

HOUSE BILL No. 1290

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-163; IC 20-34-8; IC 21-18-13; IC 25-1-1.1-4.

Synopsis: Health of student athletes. Adds athletic trainers to the definition of "health care provider" for purposes of laws concerning hospitals and public health measures. Requires the department of education to disseminate guidelines, information sheets, and forms to school corporations, charter schools, public schools, and nonpublic schools to inform and educate coaches, student athletes, and parents and legal guardians of student athletes of the nature and risk of sudden cardiac arrest. Requires that a form acknowledging receipt of the information sheet must be returned to the student athlete's coach each year before beginning practice for an athletic activity. Requires that a student athlete who is suspected of experiencing a symptom of sudden cardiac arrest must be removed from the athletic activity at the time the symptom is identified. Provides that the student athlete may not return to practice and play until the student athlete's parent or legal guardian has been informed and the parent or legal guardian has provided permission for the student to return to practice and play. Requires the commission on higher education to disseminate guidelines, information sheets, and forms to a postsecondary educational institution's athletic department to inform and educate coaches and student athletes of the nature and risk of sudden cardiac arrest. Requires that a form acknowledging receipt of the information must be returned to the student athlete's coach each year before beginning practice for an athletic activity. Requires that a student athlete who is suspected of experiencing a symptom of sudden cardiac arrest must be removed from the athletic activity at the time the symptom is identified. Provides
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Effective: July 1, 2014.

Bacon

January 15, 2014, read first time and referred to Committee on Education.



Digest Continued

that the student athlete may not return to practice and play until the student athlete has received permission to return to practice and play from the team's or postsecondary educational institution's athletic trainer or physician. Requires an applicant for an athletic trainer license to submit to a national criminal history background check. Provides that the athletic trainers board may conduct a random audit and require an individual seeking a renewal of an athletic trainer license to submit to a national criminal history background check.



Introduced

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1290

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

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

1 SECTION 1. IC 16-18-2-163, AS AMENDED BY P.L.232-2013,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 163. (a) "Health care provider", for purposes of
4 IC 16-21 and IC 16-41, means any of the following:
5 (1) An individual, a partnership, a corporation, a professional
6 corporation, a facility, or an institution licensed or legally
7 authorized by this state to provide health care or professional
8 services as a licensed physician, a psychiatric hospital, a hospital,
9 a health facility, an emergency ambulance service (IC 16-31-3),
10 a dentist, a registered or licensed practical nurse, a midwife, an
11 optometrist, a pharmacist, a podiatrist, a chiropractor, a physical
12 therapist, a respiratory care practitioner, an occupational therapist,
13 a psychologist, a paramedic, an emergency medical technician, an
14 advanced emergency medical technician, **an athletic trainer**, or



- 1 a person who is an officer, employee, or agent of the individual,
 2 partnership, corporation, professional corporation, facility, or
 3 institution acting in the course and scope of the person's
 4 employment.
- 5 (2) A college, university, or junior college that provides health
 6 care to a student, a faculty member, or an employee, and the
 7 governing board or a person who is an officer, employee, or agent
 8 of the college, university, or junior college acting in the course
 9 and scope of the person's employment.
- 10 (3) A blood bank, community mental health center, community
 11 mental retardation center, community health center, or migrant
 12 health center.
- 13 (4) A home health agency (as defined in IC 16-27-1-2).
- 14 (5) A health maintenance organization (as defined in
 15 IC 27-13-1-19).
- 16 (6) A health care organization whose members, shareholders, or
 17 partners are health care providers under subdivision (1).
- 18 (7) A corporation, partnership, or professional corporation not
 19 otherwise qualified under this subsection that:
- 20 (A) provides health care as one (1) of the corporation's,
 21 partnership's, or professional corporation's functions;
 22 (B) is organized or registered under state law; and
 23 (C) is determined to be eligible for coverage as a health care
 24 provider under IC 34-18 for the corporation's, partnership's, or
 25 professional corporation's health care function.
- 26 Coverage for a health care provider qualified under this subdivision is
 27 limited to the health care provider's health care functions and does not
 28 extend to other causes of action.
- 29 (b) "Health care provider", for purposes of IC 16-35, has the
 30 meaning set forth in subsection (a). However, for purposes of IC 16-35,
 31 the term also includes a health facility (as defined in section 167 of this
 32 chapter).
- 33 (c) "Health care provider", for purposes of IC 16-36-5 and
 34 IC 16-36-6, means an individual licensed or authorized by this state to
 35 provide health care or professional services as:
- 36 (1) a licensed physician;
 37 (2) a registered nurse;
 38 (3) a licensed practical nurse;
 39 (4) an advanced practice nurse;
 40 (5) a certified nurse midwife;
 41 (6) a paramedic;
 42 (7) an emergency medical technician;



