

# SENATE BILL No. 140

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-10-8-7.3; IC 8-2.1-24-18; IC 9-24-2-3; IC 21-38-6-1; IC 22-3; IC 22-15-5-15; IC 25-27-1-2; IC 27-8.

**Synopsis:** Advanced practice registered nurses. Prohibits a state employee health plan, a state educational institution employee health plan, an accident and sickness insurance policy, and a health maintenance organization contract from requiring authorization for covered early intervention services under an individualized family service plan signed by an advanced practice registered nurse (APRN). Provides for an application for a waiver from certain requirements applying to certain intrastate motor carrier drivers who are insulin dependent diabetics to be signed by an APRN. Provides that an individual who is subject to epileptic seizures may not be denied a driver's license or permit if the individual provides certain documentation from an APRN. Provides for an APRN to sign an order or referral for physical therapy. Adds an APRN to the providers who may perform an examination and provide a statement concerning an injured employee for purposes of worker's compensation claims. Allows an APRN to affirm that an applicant has a temporary disability for purposes of a waiver from continuing education requirements to work on certain lift devices. Requires a health insurance plan to provide coverage for diabetes self-management training ordered by an APRN. Makes technical corrections.

**Effective:** July 1, 2022.

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January 4, 2022, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## SENATE BILL No. 140

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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 5-10-8-7.3, AS AMENDED BY P.L.133-2020,  
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]: Sec. 7.3. (a) As used in this section, "covered  
4 individual" means an individual who is:  
5 (1) covered under a self-insurance program established under  
6 section 7(b) of this chapter to provide group health coverage; or  
7 (2) entitled to services under a contract with a prepaid health care  
8 delivery plan that is entered into or renewed under section 7(c) of  
9 this chapter.  
10 (b) As used in this section, "early intervention services" means  
11 services provided to a first steps child under IC 12-12.7-2 and 20  
12 U.S.C. 1432(4).  
13 (c) As used in this section, "first steps child" means an infant or  
14 toddler from birth through two (2) years of age who is enrolled in the  
15 Indiana first steps program and is a covered individual.  
16 (d) As used in this section, "first steps program" refers to the  
17 program established under IC 12-12.7-2 and 20 U.S.C. 1431 et seq. to



1 meet the needs of:

- 2 (1) children who are eligible for early intervention services; and  
 3 (2) their families.

4 The term includes the coordination of all available federal, state, local,  
 5 and private resources available to provide early intervention services  
 6 within Indiana.

7 (e) As used in this section, "health benefits plan" means a:

- 8 (1) self-insurance program established under section 7(b) of this  
 9 chapter to provide group health coverage; or  
 10 (2) contract with a prepaid health care delivery plan that is  
 11 entered into or renewed under section 7(c) of this chapter.

12 (f) A health benefits plan that provides coverage for early  
 13 intervention services shall reimburse the first steps program a monthly  
 14 fee established by the division of disability and rehabilitative services  
 15 established by IC 12-9-1-1. Except when the monthly fee is less than  
 16 the product determined under IC 12-12.7-2-23(b), the monthly fee shall  
 17 be provided instead of claims processing of individual claims.

18 (g) The reimbursement required under subsection (f) may not be  
 19 applied to any annual or aggregate lifetime limit on the first steps  
 20 child's coverage under the health benefits plan.

21 (h) The first steps program may pay required deductibles,  
 22 copayments, or other out-of-pocket expenses for a first steps child  
 23 directly to a provider. A health benefits plan shall apply any payments  
 24 made by the first steps program to the health benefits plan's  
 25 deductibles, copayments, or other out-of-pocket expenses according to  
 26 the terms and conditions of the health benefits plan.

27 (i) A health benefits plan may not require authorization for services  
 28 specified in the covered individual's individualized family service plan,  
 29 if those services are a covered benefit under the plan, once the  
 30 individualized family service plan is signed by a physician **or an**  
 31 **advanced practice registered nurse.**

32 (j) The department of insurance shall adopt rules under IC 4-22-2  
 33 to ensure compliance with this section.

34 SECTION 2. IC 8-2.1-24-18, AS AMENDED BY P.L.198-2016,  
 35 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2022]: Sec. 18. (a) 49 CFR Parts 40, 375, 380, 382 through  
 37 387, 390 through 393, and 395 through 398 are incorporated into  
 38 Indiana law by reference, and, except as provided in subsections (d),  
 39 (e), (f), (g), and (j), must be complied with by an interstate and  
 40 intrastate motor carrier of persons or property throughout Indiana.  
 41 Intrastate motor carriers subject to compliance reviews under 49 CFR  
 42 385 shall be selected according to criteria determined by the



1 superintendent which must include but are not limited to factors such  
 2 as previous history of violations found in roadside compliance checks  
 3 and other recorded violations. However, the provisions of 49 CFR 395  
 4 that regulate the hours of service of drivers, including requirements for  
 5 the maintenance of logs, do not apply to a driver of a truck that is  
 6 registered by the bureau of motor vehicles and used as a farm truck  
 7 under IC 9-18 (before its expiration) or IC 9-18.1-7 or a vehicle  
 8 operated in intrastate construction or construction related service, or  
 9 the restoration of public utility services interrupted by an emergency.  
 10 Except as provided in subsection (i) and (j):

- 11 (1) intrastate motor carriers not operating under authority issued  
 12 by the United States Department of Transportation shall comply  
 13 with the requirements of 49 CFR 390.21(b)(3) by registering with  
 14 the department of state revenue as an intrastate motor carrier and  
 15 displaying the certification number issued by the department of  
 16 state revenue preceded by the letters "IN"; and  
 17 (2) all other requirements of 49 CFR 390.21 apply equally to  
 18 interstate and intrastate motor carriers.

19 (b) 49 CFR 107 subpart (F) and subpart (G), 171 through 173, 177  
 20 through 178, and 180, are incorporated into Indiana law by reference,  
 21 and every:

- 22 (1) private carrier;  
 23 (2) common carrier;  
 24 (3) contract carrier;  
 25 (4) motor carrier of property, intrastate;  
 26 (5) hazardous material shipper; and  
 27 (6) carrier otherwise exempt under section 3 of this chapter;

28 must comply with the federal regulations incorporated under this  
 29 subsection, whether engaged in interstate or intrastate commerce.

30 (c) Notwithstanding subsection (b), nonspecification bulk and  
 31 nonbulk packaging, including cargo tank motor vehicles, may be used  
 32 only if all the following conditions exist:

- 33 (1) The maximum capacity of the vehicle is less than three  
 34 thousand five hundred (3,500) gallons.  
 35 (2) The shipment of goods is limited to intrastate commerce.  
 36 (3) The vehicle is used only for the purpose of transporting fuel  
 37 oil, kerosene, diesel fuel, gasoline, gasohol, or any combination  
 38 of these substances.

