
~~(1)~~ **(2)** Board of chiropractic examiners (IC 25-10-1).
~~(2)~~ **(3)** State board of dentistry (IC 25-14-1).
~~(3)~~ **(4)** Indiana state board of health facility administrators (IC 25-19-1).
~~(4)~~ **(5)** Medical licensing board of Indiana (IC 25-22.5-2).
~~(5)~~ **(6)** Indiana state board of nursing (IC 25-23-1).
~~(6)~~ **(7)** Indiana optometry board (IC 25-24).
~~(7)~~ **(8)** Indiana board of pharmacy (IC 25-26).
~~(8)~~ **(9)** Board of podiatric medicine (IC 25-29-2-1).

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~~(9)~~ **(10)** Speech-language pathology and audiology board (IC 25-35.6-2).
~~(10)~~ **(11)** State psychology board (IC 25-33).
~~(11)~~ **(12)** Indiana board of veterinary medical examiners (IC 25-38.1-2).
~~(12)~~ **(13)** Committee of hearing aid dealer examiners (IC 25-20).
~~(13)~~ **(14)** Indiana physical therapy committee (IC 25-27).
~~(14)~~ **(15)** Respiratory care committee (IC 25-34.5).
~~(15)~~ **(16)** Occupational therapy committee (IC 25-23.5).
~~(16)~~ **(17)** Behavioral health and human services licensing board (IC 25-23.6).
~~(17)~~ **(18)** Physician assistant committee (IC 25-27.5).
~~(18)~~ **(19)** Indiana athletic trainers board (IC 25-5.1-2-1).
~~(19)~~ **(20)** Indiana dietitians certification board (IC 25-14.5-2-1).

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

SECTION 6. IC 25-1-5-10, AS AMENDED BY P.L.84-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the following:

(1) Anesthesiologist assistant committee (IC 25-3.7).
~~(1)~~ **(2)** Board of chiropractic examiners (IC 25-10-1).
~~(2)~~ **(3)** State board of dentistry (IC 25-14-1).
~~(3)~~ **(4)** Indiana state board of health facility administrators (IC 25-19-1).
~~(4)~~ **(5)** Medical licensing board of Indiana (IC 25-22.5-2).
~~(5)~~ **(6)** Indiana state board of nursing (IC 25-23-1).
~~(6)~~ **(7)** Indiana optometry board (IC 25-24).
~~(7)~~ **(8)** Indiana board of pharmacy (IC 25-26).
~~(8)~~ **(9)** Board of podiatric medicine (IC 25-29-2-1).
~~(9)~~ **(10)** Speech-language pathology and audiology board (IC 25-35.6-2).
~~(10)~~ **(11)** State psychology board (IC 25-33).
~~(11)~~ **(12)** Indiana board of veterinary medical examiners (IC 25-38.1-2).
~~(12)~~ **(13)** Indiana physical therapy committee (IC 25-27).
~~(13)~~ **(14)** Respiratory care committee (IC 25-34.5).
~~(14)~~ **(15)** Occupational therapy committee (IC 25-23.5).
~~(15)~~ **(16)** Behavioral health and human services licensing board (IC 25-23.6).
~~(16)~~ **(17)** Physician assistant committee (IC 25-27.5).

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~~(17)~~ **(18)** Indiana athletic trainers board (IC 25-5.1-2-1).

~~(18)~~ **(19)** Indiana dietitians certification board (IC 25-14.5-2-1).

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

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

(1) The provider's name.

(2) The provider's license, certification, registration, or permit number.

(3) The provider's license, certification, registration, or permit type.

(4) The date the provider's license, certification, registration, or permit was issued.

(5) The date the provider's license, certification, registration, or permit expires.

(6) The current status of the provider's license, certification, registration, or permit.

(7) The provider's city and state of record.

(8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or committee described in subsection (a).

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

(e) The computer gateway administered by the office of technology established by IC 4-13.1-2-1 shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally available to the public on the Internet.

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

SECTION 7. IC 25-1-8-1, AS AMENDED BY P.L.42-2011, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) Board of chiropractic examiners (IC 25-10-1).

(5) State board of cosmetology and barber examiners (IC 25-8-3-1).

(6) State board of dentistry (IC 25-14-1).

