



Reprinted  
March 6, 2018

---

---

# ENGROSSED

## HOUSE BILL No. 1130

---

DIGEST OF HB 1130 (Updated March 5, 2018 4:26 pm - DI 132)

**Citations Affected:** IC 25-2.5; IC 25-4; IC 25-14.5; IC 25-20; IC 25-21.8; IC 25-22.5; IC 25-26; IC 25-29.

**Synopsis:** Professional licensing agency matters. Allows a person who is enrolled in an architecture degree program to take the architect registration examination. Provides that the dietitians certification board is required to hold one regular meeting each year. (Current law requires two meetings.) Removes and repeals provisions concerning the application for and administration of the dietitian certification examination. Allows an individual to fit and dispense hearing aids while under the supervision and direction of a certified hearing aid dealer. Provides that certain duties of the medical licensing board are now duties of the committee of hearing aid dealer examiners. Requires that a person that applies for a massage therapist license must complete 625 hours of supervised classroom and hands on instruction on massage therapy. (Current law requires 500 hours.) Requires that a person who applies for a massage therapist license must submit to a  
(Continued next page)

**Effective:** July 1, 2018; July 1, 2019.

---

---

### Zent, Lehman, Bauer, Bacon

(SENATE SPONSORS — MESSMER, RANDOLPH LONNIE M)

---

---

January 4, 2018, read first time and referred to Committee on Employment, Labor and Pensions.

January 16, 2018, amended, reported — Do Pass.

January 18, 2018, read second time, ordered engrossed. Engrossed.

January 22, 2018, read third time, passed. Yeas 93, nays 2.

SENATE ACTION

February 1, 2018, read first time and referred to Committee on Commerce and Technology.

February 22, 2018, amended, reported favorably — Do Pass.

March 5, 2018, read second time, amended, ordered engrossed.

---

---

EH 1130—LS 6839/DI 77



## Digest Continued

national criminal history background check. (Current law requires a limited criminal history.) Requires a massage therapist who applies for license renewal to submit proof of professional liability insurance. Removes provisions that: (1) permit a student in medical school to take the medical licensure examination; and (2) concern grading examinations and how often the exam is administered. Changes a reference to a postgraduate training program that allows a permit to be issued to a foreign medical graduate. Requires a physician to make a personal appearance before the medical licensing board to establish the physician's work history if the physician has been inactive for more than three years. (Current law requires an appearance if the inactivity period is more than four years.) Allows the board of pharmacy to issue a provisional wholesale drug distributor license to an applicant that is located in Indiana and is in the process of obtaining accreditation or certification. Requires a third party logistics provider to be licensed by the board of pharmacy before engaging in third party logistics. Provides for certain requirements to be fulfilled prior to licensing for a third party logistics provider. Requires the board of pharmacy to adopt rules for licensing of third party logistic providers. Repeals provisions: (1) concerning the administration of the podiatrist licensure examination; and (2) that allow licensing of podiatrist's assistants. Conforms the podiatrist license reinstatement provisions with statutory reinstatement requirements. Provides that certain information from the previous two years must be reported to renew a podiatrist license. (Current law requires information to be reported from the previous four years.) Makes technical and conforming changes.

**EH 1130—LS 6839/DI 77**



Reprinted  
March 6, 2018

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1130

---

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

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

- 1 SECTION 1. IC 25-2.5-2-5, AS AMENDED BY P.L.177-2015,  
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2018]: Sec. 5. (a) Subject to IC 25-1-2-6(e), a license issued  
4 by the board expires on the date established by the agency under  
5 IC 25-1-5-4 in each even-numbered year.  
6 (b) To renew a license, an acupuncturist must:  
7 (1) pay a renewal fee not later than the expiration date of the  
8 license; and  
9 (2) submit proof of a current active ~~license~~ **certificate** in  
10 acupuncture by the National Certification Commission for  
11 Acupuncture and Oriental Medicine.  
12 (c) If an individual fails to pay a renewal fee on or before the  
13 expiration date of a license, the license becomes invalid without further  
14 action by the board.  
15 (d) If an individual holds a license that has been invalid for not more  
16 than three (3) years, the board shall reinstate the license if the  
17 individual meets the requirements of IC 25-1-8-6(c).

**EH 1130—LS 6839/DI 77**



1 (e) If more than three (3) years have elapsed since the date a license  
 2 expired, the individual who holds the license may seek reinstatement  
 3 of the license by satisfying the requirements for reinstatement under  
 4 IC 25-1-8-6(d).

5 SECTION 2. IC 25-4-1-7, AS AMENDED BY P.L.105-2008,  
 6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2018]: Sec. 7. Any person who is at least eighteen (18) years  
 8 of age shall be qualified for an examination for a certificate of  
 9 registration as a registered architect, if the individual:

10 **(1) is enrolled in a program leading to; or**

11 **(2) has graduated with;**

12 a professional degree from a school or college of architecture  
 13 accredited by the National Architectural Accrediting Board, Inc., or its  
 14 successor.

15 SECTION 3. IC 25-14.5-2-6 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) The board shall  
 17 hold meetings as follows:

18 (1) A meeting for the purpose of organization must be held not  
 19 more than thirty (30) days after the board members are appointed.

20 (2) The board shall hold at least ~~two (2)~~ **one (1)** regular ~~meetings~~  
 21 **meeting** each calendar year. At the first regular meeting each  
 22 year, the board shall elect a chairperson and vice chairperson.

23 (3) Special meetings may be held at the discretion of the  
 24 chairperson.

25 (4) Meetings may be held at such time as the board or chairperson  
 26 shall determine.

27 (b) A quorum of the board consists of four (4) members.

28 (c) A secretary of the board shall be elected by the board and shall  
 29 hold office at the pleasure of the board.

30 SECTION 4. IC 25-14.5-4-1 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. To qualify for a  
 32 certificate under this article, an individual must do the following:

33 (1) Satisfy the requirements of IC 25-14.5-3.

34 (2) Satisfactorily complete an application for certification,  
 35 furnished by the board, in accordance with the rules adopted by  
 36 the board. ~~The application must be verified by the applicant and~~  
 37 ~~filed at least thirty (30) days before the administration of the~~  
 38 ~~examination.~~

39 (3) Pay the application, examination, and certification fees  
 40 established by the board.

41 (4) Except to the extent that section 4 of this chapter applies,  
 42 successfully pass the qualifying examination adopted by the board



1 as described in IC 25-14.5-5.

