



January 31, 2014

SENATE BILL No. 233

DIGEST OF SB 233 (Updated January 29, 2014 3:35 pm - DI 104)

Citations Affected: IC 25-1; IC 25-3.7; IC 25-26; IC 35-51.

Synopsis: Pharmacy technicians and anesthesiologist assistants. Changes pharmacy technician certification to licensure. Adds a high school graduation, high school equivalency certificate, or state general educational development requirement for pharmacy technician licensure. Specifies education and training requirements for pharmacy technicians. Provides for the licensure of anesthesiologist assistants. Establishes a Class B misdemeanor for professing to be an anesthesiologist without a license.

Effective: July 1, 2014.

Grooms, Bray

January 9, 2014, read first time and referred to Committee on Health and Provider Services.
January 30, 2014, amended, reported favorably — Do Pass.

SB 233—LS 6256/DI 104



January 31, 2014

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.

SENATE BILL No. 233

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 25-1-1.1-4, AS AMENDED BY P.L.232-2013,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 4. (a) This section applies to an individual who is
4 applying for, or will be applying for, an initial license or an initial
5 certificate under one (1) of the following:
6 (1) IC 25-2.5 (acupuncturists).
7 **(2) IC 25-3.7 (anesthesiologist assistants).**
8 ~~(2) (3) IC 25-10 (chiropractors).~~
9 ~~(3) (4) IC 25-13 (dental hygienists).~~
10 ~~(4) (5) IC 25-14 (dentists).~~
11 ~~(5) (6) IC 25-14.5 (dietitians).~~
12 ~~(6) (7) IC 25-17.3 (genetic counselors).~~
13 ~~(7) (8) IC 25-19 (health facility and residential care facility~~
14 ~~administrators).~~
15 ~~(8) (9) IC 25-21.8 (massage therapists).~~
16 ~~(9) (10) IC 25-22.5 (physicians).~~

SB 233—LS 6256/DI 104



- 1 ~~(10)~~ **(11)** IC 25-23 (nurses).
 2 ~~(11)~~ **(12)** IC 25-23.4 (certified direct entry midwives).
 3 ~~(12)~~ **(13)** IC 25-23.5 (occupational therapists).
 4 ~~(13)~~ **(14)** IC 25-23.6 (social workers, marriage and family
 5 therapists, and counselors).
 6 ~~(14)~~ **(15)** IC 25-24 (optometrists).
 7 ~~(15)~~ **(16)** IC 25-26 (pharmacists).
 8 ~~(16)~~ **(17)** IC 25-27 (physical therapists).
 9 ~~(17)~~ **(18)** IC 25-27.5 (physician assistants).
 10 ~~(18)~~ **(19)** IC 25-29 (podiatrists).
 11 ~~(19)~~ **(20)** IC 25-33 (psychologists).
 12 ~~(20)~~ **(21)** IC 25-34.5 (respiratory care practitioners).
 13 ~~(21)~~ **(22)** IC 25-35.6 (speech pathologists and audiologists).
 14 ~~(22)~~ **(23)** IC 25-38.1 (veterinarians).

15 (b) As used in this chapter, "national criminal history background
 16 check" means the criminal history record system maintained by the
 17 Federal Bureau of Investigation based on fingerprint identification or
 18 any other method of positive identification.

19 (c) An individual applying for an initial license or initial certificate
 20 specified in subsection (a) shall submit to a national criminal history
 21 background check at the cost of the individual.

22 (d) The state police department shall release the results of a national
 23 criminal history background check conducted under this section to the
 24 Indiana professional licensing agency.

25 (e) A board, a commission, or a committee may conduct a random
 26 audit and require an individual seeking a renewal of a license or a
 27 certificate specified in subsection (a) to submit to a national criminal
 28 history background check at the cost of the individual.

29 SECTION 2. IC 25-1-2-2.1, AS AMENDED BY P.L.232-2013,
 30 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2014]: Sec. 2.1. Rather than being issued annually, the
 32 following permits, licenses, certificates of registration, or evidences of
 33 authority granted by a state agency must be issued for a period of two
 34 (2) years or for the period specified in the article under which the
 35 permit, license, certificate of registration, or evidence of authority is
 36 issued if the period specified in the article is longer than two (2) years:

- 37 (1) Certified public accountants, public accountants, and
 38 accounting practitioners.
 39 (2) Architects and landscape architects.
 40 (3) Dry cleaners.
 41 (4) Professional engineers.
 42 (5) Professional surveyors.



