

FAEGRE BAKER DANIELS

2015 Legislative Update

Indiana Society of Anesthesiologists



January 17, 2015

The pace picked up last week at the Statehouse as committee meetings began in earnest. Long lists of newly filed bills were released throughout the week. To date, 1,066 bills have been filed and released to the public. State offices are closed tomorrow for the Martin Luther King holiday, but on Tuesday we expect that Speaker Brian Bosma will release an additional 150 House bills.

As expected, the Indiana Association of Nurse Anesthetists is seeking to expand CRNA scope of practice to allow a CRNA to administer anesthesia in a hospital under the direction of and in the immediate presence of a podiatrist. **Senate Bill 167** was introduced by Sen. Pat Miller, and **House Bill 1310** was filed by Rep. David Frizzell. The language in both bills is similar to the provisions included in the final version of the 2013 AA bill, and requires a physician to be available to respond immediately and in person to a medical emergency. However, neither measure includes language from the 2013 bill that would have required the patient to consent in writing to the administration of anesthesia by a CRNA.

Dr. McNiece, Dr. Choi and Libby Cierzniak met with Sen. Miller to express ISA's concerns with SB 167. Sen. Miller indicated that the language in the introduced version does not reflect her intent, which is to require direction by a physician. At her request, ISA is preparing draft language for an amendment.

At this point, it appears that IANA will concentrate its efforts on HB 1310. To date, HB 1310 has not yet been set for hearing by Rep. Clere, but three additional members of the House Public Health Committee have signed on as authors – Rep. Robin Shackelford, Rep. Ron Bacon and Rep. Steve Davisson. Representatives from ISA will begin meeting with these legislators next week to discuss ISA's concerns and potential amendments to the bill.

Looking ahead, on Tuesday a legislative committee will hear **Senate Bill 55**, which would permit a patient to bring an action against a health care provider without submitting the complaint to the medical review board if the amount of the claim is not more than \$187,000. (Under current law, a patient may bring a direct action only if the amount is not more than \$15,000.) The Indiana State Medical Association is working with various stakeholders on potential amendments.

On Wednesday, the Senate Health & Provider Services Committee will hear **Senate Bill 452**. Under provisions of SB 452, a physician, nurse or other licensed health care provider would be subject to disciplinary sanctions and could be charged with a Class A infraction for including deceptive or misleading information in an advertisement. The term "advertisement" is broadly defined, and includes letterheads, business cards, newsletters, and websites, as well as other forms of more traditional advertising. An advertisement is deceptive or misleading if it falsely describes or misrepresents the profession, skills, training, expertise, education, board certification, or licensure of a practitioner.

Under the bill, advertisements would be required to identify the license held by the practitioner and could not use the term "board certified" unless certain requirements are met.

Following are summaries of bills of interest to ISA:

SCOPE OF PRACTICE

HB1183 **PHYSICIAN ASSISTANTS** (DAVISSON S) Allows a physician assistant who is delegated authority to prescribe a Schedule II controlled substance after practicing for one year after graduating from a physician assistant program. (Current law allows a physician assistant to prescribe a controlled substance after practicing for one year after graduating from a physician assistant program and practicing for at least 1,800 hours.) Removes the limitation on the amount of a controlled substance a physician assistant may prescribe. Provides that a pharmacist may not require the supervising agreement or a cosignature to fill a prescription written by a physician assistant. Provides that a physician must review physician assistant charts within a reasonable time. Reduces the number of physician assistant charts that a physician must review. Requires 50% of patient records for a Schedule II prescription that a physician assistant, with less than a year of authority to prescribe Schedule II controlled substances, writes must be reviewed by the physician. Provides that a physician may supervise four physician assistants at the same time. Allows a physician assistant to treat a patient with a Schedule III or Schedule IV controlled substance if certain conditions are met.

Current Status: 1/12/2015 - Coauthored by Representatives Heaton and Errington

All Bill Status: 1/12/2015 - Referred to House Public Health
1/12/2015 - First Reading
1/12/2015 - Authored By Steven Davisson

State Bill Page: [HB1183](#)

HB1310 **CERTIFIED REGISTERED NURSE ANESTHETIST** (FRIZZELL D) Allows a certified registered nurse anesthetist to administer anesthesia under the direction of and in the immediate presence of a podiatrist if the administration takes place in a hospital and a licensed physician is available to respond immediately in person to a medical emergency.