2 SECTION 5. IC 25-14.5-5-2 IS REPEALED [EFFECTIVE JULY  
3 1, 2018]. ~~Sec. 2: The board shall determine:~~

4 ~~(1) a date and time when;~~

5 ~~(2) a location in Indiana where; and~~

6 ~~(3) the supervision under which;~~

7 ~~applicants for certification shall be examined.~~

8 SECTION 6. IC 25-14.5-5-3 IS REPEALED [EFFECTIVE JULY  
9 1, 2018]. ~~Sec. 3: Examinations shall be given at least two (2) times  
10 each year:~~

11 SECTION 7. IC 25-14.5-5-4 IS REPEALED [EFFECTIVE JULY  
12 1, 2018]. ~~Sec. 4: (a) The board shall give notice at least sixty (60) days  
13 before the administration of each examination in a manner the board  
14 considers appropriate:~~

15 ~~(b) The board shall notify each applicant for certification of the time  
16 and place of the administration of the first examination for which the  
17 applicant is eligible to sit:~~

18 SECTION 8. IC 25-20-1-2, AS AMENDED BY P.L.78-2017,  
19 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2018]: Sec. 2. (a) This section does not apply to:

21 (1) a person who is an audiologist licensed under IC 25-35.6; or

22 (2) the sale of hearing aid batteries or cords.

23 (b) It is unlawful for a person to fit or dispense hearing aids in  
24 Indiana unless the person ~~holds:~~ **is:**

25 (1) **an individual who holds** a valid hearing aid dealer certificate  
26 of registration; or

27 (2) **an individual who fits or dispenses hearing aids while  
28 under the supervision and direction of an individual who  
29 holds** a temporary **or valid** hearing aid dealer certificate of  
30 registration;

31 issued by the ~~board:~~ **committee.**

32 SECTION 9. IC 25-20-1-3, AS AMENDED BY P.L.78-2017,  
33 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2018]: Sec. 3. The ~~board~~ **committee** shall issue a hearing aid  
35 dealer certificate of registration to any person who makes application  
36 on forms provided by the ~~board~~ **committee** if the ~~board~~ **committee** has  
37 determined to its satisfaction that the applicant:

38 (1) is eighteen (18) years of age or older;

39 (2) if the applicant applies after June 29, 1992:

40 (A) is a high school graduate; or

41 (B) has a:

42 (i) high school equivalency certificate; or



- 1 (ii) state of Indiana general educational development (GED)  
 2 diploma issued under IC 20-20-6 (before its repeal) or  
 3 IC 22-4.1-18;  
 4 (3) has not been convicted of:  
 5 (A) an act which would constitute a ground for disciplinary  
 6 sanction under IC 25-1-9; or  
 7 (B) a crime that has a direct bearing on the applicant's ability  
 8 to practice competently; and  
 9 (4) has passed the examination prepared by the committee and  
 10 given by the board to determine that the applicant has the  
 11 qualifications to properly fit hearing aids.

12 SECTION 10. IC 25-20-1-6 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. When a person  
 14 applies for a hearing aid dealer certificate of registration or a temporary  
 15 hearing aid dealer certificate of registration, the person shall be  
 16 charged a nonrefundable fee established by the ~~board~~ **committee**.

17 SECTION 11. IC 25-20-1-11, AS AMENDED BY P.L.177-2009,  
 18 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2018]: Sec. 11. (a) Standards for licensing shall be determined  
 20 by the ~~board~~ **committee**. The ~~board~~ **committee** may require that an  
 21 applicant pass an examination in order to demonstrate that the  
 22 applicant is qualified to fit and dispense hearing aids. An examination  
 23 required under this section may not be conducted in such a manner that  
 24 college training is required in order to pass the examination.

25 (b) Nothing in this section shall imply that the applicant shall  
 26 possess the degree of medical competence normally expected by  
 27 physicians.

28 (c) The committee shall propose rules to the board concerning the  
 29 competent practice of hearing aid dealing.

30 (d) The board shall adopt rules, based on the committee's proposed  
 31 rules, under IC 4-22-2 establishing standards for competent practice as  
 32 a hearing aid dealer.

33 SECTION 12. IC 25-20-1-12, AS AMENDED BY P.L.177-2015,  
 34 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2018]: Sec. 12. (a) The committee shall issue hearing aid  
 36 dealer certificates of registration. Subject to IC 25-1-2-6(e), hearing aid  
 37 dealer certificates of registration expire biennially on the date  
 38 established by the licensing agency under IC 25-1-5-4. To renew a  
 39 hearing aid dealer certificate of registration, the holder of the certificate  
 40 must pay a renewal fee set by the committee on or before the date  
 41 established by the licensing agency.

42 (b) Subject to IC 25-1-2-6(e), if the holder of a certificate does not



1 renew the holder's hearing aid dealer certificate of registration on or  
 2 before the date established by the licensing agency, the certificate  
 3 expires without any action taken by the ~~board~~ **committee**.

4 (c) A holder of a hearing aid dealer certificate of registration that  
 5 expires under this section may have the certificate reinstated by the  
 6 committee if, not later than three (3) years after the license expires, the  
 7 holder meets the requirements under IC 25-1-8-6(c).

8 (d) A person who applies for reinstatement of a certificate of  
 9 registration under this section more than three (3) years after the date  
 10 the registration expires and becomes invalid may apply for  
 11 reinstatement by meeting the requirements for reinstatement under  
 12 IC 25-1-8-6(d).

13 SECTION 13. IC 25-20-1-14 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. (a) If the registrant  
 15 or temporary registrant changes a place of business of the registrant or  
 16 temporary registrant, the registrant or temporary registrant shall notify  
 17 the ~~board~~ **committee**, in writing, of the change of address within ten  
 18 (10) days of the change. Failure to notify the ~~board~~ **committee** in  
 19 writing shall be grounds for suspension or revocation of the  
 20 registration.

21 (b) The ~~board~~ **committee** shall keep a record of all registrants and  
 22 temporary registrants containing each registrant's and temporary  
 23 registrant's last known addresses.

24 SECTION 14. IC 25-20-1-17.1 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17.1. (a) A complaint  
 26 against a person registered or temporarily registered under this chapter  
 27 is subject to IC 25-1-7.

28 (b) The ~~board~~ **committee** may impose sanctions under IC 25-1-9  
 29 against a person registered or temporarily registered under this chapter.

30 (c) An action taken by the ~~board~~ **committee** under this section must  
 31 be approved by a majority of the quorum.

32 SECTION 15. IC 25-20-1-23 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 23. The board may  
 34 adopt: ~~and promulgate in the manner prescribed by law;~~

35 (1) ~~rules and regulations;~~ **under IC 4-22-2;** and ~~adopt~~

36 (2) application forms and other forms and written materials;

37 as necessary in order for it to carry out the provisions and legislative  
 38 intent of this chapter.