(7) State board of funeral and cemetery service (IC 25-15).

(8) State board of registration for professional engineers (IC 25-31-1-3).

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(9) Indiana state board of health facility administrators (IC 25-19-1).
(10) Medical licensing board of Indiana (IC 25-22.5-2).
(11) Mining board (IC 22-10-1.5-2).
(12) Indiana state board of nursing (IC 25-23-1).
(13) Indiana optometry board (IC 25-24).
(14) Indiana board of pharmacy (IC 25-26).
(15) Indiana plumbing commission (IC 25-28.5-1-3).
(16) State psychology board (IC 25-33).
(17) Speech-language pathology and audiology board (IC 25-35.6-2).
(18) Indiana real estate commission (IC 25-34.1-2-1).
(19) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
(20) Department of insurance (IC 27-1).
(21) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
(22) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
(23) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(24) Occupational therapy committee (IC 25-23.5-2-1).
(25) Behavioral health and human services licensing board (IC 25-23.6-2-1).
(26) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(27) State board of registration for land surveyors (IC 25-21.5-2-1).
(28) Physician assistant committee (IC 25-27.5).
(29) Indiana athletic trainers board (IC 25-5.1-2-1).
(30) Board of podiatric medicine (IC 25-29-2-1).
(31) Indiana dietitians certification board (IC 25-14.5-2-1).
(32) Indiana physical therapy committee (IC 25-27).
(33) Manufactured home installer licensing board (IC 25-23.7).
(34) Home inspectors licensing board (IC 25-20.2-3-1).
(35) State board of massage therapy (IC 25-21.8-2-1).
(36) Anesthesiologist assistant committee (IC 25-3.7).
~~(36)~~ **(37)** Any other occupational or professional agency created after June 30, 1981.

SECTION 8. IC 25-1-8-6, AS AMENDED BY P.L.84-2010, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) As used in this section, "board" means any

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of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects and landscape architects (IC 25-4-1-2).
(3) Indiana athletic trainers board (IC 25-5.1-2-1).
(4) Indiana auctioneer commission (IC 25-6.1-2-1).
(5) Board of chiropractic examiners (IC 25-10-1).
(6) State board of cosmetology and barber examiners (IC 25-8-3-1).
(7) State board of dentistry (IC 25-14-1).
(8) Indiana dietitians certification board (IC 25-14.5-2-1).
(9) State board of registration for professional engineers (IC 25-31-1-3).
(10) State board of funeral and cemetery service (IC 25-15-9).
(11) Indiana state board of health facility administrators (IC 25-19-1).
(12) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
(13) Home inspectors licensing board (IC 25-20.2-3-1).
(14) State board of registration for land surveyors (IC 25-21.5-2-1).
(15) Manufactured home installer licensing board (IC 25-23.7).
(16) Medical licensing board of Indiana (IC 25-22.5-2).
(17) Indiana state board of nursing (IC 25-23-1).
(18) Occupational therapy committee (IC 25-23.5).
(19) Indiana optometry board (IC 25-24).
(20) Indiana board of pharmacy (IC 25-26).
(21) Indiana physical therapy committee (IC 25-27).
(22) Physician assistant committee (IC 25-27.5).
(23) Indiana plumbing commission (IC 25-28.5-1-3).
(24) Board of podiatric medicine (IC 25-29-2-1).
(25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
(26) State psychology board (IC 25-33).
(27) Indiana real estate commission (IC 25-34.1-2).
(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(29) Respiratory care committee (IC 25-34.5).
(30) Behavioral health and human services licensing board (IC 25-23.6).
(31) Speech-language pathology and audiology board (IC 25-35.6-2).
(32) Indiana board of veterinary medical examiners (IC 25-38.1).

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(33) State board of massage therapy (IC 25-21.8-2-1).

(34) Anesthesiologist assistant committee (IC 25-3.7).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee established by the Indiana professional licensing agency.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee equal to the current initial application fee.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing

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education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

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

(1) Board of chiropractic examiners (IC 25-10-1).

(2) State board of dentistry (IC 25-14-1).

(3) Indiana state board of health facility administrators (IC 25-19-1).

(4) Medical licensing board of Indiana (IC 25-22.5-2).

