

HOUSE BILL No. 1371

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-22.5; IC 25-23-1-30; IC 34-30-2.1-374.5.

Synopsis: Certified registered nurse anesthetists. Allows a certified registered nurse anesthetist (CRNA) to administer anesthesia under the direction of and in the immediate presence of a podiatrist or dentist. (Under current law, a CRNA may administer anesthesia under the direction of and in the immediate presence of a physician.) Provides that a physician, podiatrist, or dentist is not liable for any act or omission of a CRNA who administers anesthesia. Makes corresponding changes.

Effective: July 1, 2024.

Carbaugh

January 10, 2024, read first time and referred to Committee on Public Health.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1371



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

1 SECTION 1. IC 25-22.5-1-2, AS AMENDED BY P.L.128-2022,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 2. (a) This article, as it relates to the unlawful or
4 unauthorized practice of medicine or osteopathic medicine, does not
5 apply to any of the following:
6 (1) A student in training in a medical school approved by the
7 board, or while performing duties as an intern or a resident in a
8 hospital under the supervision of the hospital's staff or in a
9 program approved by the medical school.
10 (2) A person who renders service in case of emergency where no
11 fee or other consideration is contemplated, charged, or received.
12 (3) A paramedic (as defined in IC 16-18-2-266), an advanced
13 emergency medical technician (as defined in IC 16-18-2-6.5), an
14 emergency medical technician (as defined in IC 16-18-2-112), or
15 a person with equivalent certification from another state who
16 renders advanced life support (as defined in IC 16-18-2-7), or
17 basic life support (as defined in IC 16-18-2-33.5):



- 1 (A) during a disaster emergency declared by the governor
2 under IC 10-14-3-12 in response to an act that the governor in
3 good faith believes to be an act of terrorism (as defined in
4 IC 35-31.5-2-329); and
5 (B) in accordance with the rules adopted by the Indiana
6 emergency medical services commission or the disaster
7 emergency declaration of the governor.
- 8 (4) Commissioned medical officers or medical service officers of
9 the armed forces of the United States, the United States Public
10 Health Service, and medical officers of the United States
11 Department of Veterans Affairs in the discharge of their official
12 duties in Indiana.
- 13 (5) An individual who is not a licensee who resides in another
14 state or country and is authorized to practice medicine or
15 osteopathic medicine there, who is called in for consultation by an
16 individual licensed to practice medicine or osteopathic medicine
17 in Indiana.
- 18 (6) A person administering a domestic or family remedy to a
19 member of the person's family.
- 20 (7) A member of a church practicing the religious tenets of the
21 church if the member does not make a medical diagnosis,
22 prescribe or administer drugs or medicines, perform surgical or
23 physical operations, or assume the title of or profess to be a
24 physician.
- 25 (8) A school corporation and a school employee who acts under
26 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 27 (9) A chiropractor practicing the chiropractor's profession under
28 IC 25-10 or to an employee of a chiropractor acting under the
29 direction and supervision of the chiropractor under IC 25-10-1-13.
- 30 (10) A dental hygienist practicing the dental hygienist's profession
31 under IC 25-13.
- 32 (11) A dentist practicing the dentist's profession under IC 25-14.
- 33 (12) A hearing aid dealer practicing the hearing aid dealer's
34 profession under IC 25-20.
- 35 (13) A nurse practicing the nurse's profession under IC 25-23.
36 However, a certified registered nurse anesthetist (as defined in
37 IC 25-23-1-1.4) may administer anesthesia if the certified
38 registered nurse anesthetist acts under the direction of and in the
39 immediate presence of a physician, **podiatrist, or dentist**.
- 40 (14) An optometrist practicing the optometrist's profession under
41 IC 25-24.
- 42 (15) A pharmacist practicing the pharmacist's profession under



- 1 IC 25-26.
 2 (16) A physical therapist practicing the physical therapist's
 3 profession under IC 25-27.
 4 (17) A podiatrist practicing the podiatrist's profession under
 5 IC 25-29.
 6 (18) A psychologist practicing the psychologist's profession under
 7 IC 25-33.
 8 (19) A speech-language pathologist or audiologist practicing the
 9 pathologist's or audiologist's profession under IC 25-35.6.
 10 (20) An employee of a physician or group of physicians who
 11 performs an act, a duty, or a function that is customarily within
 12 the specific area of practice of the employing physician or group
 13 of physicians, if the act, duty, or function is performed under the
 14 direction and supervision of the employing physician or a
 15 physician of the employing group within whose area of practice
 16 the act, duty, or function falls. An employee may not make a
 17 diagnosis or prescribe a treatment and must report the results of
 18 an examination of a patient conducted by the employee to the
 19 employing physician or the physician of the employing group
 20 under whose supervision the employee is working. An employee
 21 may not administer medication without the specific order of the
 22 employing physician or a physician of the employing group.
 23 Unless an employee is licensed or registered to independently
 24 practice in a profession described in subdivisions (9) through
 25 (18), nothing in this subsection grants the employee independent
 26 practitioner status or the authority to perform patient services in
 27 an independent practice in a profession.
 28 (21) A hospital licensed under IC 16-21 or IC 12-25.
 29 (22) A health care organization whose members, shareholders, or
 30 partners are individuals, partnerships, corporations, facilities, or
 31 institutions licensed or legally authorized by this state to provide
 32 health care or professional services as:
 33 (A) a physician;
 34 (B) a psychiatric hospital;
 35 (C) a hospital;
 36 (D) a health maintenance organization or limited service
 37 health maintenance organization;
 38 (E) a health facility;
 39 (F) a dentist;
 40 (G) a registered or licensed practical nurse;
 41 (H) a certified nurse midwife or a certified direct entry
 42 midwife;