39 SECTION 16. IC 25-21.8-4-2, AS AMENDED BY P.L.267-2017,  
 40 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2019]: Sec. 2. An individual who applies for licensure as a  
 42 massage therapist must do the following:



- 1 (1) Complete and submit the licensure application in the form and  
 2 manner provided by the board.  
 3 (2) Furnish evidence satisfactory to the board showing that the  
 4 individual:  
 5 (A) is at least eighteen (18) years of age;  
 6 (B) has a high school diploma or the equivalent of a high  
 7 school diploma;  
 8 (C) has successfully completed a massage therapy school or  
 9 program that:  
 10 (i) requires at least ~~five hundred (500)~~ **six hundred**  
 11 **twenty-five (625)** hours of supervised classroom and hands  
 12 on instruction on massage therapy;  
 13 (ii) is in good standing with a state, regional, or national  
 14 agency of government charged with regulating massage  
 15 therapy schools or programs; and  
 16 (iii) is accredited by the state workforce innovation council  
 17 under IC 22-4.1-21 or accredited by another state where the  
 18 standards for massage therapy education are substantially  
 19 the same as the standards in Indiana, or is a program at an  
 20 institution of higher learning that is approved by the board;  
 21 and  
 22 (D) has taken and passed a licensure examination approved by  
 23 the board.  
 24 (3) Provide a history of any criminal convictions the individual  
 25 has, including any convictions related to the practice of the  
 26 profession. The board shall deny an application for licensure if the  
 27 applicant:  
 28 (A) has been convicted of:  
 29 (i) prostitution;  
 30 (ii) rape; or  
 31 (iii) sexual misconduct; or  
 32 (B) is a registered sex offender.  
 33 (4) Provide proof that the applicant currently has professional  
 34 liability insurance with minimum coverage of two million dollars  
 35 (\$2,000,000) per claim and six million dollars (\$6,000,000) in  
 36 aggregate.  
 37 (5) Submit to a national criminal history background check as  
 38 prescribed by IC 25-0.5-1-9.  
 39 (6) Verify the information submitted on the application form.  
 40 (7) Pay fees established by the board.

41 SECTION 17. IC 25-21.8-4-6, AS ADDED BY P.L.267-2017,  
 42 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

EH 1130—LS 6839/DI 77





1 JULY 1, 2018]: Sec. 6. (a) This subsection applies to an individual who  
 2 holds a certification by the board as a massage therapist on the  
 3 effective date of the rules adopted by the board for massage therapy  
 4 licensure. An individual to whom this subsection applies is considered  
 5 to be licensed from the effective date of the rules adopted by the board  
 6 for massage therapy licensure, and the board shall thereafter renew the  
 7 person's license in accordance with IC 25-21.8-6. If an individual to  
 8 whom this subsection applies becomes licensed under this subsection,  
 9 the expiration date of the license is the same as the expiration date of  
 10 the certification that the individual held on the effective date of the  
 11 rules adopted by the board for massage therapy licensure.

12 (b) This subsection applies to an individual who is not certified by  
 13 the board as a massage therapist and who is practicing massage therapy  
 14 for compensation in Indiana on the effective date of the rules adopted  
 15 by the board for massage therapy licensure. An individual to whom this  
 16 subsection applies may continue practicing massage therapy in Indiana  
 17 without a massage therapy license until the date occurring one hundred  
 18 eighty-three (183) days after the effective date of the rules adopted by  
 19 the board for massage therapy licensure. On or after the date occurring  
 20 one hundred eighty-three (183) days after the effective date of the rules  
 21 adopted by the board for massage therapy licensure, an individual to  
 22 whom this subsection applies may not practice massage therapy in  
 23 Indiana unless the individual obtains a massage therapy license. A  
 24 person to whom this subsection applies may obtain a massage therapy  
 25 license by doing the following:

26 (1) ~~The individual must~~ Apply for licensure before the date  
 27 occurring one hundred eighty-three (183) days after the effective  
 28 date of the rules adopted by the board for massage therapy  
 29 licensure.

30 (2) Provide the board with either:

31 (A) documentation that the applicant has completed and  
 32 passed a nationally recognized competency examination in the  
 33 practice of massage therapy and an affidavit of at least five (5)  
 34 years of work experience in the state; or

35 (B) a certificate and transcript of completion from a massage  
 36 therapy program or school with at least five hundred (500)  
 37 hours of education.

38 (3) ~~Provide the board with a limited~~ **Submit to a national**  
 39 **criminal history (as defined in IC 10-13-3-11): background**  
 40 **check as prescribed by IC 25-0.5-1-9.**

41 (c) Notwithstanding any other law, the board shall continue to issue  
 42 massage therapy certifications under this article until the effective date



1 of the rules adopted by the board for massage therapy licensure.

2 SECTION 18. IC 25-21.8-6-2, AS AMENDED BY P.L.267-2017,  
3 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2018]: Sec. 2. An individual who applies to renew a license  
5 as a massage therapist must:

- 6 (1) apply for renewal in the manner required by the board;  
7 (2) furnish evidence of successful completion of twenty-four (24)  
8 hours of continuing education within the most recent four (4) year  
9 period, as approved by the board; ~~and~~  
10 (3) pay a renewal fee established by the board; **and**  
11 **(4) provide proof that the applicant currently has professional**  
12 **liability insurance with minimum coverage of two million**  
13 **dollars (\$2,000,000) per claim and six million dollars**  
14 **(\$6,000,000) in aggregate.**

15 SECTION 19. IC 25-22.5-1-2, AS AMENDED BY P.L.232-2013,  
16 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2018]: Sec. 2. (a) This article, as it relates to the unlawful or  
18 unauthorized practice of medicine or osteopathic medicine, does not  
19 apply to any of the following:

- 20 (1) A student in training in a medical school approved by the  
21 board, or while performing duties as an intern or a resident in a  
22 hospital under the supervision of the hospital's staff or in a  
23 program approved by the medical school.  
24 (2) A person who renders service in case of emergency where no  
25 fee or other consideration is contemplated, charged, or received.  
26 (3) A paramedic (as defined in IC 16-18-2-266), an advanced  
27 emergency medical technician (as defined in IC 16-18-2-6.5), an  
28 emergency medical technician (as defined in IC 16-18-2-112), or  
29 a person with equivalent certification from another state who  
30 renders advanced life support (as defined in IC 16-18-2-7), or  
31 basic life support (as defined in IC 16-18-2-33.5):  
32 (A) during a disaster emergency declared by the governor  
33 under IC 10-14-3-12 in response to an act that the governor in  
34 good faith believes to be an act of terrorism (as defined in  
35 IC 35-31.5-2-329); and  
36 (B) in accordance with the rules adopted by the Indiana  
37 emergency medical services commission or the disaster  
38 emergency declaration of the governor.  
39 (4) Commissioned medical officers or medical service officers of  
40 the armed forces of the United States, the United States Public  
41 Health Service, and medical officers of the United States  
42 Department of Veterans Affairs in the discharge of their official