Current Status: 1/13/2015 - Referred to House Public Health

All Bill Status: 1/13/2015 - First Reading
1/13/2015 - Coauthored by Representatives Shackelford, Bacon and Davisson
1/13/2015 - Authored By Frizzell, David

State Bill Page: [HB1310](#)

SB167 **CERTIFIED REGISTERED NURSE ANESTHETISTS** (MILLER P) Allows a certified registered nurse anesthetist to administer anesthesia under the direction and in the immediate presence of a podiatrist if the administration of the anesthesia takes place in a hospital and a physician is available to respond immediately in person to a medical emergency.

Current Status: 1/6/2015 - Referred to Health and Provider Services

All Bill Status: 1/6/2015 - First Reading
1/6/2015 - Authored By Patricia Miller

State Bill Page: [SB167](#)

SB272 **MIDWIFE CERTIFICATION** (KRUSE D) Transfers the responsibility for certifying direct entry midwives from the medical licensing board to the midwifery committee (committee). Removes the requirements that the committee establish: (1) continuing education

requirements; (2) peer review procedures; and (3) geographical requirements for collaborating physicians. Removes the requirements that a direct entry midwife applicant must have: (1) a postsecondary educational degree; and (2) additional births beyond the credentialing requirements for a Certified Professional Midwife. Removes the requirement that a physician examine a midwife's client twice during the client's pregnancy. (However, this bill does not change laws requiring a midwife to refer a patient to a physician for certain health conditions.) Repeals: (1) a provision defining "board"; and (2) certain requirements concerning collaborating agreements. Removes certain expired provisions. Makes conforming changes.

Current Status: 1/7/2015 - Referred to Health and Provider Services

All Bill Status: 1/7/2015 - First Reading

1/7/2015 - Authored By Kruse, Dennis

State Bill Page: [SB272](#)

MEDICAL MALPRACTICE

HB1043 **MEDICAL MALPRACTICE CAPS** (TORR J) Increases the medical malpractice cap from \$1,250,000 to \$1,650,000 for claims arising after June 30, 2015. Increases the maximum amount of liability for a health care provider or a health care provider's insurer from \$250,000 to \$300,000.

Current Status: 1/6/2015 - Referred to House Judiciary

All Bill Status: 1/6/2015 - First Reading

1/6/2015 - Authored By Jerry Torr

State Bill Page: [HB1043](#)

HB1145 **CIVIL IMMUNITY FOR VOLUNTEER HEALTH CARE PROVIDERS** (FRIZZELL D) Specifies criteria for civil immunity from liability for certain volunteer health care providers. Requires the professional licensing agency to establish and maintain: (1) a process for the approval of locations at which volunteer health care services may be provided; and (2) a health care volunteer registry.

Current Status: 1/8/2015 - Coauthored by Representatives Zent and Washburne

All Bill Status: 1/8/2015 - Referred to House Judiciary

1/8/2015 - First Reading

1/8/2015 - Authored By David Frizzell

State Bill Page: [HB1145](#)

SB55 **MEDICAL MALPRACTICE ACTIONS** (STEELE B) Permits a patient to bring an action against a health care provider without submitting the complaint to the medical review board if the amount of the claim is not more than \$187,000. (Under current law, a patient may bring a direct action only if the amount is not more than \$15,000.)

Current Status: 1/21/2015 - Senate Judiciary, (Bill Scheduled for Hearing); **Time & Location:** 9:00 AM, Rm. 130

All Bill Status: 1/6/2015 - Referred to Senate Judiciary

1/6/2015 - First Reading

1/6/2015 - Authored By Brent Steele

State Bill Page: [SB55](#)

