



# PROPOSED AMENDMENT

## SB 244 # 1

### DIGEST

Proposed committee amendment to SB 244.

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- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 25-1-1.1-4, AS AMENDED BY P.L.232-2013,  
4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2014]: Sec. 4. (a) This section applies to an individual who is  
6 applying for, or will be applying for, an initial license or an initial  
7 certificate under one (1) of the following:  
8           (1) IC 25-2.5 (acupuncturists).  
9           **(2) IC 25-3.7 (anesthesiologist assistants).**  
10          ~~(2)~~ **(3)** IC 25-10 (chiropractors).  
11          ~~(3)~~ **(4)** IC 25-13 (dental hygienists).  
12          ~~(4)~~ **(5)** IC 25-14 (dentists).  
13          ~~(5)~~ **(6)** IC 25-14.5 (dietitians).  
14          ~~(6)~~ **(7)** IC 25-17.3 (genetic counselors).  
15          ~~(7)~~ **(8)** IC 25-19 (health facility and residential care facility  
16 administrators).  
17          ~~(8)~~ **(9)** IC 25-21.8 (massage therapists).  
18          ~~(9)~~ **(10)** IC 25-22.5 (physicians).  
19          ~~(10)~~ **(11)** IC 25-23 (nurses).  
20          ~~(11)~~ **(12)** IC 25-23.4 (certified direct entry midwives).  
21          ~~(12)~~ **(13)** IC 25-23.5 (occupational therapists).  
22          ~~(13)~~ **(14)** IC 25-23.6 (social workers, marriage and family  
23 therapists, and counselors).  
24          ~~(14)~~ **(15)** IC 25-24 (optometrists).  
25          ~~(15)~~ **(16)** IC 25-26 (pharmacists).  
26          ~~(16)~~ **(17)** IC 25-27 (physical therapists).  
27          ~~(17)~~ **(18)** IC 25-27.5 (physician assistants).  
28          ~~(18)~~ **(19)** IC 25-29 (podiatrists).

- 1           ~~(19)~~ **(20)** IC 25-33 (psychologists).  
 2           ~~(20)~~ **(21)** IC 25-34.5 (respiratory care practitioners).  
 3           ~~(21)~~ **(22)** IC 25-35.6 (speech pathologists and audiologists).  
 4           ~~(22)~~ **(23)** IC 25-38.1 (veterinarians).

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

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

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

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

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

- 27           (1) Certified public accountants, public accountants, and  
 28 accounting practitioners.  
 29           (2) Architects and landscape architects.  
 30           (3) Dry cleaners.  
 31           (4) Professional engineers.  
 32           (5) Professional surveyors.  
 33           (6) Real estate brokers.  
 34           (7) Real estate agents.  
 35           (8) Security dealers' licenses issued by the securities  
 36 commissioner.  
 37           (9) Dental hygienists.  
 38           (10) Dentists.  
 39           (11) Veterinarians.  
 40           (12) Physicians.

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

25 SECTION 3. IC 25-3.7 IS ADDED TO THE INDIANA CODE AS  
 26 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 27 2014]:

28 **ARTICLE 3.7. ANESTHESIOLOGIST ASSISTANTS**

29 **Chapter 1. Definitions**

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

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

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

36 **Chapter 2. Licensure**

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

- 39 **(1) applies for licensure on a form approved by board;**  
 40 **(2) pays a licensing fee in an amount determined by the**