- 1 duties in Indiana.
- 2 (5) An individual who is not a licensee who resides in another
- 3 state or country and is authorized to practice medicine or
- 4 osteopathic medicine there, who is called in for consultation by an
- 5 individual licensed to practice medicine or osteopathic medicine
- 6 in Indiana.
- 7 (6) A person administering a domestic or family remedy to a
- 8 member of the person's family.
- 9 (7) A member of a church practicing the religious tenets of the
- 10 church if the member does not make a medical diagnosis,
- 11 prescribe or administer drugs or medicines, perform surgical or
- 12 physical operations, or assume the title of or profess to be a
- 13 physician.
- 14 (8) A school corporation and a school employee who acts under
- 15 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 16 (9) A chiropractor practicing the chiropractor's profession under
- 17 IC 25-10 or to an employee of a chiropractor acting under the
- 18 direction and supervision of the chiropractor under IC 25-10-1-13.
- 19 (10) A dental hygienist practicing the dental hygienist's profession
- 20 under IC 25-13.
- 21 (11) A dentist practicing the dentist's profession under IC 25-14.
- 22 (12) A hearing aid dealer practicing the hearing aid dealer's
- 23 profession under IC 25-20.
- 24 (13) A nurse practicing the nurse's profession under IC 25-23.
- 25 However, a certified registered nurse anesthetist (as defined in
- 26 IC 25-23-1-1.4) may administer anesthesia if the certified
- 27 registered nurse anesthetist acts under the direction of and in the
- 28 immediate presence of a physician.
- 29 (14) An optometrist practicing the optometrist's profession under
- 30 IC 25-24.
- 31 (15) A pharmacist practicing the pharmacist's profession under
- 32 IC 25-26.
- 33 (16) A physical therapist practicing the physical therapist's
- 34 profession under IC 25-27.
- 35 (17) A podiatrist practicing the podiatrist's profession under
- 36 IC 25-29.
- 37 (18) A psychologist practicing the psychologist's profession under
- 38 IC 25-33.
- 39 (19) A speech-language pathologist or audiologist practicing the
- 40 pathologist's or audiologist's profession under IC 25-35.6.
- 41 (20) An employee of a physician or group of physicians who
- 42 performs an act, a duty, or a function that is customarily within



- 1 the specific area of practice of the employing physician or group  
 2 of physicians, if the act, duty, or function is performed under the  
 3 direction and supervision of the employing physician or a  
 4 physician of the employing group within whose area of practice  
 5 the act, duty, or function falls. An employee may not make a  
 6 diagnosis or prescribe a treatment and must report the results of  
 7 an examination of a patient conducted by the employee to the  
 8 employing physician or the physician of the employing group  
 9 under whose supervision the employee is working. An employee  
 10 may not administer medication without the specific order of the  
 11 employing physician or a physician of the employing group.  
 12 Unless an employee is licensed or registered to independently  
 13 practice in a profession described in subdivisions (9) through  
 14 (18), nothing in this subsection grants the employee independent  
 15 practitioner status or the authority to perform patient services in  
 16 an independent practice in a profession.
- 17 (21) A hospital licensed under IC 16-21 or IC 12-25.
- 18 (22) A health care organization whose members, shareholders, or  
 19 partners are individuals, partnerships, corporations, facilities, or  
 20 institutions licensed or legally authorized by this state to provide  
 21 health care or professional services as:
- 22 (A) a physician;
  - 23 (B) a psychiatric hospital;
  - 24 (C) a hospital;
  - 25 (D) a health maintenance organization or limited service  
 26 health maintenance organization;
  - 27 (E) a health facility;
  - 28 (F) a dentist;
  - 29 (G) a registered or licensed practical nurse;
  - 30 (H) a certified nurse midwife or a certified direct entry  
 31 midwife;
  - 32 (I) an optometrist;
  - 33 (J) a podiatrist;
  - 34 (K) a chiropractor;
  - 35 (L) a physical therapist; or
  - 36 (M) a psychologist.
- 37 (23) A physician assistant practicing the physician assistant  
 38 profession under IC 25-27.5.
- 39 (24) A physician providing medical treatment under section 2.1  
 40 of this chapter.
- 41 (25) An attendant who provides attendant care services (as  
 42 defined in IC 16-18-2-28.5).



- 1 (26) A personal services attendant providing authorized attendant  
 2 care services under IC 12-10-17.1.
- 3 (27) A respiratory care practitioner practicing the practitioner's  
 4 profession under IC 25-34.5.
- 5 (b) A person described in subsection (a)(9) through (a)(18) is not  
 6 excluded from the application of this article if:
- 7 (1) the person performs an act that an Indiana statute does not  
 8 authorize the person to perform; and
- 9 (2) the act qualifies in whole or in part as the practice of medicine  
 10 or osteopathic medicine.
- 11 (c) An employment or other contractual relationship between an  
 12 entity described in subsection (a)(21) through (a)(22) and a licensed  
 13 physician does not constitute the unlawful practice of medicine **or**  
 14 **osteopathic medicine** under this article if the entity does not direct or  
 15 control independent medical acts, decisions, or judgment of the  
 16 licensed physician. However, if the direction or control is done by the  
 17 entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity  
 18 is excluded from the application of this article as it relates to the  
 19 unlawful practice of medicine or osteopathic medicine.
- 20 (d) This subsection does not apply to a prescription or drug order for  
 21 a legend drug that is filled or refilled in a pharmacy owned or operated  
 22 by a hospital licensed under IC 16-21. A physician licensed in Indiana  
 23 who permits or authorizes a person to fill or refill a prescription or drug  
 24 order for a legend drug except as authorized in IC 16-42-19-11 through  
 25 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A  
 26 person who violates this subsection commits the unlawful practice of  
 27 medicine **or osteopathic medicine** under this chapter.
- 28 (e) A person described in subsection (a)(8) shall not be authorized  
 29 to dispense contraceptives or birth control devices.
- 30 SECTION 20. IC 25-22.5-4-1 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The board shall:
- 32 (1) adopt rules concerning examinations; **and**
- 33 (2) prepare and give, or approve the preparation and giving of, an  
 34 examination which covers those general subjects and topics, a  
 35 knowledge of which is commonly and generally required, in the  
 36 opinion of the board, to practice medicine or osteopathic medicine  
 37 in Indiana. **and**
- 38 (3) permit a student of an accredited school of medicine to take  
 39 the examination for licensure if:
- 40 (A) the student submits an application to the board to take the  
 41 examination before the application deadline set by the board;  
 42 **and**