- 1 (6) Real estate brokers.
 2 (7) Real estate agents.
 3 (8) Security dealers' licenses issued by the securities
 4 commissioner.
 5 (9) Dental hygienists.
 6 (10) Dentists.
 7 (11) Veterinarians.
 8 (12) Physicians.
 9 (13) Chiropractors.
 10 (14) Physical therapists.
 11 (15) Optometrists.
 12 (16) Pharmacists and assistants, drugstores or pharmacies.
 13 (17) Motels and mobile home community licenses.
 14 (18) Nurses.
 15 (19) Podiatrists.
 16 (20) Occupational therapists and occupational therapy assistants.
 17 (21) Respiratory care practitioners.
 18 (22) Social workers, marriage and family therapists, and mental
 19 health counselors.
 20 (23) Real estate appraiser licenses and certificates issued by the
 21 real estate appraiser licensure and certification board.
 22 (24) Wholesale legend drug distributors.
 23 (25) Physician assistants.
 24 (26) Dietitians.
 25 (27) Athlete agents.
 26 (28) Manufactured home installers.
 27 (29) Home inspectors.
 28 (30) Massage therapists.
 29 (31) Interior designers.
 30 (32) Genetic counselors.
 31 (33) Direct entry midwives.
 32 **(34) Anesthesiologist assistants.**

33 SECTION 3. IC 25-3.7 IS ADDED TO THE INDIANA CODE AS
 34 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 35 2014]:

36 **ARTICLE 3.7. ANESTHESIOLOGIST ASSISTANTS**

37 **Chapter 1. Definitions**

38 **Sec. 1. As used in this article, "anesthesiologist assistant" means**
 39 **an individual who:**

- 40 **(1) meets the qualifications under this article; and**
 41 **(2) is licensed under this article.**

42 **Sec. 2. As used in this article, "board" refers to the medical**



1 licensing board of Indiana.

2 **Chapter 2. Licensure**

3 **Sec. 1. (a) The board shall license as an anesthesiologist assistant**
 4 **an individual who:**

- 5 (1) applies for licensure on a form approved by board;
 6 (2) pays a licensing fee in an amount determined by the
 7 board;
 8 (3) does not have a conviction for a crime that has a direct
 9 bearing on the applicant's ability to practice competently; and
 10 (4) submits evidence satisfactory to the board that the
 11 applicant meets all the following requirements:

12 (A) Has obtained a bachelor's degree from a postsecondary
 13 educational institution.

14 (B) Has satisfactorily completed a medical-based
 15 anesthesiologist assistant program that is accredited by the
 16 Commission on Accreditation of Allied Health Education
 17 Programs, or by its predecessor or successor organization.

18 (C) Has passed a certifying examination administered by
 19 the National Commission for Certification of
 20 Anesthesiologist Assistants, or a successor organization.

21 (D) Is certified by the National Commission for
 22 Certification of Anesthesiologist Assistants, or a successor
 23 organization.

24 (b) An individual must be licensed by the board before the
 25 individual may practice as an anesthesiologist assistant.

26 **Sec. 2. In order to maintain a license under this article, an**
 27 **individual licensed under this article shall comply with all**
 28 **continuing certification requirements set by the National**
 29 **Commission for Certification of Anesthesiologist Assistants or a**
 30 **successor organization.**

31 **Sec. 3. (a) The board shall do the following:**

32 (1) Subject to IC 25-1-8-2, establish the amounts of fees
 33 required under this article.

34 (2) Adopt rules under IC 4-22-2 concerning the scope of
 35 practice for an anesthesiologist assistant. The rules must
 36 address the public welfare and safety of patients being treated
 37 by an anesthesiologist assistant and include the following:

38 (A) Require that an anesthesiologist assistant be supervised
 39 by a licensed anesthesiologist who:

40 (i) is licensed under IC 25-22.5; and

41 (ii) is actively engaged in the clinical practice of
 42 anesthesiology; and



1 (iii) maintains a physical proximity that allows the
 2 anesthesiologist to be available immediately if needed at
 3 all times that anesthesia services are rendered by the
 4 anesthesiologist assistant.

5 (B) Allow for the training of anesthesiologist assistant
 6 students if a student is:

7 (i) enrolled in an anesthesiologist assistant program that
 8 is accredited by the Commission on Accreditation of
 9 Allied Health Education Programs or by its predecessor
 10 or successor organization; and

11 (ii) supervised by an individual who meets the
 12 requirements of clause (A).

13 (b) In developing the rules required under subsection (a)(2), the
 14 board shall appoint a working committee to assist in the
 15 development of the rules. The working committee must contain at
 16 least the following:

17 (1) One (1) individual who is a member of the Indiana State
 18 Medical Association, or its successor organization.

19 (2) One (1) individual who is a member of the Indiana Society
 20 of Anesthesiologists, or its successor organization.

21 (3) One (1) individual who is a member of the American
 22 Academy of Anesthesiologist Assistants, or its successor
 23 organization.

24 Sec. 4. (a) An anesthesiologist assistant may practice only:

25 (1) under the supervision of an anesthesiologist; and

26 (2) as described in a written practice protocol adopted under
 27 subsection (b).

