

Adopted Rejected

COMMITTEE REPORT

YES: 9
NO: 2

MR. SPEAKER:

*Your Committee on Public Health, to which was referred Senate Bill 86, 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:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 16-18-2-163, AS AMENDED BY P.L.108-2007,
- 3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2009]: Sec. 163. (a) "Health care provider", for purposes of
- 5 IC 16-21 and IC 16-41, means any of the following:
- 6 (1) An individual, a partnership, a corporation, a professional
- 7 corporation, a facility, or an institution licensed or legally
- 8 authorized by this state to provide health care or professional
- 9 services as a licensed physician, a psychiatric hospital, a hospital,
- 10 a health facility, an emergency ambulance service (IC 16-31-3),
- 11 a dentist, a registered or licensed practical nurse, a **certified**
- 12 **nurse** midwife, a **certified direct entry midwife**, an optometrist,
- 13 a pharmacist, a podiatrist, a chiropractor, a physical therapist, a

1 respiratory care practitioner, an occupational therapist, a
 2 psychologist, a paramedic, an emergency medical technician, an
 3 emergency medical technician-basic advanced, an emergency
 4 medical technician-intermediate, or a person who is an officer,
 5 employee, or agent of the individual, partnership, corporation,
 6 professional corporation, facility, or institution acting in the
 7 course and scope of the person's employment.

8 (2) A college, university, or junior college that provides health
 9 care to a student, a faculty member, or an employee, and the
 10 governing board or a person who is an officer, employee, or agent
 11 of the college, university, or junior college acting in the course
 12 and scope of the person's employment.

13 (3) A blood bank, community mental health center, community
 14 mental retardation center, community health center, or migrant
 15 health center.

16 (4) A home health agency (as defined in IC 16-27-1-2).

17 (5) A health maintenance organization (as defined in
 18 IC 27-13-1-19).

19 (6) A health care organization whose members, shareholders, or
 20 partners are health care providers under subdivision (1).

21 (7) A corporation, partnership, or professional corporation not
 22 otherwise qualified under this subsection that:

23 (A) provides health care as one (1) of the corporation's,
 24 partnership's, or professional corporation's functions;

25 (B) is organized or registered under state law; and

26 (C) is determined to be eligible for coverage as a health care
 27 provider under IC 34-18 for the corporation's, partnership's, or
 28 professional corporation's health care function.

29 Coverage for a health care provider qualified under this subdivision is
 30 limited to the health care provider's health care functions and does not
 31 extend to other causes of action.

32 (b) "Health care provider", for purposes of IC 16-35, has the
 33 meaning set forth in subsection (a). However, for purposes of IC 16-35,
 34 the term also includes a health facility (as defined in section 167 of this
 35 chapter).

36 (c) "Health care provider", for purposes of IC 16-36-5, means an
 37 individual licensed or authorized by this state to provide health care or
 38 professional services as:

- 1 (1) a licensed physician;
- 2 (2) a registered nurse;
- 3 (3) a licensed practical nurse;
- 4 (4) an advanced practice nurse;
- 5 (5) a ~~licensed~~ **certified** nurse midwife **or a certified direct entry**
- 6 **midwife;**
- 7 (6) a paramedic;
- 8 (7) an emergency medical technician;
- 9 (8) an emergency medical technician-basic advanced;
- 10 (9) an emergency medical technician-intermediate; or
- 11 (10) a first responder, as defined under IC 16-18-2-131.

12 The term includes an individual who is an employee or agent of a
 13 health care provider acting in the course and scope of the individual's
 14 employment.

15 (d) "Health care provider", for purposes of IC 16-40-4, means any
 16 of the following:

- 17 (1) An individual, a partnership, a corporation, a professional
 18 corporation, a facility, or an institution licensed or authorized by
 19 the state to provide health care or professional services as a
 20 licensed physician, a psychiatric hospital, a hospital, a health
 21 facility, an emergency ambulance service (IC 16-31-3), an
 22 ambulatory outpatient surgical center, a dentist, an optometrist, a
 23 pharmacist, a podiatrist, a chiropractor, a psychologist, or a
 24 person who is an officer, employee, or agent of the individual,
 25 partnership, corporation, professional corporation, facility, or
 26 institution acting in the course and scope of the person's
 27 employment.
- 28 (2) A blood bank, laboratory, community mental health center,
 29 community mental retardation center, community health center,
 30 or migrant health center.
- 31 (3) A home health agency (as defined in IC 16-27-1-2).
- 32 (4) A health maintenance organization (as defined in
 33 IC 27-13-1-19).
- 34 (5) A health care organization whose members, shareholders, or
 35 partners are health care providers under subdivision (1).
- 36 (6) A corporation, partnership, or professional corporation not
 37 otherwise specified in this subsection that:
 38 (A) provides health care as one (1) of the corporation's,

- 1 partnership's, or professional corporation's functions;
 2 (B) is organized or registered under state law; and
 3 (C) is determined to be eligible for coverage as a health care
 4 provider under IC 34-18 for the corporation's, partnership's, or
 5 professional corporation's health care function.

6 (7) A person that is designated to maintain the records of a person
 7 described in subdivisions (1) through (6).

8 (e) "Health care provider", for purposes of IC 16-45-4, has the
 9 meaning set forth in 47 CFR 54.601(a).

10 SECTION 2. IC 16-34-2-1.1, AS AMENDED BY P.L.146-2008,
 11 SECTION 444, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2009]: Sec. 1.1. (a) An abortion shall not be
 13 performed except with the voluntary and informed consent of the
 14 pregnant woman upon whom the abortion is to be performed. Except
 15 in the case of a medical emergency, consent to an abortion is voluntary
 16 and informed only if the following conditions are met:

17 (1) At least eighteen (18) hours before the abortion and in the
 18 presence of the pregnant woman, the physician who is to perform
 19 the abortion, the referring physician or a physician assistant (as
 20 defined in IC 25-27.5-2-10), an advanced practice nurse (as
 21 defined in IC 25-23-1-1(b)), or a **certified nurse** midwife (as
 22 defined in ~~IC 34-18-2-19~~ **IC 34-18-2-6.5**) to whom the
 23 responsibility has been delegated by the physician who is to
 24 perform the abortion or the referring physician has orally
 25 informed the pregnant woman of the following:

- 26 (A) The name of the physician performing the abortion.
 27 (B) The nature of the proposed procedure or treatment.
 28 (C) The risks of and alternatives to the procedure or treatment.
 29 (D) The probable gestational age of the fetus, including an
 30 offer to provide:

- 31 (i) a picture or drawing of a fetus;
 32 (ii) the dimensions of a fetus; and
 33 (iii) relevant information on the potential survival of an
 34 unborn fetus;

35 at this stage of development.

36 (E) The medical risks associated with carrying the fetus to
 37 term.

38 (F) The availability of fetal ultrasound imaging and

1 auscultation of fetal heart tone services to enable the pregnant
 2 woman to view the image and hear the heartbeat of the fetus
 3 and how to obtain access to these services.

4 (2) At least eighteen (18) hours before the abortion, the pregnant
 5 woman will be orally informed of the following:

6 (A) That medical assistance benefits may be available for
 7 prenatal care, childbirth, and neonatal care from the local
 8 office of the division of family resources.

9 (B) That the father of the unborn fetus is legally required to
 10 assist in the support of the child. In the case of rape, the
 11 information required under this clause may be omitted.

12 (C) That adoption alternatives are available and that adoptive
 13 parents may legally pay the costs of prenatal care, childbirth,
 14 and neonatal care.

15 (3) The pregnant woman certifies in writing, before the abortion
 16 is performed, that the information required by subdivisions (1)
 17 and (2) has been provided.

18 (b) Before an abortion is performed, the pregnant woman may, upon
 19 the pregnant woman's request, view the fetal ultrasound imaging and
 20 hear the auscultation of the fetal heart tone if the fetal heart tone is
 21 audible.

22 SECTION 3. IC 16-37-2-1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this
 24 chapter, "person in attendance at birth" means one (1) of the following:

25 (1) A licensed attending physician.

26 (2) ~~An attending~~ **A certified direct entry** midwife or **a certified**
 27 nurse midwife.

28 (3) Another individual who:

29 (A) holds a license of the type designated by the governing
 30 board of a hospital, after consultation with the hospital's
 31 medical staff, to attend births at the hospital; and

32 (B) is in attendance at the birth.

