

**Final Rule**

LSA Document #18-70(F)

**DIGEST**

Adds [760 IAC 1-60-1.1](#) concerning definitions. Amends [760 IAC 1-60-3](#) regarding physician specialty classes. Amends [760 IAC 1-60-5](#) regarding part-time and retired physicians. Adds [760 IAC 1-60-6](#) regarding surcharge owed by physicians holding multiple policies. Repeals [760 IAC 1-60-2](#). Effective 30 days after filing with the Publisher.

[760 IAC 1-60-1.1](#); [760 IAC 1-60-2](#); [760 IAC 1-60-3](#); [760 IAC 1-60-5](#); [760 IAC 1-60-6](#)

SECTION 1. [760 IAC 1-60-1.1](#) IS ADDED TO READ AS FOLLOWS:

**[760 IAC 1-60-1.1](#) Definitions****Authority:** [IC 34-18-5-2](#)**Affected:** [IC 34-18-5-2](#)

**Sec. 1.1. (a) The following definitions apply throughout this rule:**

**(1) "Advanced trauma procedures" include the following:**

- (A) Tracheostomy.**
- (B) Cranial burr holes.**
- (C) Resuscitative thoracotomy.**
- (D) Resuscitative endovascular balloon occlusion of the aorta.**
- (E) Extracorporeal membrane oxygenation.**
- (F) Lateral canthotomy.**

**(2) "Locum tenens" means a health care provider who:**

- (A) is an independent contractor; and**
- (B) provides services on a temporary assignment with an unrelated entity when:**
  - (i) the unrelated entity's employed health care provider or providers are away or unavailable; or**
  - (ii) additional staffing is required by the unrelated entity.**

**(3) "Major surgery" means a physician who performs or assists in the performance of any medical procedures requiring the use of:**

- (A) moderate sedation/analgesia;**
- (B) deep sedation/analgesia;**
- (C) regional anesthesia; or**
- (D) general anesthesia.**

**For the purposes of emergency medicine, the term means a physician who performs advanced trauma procedures.**

**(4) "Minor surgery" means a physician who performs or assists in the performance of any medical procedures requiring the use of:**

- (A) local anesthesia;**
- (B) superficial nerve blocks; or**
- (C) minimal sedation/anxiolysis.**

**For the purposes of emergency medicine, the term means a physician who performs stabilizing procedures.**

**(5) "No surgery" means a physician who neither performs nor assists in the performance of major surgery or minor surgery.**

**(6) "PCF" means the Indiana patient's compensation fund.**

**(7) "Retired physician" means a physician who has ceased practicing for compensation, but retains an active Indiana license. For purposes of this rule, a physician who volunteers for any amount of time without prescriptive authority is considered a retired physician.**

**(8) "Stabilizing procedures" include the following:**

- (A) Tube thoracostomy.**
- (B) Laceration repair.**
- (C) Arthrocentesis.**
- (D) Joint reduction.**
- (E) Cricothyroidotomy.**

(9) "Surgery (not otherwise classified)" means a physician who:

(A) performs; or

(B) assists in the performance of;  
major surgery or minor surgery.

(b) Any term not defined in this rule has the meaning set forth in [844 IAC 5-5](#).

(Department of Insurance; [760 IAC 1-60-1.1](#); filed May 18, 2018, 2:26 p.m.: [20180613-IR-760180070FRA](#))

SECTION 2. [760 IAC 1-60-3](#) IS AMENDED TO READ AS FOLLOWS:

**[760 IAC 1-60-3](#) List of physician specialty classes**

Authority: [IC 34-18-5-2](#)

Affected: [IC 34-18-5-2](#)

Sec. 3. The list of physician specialty classes required by [IC 34-18-5-2](#) is as follows:

Indiana Department of Insurance  
Patient's Compensation Fund  
Physician Class Plan

