

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1135, 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:

- 1 Page 2, line 36, after "licensed" delete "certified" and insert
- 2 **"registered"**.
- 3 Page 2, line 36, delete "or a certified direct entry" and insert ";".
- 4 Page 2, delete line 37.
- 5 Page 4, line 6, delete "certified" and insert **"registered"**.
- 6 Page 6, line 10, delete "a certified" and insert **"a registered"**.
- 7 Page 6, line 20, delete "certified" and insert **"registered"**.
- 8 Page 6, between lines 35 and 36, begin a new line block indented
- 9 and insert:
- 10 **"(9) Location of birth, including whether the birth occurred**
- 11 **at a hospital, licensed health care facility, home, or other**
- 12 **non-health care facility."**
- 13 Page 6, between lines 40 and 41, begin a new paragraph and insert:
- 14 "SECTION 6. IC 16-38-4-1 IS AMENDED TO READ AS
- 15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. As used in this
- 16 chapter, "birth problems" means one (1) or more of the following
- 17 conditions:
- 18 (1) A structural deformation.
- 19 (2) A developmental malformation.
- 20 (3) A genetic, inherited, or biochemical disease.

- 1 (4) A condition of a chronic nature, including central nervous
 2 system hemorrhage or infection of the central nervous system,
 3 that may result in a need for long term health care.
 4 (5) A pervasive developmental disorder that is recognized in a
 5 child before the child becomes five (5) years of age.
 6 (6) A fetal alcohol spectrum disorder that is recognized before a
 7 child becomes five (5) years of age.
 8 (7) Any other severe disability that is:
 9 (A) designated in a rule adopted by the state department; and
 10 (B) recognized in a child after birth and before the child
 11 becomes three (3) years of age.
 12 **(8) Complications resulting from a home delivery. As used in**
 13 **this subdivision, "home" includes the delivery of a viable fetus**
 14 **at a home or other non-health care facility.**

15 SECTION 7. IC 16-38-4-7 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) The state
 17 department shall adopt rules under IC 4-22-2 to:

- 18 (1) define a birth problem; and
 19 (2) establish reporting requirements regarding birth problems for:
 20 (A) hospitals;
 21 (B) physicians;
 22 (C) local health departments; ~~and~~
 23 **(D) homes, as described in section 1(8) of this chapter; and**
 24 **(E) other health care providers designated by the state**
 25 **department.**
 26 (b) In adopting rules regarding the reporting of birth problems, the
 27 state department shall give consideration to the following factors:
 28 (1) The extent to which a condition can be measured or identified.
 29 (2) The extent to which there is a known intervention for a
 30 condition.
 31 (3) The significance of the burden imposed on the life of the
 32 individual by a condition.
 33 (4) Other factors that the state department determines
 34 appropriate."

35 Page 6, line 42, delete "Certified" and insert "**Registered**".

36 Page 7, between lines 20 and 21, begin a new paragraph and insert:
 37 "SECTION 9. IC 25-1-1.1-4, AS AMENDED BY P.L.28-2012,
 38 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2013]: Sec. 4. (a) This section applies to an individual who is
 2 applying for, or will be applying for, an initial license or an initial
 3 certificate under one (1) of the following:

- 4 (1) IC 25-2.5 (acupuncturists).
 5 (2) IC 25-10 (chiropractors).
 6 (3) IC 25-13 (dental hygienists).
 7 (4) IC 25-14 (dentists).
 8 (5) IC 25-14.5 (dietitians).
 9 (6) IC 25-17.3 (genetic counselors).
 10 (7) IC 25-19 (health facility and residential care facility
 11 administrators).
 12 (8) IC 25-21.8 (massage therapists).
 13 (9) IC 25-22.5 (physicians).
 14 (10) IC 25-23 (nurses).
 15 **(11) IC 25-23.4 (Certified direct entry midwives).**
 16 ~~(11)~~ **(12)** IC 25-23.5 (occupational therapists).
 17 ~~(12)~~ **(13)** IC 25-23.6 (social workers, marriage and family
 18 therapists, and counselors).
 19 ~~(13)~~ **(14)** IC 25-24 (optometrists).
 20 ~~(14)~~ **(15)** IC 25-26 (pharmacists).
 21 ~~(15)~~ **(16)** IC 25-27 (physical therapists).
 22 ~~(16)~~ **(17)** IC 25-27.5 (physician assistants).
 23 ~~(17)~~ **(18)** IC 25-29 (podiatrists).
 24 ~~(18)~~ **(19)** IC 25-33 (psychologists).
 25 ~~(19)~~ **(20)** IC 25-34.5 (respiratory care practitioners).
 26 ~~(20)~~ **(21)** IC 25-35.6 (speech pathologists and audiologists).
 27 ~~(21)~~ **(22)** IC 25-38.1 (veterinarians).