33 SECTION 4. IC 16-37-2-4 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. A local health officer
 35 may accept a certificate of birth presented for filing not more than four

36 (4) years after the birth occurred if the attending physician, **certified**
 37 **nurse midwife, certified direct entry** midwife, or other person
 38 desiring to file the certificate states the reason for the delay in writing.

1 This statement shall be made a part of the certificate of birth.

2 SECTION 5. IC 16-38-4-9 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) **Certified** nurse
 4 midwives, **certified direct entry midwives**, and individuals and
 5 entities described in section 7(a)(2) of this chapter shall report each
 6 confirmed case of a birth problem that is recognized at the time of birth
 7 to the registry not later than sixty (60) days after the birth. An
 8 individual or entity described in section 7(a)(2) of this chapter who
 9 recognizes a birth problem in a child after birth but before the child is
 10 five (5) years of age shall report the birth problem to the registry not
 11 later than sixty (60) days after recognizing the birth problem.
 12 Information may be provided to amend or clarify an earlier reported
 13 case.

14 (b) A person required to report information to the registry under this
 15 section may use, when completing reports required by this chapter,
 16 information submitted to any other public or private registry or required
 17 to be filed with federal, state, or local agencies. However, the state
 18 department may require additional, definitive information.

19 (c) Exchange of information between state department registries is
 20 authorized. The state department may use information from another
 21 registry administered by the state department. Information used from
 22 other registries remains subject to the confidentiality restrictions on the
 23 other registries.

24 SECTION 6. IC 25-1-2-2.1, AS AMENDED BY P.L.3-2008,
 25 SECTION 175, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2009]: Sec. 2.1. Rather than being issued
 27 annually, the following permits, licenses, certificates of registration, or
 28 evidences of authority granted by a state agency must be issued for a
 29 period of two (2) years or for the period specified in the article under
 30 which the permit, license, certificate of registration, or evidence of
 31 authority is issued if the period specified in the article is longer than
 32 two (2) years:

- 33 (1) Certified public accountants, public accountants, and
 34 accounting practitioners.
- 35 (2) Architects and landscape architects.
- 36 (3) Dry cleaners.
- 37 (4) Professional engineers.
- 38 (5) Land 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) Hypnotists.
 26 (28) Athlete agents.
 27 (29) Manufactured home installers.
 28 (30) Home inspectors.
 29 (31) Massage therapists.
 30 **(32) Direct entry midwives.**

31 SECTION 7. IC 25-1-2-6, AS AMENDED BY P.L.3-2008,
 32 SECTION 176, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) As used in this section,
 34 "license" includes all occupational and professional licenses,
 35 registrations, permits, and certificates issued under the Indiana Code,
 36 and "licensee" includes all occupational and professional licensees,
 37 registrants, permittees, and certificate holders regulated under the
 38 Indiana Code.

- 1 (b) This section applies to the following entities that regulate
2 occupations or professions under the Indiana Code:
- 3 (1) Indiana board of accountancy.
 - 4 (2) Indiana grain buyers and warehouse licensing agency.
 - 5 (3) Indiana auctioneer commission.
 - 6 (4) Board of registration for architects and landscape architects.
 - 7 (5) State board of barber examiners.
 - 8 (6) State board of cosmetology examiners.
 - 9 (7) Medical licensing board of Indiana.
 - 10 (8) Secretary of state.
 - 11 (9) State board of dentistry.
 - 12 (10) State board of funeral and cemetery service.
 - 13 (11) Worker's compensation board of Indiana.
 - 14 (12) Indiana state board of health facility administrators.
 - 15 (13) Committee of hearing aid dealer examiners.
 - 16 (14) Indiana state board of nursing.
 - 17 (15) Indiana optometry board.
 - 18 (16) Indiana board of pharmacy.
 - 19 (17) Indiana plumbing commission.
 - 20 (18) Board of podiatric medicine.
 - 21 (19) Private investigator and security guard licensing board.
 - 22 (20) State board of registration for professional engineers.
 - 23 (21) Board of environmental health specialists.
 - 24 (22) State psychology board.
 - 25 (23) Indiana real estate commission.
 - 26 (24) Speech-language pathology and audiology board.
 - 27 (25) Department of natural resources.
 - 28 (26) State boxing commission.
 - 29 (27) Board of chiropractic examiners.
 - 30 (28) Mining board.
 - 31 (29) Indiana board of veterinary medical examiners.
 - 32 (30) State department of health.
 - 33 (31) Indiana physical therapy committee.
 - 34 (32) Respiratory care committee.
 - 35 (33) Occupational therapy committee.
 - 36 (34) Social worker, marriage and family therapist, and mental
37 health counselor board.
 - 38 (35) Real estate appraiser licensure and certification board.

- 1 (36) State board of registration for land surveyors.
- 2 (37) Physician assistant committee.
- 3 (38) Indiana dietitians certification board.
- 4 (39) Indiana hypnotist committee.
- 5 (40) Attorney general (only for the regulation of athlete agents).
- 6 (41) Manufactured home installer licensing board.
- 7 (42) Home inspectors licensing board.
- 8 (43) State board of massage therapy.
- 9 **(44) Midwifery board.**
- 10 ~~(44)~~ **(45)** Any other occupational or professional agency created
- 11 after June 30, 1981.

12 (c) Notwithstanding any other law, the entities included in
 13 subsection (b) shall send a notice of the upcoming expiration of a
 14 license to each licensee at least sixty (60) days prior to the expiration
 15 of the license. The notice must inform the licensee of the need to renew
 16 and the requirement of payment of the renewal fee. If this notice of
 17 expiration is not sent by the entity, the licensee is not subject to a
 18 sanction for failure to renew if, once notice is received from the entity,
 19 the license is renewed within forty-five (45) days of the receipt of the
 20 notice.

21 SECTION 8. IC 25-1-4-0.3, AS AMENDED BY P.L.2-2008,
 22 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2009]: Sec. 0.3. As used in this chapter, "board" means any of
 24 the following:

- 25 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 26 (2) Board of registration for architects and landscape architects
 27 (IC 25-4-1-2).
- 28 (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- 29 (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- 30 (5) State board of barber examiners (IC 25-7-5-1).
- 31 (6) State boxing commission (IC 25-9-1).
- 32 (7) Board of chiropractic examiners (IC 25-10-1).
- 33 (8) State board of cosmetology examiners (IC 25-8-3-1).
- 34 (9) State board of dentistry (IC 25-14-1).
- 35 (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- 36 (11) State board of registration for professional engineers (IC
 37 25-31-1-3).
- 38 (12) Board of environmental health specialists (IC 25-32-1).

- 1 (13) State board of funeral and cemetery service (IC 25-15-9).
 2 (14) Indiana state board of health facility administrators (IC
 3 25-19-1).
 4 (15) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
 5 (16) Home inspectors licensing board (IC 25-20.2-3-1).
 6 (17) Indiana hypnotist committee (IC 25-20.5-1-7).
 7 (18) State board of registration for land surveyors (IC
 8 25-21.5-2-1).
 9 (19) Manufactured home installer licensing board (IC 25-23.7).
 10 (20) Medical licensing board of Indiana (IC 25-22.5-2).
 11 (21) Indiana state board of nursing (IC 25-23-1).
 12 (22) Occupational therapy committee (IC 25-23.5).
 13 (23) Indiana optometry board (IC 25-24).
 14 (24) Indiana board of pharmacy (IC 25-26).
 15 (25) Indiana physical therapy committee (IC 25-27-1).
 16 (26) Physician assistant committee (IC 25-27.5).
 17 (27) Indiana plumbing commission (IC 25-28.5-1-3).
 18 (28) Board of podiatric medicine (IC 25-29-2-1).
 19 (29) Private investigator and security guard licensing board (IC
 20 25-30-1-5.2).
 21 (30) State psychology board (IC 25-33).
 22 (31) Indiana real estate commission (IC 25-34.1-2).
 23 (32) Real estate appraiser licensure and certification board (IC
 24 25-34.1-8).
 25 (33) Respiratory care committee (IC 25-34.5).
 26 (34) Social worker, marriage and family therapist, and mental
 27 health counselor board (IC 25-23.6).
 28 (35) Speech-language pathology and audiology board (IC
 29 25-35.6-2).
 30 (36) Indiana board of veterinary medical examiners (IC
 31 25-38.1-2).
 32 **(37) Midwifery board (IC 25-23.4-2-1).**