28 (b) Each anesthesiologist who agrees to act as the supervising
 29 anesthesiologist of an anesthesiologist assistant shall adopt a
 30 written practice protocol that:

31 (1) is consistent with this article;

32 (2) delineates:

33 (A) the medical services that the anesthesiologist assistant
 34 is authorized to provide; and

35 (B) the manner in which the anesthesiologist will supervise
 36 the anesthesiologist assistant;

37 (3) is based on relevant quality assurance standards, including
 38 regular review by the supervising anesthesiologist of the
 39 medical records of the patients cared for by the
 40 anesthesiologist assistant;

41 (4) is signed by the anesthesiologist and anesthesiologist
 42 assistant;



1 (5) is updated annually; and

2 (6) is made available to the board upon request.

3 (c) The supervising anesthesiologist shall oversee the
4 anesthesiologist assistant in accordance with:

5 (1) the terms of the protocol; and

6 (2) any rules adopted by the board for the supervision of an
7 anesthesiologist assistant.

8 The board may randomly audit or inspect any written practice
9 protocol under which an anesthesiologist assistant works.

10 (d) An anesthesiologist or an anesthesiologist assistant who
11 violates the written practice protocol described in this section may
12 be disciplined under IC 25-1-9.

13 **Chapter 3. Unauthorized Practice; Penalty; Sanctions**

14 **Sec. 1. An individual may not:**

15 (1) profess to be an anesthesiologist assistant;

16 (2) use the title "anesthesiologist assistant"; or

17 (3) use the initials "A.A." or any other words, letters,
18 abbreviations, or insignia indicating or implying that the
19 individual is an anesthesiologist assistant licensed under this
20 article;

21 unless the person is licensed under this article.

22 **Sec. 2. An individual who recklessly, knowingly, or intentionally**
23 **violates this chapter commits a Class B misdemeanor.**

24 SECTION 4. IC 25-26-13-18, AS AMENDED BY P.L.159-2012,
25 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2014]: Sec. 18. (a) To be eligible for issuance of a pharmacy
27 permit, an applicant must show to the satisfaction of the board that:

28 (1) Persons at the location will engage in the bona fide practice of
29 pharmacy. The application must show the number of hours each
30 week, if any, that the pharmacy will be open to the general public.

31 (2) The pharmacy will maintain a sufficient stock of emergency
32 and frequently prescribed drugs and devices as to adequately
33 serve and protect the public health.

34 (3) Except as provided in section 19 of this chapter, a registered
35 pharmacist will be in personal attendance and on duty in the
36 licensed premises at all times when the practice of pharmacy is
37 being conducted and that the pharmacist will be responsible for
38 the lawful conduct of the pharmacy.

39 (4) ~~Certified~~ **Licensed** pharmacy technicians or pharmacy
40 technicians in training **who are licensed** or certified under
41 IC 25-26-19 must practice under a licensed pharmacist's
42 immediate and personal supervision at all times. A pharmacist



1 may not supervise more than six (6) pharmacy technicians or
 2 pharmacy technicians in training at any time. As used in this
 3 subdivision, "immediate and personal supervision" means within
 4 reasonable visual and vocal distance of the pharmacist.

5 (5) The pharmacy will be located separate and apart from any area
 6 containing merchandise not offered for sale under the pharmacy
 7 permit. The pharmacy will:

8 (A) be stationary;

9 (B) be sufficiently secure, either through electronic or physical
 10 means, or a combination of both, to protect the products
 11 contained in the pharmacy and to detect and deter entry during
 12 those times when the pharmacy is closed;

13 (C) be well lighted and ventilated with clean and sanitary
 14 surroundings;

15 (D) be equipped with a sink with hot and cold running water
 16 or some means for heating water, a proper sewage outlet, and
 17 refrigeration;

18 (E) have a prescription filling area of sufficient size to permit
 19 the practice of pharmacy as practiced at that particular
 20 pharmacy; and

21 (F) have such additional fixtures, facilities, and equipment as
 22 the board requires to enable it to operate properly as a
 23 pharmacy in compliance with federal and state laws and
 24 regulations governing pharmacies.

25 (b) Prior to opening a pharmacy after receipt of a pharmacy permit,
 26 the permit holder shall submit the premises to a qualifying inspection
 27 by a representative of the board and shall present a physical inventory
 28 of the drug and all other items in the inventory on the premises.

29 (c) At all times, the wholesale value of the drug inventory on the
 30 licensed items must be at least ten percent (10%) of the wholesale
 31 value of the items in the licensed area.

32 SECTION 5. IC 25-26-19-4 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The board may
 34 adopt rules under IC 4-22-2 to:

35 (1) implement and enforce this chapter;

36 (2) set fees under IC 25-1-8; and

37 (3) establish education and training requirements for ~~certification~~
 38 **licensure** to practice as a pharmacy technician.

39 (b) The board shall:

40 (1) establish standards for the competent practice of pharmacy
 41 technicians; and

42 (2) subject to IC 4-21.5, IC 25-1-7, and IC 25-1-9, conduct



1 proceedings on any matter under the jurisdiction of the board.