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

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

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

38 (e) A board, a commission, or a committee may conduct a random

- 1 audit and require an individual seeking a renewal of a license or a
 2 certificate specified in subsection (a) to submit to a national criminal
 3 history background check at the cost of the individual."
- 4 Page 7, line 21, delete "P.L.84-2010," and insert "SEA 558-2013,
 5 SECTION 24,".
- 6 Page 7, line 22, delete "SECTION 6,".
- 7 Page 7, line 34, delete "Land" and insert "Professional".
- 8 Page 8, line 24, delete "P.L.197-2011," and insert "SEA 558-2013,
 9 SECTION 25,".
- 10 Page 8, line 25, delete "SECTION 73,".
- 11 Page 9, line 23, delete "land" and insert "professional".
- 12 Page 9, line 30, delete "board." and insert "**committee**."
- 13 Page 10, delete lines 12 through 42.
- 14 Page 11, delete lines 1 through 16.
- 15 Page 12, line 5, delete "board" and insert "**committee**".
- 16 Page 12, line 35, delete "board" and insert "**committee**".
- 17 Page 13, line 19, delete "P.L.42-2011," and insert "SEA 558-2013,
 18 SECTION 28,".
- 19 Page 13, line 20, delete "SECTION 51,".
- 20 Page 14, line 28, delete "land" and insert "professional".
- 21 Page 14, line 39, delete "board" and insert "**committee**".
- 22 Page 14, delete line 42.
- 23 Delete pages 15 through 18.
- 24 Page 19, delete lines 1 through 5.
- 25 Page 21, line 21, after "(H) a" delete "certified" and insert
 26 "**registered nurse**".
- 27 Page 22, delete lines 20 through 29, begin a new paragraph and
 28 insert:
- 29 "SECTION 17. IC 25-22.5-2-7, AS AMENDED BY P.L.225-2007,
 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2013]: Sec. 7. (a) The board shall do the following:
- 32 (1) Adopt rules and forms necessary to implement this article that
 33 concern, but are not limited to, the following areas:
- 34 (A) Qualification by education, residence, citizenship,
 35 training, and character for admission to an examination for
 36 licensure or by endorsement for licensure.
- 37 (B) The examination for licensure.
- 38 (C) The license or permit.

- 1 (D) Fees for examination, permit, licensure, and registration.
- 2 (E) Reinstatement of licenses and permits.
- 3 (F) Payment of costs in disciplinary proceedings conducted by
- 4 the board.
- 5 (2) Administer oaths in matters relating to the discharge of its
- 6 official duties.
- 7 (3) Enforce this article and assign to the personnel of the agency
- 8 duties as may be necessary in the discharge of the board's duty.
- 9 (4) Maintain, through the agency, full and complete records of all
- 10 applicants for licensure or permit and of all licenses and permits
- 11 issued.
- 12 (5) Make available, upon request, the complete schedule of
- 13 minimum requirements for licensure or permit.
- 14 (6) Issue, at the board's discretion, a temporary permit to an
- 15 applicant for the interim from the date of application until the
- 16 next regular meeting of the board.
- 17 (7) Issue an unlimited license, a limited license, or a temporary
- 18 medical permit, depending upon the qualifications of the
- 19 applicant, to any applicant who successfully fulfills all of the
- 20 requirements of this article.
- 21 (8) Adopt rules establishing standards for the competent practice
- 22 of medicine, osteopathic medicine, or any other form of practice
- 23 regulated by a limited license or permit issued under this article.
- 24 (9) Adopt rules regarding the appropriate prescribing of Schedule
- 25 III or Schedule IV controlled substances for the purpose of weight
- 26 reduction or to control obesity.
- 27 (10) Adopt rules establishing standards for office based
- 28 procedures that require moderate sedation, deep sedation, or
- 29 general anesthesia.
- 30 **(11) Adopt rules as set forth in IC 25-23.4 concerning the**
- 31 **certification of certified direct entry midwives.**
- 32 (b) The board may adopt rules that establish:
- 33 (1) certification requirements for child death pathologists;
- 34 (2) an annual training program for child death pathologists under
- 35 IC 16-35-7-3(b)(2); and
- 36 (3) a process to certify a qualified child death pathologist.
- 37 Page 22, delete lines 20 through 29, begin a new paragraph and
- 38 insert:

1 SECTION 18. IC 25-22.5-8-2, AS AMENDED BY P.L.90-2007,
 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2013]: Sec. 2. (a) A person who **knowingly or intentionally**
 4 violates this article by unlawfully practicing medicine or osteopathic
 5 medicine commits a Class C felony.