MISCELLANEOUS MEDICAL-RELATED BILLS

- HB1184 CONTROLLED SUBSTANCES (DAVISSON S)** Authorizes optometrists who meet certain requirements to prescribe Tramadol. Adds Tramadol as a schedule IV controlled substance. Includes hydrocodone combination products as schedule II controlled substances. Removes dihydrocodeinone from the schedule III controlled substance list.
- Current Status:* 1/12/2015 - Coauthored by Representatives Clere, Zent and Austin
- All Bill Status:* 1/12/2015 - Referred to House Courts and Criminal Code
1/12/2015 - First Reading
1/12/2015 - Authored By Steven Davisson
- State Bill Page:* [HB1184](#)
- HB1065 USE OF INVESTIGATIONAL DRUGS, BIOLOGICAL PRODUCTS, AND DEVICES (CULVER W)** Provides that a manufacturer of an investigational drug, biological product, or device may make the drug, biological product, or device available to a patient who meets certain requirements. Adds to the requirements concerning experimental or nonconventional medical treatment the authority to allow a patient to receive an experimental or nonconventional medical treatment if a physician determines that the patient: (1) has been diagnosed with a terminal disease or condition; and (2) does not have comparable or satisfactory treatment options. Makes a technical correction.
- Current Status:* 1/13/2015 - Clere added as coauthor
- All Bill Status:* 1/12/2015 - Representatives Davisson, and Brown, C. added as coauthor
1/12/2015 - House Public Health, (Bill Scheduled for Hearing);
Time & Location: 10:30 AM, House Chamber
1/6/2015 - Authored By Wes Culver
- State Bill Page:* [HB1065](#)
- HB1213 COST OF MEDICAL PROCEDURES (CULVER W)** Requires each hospital and ambulatory outpatient surgical center (facility) to: (1) prepare a list of the facility's average charge for the treatment of common or frequent diagnostic, inpatient, and outpatient procedures and treatment; and (2) disclose to a prospective patient before admission the facility's average charge for the procedure or treatment.
- Current Status:* 1/13/2015 - Referred to House Public Health
- All Bill Status:* 1/13/2015 - First Reading
1/13/2015 - Authored By Wes Culver
- State Bill Page:* [HB1213](#)
- HB1229 ANATOMICAL GIFTS (BACON R)** Requires an individual who harvests human bone, skin, tissue, heart valves, ligaments, or tendons to register with the medical licensing board. Provides that if a person authorized to make an anatomical gift objects to the making of an anatomical gift, neither the hospital nor the procurement organization may contact the person at a later time to ask the person to allow the anatomical gift. Requires that before obtaining consent for an anatomical gift of a decedent, the hospital or procurement organization shall provide the person authorized to make an anatomical gift with written information concerning the procedures that will take place in or on the decedent's body.
- Current Status:* 1/13/2015 - Referred to House Public Health
- All Bill Status:* 1/13/2015 - First Reading
1/13/2015 - Authored By Ronald Bacon

State Bill Page: [HB1229](#)

HB1241 PUBLICATION OF HEALTH CARE CHARGES (BRAUN M) Requires physicians and health facilities to make health care charge information available to the public.

Current Status: 1/13/2015 - Coauthored by Representatives Brown T and Heaton

All Bill Status: 1/13/2015 - Referred to House Public Health

1/13/2015 - First Reading

1/13/2015 - Authored By Mike Braun

State Bill Page: [HB1241](#)

HB1285 PRIVATE CERTIFYING ORGANIZATIONS (BURTON W) Establishes a procedure for individuals to apply to the professional licensing agency (agency) to allow qualified individuals to become state certified and be placed on the electronic registry of professions. Requires a private certifying organization be certified by the agency. Prohibits an individual who is not state certified from using the title "state certified".

Current Status: 1/13/2015 - Referred to House Employment, Labor and Pensions

All Bill Status: 1/13/2015 - First Reading

1/13/2015 - Authored By Burton, Woody

State Bill Page: [HB1285](#)

HB1303 REGISTRY OF CERTIFIED PROFESSIONS (MCMILLIN J) Establishes a procedure for individuals to apply to the professional licensing agency to allow qualified individuals to become state certified and be placed on the electronic registry of professions. Prohibits an individual who is not state certified from using the title "state certified".

Current Status: 1/15/2015 - Burton added as coauthor

All Bill Status: 1/15/2015 - Mahan added as coauthor

1/13/2015 - Torr added as coauthor

1/13/2015 - Referred to House Employment, Labor and Pensions

1/13/2015 - First Reading

1/13/2015 - Authored By Mckillin, Jud

State Bill Page: [HB1303](#)

HB1323 MEDICAL RESIDENCY EDUCATION FUND (BROWN T) Establishes the medical residency education fund for the purpose of expanding medical education in Indiana by funding new residency program slots at licensed hospitals. Specifies uses of money from the fund.