- 1 (I) an optometrist;
 2 (J) a podiatrist;
 3 (K) a chiropractor;
 4 (L) a physical therapist; or
 5 (M) a psychologist.
- 6 (23) A physician assistant practicing the physician assistant
 7 profession under IC 25-27.5.
- 8 (24) A physician providing medical treatment under section 2.1
 9 of this chapter.
- 10 (25) An attendant who provides attendant care services (as
 11 defined in IC 16-18-2-28.5).
- 12 (26) A personal services attendant providing authorized attendant
 13 care services under IC 12-10-17.1.
- 14 (27) A respiratory care practitioner practicing the practitioner's
 15 profession under IC 25-34.5.
- 16 (b) A person described in subsection (a)(9) through (a)(18) is not
 17 excluded from the application of this article if:
- 18 (1) the person performs an act that an Indiana statute does not
 19 authorize the person to perform; and
- 20 (2) the act qualifies in whole or in part as the practice of medicine
 21 or osteopathic medicine.
- 22 (c) An employment or other contractual relationship between an
 23 entity described in subsection (a)(21) through (a)(22) and a licensed
 24 physician does not constitute the unlawful practice of medicine or
 25 osteopathic medicine under this article if the entity does not direct or
 26 control independent medical acts, decisions, or judgment of the
 27 licensed physician. However, if the direction or control is done by the
 28 entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity
 29 is excluded from the application of this article as it relates to the
 30 unlawful practice of medicine or osteopathic medicine.
- 31 (d) This subsection does not apply to a prescription or drug order for
 32 a legend drug that is filled or refilled in a pharmacy owned or operated
 33 by a hospital licensed under IC 16-21. A physician licensed in Indiana
 34 who permits or authorizes a person to fill or refill a prescription or drug
 35 order for a legend drug except as authorized in IC 16-42-19-11 through
 36 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A
 37 person who violates this subsection commits the unlawful practice of
 38 medicine or osteopathic medicine under this chapter.
- 39 (e) A person described in subsection (a)(8) shall not be authorized
 40 to dispense contraceptives or birth control devices.
- 41 (f) Nothing in this section allows a person to use words or
 42 abbreviations that indicate or induce an individual to believe that the



1 person is engaged in the practice of medicine or osteopathic medicine.

2 SECTION 2. IC 25-22.5-2-9, AS ADDED BY P.L.106-2023,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2024]: Sec. 9. (a) Any rule adopted under section 7(a)(10) of
5 this chapter that requires an office based setting to be accredited by an
6 accreditation agency approved by the board shall not apply to an
7 individual described in subsection (b) providing anesthesia in a dental
8 office.

9 (b) The following may administer moderate sedation, deep sedation,
10 or general anesthesia to a patient in a dental office if the standards
11 described in subsection (c) are met:

12 (1) An anesthesiologist licensed under this article.

13 (2) A certified registered nurse anesthetist (as defined in
14 IC 25-23-1-1.4) under the direction of and in the immediate
15 presence of a physician, **podiatrist, or dentist.**

16 (3) An anesthesiologist assistant practicing in compliance with
17 IC 25-3.7-2-4.

18 (c) An anesthesiologist administering anesthesia or a physician,
19 **podiatrist, or dentist** directing or supervising the administration of
20 anesthesia, as required by subsection (b)(2) ~~and~~ **or** (b)(3), in a dental
21 office shall do the following:

22 (1) Ensure that the standards required by rules adopted under
23 section 7(a)(10) of this chapter concerning:

24 (A) procedures performed in office based settings;

25 (B) the operation of office based settings; and

26 (C) requirements for practitioners administering anesthesia in
27 office based settings;

28 are met.

29 (2) Once every two (2) years, submit the following to the board in
30 writing:

31 (A) The address of the dental office.

32 (B) An attestation that the standards required under this
33 section have been met.

34 (d) A physician group practice, on behalf of the physicians in the
35 group practice, may submit the attestation required by subsection
36 (c)(2).

37 SECTION 3. IC 25-23-1-30, AS AMENDED BY P.L.177-2009,
38 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2024]: Sec. 30. (a) A certified registered nurse anesthetist may
40 administer anesthesia if the certified registered nurse anesthetist acts
41 under the direction of and in the immediate presence of a physician,
42 **podiatrist, or dentist.**



1 (b) Nothing in this chapter shall be construed as requiring a certified
2 registered nurse anesthetist to obtain prescriptive authority to
3 administer anesthesia under subsection (a).

4 **(c) A physician, podiatrist, or dentist is not liable for any act or**
5 **omission of a certified registered nurse anesthetist who administers**
6 **anesthesia under this section.**

7 SECTION 4. IC 34-30-2.1-374.5 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2024]: **Sec. 374.5. IC 25-23-1-30 (Concerning**
10 **a physician, podiatrist, or dentist for actions of a certified**
11 **registered nurse anesthetist who administers anesthesia).**

