

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1077

AN ACT to amend the Indiana Code concerning professions and occupations.

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

SECTION 1. IC 25-1-6.5-3, AS ADDED BY P.L.249-2019, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. ~~Except as provided in IC 25-14-1-2 and IC 25-34.1-2-1 and~~ Notwithstanding any other law, not more than two (2) board members may be appointed from the same congressional district.

SECTION 2. IC 25-5.1-2-4, AS AMENDED BY P.L.249-2019, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The term of office for each member of the board is ~~made~~ **specified** under IC 25-1-6.5.

(b) A member of the board may be removed under IC 25-1-6.5-4.

SECTION 3. IC 25-23.5-2-4, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. A member of the committee may be removed ~~by the board~~ under IC 25-1-6.5-4.

SECTION 4. IC 25-26-13-10, AS AMENDED BY P.L.1-2007, SECTION 179, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) An applicant for registration as a pharmacist intern must furnish proof satisfactory to the board that the applicant:

HEA 1077 — Concur



- (1) is actively enrolled in a school of pharmacy accredited by the American Council of Pharmaceutical Education;
- (2) has obtained the Foreign Pharmacy Graduate Examination Committee Certificate; or
- (3) is a qualified applicant awaiting the examination for licensure as a pharmacist.

(b) A registration issued under subsection (a) is valid for one (1) year and may be renewed by the board **for an additional year in accordance with subsection (c)** until the expiration date established by the Indiana professional licensing agency under IC 25-1-5-4.

(c) An application for registration or renewal must be accompanied by the appropriate fee and one (1) of the following:

- (1) Proof of having obtained the Foreign Pharmacy Graduate Examination Committee Certificate.
- (2) Proof of active enrollment in a school of pharmacy accredited by the American Council of Pharmaceutical Education.

SECTION 5. IC 25-26-21-6, AS AMENDED BY P.L.82-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) A person seeking to provide home medical equipment services in Indiana shall apply to the board for a license in the manner prescribed by the board.

(b) A provider shall do the following:

- (1) Comply with:
 - (A) federal and state law; and
 - (B) regulatory requirements;
 for home medical equipment services.
- (2) Maintain a physical facility and medical equipment inventory in Indiana.
- (3) Purchase and maintain in an amount determined by the board:
 - (A) product liability insurance; and
 - (B) professional liability insurance;
 and maintain proof of the insurance coverage.
- (4) Establish procedures to ensure that an employee or a contractor of the provider who is engaged in the following home medical equipment activities receives annual training:
 - (A) Delivery.
 - (B) Orientation of a patient in the use of home medical equipment.
 - (C) Reimbursement assistance.
 - (D) Maintenance.
 - (E) Repair.
 - (F) Cleaning and inventory control.



(G) Administration of home medical equipment services.

The provider shall maintain documentation of the annual training received by each employee or contractor.

(5) Maintain clinical records on a customer receiving home medical equipment services.

(6) Establish home medical equipment maintenance and personnel policies.

(7) Provide home medical equipment emergency maintenance services available twenty-four (24) hours a day.

(8) Comply with the rules adopted by the board under this chapter.

(c) An out-of-state provider may obtain a license to provide home medical equipment services in Indiana on the basis of reciprocity if:

(1) the out-of-state provider possesses a valid license granted by another state;

(2) the legal standards for licensure in the other state are comparable to the standards under this chapter; and

(3) the other state extends reciprocity to providers licensed in Indiana.

However, if the requirements for licensure under this chapter are more restrictive than the standards of the other state, the out-of-state provider must comply with the additional requirements of this chapter to obtain a reciprocal license under this chapter.

SECTION 6. IC 25-26-21-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 6.5. An out-of-state provider may obtain a license to provide home medical equipment services in Indiana on the basis of reciprocity if:**

(1) the out-of-state provider possesses a valid license granted by another state; and

(2) the legal standards for licensure in the other state are comparable to the standards under this chapter.