Current Status: 1/13/2015 - Referred to House Ways and Means

All Bill Status: 1/13/2015 - First Reading

1/13/2015 - Authored By Brown, Timothy

State Bill Page: [HB1323](#)

HB1351 RESTRICTIONS ON RULEMAKING (WOLKINS D) Voids state administrative rules, guidelines, and other policies or standards that are not specifically authorized by state statute or do not implement a federal requirement. Establishes the office of regulatory accountability in the legislative services agency to review administrative rules for compliance with regulatory goals specified by the general assembly.

Current Status: 1/14/2015 - Referred to House Government and Regulatory Reform

All Bill Status: 1/14/2015 - First Reading

1/14/2015 - Authored By David Wolkins

State Bill Page: [HB1351](#)

HB1401 MEDICAID FRAUD (WASHBURNE T) Expands the crime of Medicaid fraud to include knowingly or intentionally making, uttering, presenting, or causing to be presented a Medicaid claim that is false, incomplete, or misleading.

Current Status: 1/14/2015 - Referred to House Courts and Criminal Code

All Bill Status: 1/14/2015 - First Reading
1/14/2015 - Authored By Thomas Washburne

State Bill Page: [HB1401](#)

HB1454 AUTO-INJECTABLE EPINEPHRINE (EBERHART S)

Current Status: 1/21/2015 - House Public Health, (Bill Scheduled for Hearing);

Time & Location: 3:30 PM, House Chamber

All Bill Status: 1/14/2015 - Referred to House Public Health
1/14/2015 - First Reading
1/14/2015 - Authored By Sean Eberhart

State Bill Page: [HB1454](#)

HB1487 MEDICAL MARIJUANA (ERRINGTON S) Defines "qualifying patient" and permits a qualifying patient to use medical cannabis under certain circumstances. Requires the state department of health to adopt rules before July 1, 2016, concerning the use, distribution, cultivation, production, and testing of medical cannabis. Provides immunity for physicians who recommend the medical use of cannabis. Makes conforming amendments.

Current Status: 1/14/2015 - Referred to House Rules and Legislative Procedures

All Bill Status: 1/14/2015 - First Reading
1/14/2015 - Authored By Sue Errington

State Bill Page: [HB1487](#)

HB1494 FIREARM OWNERSHIP AND MEDICAL RECORDS (JUDY C) Prohibits a practitioner or medical records custodian from disclosing certain information relating to a patient's ownership of a firearm. Prohibits a political subdivision or the board regulating a practitioner from requiring the practitioner to: (1) inquire whether a patient owns a firearm; (2) document in a patient's medical record whether the patient owns a firearm; or (3) notify any governmental entity of the patient's identification solely on the basis of the patient's ownership of a firearm.

Current Status: 1/14/2015 - Coauthored by Representatives Lucas, VanNatter and Morris

All Bill Status: 1/14/2015 - Referred to House Public Policy
1/14/2015 - First Reading
1/14/2015 - Authored By Chris Judy

State Bill Page: [HB1494](#)

SB47 HEALTH CARE PROFESSIONAL CULTURAL TRAINING (BREAUX J) Requires an individual seeking licensure in a health care profession to complete cultural competency training.

Current Status: 1/6/2015 - Referred to Committee on Pensions and Labor

All Bill Status: 1/6/2015 - First Reading
1/6/2015 - Authored By Jean Breaux

State Bill Page: [SB47](#)

SB123 **CENTERS FOR MEDICAL EDUCATION** (BECKER V) Revises the law setting forth the locations and names for centers for comprehensive medical education.

Current Status: 1/21/2015 - Senate Education and Career Development, (Bill Scheduled for Hearing); **Time & Location:** 1:30 PM, Senate Chamber

All Bill Status: 1/6/2015 - Referred to Education and Career Development
1/6/2015 - First Reading
1/6/2015 - Authored By Vaneta Becker

State Bill Page: [SB123](#)

SB168 **ACCESS TO CONTROLLED SUBSTANCE DATA BASE** (MILLER P) Permits physicians who hold a temporary medical license to have access to confidential information in the Indiana scheduled prescription electronic collection and tracking (INSPECT) program.