39 Maintenance, inspection, and marking requirements of 49 CFR 173.8  
 40 and Part 180 are applicable. In accordance with federal hazardous  
 41 materials regulations, new or additional nonspecification cargo tank  
 42 motor vehicles may not be placed in service under this subsection.



1 (d) For the purpose of enforcing this section, only:

2 (1) a state police officer or state police motor carrier inspector  
3 who:

4 (A) has successfully completed a course of instruction  
5 approved by the United States Department of Transportation;  
6 and

7 (B) maintains an acceptable competency level as established  
8 by the state police department; or

9 (2) an employee of a law enforcement agency who:

10 (A) before January 1, 1991, has successfully completed a  
11 course of instruction approved by the United States  
12 Department of Transportation; and

13 (B) maintains an acceptable competency level as established  
14 by the state police department;

15 on the enforcement of 49 CFR, may, upon demand, inspect the books,  
16 accounts, papers, records, memoranda, equipment, and premises of any  
17 carrier, including a carrier exempt under section 3 of this chapter.

18 (e) A person hired before September 1, 1985, who operates a motor  
19 vehicle intrastate incidentally to the person's normal employment duties  
20 and who is not employed to operate a motor vehicle for hire is exempt  
21 from 49 CFR 391 as incorporated by this section.

22 (f) Notwithstanding any provision of 49 CFR 391 to the contrary, a  
23 person at least eighteen (18) years of age and less than twenty-one (21)  
24 years of age may be employed as a driver to operate a commercial  
25 motor vehicle intrastate. However, a person employed under this  
26 subsection is not exempt from any other provision of 49 CFR 391.

27 (g) Notwithstanding subsection (a) or (b), the following provisions  
28 of 49 CFR do not apply to private carriers of property operated only in  
29 intrastate commerce or any carriers of property operated only in  
30 intrastate commerce while employed in construction or construction  
31 related service:

32 (1) Subpart 391.41(b)(3) as it applies to physical qualifications of  
33 a driver who has been diagnosed as an insulin dependent diabetic,  
34 if the driver has applied for and been granted an intrastate  
35 medical waiver by the bureau of motor vehicles pursuant to this  
36 subsection. The same standards and the following procedures  
37 shall apply for this waiver whether or not the driver is required to  
38 hold a commercial driver's license. An application for the waiver  
39 shall be submitted by the driver and completed and signed by a  
40 certified endocrinologist, ~~or~~ the driver's treating physician, **or the**  
41 **driver's treating advanced practice registered nurse** attesting  
42 that the driver:



1 (A) is not otherwise physically disqualified under Subpart  
 2 391.41 to operate a motor vehicle, whether or not any  
 3 additional disqualifying condition results from the diabetic  
 4 condition, and is not likely to suffer any diminution in driving  
 5 ability due to the driver's diabetic condition;  
 6 (B) is free of severe hypoglycemia or hypoglycemia  
 7 unawareness and has had less than one (1) documented,  
 8 symptomatic hypoglycemic reaction per month;  
 9 (C) has demonstrated the ability and willingness to properly  
 10 monitor and manage the driver's diabetic condition;  
 11 (D) has agreed to and, to the endocrinologist's, ~~or~~ treating  
 12 physician's, **or treating advanced practice registered**  
 13 **nurse's** knowledge, has carried a source of rapidly absorbable  
 14 glucose at all times while driving a motor vehicle, has self  
 15 monitored blood glucose levels one (1) hour before driving  
 16 and at least once every four (4) hours while driving or on duty  
 17 before driving using a portable glucose monitoring device  
 18 equipped with a computerized memory; and  
 19 (E) has submitted the blood glucose logs from the monitoring  
 20 device to the endocrinologist, ~~or~~ treating physician, **or**  
 21 **treating advanced practice registered nurse** at the time of  
 22 the annual medical examination.

23 A copy of the blood glucose logs shall be filed along with the  
 24 annual statement from the endocrinologist, ~~or~~ treating physician,  
 25 **or treating advanced practice registered nurse** with the bureau  
 26 of motor vehicles for review by the driver licensing medical  
 27 advisory board established under IC 9-14-11. A copy of the  
 28 annual statement shall also be provided to the driver's employer  
 29 for retention in the driver's qualification file, and a copy shall be  
 30 retained and held by the driver while driving for presentation to  
 31 an authorized federal, state, or local law enforcement official.  
 32 Notwithstanding the requirements of this subdivision, the  
 33 endocrinologist, the treating physician, **the treating advanced**  
 34 **practice registered nurse**, the advisory board of the bureau of  
 35 motor vehicles, or the bureau of motor vehicles may, where  
 36 medical indications warrant, establish a short period for the  
 37 medical examinations required under this subdivision.

38 (2) Subpart 396.9 as it applies to inspection of vehicles carrying  
 39 or loaded with a perishable product. However, this exemption  
 40 does not prohibit a law enforcement officer from stopping these  
 41 vehicles for an obvious violation that poses an imminent threat of  
 42 an accident or incident. The exemption is not intended to include



1 refrigerated vehicles loaded with perishables when the  
2 refrigeration unit is working.

3 (3) Subpart 396.11 as it applies to driver vehicle inspection  
4 reports.

5 (4) Subpart 396.13 as it applies to driver inspection.

6 (h) For purposes of 49 CFR 395.1(k)(2), "planting and harvesting  
7 season" refers to the period between January 1 and December 31 of  
8 each year. The intrastate commerce exception set forth in 49 CFR  
9 395.1(k), as it applies to the transportation of agricultural commodities  
10 and farm supplies, is restricted to single vehicles and cargo tank motor  
11 vehicles with a capacity of not more than five thousand four hundred  
12 (5,400) gallons.

13 (i) The requirements of 49 CFR 390.21 do not apply to an intrastate  
14 motor carrier or a guest operator not engaged in interstate commerce  
15 and operating a motor vehicle as a farm vehicle in connection with  
16 agricultural pursuits usual and normal to the user's farming operation  
17 or for personal purposes unless the vehicle is operated either part time  
18 or incidentally in the conduct of a commercial enterprise.

19 (j) This section does not apply to private carriers that operate using  
20 only the type of motor vehicles specified in IC 8-2.1-24-3(6).

21 (k) The superintendent of state police may adopt rules under  
22 IC 4-22-2 governing the parts and subparts of 49 CFR incorporated by  
23 reference under this section.

24 SECTION 3. IC 9-24-2-3, AS AMENDED BY P.L.198-2016,  
25 SECTION 424, IS AMENDED TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) The bureau may not issue a  
27 driver's license or learner's permit or grant driving privileges to the  
28 following individuals:

29 (1) An individual whose driving privileges have been suspended,  
30 during the period for which the driving privileges are suspended,  
31 or to an individual whose driver's license has been revoked, until  
32 the time the bureau is authorized under Indiana law to issue the  
33 individual a new driver's license.