2 SECTION 6. IC 25-26-19-5, AS AMENDED BY P.L.159-2012,
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2014]: Sec. 5. (a) The board shall issue a pharmacy technician
5 **certificate license** to an individual who:

6 (1) applies to the board in the form and manner prescribed by the
7 board;

8 (2) is at least eighteen (18) years of age;

9 **(3) has:**

10 **(A) graduated from high school; or**

11 **(B) received a:**

12 **(i) high school equivalency certificate; or**

13 **(ii) state general educational development (GED)**
14 **diploma under IC 20-20-6 (before its repeal) or**
15 **IC 22-4.1-18;**

16 ~~(3)~~ **(4) has not been convicted of:**

17 **(A) a crime that has a direct bearing upon the individual's**
18 **ability to practice competently; or**

19 **(B) a felony involving controlled substances;**

20 ~~(4)~~ **(5) is not in violation of this chapter or rules adopted by the**
21 **board under section 4 of this chapter;**

22 ~~(5)~~ **(6) has paid the fee set by the board under section 4 of this**
23 **chapter; and**

24 ~~(6)~~ **(7) has: completed a program of education and training**
25 **approved by the board or has passed a certification examination**
26 **offered by a nationally recognized certification body approved by**
27 **the board.**

28 **(A) graduated from a competency based pharmacy**
29 **technician education and training program approved by**
30 **the board;**

31 **(B) completed an employer provided training program**
32 **that:**

33 **(i) beginning July 1, 2015, uses training requirements**
34 **and minimum standards developed by the board;**

35 **(ii) has been approved by the board; and**

36 **(iii) includes specific training in the duties required to**
37 **assist the pharmacist in the technical functions**
38 **associated with the practice of pharmacy; or**

39 **(C) successfully passed a certification examination offered**
40 **by the Pharmacy Technician Certification Board or**
41 **another nationally recognized certification body approved**
42 **by the board.**



1 (b) For good cause, the board may waive the age requirement under
2 subsection (a)(2).

3 (c) **A person who has been certified or licensed as a pharmacy**
4 **technician by the board before July 1, 2014, and who remains in**
5 **good standing on July 1, 2014, shall, for all purposes, be considered**
6 **licensed beginning on July 1, 2014. A person described in this**
7 **subsection is subject to the license renewal requirements set forth**
8 **in this chapter.**

9 (d) **A training program approved by the board before July 1,**
10 **2015, must be resubmitted to the board for approval in meeting**
11 **current standards.**

12 SECTION 7. IC 25-26-19-6 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The board shall
14 issue a pharmacy technician in training permit to an individual who:

15 (1) applies to the board in the form and manner prescribed by the
16 board;

17 (2) is at least eighteen (18) years of age;

18 (3) has not been convicted of a crime that has a direct bearing
19 upon the individual's ability to practice competently;

20 (4) is not in violation of this chapter or rules adopted by the board
21 under section 4 of this chapter; and

22 (5) has applied for ~~certification~~ **licensure** under section 5 of this
23 chapter.

24 (b) An applicant:

25 (1) may work as a pharmacy technician in training without a
26 permit for not more than thirty (30) consecutive days after the
27 applicant files an application under this section;

28 (2) shall provide the applicant's employer with a receipt issued by
29 the board that:

30 (A) provides the date an application under this section was
31 filed; and

32 (B) indicates that the fee has been paid;

33 before the applicant may begin work as a pharmacy technician in
34 training; and

35 (3) may request an additional thirty (30) day period to practice as
36 a pharmacy technician in training without a permit. The board
37 may approve a request under this subdivision if the board
38 determines that the extension is for good cause.

39 (c) A pharmacy technician in training permit expires on the earliest
40 of the following:

41 (1) The date the permit holder is issued a pharmacy technician
42 ~~certificate~~ **license** under this chapter.



- 1 (2) The date the board disapproves the permit holder's application
- 2 for a pharmacy technician ~~certificate~~ **license** under this chapter.
- 3 (3) The date the permit holder ceases to be enrolled in good
- 4 standing in a pharmacy technician training program approved by
- 5 the board. The graduation of a permit holder from a pharmacy
- 6 technician program does not cause the permit to expire under this
- 7 subdivision.
- 8 (4) Sixty (60) days after the date that the permit holder
- 9 successfully completes a program approved by the board.
- 10 (5) Twelve (12) months after the date of issuance.

11 (d) For good cause, the board may waive the age requirement in
 12 subsection (a)(2).

13 SECTION 8. IC 25-26-19-7, AS AMENDED BY P.L.1-2006,
 14 SECTION 466, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A pharmacy technician
 16 ~~certificate license~~ expires on a date set by the Indiana professional
 17 licensing agency in each even-numbered year.

18 (b) An application for renewal of a pharmacy technician ~~certificate~~
 19 **license** must be accompanied by the appropriate fee.

