

IC 16-31-3

Chapter 3. Certification Requirements for the Provision of
Emergency Medical Services

IC 16-31-3-0.5

"Nontransporting emergency medical services vehicle" defined

Sec. 0.5. (a) As used in this chapter, "nontransporting emergency medical services vehicle" means a motor vehicle, other than an ambulance, used for emergency medical services.

(b) The term does not include an employer owned or employer operated vehicle used for first aid purposes within or upon the employer's premises.

As added by P.L.186-1995, SEC.7.

IC 16-31-3-1

Certification required

Sec. 1. (a) Except as provided in subsection (b), a person other than:

- (1) a licensed physician;
- (2) a registered nurse or an individual acting under the supervision of a licensed physician; or
- (3) a person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

may not furnish, operate, conduct, maintain, advertise, or otherwise be engaged in providing emergency medical services, except for the use of an automated external defibrillator, as a part of the regular course of doing business, either paid or voluntary, unless that person holds a valid certificate issued by the commission.

(b) A:

- (1) licensed physician;
- (2) registered nurse or an individual acting under the supervision of a licensed physician; or
- (3) person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

who operates a business of transporting emergency patients by ambulance or using a nontransporting emergency medical services vehicle must hold a valid certificate issued by the commission under this article.

As added by P.L.2-1993, SEC.14. Amended by P.L.186-1995, SEC.8; P.L.74-2006, SEC.3.

IC 16-31-3-2

Standards for certifications

Sec. 2. The commission shall establish standards for persons required to be certified by the commission to provide emergency medical services. To be certified, a person must meet the following minimum requirements:

- (1) The personnel certified under this chapter must do the following:
 - (A) Meet the standards for education and training

established by the commission by rule.

(B) Successfully complete a basic or an inservice course of education and training on sudden infant death syndrome that is certified by the commission in conjunction with the state health commissioner.

(C) Beginning January 1, 2009, successfully complete a basic or an inservice course of education and training on autism that is certified by the commission.

(2) Ambulances to be used must conform with the requirements of the commission and must either be:

(A) covered by insurance issued by a company licensed to do business in Indiana in the amounts and under the terms required in rules adopted by the commission; or

(B) owned by a governmental entity covered under IC 34-13-3.

(3) Emergency ambulance service shall be provided in accordance with rules adopted by the commission. However, the rules adopted under this chapter may not prohibit the dispatch of an ambulance to aid an emergency patient because an emergency medical technician is not immediately available to staff the ambulance.

(4) Ambulances must be equipped with a system of emergency medical communications approved by the commission. The emergency medical communication system must properly integrate and coordinate appropriate local and state emergency communications systems and reasonably available area emergency medical facilities with the general public's need for emergency medical services.

(5) Emergency medical communications shall be provided in accordance with rules adopted by the commission.

(6) A nontransporting emergency medical services vehicle must conform with the commission's requirements.

As added by P.L.2-1993, SEC.14. Amended by P.L.22-1994, SEC.4; P.L.186-1995, SEC.9; P.L.1-1998, SEC.117; P.L.22-2005, SEC.19; P.L.71-2008, SEC.1.

IC 16-31-3-3

Exceptions to certification requirement

Sec. 3. (a) A certificate is not required for a person who provides emergency ambulance service, an emergency medical technician, an emergency medical technician-basic advanced, an ambulance, a nontransporting emergency medical services vehicle, or advanced life support when doing any of the following:

(1) Providing assistance to persons certified to provide emergency ambulance service or to emergency medical technicians.

(2) Operating from a location or headquarters outside Indiana to provide emergency ambulance services to patients who are picked up outside Indiana for transportation to locations within Indiana.

(3) Providing emergency medical services during a major catastrophe or disaster with which persons or ambulances certified to provide emergency ambulance services are insufficient or unable to cope.

(b) An agency or instrumentality of the United States and any paramedic, emergency medical technician-intermediate, emergency medical technician-basic advanced, emergency medical technician, or first responder of the agency or instrumentality is not required to:

(1) be certified; or

(2) conform to the standards prescribed under this chapter.

As added by P.L.2-1993, SEC.14. Amended by P.L.186-1995, SEC.10; P.L.22-2005, SEC.20.

IC 16-31-3-4

Agencies and instrumentalities of the United States; exception to certification requirement

Sec. 4. An agency or instrumentality of the United States and emergency medical technicians or ambulances of the agency or instrumentality are not required to be certified or to conform to the standards prescribed under this article.

