

Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1106

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AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-18-2-33.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 33.5. (a) "Basic life support", for purposes of IC 16-31, means the following:

- (1) Assessment of emergency patients.
- (2) Administration of oxygen.
- (3) Use of mechanical breathing devices.
- (4) Application of anti-shock trousers.
- (5) Performance of cardiopulmonary resuscitation.
- (6) Application of dressings and bandage materials.
- (7) Application of splinting and immobilization devices.
- (8) Use of lifting and moving devices to ensure safe transport.
- ~~(9) Use of an automatic or a semiautomatic defibrillator if the defibrillator is used in accordance with training procedures established by the Indiana emergency medical services commission.~~
- ~~(+0)~~ (9) Administration by an emergency medical technician or emergency medical technician-basic advanced of epinephrine through an auto-injector.
- ~~(+1)~~ (10) For an emergency medical technician-basic advanced, the following:
  - (A) Electrocardiogram interpretation.

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(B) Manual external defibrillation.

(C) Intravenous fluid therapy.

~~(12)~~ **(11)** Other procedures authorized by the Indiana emergency medical services commission, including procedures contained in the revised national emergency medical technician basic training curriculum guide.

(b) Except as provided by:

(1) subsection ~~(a)(10)~~ **(a)(9)** and the training and certification standards established under ~~IC 16-31-2-9(4)~~; **IC 16-31-2-9(3)**;

(2) subsection ~~(a)(11)(C)~~; **(a)(10)(C)**; and

(3) the training standards established under ~~IC 16-31-2-9(5)~~; **IC 16-31-2-9(4)**;

the term does not include invasive medical care techniques or advanced life support.

SECTION 2. IC 16-31-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. The commission shall establish the following:

(1) Standards for persons who provide emergency medical services and who are not licensed or regulated under IC 16-31-3.

~~(2) Training and certification standards for the use of automatic and semiautomatic defibrillators by first responders:~~

~~(3)~~ **(2)** Training standards for the administration of antidotes, vaccines, and antibiotics to prepare for or respond to a terrorist or military attack.

~~(4)~~ **(3)** Training and certification standards for the administration of epinephrine through an auto-injector by:

(A) an emergency medical technician; or

(B) an emergency medical technician-basic advanced.

~~(5)~~ **(4)** Training standards to permit the use of antidote kits containing atropine and pralidoxime chloride for the treatment of exposure to nerve agents by an emergency medical technician-basic advanced, an emergency medical technician, or a first responder.

SECTION 3. IC 16-31-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (b), a person other than:

(1) a licensed physician;

(2) a registered nurse or an individual acting under the supervision of a licensed physician; or

(3) a person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

may not furnish, operate, conduct, maintain, advertise, or otherwise be

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engaged in providing emergency medical services, **except for the use of an automated external defibrillator**, as a part of the regular course of doing business, either paid or voluntary, unless that person holds a valid certificate issued by the commission.

(b) A:

- (1) licensed physician;
- (2) registered nurse or an individual acting under the supervision of a licensed physician; or
- (3) person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

who operates a business

- ~~(A)~~ of transporting emergency patients by ambulance or
- ~~(B)~~ using a nontransporting emergency medical services vehicle

must hold a valid certificate issued by the commission under this article.

SECTION 4. IC 16-31-6.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A person or entity acquiring a defibrillator shall ~~do the following:~~

- ~~(1) Ensure that expected defibrillator users successfully complete an American Heart Association automated external defibrillator course or the equivalent and an American Heart Association cardiopulmonary resuscitation course or the equivalent, taught by a national or state approved instructor. The user of a defibrillator shall possess demonstrated proficiency in defibrillation and cardiopulmonary resuscitation.~~
- (2) ensure that the defibrillator is maintained and tested according to the manufacturer's operational guidelines.
- ~~(3) Enlist medical direction by a licensed physician in the use of the defibrillator and cardiopulmonary resuscitation.~~

SECTION 5. IC 34-30-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) This section does not apply to services rendered by a health care provider (as defined in IC 34-18-2-14 or IC 27-12-2-14 before its repeal) to a patient in a health care facility (as defined in IC 27-8-10-1).

(b) Except as provided in subsection (c), a person who comes upon the scene of an emergency or accident or is summoned to the scene of an emergency or accident and, in good faith, gratuitously renders emergency care at the scene of the emergency or accident is immune from civil liability for any personal injury that results from:

- (1) any act or omission by the person in rendering the emergency care; or

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(2) any act or failure to act to provide or arrange for further medical treatment or care for the injured person; except for acts or omissions amounting to gross negligence or willful or wanton misconduct.

(c) This subsection applies to a person to whom IC 16-31-6.5 applies. A person who gratuitously renders emergency care involving the use of an automatic external defibrillator is immune from liability for any act or omission not amounting to gross negligence or willful or wanton misconduct if the person fulfills the requirements set forth in IC 16-31-6.5.

(d) This subsection applies to an individual, business, or organization to which IC 16-31-6.5 applies. An individual, business, or organization that allows a person who is an expected user to use an automatic external defibrillator of the individual, business, or organization to in good faith gratuitously render emergency care is immune from civil liability for any damages resulting from an act or omission not amounting to gross negligence or willful or wanton misconduct by the user or for acquiring or providing the automatic external defibrillator to the user for the purpose of rendering the emergency care if the individual, business, or organization and the user fulfill the requirements set forth in IC 16-31-6.5.

(e) ~~The~~ A licensed physician who gives medical direction in the use of a defibrillator ~~under IC 16-31-6.5-4~~ or a national or state approved defibrillator instructor of a person who gratuitously renders emergency care involving the use of an automatic external defibrillator is immune from civil liability for any act or omission of the licensed physician or instructor if

- (+) the act or omission of the licensed physician or instructor:
  - (A) (1) involves the training for or use of an automatic external defibrillator; and
  - (B) (2) does not amount to gross negligence or willful or wanton misconduct. ~~and~~
- (2) ~~the licensed physician or instructor fulfills the requirements of IC 16-31-6.5.~~

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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