- 1 (8) an advanced emergency medical technician; or
 2 (9) an emergency medical responder, as defined by section 109.8
 3 of this chapter.

4 The term includes an individual who is an employee or agent of a
 5 health care provider acting in the course and scope of the individual's
 6 employment.

7 (d) "Health care provider", for purposes of IC 16-40-4, means any
 8 of the following:

9 (1) An individual, a partnership, a corporation, a professional
 10 corporation, a facility, or an institution licensed or authorized by
 11 the state to provide health care or professional services as a
 12 licensed physician, a psychiatric hospital, a hospital, a health
 13 facility, an emergency ambulance service (IC 16-31-3), an
 14 ambulatory outpatient surgical center, a dentist, an optometrist, a
 15 pharmacist, a podiatrist, a chiropractor, a psychologist, or a
 16 person who is an officer, employee, or agent of the individual,
 17 partnership, corporation, professional corporation, facility, or
 18 institution acting in the course and scope of the person's
 19 employment.

20 (2) A blood bank, laboratory, community mental health center,
 21 community mental retardation center, community health center,
 22 or migrant health center.

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

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

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

28 (6) A corporation, partnership, or professional corporation not
 29 otherwise specified in this subsection that:

30 (A) provides health care as one (1) of the corporation's,
 31 partnership's, or professional corporation's functions;

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

33 (C) is determined to be eligible for coverage as a health care
 34 provider under IC 34-18 for the corporation's, partnership's, or
 35 professional corporation's health care function.

36 (7) A person that is designated to maintain the records of a person
 37 described in subdivisions (1) through (6).

38 (e) "Health care provider", for purposes of IC 16-45-4, has the
 39 meaning set forth in 47 CFR 54.601(a).

40 SECTION 2. IC 20-34-8 IS ADDED TO THE INDIANA CODE AS
 41 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 42 1, 2014]:



1 **Chapter 8. Student Athletes: Sudden Cardiac Arrest**

2 **Sec. 1. As used in this chapter, "association" means an**
3 **organization that conducts, organizes, sanctions, or sponsors**
4 **interscholastic athletic events as the organization's primary**
5 **purpose.**

6 **Sec. 2. As used in this chapter, "athletic activity" includes the**
7 **following:**

8 **(1) An athletic contest or competition conducted between or**
9 **among schools.**

10 **(2) An intramural athletic contest or competition that is**
11 **sponsored by or associated with a school.**

12 **(3) Competitive and noncompetitive cheerleading that is**
13 **sponsored by or associated with a school.**

14 **Sec. 3. As used in this chapter, "school" refers to a public school**
15 **and nonpublic school.**

16 **Sec. 4. This chapter does not require information to be provided**
17 **to or consent to be received from the parent or legal guardian of a**
18 **student athlete if the student athlete is:**

19 **(1) at least eighteen (18) years of age; or**

20 **(2) an emancipated minor.**

21 **Sec. 5. (a) Before July 1, 2015, the department shall disseminate**
22 **guidelines, information sheets, and forms to each nonpublic school,**
23 **charter school, and each school corporation for distribution to**
24 **schools to inform and educate coaches, student athletes, and**
25 **parents and legal guardians of student athletes of the nature and**
26 **risk of sudden cardiac arrest to student athletes.**