As added by P.L.2-1993, SEC.14.

IC 16-31-3-5

Waiver of rules; requirements; expiration date; renewal

Sec. 5. (a) The commission shall waive any rule for a person who provides emergency ambulance service, an emergency medical technician, an emergency medical technician-basic advanced, an emergency medical technician-intermediate, a paramedic, or an ambulance when operating from a location in an adjoining state by contract with an Indiana unit of government to provide emergency ambulance or medical services to patients who are picked up or treated in Indiana.

(b) The commission may waive any rule, including a rule establishing a fee, for a person who submits facts demonstrating that:

(1) compliance with the rule will impose an undue hardship on the person; and

(2) either:

(A) noncompliance with the rule; or

(B) compliance with an alternative requirement approved by the commission;

will not jeopardize the quality of patient care. However, the commission may not waive a rule that sets forth educational requirements for a person regulated under this article.

(c) A waiver granted under subsection (b)(2)(B) is conditioned upon compliance with the alternative requirement approved under subsection (b).

(d) The commission shall establish an expiration date for any waiver that is granted.

(e) The commission may renew a waiver if the person makes the same demonstration required for the original waiver.

As added by P.L.2-1993, SEC.14. Amended by P.L.205-2003, SEC.23.

IC 16-31-3-6

Volunteer fire departments and firefighters; exception to certification requirement

Sec. 6. (a) As used in this section, "volunteer fire department" has the meaning set forth in IC 36-8-12-2.

(b) As used in this section, "volunteer firefighter" has the meaning set forth in IC 36-8-12-2.

(c) A certificate is not required for a volunteer fire department or volunteer firefighter to engage in extrication or rescue services.

As added by P.L.2-1993, SEC.14. Amended by P.L.1-1999, SEC.44.

IC 16-31-3-7

Withholding of certificates

Sec. 7. The commission may not withhold certification from a person providing emergency medical services that include extrication and rescue services because the person is not affiliated with a hospital, law enforcement agency, or fire department.

As added by P.L.2-1993, SEC.14.

IC 16-31-3-8

Applications for certificates

Sec. 8. An application for a certificate must be made upon the forms, provide the information, and be in accordance with the procedures prescribed by the commission.

As added by P.L.2-1993, SEC.14.

IC 16-31-3-9

Duration of certificates

Sec. 9. Except as otherwise provided in this chapter, all certificates are valid for a period specified by the commission unless earlier suspended, revoked, or terminated.

As added by P.L.2-1993, SEC.14.

IC 16-31-3-10

Renewal of certificates; conditions

Sec. 10. (a) Except as provided in subsection (b), to renew a certificate issued under this chapter upon expiration of the certificate for any reason, a person must comply with any continuing education requirements that have been established by the commission. To renew a certificate issued under this chapter after a revocation of the certificate, a person must comply with all the requirements of this chapter that apply to the original certification.

(b) A renewal of an emergency medical technician, an emergency medical technician-basic advanced, an emergency medical technician-intermediate, or a paramedic certificate shall be issued to an individual who meets the following conditions:

(1) While holding a valid certificate, enters the armed forces of

the United States, including:

- (A) the army;
- (B) the navy;
- (C) the air force;
- (D) the marines; or
- (E) the coast guard;

but excluding the guard and reserve components of those forces.

(2) Is discharged from the armed forces of the United States within forty-eight (48) months after the individual entered the armed forces.

(3) Successfully completes, not more than nine (9) months after the individual's discharge from the armed forces of the United States, a refresher course approved by the commission.

(4) Applies for the certificate renewal not more than one (1) year after the individual's discharge from the armed forces of the United States.

(5) Passes the written and practical skills examinations.

(c) A renewal of an emergency medical technician, an emergency medical technician-basic advanced, an emergency medical technician-intermediate, or a paramedic certificate must be issued to an individual who meets the following conditions:

(1) While holding a valid certificate, the individual is called to active military duty as a member of the Indiana national guard or a reserve component of the armed forces of the United States, including:

- (A) the army;
- (B) the navy;
- (C) the air force;
- (D) the marines; or
- (E) the coast guard.

(2) The individual provides the emergency medical services commission with a copy of the document from the armed forces that called the individual to active duty.

(3) The individual applies for the certificate renewal not more than one hundred twenty (120) days after the individual leaves active duty.