34 (2) An individual whose learner's permit has been suspended or  
35 revoked until the time the bureau is authorized under Indiana law  
36 to issue the individual a new learner's permit.

37 (3) An individual who, in the opinion of the bureau, is afflicted  
38 with or suffering from a physical or mental disability or disease  
39 that prevents the individual from exercising reasonable and  
40 ordinary control over a motor vehicle while operating the motor  
41 vehicle on a highway.

42 (4) An individual who is unable to understand highway warnings



1 or direction signs written in the English language.

2 (5) An individual who is required under this article to take an  
3 examination unless:

4 (A) the individual successfully passes the examination; or

5 (B) the bureau waives the examination requirement.

6 (6) An individual who is required under IC 9-25 or any other  
7 statute to deposit or provide proof of financial responsibility and  
8 who has not deposited or provided that proof.

9 (7) An individual when the bureau has good cause to believe that  
10 the operation of a motor vehicle on a highway by the individual  
11 would be inimical to public safety or welfare.

12 (8) An individual who is the subject of an order issued by:

13 (A) a court under IC 31-16-12-7 (or IC 31-1-11.5-13,  
14 IC 31-6-6.1-16, or IC 31-14-12-4 before their repeal); or

15 (B) the Title IV-D agency;

16 ordering that a driver's license or permit not be issued to the  
17 individual.

18 (9) An individual who has not presented valid documentary  
19 evidence to the bureau of the individual's legal status in the  
20 United States, as required by IC 9-24-9-2.5.

21 (10) An individual who does not otherwise satisfy the  
22 requirements of this article.

23 (b) An individual subject to epileptic seizures may not be denied a  
24 driver's license or permit under this section if the individual presents  
25 a statement from a licensed physician **or an advanced practice**  
26 **registered nurse**, on a form prescribed by the bureau, that the  
27 individual is under medication and is free from seizures while under  
28 medication.

29 SECTION 4. IC 21-38-6-1, AS AMENDED BY P.L.133-2020,  
30 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2022]: Sec. 1. (a) An employee health plan that provides  
32 coverage for early intervention services shall reimburse the first steps  
33 program a monthly fee established by the division of disability and  
34 rehabilitative services. Except when the monthly fee is less than the  
35 product determined under IC 12-12.7-2-23(b), the monthly fee shall be  
36 provided instead of claims processing of individual claims.

37 (b) An employee health plan may not require authorization for  
38 services specified in the covered individual's individualized family  
39 service plan, if those services are a covered benefit under the plan,  
40 once the individualized family service plan is signed by a physician **or**  
41 **an advanced practice registered nurse**.

42 (c) The department of insurance shall adopt rules under IC 4-22-2





1 to ensure compliance with this section.

2 SECTION 5. IC 22-3-3-6, AS AMENDED BY P.L.1-2006,  
3 SECTION 337, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) After an injury and during the  
5 period of claimed resulting disability or impairment, the employee, if  
6 so requested by the employee's employer or ordered by the worker's  
7 compensation board, shall submit to an examination at reasonable  
8 times and places by a duly qualified physician, ~~or~~ surgeon, **or**  
9 **advanced practice registered nurse** designated and paid by the  
10 employer or by order of the worker's compensation board. The  
11 employee shall have the right to have present at any such examination  
12 any duly qualified physician, ~~or~~ surgeon, **or advanced practice**  
13 **registered nurse** provided and paid for by the employee. No fact  
14 communicated to, or otherwise learned by, any physician, ~~or~~ surgeon,  
15 **or advanced practice registered nurse** who may have attended or  
16 examined the employee, or who may have been present at any  
17 examination, shall be privileged, either in the hearings provided for in  
18 IC 22-3-2 through IC 22-3-6, or in any action at law brought to recover  
19 damages against any employer who is subject to the compensation  
20 provisions of IC 22-3-2 through IC 22-3-6. If the employee refuses to  
21 submit to or in any way obstructs such examinations, the employee's  
22 right to compensation and ~~his~~ **the employee's** right to take or prosecute  
23 any proceedings under IC 22-3-2 through IC 22-3-6 shall be suspended  
24 until such refusal or obstruction ceases. No compensation shall at any  
25 time be payable for the period of suspension unless in the opinion of  
26 the worker's compensation board the circumstances justified the refusal  
27 or obstruction. The employee must be served with a notice setting forth  
28 the consequences of the refusal under this subsection. The notice must  
29 be in a form prescribed by the board.

30 (b) Any employer requesting an examination of any employee  
31 residing within Indiana shall pay, in advance of the time fixed for the  
32 examination, sufficient money to defray the necessary expenses of  
33 travel by the most convenient means to and from the place of  
34 examination, and the cost of meals and lodging necessary during the  
35 travel. If the method of travel is by automobile, the mileage rate to be  
36 paid by the employer shall be the rate currently being paid by the state  
37 to its employees under the state travel policies and procedures  
38 established by the department of administration and approved by the  
39 budget agency. If such examination or travel to or from the place of  
40 examination causes any loss of working time on the part of the  
41 employee, the employer shall reimburse the employee for such loss of  
42 wages upon the basis of the employee's average daily wage. When any



1 employee injured in Indiana moves outside Indiana, the travel expense  
 2 and the cost of meals and lodging necessary during the travel payable  
 3 under this section shall be paid from the point in Indiana nearest to the  
 4 employee's then residence to the place of examination. No travel and  
 5 other expense shall be paid for any travel and other expense required  
 6 outside Indiana.

7 (c) A duly qualified physician, **or** surgeon, **or advanced practice**  
 8 **registered nurse** provided and paid for by the employee may be  
 9 present at an examination if the employee so desires. In all cases where  
 10 the examination is made by a physician, **or** surgeon, **or advanced**  
 11 **practice registered nurse** engaged by the employer and the injured  
 12 employee has no physician, **or** surgeon, **or advanced practice**  
 13 **registered nurse** present at such examination, it shall be the duty of  
 14 the physician, **or** surgeon, **or advanced practice registered nurse**  
 15 making the examination to deliver to the injured employee, or the  
 16 employee's representative, a statement in writing of the conditions  
 17 evidenced by such examination. The statement shall disclose all facts  
 18 that are reported by such physician, **or** surgeon, **or advanced practice**  
 19 **registered nurse** to the employer. Such statement shall be furnished to  
 20 the employee or the employee's representative, as soon as practicable,  
 21 but not later than thirty (30) days before the time the case is set for  
 22 hearing. The statement may be submitted by either party as evidence  
 23 by that physician, **or** surgeon, **or advanced practice registered nurse**  
 24 at a hearing before the worker's compensation board if the statement  
 25 meets the requirements of subsection (e). If such physician, **or** surgeon,  
 26 **or advanced practice registered nurse** fails or refuses to furnish the  
 27 employee or the employee's representative with such statement thirty  
 28 (30) days before the hearing, then the statement may not be submitted  
 29 as evidence, and such physician, **or** surgeon, **or advanced practice**  
 30 **registered nurse** shall not be permitted to testify before the worker's  
 31 compensation board as to any facts learned in such examination. All of  
 32 the requirements of this subsection apply to all subsequent  
 33 examinations requested by the employer.