Class 0

ISO Code	Specialty
80001	Resident Nonmoonlighting
80221	Resident Moonlighting (No ER)
80230	Aerospace Medicine
80231	General Preventive Medicine – No Surgery
<b>80233</b>	<b>Occupational Medicine</b>
80234	Pharmacology – Clinical
80236	Public Health
80240	Legal Medicine and Forensic Medicine
80248	Nutrition
80249	Psychiatry (Including Child)
80250	Psychoanalysis
80251	Psychosomatic Medicine
80254	Allergy
80256	Dermatology – No Surgery
80263	Ophthalmology – No Surgery
80266	Pathology – No Surgery

Class 1

ISO Code	Specialty
<del>80233</del>	<del>Occupational Medicine</del>
80235	Physical Medicine and Rehabilitation
80237	Diabetes – No Surgery
80238	Endocrinology – No Surgery
80239	Family Practice – No Surgery
80241	Gastroenterology – No Surgery
80242	General Practice – No Surgery
80243	Geriatrics – No Surgery
80244	Gynecology – No Surgery
80245	Hematology – No Surgery
80246	Infectious Disease – No Surgery
80247	Rhinology – No Surgery
80252	Rheumatology – No Surgery
80255	Cardiovascular Disease – No Surgery
80257	Internal Medicine – No Surgery

80258	Laryngology – No Surgery
80259	Neoplastic Disease – No Surgery
80260	Nephrology – No Surgery
<del>80261</del>	<del>Neurology (Including Child) – No Surgery</del>
80262	Nuclear Medicine
80264	Otology – No Surgery
80265	Otorhinolaryngology – No Surgery
<b>80266</b>	<b>Pathology – No Surgery</b>
80267	Pediatrics – No Surgery
80268	Physicians (Not Otherwise Classified) – No Surgery
80269	Pulmonary Disease – No Surgery
80420	Family Physicians – No Surgery
<b>80473</b>	<b>Oncology (Not Otherwise Classified)</b>

## Class 2

ISO Code	Specialty
80223	Resident Moonlighting (with ER)
80253	Radiology – <del>No Surgery</del> <b>Therapeutic</b>
<b>80261</b>	<b>Neurology – (Including Child) – No Surgery</b>
80280	Radiology – <del>Minor Surgery</del> <b>Diagnostic</b>
80282	Dermatology – Minor Surgery <b>(including but not limited to liposuction – tumescent technique, deep chemical peels, skin flaps – cosmetic, grafts – cosmetic)</b>
80289	Ophthalmology – Minor Surgery <b>(including but not limited to ectropion repair, entropion repair and excision of growths in area of eye and lids)</b>
80292	Pathology – Minor Surgery
80425	Radiation Therapy – Not Otherwise Classified
<b>80426</b>	<b>Radiation Oncology</b>
80431	Shock Therapy

## Class 3

ISO Code	Specialty
80109	Physicians – No Major Surgery
80114	Surgery – Ophthalmology <b>(including but not limited to cataract surgery, blepharoplasty, and LASIK/refractive surgery)</b>
80132	Physicians (Not Otherwise Classified) – Minor Surgery
<b>80151</b>	<b>Surgery – Anesthesiology</b>
<b>80163</b>	<b>Radiation Therapy – Employed Physicians or Surgeons with Major Surgery</b>
80172	<del>Physician</del> <b>Physicians</b> (Not Otherwise Classified) – No Major Surgery
80270	Rhinology – Minor Surgery
80271	Diabetes – Minor Surgery
80272	Endocrinology – Minor Surgery
80273	Family Practice – Minor Surgery <b>(including but not limited to vasectomy, lumbar epidural steroid nerve block, and circumcision)</b>
80274	Gastroenterology – Minor Surgery <b>(including but not limited to colonoscopy, endoscopic biopsy, upper GI endoscopy – ERCP, gastrotomy, and duodenoscopy)</b>
80275	General Practice – Minor Surgery
80276	Geriatrics – Minor Surgery
<del>80277</del>	<del>Gynecology – Minor Surgery</del>
80278	Hematology – Minor Surgery
80279	Infectious Diseases – Minor Surgery
80281	Cardiovascular Disease – Minor Surgery <b>(including but not limited to catheterization – left heart, angioplasty, electrophysiological studies – left heart)</b>
80283	Intensive Care Medicine – Minor Surgery
80284	Internal Medicine – Minor Surgery <b>(including but not limited to gastrointestinal endoscopy and biopsy – endoscopic)</b>
80285	Laryngology – Minor Surgery <b>(including but not limited to endoscopic biopsy and lymph node excision)</b>
80286	Neoplastic Diseases – Minor Surgery
80287	Nephrology – Minor Surgery
80288	Neurology (Including Child) – Minor Surgery <b>(including but not limited to lumbar epidural</b>