33 SECTION 9. IC 25-1-5-3, AS AMENDED BY P.L.2-2008,
 34 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2009]: Sec. 3. (a) There is established the Indiana professional
 36 licensing agency. The agency shall perform all administrative
 37 functions, duties, and responsibilities assigned by law or rule to the
 38 executive director, secretary, or other statutory administrator of the

1 following:

- 2 (1) Board of chiropractic examiners (IC 25-10-1).
- 3 (2) State board of dentistry (IC 25-14-1).
- 4 (3) Indiana state board of health facility administrators (IC
- 5 25-19-1).
- 6 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 7 (5) Indiana state board of nursing (IC 25-23-1).
- 8 (6) Indiana optometry board (IC 25-24).
- 9 (7) Indiana board of pharmacy (IC 25-26).
- 10 (8) Board of podiatric medicine (IC 25-29-2-1).
- 11 (9) Board of environmental health specialists (IC 25-32).
- 12 (10) Speech-language pathology and audiology board (IC
- 13 25-35.6-2).
- 14 (11) State psychology board (IC 25-33).
- 15 (12) Indiana board of veterinary medical examiners (IC
- 16 25-38.1-2).
- 17 (13) Controlled substances advisory committee (IC 35-48-2-1).
- 18 (14) Committee of hearing aid dealer examiners (IC 25-20).
- 19 (15) Indiana physical therapy committee (IC 25-27).
- 20 (16) Respiratory care committee (IC 25-34.5).
- 21 (17) Occupational therapy committee (IC 25-23.5).
- 22 (18) Social worker, marriage and family therapist, and mental
- 23 health counselor board (IC 25-23.6).
- 24 (19) Physician assistant committee (IC 25-27.5).
- 25 (20) Indiana athletic trainers board (IC 25-5.1-2-1).
- 26 (21) Indiana dietitians certification board (IC 25-14.5-2-1).
- 27 (22) Indiana hypnotist committee (IC 25-20.5-1-7).
- 28 **(23) Midwifery board (IC 25-23.4-2).**

29 (b) Nothing in this chapter may be construed to give the agency
30 policy making authority, which authority remains with each board.

31 SECTION 10. IC 25-1-5-10, AS AMENDED BY P.L.2-2008,
32 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2009]: Sec. 10. (a) As used in this section, "provider" means
34 an individual licensed, certified, registered, or permitted by any of the
35 following:

- 36 (1) Board of chiropractic examiners (IC 25-10-1).
- 37 (2) State board of dentistry (IC 25-14-1).
- 38 (3) Indiana state board of health facility administrators (IC

- 1 25-19-1).
- 2 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 3 (5) Indiana state board of nursing (IC 25-23-1).
- 4 (6) Indiana optometry board (IC 25-24).
- 5 (7) Indiana board of pharmacy (IC 25-26).
- 6 (8) Board of podiatric medicine (IC 25-29-2-1).
- 7 (9) Board of environmental health specialists (IC 25-32-1).
- 8 (10) Speech-language pathology and audiology board (IC
- 9 25-35.6-2).
- 10 (11) State psychology board (IC 25-33).
- 11 (12) Indiana board of veterinary medical examiners (IC
- 12 25-38.1-2).
- 13 (13) Indiana physical therapy committee (IC 25-27).
- 14 (14) Respiratory care committee (IC 25-34.5).
- 15 (15) Occupational therapy committee (IC 25-23.5).
- 16 (16) Social worker, marriage and family therapist, and mental
- 17 health counselor board (IC 25-23.6).
- 18 (17) Physician assistant committee (IC 25-27.5).
- 19 (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- 20 (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- 21 (20) Indiana hypnotist committee (IC 25-20.5-1-7).
- 22 **(21) Midwifery board (IC 25-23.4-2-1).**
- 23 (b) The agency shall create and maintain a provider profile for each
- 24 provider described in subsection (a).
- 25 (c) A provider profile must contain the following information:
- 26 (1) The provider's name.
- 27 (2) The provider's license, certification, registration, or permit
- 28 number.
- 29 (3) The provider's license, certification, registration, or permit
- 30 type.
- 31 (4) The date the provider's license, certification, registration, or
- 32 permit was issued.
- 33 (5) The date the provider's license, certification, registration, or
- 34 permit expires.
- 35 (6) The current status of the provider's license, certification,
- 36 registration, or permit.
- 37 (7) The provider's city and state of record.
- 38 (8) A statement of any disciplinary action taken against the

1 provider within the previous ten (10) years by a board or
2 committee described in subsection (a).

3 (d) The agency shall make provider profiles available to the public.

4 (e) The computer gateway administered by the office of technology
5 established by IC 4-13.1-2-1 shall make the information described in
6 subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally
7 available to the public on the Internet.

8 (f) The agency may adopt rules under IC 4-22-2 to implement this
9 section.

10 SECTION 11. IC 25-1-7-1, AS AMENDED BY P.L.3-2008,
11 SECTION 178, AND AS AMENDED BY P.L.134-2008, SECTION
12 16, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter:

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

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

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

20 "Licensee" means a person who is:

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

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

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

- 28 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 29 (2) Board of registration for architects and landscape architects
30 (IC 25-4-1-2).
- 31 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 32 (4) State board of barber examiners (IC 25-7-5-1).
- 33 (5) State boxing commission (IC 25-9-1).
- 34 (6) Board of chiropractic examiners (IC 25-10-1).
- 35 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 36 (8) State board of dentistry (IC 25-14-1).
- 37 (9) State board of funeral and cemetery service (IC 25-15-9).
- 38 (10) State board of registration for professional engineers (IC

- 1 25-31-1-3).
- 2 (11) Indiana state board of health facility administrators (IC
- 3 25-19-1).
- 4 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 5 (13) Indiana state board of nursing (IC 25-23-1).
- 6 (14) Indiana optometry board (IC 25-24).
- 7 (15) Indiana board of pharmacy (IC 25-26).
- 8 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 9 (17) Board of podiatric medicine (IC 25-29-2-1).
- 10 (18) Board of environmental health specialists (IC 25-32-1).
- 11 (19) State psychology board (IC 25-33).
- 12 (20) Speech-language pathology and audiology board (IC
- 13 25-35.6-2).
- 14 (21) Indiana real estate commission (IC 25-34.1-2).
- 15 (22) Indiana board of veterinary medical examiners (~~IC 15-5-1.1~~;
- 16 *IC 25-38.1*).
- 17 (23) Department of natural resources for purposes of licensing
- 18 water well drillers under IC 25-39-3.
- 19 (24) Respiratory care committee (IC 25-34.5).
- 20 (25) Private investigator and security guard licensing board (IC
- 21 25-30-1-5.2).
- 22 (26) Occupational therapy committee (IC 25-23.5).
- 23 (27) Social worker, marriage and family therapist, and mental
- 24 health counselor board (IC 25-23.6).
- 25 (28) Real estate appraiser licensure and certification board (IC
- 26 25-34.1-8).
- 27 (29) State board of registration for land surveyors (IC
- 28 25-21.5-2-1).
- 29 (30) Physician assistant committee (IC 25-27.5).
- 30 (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- 31 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- 32 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- 33 (34) Indiana physical therapy committee (IC 25-27).
- 34 (35) Manufactured home installer licensing board (IC 25-23.7).
- 35 (36) Home inspectors licensing board (IC 25-20.2-3-1).
- 36 (37) State department of health, *for out-of-state mobile health*
- 37 *care entities*.
- 38 (38) State board of massage therapy (IC 25-21.8-2-1).

1 **(39) Midwifery board (IC 25-23.4-2-1).**
 2 ~~(39)~~ **(40)** Any other occupational or professional agency created
 3 after June 30, 1981.