However, if the requirements for licensure under this chapter are more restrictive than the standards of the other state, except for the physical plant requirement specified in section 6(b)(2) of this chapter, the out-of-state provider must comply with the additional requirements of this chapter to obtain a reciprocal license under this chapter.

SECTION 7. IC 25-27-1-4, AS AMENDED BY P.L.160-2019, SECTION 14, AND AS AMENDED BY P.L.249-2019, SECTION 114, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) There is created *a five (5)*



member the Indiana board of physical therapy. committee to assist the board in carrying out this chapter regarding the qualifications and examinations of physical therapists and physical therapist's assistants. Subject to IC 25-1-6.5-3, the committee board is comprised of the following:

- (1) Three (3) physical therapists.
- (2) ~~a licensed physician; and~~ One (1) physical therapist assistant.
- (3) One (1) member who is a resident of the state and who is not associated with physical therapy in any way, other than as a consumer.

(b) ~~Beginning July 1, 2019, the governor shall make each appointment for a term of three (3) four (4) years. A member of the board may not serve more than eight (8) years in a ten (10) year period.~~ The governor shall make each appointment ~~before July 1, 2019,~~ for a term of three (3) years.

(c) ~~The governor shall make each appointment after June 30, 2019, under IC 25-1-6.5.~~

~~(e)~~ (d) Each physical therapist ~~and physical therapist assistant~~ appointed must:

- (1) ~~be a licensed physical therapist meeting the requirements of this chapter; have an unrestricted license or certificate issued under this chapter;~~
- (2) have had not less than ~~three (3) five (5) years~~ experience in the actual practice of physical therapy immediately preceding appointment; and
- (3) be a resident of the state and actively engaged in this state in the practice of physical therapy during incumbency as a member of the ~~committee:~~ board.

~~(d)~~ (e) ~~The affirmative vote of a majority of the members appointed to the board is required for the board to take action on any measure.~~

~~(e)~~ (f) ~~The board shall meet at least quarterly.~~

~~(e)~~ (g) ~~A member may be removed under IC 25-1-6.5-4.~~

SECTION 8. IC 25-27.5-6-2, AS AMENDED BY P.L.135-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. A physician may enter into a **supervising collaborative** agreement with more than four (4) physician assistants but may not ~~supervise collaborate with~~ more than four (4) physician assistants at the same time.

SECTION 9. IC 35-48-3-5, AS AMENDED BY P.L.84-2010, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) An application for registration or reregistration submitted pursuant to and a registration issued under



section 3 of this chapter to manufacture, distribute, or dispense a controlled substance may be denied, suspended, or revoked by the board upon a finding that the applicant or registrant:

- (1) has furnished false or fraudulent material information in any application filed under this article;
- (2) has violated any state or federal law relating to any controlled substance;
- (3) has had the applicant's or registrant's federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or
- (4) has failed to maintain reasonable controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels.

(b) The board may limit revocation or suspension of a registration or the denial of an application for registration or reregistration to the particular controlled substance with respect to which grounds for revocation, suspension, or denial exist.

(c) If the board suspends or revokes a registration or denies an application for reregistration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation or denial order may be placed under seal. The board may require the removal of such substances from the premises. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation or denial order becoming final, all controlled substances may be forfeited to the state.

(d) The board shall promptly notify the Drug Enforcement Administration of all orders suspending or revoking registration, all orders denying any application for registration or reregistration, and all forfeitures of controlled substances.

(e) If:

- (1)** the Drug Enforcement Administration terminates, denies, suspends, or revokes a federal registration for the manufacture, distribution, or dispensing of controlled substances; **or**
- (2) the federal registration is surrendered for cause;**

a registration issued by the board under this chapter is automatically suspended.

(f) The board may reinstate a registration that has been suspended under subsection (e), after a hearing, if the board is satisfied that the applicant is able to manufacture, distribute, or dispense controlled



substances with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under IC 25-1-9-9 or this article.

(g) A registration issued under this chapter is automatically revoked if any state license authorizing a dispenser to act as a practitioner is revoked.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1077 — Concur