As added by P.L.2-1993, SEC.14. Amended by P.L.205-2003, SEC.24.

IC 16-31-3-11

Certificates nonassignable and nontransferable

Sec. 11. A certificate issued under this chapter is not assignable or transferable.

As added by P.L.2-1993, SEC.14.

IC 16-31-3-12

Defacing, removal, and obliteration of official entries upon certificates prohibited

Sec. 12. An official entry made upon a certificate may not be defaced, removed, or obliterated.

As added by P.L.2-1993, SEC.14.

IC 16-31-3-13

Repealed

(Repealed by P.L.101-2006, SEC.39.)

IC 16-31-3-13.5

Fee

Sec. 13.5. The commission may impose a reasonable fee for the issuance of a certification under this chapter. The commission shall deposit the fee in the emergency medical services fund established by IC 16-31-8.5-3.

As added by P.L.101-2006, SEC.26.

IC 16-31-3-14

Disciplinary sanctions; rescind certificate; deny certification; physical or mental examination; convictions; appeals; investigation; consistency of sanctions; approval to surrender certificate

Sec. 14. (a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate, including cheating on a certification examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder should be entrusted to provide emergency medical services;
- (6) is convicted of violating IC 9-19-14.5;
- (7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;
- (8) continues to practice if the certificate holder becomes unfit to practice due to:
 - (A) professional incompetence that includes the undertaking of professional activities that the certificate holder is not qualified by training or experience to undertake;
 - (B) failure to keep abreast of current professional theory or practice;

- (C) physical or mental disability; or
- (D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's ability to practice safely;
- (9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (10) allows the certificate holder's name or a certificate issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;
- (11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;
- (12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;
- or
- (13) allows a certificate issued by the commission to be:
 - (A) used by another person; or
 - (B) displayed to the public when the certificate is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder is subject to disciplinary sanctions under subsection (a):

- (1) Revocation of a certificate holder's certificate for a period not to exceed seven (7) years.
- (2) Suspension of a certificate holder's certificate for a period not to exceed seven (7) years.
- (3) Censure of a certificate holder.
- (4) Issuance of a letter of reprimand.
- (5) Assessment of a civil penalty against the certificate holder in accordance with the following:
 - (A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.
 - (B) If the certificate holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate without additional proceedings.
- (6) Placement of a certificate holder on probation status and requirement of the certificate holder to:
 - (A) report regularly to the department of homeland security upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the department of homeland security;
 - (C) continue or renew professional education approved by the department of homeland security until a satisfactory

degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder.

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate, including cheating on the certification examination, the department of homeland security may rescind the certificate if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate for a length of time established by the department of homeland security.

(d) The department of homeland security may deny certification to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder, has had disciplinary action taken against the applicant or the applicant's certificate to practice in another state or jurisdiction, or has practiced without a certificate in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department of homeland security may order a certificate holder to submit to a reasonable physical or mental examination if the certificate holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department of homeland security order to submit to a physical or mental examination makes a certificate holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate may not be denied, revoked, or suspended because the applicant or certificate holder has been convicted of an offense. The acts from which the applicant's or certificate holder's conviction resulted may be considered as to whether the applicant or certificate holder should be entrusted to serve the public in a specific capacity.

(g) The department of homeland security may deny, suspend, or revoke a certificate issued under this article if the individual who holds or is applying for the certificate is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under

IC 35-48-4-7(b).

(5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid as a Class D felony under IC 35-48-4-11.

(9) Maintaining a common nuisance under IC 35-48-4-13.

(10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).

(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through (12).

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The department of homeland security may temporarily suspend a certificate holder's certificate under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the department of homeland security must initiate an investigation against the person.

(k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper in relation to the complaint.

(l) The department of homeland security may reinstate a certificate that has been suspended under this section if the department of homeland security is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the department of homeland security may impose disciplinary or corrective measures authorized under this chapter.

(m) The department of homeland security may not reinstate a certificate that has been revoked under this chapter.

(n) The department of homeland security must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department of homeland security's findings or

orders.

(o) A certificate holder may not surrender the certificate holder's certificate without the written approval of the department of homeland security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate.

(p) For purposes of this section, "certificate holder" means a person who holds:

- (1) an unlimited certificate;
- (2) a limited or probationary certificate; or
- (3) an inactive certificate.