- 1           **board;**
- 2           **(3) does not have a conviction for a crime that has a direct**
- 3           **bearing on the applicant's ability to practice competently; and**
- 4           **(4) submits evidence satisfactory to the board that the**
- 5           **applicant meets all of the following requirements:**
- 6               **(A) Has obtained a bachelor's degree from a postsecondary**
- 7               **educational institution.**
- 8               **(B) Has satisfactorily completed a medical-based**
- 9               **anesthesiologist assistant program that is accredited by the**
- 10              **Commission on Accreditation of Allied Health Education**
- 11              **Programs, or by its predecessor or successor organization.**
- 12              **(C) Has passed a certifying examination administered by**
- 13              **the National Commission for Certification of**
- 14              **Anesthesiologist Assistants, or a successor organization.**
- 15              **(D) Is certified by the National Commission for**
- 16              **Certification of Anesthesiologist Assistants, or a successor**
- 17              **organization.**
- 18           **(b) An individual must be licensed by the board before the**
- 19           **individual may practice as an anesthesiologist assistant.**
- 20           **Sec. 2. In order to maintain a license under this article, an**
- 21           **individual licensed under this article shall comply with all**
- 22           **continuing certification requirements set by the National**
- 23           **Commission for Certification of Anesthesiologist Assistants or a**
- 24           **successor organization.**
- 25           **Sec. 3. (a) The board shall do the following:**
- 26               **(1) Subject to IC 25-1-8-2, establish the amounts of fees**
- 27               **required under this article.**
- 28               **(2) Adopt rules under IC 4-22-2 concerning the scope of**
- 29               **practice for an anesthesiologist assistant. The rules must**
- 30               **address the public welfare and safety of patients being treated**
- 31               **by an anesthesiologist assistant and include the following:**
- 32                   **(A) Require that an anesthesiologist assistant be supervised**
- 33                   **by a licensed anesthesiologist who:**
- 34                       **(i) is licensed under IC 25-22.5; and**
- 35                       **(ii) is actively engaged in the clinical practice of**
- 36                       **anesthesiology; and**
- 37                       **(iii) maintains a physical proximity that allows the**
- 38                       **anesthesiologist to be immediately available if needed at**
- 39                       **all times that anesthesia services are rendered by the**
- 40                       **anesthesiologist assistant.**

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

- 3           **(i) enrolled in an anesthesiologist assistant program that**  
 4           **is accredited by the Commission on Accreditation of**  
 5           **Allied Health Education Programs or by its predecessor**  
 6           **or successor organization; and**  
 7           **(ii) supervised by an individual who meets the**  
 8           **requirements of clause (A).**

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

- 13           **(1) One (1) individual who is a member of the Indiana State**  
 14           **Medical Association, or its successor organization.**  
 15           **(2) One (1) individual who is a member of the Indiana Society**  
 16           **of Anesthesiologists, or its successor organization.**  
 17           **(3) One (1) individual who is a member of the American**  
 18           **Academy of Anesthesiologist Assistants, or its successor**  
 19           **organization.**

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

- 21           **(1) under the supervision of an anesthesiologist; and**  
 22           **(2) as described in a written practice protocol adopted under**  
 23           **subsection (b).**

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

- 27           **(1) is consistent with this article;**  
 28           **(2) delineates:**  
 29           **(A) the medical services that the anesthesiologist assistant**  
 30           **is authorized to provide; and**  
 31           **(B) the manner in which the anesthesiologist will supervise**  
 32           **the anesthesiologist assistant;**  
 33           **(3) is based on relevant quality assurance standards, including**  
 34           **regular review by the supervising anesthesiologist of the**  
 35           **medical records of the patients cared for by the**  
 36           **anesthesiologist assistant;**  
 37           **(4) is signed by the anesthesiologist and anesthesiologist**  
 38           **assistant;**  
 39           **(5) is updated annually; and**  
 40           **(6) is made available to the board upon request.**

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

- 3 (1) the terms of the protocol; and  
4 (2) any rules adopted by the board for the supervision of an  
5 anesthesiologist assistant.

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

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

11 **Sec. 5. A patient must:**

- 12 (1) be notified that an anesthesiologist assistant is going to  
13 provide care to the patient before any care may be provided  
14 by the anesthesiologist assistant; and  
15 (2) consent in writing to receive the care from the  
16 anesthesiologist assistant.

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

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

- 19 (1) profess to be an anesthesiologist assistant;  
20 (2) use the title "anesthesiologist assistant"; or  
21 (3) use the initials "A.A." or any other words, letters,  
22 abbreviations, or insignia indicating or implying that the  
23 individual is an anesthesiologist assistant licensed under this  
24 article;

25 unless the person is licensed under this article.

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

28 Page 4, after line 33, begin a new paragraph and insert:

29 "SECTION 5. IC 25-23-1-30, AS AMENDED BY P.L.177-2009,  
30 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2014]: Sec. 30. (a) A certified registered nurse anesthetist may  
32 administer anesthesia if the certified registered nurse anesthetist acts  
33 under the direction of and in the immediate presence of a physician.