4 SECTION 12. IC 25-1-8-1, AS AMENDED BY P.L.3-2008,
 5 SECTION 179, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter, "board"
 7 means any of the following:

- 8 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 9 (2) Board of registration for architects and landscape architects
 10 (IC 25-4-1-2).
- 11 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 12 (4) State board of barber examiners (IC 25-7-5-1).
- 13 (5) State boxing commission (IC 25-9-1).
- 14 (6) Board of chiropractic examiners (IC 25-10-1).
- 15 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 16 (8) State board of dentistry (IC 25-14-1).
- 17 (9) State board of funeral and cemetery service (IC 25-15).
- 18 (10) State board of registration for professional engineers (IC
 19 25-31-1-3).
- 20 (11) Indiana state board of health facility administrators (IC
 21 25-19-1).
- 22 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 23 (13) Mining board (IC 22-10-1.5-2).
- 24 (14) Indiana state board of nursing (IC 25-23-1).
- 25 (15) Indiana optometry board (IC 25-24).
- 26 (16) Indiana board of pharmacy (IC 25-26).
- 27 (17) Indiana plumbing commission (IC 25-28.5-1-3).
- 28 (18) Board of environmental health specialists (IC 25-32-1).
- 29 (19) State psychology board (IC 25-33).
- 30 (20) Speech-language pathology and audiology board (IC
 31 25-35.6-2).
- 32 (21) Indiana real estate commission (IC 25-34.1-2-1).
- 33 (22) Indiana board of veterinary medical examiners (IC
 34 25-38.1-2-1).
- 35 (23) Department of insurance (IC 27-1).
- 36 (24) State police department (IC 10-11-2-4), for purposes of
 37 certifying polygraph examiners under IC 25-30-2.
- 38 (25) Department of natural resources for purposes of licensing

- 1 water well drillers under IC 25-39-3.
- 2 (26) Private investigator and security guard licensing board (IC
- 3 25-30-1-5.2).
- 4 (27) Occupational therapy committee (IC 25-23.5-2-1).
- 5 (28) Social worker, marriage and family therapist, and mental
- 6 health counselor board (IC 25-23.6-2-1).
- 7 (29) Real estate appraiser licensure and certification board (IC
- 8 25-34.1-8).
- 9 (30) State board of registration for land surveyors (IC
- 10 25-21.5-2-1).
- 11 (31) Physician assistant committee (IC 25-27.5).
- 12 (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- 13 (33) Board of podiatric medicine (IC 25-29-2-1).
- 14 (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- 15 (35) Indiana physical therapy committee (IC 25-27).
- 16 (36) Manufactured home installer licensing board (IC 25-23.7).
- 17 (37) Home inspectors licensing board (IC 25-20.2-3-1).
- 18 (38) State board of massage therapy (IC 25-21.8-2-1).
- 19 **(39) Midwifery board (IC 25-23.4-2-1).**
- 20 ~~(39)~~ **(40)** Any other occupational or professional agency created
- 21 after June 30, 1981.
- 22 SECTION 13. IC 25-1-8-6, AS AMENDED BY P.L.105-2008,
- 23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2009]: Sec. 6. (a) As used in this section, "board" means any
- 25 of the following:
- 26 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 27 (2) Board of registration for architects and landscape architects
- 28 (IC 25-4-1-2).
- 29 (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- 30 (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- 31 (5) State board of barber examiners (IC 25-7-5-1).
- 32 (6) State boxing commission (IC 25-9-1).
- 33 (7) Board of chiropractic examiners (IC 25-10-1).
- 34 (8) State board of cosmetology examiners (IC 25-8-3-1).
- 35 (9) State board of dentistry (IC 25-14-1).
- 36 (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- 37 (11) State board of registration for professional engineers (IC
- 38 25-31-1-3).

- 1 (12) Board of environmental health specialists (IC 25-32-1).
 2 (13) State board of funeral and cemetery service (IC 25-15-9).
 3 (14) Indiana state board of health facility administrators (IC
 4 25-19-1).
 5 (15) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
 6 (16) Home inspectors licensing board (IC 25-20.2-3-1).
 7 (17) Indiana hypnotist committee (IC 25-20.5-1-7).
 8 (18) State board of registration for land surveyors (IC
 9 25-21.5-2-1).
 10 (19) Manufactured home installer licensing board (IC 25-23.7).
 11 (20) Medical licensing board of Indiana (IC 25-22.5-2).
 12 (21) Indiana state board of nursing (IC 25-23-1).
 13 (22) Occupational therapy committee (IC 25-23.5).
 14 (23) Indiana optometry board (IC 25-24).
 15 (24) Indiana board of pharmacy (IC 25-26).
 16 (25) Indiana physical therapy committee (IC 25-27).
 17 (26) Physician assistant committee (IC 25-27.5).
 18 (27) Indiana plumbing commission (IC 25-28.5-1-3).
 19 (28) Board of podiatric medicine (IC 25-29-2-1).
 20 (29) Private investigator and security guard licensing board (IC
 21 25-30-1-5.2).
 22 (30) State psychology board (IC 25-33).
 23 (31) Indiana real estate commission (IC 25-34.1-2).
 24 (32) Real estate appraiser licensure and certification board (IC
 25 25-34.1-8).
 26 (33) Respiratory care committee (IC 25-34.5).
 27 (34) Social worker, marriage and family therapist, and mental
 28 health counselor board (IC 25-23.6).
 29 (35) Speech-language pathology and audiology board (IC
 30 25-35.6-2).
 31 (36) Indiana board of veterinary medical examiners (IC 25-38.1).
 32 (37) State board of massage therapy (IC 25-21.8-2-1).
 33 **(38) Midwifery board (IC 25-23.4-2-1).**
 34 (b) This section does not apply to a license, certificate, or
 35 registration that has been revoked or suspended.
 36 (c) Notwithstanding any other law regarding the reinstatement of a
 37 delinquent or lapsed license, certificate, or registration and except as
 38 provided in section 8 of this chapter, the holder of a license, certificate,

1 or registration that was issued by the board that is three (3) years or less
 2 delinquent must be reinstated upon meeting the following
 3 requirements:

- 4 (1) Submission of the holder's completed renewal application.
- 5 (2) Payment of the current renewal fee established by the board
 6 under section 2 of this chapter.
- 7 (3) Payment of a reinstatement fee established by the Indiana
 8 professional licensing agency.
- 9 (4) If a law requires the holder to complete continuing education
 10 as a condition of renewal, the holder:

11 (A) shall provide the board with a sworn statement, signed by
 12 the holder, that the holder has fulfilled the continuing
 13 education requirements required by the board; or

14 (B) shall, if the holder has not complied with the continuing
 15 education requirements, meet any requirements imposed under
 16 IC 25-1-4-5 and IC 25-1-4-6.

17 (d) Notwithstanding any other law regarding the reinstatement of a
 18 delinquent or lapsed license, certificate, or registration and except as
 19 provided in section 8 of this chapter, unless a statute specifically does
 20 not allow a license, certificate, or registration to be reinstated if it has
 21 lapsed for more than three (3) years, the holder of a license, certificate,
 22 or registration that was issued by the board that is more than three (3)
 23 years delinquent must be reinstated upon meeting the following
 24 requirements:

- 25 (1) Submission of the holder's completed renewal application.
- 26 (2) Payment of the current renewal fee established by the board
 27 under section 2 of this chapter.
- 28 (3) Payment of a reinstatement fee equal to the current initial
 29 application fee.
- 30 (4) If a law requires the holder to complete continuing education
 31 as a condition of renewal, the holder:

32 (A) shall provide the board with a sworn statement, signed by
 33 the holder, that the holder has fulfilled the continuing
 34 education requirements required by the board; or

35 (B) shall, if the holder has not complied with the continuing
 36 education requirements, meet any requirements imposed under
 37 IC 25-1-4-5 and IC 25-1-4-6.

- 38 (5) Complete such remediation and additional training as deemed

1 appropriate by the board given the lapse of time involved.

2 (6) Any other requirement that is provided for in statute or rule
3 that is not related to fees.