- 1 (B) the dean of the school certifies that the student is expected  
 2 to graduate before the results of the examination are published  
 3 by the board.
- 4 (b) Examinations must be:
- 5 (1) given in a way that persons grading the papers will have no  
 6 knowledge of the identity of an individual being examined; and  
 7 (2) conducted at least semiannually, if there are applicants.
- 8 (c) (b) An applicant must achieve a passing score on the  
 9 examination to qualify for licensure.
- 10 SECTION 21. IC 25-22.5-5-4.6, AS AMENDED BY P.L.78-2017,  
 11 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2018]: Sec. 4.6. (a) The board may authorize the agency to  
 13 issue noneducational commission for foreign medical graduates  
 14 certified graduate permits for the practice of medicine **or osteopathic**  
 15 **medicine**. A noneducational commission for foreign medical graduates  
 16 certified graduate permit is subject to any termination date specified by  
 17 the board.
- 18 (b) The board may issue a noneducational commission for foreign  
 19 medical graduates certified graduate permit to a graduate of a school  
 20 located outside the United States, its possessions, or Canada if the  
 21 graduate:
- 22 (1) applies in the form and manner required by the board;
- 23 (2) pays a fee set by the board;
- 24 (3) has completed the academic requirements for the degree of  
 25 doctor of medicine **or doctor of osteopathic medicine** from a  
 26 medical school approved by the board;
- 27 (4) has been issued a valid permit by another state for  
 28 participation in a postgraduate medical education or training  
 29 program located in a state that has standards for postgraduate  
 30 medical education and training satisfactory to the board;
- 31 (5) has been accepted into a postgraduate medical ~~fellowship~~  
 32 training program that:
- 33 (A) is affiliated with a medical school located in a state that  
 34 issued a permit under subdivision (4);
- 35 (B) has a training site located in Indiana; and
- 36 (C) has standards for postgraduate medical education and  
 37 training satisfactory to the board;
- 38 (6) provides the board with documentation of the areas of medical  
 39 practice for which the training is sought;
- 40 (7) provides the board with at least two (2) letters of reference  
 41 documenting the individual's character; and
- 42 (8) demonstrates to the board that the individual is a physician of



1 good character who is in good standing outside the United States,  
 2 its possessions, or Canada where the person normally would  
 3 practice.

4 (c) Applications for a noneducational commission for foreign  
 5 medical graduates certified graduate permit for graduates of foreign  
 6 medical schools must be made to the board subject to this section.

7 (d) A permit issued under this section expires one (1) year after the  
 8 date it is issued and, at the discretion of the board, may be renewed for  
 9 additional one (1) year periods upon the payment of a renewal fee set  
 10 by the board by rule.

11 (e) An individual who applies for a noneducational commission for  
 12 foreign medical graduates certified graduate permit under this section  
 13 is not required to take any step of the United States Medical Licensure  
 14 Examination.

15 (f) A noneducational commission for foreign medical graduates  
 16 certified graduate permit must be kept in the possession of the  
 17 fellowship training institution and surrendered by the institution to the  
 18 board within thirty (30) days after the person ceases training in Indiana.

19 (g) A noneducational commission for foreign medical graduates  
 20 certified graduate permit authorizes a person to practice in the training  
 21 institution only and, in the course of training, to practice only those  
 22 medical acts approved by the board but does not authorize the person  
 23 to practice medicine **or osteopathic medicine** otherwise.

24 (h) The board may deny an application for a noneducational  
 25 commission for foreign medical graduates certified graduate permit if  
 26 the training program that has accepted the applicant has:

- 27 (1) violated; or  
 28 (2) authorized or permitted a physician to violate;  
 29 this section.

30 (i) A person issued a noneducational commission for foreign  
 31 medical graduates certified graduate permit under this section must file  
 32 an affidavit that:

- 33 (1) is signed by a physician licensed in Indiana;  
 34 (2) includes the license number of the signing physician;  
 35 (3) attests that the physician will monitor the work of the  
 36 physician holding the noneducational commission for foreign  
 37 medical graduates certified graduate permit; and  
 38 (4) is notarized.

39 The affidavit must be filed with the agency before the person holding  
 40 the noneducational commission for foreign medical graduates certified  
 41 graduate permit may provide medical services.

42 SECTION 22. IC 25-22.5-6-1, AS AMENDED BY P.L.157-2006,



1 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2018]: Sec. 1. (a) Any physician licensed to practice medicine  
 3 or osteopathic medicine in this state who intends to retire from practice  
 4 shall notify the board in writing of the physician's intention to retire.  
 5 Upon receipt of this notice, the board shall record the fact that the  
 6 physician is retired and excuse the person from further payment of  
 7 registration fees. If any physician retires the physician's license to  
 8 practice medicine or osteopathic medicine in this state, reinstatement  
 9 of the license may be considered by the board upon written request.  
 10 The board may impose any conditions it considers appropriate to the  
 11 retirement or to the reinstatement of a retired license. If any  
 12 disciplinary proceedings under this chapter are pending against a  
 13 physician, the physician may not surrender or retire the physician's  
 14 license to practice without the written approval of the board.

15 (b) Any physician licensed to practice medicine or osteopathic  
 16 medicine in this state who intends to become inactive in the practice of  
 17 medicine **or osteopathic medicine** shall notify the board in writing  
 18 that:

- 19 (1) the physician will not maintain an office or practice; and
- 20 (2) if the physician does render a service that constitutes the  
 21 practice of medicine **or osteopathic medicine**, the physician will  
 22 not charge a fee for that service.

23 The board shall then classify the physician's license as inactive. The  
 24 renewal fee of the inactive license is one-half (1/2) of the registration  
 25 fee.