27 **(b) The department:**

28 **(1) may consult with an association, medical professionals,**
29 **and others with expertise in diagnosing and treating sudden**
30 **cardiac arrest; and**

31 **(2) may request the assistance of an association in**
32 **disseminating the guidelines, information sheets, and forms**
33 **required under subsection (a).**

34 **(c) The department may disseminate the guidelines, information**
35 **sheets, and forms required under this section in an electronic**
36 **format.**

37 **Sec. 6. Each year, before beginning practice for an athletic**
38 **activity, a student athlete and the student athlete's parent or legal**
39 **guardian:**

40 **(1) must be given the information sheet and form described in**
41 **section 5 of this chapter; and**

42 **(2) shall sign and return the form acknowledging the receipt**



1 of the information sheet to the student athlete's coach.
 2 The coach shall maintain a file of the completed forms.

3 **Sec. 7. If a student athlete is suspected of experiencing a**
 4 **symptom of sudden cardiac arrest, including fainting, difficulty**
 5 **breathing, chest pains, dizziness, or an abnormal racing heart, in**
 6 **a practice for an athletic activity or in an athletic activity:**

7 (1) the student athlete shall be removed from practice or play
 8 at the time that the symptom is identified; and

9 (2) the parent or legal guardian of the student athlete shall be
 10 notified of the student athlete's symptoms.

11 **Sec. 8. A student athlete who has been removed from practice**
 12 **or play under section 7 of this chapter may not return to practice**
 13 **or play until the coach has received verbal permission from a**
 14 **parent or legal guardian of the student athlete for the student**
 15 **athlete to return to practice and play. Within twenty-four (24)**
 16 **hours after giving verbal permission for the student athlete to**
 17 **return to practice and play, the parent or legal guardian must**
 18 **provide the coach with a written statement that the student athlete**
 19 **has permission to return to practice and play.**

20 SECTION 3. IC 21-18-13 IS ADDED TO THE INDIANA CODE
 21 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2014]:

23 **Chapter 13. Student Athletes: Sudden Cardiac Arrest**

24 **Sec. 1. This chapter applies to public and private postsecondary**
 25 **educational institutions in Indiana that offer athletic activities.**

26 **Sec. 2. As used in this chapter, "association" means an**
 27 **organization that conducts, organizes, sanctions, or sponsors**
 28 **interscholastic athletic events as the organization's primary**
 29 **purpose.**

30 **Sec. 3. As used in this chapter, "athletic activity" includes the**
 31 **following:**

32 (1) An athletic contest or competition conducted between or
 33 among postsecondary educational institutions.

34 (2) An intramural athletic contest or competition that is
 35 sponsored by or associated with a postsecondary educational
 36 institution.

37 (3) Competitive and noncompetitive cheerleading that is
 38 sponsored by or associated with a postsecondary educational
 39 institution.

40 **Sec. 4. (a) Before July 1, 2015, the commission shall disseminate**
 41 **guidelines, information sheets, and forms to the athletic**
 42 **department of each postsecondary educational institution to inform**



1 and educate coaches and student athletes of the nature and risk of
2 sudden cardiac arrest to student athletes.

3 (b) The commission:

4 (1) may consult with an association, medical professionals,
5 and others with expertise in diagnosing and treating sudden
6 cardiac arrest; and

7 (2) may request the assistance of an association in
8 disseminating the guidelines, information sheets, and forms
9 required under subsection (a).

10 (c) The commission may disseminate the guidelines, information
11 sheets, and forms required under this section in an electronic
12 format.

13 Sec. 5. Each year, before beginning practice for an athletic
14 activity, a student athlete:

15 (1) must be given the information sheet and form described in
16 section 4 of this chapter; and

17 (2) shall sign and return the form acknowledging the receipt
18 of the information sheet to the student athlete's coach.

