

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 ENROLLED ACT No. 1290

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 16-18-2-163, AS AMENDED BY P.L.232-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 163. (a) "Health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following:

(1) An individual, a partnership, 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 licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a midwife, an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, an advanced emergency medical technician, **an athletic trainer**, 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, a faculty member, or an 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, partnership, or professional corporation not otherwise qualified under this subsection that:

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

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

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

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

(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35, the term also includes a health facility (as defined in section 167 of this chapter).

(c) "Health care provider", for purposes of IC 16-36-5 and IC 16-36-6, means an individual licensed or authorized by this state to provide health care or professional services as:

(1) a licensed physician;

(2) a registered nurse;

(3) a licensed practical nurse;

(4) an advanced practice nurse;

(5) a certified nurse midwife;

(6) a paramedic;

(7) an emergency medical technician;

(8) an advanced emergency medical technician; or

(9) an emergency medical responder, as defined by section 109.8 of this chapter.

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

(d) "Health care provider", for purposes of IC 16-40-4, means any



of the following:

- (1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or authorized by the state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), an ambulatory outpatient surgical center, a dentist, an optometrist, a pharmacist, a podiatrist, a chiropractor, a psychologist, 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 blood bank, laboratory, community mental health center, community mental retardation center, community health center, or migrant health center.
 - (3) A home health agency (as defined in IC 16-27-1-2).
 - (4) A health maintenance organization (as defined in IC 27-13-1-19).
 - (5) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).
 - (6) A corporation, partnership, or professional corporation not otherwise specified in this subsection that:
 - (A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;
 - (B) is organized or registered under state law; and
 - (C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.
 - (7) A person that is designated to maintain the records of a person described in subdivisions (1) through (6).
- (e) "Health care provider", for purposes of IC 16-45-4, has the meaning set forth in 47 CFR 54.601(a).

SECTION 2. IC 20-30-5-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 20. (a) As used in this section, "psychomotor skills" means skills using hands on practice to support cognitive learning.**

(b) Except as provided in subsection (e), each school corporation and accredited nonpublic school shall include in the school corporation's or accredited nonpublic school's high school health education curriculum instruction in cardiopulmonary resuscitation and use of an automated external defibrillator for its students. The instruction must incorporate the psychomotor skills necessary to



perform cardiopulmonary resuscitation and use an automated external defibrillator and must include either of the following:

- (1) An instructional program developed by the American Heart Association or the American Red Cross.
- (2) An instructional program that is nationally recognized and is based on the most current national evidence based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator.

(c) A school corporation or an accredited nonpublic school may offer the instruction required in subsection (b) or may arrange for the instruction to be provided by available community based providers. The instruction is not required to be provided by a teacher. If instruction is provided by a teacher, the teacher is not required to be a certified trainer of cardiopulmonary resuscitation.

(d) This section shall not be construed to require a student to become certified in cardiopulmonary resuscitation and the use of an automated external defibrillator. However, if a school corporation or accredited nonpublic school chooses to offer a course that results in certification being earned, the course must be taught by an instructor authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association.

(e) A school administrator may waive the requirement that a student receive instruction under subsection (b) if the student has a disability or is physically unable to perform the psychomotor skill component of the instruction required under subsection (b).

(f) If a school is unable to comply with the psychomotor skill component of the instruction required under subsection (b), the governing body may submit a request to the state superintendent to waive the psychomotor skill component. The state superintendent shall take action on the waiver request within thirty (30) days of receiving the request for a waiver. A waiver request must:

- (1) be in writing;
- (2) include the reason or reasons that necessitated the waiver request;
- (3) indicate the extent to which the school attempted to comply with the requirements under subsection (b); and
- (4) be submitted each year for the school year the school requests the waiver.

SECTION 3. IC 20-34-8 IS ADDED TO THE INDIANA CODE AS



A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 8. Student Athletes: Sudden Cardiac Arrest

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

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

- (1) An athletic contest or competition conducted between or among schools.
- (2) An intramural athletic contest or competition that is sponsored by or associated with a school.
- (3) Competitive and noncompetitive cheerleading that is sponsored by or associated with a school.

Sec. 3. As used in this chapter, "school" refers to a public school and an accredited nonpublic school.

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

- (1) at least eighteen (18) years of age; or
- (2) an emancipated minor.

Sec. 5. (a) Before July 1, 2015, the department shall disseminate guidelines, information sheets, and forms to each accredited nonpublic school, charter school, and each school corporation for distribution to 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 to student athletes.

(b) The department:

- (1) may consult with an association, medical professionals, and others with expertise in diagnosing and treating sudden cardiac arrest; and
- (2) may request the assistance of an association in disseminating the guidelines, information sheets, and forms required under subsection (a).

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

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

- (1) must be given the information sheet and form described in



section 5 of this chapter; and

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

The coach shall maintain a file of the completed forms.

Sec. 7. If a student athlete is suspected of experiencing a symptom of sudden cardiac arrest in a practice for an athletic activity or in an athletic activity:

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

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

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

SECTION 4. IC 21-18-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 13. Student Athletes: Sudden Cardiac Arrest

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

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

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

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

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

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

Sec. 4. (a) Before July 1, 2015, the commission shall disseminate guidelines, information sheets, and forms to the athletic



department of each postsecondary educational institution to inform and educate coaches and student athletes of the nature and risk of sudden cardiac arrest to student athletes.

(b) The commission:

- (1) may consult with an association, medical professionals, and others with expertise in diagnosing and treating sudden cardiac arrest; and
- (2) may request the assistance of an association in disseminating the guidelines, information sheets, and forms required under subsection (a).

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

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

- (1) must be given the information sheet and form described in section 4 of this chapter; and
- (2) shall sign and return the form acknowledging the receipt of the information sheet to the student athlete's coach.

The coach shall maintain a file of the completed forms.

Sec. 6. If a student athlete is suspected of experiencing a symptom of sudden cardiac arrest in a practice for an athletic activity or in an athletic activity:

- (1) the student athlete shall be removed from practice or play at the time that the symptom is identified; and
- (2) an athletic trainer or a physician associated with the team or postsecondary educational institution shall be notified of the student athlete's symptoms.

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

SECTION 5. IC 25-0.5-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.5. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-5.1 (athletic trainers).**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1290 — CC 1