26 (c) If a physician holding an inactive license intends to maintain an  
 27 office or practice or charge a fee for the physician's medical services,  
 28 the physician shall notify the board of the intent to reactivate a license  
 29 to practice medicine or osteopathy. As a condition of reactivation, the  
 30 board may require the physician to appear before the board. This  
 31 personal appearance shall be to establish the physician's work history  
 32 if the physician's license has been inactive for more than ~~four (4)~~ **three**  
 33 **(3)** years and the physician cannot verify active practice history in  
 34 another jurisdiction during the period in which the physician's Indiana  
 35 license has been under inactive status. Upon:

- 36 (1) notification;
- 37 (2) receipt of the regular registration fee for a physician's license,  
 38 less the amount paid for the current inactive license; and
- 39 (3) either:
  - 40 (A) verification of active licensure in another jurisdiction; or
  - 41 (B) completion of other reasonable requirements imposed by  
 42 the board, after the physician's work history has been





1 established;  
 2 the board shall reinstate that physician's license.  
 3 SECTION 23. IC 25-22.5-6-4 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. ~~Injunctions.~~ In cases  
 5 where the continued practice of medicine or **osteopathic medicine** by  
 6 an accused is considered harmful to the public or ~~himself~~, **the accused**,  
 7 the board may sue to enjoin the accused from practicing medicine or  
 8 osteopathic medicine until the hearing, provided in section 3 of this  
 9 chapter, is completed and a decision rendered.  
 10 SECTION 24. IC 25-26-14-14, AS AMENDED BY P.L.212-2005,  
 11 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2018]: Sec. 14. (a) **Subject to subsection (h)**, a person may  
 13 not engage in wholesale distributions of legend drugs without:  
 14 (1) ~~after December 31, 2005~~; obtaining and maintaining  
 15 accreditation or certification from the National Association of  
 16 Boards of Pharmacy's Verified Accredited Wholesale Distributor  
 17 or an accreditation body approved by the board under subsection  
 18 (g);  
 19 (2) obtaining and maintaining a license issued by the board; and  
 20 (3) paying any reasonable fee required by the board.  
 21 (b) The board may not issue or renew the license of a wholesale  
 22 drug distributor that does not comply with this chapter.  
 23 (c) The board shall require a separate license for each facility or  
 24 location where wholesale distribution operations are conducted.  
 25 (d) An agent or employee of any licensed wholesale drug distributor  
 26 does not need a license and may lawfully possess pharmaceutical drugs  
 27 when acting in the usual course of business or employment.  
 28 (e) The issuance of a license under this chapter does not affect tax  
 29 liability imposed by the department of state revenue or the department  
 30 of local government finance on any wholesale drug distributor.  
 31 (f) The board may adopt rules that permit out-of-state wholesale  
 32 drug distributors to obtain a license on the basis of reciprocity if:  
 33 (1) an out-of-state wholesale drug distributor possesses a valid  
 34 license granted by another state and the legal standards for  
 35 licensure in the other state are comparable to the standards under  
 36 this chapter; and  
 37 (2) the other state extends reciprocity to wholesale drug  
 38 distributors licensed in Indiana.  
 39 However, if the requirements for licensure under this chapter are more  
 40 restrictive than the standards of the other state, the out-of-state  
 41 wholesale drug distributor must comply with the additional  
 42 requirements of this chapter to obtain a license under this chapter.



1 (g) The board may adopt rules under IC 4-22-2 to approve an  
2 accreditation body to:

3 (1) evaluate a wholesale drug distributor's operations to determine  
4 compliance with:

5 (A) professional standards;

6 (B) this chapter; and

7 (C) any other applicable law; and

8 (2) perform inspections of each facility and location where  
9 wholesale distribution operations are conducted by the wholesale  
10 drug distributor.

11 **(h) The board may issue a provisional wholesale drug  
12 distributor license to an applicant that is located in Indiana and in  
13 the process of obtaining accreditation or certification from:**

14 **(1) the National Association of Boards of Pharmacy's Verified  
15 Accredited Wholesale Distributor; or**

16 **(2) an accreditation body approved by the board under  
17 subsection (g).**

18 SECTION 25. IC 25-26-14-14.2 IS ADDED TO THE INDIANA  
19 CODE AS A NEW SECTION TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2018]: **Sec. 14.2. (a) Notwithstanding any  
21 other law, a person located in Indiana may not engage in third  
22 party logistics of legend drugs without:**

23 **(1) submitting an inspection report under section 30 of this  
24 chapter from a third party inspection provider who is  
25 approved by the board, dated not more than one (1) year  
26 before the date of application for a license from the board;**

27 **(2) obtaining and maintaining a license issued by the board;  
28 and**

29 **(3) paying any reasonable fee required by the board.**

30 **(b) The board may not issue a license to a third party logistics  
31 provider that does not comply with this chapter.**

32 **(c) The board shall require a separate license for each facility or  
33 location where third party logistics provider operations are  
34 conducted.**

35 **(d) An agent or employee of any licensed third party logistics  
36 provider does not need a license and may lawfully possess  
37 pharmaceutical drugs when acting in the usual course of business  
38 or employment.**

39 **(e) The issuance of a license under this chapter does not affect  
40 tax liability imposed by the department of state revenue or the  
41 department of local government finance on any third party  
42 logistics provider.**



1 SECTION 26. IC 25-26-14-28 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2018]: **Sec. 28. Notwithstanding any other**  
 4 **law, a third party logistics provider that holds a valid wholesale**  
 5 **drug distributor license issued under this chapter on July 1, 2018,**  
 6 **holds a third party logistics provider license with the same**  
 7 **expiration date as the original wholesale drug distributor license.**  
 8 **This section expires July 1, 2020.**

9 SECTION 27. IC 25-26-14-29 IS ADDED TO THE INDIANA  
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2018]: **Sec. 29. (a) A third party logistics**  
 12 **provider located in another state seeking to engage in third party**  
 13 **logistics of legend drugs in Indiana must be licensed with the**  
 14 **board.**

15 **(b) To obtain a license from the board, an out-of-state third**  
 16 **party logistics provider must provide the following to the board:**

17 **(1) Documentation that the out-of-state third party logistics**  
 18 **provider is licensed as a third party logistics provider by:**

19 **(A) the state from which the out-of-state third party**  
 20 **logistics provider engages in third party logistics of legend**  
 21 **drugs, if that state licenses third party logistics providers;**  
 22 **or**

23 **(B) the federal Food and Drug Administration.**

24 **(2) An inspection report under section 30 of this chapter,**  
 25 **dated no more than five years from the date of application for**  
 26 **a license from the board, issued by:**

27 **(A) the licensing authority in the state where the third**  
 28 **party logistics provider is located; or**

29 **(B) a third party inspection provider who is approved by**  
 30 **the board.**

31 **(3) Payment of any reasonable fee required by the board.**

32 SECTION 28. IC 25-26-14-30 IS ADDED TO THE INDIANA  
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2018]: **Sec. 30. (a) The board shall develop**  
 35 **standards for inspections of third party logistics providers to be**  
 36 **included on an inspection report.**

