



Reprinted
March 23, 2007

**ENGROSSED
HOUSE BILL No. 1457**

DIGEST OF HB 1457 (Updated March 22, 2007 4:02 pm - DI 97)

Citations Affected: IC 16-18; IC 16-38; IC 16-41; IC 25-1; noncode.

Synopsis: Birth problems registry and registration of certain mobile health care entities. Requires the state department of health to issue registrations and maintain a registry for out-of-state mobile health care entities. Requires out-of-state mobile health care entities to register with the state department before doing business in Indiana. Extends the birth problems registry until July 1, 2017 (current law expires the registry on July 1, 2007). Establishes the prenatal substance abuse commission to develop a plan to improve early intervention and treatment for pregnant women who abuse alcohol or drugs or use tobacco. (The introduced version of this bill was prepared by the interim study committee on children's issues.)

Effective: Upon passage; July 1, 2007.

Klinker, Walorski, Thompson, Day

(SENATE SPONSORS — LAWSON C, ROGERS, SIPES,
MILLER, GARD, ERRINGTON)

January 23, 2007, read first time and referred to Committee on Public Health.
February 8, 2007, amended, reported — Do Pass.
February 12, 2007, read second time, ordered engrossed.
February 13, 2007, engrossed. Read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 19, 2007, read first time and referred to Committee on Health and Provider Services.
March 15, 2007, amended, reported favorably — Do Pass.
March 22, 2007, read second time, amended, ordered engrossed.

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EH 1457—LS 6823/DI 77+



Reprinted
March 23, 2007

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1457

A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

1 SECTION 1. IC 16-18-2-160.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2007]: **Sec. 160.5. "Health care entity", for**
4 **purposes of IC 16-41-42, has the meaning set forth in**
5 **IC 16-41-42-1.**

6 SECTION 2. IC 16-38-4-19 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. ~~(a) During the~~
8 ~~year 2006, a committee of the general assembly shall review the need~~
9 ~~to continue the registry. The committee shall submit its~~
10 ~~recommendations in an electronic format under IC 5-14-6 to the~~
11 ~~general assembly before December 31, 2006.~~

12 ~~(b) The registry is abolished July 1, 2007: 2017.~~

13 SECTION 3. IC 16-41-42 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2007]:

16 **Chapter 42. Registration of Out-of-State Mobile Health Care**
17 **Entities**

EH 1457—LS 6823/DI 77+

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Sec. 1. As used in this chapter, "health care entity" means an entity that:

- (1) is registered or licensed as a health care entity under the laws of another state, a foreign country, or a province in a foreign country; and**
- (2) provides health care services, including the performance of health care tests, in a mobile facility or temporary location for a short period of time.**

Sec. 2. The state department shall maintain a registry of health care entities that apply for and meet the registration requirements under this chapter.

Sec. 3. The registry must include the name of each registered health care entity and the date that the health care entity registered with the state department under this chapter.

Sec. 4. The state department shall issue a certificate of registration to a health care entity that applies for registration and meets the requirements of this chapter.

Sec. 5. A health care entity applying for registration under this chapter shall disclose the following:

- (1) The types of health care services that the health care entity is going to provide in Indiana.**
- (2) The names of any employees who are currently in good standing licensed, certified, or registered in a health care profession in:**
 - (A) Indiana; or**
 - (B) any other state;****and a copy of the employee's license, certification, or registration.**
- (3) Any health care services that are to be provided under a contract between the health care entity and a person that is licensed, certified, or registered in Indiana to provide health care services.**
- (4) The types of:**
 - (A) health care services;**
 - (B) health care tests; and**
 - (C) equipment;****that the health care entity is going to perform or use.**
- (5) The manner in which the test results and recommendations for health care based on the results are disclosed to the patient.**

Sec. 6. A registered health care entity shall display the entity's certificate of registration in a conspicuous place in sight of a

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consumer of the health care entity.

Sec. 7. A certificate of registration expires one (1) calendar year after its issuance.

Sec. 8. A health care entity may not provide services in Indiana until the health care entity is registered under this chapter with the state department.

Sec. 9. Registration of a health care entity under this chapter does not exempt a health care professional from the licensure, certification, and registration requirements of IC 25.