6 (b) A person who, **before January 1, 2014**, practices midwifery
 7 without the license required under this article commits a Class D
 8 felony.

9 (c) A person who **knowingly or intentionally** acts as a physician
 10 assistant without the license required under IC 25-27.5 commits a Class
 11 D felony."

12 Page 22, line 36, delete "certified" and insert "**registered**".

13 Page 23, line 7, delete "certified" and insert "**registered**".

14 Page 23, line 11, delete "certified" and insert "**registered**".

15 Page 23, line 14, strike "limited".

16 Page 23, line 15, delete "certified" and insert "**registered**".

17 Page 23, line 18, delete "certified" and insert "**registered**".

18 Page 23, line 21, delete "limited".

19 Page 23, line 24, delete ""certified" and insert ""**registered**".

20 Page 23, line 35, delete "midwifery board established by" and insert
 21 "**medical licensing board of Indiana**".

22 Page 23, delete line 36.

23 Page 23, line 40, delete "met" and insert "**meets**".

24 Page 24, line 3, delete "certified" and insert "**registered**".

25 Page 24, line 6, after "5." insert ""**Committee**" refers to the
 26 **midwifery committee established under IC 25-23.4-2**.

27 **Sec. 6**".

28 Page 24, line 8, delete "6." and insert "7."

29 Page 24, line 11, delete "7." and insert "8."

30 Page 24, line 13, delete "8." and insert "**9. 'Postpartum period'**
 31 **means the six (6) week period after a birth**.

32 **Sec. 10**".

33 Page 24, delete lines 26 through 27.

34 Page 24, line 28, delete "Board" and insert "**Committee**".

35 Page 24, line 29, delete "board" and insert "**committee**".

36 Page 24, line 29, delete "established." and insert "**established to**
 37 **provide recommendations and information to the board**".

- 1 Page 24, line 30, delete "board" and insert "**committee**".
- 2 Page 24, line 32, delete "Four (4)" and insert "**Three (3)**".
- 3 Page 24, line 38, delete "certified" and insert "**registered**".
- 4 Page 24, line 41, delete "pediatrics or".
- 5 Page 24, line 42, after "(5)" insert "**One (1) member who is**
- 6 **licensed under IC 25-22.5 and who practices in the area of**
- 7 **pediatrics.**
- 8 (6)".
- 9 Page 25, line 4, delete "board" and insert "**committee**".
- 10 Page 25, line 7, delete "board" and insert "**committee**".
- 11 Page 25, line 9, after "Midwife" insert "**(CPM)**".
- 12 Page 25, line 10, delete "board" and insert "**committee**".
- 13 Page 25, line 11, delete "board" and insert "**committee**".
- 14 Page 25, line 13, after "A" delete "board" and insert "**committee**".
- 15 Page 25, line 13, after "the" delete "board" and insert "**committee**".
- 16 Page 25, line 14, delete "board" and insert "**committee**".
- 17 Page 25, line 17, delete "Board" and insert "**Committee**".
- 18 Page 25, line 18, delete "board's" and insert "**committees**".
- 19 Page 25, line 19, delete "board" and insert "**committee**".
- 20 Page 25, line 22, delete "board" and insert "**committee**".
- 21 Page 25, line 24, delete "board." and insert "**committee**".
- 22 Page 25, line 25, delete "board" and insert "**committee**".
- 23 Page 25, line 26, delete "board" and insert "**committee**".
- 24 Page 25, line 27, delete "board" and insert "**committee**".
- 25 Page 25, line 29, delete "board." and insert "**committee**".
- 26 Page 25, line 30, after "shall" insert "**, after receiving information,**
- 27 **proposals, or recommendations from the committee,**".
- 28 Page 25, line 33, delete "(CPM)".
- 29 Page 26, line 11, delete ", if the" and insert ".".
- 30 Page 26, delete lines 12 through 17.
- 31 Page 26, line 22, delete ". However, this subsection" and insert
- 32 "**other than the authority specified in IC 25-23.4-4-5.**".
- 33 Page 26, delete lines 23 through 24.
- 34 Page 26, line 25, after "7." insert "**The committee may propose**
- 35 **rules to the board for adoption.**".
- 36 Page 26, line 27, delete "Licensing" and insert "**Certification**".
- 37 Page 26, between lines 27 and 28, begin a new paragraph and insert:

- 1 **"Sec. 0.5. This chapter is effective beginning January 1, 2014."**
2 Page 26, line 29, delete "limited".
3 Page 26, line 37, delete "license" and insert **"certification"**.
4 Page 26, line 38, delete "." and insert **"and is supervised by a**
5 **physician as set forth in this article."**
6 Page 26, line 39, delete "licensed" and insert **"certified"**.
7 Page 26, line 42, delete "a high school degree or its equivalent." and
8 insert **"at least:**
9 **(A) an associate's degree in nursing or other similar**
10 **science related associate's degree; or**
11 **(B) a bachelor's degree;**
12 **from a postsecondary educational institution."**
13 Page 27, line 18, after "births," insert **"be directly supervised by a**
14 **physician for twenty (20) births,"**
15 Page 27, delete lines 29 through 42.
16 Page 28, delete lines 1 through 6.
17 Page 28, line 7, after "shall" insert **", after receiving**
18 **recommendations from the committee,"**
19 Page 28, line 14, delete "license" and insert **"certificate"**.
20 Page 28, line 17, delete "license" and insert **"certificate"**.
21 Page 28, line 19, after "a" delete "license" and insert **"certificate"**.
22 Page 28, line 19, after "makes the" delete "license" and insert
23 **"certificate"**.
24 Page 28, line 22, delete "license" and insert **"certificate"**.
25 Page 28, line 29, delete "license" and insert **"certificate"**.
26 Page 28, line 32, delete "licensed" and insert **"certified"**.
27 Page 28, line 34, delete "license" and insert **"certificate"**.
28 Page 28, line 35, after "licensed" insert **"or certified"**.
29 Page 28, line 36, delete "licensing" and insert **"certification"**.
30 Page 28, line 39, delete "limited".
31 Page 28, line 40, delete "certified" and insert **"registered"**.
32 Page 28, line 42, delete "license" and insert **"certificate"**.
33 Page 29, line 20, delete "make an effort to".
34 Page 29, line 22, after "client." insert **"The physician shall examine**
35 **the client at least one (1) time during the client's first trimester and**
36 **one (1) time during the client's third trimester."**
37 Page 29, line 25, delete ":".

- 1 Page 29, delete lines 26 through 28.
- 2 Page 29, line 29, delete "(B)".
- 3 Page 29, run in lines 25 through 29.
- 4 Page 29, line 39, delete ", in cooperation with the medical
5 licensing".
- 6 Page 29, line 40, delete "board or professional organizations of
7 physicians,".
- 8 Page 30, between lines 1 and 2, begin a new paragraph and insert:
9 **"(c) A certified direct entry midwife may not have a minor as a
10 client unless the minor's parent or guardian has agreed in writing
11 to use the certified direct entry midwife and the rest of the
12 requirements of this article have been met."**
- 13 Page 30, line 20, after "postpartum" insert **"period"**.
- 14 Page 30, line 27, delete "." and insert **"and that a physician is
15 required to examine the client at least one (1) time during the
16 client's first trimester and one (1) time during the client's third
17 trimester."**
- 18 Page 30, line 28, delete "licensure" and insert **"certification"**.
- 19 Page 31, line 37, after "may" insert **"not administer a drug
20 intravenously and may, with a physician's order,"**.
- 21 Page 32, line 18, after "5." insert **"Supervision of Certified Direct
22 Entry Midwives**
- 23 **Sec. 1. (a) A certified direct entry midwife must be supervised
24 by a supervising physician licensed under IC 25-22.5. Supervision
25 under this chapter does not require the physical presence of the
26 supervising physician at the time when and the place where the
27 certified direct entry midwife renders services.**
- 28 **(b) A supervising physician shall review all patient encounters
29 that the certified direct entry midwife has with a patient who is the
30 client of the certified direct entry midwife.**
- 31 **Sec. 2. The board shall adopt rules under IC 4-22-2 to determine
32 the following concerning supervision by a physician:**
- 33 **(1) The number of certified direct entry midwives that a
34 physician may supervise.**
- 35 **(2) The time frame that is sufficient for a supervising
36 physician to perform the review required under this section.**
- 37 **Sec. 3. A physician supervising a certified direct entry midwife
38 under this chapter shall do the following:**