37 **(b) The report shall include whether the third party logistics**  
 38 **provider's facility is compliant with the following storage**  
 39 **practices:**

40 **(1) Maintaining access to warehouse space of suitable size to**  
 41 **facilitate safe operations, including a suitable area to**  
 42 **quarantine suspect product.**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

- (2) Maintaining adequate security.**
- (3) Having written policies and procedures to:**
  - (A) address receipt, security, storage, inventory, shipment, and distribution of a product;**
  - (B) identify, record, and report confirmed losses or thefts;**
  - (C) correct errors and inaccuracies in inventories;**
  - (D) provide support for manufacturer recalls;**
  - (E) prepare for, protect against, and address any reasonably foreseeable crisis that affects security or operation at the third party logistics provider's facility, such as a strike, fire, or flood;**
  - (F) ensure that any expired product is segregated from other products and returned to the manufacturer or repackager or destroyed;**
  - (G) maintain the capability to trace the receipt and outbound distribution of a product and supplies and records of inventory; and**
  - (H) quarantine or destroy a suspect product if directed to do so by the respective manufacturer, wholesale distributor, dispenser, or an authorized government agency.**

SECTION 29. IC 25-26-14-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 31. (a) A third party logistics provider license expires at midnight of the renewal date specified by the Indiana professional licensing agency under IC 25-1-5-4 in each even-numbered year.**

**(b) If an application for renewal has not been filed and the required fee paid before the license expiration date, the third party logistics provider's license shall lapse and become void.**

**(c) A third party logistics provider shall provide the third party logistics provider's latest inspection report, dated not more than two (2) years from the date of renewal, issued by:**

- (1) the licensing authority in the state where the third party logistics provider is located; or**
- (2) a third party inspection provider who is approved by the board.**

SECTION 30. IC 25-26-14-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 32. (a) The board shall adopt rules under IC 4-22-2, including emergency rules adopted in the manner provided under IC 4-22-2-37.1, to establish requirements**



1 **for a third party logistics license, license fees, and other relevant**  
 2 **matters consistent with the Drug Supply Chain Security Act (21**  
 3 **U.S.C. 360eee et seq.).**

4 **(b) An emergency rule adopted by the board under this section**  
 5 **expires on the date the emergency rule is amended or repealed by**  
 6 **a later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36.**

7 SECTION 31. IC 25-29-1-0.5, AS AMENDED BY P.L.42-2011,  
 8 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2018]: Sec. 0.5. (a) This article, as it relates to the unlawful or  
 10 unauthorized practice of podiatric medicine, does not apply to any of  
 11 the following:

12 (1) A student in training in a podiatric medical school approved  
 13 by the board, or while performing duties as an intern or a resident  
 14 in a hospital under the supervision of the hospital's podiatric staff  
 15 or in a program approved by the board.

16 (2) An individual who renders service in case of emergency when  
 17 no fee or other consideration is contemplated, charged, or  
 18 received.

19 (3) Commissioned podiatric medical officers or podiatric medical  
 20 service officers of the armed forces of the United States, the  
 21 United States Public Health Service, and podiatric medical  
 22 officers of the United States Department of Veterans Affairs in  
 23 the discharge of their official duties in Indiana who are also  
 24 licensed to practice podiatric medicine in another jurisdiction in  
 25 the United States.

26 (4) An individual who is licensed to practice podiatric medicine  
 27 in another jurisdiction, and is called in for consultation by an  
 28 individual licensed to practice podiatric medicine in Indiana.

29 (5) An individual administering a domestic or family remedy to  
 30 a member of the individual's family.

31 (6) A member of a church practicing the religious tenets of the  
 32 church if the member does not make a medical diagnosis,  
 33 prescribe or administer drugs or medicines, perform surgical or  
 34 physical operations, or assume the title of or profess to be a  
 35 podiatrist.

36 (7) A school corporation and a school employee who acts under  
 37 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).

38 (8) A chiropractor practicing the chiropractor's profession under  
 39 IC 25-10 or to an employee of a chiropractor acting under the  
 40 direction and supervision of the chiropractor under IC 25-10-1-13.

41 (9) A nurse practicing the nurse's profession under IC 25-23.



- 1 (10) A pharmacist practicing the pharmacist's profession under  
 2 IC 25-26.
- 3 (11) A physical therapist practicing the physical therapist's  
 4 profession under IC 25-27.
- 5 (12) A physician or an osteopath practicing the physician's or  
 6 osteopath's profession under IC 25-22.5.
- 7 (13) An employee ~~including a licensed podiatrist's assistant~~, of a  
 8 podiatrist or group of podiatrists who performs an act, a duty, or  
 9 a function that is customarily within the specific area of practice  
 10 of the employing podiatrist or group of podiatrists, if the act, duty,  
 11 or function is performed under the direction and supervision of  
 12 the employing podiatrist or a podiatrist of the employing group  
 13 within whose area of practice the act, duty, or function falls. An  
 14 employee may not make a diagnosis or prescribe a treatment and  
 15 must report the results of an examination of a patient conducted  
 16 by the employee to the employing podiatrist or the podiatrist of  
 17 the employing group under whose supervision the employee is  
 18 working. An employee may not administer medication without the  
 19 specific order of the employing podiatrist or a podiatrist of the  
 20 employing group. Unless an employee is licensed or registered to  
 21 independently practice in a profession described in subdivisions  
 22 (8) through (12), nothing in this subsection grants the employee  
 23 independent practitioner status or the authority to perform patient  
 24 services in an independent practice in a profession.
- 25 (14) A hospital licensed under IC 16-21 or IC 12-25.
- 26 (15) A health care organization whose members, shareholders, or  
 27 partners are individuals, partnerships, corporations, facilities, or  
 28 institutions licensed or legally authorized by this state to provide  
 29 health care or professional services as:
- 30 (A) a podiatrist;  
 31 (B) a psychiatric hospital;  
 32 (C) a hospital;  
 33 (D) a health facility;  
 34 (E) a registered or licensed practical nurse;  
 35 (F) a physician;  
 36 (G) a chiropractor; or  
 37 (H) a physical therapist.
- 38 (b) A person described in subsection (a)(8) through (a)(12) is not  
 39 excluded from the application of this article if:
- 40 (1) the person performs an act that an Indiana statute does not  
 41 authorize the person to perform; and