34 (d) In all cases where an examination of an employee is made by a  
 35 physician, **or a** surgeon, **or an advanced practice registered nurse**  
 36 engaged by the employee, and the employer has no physician, **or**  
 37 surgeon, **or advanced practice registered nurse** present at such  
 38 examination, it shall be the duty of the physician, **or** surgeon, **or**  
 39 **advanced practice registered nurse** making the examination to  
 40 deliver to the employer or the employer's representative a statement in  
 41 writing of the conditions evidenced by such examination. The  
 42 statement shall disclose all facts that are reported by such physician, **or**



1 surgeon, **or advanced practice registered nurse** to the employee.  
 2 Such statement shall be furnished to the employer or the employer's  
 3 representative as soon as practicable, but not later than thirty (30) days  
 4 before the time the case is set for hearing. The statement may be  
 5 submitted by either party as evidence by that physician, **or surgeon, or**  
 6 **advanced practice registered nurse** at a hearing before the worker's  
 7 compensation board if the statement meets the requirements of  
 8 subsection (e). If such physician, **or surgeon, or advanced practice**  
 9 **registered nurse** fails or refuses to furnish the employer, or the  
 10 employer's representative, with such statement thirty (30) days before  
 11 the hearing, then the statement may not be submitted as evidence, and  
 12 such physician, **or surgeon, or advanced practice registered nurse**  
 13 shall not be permitted to testify before the worker's compensation board  
 14 as to any facts learned in such examination. All of the requirements of  
 15 this subsection apply to all subsequent examinations made by a  
 16 physician, **or a surgeon, or an advanced practice registered nurse**  
 17 engaged by the employee.

18 (e) All statements of physicians, **or surgeons, or advanced practice**  
 19 **registered nurses** required by this section, whether those engaged by  
 20 employee or employer, shall contain the following information:

21 (1) The history of the injury, or claimed injury, as given by the  
 22 patient.

23 (2) The diagnosis of the physician, **or surgeon, or advanced**  
 24 **practice registered nurse** concerning the patient's physical or  
 25 mental condition.

26 (3) The opinion of the physician, **or surgeon, or advanced**  
 27 **practice registered nurse** concerning the causal relationship, if  
 28 any, between the injury and the patient's physical or mental  
 29 condition, including the physician's, **or surgeon's, or advanced**  
 30 **practice registered nurse's** reasons for the opinion.

31 (4) The opinion of the physician, **or surgeon, or advanced**  
 32 **practice registered nurse** concerning whether the injury or  
 33 claimed injury resulted in a disability or impairment and, if so, the  
 34 opinion of the physician, **or surgeon, or advanced practice**  
 35 **registered nurse** concerning the extent of the disability or  
 36 impairment and the reasons for the opinion.

37 (5) The original signature of the physician, **or surgeon, or**  
 38 **advanced practice registered nurse.**

39 Notwithstanding any hearsay objection, the worker's compensation  
 40 board shall admit into evidence a statement that meets the requirements  
 41 of this subsection unless the statement is ruled inadmissible on other  
 42 grounds.



1 (f) Delivery of any statement required by this section may be made  
2 to the attorney or agent of the employer or employee and such action  
3 shall be construed as delivery to the employer or employee.

4 (g) Any party may object to a statement on the basis that the  
5 statement does not meet the requirements of subsection (e). The  
6 objecting party must give written notice to the party providing the  
7 statement and specify the basis for the objection. Notice of the  
8 objection must be given no later than twenty (20) days before the  
9 hearing. Failure to object as provided in this subsection precludes any  
10 further objection as to the adequacy of the statement under subsection  
11 (e).

12 (h) The employer upon proper application, or the worker's  
13 compensation board, shall have the right in any case of death to require  
14 an autopsy at the expense of the party requesting the same. If, after a  
15 hearing, the worker's compensation board orders an autopsy and such  
16 autopsy is refused by the surviving spouse or next of kin, then any  
17 claim for compensation on account of such death shall be suspended  
18 and abated during such refusal. The surviving spouse or dependent  
19 must be served with a notice setting forth the consequences of the  
20 refusal under this subsection. The notice must be in a form prescribed  
21 by the worker's compensation board. No autopsy, except one performed  
22 by or on the authority or order of the coroner in the discharge of the  
23 coroner's duties, shall be held in any case by any person, without notice  
24 first being given to the surviving spouse or next of kin, if they reside in  
25 Indiana or their whereabouts can reasonably be ascertained, of the time  
26 and place thereof, and reasonable time and opportunity given such  
27 surviving spouse or next of kin to have a representative or  
28 representatives present to witness same. However, if such notice is not  
29 given, all evidence obtained by such autopsy shall be suppressed on  
30 motion duly made to the worker's compensation board.

31 SECTION 6. IC 22-3-3-10.5, AS ADDED BY P.L.204-2018,  
32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2022]: Sec. 10.5. (a) The following must be tendered to an  
34 employee not later than fifteen (15) days after the date of the  
35 physician's **or advanced practice registered nurse's** statement  
36 described in subdivision (2):

- 37 (1) A proposed permanent partial impairment agreement.  
38 (2) The associated physician's **or advanced practice registered**  
39 **nurse's** statement required by IC 22-3-3-6(e).  
40 (3) The employee waiver of examination.  
41 (4) A hand/foot chart, if necessary.

42 (b) A permanent partial impairment agreement signed by the



1 employee, along with the supporting documentation listed in subsection  
 2 (a), must be submitted to the worker's compensation board for approval  
 3 not later than fifteen (15) days after the date of receipt from the  
 4 employee.

5 (c) Not later than thirty (30) days after the date the worker's  
 6 compensation board approves the permanent partial impairment  
 7 agreement, one (1) of the following amounts must be paid:

8 (1) The first weekly installment of compensation for permanent  
 9 partial impairment.

10 (2) The lump sum, if the compensation is to be paid in a lump  
 11 sum amount.

12 (d) An employer that fails to comply with subsection (c) is subject  
 13 to a civil penalty under IC 22-3-4-15.