(5) Indiana state board of nursing (IC 25-23-1).

(6) Indiana optometry board (IC 25-24).

(7) Indiana board of pharmacy (IC 25-26).

(8) Board of podiatric medicine (IC 25-29-2-1).

(9) Speech-language pathology and audiology board (IC 25-35.6-2).

(10) State psychology board (IC 25-33).

(11) Indiana board of veterinary medical examiners (IC 25-38.1-2).

(12) Indiana physical therapy committee (IC 25-27-1).

(13) Respiratory care committee (IC 25-34.5).

(14) Occupational therapy committee (IC 25-23.5).

(15) Behavioral health and human services licensing board (IC 25-23.6).

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

(17) Indiana athletic trainers board (IC 25-5.1-2-1).

(18) Indiana dietitians certification board (IC 25-14.5-2-1).

(19) Anesthesiologist assistant committee (IC 25-3.7).

SECTION 10. IC 25-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

ARTICLE 3.7. ANESTHESIOLOGIST ASSISTANTS

Chapter 1. Application

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

(1) An anesthesiologist assistant trainee.

(2) An anesthesiologist assistant employed in the service of the federal government while performing duties incident to that

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employment.

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

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

Chapter 2. Definitions

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

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

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

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

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

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

(1) meets the qualifications under this article; and

(2) is licensed under this article.

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

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

Sec. 7. "Committee" refers to the anesthesiologist assistant committee established by IC 25-3.7-3-1.

Sec. 8. "Designated anesthesiologist" means an anesthesiologist to whom responsibility for the supervision of an anesthesiologist assistant is temporarily designated when the supervising anesthesiologist is unavailable.

Sec. 9. "NCCAA" refers to the National Commission on Certification of Anesthesiologist Assistants.

Sec. 10. "Prescribe" means to direct, order, or designate the use of or manner of using a drug, medicine, or treatment by spoken or written words or other means.

Sec. 11. "Supervision" means:

(1) overseeing the activities of, and accepting responsibility for, the medical services rendered by the anesthesiologist

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assistant; and

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

Sec. 12. "Trainee" means an individual who is currently enrolled in either an approved program or an educational program that has applied for accreditation by the Commission on Accreditation of Allied Health Education Programs or its successor organization.

Chapter 3. Anesthesiologist Assistant Committee

Sec. 1. The anesthesiologist assistant committee is established.

Sec. 2. (a) The committee consists of five (5) members appointed by the governor for a term of three (3) years.

(b) The committee must include the following:

(1) A member of the board.

(2) An anesthesiologist assistant licensed under this article.

(3) Two (2) anesthesiologists.

(4) One (1) individual who:

(A) is a resident of Indiana; and

(B) is not associated with anesthesiologist assistants in any way other than as a consumer.

Sec. 3. An anesthesiologist assistant appointed to the committee must continue to practice as an anesthesiologist assistant while serving as a member of the committee.

Sec. 4. A member of the committee may be removed by the governor for cause.

Sec. 5. (a) The committee shall have regular meetings, called at the request of:

(1) the chairperson; or

(2) a majority of the members appointed by the committee, and upon the advice and consent of the executive director of the Indiana professional licensing agency;

for the transaction of business that comes before the committee under this article. At the first committee meeting of each calendar year, the committee shall elect a chairperson and any other officer considered necessary by the committee by an affirmative vote of a majority of the members appointed to the committee.

(b) Three (3) members of the committee constitute a quorum. An affirmative vote of a majority of the members appointed to the committee is required for the committee to take action on any

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business.

(c) The committee shall do the following:

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

(2) Approve or reject license applications.

(3) Approve or reject license renewal applications.

(4) Propose rules to the board concerning the competent practice of anesthesiologist assistants and the administration of this article.

(5) Recommend to the board the amounts of fees required under this article.

Sec. 6. (a) After considering the committee's proposed rules, the board shall adopt rules under IC 4-22-2 establishing standards for the following:

(1) The competent practice of anesthesiologist assistants.

(2) The renewal of licenses issued under this article.

(3) Standards for the administration of this article.

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

(c) After considering the committee's recommendations for fees, the board shall establish fees under IC 25-1-8-2.