20 (c) If a person fails to renew a pharmacy technician ~~certificate,~~
 21 **license**, the ~~certificate license~~ may be reinstated by meeting the
 22 requirements under IC 25-1-8-6.

23 (d) The board may require a person who applies for a ~~certificate~~
 24 **license** under subsection (c) to appear before the board and explain the
 25 reason why the person failed to renew a pharmacy technician
 26 ~~certificate license~~.

27 SECTION 9. IC 25-26-19-8 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A ~~certified licensed~~
 29 pharmacy technician may not perform the following activities:

- 30 (1) Providing advice or consultation with the prescribing
- 31 practitioner or other licensed health care provider regarding the
- 32 patient or the interpretation and application of information
- 33 contained in the prescription or drug order, medical record, or
- 34 patient profile.
- 35 (2) Providing advice or consultation with the patient regarding the
- 36 interpretation of the prescription or the application of information
- 37 contained in the patient profile or medical record.
- 38 (3) Dispensing prescription drug information to the patient.
- 39 (4) Final check on all aspects of the completed prescription and
- 40 assumption of the responsibility for the filled prescription,
- 41 including the appropriateness of the drug for the patient and the
- 42 accuracy of the:



- 1 (A) drug dispensed;
- 2 (B) strength of the drug dispensed; and
- 3 (C) labeling of the prescription.
- 4 (5) Receiving a new prescription drug order over the telephone or
- 5 electronically unless the original information is recorded so a
- 6 pharmacist may review the prescription drug order as transmitted.
- 7 (6) Any activity required by law to be performed only by a
- 8 pharmacist.
- 9 (7) Any activity that requires the clinical judgment of a
- 10 pharmacist and is prohibited by a rule adopted by the board.

11 SECTION 10. IC 25-26-19-9, AS AMENDED BY P.L.158-2013,
 12 SECTION 290, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) An individual may not
 14 practice as a pharmacy technician unless the individual is **certified**
 15 **licensed** under this chapter.

16 (b) An individual may not act as a pharmacy technician in training
 17 unless the individual has obtained a permit under this chapter or the
 18 individual is acting as a pharmacy technician in training during the
 19 period permitted under section 6(b) of this chapter.

20 (c) An individual who knowingly violates this section commits a
 21 Level 6 felony.

22 SECTION 11. IC 35-51-25-1, AS AMENDED BY P.L.13-2013,
 23 SECTION 147, P.L.232-2013, SECTION 26, AND P.L.264-2013,
 24 SECTION 16, IS CORRECTED AND AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following
 26 statutes define crimes in IC 25:

- 27 IC 25-2.1-13-3 (Concerning accountants).
- 28 IC 25-2.5-3-4 (Concerning acupuncturists).
- 29 **IC 25-3.7-3-2 (Concerning anesthesiologist assistants).**
- 30 IC 25-5.1-4-2 (Concerning athletic trainers).
- 31 IC 25-5.2-2-12 (Concerning athlete agents).
- 32 IC 25-6.1-7-1 (Concerning auctioneers and auctions).
- 33 IC 25-6.1-7-2 (Concerning auctioneers and auctions).
- 34 IC 25-8-15.4-25 (Concerning beauty culture).
- 35 IC 25-10-1-11 (Concerning chiropractors).
- 36 IC 25-11-1-12 (Concerning collection agencies).
- 37 IC 25-13-1-3 (Concerning dental hygienists).
- 38 IC 25-14-1-25 (Concerning dentists).
- 39 *IC 25-14-1-25.5 (Concerning dentists).*
- 40 IC 25-14-4-6 (Concerning dentists).
- 41 IC 25-14.5-7-2 (Concerning dietitians).
- 42 IC 25-16-1-18 (Concerning employment services).



- 1 IC 25-17.3-5-3 (Concerning genetic counselors).
2 IC 25-17.6-8-2 (Concerning geologists).
3 IC 25-18-1-19 (Concerning distress sales).
4 IC 25-20-1-21 (Concerning hearing aid dealers).
5 IC 25-20.7-5-1 (Concerning interior designers).
6 IC 25-21.5-5-10 (Concerning *land professional* surveyors).
7 IC 25-21.5-13-2 (Concerning *land professional* surveyors).
8 IC 25-21.8-7-1 (Concerning massage therapists).
9 IC 25-22.5-8-2 (Concerning physicians).
10 IC 25-22.5-8-3 (Concerning physicians).
11 IC 25-23-1-27 (Concerning nurses).
12 *IC 25-23.4-3-7 (Concerning certified direct entry midwives).*
13 IC 25-23.5-3-2 (Concerning occupational therapists).
14 IC 25-23.6-3-3 (Concerning marriage and family therapists).
15 IC 25-23.6-4-4 (Concerning marriage and family therapists).
16 IC 25-23.6-4.5-4 (Concerning marriage and family therapists).
17 IC 25-23.6-7-7 (Concerning marriage and family therapists).
18 IC 25-23.6-10.1-6 (Concerning marriage and family therapists).
19 IC 25-23.6-11-1 (Concerning marriage and family therapists).
20 IC 25-23.6-11-2 (Concerning marriage and family therapists).
21 IC 25-23.6-11-3 (Concerning marriage and family therapists).
22 IC 25-23.7-7-5 (Concerning manufactured home installers).
23 IC 25-24-1-18 (Concerning optometrists).
24 IC 25-24-3-17 (Concerning optometrists).
25 IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug
26 stores).
27 IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug
28 stores).
29 IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug
30 stores).
31 IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug
32 stores).
33 IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug
34 stores).
35 IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug
36 stores).
37 IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug
38 stores).
39 IC 25-27-1-12 (Concerning physical therapists).
40 IC 25-27.5-7-2 (Concerning physician assistants).
41 IC 25-28.5-1-31 (Concerning plumbers).
42 IC 25-29-9-1 (Concerning podiatrists).