14 SECTION 7. IC 22-3-7-20, AS AMENDED BY P.L.99-2007,  
 15 SECTION 183, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2022]: Sec. 20. (a) After disablement and  
 17 during the period of claimed resulting disability or impairment, the  
 18 employee, if so requested by the employee's employer or ordered by the  
 19 worker's compensation board, shall submit to an examination at  
 20 reasonable times and places by a duly qualified physician, ~~or~~ surgeon,  
 21 **or advanced practice registered nurse** designated and paid by the  
 22 employer or by order of the board. The employee shall have the right  
 23 to have present at any such examination any duly qualified physician,  
 24 ~~or~~ surgeon, **or advanced practice registered nurse** provided and paid  
 25 for by the employee. No fact communicated to or otherwise learned by  
 26 any physician, ~~or~~ surgeon, **or advanced practice registered nurse**  
 27 who may have attended or examined the employee, or who may have  
 28 been present at any examination, shall be privileged either in the  
 29 hearings provided for in this chapter, or in any action at law brought to  
 30 recover damages against any employer who is subject to the  
 31 compensation provisions of this chapter. If the employee refuses to  
 32 submit to, or in any way obstructs the examinations, the employee's  
 33 right to compensation and right to take or prosecute any proceedings  
 34 under this chapter shall be suspended until the refusal or obstruction  
 35 ceases. No compensation shall at any time be payable for the period of  
 36 suspension unless in the opinion of the board, the circumstances  
 37 justified the refusal or obstruction. The employee must be served with  
 38 a notice setting forth the consequences of the refusal under this  
 39 subsection. The notice must be in a form prescribed by the worker's  
 40 compensation board.

41 (b) Any employer requesting an examination of any employee  
 42 residing within Indiana shall pay, in advance of the time fixed for the



1 examination, sufficient money to defray the necessary expenses of  
 2 travel by the most convenient means to and from the place of  
 3 examination, and the cost of meals and lodging necessary during the  
 4 travel. If the method of travel is by automobile, the mileage rate to be  
 5 paid by the employer shall be the rate as is then currently being paid by  
 6 the state to its employees under the state travel policies and procedures  
 7 established by the department of administration and approved by the  
 8 state budget agency. If the examination or travel to or from the place of  
 9 examination causes any loss of working time on the part of the  
 10 employee, the employer shall reimburse the employee for the loss of  
 11 wages upon the basis of such employee's average daily wage.

12 (c) When any employee injured in Indiana moves outside Indiana,  
 13 the travel expense and the cost of meals and lodging necessary during  
 14 the travel, payable under this section, shall be paid from the point in  
 15 Indiana nearest to the employee's then residence to the place of  
 16 examination. No travel and other expense shall be paid for any travel  
 17 and other expense required outside Indiana.

18 (d) A duly qualified physician, **or** surgeon, **or advanced practice**  
 19 **registered nurse** provided and paid for by the employee may be  
 20 present at an examination, if the employee so desires. In all cases,  
 21 where the examination is made by a physician, **or a surgeon, or an**  
 22 **advanced practice registered nurse** engaged by the employer and the  
 23 employee who has a disability or is injured has no physician, **or**  
 24 surgeon, **or advanced practice registered nurse** present at the  
 25 examination, it shall be the duty of the physician, **or surgeon, or**  
 26 **advanced practice registered nurse** making the examination to  
 27 deliver to the injured employee, or the employee's representative, a  
 28 statement in writing of the conditions evidenced by such examination.  
 29 The statement shall disclose all facts that are reported by the physician,  
 30 **or surgeon, or advanced practice registered nurse** to the employer.  
 31 This statement shall be furnished to the employee or the employee's  
 32 representative as soon as practicable, but not later than thirty (30) days  
 33 before the time the case is set for hearing. The statement may be  
 34 submitted by either party as evidence by that physician, **or surgeon, or**  
 35 **advanced practice registered nurse** at a hearing before the worker's  
 36 compensation board if the statement meets the requirements of  
 37 subsection (f). If the physician, **or surgeon, or advanced practice**  
 38 **registered nurse** fails or refuses to furnish the employee or the  
 39 employee's representative with such statement thirty (30) days before  
 40 the hearing, then the statement may not be submitted as evidence, and  
 41 the physician, **surgeon, or advanced practice registered nurse** shall  
 42 not be permitted to testify before the worker's compensation board as



1 to any facts learned in the examination. All of the requirements of this  
 2 subsection apply to all subsequent examinations requested by the  
 3 employer.

4 (e) In all cases where an examination of an employee is made by a  
 5 physician, ~~or a surgeon, or an advanced practice registered nurse~~  
 6 engaged by the employee, and the employer has no physician, ~~or~~  
 7 surgeon, ~~or advanced practice registered nurse~~ present at such  
 8 examination, it shall be the duty of the physician, ~~or surgeon, or~~  
 9 ~~advanced practice registered nurse~~ making the examination to  
 10 deliver to the employer or the employer's representative a statement in  
 11 writing of the conditions evidenced by such examination. The  
 12 statement shall disclose all the facts that are reported by such  
 13 physician, ~~or surgeon, or advanced practice registered nurse~~ to the  
 14 employee. The statement shall be furnished to the employer or the  
 15 employer's representative as soon as practicable, but not later than  
 16 thirty (30) days before the time the case is set for hearing. The  
 17 statement may be submitted by either party as evidence by that  
 18 physician, ~~or surgeon, or advanced practice registered nurse~~ at a  
 19 hearing before the worker's compensation board if the statement meets  
 20 the requirements of subsection (f). If the physician, ~~or surgeon, or~~  
 21 ~~advanced practice registered nurse~~ fails or refuses to furnish the  
 22 employer or the employer's representative with such statement thirty  
 23 (30) days before the hearing, then the statement may not be submitted  
 24 as evidence, and the physician, ~~or surgeon, or advanced practice~~  
 25 ~~registered nurse~~ shall not be permitted to testify before the worker's  
 26 compensation board as to any facts learned in such examination. All of  
 27 the requirements of this subsection apply to all subsequent  
 28 examinations made by a physician, ~~or surgeon, or advanced practice~~  
 29 ~~registered nurse~~ engaged by the employee.

30 (f) All statements of physicians, ~~or surgeons, or advanced practice~~  
 31 ~~registered nurses~~ required by this section, whether those engaged by  
 32 employee or employer, shall contain the following information:

33 (1) The history of the injury, or claimed injury, as given by the  
 34 patient.

35 (2) The diagnosis of the physician, ~~or surgeon, or advanced~~  
 36 ~~practice registered nurse~~ concerning the patient's physical or  
 37 mental condition.