	<b>steroid – nerve block, myelography, angiography, and arteriography)</b>
80290	Otology – Minor Surgery (including but not limited to endoscopic biopsy and lymph node excision)
80291	Otorhinolaryngology – Minor Surgery
80293	Pediatrics – Minor Surgery (including but not limited to colonoscopy, ERCP, esophagoscopy, and pulmonary artery catheterization)
80294	Physicians (Not Otherwise Classified) – Minor Surgery
80421	Family Physicians (GP) – Minor Surgery – No OB
80422	Catheterization (Not Otherwise Classified)
80424	Emergency Medicine – No Surgery
<b>80474</b>	<b>Oncology – Minor Surgery</b>

## Class 4

ISO Code	Specialty
80000	Family Practice – with OB (including but not limited to prenatal practice to delivery, with or without delivery and tubal ligations)
80101	Broncho-Esophagology
<b>80108</b>	<b>Physicians – Surgery – Nephrology</b>
80115	Surgery (Not Otherwise Classified) – Colon and Rectal (including family practice with colonoscopy and internal medicine with colonoscopy)
80117	Surgery (Not Otherwise Classified) – GP (Not Primarily Engaged in Surgery)
80145	Surgery (Not Otherwise Classified) – Urological
80151	<del>Surgery – Anesthesiology</del>
80163	<del>Radiation Therapy – Employed Physicians or Surgeons with Major Surgery</del>
<b>80277</b>	<b>Gynecology – Minor Surgery</b>
80428	<del>Physicians – Minor Invasive Procedures – Myelography</del>
80434	<del>Physicians – Minor Invasive Procedures – Lymphangiography</del>
80437	<del>Physicians – Minor Invasive Procedures – Acupuncture</del>
80440	<del>Physicians – Minor Invasive Procedures – Laparoscopy</del>
80443	<del>Physicians – Minor Invasive Procedures – Colonoscopy</del>
80446	<del>Physicians – Minor Invasive Procedures – Needle Biopsy</del>
80449	<del>Radiopaque Dye Injection</del>

## Class 5

ISO Code	Specialty
80102	Emergency Medicine – No Major Surgery
80103	Physicians – Surgery (Not Otherwise Classified) – Endocrinology
80104	Physicians – Surgery (Not Otherwise Classified) – Gastroenterology
80105	Physicians – Surgery (Not Otherwise Classified) – Geriatrics
80106	Surgery (Not Otherwise Classified) – Laryngology (including but not limited to rhinoplasty, reconstructive blepharoplasty, tonsillectomy, adenoidectomy, reconstructive cleft palate surgery, and mastoidectomy)
80107	Physicians – Surgery (Not Otherwise Classified) – Neoplastic
80108	<del>Physicians – Surgery – Nephrology</del>
<b>80155</b>	<b>Surgery – Plastic – Otorhinolaryngology</b>
80158	Surgery (Not Otherwise Classified) – Otology (including but not limited to rhinoplasty, reconstructive blepharoplasty, tonsillectomy, adenoidectomy, reconstructive cleft palate surgery, and mastoidectomy)
80159	Surgery (Not Otherwise Classified) – Otorhinolaryngology (including but not limited to rhinoplasty, reconstructive blepharoplasty, tonsillectomy, adenoidectomy, reconstructive cleft palate surgery, and mastoidectomy)
80160	Physicians – Surgery (Not Otherwise Classified) – Rhinology (including but not limited to rhinoplasty, reconstructive blepharoplasty, tonsillectomy, adenoidectomy, reconstructive cleft palate surgery, and mastoidectomy)
80419	Family or General Practice – Major Surgery
<b>80475</b>	<b>Pain Medicine and Pain Management</b>

