

SENATE BILL No. 371

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-15-5-14; IC 25-23-1.

Synopsis: Advanced practice registered nurses. Amends the hospital governing board requirements for the manner in which a psychiatric mental health advanced practice registered nurse will interact with other practitioners. Requires the Indiana state board of nursing to provide a report to the general assembly concerning psychiatric mental health advanced practice registered nurses who practice without a practice agreement. Makes conforming changes.

Effective: Upon passage; July 1, 2023.

Ford Jon

January 19, 2023, read first time and referred to Committee on Health and Provider Services.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 371

A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

- 1 SECTION 1. IC 12-15-5-14, AS AMENDED BY P.L.129-2018,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 14. (a) As used in this section, "advanced practice
4 registered nurse" means:
5 (1) a nurse practitioner; or
6 (2) a clinical nurse specialist;
7 who is a registered nurse licensed under IC 25-23 and qualified to
8 practice nursing in a specialty role based upon the additional
9 knowledge and skill gained through a formal organized program of
10 study and clinical experience, or the equivalent as determined by the
11 Indiana state board of nursing.
12 (b) As used in this section, "office" includes the following:
13 (1) The office of the secretary of family and social services.
14 (2) A managed care organization that has contracted with the
15 office of Medicaid policy and planning under this article.
16 (3) A person that has contracted with a managed care organization
17 described in subdivision (2).



1 (c) The office shall reimburse eligible Medicaid claims for the
 2 following services provided by an advanced practice registered nurse
 3 employed by a community mental health center if the services are part
 4 of the advanced practice registered nurse's scope of practice:

- 5 (1) Mental health services.
- 6 (2) Behavioral health services.
- 7 (3) Substance abuse treatment.
- 8 (4) Primary care services.
- 9 (5) Evaluation and management services for inpatient or
 10 outpatient psychiatric treatment.
- 11 (6) Prescription drugs.

12 (d) The office shall include an advanced practice registered nurse
 13 as an eligible provider for the supervision of a plan of treatment for a
 14 patient's outpatient mental health or substance abuse treatment
 15 services, if the supervision is in the advanced practice registered
 16 nurse's scope of practice, education, and training.

17 (e) This section:

- 18 (1) may not be construed to expand an advanced practice
 19 registered nurse's scope of practice; and
- 20 (2) is subject to IC 25-23-1-19.4(c). ~~and applies only if the service
 21 is included in the advanced practice registered nurse's practice
 22 agreement with a collaborating physician.~~

23 SECTION 2. IC 25-23-1-19.4, AS AMENDED BY P.L.127-2020,
 24 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2023]: Sec. 19.4. (a) This section does not apply to certified
 26 registered nurse anesthetists.

27 (b) As used in this section, "practitioner" has the meaning set forth
 28 in IC 16-42-19-5. However, the term does not include the following:

- 29 (1) A veterinarian.
- 30 (2) An advanced practice registered nurse.
- 31 (3) A physician assistant.

32 (c) **Except as provided in subsection (f)**, an advanced practice
 33 registered nurse shall operate:

- 34 (1) in collaboration with a licensed practitioner as evidenced by
 35 a practice agreement;
- 36 (2) by privileges granted by the governing board of a hospital
 37 licensed under IC 16-21 with the advice of the medical staff of the
 38 hospital that sets forth the manner in which an advanced practice
 39 registered nurse and a licensed practitioner will cooperate,
 40 coordinate, and consult with each other in the provision of health
 41 care to their patients; or
- 42 (3) by privileges granted by the governing body of a hospital



1 operated under IC 12-24-1 that sets forth the manner in which an
 2 advanced practice registered nurse and a licensed practitioner will
 3 cooperate, coordinate, and consult with each other in the
 4 provision of health care to their patients.

5 (d) This subsection applies for purposes of the Medicaid program
 6 to an advanced practice registered nurse who:

7 (1) is licensed pursuant to IC 25-23-1-19.5; and

8 (2) has been educated and trained to work with patients with
 9 addiction and mental health needs.

10 An advanced practice registered nurse who meets the requirements of
 11 this subsection has all of the supervisory rights and responsibilities,
 12 including prior authorization, that are available to a licensed physician
 13 or a health service provider in psychology (HSPP) operating in a
 14 community mental health center certified under IC 12-21-2-3(5)(C).