38 (3) The opinion of the physician, ~~or surgeon, or advanced~~  
 39 ~~practice registered nurse~~ concerning the causal relationship, if  
 40 any, between the injury and the patient's physical or mental  
 41 condition, including the physician's, ~~or surgeon's, or advanced~~  
 42 ~~practice registered nurse's~~ reasons for the opinion.



1 (4) The opinion of the physician, ~~or~~ surgeon, **or advanced**  
 2 **practice registered nurse** concerning whether the injury or  
 3 claimed injury resulted in a disability or impairment and, if so, the  
 4 opinion of the physician, ~~or~~ surgeon, **or advanced practice**  
 5 **registered nurse** concerning the extent of the disability or  
 6 impairment and the reasons for the opinion.

7 (5) The original signature of the physician, ~~or~~ surgeon, **or**  
 8 **advanced practice registered nurse**.

9 Notwithstanding any hearsay objection, the worker's compensation  
 10 board shall admit into evidence a statement that meets the requirements  
 11 of this subsection unless the statement is ruled inadmissible on other  
 12 grounds.

13 (g) Delivery of any statement required by this section may be made  
 14 to the attorney or agent of the employer or employee and such an action  
 15 shall be construed as delivery to the employer or employee.

16 (h) Any party may object to a statement on the basis that the  
 17 statement does not meet the requirements of subsection ~~(e)~~: **(f)**. The  
 18 objecting party must give written notice to the party providing the  
 19 statement and specify the basis for the objection. Notice of the  
 20 objection must be given no later than twenty (20) days before the  
 21 hearing. Failure to object as provided in this subsection precludes any  
 22 further objection as to the adequacy of the statement under subsection  
 23 (f).

24 (i) The employer upon proper application, or the worker's  
 25 compensation board, shall have the right in any case of death to require  
 26 an autopsy at the expense of the party requesting the same. If, after a  
 27 hearing, the board orders an autopsy and the autopsy is refused by the  
 28 surviving spouse or next of kin, in this event any claim for  
 29 compensation on account of the death shall be suspended and abated  
 30 during the refusal. The surviving spouse or dependent must be served  
 31 with a notice setting forth the consequences of the refusal under this  
 32 subsection. The notice must be in a form prescribed by the worker's  
 33 compensation board. No autopsy, except one performed by or on the  
 34 authority or order of the coroner in discharge of the coroner's duties,  
 35 shall be held in any case by any person without notice first being given  
 36 to the surviving spouse or next of kin, if they reside in Indiana or their  
 37 whereabouts can reasonably be ascertained, of the time and place  
 38 thereof, and reasonable time and opportunity shall be given such  
 39 surviving spouse or next of kin to have a representative or  
 40 representatives present to witness same. However, if such notice is not  
 41 given, all evidence obtained by the autopsy shall be suspended on  
 42 motion duly made to the board.





1 SECTION 8. IC 22-3-7-27, AS AMENDED BY P.L.134-2006,  
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]: Sec. 27. (a) If the employer and the employee or the  
4 employee's dependents disagree in regard to the compensation payable  
5 under this chapter, or, if they have reached such an agreement, which  
6 has been signed by them, filed with and approved by the worker's  
7 compensation board, and afterward disagree as to the continuance of  
8 payments under such agreement, or as to the period for which payments  
9 shall be made, or as to the amount to be paid, because of a change in  
10 conditions since the making of such agreement, either party may then  
11 make an application to the board for the determination of the matters  
12 in dispute. When compensation which is payable in accordance with an  
13 award or by agreement approved by the board is ordered paid in a lump  
14 sum by the board, no review shall be had as in this subsection  
15 mentioned.

16 (b) The application making claim for compensation filed with the  
17 worker's compensation board shall state the following:

18 (1) The approximate date of the last day of the last exposure and  
19 the approximate date of the disablement.

20 (2) The general nature and character of the illness or disease  
21 claimed.

22 (3) The name and address of the employer by whom employed on  
23 the last day of the last exposure, and if employed by any other  
24 employer after such last exposure and before disablement, the  
25 name and address of such other employer or employers.

26 (4) In case of death, the date and place of death.

27 (5) Amendments to applications making claim for compensation  
28 which relate to the same disablement or disablement resulting in  
29 death originally claimed upon may be allowed by the board in its  
30 discretion, and, in the exercise of such discretion, it may, in  
31 proper cases, order a trial de novo. Such amendment shall relate  
32 back to the date of the filing of the original application so  
33 amended.

34 (c) Upon the filing of such application, the board shall set the date  
35 of hearing, which shall be as early as practicable, and shall notify the  
36 parties, in the manner prescribed by the board, of the time and place of  
37 hearing. The hearing of all claims for compensation on account of  
38 occupational disease shall be held in the county in which the last  
39 exposure occurred or in any adjoining county, except when the parties  
40 consent to a hearing elsewhere. Claims assigned to an individual board  
41 member that are considered to be of an emergency nature by that board  
42 member, may be heard in any county within the board member's



1 jurisdiction.

2 (d) The board by any or all of its members shall hear the parties at  
3 issue, their representatives, and witnesses, and shall determine the  
4 dispute in a summary manner. The award shall be filed with the record  
5 of proceedings, and a copy thereof shall immediately be sent by  
6 registered mail to each of the parties in dispute.

7 (e) If an application for review is made to the board within thirty  
8 (30) days from the date of the award made by less than all the  
9 members, the full board, if the first hearing was not held before the full  
10 board, shall review the evidence, or, if deemed advisable, hear the  
11 parties at issue, their representatives, and witnesses as soon as  
12 practicable, and shall make an award and file the same with the finding  
13 of the facts on which it is based and send a copy thereof to each of the  
14 parties in dispute, in like manner as specified in subsection (d).

15 (f) An award of the board by less than all of the members as  
16 provided in this section, if not reviewed as provided in this section,  
17 shall be final and conclusive. An award by the full board shall be  
18 conclusive and binding unless either party to the dispute, within thirty  
19 (30) days after receiving a copy of such award, appeals to the court of  
20 appeals under the same terms and conditions as govern appeals in  
21 ordinary civil actions. The court of appeals shall have jurisdiction to  
22 review all questions of law and of fact. The board, of its own motion,  
23 may certify questions of law to the court of appeals for its decision and  
24 determination. An assignment of errors that the award of the full board  
25 is contrary to law shall be sufficient to present both the sufficiency of  
26 the facts found to sustain the award and the sufficiency of the evidence  
27 to sustain the finding of facts. All such appeals and certified questions  
28 of law shall be submitted upon the date filed in the court of appeals,  
29 shall be advanced upon the docket of the court, and shall be determined  
30 at the earliest practicable date, without any extensions of time for filing  
31 briefs. An award of the full board affirmed on appeal, by the employer,  
32 shall be increased thereby five percent (5%), and by order of the court  
33 may be increased ten percent (10%).