4 SECTION 14. IC 25-1-9-1, AS AMENDED BY P.L.2-2008,
5 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2009]: Sec. 1. As used in this chapter, "board" means any of
7 the following:

- 8 (1) Board of chiropractic examiners (IC 25-10-1).
- 9 (2) State board of dentistry (IC 25-14-1).
- 10 (3) Indiana state board of health facility administrators (IC
11 25-19-1).
- 12 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 13 (5) Indiana state board of nursing (IC 25-23-1).
- 14 (6) Indiana optometry board (IC 25-24).
- 15 (7) Indiana board of pharmacy (IC 25-26).
- 16 (8) Board of podiatric medicine (IC 25-29-2-1).
- 17 (9) Board of environmental health specialists (IC 25-32).
- 18 (10) Speech-language pathology and audiology board (IC
19 25-35.6-2).
- 20 (11) State psychology board (IC 25-33).
- 21 (12) Indiana board of veterinary medical examiners (IC
22 25-38.1-2).
- 23 (13) Indiana physical therapy committee (IC 25-27-1).
- 24 (14) Respiratory care committee (IC 25-34.5).
- 25 (15) Occupational therapy committee (IC 25-23.5).
- 26 (16) Social worker, marriage and family therapist, and mental
27 health counselor board (IC 25-23.6).
- 28 (17) Physician assistant committee (IC 25-27.5).
- 29 (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- 30 (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- 31 (20) Indiana hypnotist committee (IC 25-20.5-1-7).
- 32 **(21) Midwifery board (IC 25-23.4-2-1).**

33 SECTION 15. IC 25-22.5-1-2, AS AMENDED BY P.L.90-2007,
34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2009]: Sec. 2. (a) This article, as it relates to the unlawful or
36 unauthorized practice of medicine or osteopathic medicine, does not
37 apply to any of the following:

- 38 (1) A student in training in a medical school approved by the

- 1 board, or while performing duties as an intern or a resident in a
 2 hospital under the supervision of the hospital's staff or in a
 3 program approved by the medical school.
- 4 (2) A person who renders service in case of emergency where no
 5 fee or other consideration is contemplated, charged, or received.
- 6 (3) A paramedic (as defined in IC 16-18-2-266), an emergency
 7 medical technician-basic advanced (as defined in
 8 IC 16-18-2-112.5), an emergency medical technician-intermediate
 9 (as defined in IC 16-18-2-112.7), an emergency medical
 10 technician (as defined in IC 16-18-2-112), or a person with
 11 equivalent certification from another state who renders advanced
 12 life support (as defined in IC 16-18-2-7) or basic life support (as
 13 defined in IC 16-18-2-33.5):
- 14 (A) during a disaster emergency declared by the governor
 15 under IC 10-14-3-12 in response to an act that the governor in
 16 good faith believes to be an act of terrorism (as defined in
 17 IC 35-41-1-26.5); and
- 18 (B) in accordance with the rules adopted by the Indiana
 19 emergency medical services commission or the disaster
 20 emergency declaration of the governor.
- 21 (4) Commissioned medical officers or medical service officers of
 22 the armed forces of the United States, the United States Public
 23 Health Service, and medical officers of the United States
 24 Department of Veterans Affairs in the discharge of their official
 25 duties in Indiana.
- 26 (5) An individual who is not a licensee who resides in another
 27 state or country and is authorized to practice medicine or
 28 osteopathic medicine there, who is called in for consultation by an
 29 individual licensed to practice medicine or osteopathic medicine
 30 in Indiana.
- 31 (6) A person administering a domestic or family remedy to a
 32 member of the person's family.
- 33 (7) A member of a church practicing the religious tenets of the
 34 church if the member does not make a medical diagnosis,
 35 prescribe or administer drugs or medicines, perform surgical or
 36 physical operations, or assume the title of or profess to be a
 37 physician.
- 38 (8) A school corporation and a school employee who acts under

- 1 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 2 (9) A chiropractor practicing the chiropractor's profession under
- 3 IC 25-10 or to an employee of a chiropractor acting under the
- 4 direction and supervision of the chiropractor under IC 25-10-1-13.
- 5 (10) A dental hygienist practicing the dental hygienist's profession
- 6 under IC 25-13.
- 7 (11) A dentist practicing the dentist's profession under IC 25-14.
- 8 (12) A hearing aid dealer practicing the hearing aid dealer's
- 9 profession under IC 25-20.
- 10 (13) A nurse practicing the nurse's profession under IC 25-23.
- 11 However, a registered nurse may administer anesthesia if the
- 12 registered nurse acts under the direction of and in the immediate
- 13 presence of a physician and holds a certificate of completion of a
- 14 course in anesthesia approved by the American Association of
- 15 Nurse Anesthetists or a course approved by the board.
- 16 (14) An optometrist practicing the optometrist's profession under
- 17 IC 25-24.
- 18 (15) A pharmacist practicing the pharmacist's profession under
- 19 IC 25-26.
- 20 (16) A physical therapist practicing the physical therapist's
- 21 profession under IC 25-27.
- 22 (17) A podiatrist practicing the podiatrist's profession under
- 23 IC 25-29.
- 24 (18) A psychologist practicing the psychologist's profession under
- 25 IC 25-33.
- 26 (19) A speech-language pathologist or audiologist practicing the
- 27 pathologist's or audiologist's profession under IC 25-35.6.
- 28 (20) An employee of a physician or group of physicians who
- 29 performs an act, a duty, or a function that is customarily within
- 30 the specific area of practice of the employing physician or group
- 31 of physicians, if the act, duty, or function is performed under the
- 32 direction and supervision of the employing physician or a
- 33 physician of the employing group within whose area of practice
- 34 the act, duty, or function falls. An employee may not make a
- 35 diagnosis or prescribe a treatment and must report the results of
- 36 an examination of a patient conducted by the employee to the
- 37 employing physician or the physician of the employing group
- 38 under whose supervision the employee is working. An employee

1 may not administer medication without the specific order of the
 2 employing physician or a physician of the employing group.
 3 Unless an employee is licensed or registered to independently
 4 practice in a profession described in subdivisions (9) through
 5 (18), nothing in this subsection grants the employee independent
 6 practitioner status or the authority to perform patient services in
 7 an independent practice in a profession.

8 (21) A hospital licensed under IC 16-21 or IC 12-25.

9 (22) A health care organization whose members, shareholders, or
 10 partners are individuals, partnerships, corporations, facilities, or
 11 institutions licensed or legally authorized by this state to provide
 12 health care or professional services as:

13 (A) a physician;

14 (B) a psychiatric hospital;

15 (C) a hospital;

16 (D) a health maintenance organization or limited service
 17 health maintenance organization;

18 (E) a health facility;

19 (F) a dentist;

20 (G) a registered or licensed practical nurse;

21 (H) a **certified nurse** midwife or a **certified direct entry**
 22 **midwife**;

23 (I) an optometrist;

24 (J) a podiatrist;

25 (K) a chiropractor;

26 (L) a physical therapist; or

27 (M) a psychologist.

28 (23) A physician assistant practicing the physician assistant
 29 profession under IC 25-27.5.

30 (24) A physician providing medical treatment under
 31 IC 25-22.5-1-2.1.

32 (25) An attendant who provides attendant care services (as
 33 defined in IC 16-18-2-28.5).

34 (26) A personal services attendant providing authorized attendant
 35 care services under IC 12-10-17.1.

36 (b) A person described in subsection (a)(9) through (a)(18) is not
 37 excluded from the application of this article if:

38 (1) the person performs an act that an Indiana statute does not

1 authorize the person to perform; and
 2 (2) the act qualifies in whole or in part as the practice of medicine
 3 or osteopathic medicine.

4 (c) An employment or other contractual relationship between an
 5 entity described in subsection (a)(21) through (a)(22) and a licensed
 6 physician does not constitute the unlawful practice of medicine under
 7 this article if the entity does not direct or control independent medical
 8 acts, decisions, or judgment of the licensed physician. However, if the
 9 direction or control is done by the entity under IC 34-30-15 (or
 10 IC 34-4-12.6 before its repeal), the entity is excluded from the
 11 application of this article as it relates to the unlawful practice of
 12 medicine or osteopathic medicine.

13 (d) This subsection does not apply to a prescription or drug order for
 14 a legend drug that is filled or refilled in a pharmacy owned or operated
 15 by a hospital licensed under IC 16-21. A physician licensed in Indiana
 16 who permits or authorizes a person to fill or refill a prescription or drug
 17 order for a legend drug except as authorized in IC 16-42-19-11 through
 18 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A
 19 person who violates this subsection commits the unlawful practice of
 20 medicine under this chapter.

21 (e) A person described in subsection (a)(8) shall not be authorized
 22 to dispense contraceptives or birth control devices.

23 SECTION 16. IC 25-22.5-8-2, AS AMENDED BY P.L.90-2007,
 24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2009]: Sec. 2. (a) A person who **knowingly or intentionally**
 26 violates this article by unlawfully practicing medicine or osteopathic
 27 medicine commits a Class C felony.

28 ~~(b) A person who practices midwifery without the license required~~
 29 ~~under this article commits a Class D felony.~~

30 ~~(c)~~ (b) A person who **knowingly or intentionally** acts as a
 31 physician assistant without the license required under IC 25-27.5
 32 commits a Class D felony.

33 SECTION 17. IC 25-23-1-1 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this
 35 chapter:

36 (a) "Board" means the Indiana state board of nursing.