Sec. 10. The state department shall adopt under IC 4-22-2 rules necessary to implement this chapter, including rules specifying registration renewal procedures.

SECTION 4. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).

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- 1 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 2 (13) Indiana state board of nursing (IC 25-23-1).
- 3 (14) Indiana optometry board (IC 25-24).
- 4 (15) Indiana board of pharmacy (IC 25-26).
- 5 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 6 (17) Board of podiatric medicine (IC 25-29-2-1).
- 7 (18) Board of environmental health specialists (IC 25-32-1).
- 8 (19) State psychology board (IC 25-33).
- 9 (20) Speech-language pathology and audiology board
- 10 (IC 25-35.6-2).
- 11 (21) Indiana real estate commission (IC 25-34.1-2).
- 12 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 13 (23) Department of natural resources for purposes of licensing
- 14 water well drillers under IC 25-39-3.
- 15 (24) Respiratory care committee (IC 25-34.5).
- 16 (25) Private detectives licensing board (IC 25-30-1-5.1).
- 17 (26) Occupational therapy committee (IC 25-23.5).
- 18 (27) Social worker, marriage and family therapist, and mental
- 19 health counselor board (IC 25-23.6).
- 20 (28) Real estate appraiser licensure and certification board
- 21 (IC 25-34.1-8).
- 22 (29) State board of registration for land surveyors
- 23 (IC 25-21.5-2-1).
- 24 (30) Physician assistant committee (IC 25-27.5).
- 25 (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- 26 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- 27 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- 28 (34) Indiana physical therapy committee (IC 25-27).
- 29 (35) Manufactured home installer licensing board (IC 25-23.7).
- 30 (36) Home inspectors licensing board (IC 25-20.2-3-1).
- 31 **(37) State department of health.**
- 32 ~~(37)~~ **(38)** Any other occupational or professional agency created
- 33 after June 30, 1981.

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34 SECTION 5. [EFFECTIVE JULY 1, 2007] (a) As used in this
35 SECTION, "commission" refers to the prenatal substance abuse
36 commission established by subsection (b).

37 (b) The prenatal substance abuse commission is established to
38 develop and recommend a coordinated plan to improve early
39 intervention and treatment for pregnant women who abuse alcohol
40 or drugs or use tobacco.

41 (c) The commission consists of the following members:

42 (1) The state health commissioner or the commissioner's



- 1 designee.
- 2 **(2) The director of the division of mental health and addiction**
- 3 **or the director's designee.**
- 4 **(3) The director of the office of Medicaid policy and planning**
- 5 **or the director's designee.**
- 6 **(4) The director of the department of child services or the**
- 7 **director's designee.**
- 8 **(5) One (1) physician specializing in addiction treatment of**
- 9 **pregnant women.**
- 10 **(6) One (1) physician specializing in the care of pregnant**
- 11 **women.**
- 12 **(7) One (1) social worker certified in the treatment of alcohol,**
- 13 **tobacco, and other drug abuse.**
- 14 **(8) One (1) woman who has received treatment for alcohol,**
- 15 **tobacco, or other drug abuse during pregnancy.**
- 16 **(9) One (1) advocate recommended by the March of Dimes,**
- 17 **Indiana Chapter.**
- 18 **(10) One (1) prosecuting attorney or a deputy prosecuting**
- 19 **attorney who practices in a drug court established under**
- 20 **IC 12-23-14.5.**
- 21 **(11) One (1) judge of a drug court established under**
- 22 **IC 12-23-14.5.**
- 23 **(12) Two (2) members of the house of representatives. The**
- 24 **members appointed under this subdivision may not be**
- 25 **members of the same political party.**
- 26 **(13) Two (2) members of the senate. The members appointed**
- 27 **under this subdivision may not be members of the same**
- 28 **political party.**
- 29 **(14) An advanced practice nurse who has a collaborative**
- 30 **agreement with a physician who specializes in addiction**
- 31 **treatment for pregnant women or the care of pregnant**
- 32 **women.**
- 33 **The speaker of the house of representatives shall appoint the**
- 34 **members under subdivisions (5), (7), (9), (10), and (12) not later**
- 35 **than August 15, 2007. The president pro tempore of the senate**
- 36 **shall appoint the members under subdivisions (6), (8), (11), (13),**
- 37 **and (14) not later than August 15, 2007. Vacancies shall be filled by**
- 38 **the appointing authority for the remainder of the unexpired term.**
- 39 **(d) A majority of the members of the commission constitutes a**
- 40 **quorum.**
- 41 **(e) The state department of health shall provide staff and**
- 42 **administrative support for the commission.**