34 (g) Upon order of the worker's compensation board made after five  
35 (5) days notice is given to the opposite party, any party in interest may  
36 file in the circuit or superior court of the county in which the  
37 disablement occurred a certified copy of the memorandum of  
38 agreement, approved by the board, or of an order or decision of the  
39 board, or of an award of the full board unappealed from, or of an award  
40 of the full board affirmed upon an appeal, whereupon the court shall  
41 render judgment in accordance therewith and notify the parties. Such  
42 judgment shall have the same effect and all proceedings in relation



1 thereto shall thereafter be the same as though such judgment has been  
 2 rendered in a suit duly heard and determined by the court. Any such  
 3 judgment of such circuit or superior court, unappealed from or affirmed  
 4 on appeal or modified in obedience to the mandate of the court of  
 5 appeals, shall be modified to conform to any decision of the worker's  
 6 compensation board ending, diminishing, or increasing any weekly  
 7 payment under the provisions of subsection (i) upon the presentation  
 8 to it of a certified copy of such decision.

9 (h) In all proceedings before the worker's compensation board or in  
 10 a court under the compensation provisions of this chapter, the costs  
 11 shall be awarded and taxed as provided by law in ordinary civil actions  
 12 in the circuit court.

13 (i) The power and jurisdiction of the worker's compensation board  
 14 over each case shall be continuing, and, from time to time, it may, upon  
 15 its own motion or upon the application of either party on account of a  
 16 change in conditions, make such modification or change in the award  
 17 ending, lessening, continuing, or extending the payments previously  
 18 awarded, either by agreement or upon hearing, as it may deem just,  
 19 subject to the maximum and minimum provided for in this chapter.  
 20 When compensation which is payable in accordance with an award or  
 21 settlement contract approved by the board is ordered paid in a lump  
 22 sum by the board, no review shall be had as in this subsection  
 23 mentioned. Upon making any such change, the board shall immediately  
 24 send to each of the parties a copy of the modified award. No such  
 25 modification shall affect the previous award as to any money paid  
 26 thereunder. The board shall not make any such modification upon its  
 27 own motion, nor shall any application therefor be filed by either party  
 28 after the expiration of two (2) years from the last day for which  
 29 compensation was paid. The board may at any time correct any clerical  
 30 error in any finding or award.

31 (j) The board or any member thereof may, upon the application of  
 32 either party or upon its own motion, appoint a disinterested and duly  
 33 qualified physician, ~~or~~ surgeon, **or advanced practice registered**  
 34 **nurse** to make any necessary medical examination of the employee and  
 35 to testify in respect thereto. Such physician, ~~or~~ surgeon, **or advanced**  
 36 **practice registered nurse** shall be allowed traveling expenses and a  
 37 reasonable fee, to be fixed by the board. The fees and expenses of such  
 38 physician, ~~or~~ surgeon, **or advanced practice registered nurse** shall be  
 39 paid by the state only on special order of the board or a member  
 40 thereof.

41 (k) The board or any member thereof may, upon the application of  
 42 either party or upon its own motion, appoint a disinterested and duly



1 qualified industrial hygienist, industrial engineer, industrial physician,  
2 or chemist to make any necessary investigation of the occupation in  
3 which the employee alleges that the employee was last exposed to the  
4 hazards of the occupational disease claimed upon, and testify with  
5 respect to the occupational disease health hazards found by such person  
6 or persons to exist in such occupation. Such person or persons shall be  
7 allowed traveling expenses and a reasonable fee, to be fixed by the  
8 board. The fees and expenses of such persons shall be paid by the state,  
9 only on special order of the board or a member thereof.

10 (l) Whenever any claimant misconceives the claimant's remedy and  
11 files an application for adjustment of a claim under IC 22-3-2 through  
12 IC 22-3-6 and it is subsequently discovered, at any time before the final  
13 disposition of such cause, that the claim for injury or death which was  
14 the basis for such application should properly have been made under  
15 the provisions of this chapter, then the application so filed under  
16 IC 22-3-2 through IC 22-3-6 may be amended in form or substance or  
17 both to assert a claim for such disability or death under the provisions  
18 of this chapter, and it shall be deemed to have been so filed as amended  
19 on the date of the original filing thereof, and such compensation may  
20 be awarded as is warranted by the whole evidence pursuant to the  
21 provisions of this chapter. When such amendment is submitted, further  
22 or additional evidence may be heard by the worker's compensation  
23 board when deemed necessary. Nothing in this section contained shall  
24 be construed to be or permit a waiver of any of the provisions of this  
25 chapter with reference to notice or time for filing a claim, but notice of  
26 filing of a claim, if given or done, shall be deemed to be a notice or  
27 filing of a claim under the provisions of this chapter if given or done  
28 within the time required in this chapter.

29 SECTION 9. IC 22-15-5-15 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 15. (a) This section  
31 does not apply to a licensed elevator contractor that is not an  
32 individual.

33 (b) To renew a license issued under this licensing program, the  
34 license holder must satisfy the continuing education requirement and  
35 submit a proof of completion of training to the department.

36 (c) The continuing education requirement is at least eight (8) hours  
37 of instruction that must be attended and completed within one (1) year  
38 before a license renewal.

39 (d) The continuing education courses designed to ensure the  
40 continuing education of an individual holding a license regarding new  
41 and existing provisions of the rules of the commission may include:

42 (1) programs sponsored by the commission;



- 1 (2) trade association seminars;  
 2 (3) labor training programs; or  
 3 (4) joint labor management apprenticeship and journeyman  
 4 upgrade training programs.

5 For an individual's completion of a continuing education course to  
 6 satisfy the individual's continuing education requirement under this  
 7 chapter, the continuing education provider, instructor and the  
 8 curriculum must have been approved by the department.

9 (e) All instructors of continuing education courses must be approved  
 10 by the department. If an instructor is approved by the department, has  
 11 worked as an instructor teaching a curriculum approved by the  
 12 department at any time within the year preceding the expiration date of  
 13 the license, and submits proof of this work to the department, the  
 14 instructor is exempt from the requirements of subsection (c).

15 (f) Continuing education providers shall keep uniform records of  
 16 attendance at approved continuing education courses for at least ten  
 17 (10) years on forms designed and distributed by the department.

18 (g) A license holder who is unable to complete the continuing  
 19 education required under this chapter before the expiration of the  
 20 individual's license due to temporary physical or mental disability may  
 21 apply for a waiver from the department in accordance with the  
 22 following:

23 (1) A waiver application must be submitted to the department on  
 24 a form established by the department.

25 (2) A waiver application must be signed and accompanied by an  
 26 affidavit signed by the physician **or advanced practice**  
 27 **registered nurse** of the applicant attesting to the applicant's  
 28 temporary disability.