Current Status: 1/20/2015 - Senate Bills on Second Reading

All Bill Status: 1/14/2015 - Committee Report do pass, adopted voice vote
1/14/2015 - Senate Health and Provider Services, (Bill Scheduled for Hearing); **Time & Location:** 9:00 AM, Room 431
1/8/2015 - Senator Arnold added as coauthor
1/8/2015 - Senator Brown L added as second author
1/6/2015 - Referred to Health and Provider Services
1/6/2015 - First Reading
1/6/2015 - Authored By Patricia Miller

State Bill Page: [SB168](#)

SB284 **MEDICAL MARIJUANA** (TALLIAN K) Establishes a medical marijuana program and permits caregivers and patients who have received a physician recommendation to possess a certain quantity of marijuana for treatment. Creates the department of marijuana enforcement (DOME) to oversee the program, and creates the DOME advisory committee to review the effectiveness of the program and to consider recommendations from DOME. Authorizes DOME to grant research licenses to research facilities with a physical presence in Indiana. Repeals the controlled substance excise tax and the marijuana eradication program. Makes conforming amendments.

Current Status: 1/8/2015 - Referred to Health and Provider Services

All Bill Status: 1/8/2015 - First Reading
1/8/2015 - Authored By Karen Tallian

State Bill Page: [SB284](#)

SB293 **MEDICAL PEER REVIEW** (MILLER P) Provides for use of a peer review committee by a medical school located in Indiana. Allows sharing of peer review information between a medical school peer review committee and another peer review committee.

Current Status: 1/21/2015 - Senate Health and Provider Services, (Bill Scheduled for Hearing); **Time & Location:** 9:00 AM, Rm. 431

All Bill Status: 1/8/2015 - Referred to Health and Provider Services
1/8/2015 - First Reading
1/8/2015 - Authored By Patricia Miller

State Bill Page: [SB293](#)

- SB294** **LEGEND DRUG INVESTIGATIONS** (MILLER P) Provides that certain laws concerning obtaining a legend drug or the validity of a prescription or drug order do not apply to actions of a person, practitioner, or pharmaceutical manufacturer performed in an investigation of a pharmaceutical manufacturer's legend drug that is suspected of being counterfeited, adulterated, or misbranded. Prohibits a person from owning or operating a store, facility, or other place of business in Indiana where: (1) prescriptions are accepted to be filled; or (2) prescription drugs or devices are ordered, offered or advertised for sale, or paid for; unless the person has a pharmacy permit. Excludes mail order and Internet based pharmacies to the extent that they are allowed to operate under state law.
Current Status: 1/8/2015 - Referred to Health and Provider Services
All Bill Status: 1/8/2015 - First Reading
1/8/2015 - Authored By Patricia Miller
State Bill Page: [SB294](#)
- SB406** **PRESCRIPTION FOR AN OVERDOSE INTERVENTION DRUG** (MERRITT J) Allows specified health care professionals with prescriptive authority to dispense or write a prescription for an overdose intervention drug without examining the individual to whom it may be administered if specified conditions are met. Allows for an individual who is a family member, friend, or other individual in a position to assist another individual who, there is reason to believe, is at risk of experiencing an opioid-related overdose, to obtain and administer an overdose intervention drug if certain conditions are met. Provides for civil and criminal immunity.
Current Status: 1/12/2015 - Senator Leising added as coauthor
All Bill Status: 1/12/2015 - Senator Ford added as second author
1/12/2015 - Referred to Health and Provider Services
1/12/2015 - First Reading
1/12/2015 - Authored By James Merritt
State Bill Page: [SB406](#)
- SB462** **ADVERTISING BY HEALTH CARE PRACTITIONERS** (MILLER P) Specifies certain information to be included in health care advertisements by a health care practitioner. Sets forth requirements that must be met in order for a physician to use the term "board certified".
Current Status: 1/21/2015 - Senate Health and Provider Services, (Bill Scheduled for Hearing); **Time & Location:** 9:00 AM, Rm. 431
All Bill Status: 1/14/2015 - Referred to Health and Provider Services
1/14/2015 - First Reading
1/14/2015 - Authored By Patricia Miller
State Bill Page: [SB462](#)
- SB496** **PRIMARY CARE PHYSICIAN LOAN FORGIVENESS PROGRAM** (BREAUX J) Provides that a primary care physician who is eligible for student loan forgiveness under the primary care physician loan forgiveness program may have student loans forgiven up to an amount of \$25,000 each year the primary care physician's practice provides service primarily in a rural area.
Current Status: 1/14/2015 - Referred to Health and Provider Services
All Bill Status: 1/14/2015 - First Reading
1/14/2015 - Authored By Jean Breaux
State Bill Page: [SB496](#)