## Class 6

ISO Code	Specialty
80141	<del>Surgery – Cardiac</del>
80143	<del>Surgery (Not Otherwise Classified) – General Not Otherwise Classified</del>
80155	<del>Surgery – Plastic – Otorhinolaryngology</del>

80156	Surgery ( <b>Not Otherwise Classified</b> ) – Plastic <del>Not Otherwise Classified</del>
80157	Surgery ( <b>Not Otherwise Classified</b> ) – Emergency Medicine
80166	Surgery ( <b>Not Otherwise Classified</b> ) – Abdominal
80167	Surgery – Gynecology
80169	Surgery ( <b>Not Otherwise Classified</b> ) – Hand
80170	Surgery ( <b>Not Otherwise Classified</b> ) – Head and Neck

## Class 7

ISO Code	Specialty
<b>80141</b>	<b>Surgery (Not Otherwise Classified) – Cardiac</b>
80144	Surgery ( <b>Not Otherwise Classified</b> ) – Thoracic
80146	Surgery ( <b>Not Otherwise Classified</b> ) – Vascular
80150	Surgery ( <b>Not Otherwise Classified</b> ) – Cardiovascular Disease ( <b>including cardiovascular surgeons</b> )
80154	Surgery ( <b>Not Otherwise Classified</b> ) – Orthopedic
<b>80167</b>	<b>Surgery (Not Otherwise Classified) – Gynecology</b>
80171	Surgery ( <b>Not Otherwise Classified</b> ) – Traumatic
<b>80476</b>	<b>Surgery (Not Otherwise Classified) – Bariatric</b>

## Class 8

ISO Code	Specialty
80152	<del>Surgery – Neurology (Including Child)</del>
80153	Surgery ( <b>Not Otherwise Classified</b> ) – Obstetrics/Gynecology
80168	Surgery ( <b>Not Otherwise Classified</b> ) – Obstetrics

## Class 9

ISO Code	Specialty
<b>80152</b>	<b>Surgery (Not Otherwise Classified) – Neurology (Including Child)</b>

(Department of Insurance; [760 IAC 1-60-3](#); filed Oct 23, 1998, 2:45 p.m.: 22 IR 754; filed Aug 6, 1999, 2:35 p.m.: 22 IR 3934; filed Apr 26, 2004, 2:00 p.m.: 27 IR 2729, eff Jul 1, 2004; readopted filed Nov 24, 2010, 9:17 a.m.: [20101222-IR-760100633RFA](#); readopted filed Nov 23, 2016, 9:47 a.m.: [20161221-IR-760160436RFA](#); filed May 18, 2018, 2:26 p.m.: [20180613-IR-760180070FRA](#))

SECTION 3. [760 IAC 1-60-5](#) IS AMENDED TO READ AS FOLLOWS:

### [760 IAC 1-60-5](#) Part-time and retired physicians

Authority: [IC 34-18-5-2](#)

Affected: [IC 25-22.5-1-1.1](#)

Sec. 5. (a) A physician who practices medicine on a part-time basis shall pay a reduced surcharge as follows:

- (1) A physician who practices medicine twelve (12) hours per week or less shall receive a credit equal to seventy-five percent (75%) of the surcharge amount.
- (2) A physician who practices medicine more than twelve (12) hours but less ~~fewer~~ than twenty-five (25) hours per week shall receive a credit equal to fifty percent (50%) of the surcharge amount.
- (3) A physician who practices medicine ~~more than twenty-five (25) hours per week but fewer than~~ to thirty-one (31) hours per week shall receive a credit equal to twenty-five percent (25%) of the surcharge amount.