29 (h) After the cessation of the temporary disability, the applicant  
 30 must submit to the department a certification from the same physician  
 31 **or advanced practice registered nurse**, if the physician **or advanced**  
 32 **practice registered nurse** is still the treating physician **or advanced**  
 33 **practice registered nurse** of the applicant, or from a subsequent  
 34 treating physician attesting to the termination of the temporary  
 35 disability.

36 (i) Upon the submission of the certification under subsection (h), the  
 37 department shall issue a temporary waiver of the continuing education  
 38 requirement. A temporary waiver is valid for ninety (90) days after the  
 39 date of issue and allows the individual to work as an elevator  
 40 contractor, elevator inspector, or elevator mechanic without the  
 41 completion of the continuing education requirement for ninety (90)  
 42 days.



1 (j) A temporary waiver of the continuing education requirement may  
2 not be renewed.

3 SECTION 10. IC 25-27-1-2, AS AMENDED BY P.L.196-2021,  
4 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2022]: Sec. 2. (a) Except as otherwise provided in this chapter  
6 and IC 25-27-2, it is unlawful for a person or business entity to do the  
7 following:

8 (1) Practice physical therapy without first obtaining from the  
9 board a license authorizing the person to practice physical therapy  
10 in this state.

11 (2) Profess to be or promote an employee to be a physical  
12 therapist, physiotherapist, doctor of physiotherapy, doctor of  
13 physical therapy, or registered physical therapist or to use the  
14 initials "P.T.", "D.P.T.", "L.P.T.", or "R.P.T.", or any other letters,  
15 words, abbreviations, or insignia indicating that physical therapy  
16 is provided by a physical therapist, unless physical therapy is  
17 provided by or under the direction of a physical therapist.

18 (3) Advertise services for physical therapy or physiotherapy  
19 services, unless the individual performing those services is a  
20 physical therapist.

21 (b) Except as provided in subsection (e) and section 2.5 of this  
22 chapter, it is unlawful for a person to practice physical therapy other  
23 than upon the order or referral of a physician, a podiatrist, a  
24 psychologist, a chiropractor, a dentist, ~~nurse practitioner~~, **an advanced**  
25 **practice registered nurse**, or a physician assistant holding an  
26 unlimited license to practice medicine, podiatric medicine, psychology,  
27 chiropractic, dentistry, nursing, or as a physician assistant, respectively.  
28 It is unlawful for a physical therapist to use the services of a physical  
29 therapist assistant except as provided under this chapter. For the  
30 purposes of this subsection, the function of:

31 (1) teaching;

32 (2) doing research;

33 (3) providing advisory services; or

34 (4) conducting seminars on physical therapy;

35 is not considered to be a practice of physical therapy.

36 (c) Except as otherwise provided in this chapter and IC 25-27-2, it  
37 is unlawful for a person to profess to be or act as a physical therapist  
38 assistant or to use the initials "P.T.A." or any other letters, words,  
39 abbreviations, or insignia indicating that the person is a physical  
40 therapist assistant without first obtaining from the board a certificate  
41 authorizing the person to act as a physical therapist assistant. It is  
42 unlawful for the person to act as a physical therapist assistant other



1 than under the general supervision of a licensed physical therapist who  
 2 is in responsible charge of a patient. However, nothing in this chapter  
 3 prohibits a person licensed or registered in this state under another law  
 4 from engaging in the practice for which the person is licensed or  
 5 registered. These exempted persons include persons engaged in the  
 6 practice of osteopathic medicine, chiropractic, or podiatric medicine.

7 (d) Except as provided in section 2.5 of this chapter, this chapter  
 8 does not authorize a person who is licensed as a physical therapist or  
 9 certified as a physical therapist assistant to:

10 (1) evaluate any physical disability or mental disorder except  
 11 upon the order or referral of a physician, a podiatrist, a  
 12 psychologist, a chiropractor, a physician assistant, ~~nurse~~  
 13 ~~practitioner~~, **an advanced practice registered nurse**, or a  
 14 dentist;

15 (2) practice medicine, surgery (as described in  
 16 IC 25-22.5-1-1.1(a)(1)(C)), dentistry, optometry, osteopathic  
 17 medicine, psychology, chiropractic, or podiatric medicine; or

18 (3) prescribe a drug or other remedial substance used in medicine.

19 (e) Upon the referral of a licensed school psychologist, a physical  
 20 therapist who is:

21 (1) licensed under this article; and

22 (2) an employee or contractor of a school corporation;

23 may provide mandated school services to a student that are within the  
 24 physical therapist's scope of practice.

25 SECTION 11. IC 27-8-14.5-6 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) A health  
 27 insurance plan issued by an insurer must provide coverage for diabetes  
 28 self-management training that is:

29 (1) medically necessary;

30 (2) ordered in writing by a physician licensed under IC 25-22.5,  
 31 ~~or~~ a podiatrist licensed under IC 25-29, **or an advanced practice**  
 32 **registered nurse licensed under IC 25-23**; and

33 (3) provided by a health care professional who:

34 (A) is licensed, registered, or certified under IC 25; and

35 (B) has specialized training in the management of diabetes.

36 (b) Coverage for diabetes self-management training may be limited  
 37 to the following:

38 (1) One (1) or more visits after receiving a diagnosis of diabetes.

39 (2) One (1) or more visits after receiving a diagnosis by a  
 40 physician licensed under IC 25-22.5 or a podiatrist licensed under  
 41 IC 25-29 that:

42 (A) represents a significant change in the insured's symptoms



- 1                   or condition; and  
2                   (B) makes changes in the insured's self-management medically  
3                   necessary.  
4                   (3) One (1) or more visits for reeducation or refresher training.  
5                   (c) Coverage for diabetes self-management training is subject to the  
6                   requirements of the health insurance plan regarding the use of  
7                   participating providers.  
8                   SECTION 12. IC 27-8-27-6, AS AMENDED BY P.L.133-2020,  
9                   SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10                   JULY 1, 2022]: Sec. 6. (a) A health insurance plan that provides  
11                   coverage for early intervention services shall reimburse the first steps  
12                   program a monthly fee established by the division of disability and  
13                   rehabilitative services. Except when the monthly fee is less than the  
14                   product determined under IC 12-12.7-2-23(b), the monthly fee shall be  
15                   provided instead of claims processing of individual claims.  
16                   (b) A health insurance plan may not require authorization for  
17                   services specified in the covered individual's individualized family  
18                   service plan, if those services are a covered benefit under the plan,  
19                   once the individualized family service plan is signed by a physician **or**  
20                   **an advanced practice registered nurse.**  
21                   (c) The department of insurance shall adopt rules under IC 4-22-2  
22                   to ensure compliance with this section.