1 **(1) Register with the board the physician's intent to supervise**
2 **a certified direct entry midwife. The registration must include**
3 **the following:**

4 **(A) The name, the business address, and the telephone**
5 **number of the supervising physician.**

6 **(B) The name, the business address, and the telephone**
7 **number of the certified direct entry midwife.**

8 **(C) Any other information required by the board.**

9 **(2) Submit a statement to the board that the physician will**
10 **exercise supervision over the certified direct entry midwife in**
11 **accordance with the rules adopted by the board.**

12 **(3) Maintain a written agreement with the certified direct**
13 **entry midwife that:**

14 **(A) states that the physician will exercise supervision over**
15 **the certified direct entry midwife in accordance with the**
16 **rules adopted by the board; and**

17 **(B) defines the relationship of the supervising physician**
18 **with the certified direct entry midwife and describes the**
19 **certified direct entry midwife's and client's access to the**
20 **supervising physician.**

21 **The agreement must be signed by the physician and the**
22 **certified direct entry midwife, updated annually, and made**
23 **available to the board upon request.**

24 **Sec. 4. The supervising physician may not have a disciplinary**
25 **action restriction that limits the physician's ability to supervise a**
26 **certified direct entry midwife.**

27 **Sec. 5. A certified direct entry midwife shall notify the board of**
28 **any changes or additions to supervising physicians not more than**
29 **thirty (30) days after the change or addition.**

30 **Chapter 6."**

31 Page 32, line 22, delete "(b)." and insert "(c)."

32 Page 32, line 23, after "(b)" insert "**A certified direct entry**
33 **midwife shall refer a client to a physician in the client's first and**
34 **third trimester of pregnancy.**

35 **(c)".**

36 Page 32, line 28, delete "(c)" and insert "(d)".

37 Page 32, line 30, delete "(b)." and insert "(c)."

38 Page 33, line 2, delete "6." and insert "7.".

- 1 Page 33, line 14, delete "licensure" and insert "**certification**".
- 2 Page 33, line 16, delete "licensure" and insert "**certification**".
- 3 Page 33, line 28, delete "7." and insert "**8.**".
- 4 Page 33, delete lines 34 through 38.
- 5 Page 34, line 7, delete "certified nurse," and insert "**registered**
- 6 **nurse**".
- 7 Page 34, between lines 40 and 41, begin a new paragraph and insert:
- 8 "SECTION 24. IC 34-18-2-24.7 IS ADDED TO THE INDIANA
- 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 10 [EFFECTIVE JULY 1, 2013]: **Sec. 24.7. "Registered nurse midwife"**
- 11 **means a registered nurse who holds a license to practice midwifery**
- 12 **under IC 25-23-1-13.1.**".
- 13 Page 35, line 1, delete "IC 25-23.4-6-1" and insert "**IC 25-23.4-7-1**".
- 14 Page 35, line 8, delete "IC 25-23.4-6-2" and insert "**IC 25-23.4-7-2**".
- 15 Page 35, line 11, delete "AS ADDED BY P.L. 70-2011," and insert
- 16 "AS AMENDED BY SEA 85-2013, SECTION 147,".
- 17 Page 35, line 12, delete "SECTION 1,".
- 18 Page 35, line 33, delete "land" and insert "professional".
- 19 Page 35, line 34, delete "land" and insert "professional".
- 20 Page 35, line 39, after "concerning" insert "**certified direct entry**".
- 21 Page 36, line 2, delete "IC 25-23.6-4.7-7" and insert "IC
- 22 25-23.6-7-7".
- 23 Page 37, line 6, delete ""board" refers to the midwifery board" and
- 24 insert ""**committee**" refers to the midwifery committee".
- 25 Page 37, line 9, delete "board" and insert "**committee**".

- 1 Page 37, line 24, delete "IC 25-23.4-2-2(a)(1)," and insert "**IC**
- 2 **25-23.4-2-2(a)(5),**".
- 3 Page 37, line 26, delete "IC 25-23.4-2-2(a)(5)," and insert "**IC**
- 4 **25-23.4-2-2(a)(6),**".
- 5 Renumber all SECTIONS consecutively.
(Reference is to HB 1135 as reprinted February 21, 2013.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 1.

Miller Patricia

Chairperson