37 (b) "Advanced practice nurse" means:

38 (1) a nurse practitioner;

- 1 (2) a **certified** nurse midwife; or
- 2 (3) a clinical nurse specialist;
- 3 who is a registered nurse qualified to practice nursing in a specialty
- 4 role based upon the additional knowledge and skill gained through a
- 5 formal organized program of study and clinical experience, or the
- 6 equivalent as determined by the board, which does not limit but
- 7 extends or expands the function of the nurse which may be initiated by
- 8 the client or provider in settings that shall include hospital outpatient
- 9 clinics and health maintenance organizations.

10 (c) "Human response" means those signs, symptoms, behaviors, and
 11 processes that denote the individual's interaction with the environment.

12 SECTION 18. IC 25-23-1-13.1 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13.1. (a) An applicant
 14 who desires to practice **certified nurse** midwifery shall present to the
 15 board the applicant's license as a registered nurse and a diploma earned
 16 by the applicant from a school of midwifery approved or licensed by
 17 the board or licensing agency for midwives that is located in any state.

18 (b) The applicant shall submit to an examination in **certified nurse**
 19 midwifery prescribed or administered by the board. If the application
 20 and qualifications are approved by the board, the applicant is entitled
 21 to receive a limited license that allows the applicant to practice
 22 midwifery **as a certified nurse midwife.**

23 (c) The board shall adopt rules under ~~IC 25-23-1-7:~~ **section 7 of this**
 24 **chapter:**

- 25 (1) defining the scope of practice ~~for midwifery;~~ **of a certified**
- 26 **nurse midwife;** and
- 27 (2) for implementing this section.

28 SECTION 19. IC 25-23.4 IS ADDED TO THE INDIANA CODE
 29 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY
 30 1, 2009]:

31 **ARTICLE 23.4. CERTIFIED DIRECT ENTRY MIDWIVES**
 32 **Chapter 1. Definitions**

33 **Sec. 1. The definitions in this chapter apply throughout this**
 34 **article.**

35 **Sec. 2. "Antepartum period" means the period that begins when**
 36 **a woman becomes pregnant and ends when the birthing period**
 37 **begins.**

38 **Sec. 3. "Board" refers to the midwifery board established by**

1 **IC 25-23.4-2-1.**

2 **Sec. 4. (a) "Certified direct entry midwife" or "CDEM" means**
 3 **an individual who has completed and passed the credentialing**
 4 **process as administered by the North American Registry of**
 5 **Midwives or a successor organization and met requirements**
 6 **established by the board.**

7 **(b) The term does not include any of the following:**

8 **(1) An individual engaged in the practice of medicine under**
 9 **IC 25-22.5.**

10 **(2) A certified nurse midwife engaged in the practice of**
 11 **midwifery only under IC 25-23.**

12 **(3) An individual providing emergency medical services.**

13 **Sec. 5. "Intrapartum period" means the period that begins when**
 14 **a woman starts labor and ends when the woman gives birth.**

15 **Sec. 6. "Licensed certified direct entry midwife" means an**
 16 **individual who is a certified direct entry midwife and licensed**
 17 **under this article.**

18 **Sec. 7. "Licensing agency" refers to the Indiana professional**
 19 **licensing agency.**

20 **Sec. 8. "Practice of midwifery" means services delivered by a**
 21 **licensed certified direct entry midwife, for compensation, to advise,**
 22 **attend, or assist a woman during pregnancy, labor, natural**
 23 **childbirth, or the postpartum period. The term includes the**
 24 **following:**

25 **(1) Providing the mother with individualized prenatal care.**

26 **(2) Identifying and referring women who require obstetrical**
 27 **attention.**

28 **(3) Providing the mother with continuous direct participation**
 29 **and assistance during labor and delivery.**

30 **(4) Administering medications as provided in IC 25-23.4-4-5.**

31 **(5) Providing the mother with postpartum support.**

32 **Sec. 9. "Postpartum period" means the six (6) week period after**
 33 **a birth.**

34 **Chapter 2. Midwifery Board**

35 **Sec. 1. The midwifery board is established.**

36 **Sec. 2. (a) The board consists of seven (7) members appointed by**
 37 **the governor as follows:**

38 **(1) Three (3) members who are licensed certified direct entry**

1 midwives.

2 (2) Two (2) members who have unlimited licenses to practice
3 medicine in Indiana, one (1) of whom has experience acting as
4 a collaborative home birth physician with a midwife.

5 (3) One (1) certified nurse midwife with experience in the
6 practice of home births.

7 (4) One (1) member representing the public.

8 (b) Notwithstanding subsection (a)(1), a certified direct entry
9 midwife appointed to the board under subsection (a)(1) after June
10 30, 2009, and before July 1, 2010, is not required to be licensed
11 under this article. However, a certified direct entry midwife
12 appointed to the board after June 30, 2009, and before July 1,
13 2010, under subsection (a), must be a Certified Professional
14 Midwife by the North American Registry of Midwives.

15 Sec. 3. (a) The term of each board member is four (4) years.

16 (b) A board member may be reappointed for not more than
17 three (3) consecutive terms.

18 (c) A board member serves until the board member's successor
19 is appointed. A vacancy occurring in the membership of the board
20 for any cause shall be filled by appointment by the governor for the
21 unexpired term.

22 (d) Board members annually shall select a chairperson and a
23 vice chairperson from among the board's members.

24 Sec. 4. (a) The board shall meet not less than one (1) time each
25 year at the call of the chairperson.

26 (b) With the approval of the executive director of the licensing
27 agency, the board may meet upon:

- 28 (1) the call of the chairperson; or
- 29 (2) the request of a majority of the members of the board.

30 (c) Four (4) members of the board constitute a quorum.

31 (d) The affirmative vote of four (4) members of the board is
32 required for the board to take action.

33 Sec. 5. The licensing agency shall provide staff support for the
34 board.

35 Sec. 6. (a) The board shall do the following:

- 36 (1) Establish as a requirement for licensure as a certified
37 direct entry midwife the Certified Professional Midwife
38 (CPM) credentials developed by the North American Registry

- 1 **of Midwives or a successor organization.**
- 2 **(2) Establish fees for the licensure of certified direct entry**
- 3 **midwives.**
- 4 **(3) Establish annual continuing education requirements for**
- 5 **license renewal, which must include continuing education in**
- 6 **pharmacology.**
- 7 **(4) Develop a peer review procedure, using as guidelines the**
- 8 **peer review procedures established by:**
 - 9 **(A) the Indiana Midwives Association or a successor**
 - 10 **organization; and**
 - 11 **(B) the North American Registry of Midwives or a**
 - 12 **successor organization.**
- 13 **(5) Adopt rules under IC 4-22-2 that define the competent**
- 14 **practice for certified direct entry midwives. Rules adopted**
- 15 **under this subdivision must limit the practice of certified**
- 16 **direct entry midwives to nonhospital settings.**
- 17 **(b) The board may not adopt rules to grant a certified direct**
- 18 **entry midwife prescriptive authority. However, this subsection**
- 19 **does not limit a certified direct entry midwife's authority to**
- 20 **administer prescription drugs under IC 25-23.4-4-5.**
- 21 **Sec. 7. The board shall adopt rules under IC 4-22-2 to**
- 22 **administer this article.**
- 23 **Chapter 3. Certified Direct Entry Midwifery Licensing**
- 24 **Sec. 1. (a) This section does not apply to an individual who has**
- 25 **a limited license under IC 25-23-1-13.1 to practice midwifery as a**
- 26 **certified nurse midwife and is practicing within the scope of that**
- 27 **license.**
- 28 **(b) After July 1, 2010, an individual may not engage in the**
- 29 **practice of midwifery unless:**
 - 30 **(1) the individual is licensed or certified by a board under**
 - 31 **IC 25-1-5 and is acting within the scope of the person's license**
 - 32 **or certification; or**
 - 33 **(2) the individual has a certified direct entry midwife license**
 - 34 **under this article.**
- 35 **(c) To become licensed as a certified direct entry midwife, an**
- 36 **applicant must satisfy the following requirements:**
 - 37 **(1) Be at least twenty-one (21) years of age.**
 - 38 **(2) Possess a high school degree or its equivalent.**