Sec. 7. Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Chapter 4. Licensure

Sec. 1. An individual must be licensed by the committee before the individual may practice as an anesthesiologist assistant. The committee may grant a license as an anesthesiologist assistant to an applicant who does the following:

(1) Submits an application on a form approved by the committee.

(2) Pays the fee established by the board upon the recommendation of the committee.

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(3) Successfully completes an approved program.

(4) Passes the certifying examination administered by the NCCAA or its successor organization and maintains current certification.

(5) Submits to the committee any other information the committee considers necessary to evaluate the applicant's qualifications.

(6) Presents satisfactory evidence to the committee that the individual has not been:

(A) engaged in an act that would constitute grounds for disciplinary sanctions under IC 25-1-9; or

(B) the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as an anesthesiologist assistant without endangering the public.

(7) Is of good moral character.

Sec. 2. The committee may refuse to issue a license or may issue a probationary license to an individual if:

(1) the individual has been disciplined by an administrative agency in another jurisdiction or been convicted for a crime that has a direct bearing on the individual's ability to practice competently; and

(2) the committee determines that the act for which the individual was disciplined or convicted has a direct bearing on the individual's ability to practice as an anesthesiologist assistant.

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

(1) Report regularly to the committee upon a matter that is the basis for the probation.

(2) Limit practice to areas prescribed by the committee.

(3) Continue or renew professional education.

(4) Engage in community restitution or service without compensation for a number of hours specified by the committee.

(5) Submit to care, counseling, or treatment by a physician designated by the committee for a matter that is the basis for the probation.

(b) The committee shall remove a limitation placed on a probationary license if, after a hearing, the committee finds that

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the deficiency that caused the limitation has been remedied.

Sec. 4. (a) The committee may grant a temporary license to any applicant who has met all the requirements for licensure under section 1 of this chapter except the certifying examination requirement under section 1(4) of this chapter and who has:

(1) applied to take the next available examination; or

(2) taken the examination and is waiting for the results.

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

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

Sec. 5. (a) A license issued by the committee expires on a date established by the Indiana professional licensing agency under IC 25-1-5-4 in the next even-numbered year following the year in which the license was issued.

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

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

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

(c) If an anesthesiologist assistant fails to pay a renewal fee on or before the expiration date of a license, the license becomes invalid and must be returned to the committee.

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

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

Sec. 7. (a) An individual who is licensed under this chapter shall notify the committee in writing when the individual retires from practice.

(b) Upon receipt of the notice, the committee shall:

(1) record the fact that the individual is retired; and

(2) release the individual from further payment of renewal fees.

Sec. 8. (a) If an anesthesiologist assistant surrenders a license to

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the committee, the committee may reinstate the license upon written request by the individual.

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

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

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

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

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

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

(1) the individual's license has lapsed; or

(2) the individual is on inactive status under this section;

is considered to be practicing without a license and is subject to discipline under IC 25-1-9.

Chapter 5. Scope of Practice

Sec. 1. (a) This chapter does not allow the independent practice by an anesthesiologist assistant.

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

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

(1) under the supervision of an anesthesiologist; and

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

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

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

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

(3) Implement medically accepted monitoring techniques.

(4) Establish basic and advanced airway interventions,

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including intubation of the trachea and performance of ventilatory support.

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

(6) Administer:

(A) anesthetic drugs;

(B) adjuvant drugs; and

(C) accessory drugs.

(7) Implement:

(A) spinal;

(B) epidural; and

(C) regional;

anesthetic procedures.

(8) Administer:

(A) blood;

(B) blood products; and

(C) supportive fluids.

(9) Place deep venous catheters and arterial catheters.

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

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

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

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

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

(1) is consistent with this article;

(2) delineates:

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

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

(3) is based on relevant quality assurance standards, including

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regular review by the supervising anesthesiologist of the medical records of the patients cared for by the anesthesiologist assistant.

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

(1) the terms of the protocol; and

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

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

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

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

Sec. 3. An anesthesiologist assistant may not:

(1) prescribe any medications or controlled substances;

(2) administer any drugs, medicines, devices, or therapies that the supervising or designated anesthesiologist is not qualified or authorized to prescribe;

(3) perform interventional pain management, as defined by the board; and

(4) practice or attempt to practice without the supervision of an anesthesiologist.