- 1 IC 25-30-1-21 (Concerning private investigator firms, security
- 2 guards, and polygraph examiners).
- 3 IC 25-30-1.3-23 (Concerning private investigator firms, security
- 4 guards, and polygraph examiners).
- 5 IC 25-31-1-13 (Concerning engineers).
- 6 IC 25-31-1-27 (Concerning engineers).
- 7 IC 25-31.5-8-7 (Concerning soil scientists).
- 8 IC 25-33-1-15 (Concerning psychologists).
- 9 IC 25-34.5-3-2 (Concerning respiratory care specialists).
- 10 IC 25-35.6-3-10 (Concerning speech pathologists and
- 11 audiologists).
- 12 IC 25-36.1-1-2 (Concerning surgical technologists).
- 13 IC 25-36.5-1-10 (Concerning timber buyers).
- 14 IC 25-36.5-1-15 (Concerning timber buyers).
- 15 IC 25-38.1-4-10 (Concerning veterinarians).
- 16 IC 25-38.1-4-11 (Concerning veterinarians).
- 17 IC 25-39-5-1 (Concerning water well drilling contractors).
- 18 IC 25-39-5-7 (Concerning water well drilling contractors).
- 19 IC 25-41-1-2 (Concerning behavior analysts).



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 233, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

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

- (1) IC 25-2.5 (acupuncturists).
- (2) IC 25-3.7 (anesthesiologist assistants).**
- ~~(2)~~ **(3)** IC 25-10 (chiropractors).
- ~~(3)~~ **(4)** IC 25-13 (dental hygienists).
- ~~(4)~~ **(5)** IC 25-14 (dentists).
- ~~(5)~~ **(6)** IC 25-14.5 (dietitians).
- ~~(6)~~ **(7)** IC 25-17.3 (genetic counselors).
- ~~(7)~~ **(8)** IC 25-19 (health facility and residential care facility administrators).
- ~~(8)~~ **(9)** IC 25-21.8 (massage therapists).
- ~~(9)~~ **(10)** IC 25-22.5 (physicians).
- ~~(10)~~ **(11)** IC 25-23 (nurses).
- ~~(11)~~ **(12)** IC 25-23.4 (certified direct entry midwives).
- ~~(12)~~ **(13)** IC 25-23.5 (occupational therapists).
- ~~(13)~~ **(14)** IC 25-23.6 (social workers, marriage and family therapists, and counselors).
- ~~(14)~~ **(15)** IC 25-24 (optometrists).
- ~~(15)~~ **(16)** IC 25-26 (pharmacists).
- ~~(16)~~ **(17)** IC 25-27 (physical therapists).
- ~~(17)~~ **(18)** IC 25-27.5 (physician assistants).
- ~~(18)~~ **(19)** IC 25-29 (podiatrists).
- ~~(19)~~ **(20)** IC 25-33 (psychologists).
- ~~(20)~~ **(21)** IC 25-34.5 (respiratory care practitioners).
- ~~(21)~~ **(22)** IC 25-35.6 (speech pathologists and audiologists).
- ~~(22)~~ **(23)** IC 25-38.1 (veterinarians).

(b) As used in this chapter, "national criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or



any other method of positive identification.

(c) An individual applying for an initial license or initial certificate specified in subsection (a) shall submit to a national criminal history background check at the cost of the individual.

(d) The state police department shall release the results of a national criminal history background check conducted under this section to the Indiana professional licensing agency.

(e) A board, a commission, or a committee may conduct a random audit and require an individual seeking a renewal of a license or a certificate specified in subsection (a) to submit to a national criminal history background check at the cost of the individual.

SECTION 2. IC 25-1-2-2.1, AS AMENDED BY P.L.232-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Professional surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.



- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Athlete agents.
- (28) Manufactured home installers.
- (29) Home inspectors.
- (30) Massage therapists.
- (31) Interior designers.
- (32) Genetic counselors.
- (33) Direct entry midwives.
- (34) Anesthesiologist assistants.**

SECTION 3. IC 25-3.7 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

ARTICLE 3.7. ANESTHESIOLOGIST ASSISTANTS

Chapter 1. Definitions

Sec. 1. As used in this article, "anesthesiologist assistant" means an individual who:

- (1) meets the qualifications under this article; and**
- (2) is licensed under this article.**

Sec. 2. As used in this article, "board" refers to the medical licensing board of Indiana.

Chapter 2. Licensure

Sec. 1. (a) The board shall license as an anesthesiologist assistant an individual who:

- (1) applies for licensure on a form approved by board;**
- (2) pays a licensing fee in an amount determined by the board;**
- (3) does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently; and**
- (4) submits evidence satisfactory to the board that the applicant meets all the following requirements:**

- (A) Has obtained a bachelor's degree from a postsecondary educational institution.**
- (B) Has satisfactorily completed a medical-based anesthesiologist assistant program that is accredited by the Commission on Accreditation of Allied Health Education Programs, or by its predecessor or successor organization.**



(C) Has passed a certifying examination administered by the National Commission for Certification of Anesthesiologist Assistants, or a successor organization.

(D) Is certified by the National Commission for Certification of Anesthesiologist Assistants, or a successor organization.

(b) An individual must be licensed by the board before the individual may practice as an anesthesiologist assistant.

Sec. 2. In order to maintain a license under this article, an individual licensed under this article shall comply with all continuing certification requirements set by the National Commission for Certification of Anesthesiologist Assistants or a successor organization.

Sec. 3. (a) The board shall do the following:

(1) Subject to IC 25-1-8-2, establish the amounts of fees required under this article.

(2) Adopt rules under IC 4-22-2 concerning the scope of practice for an anesthesiologist assistant. The rules must address the public welfare and safety of patients being treated by an anesthesiologist assistant and include the following:

(A) Require that an anesthesiologist assistant be supervised by a licensed anesthesiologist who:

(i) is licensed under IC 25-22.5; and

(ii) is actively engaged in the clinical practice of anesthesiology; and

(iii) maintains a physical proximity that allows the anesthesiologist to be available immediately if needed at all times that anesthesia services are rendered by the anesthesiologist assistant.

(B) Allow for the training of anesthesiologist assistant students if a student is:

(i) enrolled in an anesthesiologist assistant program that is accredited by the Commission on Accreditation of Allied Health Education Programs or by its predecessor or successor organization; and

(ii) supervised by an individual who meets the requirements of clause (A).

(b) In developing the rules required under subsection (a)(2), the board shall appoint a working committee to assist in the development of the rules. The working committee must contain at least the following:

(1) One (1) individual who is a member of the Indiana State



Medical Association, or its successor organization.

(2) One (1) individual who is a member of the Indiana Society of Anesthesiologists, or its successor organization.

(3) One (1) individual who is a member of the American Academy of Anesthesiologist Assistants, or its successor organization.

Sec. 4. (a) An anesthesiologist assistant may practice only:

(1) under the supervision of an anesthesiologist; and

(2) as described in a written practice protocol adopted under subsection (b).

(b) Each anesthesiologist who agrees to act as the supervising anesthesiologist of an anesthesiologist assistant shall adopt a written practice protocol that:

(1) is consistent with this article;

(2) delineates:

(A) the medical services that the anesthesiologist assistant is authorized to provide; and

(B) the manner in which the anesthesiologist will supervise the anesthesiologist assistant;

(3) is based on relevant quality assurance standards, including regular review by the supervising anesthesiologist of the medical records of the patients cared for by the anesthesiologist assistant;

(4) is signed by the anesthesiologist and anesthesiologist assistant;

(5) is updated annually; and

(6) is made available to the board upon request.

(c) The supervising anesthesiologist shall oversee the anesthesiologist assistant in accordance with:

(1) the terms of the protocol; and

(2) any rules adopted by the board for the supervision of an anesthesiologist assistant.

The board may randomly audit or inspect any written practice protocol under which an anesthesiologist assistant works.

(d) An anesthesiologist or an anesthesiologist assistant who violates the written practice protocol described in this section may be disciplined under IC 25-1-9.

Chapter 3. Unauthorized Practice; Penalty; Sanctions

Sec. 1. An individual may not:

(1) profess to be an anesthesiologist assistant;

(2) use the title "anesthesiologist assistant"; or

(3) use the initials "A.A." or any other words, letters,



abbreviations, or insignia indicating or implying that the individual is an anesthesiologist assistant licensed under this article;

unless the person is licensed under this article.

Sec. 2. An individual who recklessly, knowingly, or intentionally violates this chapter commits a Class B misdemeanor."

Page 2, line 3, reset in roman "immediate and personal".

Page 2, delete lines 35 through 41.

Page 3, line 40, delete "or".

Page 4, line 1, after "(i)" insert **"beginning July 1, 2015, uses training requirements and minimum standards developed by the board;**

(ii)".