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

37 **(c) A patient must:**

- 38 (1) be notified that a certified registered nurse anesthetist is  
39 going to provide care to the patient before any care may be  
40 provided by the certified registered nurse anesthetist; and

1           **(2) consent in writing to receive the care from the certified**  
 2           **registered nurse anesthetist.**

3           SECTION 6. IC 35-51-25-1, AS AMENDED BY P.L.13-2013,  
 4           SECTION 147, P.L.232-2013, SECTION 26, AND P.L.264-2013,  
 5           SECTION 16, IS CORRECTED AND AMENDED TO READ AS  
 6           FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following  
 7           statutes define crimes in IC 25:

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

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

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

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

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

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

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

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

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

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

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

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

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

21          IC 25-14-4-6 (Concerning dentists).

22          IC 25-14.5-7-2 (Concerning dietitians).

23          IC 25-16-1-18 (Concerning employment services).

24          IC 25-17.3-5-3 (Concerning genetic counselors).

25          IC 25-17.6-8-2 (Concerning geologists).

26          IC 25-18-1-19 (Concerning distress sales).

27          IC 25-20-1-21 (Concerning hearing aid dealers).

28          IC 25-20.7-5-1 (Concerning interior designers).

29          IC 25-21.5-5-10 (Concerning ~~land~~ professional surveyors).

30          IC 25-21.5-13-2 (Concerning ~~land~~ professional surveyors).

31          IC 25-21.8-7-1 (Concerning massage therapists).

32          IC 25-22.5-8-2 (Concerning physicians).

33          IC 25-22.5-8-3 (Concerning physicians).

34          IC 25-23-1-27 (Concerning nurses).

35          *IC 25-23.4-3-7 (Concerning certified direct entry midwives).*

36          IC 25-23.5-3-2 (Concerning occupational therapists).

37          IC 25-23.6-3-3 (Concerning marriage and family therapists).

38          IC 25-23.6-4-4 (Concerning marriage and family therapists).

39          IC 25-23.6-4.5-4 (Concerning marriage and family therapists).

40          IC 25-23.6-7-7 (Concerning marriage and family therapists).

- 1 IC 25-23.6-10.1-6 (Concerning marriage and family therapists).
- 2 IC 25-23.6-11-1 (Concerning marriage and family therapists).
- 3 IC 25-23.6-11-2 (Concerning marriage and family therapists).
- 4 IC 25-23.6-11-3 (Concerning marriage and family therapists).
- 5 IC 25-23.7-7-5 (Concerning manufactured home installers).
- 6 IC 25-24-1-18 (Concerning optometrists).
- 7 IC 25-24-3-17 (Concerning optometrists).
- 8 IC 25-26-13-29 (Concerning pharmacists, pharmacies, and drug
- 9 stores).
- 10 IC 25-26-14-23 (Concerning pharmacists, pharmacies, and drug
- 11 stores).
- 12 IC 25-26-14-25 (Concerning pharmacists, pharmacies, and drug
- 13 stores).
- 14 IC 25-26-14-26 (Concerning pharmacists, pharmacies, and drug
- 15 stores).
- 16 IC 25-26-14-27 (Concerning pharmacists, pharmacies, and drug
- 17 stores).
- 18 IC 25-26-19-9 (Concerning pharmacists, pharmacies, and drug
- 19 stores).
- 20 IC 25-26-21-11 (Concerning pharmacists, pharmacies, and drug
- 21 stores).
- 22 IC 25-27-1-12 (Concerning physical therapists).
- 23 IC 25-27.5-7-2 (Concerning physician assistants).
- 24 IC 25-28.5-1-31 (Concerning plumbers).
- 25 IC 25-29-9-1 (Concerning podiatrists).
- 26 IC 25-30-1-21 (Concerning private investigator firms, security
- 27 guards, and polygraph examiners).
- 28 IC 25-30-1.3-23 (Concerning private investigator firms, security
- 29 guards, and polygraph examiners).
- 30 IC 25-31-1-13 (Concerning engineers).
- 31 IC 25-31-1-27 (Concerning engineers).
- 32 IC 25-31.5-8-7 (Concerning soil scientists).
- 33 IC 25-33-1-15 (Concerning psychologists).
- 34 IC 25-34.5-3-2 (Concerning respiratory care specialists).
- 35 IC 25-35.6-3-10 (Concerning speech pathologists and
- 36 audiologists).
- 37 IC 25-36.1-1-2 (Concerning surgical technologists).
- 38 IC 25-36.5-1-10 (Concerning timber buyers).
- 39 IC 25-36.5-1-15 (Concerning timber buyers).
- 40 IC 25-38.1-4-10 (Concerning veterinarians).



- 1 IC 25-38.1-4-11 (Concerning veterinarians).
- 2 IC 25-39-5-1 (Concerning water well drilling contractors).
- 3 IC 25-39-5-7 (Concerning water well drilling contractors).
- 4 IC 25-41-1-2 (Concerning behavior analysts).".
- 5 Renumber all SECTIONS consecutively.  
(Reference is to SB 244 as introduced.)