15 (e) Before January 1, 2021, the office of the secretary shall apply to
 16 the United States Department of Health and Human Services for any
 17 state plan amendment necessary to implement subsection (d).

18 **(f) A psychiatric mental health advanced practice registered**
 19 **nurse with prescriptive authority may practice without a practice**
 20 **agreement if the following conditions are met:**

21 **(1) The psychiatric mental health advanced practice**
 22 **registered nurse has practiced under a practice agreement**
 23 **with a practitioner for the full-time equivalent of at least one**
 24 **(1) year.**

25 **(2) The practitioner described in subdivision (1) has been**
 26 **licensed in Indiana for a minimum of five (5) years with the**
 27 **practitioner's respective governing board.**

28 **(3) The practitioner has reviewed at least five percent (5%) of**
 29 **the psychiatric mental health advanced practice registered**
 30 **nurse's prescriptive charts during the practice agreement**
 31 **period.**

32 **(4) The psychiatric mental health advanced practice**
 33 **registered nurse has submitted an attestation to the board to**
 34 **the completion of the required one (1) year practice**
 35 **agreement.**

36 **(5) The psychiatric mental health advanced practice**
 37 **registered nurse practices in the same practice area in which**
 38 **the psychiatric mental health advanced practice registered**
 39 **nurse practiced with the practitioner under a practice**
 40 **agreement.**

41 **(6) The psychiatric mental health advanced practice**
 42 **registered nurse establishes a referral plan to other**



1 **appropriate practitioners for complex medical cases, medical**
 2 **emergencies, and cases that are beyond the psychiatric mental**
 3 **health advanced practice registered nurse's scope of practice.**
 4 **The board shall designate on the psychiatric mental health**
 5 **advanced practice registered nurse's prescriptive authority license,**
 6 **in a manner determined by the board, that the psychiatric mental**
 7 **health advanced practice registered nurse has completed the**
 8 **requirements of this subsection.**

9 **(g) If a psychiatric mental health advanced practice registered**
 10 **nurse practices independently without a practice agreement, the**
 11 **psychiatric mental health advanced practice registered nurse shall**
 12 **notify patients, through posting in a prominent and conspicuous**
 13 **place, that the psychiatric mental health advanced practice**
 14 **registered nurse is practicing independently.**

15 SECTION 3. IC 25-23-1-19.6, AS AMENDED BY P.L.28-2019,
 16 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2023]: Sec. 19.6. (a) When the board grants authority to an
 18 advanced practice registered nurse to prescribe legend drugs under this
 19 chapter, the board shall assign an identification number to the
 20 advanced practice registered nurse.

21 (b) An advanced practice registered nurse who is granted authority
 22 by the board to prescribe legend drugs must do the following:

23 (1) Enter on each prescription form that the advanced practice
 24 registered nurse uses to prescribe a legend drug:

- 25 (A) the signature of the advanced practice registered nurse;
- 26 (B) initials indicating the credentials awarded to the advanced
- 27 practice registered nurse under this chapter; and
- 28 (C) the identification number assigned to the advanced
- 29 practice registered nurse under subsection (a).

30 (2) Transmit the prescription in an electronic format for an
 31 electronically transmitted prescription.

32 (3) Comply with all applicable state and federal laws concerning
 33 prescriptions for legend drugs, including the requirement to issue
 34 electronically transmitted prescriptions under IC 25-1-9.3.

35 (c) An advanced practice registered nurse may be granted authority
 36 to prescribe legend drugs under this chapter only within the scope of
 37 practice of the advanced practice registered nurse and, **if applicable,**
 38 the scope of the licensed collaborating health practitioner.

39 SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) Before July 1,**
 40 **2026, the Indiana state board of nursing shall report to the general**
 41 **assembly in an electronic format under IC 5-14-6 the following**
 42 **information concerning psychiatric mental health advanced**



1 practice registered nurses who practice without a practice
2 agreement:

3 (1) The number who have been authorized to practice without
4 a practice agreement.

5 (2) The geographic practice areas.

6 (3) The medical population practice areas.

7 (4) A summary of disciplinary actions taken.

8 (b) This SECTION expires December 31, 2026.

9 SECTION 5. An emergency is declared for this act.