19 The coach shall maintain a file of the completed forms.

20 Sec. 6. If a student athlete is suspected of experiencing a
21 symptom of sudden cardiac arrest, including fainting, difficulty
22 breathing, chest pains, dizziness, or an abnormal racing heart, in
23 a practice for an athletic activity or in an athletic activity:

24 (1) the student athlete shall be removed from practice or play
25 at the time that the symptom is identified; and

26 (2) an athletic trainer or a physician associated with the team
27 or postsecondary educational institution shall be notified of
28 the student athlete's symptoms.

29 Sec. 7. A student athlete who has been removed from practice
30 or play under section 6 of this chapter may not return to practice
31 and play until the coach has received verbal permission from an
32 athletic trainer or a physician that the student athlete may return
33 to practice and play. Within twenty-four (24) hours after giving
34 verbal permission for the student athlete to return to practice and
35 play, the athletic trainer or physician must provide the coach with
36 a written statement that the student athlete has permission to
37 return to practice and play.

38 SECTION 4. IC 25-1-1.1-4, AS AMENDED BY P.L.232-2013,
39 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2014]: Sec. 4. (a) This section applies to an individual who is
41 applying for, or will be applying for, an initial license or an initial
42 certificate under one (1) of the following:



- 1 (1) IC 25-2.5 (acupuncturists).
 2 **(2) IC 25-5.1 (athletic trainers).**
 3 ~~(2)~~ **(3)** IC 25-10 (chiropractors).
 4 ~~(3)~~ **(4)** IC 25-13 (dental hygienists).
 5 ~~(4)~~ **(5)** IC 25-14 (dentists).
 6 ~~(5)~~ **(6)** IC 25-14.5 (dietitians).
 7 ~~(6)~~ **(7)** IC 25-17.3 (genetic counselors).
 8 ~~(7)~~ **(8)** IC 25-19 (health facility and residential care facility
 9 administrators).
 10 ~~(8)~~ **(9)** IC 25-21.8 (massage therapists).
 11 ~~(9)~~ **(10)** IC 25-22.5 (physicians).
 12 ~~(10)~~ **(11)** IC 25-23 (nurses).
 13 ~~(11)~~ **(12)** IC 25-23.4 (certified direct entry midwives).
 14 ~~(12)~~ **(13)** IC 25-23.5 (occupational therapists).
 15 ~~(13)~~ **(14)** IC 25-23.6 (social workers, marriage and family
 16 therapists, and counselors).
 17 ~~(14)~~ **(15)** IC 25-24 (optometrists).
 18 ~~(15)~~ **(16)** IC 25-26 (pharmacists).
 19 ~~(16)~~ **(17)** IC 25-27 (physical therapists).
 20 ~~(17)~~ **(18)** IC 25-27.5 (physician assistants).
 21 ~~(18)~~ **(19)** IC 25-29 (podiatrists).
 22 ~~(19)~~ **(20)** IC 25-33 (psychologists).
 23 ~~(20)~~ **(21)** IC 25-34.5 (respiratory care practitioners).
 24 ~~(21)~~ **(22)** IC 25-35.6 (speech pathologists and audiologists).
 25 ~~(22)~~ **(23)** IC 25-38.1 (veterinarians).
 26 (b) As used in this chapter, "national criminal history background
 27 check" means the criminal history record system maintained by the
 28 Federal Bureau of Investigation based on fingerprint identification or
 29 any other method of positive identification.
 30 (c) An individual applying for an initial license or initial certificate
 31 specified in subsection (a) shall submit to a national criminal history
 32 background check at the cost of the individual.
 33 (d) The state police department shall release the results of a national
 34 criminal history background check conducted under this section to the
 35 Indiana professional licensing agency.
 36 (e) A board, a commission, or a committee may conduct a random
 37 audit and require an individual seeking a renewal of a license or a
 38 certificate specified in subsection (a) to submit to a national criminal
 39 history background check at the cost of the individual.