- 1 **(3) Satisfactorily complete educational curriculum approved**
- 2 **by:**
- 3 **(A) the Midwifery Education Accreditation Council**
- 4 **(MEAC) or a successor organization; or**
- 5 **(B) the educational equivalent of a Midwifery Education**
- 6 **Accreditation Council curriculum approved by the board.**
- 7 **(4) Acquire and document practical experience as outlined in**
- 8 **the Certified Professional Midwife credentialing process in**
- 9 **accordance with the standards of the North American**
- 10 **Registry of Midwives or a successor organization.**
- 11 **(5) Obtain certification by the accredited association in adult**
- 12 **cardiopulmonary resuscitation.**
- 13 **(6) Complete the program sponsored by the American**
- 14 **Academy of Pediatrics in neonatal resuscitation, excluding**
- 15 **endotracheal intubation and the administration of drugs.**
- 16 **(7) Observe twenty (20) births, assist with an additional**
- 17 **twenty (20) births, and act as the primary attendant for an**
- 18 **additional twenty (20) births.**
- 19 **(8) Provide proof to the board that the applicant has obtained**
- 20 **the Certified Professional Midwife credential as administered**
- 21 **by the North American Registry of Midwives or a successor**
- 22 **organization.**
- 23 **(9) Present additional documentation or certifications**
- 24 **required by the board. The board may adopt standards that**
- 25 **require more training than required by the North American**
- 26 **Registry of Midwives.**
- 27 **(d) The board shall exempt an individual from the requirements**
- 28 **under subsection (c) and grant the individual a certified direct**
- 29 **entry midwife license if the individual:**
- 30 **(1) holds a Certified Professional Midwife credential as**
- 31 **administered by the North American Registry of Midwives**
- 32 **not later than July 1, 2010; and**
- 33 **(2) files an initial application with the board not later than**
- 34 **July 1, 2010.**
- 35 **This subsection expires July 30, 2010.**
- 36 **Sec. 2. The board shall establish formal education requirements**
- 37 **in addition to those required in section 1 of this chapter. The**
- 38 **requirements must include course material on:**

- 1 (1) emergency life support procedures;
- 2 (2) identification of high risk births for mothers;
- 3 (3) identification of potential complications during labor; and
- 4 (4) other material the board specifies.

5 **Sec. 3. The board shall grant a license to practice certified direct**
 6 **entry midwifery to an applicant who satisfies the requirements of**
 7 **sections 1 and 2 of this chapter.**

8 **Sec. 4. (a) A license issued under this chapter expires after four**
 9 **(4) years, on a date established by the licensing agency. Failure to**
 10 **renew a license on or before the expiration date makes the license**
 11 **invalid without any action by the board.**

12 **(b) The board shall adopt fees under IC 25-1-8-2.**

13 **(c) To be eligible for the renewal of a license issued under this**
 14 **chapter, an individual must meet continuing education**
 15 **requirements set by the board.**

16 **Sec. 5. The board:**

- 17 (1) shall adopt rules under IC 4-22-2 to set the fees for
- 18 issuance of a license under this article; and
- 19 (2) may adopt rules under IC 4-22-2 to set other fees the
- 20 board considers necessary to administer this article.

21 **Sec. 6. After July 1, 2010, only an individual who is licensed**
 22 **under this article may use the title "certified direct entry midwife".**

23 **Sec. 7. The board may issue a license to an individual who is**
 24 **licensed as a midwife in another state with requirements that the**
 25 **board determines are at least equal to the licensing requirements**
 26 **of this article.**

27 **Sec. 8. (a) This section does not apply to an individual who has**
 28 **a limited license under IC 25-23-1-13.1 to practice midwifery as a**
 29 **certified nurse midwife.**

30 **(b) After July 1, 2010, an individual who knowingly or**
 31 **intentionally practices midwifery without a license required under**
 32 **this article commits the following:**

- 33 (1) A Class A misdemeanor on the first violation.
- 34 (2) A Class D felony on the second and any subsequent
- 35 unrelated violation.

36 **Chapter 4. Informed Consent for the Practice of Certified**
 37 **Direct Entry Midwifery**

38 **Sec. 1. All the following must occur before a certified direct**

- 1 entry midwife may accept a client for midwifery care:
- 2 (1) The certified direct entry midwife must provide the
- 3 potential client with an informed disclosure of practice form.
- 4 (2) The potential client must sign and date the form.
- 5 (3) The certified direct entry midwife must sign and date the
- 6 form.
- 7 (4) If the potential client refuses a procedure or treatment
- 8 required by law, the potential client must so indicate on a
- 9 separate procedure or treatment form.
- 10 (5) The certified direct entry midwife must have an
- 11 emergency plan for the care of the client if an emergency
- 12 arises.
- 13 (6) The certified direct entry midwife must make an effort to
- 14 have a written agreement with a physician to provide for
- 15 backup care for the client. The backup physician should be
- 16 located in an area close to where the delivery will occur. The
- 17 board shall set standards for determining:
- 18 (A) the type of effort sufficient to have a written agreement
- 19 with a physician to provide for backup care for the client;
- 20 and
- 21 (B) the geographic area close enough to the planned
- 22 location of the delivery to make the backup physician a
- 23 reasonable choice to provide backup care.
- 24 The board shall, in cooperation with the medical licensing
- 25 board or professional organizations of physicians, develop a
- 26 list of physicians willing to provide backup care and make the
- 27 list available to certified direct entry midwives.
- 28 **Sec. 2.** A certified direct entry midwife may not perform on a
- 29 client a specific procedure or treatment that is not described on the
- 30 informed disclosure of practice form described in section 1 of this
- 31 chapter until both of the following occur:
- 32 (1) The specific procedure or treatment is disclosed to the
- 33 client in writing on a form that is separate from the informed
- 34 disclosure of practice form.
- 35 (2) The client agrees to the procedure or treatment by signing
- 36 the procedure or treatment form.
- 37 **Sec. 3.** The informed disclosure of practice form must be in
- 38 writing and must contain the following information:

- 1 **(1) A description of the certified direct entry midwife's**
2 **education and training in midwifery, including completion of**
3 **continuing education courses and participation in the peer**
4 **review process.**
- 5 **(2) The certified direct entry midwife's experience level in the**
6 **field of midwifery.**
- 7 **(3) The certified direct entry midwife's philosophy of practice.**
- 8 **(4) Antepartum, intrapartum, and postpartum conditions**
9 **requiring consultation, transfer of care, and transport to a**
10 **hospital.**
- 11 **(5) The emergency medical backup plan, including the**
12 **emergency plan and the agreement with a physician for**
13 **backup care required under section 1 of this chapter.**
- 14 **(6) The services to be provided to the client by the certified**
15 **direct entry midwife.**
- 16 **(7) The certified direct entry midwife's current licensure**
17 **status.**
- 18 **(8) A detailed explanation of treatments and procedures.**
- 19 **(9) A detailed description of the risks and expected benefits of**
20 **midwifery care.**
- 21 **(10) The availability of a grievance process in a case in which**
22 **a client is dissatisfied with the performance of the certified**
23 **direct entry midwife.**
- 24 **(11) A statement that if the client is advised by the certified**
25 **direct entry midwife or a collaborating physician that the**
26 **client is or has become at risk (as described in IC 25-23.4-5-1),**
27 **the certified direct entry midwife:**
 - 28 **(A) shall refer the client to a physician for consultation;**
 - 29 **(B) may refuse to provide or continue care; and**
 - 30 **(C) may transfer care of the client to a physician.**
- 31 **(12) A statement disclosing whether or not the certified direct**
32 **entry midwife maintains liability insurance.**
- 33 **(13) That state licensure of a certified direct entry midwife**
34 **does not ensure that a home setting for delivery of a child is**
35 **safe.**
- 36 **(14) That the client understands that the client is waiving the**
37 **right to sue a physician or health care provider for the acts or**
38 **omissions of the certified direct entry midwife.**

1 (14) A statement that under IC 25-23.4-6 a health care
2 provider (as defined in IC 34-18-2-14) may not be held jointly
3 or severally liable for the acts or omissions of a:

- 4 (A) certified direct entry midwife; or
- 5 (B) licensed physician who has entered into a collaborative
6 agreement under IC 25-23.4-5 with a certified direct entry
7 midwife, for the acts or omissions of the licensed physician
8 while the physician assists or collaborates with the certified
9 direct entry midwife to perform midwifery.

10 Sec. 4. (a) Before March 31 every year, a certified direct entry
11 midwife shall provide an annual report to the board regarding
12 each birth the previous year that the certified direct entry midwife
13 assists. A report must summarize the following on a form
14 prescribed by the board:

- 15 (1) Vital statistics.
- 16 (2) Scope of care.
- 17 (3) Transport information.
- 18 (4) Physician referral.