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- 1 **(f) The state health commissioner or the commissioner's**
- 2 **designee shall convene the first meeting of the commission before**
- 3 **October 15, 2007. The commission shall elect a member of the**
- 4 **commission to serve as chairperson of the commission. The**
- 5 **commission shall meet at the call of the chairperson and shall meet**
- 6 **as often as necessary to carry out the purpose of this SECTION.**
- 7 **However, the commission shall meet not less than quarterly.**
- 8 **(g) Members of the commission are not entitled to a salary per**
- 9 **diem or reimbursement of expenses for service on the commission.**
- 10 **(h) The affirmative votes of a majority of the commission's**
- 11 **members are required for the commission to take action on any**
- 12 **measure.**
- 13 **(i) The commission shall submit reports to the governor and the**
- 14 **legislative council as follows:**
- 15 **(1) Not later than August 15, 2008, an interim report that**
- 16 **contains any interim findings and recommendations of the**
- 17 **commission.**
- 18 **(2) Not later than August 15, 2009, a final report that contains**
- 19 **the findings and recommendations of the commission and an**
- 20 **implementation plan to improve early intervention and**
- 21 **treatment for pregnant women who abuse alcohol or drugs or**
- 22 **use tobacco.**
- 23 **The reports required under this subsection must be submitted in**
- 24 **an electronic format under IC 5-14-6.**
- 25 **(j) This SECTION expires December 31, 2009.**
- 26 **SECTION 6. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1457, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, after line 2, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2007] (a) **As used in this SECTION, "commission" refers to the prenatal substance abuse commission established by subsection (b).**

(b) The prenatal substance abuse commission is established to develop and recommend a coordinated plan to improve early intervention and treatment for pregnant women who abuse alcohol or drugs or use tobacco.

(c) The commission consists of the following members:

- (1) The state health commissioner or the commissioner's designee.**
- (2) The director of the division of mental health and addiction or the director's designee.**
- (3) The director of the office of Medicaid policy and planning or the director's designee.**
- (4) The director of the department of child services or the director's designee.**
- (5) One (1) physician specializing in addiction treatment of pregnant women.**
- (6) One (1) physician specializing in the care of pregnant women.**
- (7) One (1) social worker certified in the treatment of alcohol, tobacco, and other drug abuse.**
- (8) One (1) woman who has received treatment for alcohol, tobacco, or other drug abuse during pregnancy.**
- (9) One (1) advocate recommended by the March of Dimes, Indiana Chapter.**
- (10) One (1) prosecuting attorney or a deputy prosecuting attorney who practices in a drug court established under IC 12-23-14.5.**
- (11) One (1) judge of a drug court established under IC 12-23-14.5.**
- (12) Two (2) members of the house of representatives. The members appointed under this subdivision may not be members of the same political party.**
- (13) Two (2) members of the senate. The members appointed under this subdivision may not be members of the same**

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political party.

The speaker of the house of representatives shall appoint the members under subdivisions (5), (7), (9), (10), and (12) not later than August 15, 2007. The president pro tempore of the senate shall appoint the members under subdivisions (6), (8), (11), and (13) not later than August 15, 2007. Vacancies shall be filled by the appointing authority for the remainder of the unexpired term.

(d) A majority of the members of the commission constitutes a quorum.

(e) The state department of health shall provide staff and administrative support for the commission.

(f) The state health commissioner or the commissioner's designee shall convene the first meeting of the commission before October 15, 2007. The commission shall elect a member of the commission to serve as chairperson of the commission. The commission shall meet at the call of the chairperson and shall meet as often as necessary to carry out the purpose of this SECTION. However, the commission shall meet not less than quarterly.

(g) Members of the commission are not entitled to a salary per diem or reimbursement of expenses for service on the commission.

(h) The affirmative votes of a majority of the commission's members are required for the commission to take action on any measure.