As added by P.L.2-1993, SEC.14. Amended by P.L.65-1998, SEC.1; P.L.205-2003, SEC.25; P.L.22-2005, SEC.21; P.L.1-2006, SEC.300; P.L.151-2006, SEC.6; P.L.138-2011, SEC.2; P.L.182-2011, SEC.2.

IC 16-31-3-14.5

Denial or permanent revocation of certificate for conviction of drug offenses or crimes of violence

Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or permanently revoke a certificate under procedures provided by section 14 of this chapter if the individual who holds the certificate issued under this title is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid under IC 35-48-4-10(b).
- (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
- (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).
- (12) A crime of violence (as defined in IC 35-50-1-2(a)).
- (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

As added by P.L.65-1998, SEC.2. Amended by P.L.17-2001, SEC.2; P.L.1-2002, SEC.74; P.L.205-2003, SEC.26; P.L.1-2006, SEC.301; P.L.151-2006, SEC.7; P.L.138-2011, SEC.3; P.L.182-2011, SEC.3.

IC 16-31-3-15

Repealed

(Repealed by P.L.205-2003, SEC.44.)

IC 16-31-3-16

Misrepresentation of certification; penalty

Sec. 16. A person who is not certified under this chapter and identifies or holds out to other persons that the person is:

- (1) certified under this chapter; or
- (2) authorized to do any act allowed under this chapter;

commits a Class C misdemeanor.

As added by P.L.2-1993, SEC.14.

IC 16-31-3-17

Violation; penalty

Sec. 17. (a) The department of homeland security established by IC 10-19-2-1 may issue an order to a person who has practiced without a certificate in violation of this article imposing a civil penalty of not more than five hundred dollars (\$500) per occurrence.

(b) A decision of the department of homeland security under subsection (a) may be appealed to the commission under IC 4-21.5-3-7.

As added by P.L.2-1993, SEC.14. Amended by P.L.205-2003, SEC.27; P.L.1-2009, SEC.116.

IC 16-31-3-18

Advanced life support; scope

Sec. 18. This chapter does not limit the scope of advanced life support.

As added by P.L.2-1993, SEC.14.

IC 16-31-3-19

Repealed

(Repealed by P.L.22-2005, SEC.55.)

IC 16-31-3-20

Advanced life support services development; rules

Sec. 20. The commission shall adopt rules under IC 4-22-2 that promote the orderly development of advanced life support services in Indiana. The rules must include the following:

- (1) Requirements and procedures for the certification of provider organizations, paramedics, emergency medical technicians-intermediate, and supervising hospitals.
- (2) Rules governing the operation of advanced life support services, including the medications and procedures that may be administered and performed by paramedics and emergency

medical technicians-intermediate.
As added by P.L.186-1995, SEC.12. Amended by P.L.205-2003, SEC.29.

IC 16-31-3-21

Persons permitted to perform advanced life support

Sec. 21. (a) Notwithstanding any other law, a certified paramedic or a certified emergency medical technician-intermediate may perform advanced life support in an emergency according to the rules of the commission.

(b) Notwithstanding any other law, a person may, during a course of instruction in advanced life support, perform advanced life support according to the rules of the commission.

As added by P.L.186-1995, SEC.13. Amended by P.L.205-2003, SEC.30.

IC 16-31-3-22

Advanced life support certification; exemptions; offenses

Sec. 22. (a) Except as provided in subsection (c), this section does not apply to the following:

- (1) A licensed physician.
- (2) A registered nurse or an individual acting under the supervision of a licensed physician.
- (3) A person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21.

(b) A person may not furnish, operate, conduct, maintain, or advertise advanced life support as a part of the regular course of doing business unless the person holds a valid certificate or provisional certificate issued by the commission to provide advanced life support.

(c) A:

- (1) licensed physician;
- (2) registered nurse or an individual acting under the supervision of a licensed physician; or
- (3) person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

who operates a business of operating an emergency ambulance service that provides advanced life support must hold a valid certificate issued by the commission under this chapter.

(d) A person who violates this section commits a Class C misdemeanor. Each day of continued violation of this section is a separate offense.

As added by P.L.186-1995, SEC.14.

IC 16-31-3-23

Use of an auto-injector by a certified emergency medical technician

Sec. 23. An emergency medical technician or emergency medical technician-basic advanced who is certified under this article may administer epinephrine through an auto-injector to an individual who is experiencing symptoms of an allergic reaction or anaphylaxis.

*As added by P.L.17-2002, SEC.5. Amended by P.L.205-2003,
SEC.31.*