(b) Medical school faculty shall receive a credit equal to sixty-seven percent (67%) of the surcharge amount.

As used in this subsection, "medical school faculty" means a physician engaged in research or teaching at a medical school as defined in [IC 25-22.5-1-1.1\(h\)](#). To be eligible for the credit, not more than thirty percent (30%) of the physician's time may be spent treating patients whose treatment is unrelated to the physician's duties at the medical school.

(c) Newly licensed physicians shall receive a credit equal to fifty percent (50%) of the surcharge amount during their first year of practice and twenty-five percent (25%) during their second year. For purposes of this subsection, a physician is considered newly licensed for two (2) years after:

- (1) completion of a residency program or a fellowship program in their medical specialty; or
- (2) the fulfillment of a military obligation in remuneration for medical school tuition.

(d) A physician participating in a fellowship program shall pay the following:

(1) If the fellowship is full time and the physician is engaging in no other medical practice, the physician shall pay an annual surcharge equal to fifty percent (50%) of the surcharge due for the specialty class of the fellowship.

(2) If the physician is engaging in a medical practice outside of the fellowship, the physician shall pay the greater of the following:

(A) The full-time surcharge due for the medical practice outside of the fellowship.

(B) Fifty percent (50%) of the surcharge due for the specialty class of the fellowship.

For purposes of this subsection, "part-time" has the meaning described in subsection (a)(2).

(e) A retired physician shall pay an annual surcharge in the amount of five hundred dollars (\$500).

(f) Not more than one (1) credit may be applied to a physician in any policy year.

(Department of Insurance; [760 IAC 1-60-5](#); filed Oct 23, 1998, 2:45 p.m.: 22 IR 756; filed Aug 6, 1999, 2:35 p.m.: 22 IR 3936; filed Apr 26, 2004, 2:00 p.m.: 27 IR 2730, eff Jul 1, 2004; filed Aug 23, 2006, 3:58 p.m.: [20060906-IR-760050266FRA](#); readopted filed Nov 24, 2010, 9:17 a.m.: [20101222-IR-760100633RFA](#); readopted filed Nov 23, 2016, 9:47 a.m.: [20161221-IR-760160436RFA](#); filed May 18, 2018, 2:26 p.m.: [20180613-IR-760180070FRA](#))

SECTION 4. [760 IAC 1-60-6](#) IS ADDED TO READ AS FOLLOWS:

**[760 IAC 1-60-6](#) Multiple policies**

Authority: [IC 34-18-5-2](#)

Affected: [IC 34-18-5-2](#)

**Sec. 6. (a) A physician who purchases more than one (1) professional liability insurance policy may pay only one (1) full-time surcharge.**

**(b) A physician shall remit the following surcharge to the PCF for the second policy:**

**(1) If the second policy that is being reported for proof of financial responsibility is at a lower classification than the first policy, the physician shall remit the minimum surcharge set forth in [760 IAC 1-21](#) to the PCF for the second policy.**

**(2) If the second policy that is being reported for proof of financial responsibility is at a higher classification than the first policy, the physician shall remit the difference between the higher classification surcharge and the lower classification surcharge to the PCF for the second policy.**

**(c) This section does not apply to physicians holding part-time policies or locum tenens policies as the first policy being reported for proof of financial responsibility. A physician shall remit one (1) full-time surcharge on the first policy before calculating the surcharge to be remitted on the second policy.**

(Department of Insurance; [760 IAC 1-60-6](#); filed May 18, 2018, 2:26 p.m.: [20180613-IR-760180070FRA](#))

SECTION 5. [760 IAC 1-60-2](#) IS REPEALED.

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