19 (b) A certified direct entry midwife may not reveal the identity
20 of the clients referred to in a report under subsection (a).

21 Sec. 5. (a) Except as provided in subsection (b), a certified direct
22 entry midwife may not dispense or administer prescription drugs.

23 (b) A certified direct entry midwife may administer:

- 24 (1) vitamin K, either orally or through intramuscular
25 injection;
- 26 (2) postpartum antihemorrhagic drugs in emergency
27 situations;
- 28 (3) local anesthetics by infiltration or topical application, only
29 for postpartum repair of lacerations, tears, and episiotomy;
- 30 (4) oxygen;
- 31 (5) Rhogam;
- 32 (6) prophylactic eye agents; and
- 33 (7) prophylactic antibiotics for Group B Strep (also known as
34 Beta Strep).

35 The board may adopt rules specifying the circumstances under
36 which a certified direct entry midwife may administer the
37 substances listed in this subsection.

38 Chapter 5. Management of At Risk Clients

1 **Sec. 1. A client is considered at risk if the client has any of the**
 2 **following conditions:**

- 3 **(1) Preeclampsia.**
 4 **(2) Type 1 diabetes.**
 5 **(3) Severe chronic hypertension.**
 6 **(4) Severe anemia.**
 7 **(5) Any other condition determined by the board.**

8 **Sec. 2. If a client is at risk, the certified direct entry midwife**
 9 **shall:**

- 10 **(1) refer the client to a physician licensed under IC 25-22.5;**
 11 **and**
 12 **(2) consult with the physician concerning the client's care.**

13 **Sec. 3. (a) If the certified direct entry midwife, physician, and**
 14 **client agree that the certified direct entry midwife may continue to**
 15 **provide services to the at risk client, the certified direct entry**
 16 **midwife shall enter into a collaborative plan of treatment with a**
 17 **physician licensed under IC 25-22.5.**

18 **(b) The collaborative plan of treatment under subsection (a)**
 19 **must include the following provisions:**

- 20 **(1) The circumstances that would require consultation or**
 21 **referral with a physician.**
 22 **(2) The circumstances that would require transfer of**
 23 **responsibility for the primary care of the at risk client.**
 24 **(3) The services to be provided by the certified direct entry**
 25 **midwife and the licensed physician.**

26 **Chapter 6. Liability of Health Care Providers**

27 **Sec. 1. A health care provider (as defined in IC 34-18-2-14) may**
 28 **not be held jointly or severally liable for the acts or omissions of a**
 29 **certified direct entry midwife.**

30 **Sec. 2. (a) This section only applies to the following:**

- 31 **(1) An employee of a certified direct entry midwife.**
 32 **(2) A student, an intern, a trainee, or an apprentice who is:**
 33 **(A) pursuing a course of study to gain licensure under this**
 34 **article; or**
 35 **(B) accumulating the experience required for licensure**
 36 **under this article;**
 37 **under the supervision of a certified direct entry midwife.**

38 **(b) A person described in subsection (a) may perform an act, a**

1 **duty, or a function of the practice of midwifery that is customarily**
 2 **within the specific area of practice of the employing certified direct**
 3 **entry midwife if the act, duty, or function is performed under the**
 4 **direction and supervision of the employing certified direct entry**
 5 **midwife.**

6 (c) A person described in subsection (a) may not be held jointly
 7 or severally liable for the acts or omissions of a certified direct
 8 entry midwife.

9 **Chapter 7. Right to Certified Direct Entry Midwifery Services**

10 **Sec. 1. Except as otherwise provided by law, an individual is**
 11 **entitled to:**

12 (1) give birth in the presence of; and

13 (2) receive assistance during the birth process from;
 14 a certified direct entry midwife.

15 **Sec. 2. This article may not be construed to require a hospital to**
 16 **extend clinical privileges to a certified direct entry midwife.**

17 SECTION 20. IC 34-6-2-19.3 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2009]: **Sec. 19.3. "Certified nurse midwife",**
 20 **for purposes of IC 34-18, has the meaning set forth in**
 21 **IC 34-18-2-6.5.**

22 SECTION 21. IC 34-18-2-6.5 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2009]: **Sec. 6.5. "Certified nurse midwife"**
 25 **means a registered nurse who holds a limited license to practice**
 26 **midwifery under IC 25-23-1-13.1.**

27 SECTION 22. IC 34-18-2-14 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 14. "Health care**
 29 **provider" means any of the following:**

30 (1) An individual, a partnership, a limited liability company, a
 31 corporation, a professional corporation, a facility, or an institution
 32 licensed or legally authorized by this state to provide health care
 33 or professional services as a physician, a psychiatric hospital, a
 34 hospital, a health facility, an emergency ambulance service (IC
 35 16-18-2-107), a dentist, a registered or licensed practical nurse,
 36 a physician assistant, a certified nurse midwife, a certified
 37 direct entry midwife, an optometrist, a podiatrist, a chiropractor,
 38 a physical therapist, a respiratory care practitioner, an

1 occupational therapist, a psychologist, a paramedic, an
 2 emergency medical technician-intermediate, an emergency
 3 medical technician-basic advanced, or an emergency medical
 4 technician, or a person who is an officer, employee, or agent of
 5 the individual, partnership, corporation, professional corporation,
 6 facility, or institution acting in the course and scope of the
 7 person's employment.

8 (2) A college, university, or junior college that provides health
 9 care to a student, faculty member, or employee, and the governing
 10 board or a person who is an officer, employee, or agent of the
 11 college, university, or junior college acting in the course and
 12 scope of the person's employment.

13 (3) A blood bank, community mental health center, community
 14 mental retardation center, community health center, or migrant
 15 health center.

16 (4) A home health agency (as defined in IC 16-27-1-2).

17 (5) A health maintenance organization (as defined in
 18 IC 27-13-1-19).

19 (6) A health care organization whose members, shareholders, or
 20 partners are health care providers under subdivision (1).

21 (7) A corporation, limited liability company, partnership, or
 22 professional corporation not otherwise qualified under this section
 23 that:

24 (A) as one (1) of its functions, provides health care;

25 (B) is organized or registered under state law; and

26 (C) is determined to be eligible for coverage as a health care
 27 provider under this article for its health care function.

28 Coverage for a health care provider qualified under this
 29 subdivision is limited to its health care functions and does not
 30 extend to other causes of action.

31 SECTION 23. THE FOLLOWING ARE REPEALED [EFFECTIVE
 32 JULY 1, 2009]: IC 34-6-2-81; IC 34-18-2-19.

33 SECTION 24. [EFFECTIVE JULY 1, 2009] (a) **As used in this**
 34 **SECTION, "board" refers to the midwifery board established by**
 35 **IC 25-23.4-2-1, as added by this act.**

36 (b) **Notwithstanding IC 25-23.4-2-2, as added by this act, the**
 37 **governor shall appoint the initial members of the board before**
 38 **September 1, 2009, for terms expiring as follows:**

1 **(1) One (1) member appointed under IC 25-23.4-2-2(a)(1), as**
2 **added by this act, one (1) member appointed under**
3 **IC 25-23.4-2-2(a)(2), as added by this act, and one (1) member**
4 **appointed under IC 25-23.4-2-2(a)(4), as added by this act, for**
5 **a term expiring August 31, 2013.**

6 **(2) One (1) member appointed under IC 25-23.4-2-2(a)(1), as**
7 **added by this act, and one (1) member appointed under**
8 **IC 25-23.4-2-2(a)(2), as added by this act, for a term expiring**
9 **August 31, 2012.**

10 **(3) One (1) member appointed under IC 25-23.4-2-2(a)(1), as**
11 **added by this act, and one (1) member appointed under**
12 **IC 25-23.4-2-2(a)(3), as added by this act, for a term expiring**
13 **August 31, 2011.**

14 **(c) This SECTION expires September 1, 2013.**

15 SECTION 25. [EFFECTIVE JULY 1, 2009] **(a) A registered nurse**
16 **who holds a limited license to practice midwifery under**
17 **IC 25-23-1-13.1 (formerly referred to as a "midwife" before the**
18 **repeal of IC 34-18-2-19 by this act) shall, beginning July 1, 2009, be**
19 **known as a "certified nurse midwife", as provided in**
20 **IC 34-18-2-6.5, as added by this act.**

21 **(b) This SECTION expires December 31, 2012.**

 (Reference is to SB 86 as reprinted February 24, 2009.)

and when so amended that said bill do pass.

Representative Brown C