Page 4, line 1, after "board;" insert **"and"**.

Page 4, line 2, delete "(i)" and insert **"(iii)".**

Page 4, line 4, delete "and" and insert **"or**

(C)".

Page 4, line 5, delete "(8) beginning July 1, 2015,".

Page 4, run in lines 4 and 5.

Page 4, between lines 16 and 17, begin a new paragraph and insert:

"(d) A training program approved by the board before July 1, 2015, must be resubmitted to the board for approval in meeting current standards."

Page 6, after line 26, begin a new paragraph and insert:

"SECTION 10. IC 35-51-25-1, AS AMENDED BY P.L.13-2013, SECTION 147, P.L.232-2013, SECTION 26, AND P.L.264-2013, SECTION 16, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 25:

IC 25-2.1-13-3 (Concerning accountants).

IC 25-2.5-3-4 (Concerning acupuncturists).

IC 25-3.7-3-2 (Concerning anesthesiologist assistants).

IC 25-5.1-4-2 (Concerning athletic trainers).

IC 25-5.2-2-12 (Concerning athlete agents).

IC 25-6.1-7-1 (Concerning auctioneers and auctions).

IC 25-6.1-7-2 (Concerning auctioneers and auctions).

IC 25-8-15.4-25 (Concerning beauty culture).

IC 25-10-1-11 (Concerning chiropractors).

IC 25-11-1-12 (Concerning collection agencies).

IC 25-13-1-3 (Concerning dental hygienists).

IC 25-14-1-25 (Concerning dentists).

IC 25-14-1-25.5 (Concerning dentists).



IC 25-14-4-6 (Concerning dentists).
 IC 25-14.5-7-2 (Concerning dietitians).
 IC 25-16-1-18 (Concerning employment services).
 IC 25-17.3-5-3 (Concerning genetic counselors).
 IC 25-17.6-8-2 (Concerning geologists).
 IC 25-18-1-19 (Concerning distress sales).
 IC 25-20-1-21 (Concerning hearing aid dealers).
 IC 25-20.7-5-1 (Concerning interior designers).
 IC 25-21.5-5-10 (Concerning *land professional* surveyors).
 IC 25-21.5-13-2 (Concerning *land professional* surveyors).
 IC 25-21.8-7-1 (Concerning massage therapists).
 IC 25-22.5-8-2 (Concerning physicians).
 IC 25-22.5-8-3 (Concerning physicians).
 IC 25-23-1-27 (Concerning nurses).
IC 25-23.4-3-7 (Concerning certified direct entry midwives).
 IC 25-23.5-3-2 (Concerning occupational therapists).
 IC 25-23.6-3-3 (Concerning marriage and family therapists).
 IC 25-23.6-4-4 (Concerning marriage and family therapists).
 IC 25-23.6-4.5-4 (Concerning marriage and family therapists).
 IC 25-23.6-7-7 (Concerning marriage and family therapists).
 IC 25-23.6-10.1-6 (Concerning marriage and family therapists).
 IC 25-23.6-11-1 (Concerning marriage and family therapists).
 IC 25-23.6-11-2 (Concerning marriage and family therapists).
 IC 25-23.6-11-3 (Concerning marriage and family therapists).
 IC 25-23.7-7-5 (Concerning manufactured home installers).
 IC 25-24-1-18 (Concerning optometrists).
 IC 25-24-3-17 (Concerning optometrists).
 IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug stores).
 IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug stores).
 IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug stores).
 IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug stores).
 IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug stores).
 IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug stores).
 IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug stores).
 IC 25-27-1-12 (Concerning physical therapists).



- IC 25-27.5-7-2 (Concerning physician assistants).
- IC 25-28.5-1-31 (Concerning plumbers).
- IC 25-29-9-1 (Concerning podiatrists).
- IC 25-30-1-21 (Concerning private investigator firms, security guards, and polygraph examiners).
- IC 25-30-1.3-23 (Concerning private investigator firms, security guards, and polygraph examiners).
- IC 25-31-1-13 (Concerning engineers).
- IC 25-31-1-27 (Concerning engineers).
- IC 25-31.5-8-7 (Concerning soil scientists).
- IC 25-33-1-15 (Concerning psychologists).
- IC 25-34.5-3-2 (Concerning respiratory care specialists).
- IC 25-35.6-3-10 (Concerning speech pathologists and audiologists).
- IC 25-36.1-1-2 (Concerning surgical technologists).
- IC 25-36.5-1-10 (Concerning timber buyers).
- IC 25-36.5-1-15 (Concerning timber buyers).
- IC 25-38.1-4-10 (Concerning veterinarians).
- IC 25-38.1-4-11 (Concerning veterinarians).
- IC 25-39-5-1 (Concerning water well drilling contractors).
- IC 25-39-5-7 (Concerning water well drilling contractors).
- IC 25-41-1-2 (Concerning behavior analysts)."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 233 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 12, Nays 0.