(i) The commission shall submit reports to the governor and the legislative council as follows:

(1) Not later than August 15, 2008, an interim report that contains any interim findings and recommendations of the commission.

(2) Not later than August 15, 2009, a final report that contains the findings and recommendations of the commission and an implementation plan to improve early intervention and treatment for pregnant women who abuse alcohol or drugs or use tobacco.

The reports required under this subsection must be submitted in an electronic format under IC 5-14-6.

(j) This SECTION expires December 31, 2009."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1457 as introduced.)

BROWN C, Chair

Committee Vote: yeas 9, nays 0.

EH 1457—LS 6823/DI 77+

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SENATE MOTION

Madam President: I move that Senators Gard and Errington be added as cosponsors of Engrossed House Bill 1457.

LAWSON C

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1457, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Page 1, delete lines 1 through 2, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-160.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 160.5. "Health care entity", for purposes of IC 16-41-42, has the meaning set forth in IC 16-41-42-1.**

SECTION 2. IC 16-38-4-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. ~~(a) During the year 2006, a committee of the general assembly shall review the need to continue the registry. The committee shall submit its recommendations in an electronic format under IC 5-14-6 to the general assembly before December 31, 2006.~~

~~(b) The registry is abolished July 1, 2007.~~ **2017.**

SECTION 3. IC 16-41-42 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 42. Registration of Out-of-State Mobile Health Care Entities

Sec. 1. As used in this chapter, "health care entity" means an entity that:

- (1) is registered or licensed as a health care entity under the laws of another state, a foreign country, or a province in a foreign country; and**
- (2) provides health care services, including the performance of health care tests, in a mobile facility or temporary location**

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for a short period of time.

Sec. 2. The state department shall maintain a registry of health care entities that apply for and meet the registration requirements under this chapter.

Sec. 3. The registry must include the name of each registered health care entity and the date that the health care entity registered with the state department under this chapter.

Sec. 4. The state department shall issue a certificate of registration to a health care entity that applies for registration and meets the requirements of this chapter.

Sec. 5. A health care entity applying for registration under this chapter shall disclose the following:

(1) The types of health care services that the health care entity is going to provide in Indiana.

(2) The names of any employees who are currently in good standing licensed, certified, or registered in a health care profession in:

(A) Indiana; or

(B) any other state;

and a copy of the employee's license, certification, or registration.

(3) Any health care services that are to be provided under a contract between the health care entity and a person that is licensed, certified, or registered in Indiana to provide health care services.

(4) The types of:

(A) health care services;

(B) health care tests; and

(C) equipment;

that the health care entity is going to perform or use.

(5) The manner in which the test results and recommendations for health care based on the results are disclosed to the patient.

Sec. 6. A registered health care entity shall display the entity's certificate of registration in a conspicuous place in sight of a consumer of the health care entity.

Sec. 7. A certificate of registration expires one (1) calendar year after its issuance.

Sec. 8. A health care entity may not provide services in Indiana until the health care entity is registered under this chapter with the state department.

Sec. 9. Registration under this chapter does not exempt a health

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care entity from the licensure, certification, and registration requirements of IC 25.

Sec. 10. The state department shall adopt under IC 4-22-2 rules necessary to implement this chapter, including rules specifying registration renewal procedures.

SECTION 4. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).

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- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private detectives licensing board (IC 25-30-1-5.1).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) State department of health.**
- ~~(37)~~ **(38)** Any other occupational or professional agency created after June 30, 1981."

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Page 2, between lines 22 and 23, begin a new line block indented and insert:

"(14) An advanced practice nurse who has a collaborative agreement with a physician who specializes in addiction treatment for pregnant women or the care of pregnant women."

Page 2, line 26, delete "and".

Page 2, line 27, after "(13)" insert ", and (14)".

Page 3, after line 15, begin a new paragraph and insert:

"SECTION 6. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1457 as printed February 9, 2007.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

EH 1457—LS 6823/DI 77+



SENATE MOTION

Madam President: I move that Engrossed House Bill 1457 be amended to read as follows:

Page 3, line 7, after "Registration" insert "**of a health care entity**".

Page 3, line 8, delete "entity" and insert "**professional**".

(Reference is to EHB 1457 as printed March 16, 2007.)

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