Sec. 4. A patient must:

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

(2) consent to receive the care from the anesthesiologist assistant.

Chapter 6. Supervision of Anesthesiologist Assistants

Sec. 1. (a) An anesthesiologist may not supervise a greater number of anesthesiologist assistants than permitted under the reimbursement rules promulgated by the federal Centers for Medicare and Medicaid Services, or its successor organization.

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

Sec. 2. It is the obligation of the supervising anesthesiologist and anesthesiologist assistant to ensure the following:

(1) That the anesthesiologist assistant's scope of practice is identified.

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(2) That the delegation of medical services is:

(A) appropriate to the anesthesiologist assistant's level of competence; and

(B) within the supervising anesthesiologist's scope of practice.

(3) That the relationship of, and access to, the supervising anesthesiologist is defined.

(4) That a process for evaluation of the anesthesiologist assistant's performance is established and maintained.

Sec. 3. (a) A supervising anesthesiologist shall do the following:

(1) Register with the board the anesthesiologist's intent to supervise an anesthesiologist assistant.

(2) Submit a statement to the board that the supervising anesthesiologist or anesthesiologist designee will:

(A) exercise supervision over the anesthesiologist assistant in accordance with this article and the rules adopted by the board; and

(B) retain professional and legal responsibility for the care prescribed by the anesthesiologist and rendered by the anesthesiologist assistant.

(3) Maintain a written practice protocol with the anesthesiologist assistant that states that the supervising or designated anesthesiologist will:

(A) exercise supervision over the anesthesiologist assistant in accordance with this article and any rules adopted by the board; and

(B) retain responsibility for the care prescribed by the anesthesiologist and rendered by the anesthesiologist assistant.

(b) The written practice protocol described in this section must be:

(1) signed by the anesthesiologist and anesthesiologist assistant;

(2) updated annually; and

(3) made available to the board upon request.

(c) In order to act as a supervising anesthesiologist or a designated anesthesiologist, the anesthesiologist may not have a disciplinary action restriction that limits the anesthesiologist's ability to supervise an anesthesiologist assistant or to act as a designated anesthesiologist.

(d) Except as provided in this section, this chapter may not be construed to limit the employment arrangement with a supervising

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anesthesiologist under this chapter.

Sec. 4. (a) Before initiating practice, the supervising anesthesiologist and the anesthesiologist assistant must submit, on forms approved by the board, the following information:

(1) The name, the business address, and the telephone number of the supervising anesthesiologist.

(2) The name, the business address, and the telephone number of the anesthesiologist assistant.

(3) A brief description of the setting in which the anesthesiologist assistant will practice.

(4) Any other information required by the board.

(b) An anesthesiologist assistant shall notify the committee of any changes or additions in practice sites or supervising anesthesiologists not more than thirty (30) days after the change or addition.

Chapter 7. Unauthorized Practice; Penalty; Sanctions

Sec. 1. An individual may not:

(1) profess to be an anesthesiologist assistant;

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

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

unless the person is licensed under this article.

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

SECTION 11. IC 25-22.5-1-1.1, AS AMENDED BY P.L.90-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.1. As used in this article:

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

(1) Holding oneself out to the public as being engaged in:

(A) the diagnosis, treatment, correction, or prevention of any disease, ailment, defect, injury, infirmity, deformity, pain, or other condition of human beings;

(B) the suggestion, recommendation, or prescription or administration of any form of treatment, without limitation;

(C) the performing of any kind of surgical operation upon a human being, including tattooing, except for tattooing (as defined in IC 35-42-2-7), in which human tissue is cut, burned, or vaporized by the use of any mechanical means, laser, or ionizing radiation, or the penetration of the skin or body orifice

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by any means, for the intended palliation, relief, or cure; or

(D) the prevention of any physical, mental, or functional ailment or defect of any person.

(2) The maintenance of an office or a place of business for the reception, examination, or treatment of persons suffering from disease, ailment, defect, injury, infirmity, deformity, pain, or other conditions of body or mind.