SB534 **PRESCRIBING CONTROLLED SUBSTANCES (GROOMS R)** Requires the Indiana board of pharmacy or any licensing board, commission, or agency that controls, authorizes, or oversees controlled substance registrations to adopt rules, including emergency rules, for prescribing opioid controlled substances for pain management treatment. Provides that if the rules have not been adopted by January 1, 2016, the Indiana board of pharmacy shall adopt the rules. Provides that a practitioner who submits a controlled substances registration application shall acknowledge that the practitioner has read the applicable rules for prescribing opioid controlled substances for pain management treatment. Makes a technical correction.

Current Status: 1/14/2015 - Referred to Health and Provider Services

All Bill Status: 1/14/2015 - First Reading
1/14/2015 - Authored By Ronald Grooms

State Bill Page: [SB534](#)

SB543 **OFFICE OF HEALTH INFORMATION TECHNOLOGY (BREAUX J)** Creates the office of health information technology within the state department of health to: (1) study and report on certain uses of health information; (2) study and report on incentives for use of electronic health records; and (3) implement, and report on implementation of, certain recommendations for further study and legislation concerning health information technology.

Current Status: 1/14/2015 - Referred to Family & Children Services

All Bill Status: 1/14/2015 - First Reading
1/14/2015 - Authored By Jean Breaux

State Bill Page: [SB543](#)

INSURANCE

HB1331 **PHARMACY DISPENSING COVERAGE (KIRCHHOFER C)** A BILL FOR AN ACT to amend the Indiana Code concerning insurance

Current Status: 1/13/2015 - Coauthored by Representative Davisson

All Bill Status: 1/13/2015 - Referred to House Insurance
1/13/2015 - First Reading
1/13/2015 - Authored By Kirchhofer, Cindy

State Bill Page: [HB1331](#)

HB1451 **COVERAGE OF TELEMEDICINE SERVICES (DAVISSON S)** Includes, within the health care consent law, telemedicine services. Provides for coverage of telemedicine services under a policy of accident and sickness insurance and a health maintenance organization contract.

Current Status: 1/21/2015 - House Public Health, (Bill Scheduled for Hearing);
Time & Location: 3:30 PM, House Chamber

All Bill Status: 1/14/2015 - Coauthored by Representatives Clere, Shackelford and Brown C
1/14/2015 - Referred to House Public Health
1/14/2015 - First Reading
1/14/2015 - Authored By Steven Davisson

State Bill Page: [HB1451](#)

HB1479 **APPLICATION OF FEDERAL AFFORDABLE CARE ACT (HARMAN T)** Prohibits certain state actions related to enforcement or implementation of the federal Patient Protection and Affordable Care Act (PPACA). Requires the attorney general to file a civil action for injunctive relief in certain circumstances. Requires a tax deduction for taxpayers paying a penalty in relation to PPACA. Repeals a provision concerning application for a state innovation waiver under PPACA.

Current Status: 1/14/2015 - Coauthored by Representatives Nisly and Smaltz

All Bill Status: 1/14/2015 - Referred to House Ways and Means

1/14/2015 - First Reading

1/14/2015 - Authored By Timothy Harman

State Bill Page: [HB1479](#)

SB417 **INDIANA HEALTH EXCHANGE (TALLIAN K)** Establishes the Indiana health exchange. Requires the commissioner of the department of insurance to design, implement, and administer the Indiana health exchange in accordance with federal law. Specifies certain exchange related requirements, including financial requirements and health plan certification requirements.

Current Status: 1/12/2015 - Referred to Senate Appropriations

All Bill Status: 1/12/2015 - First Reading

1/12/2015 - Authored By Karen Tallian

State Bill Page: [SB417](#)