(3) Attaching the designation "doctor of medicine", "M.D.", "doctor of osteopathy", "D.O.", "osteopathic medical physician", "physician", "surgeon", or "physician and surgeon", either alone or in connection with other words, or any other words or abbreviations to a name, indicating or inducing others to believe that the person is engaged in the practice of medicine or osteopathic medicine (as defined in this section).

(4) Providing diagnostic or treatment services to a person in Indiana when the diagnostic or treatment services:

(A) are transmitted through electronic communications; and

(B) are on a regular, routine, and nonepisodic basis or under an oral or written agreement to regularly provide medical services.

In addition to the exceptions described in section 2 of this chapter, a nonresident physician who is located outside Indiana does not practice medicine or osteopathy in Indiana by providing a second opinion to a licensee or diagnostic or treatment services to a patient in Indiana following medical care originally provided to the patient while outside Indiana.

(b) "Board" refers to the medical licensing board of Indiana.

(c) "Diagnose or diagnosis" means to examine a patient, parts of a patient's body, substances taken or removed from a patient's body, or materials produced by a patient's body to determine the source or nature of a disease or other physical or mental condition, or to hold oneself out or represent that a person is a physician and is so examining a patient. It is not necessary that the examination be made in the presence of the patient; it may be made on information supplied either directly or indirectly by the patient.

(d) "Drug or medicine" means any medicine, compound, or chemical or biological preparation intended for internal or external use of humans, and all substances intended to be used for the diagnosis, cure, mitigation, or prevention of diseases or abnormalities of humans, which are recognized in the latest editions published of the United States Pharmacopoeia or National Formulary, or otherwise established as a drug or medicine.

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(e) "Licensee" means any individual holding a valid unlimited license issued by the board under this article.

(f) "Prescribe or prescription" means to direct, order, or designate the use of or manner of using a drug, medicine, or treatment, by spoken or written words or other means.

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

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

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

(1) is supervised by a physician;

(2) graduated from a physician assistant program accredited by an accrediting agency; ~~(as defined in IC 25-27.5-2-4.5);~~

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

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

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

(k) "Anesthesiologist assistant" means an individual who has been licensed by the anesthesiologist assistant committee under IC 25-3.7.

SECTION 12. IC 25-22.5-1-2, AS AMENDED BY P.L.77-2012, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

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

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

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

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

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

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

(5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.

(6) A person administering a domestic or family remedy to a member of the person's family.

(7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.

(8) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).

(9) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.

(10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.

(11) A dentist practicing the dentist's profession under IC 25-14.

(12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.

(13) A nurse practicing the nurse's profession under IC 25-23. However, a certified registered nurse anesthetist (as defined in IC 25-23-1-1.4) may administer anesthesia if the certified registered nurse anesthetist acts under the direction of and in the immediate presence of a physician.

(14) An optometrist practicing the optometrist's profession under IC 25-24.

(15) A pharmacist practicing the pharmacist's profession under

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

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(J) a podiatrist;
(K) a chiropractor;
(L) a physical therapist; or
(M) a psychologist.

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

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

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

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

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

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

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

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

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

(c) An employment or other contractual relationship between an entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

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

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

SECTION 13. IC 25-22.5-8-2, AS AMENDED BY P.L.90-2007,

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SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A person who violates this article by unlawfully practicing medicine or osteopathic medicine commits a Class C felony.

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

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

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

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

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

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

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

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

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

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

(7) A corporation, limited liability company, partnership, or

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professional corporation not otherwise qualified under this section that:

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

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

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

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

SECTION 15. IC 35-51-25-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 25:

IC 25-2.1-13-3 (Concerning accountants).
IC 25-2.5-3-4 (Concerning acupuncturists).
IC 25-3.7-7-2 (Concerning anesthesiologist assistants).
IC 25-5.1-4-2 (Concerning athletic trainers).
IC 25-5.2-2-12 (Concerning athlete agents).
IC 25-6.1-7-1 (Concerning auctioneers and auctions).
IC 25-6.1-7-2 (Concerning auctioneers and auctions).
IC 25-8-15.4-25 (Concerning beauty culture).
IC 25-10-1-11 (Concerning chiropractors).
IC 25-11-1-12 (Concerning collection agencies).
IC 25-13-1-3 (Concerning dental hygienists).
IC 25-14-1-25 (Concerning dentists).
IC 25-14-4-6 (Concerning dentists).
IC 25-14.5-7-2 (Concerning dietitians).
IC 25-16-1-18 (Concerning employment services).
IC 25-17.3-5-3 (Concerning genetic counselors).
IC 25-17.6-8-2 (Concerning geologists).
IC 25-18-1-19 (Concerning distress sales).
IC 25-20-1-21 (Concerning hearing aid dealers).
IC 25-20.7-5-1 (Concerning interior designers).
IC 25-21.5-5-10 (Concerning land surveyors).
IC 25-21.5-13-2 (Concerning land surveyors).
IC 25-21.8-7-1 (Concerning massage therapists).
IC 25-22.5-8-2 (Concerning ~~physicians).~~ **health care providers).**
IC 25-22.5-8-3 (Concerning physicians).
IC 25-23-1-27 (Concerning nurses).
IC 25-23.5-3-2 (Concerning occupational therapists).
IC 25-23.6-3-3 (Concerning marriage and family therapists).
IC 25-23.6-4-4 (Concerning marriage and family therapists).
IC 25-23.6-4.5-4 (Concerning marriage and family therapists).

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~~IC 25-23.6-4.7-7~~ **IC 25-23.6-7-7** (Concerning marriage and family therapists).
IC 25-23.6-10.1-6 (Concerning marriage and family therapists).
IC 25-23.6-11-1 (Concerning marriage and family therapists).
IC 25-23.6-11-2 (Concerning marriage and family therapists).
IC 25-23.6-11-3 (Concerning marriage and family therapists).
IC 25-23.7-7-5 (Concerning manufactured home installers).
IC 25-24-1-18 (Concerning optometrists).
IC 25-24-3-17 (Concerning optometrists).
IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug stores).
IC 25-27-1-12 (Concerning physical therapists).
IC 25-27.5-7-2 (Concerning physician assistants).
IC 25-28.5-1-31 (Concerning plumbers).
IC 25-29-9-1 (Concerning podiatrists).
IC 25-30-1-21 (Concerning private investigator firms, security guards, and polygraph examiners).
IC 25-30-1.3-23 (Concerning private investigator firms, security guards, and polygraph examiners).
IC 25-31-1-13 (Concerning engineers).
IC 25-31-1-27 (Concerning engineers).
IC 25-31.5-8-7 (Concerning soil scientists).
IC 25-33-1-15 (Concerning psychologists).
IC 25-34.5-3-2 (Concerning respiratory care specialists).
IC 25-35.6-3-10 (Concerning speech pathologists and audiologists).
IC 25-36.1-1-2 (Concerning surgical technologists).
IC 25-36.5-1-10 (Concerning timber buyers).
IC 25-36.5-1-15 (Concerning timber buyers).
IC 25-38.1-4-10 (Concerning veterinarians).

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IC 25-38.1-4-11 (Concerning veterinarians).
IC 25-39-5-1 (Concerning water well drilling contractors).
IC 25-39-5-7 (Concerning water well drilling contractors).
IC 25-41-1-2 (Concerning behavior analysts).

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 273, 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 15, line 18, after "(b)" insert "**The rules adopted under subsection (a) may require the supervising or designated anesthesiologist to be physically present in the immediate area during the placement of needles or catheters for the initiation of spinal, epidural, or regional anesthesia and the placement of arterial and deep vein catheters or monitors for invasive monitoring or vascular access.**

(c)".

Page 19, line 12, after "(9)" insert "**Place deep venous catheters and arterial catheters.**

(10)".

Page 19, line 14, delete "(10)" and insert "**(11)**".

Page 19, line 17, delete "(11)" and insert "**(12)**".

Page 19, line 21, delete "be" and insert "**personally participate in the induction of general anesthesia except in emergency cases when the supervising or designated anesthesiologist is needed to address another emergency of short duration.**".

Page 19, delete lines 22 through 28.

Page 20, line 17, delete "and".

Page 20, line 18, after "(3)" insert "**perform interventional pain management, as defined by the board; and**

(4)".

Page 20, between lines 19 and 20, begin a new paragraph and insert:

"**Sec. 4. A patient must:**

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

(2) consent to receive the care from the anesthesiologist assistant.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 273 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 9, Nays 0.

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