- 1 (2) the act qualifies in whole or in part as the practice of podiatric  
2 medicine.
- 3 (c) An employment or other contractual relationship between an  
4 entity described in subsection (a)(14) through (a)(15) and a licensed  
5 podiatrist does not constitute the unlawful practice of podiatric  
6 medicine under this article if the entity does not direct or control  
7 independent medical acts, decisions, or judgment of the licensed  
8 podiatrist. However, if the direction or control is done by the entity  
9 under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is  
10 excluded from the application of this article as it relates to the unlawful  
11 practice of podiatric medicine.
- 12 (d) This subsection does not apply to a prescription or drug order for  
13 a legend drug that is filled or refilled in a pharmacy owned or operated  
14 by a hospital licensed under IC 16-21-2. A podiatrist licensed in  
15 Indiana who permits or authorizes a person to fill or refill a prescription  
16 or drug order for a legend drug except as authorized in IC 16-42-19 is  
17 subject to disciplinary action under IC 25-1-9. A person who violates  
18 this subsection commits the unlawful practice of podiatric medicine  
19 under this chapter.
- 20 SECTION 32. IC 25-29-1-14 IS REPEALED [EFFECTIVE JULY  
21 1, 2018]. Sec. 14. "Podiatrist's assistant" means an individual who is  
22 certified under IC 25-29-8.
- 23 SECTION 33. IC 25-29-1-15 IS REPEALED [EFFECTIVE JULY  
24 1, 2018]. Sec. 15. "Supervising podiatrist" means a licensed podiatrist  
25 who has been certified by the board under IC 25-29-8 to supervise a  
26 podiatrist's assistant.
- 27 SECTION 34. IC 25-29-2-11 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) The board may  
29 adopt rules under IC 4-22-2 concerning the following:  
30 (1) Forms necessary for applications.  
31 (2) Creation of a committee to assist the board with the  
32 administration of podiatrist's assistants and supervising podiatrists  
33 under IC 25-29-8.  
34 (3) (2) Areas that are necessary to implement this act.
- 35 (b) The board shall adopt rules under IC 4-22-2 concerning the  
36 following:  
37 (1) The establishment of fees under IC 25-1-8-2.  
38 (2) The retirement or surrender of a license.  
39 (3) Granting an inactive license and procedures for reinstatement  
40 of an inactive license.
- 41 SECTION 35. IC 25-29-3-1 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. An individual who



1 applies for a license to practice podiatric medicine must present  
2 satisfactory evidence to the board that the individual:

- 3 (1) does not have a conviction for a crime that has a direct bearing  
4 on the applicant's ability to practice competently;  
5 (2) has not been the subject of a disciplinary action by a licensing  
6 or certification agency of another state or jurisdiction on the  
7 grounds that the applicant was not able to practice podiatric  
8 medicine without endangering the public;  
9 (3) has graduated with a degree of doctor of podiatric medicine  
10 from a college or school of podiatric medicine approved by the  
11 Council on Podiatric Medical Education;  
12 (4) has satisfactorily completed at least twelve (12) months of  
13 progressive graduate podiatric medical training that meets the  
14 requirements of the Council on Podiatric Medical Education; ~~and~~  
15 (5) has proper medical malpractice insurance; **and**  
16 **(6) has taken and successfully completed an examination**  
17 **approved by the board.**

18 SECTION 36. IC 25-29-3-4, AS AMENDED BY P.L.2-2005,  
19 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2018]: Sec. 4. An applicant who satisfies the requirements  
21 under this chapter may take the examination ~~under IC 25-29-4:~~  
22 **approved by the board.**

23 SECTION 37. IC 25-29-4 IS REPEALED [EFFECTIVE JULY 1,  
24 2018]. (Examinations).

25 SECTION 38. IC 25-29-5-1, AS AMENDED BY P.L.2-2005,  
26 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2018]: Sec. 1. (a) The board may issue a license to an  
28 applicant who pays a fee established by the board and who presents  
29 satisfactory evidence to the board that the applicant:

- 30 (1) meets the requirements under IC 25-29-3-1;  
31 (2) is licensed in a state, territory, or possession of the United  
32 States;  
33 (3) has passed a podiatric medical licensing examination that is  
34 substantially equivalent to the examination ~~under IC 25-29-4;~~  
35 **approved by the board;** and  
36 (4) has practiced podiatric medicine for at least five (5) years.

37 (b) The board may require an applicant under this section to do the  
38 following:

- 39 (1) Personally appear before the board.  
40 (2) Pass a medical examination, approved by the board, if at least  
41 ten (10) years have elapsed since the applicant passed a medical  
42 licensing examination.





1 SECTION 39. IC 25-29-6-3, AS AMENDED BY P.L.105-2008,  
 2 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2018]: Sec. 3. (a) The failure on the part of a podiatrist to  
 4 renew a license as required does not deprive the individual of the right  
 5 of renewal of the individual's license.

6 (b) The board ~~may~~ **shall** reinstate a license to a podiatrist who ~~has~~  
 7 ~~not renewed the individual's license not later than four (4) is three (3)~~  
 8 ~~years after the expiration or less delinquent~~ if the individual meets the  
 9 requirements under IC 25-1-8-6(c).

10 (c) If a license has been expired for more than ~~four (4) three (3)~~  
 11 years, the license may be reinstated by the board if the holder of the  
 12 license meets the requirements for reinstatement under IC 25-1-8-6(d).

13 SECTION 40. IC 25-29-6-4 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. An application for  
 15 renewal must be verified by the applicant and include the following  
 16 information:

17 (1) Any action taken against the podiatrist for conduct that would  
 18 be a ground for disciplinary action.

19 (2) Any awards, judgments, or settlements against the podiatrist  
 20 that total at least twenty thousand dollars (\$20,000) in a calendar  
 21 year.

22 (3) The podiatrist's voluntary surrender or voluntary limitation on  
 23 a license or authorization to practice podiatric medicine in another  
 24 jurisdiction.

25 (4) Any denial to issue the podiatrist a license or authorization to  
 26 practice medicine in another jurisdiction.

27 (5) The podiatrist's voluntary resignation from the medical staff  
 28 of a health care institution or voluntary limitation of the  
 29 podiatrist's staff privileges at the health care institution if the  
 30 action occurred while the podiatrist was under investigation by  
 31 the health care institution for possible medical incompetence,  
 32 unprofessional conduct, or a mental or physical impairment.

33 (6) The podiatrist's voluntary resignation or withdrawal from a  
 34 podiatric medical society, an association, or an organization if the  
 35 action occurred while the podiatrist was under investigation or  
 36 review by the medical body for possible medical incompetence,  
 37 unprofessional conduct, or a mental or physical impairment.

38 (7) Any addiction or treatment for addiction to alcohol or a  
 39 chemical substance during the preceding ~~four (4) two (2)~~ years.

40 (8) Any physical injury or disease or mental illness during the  
 41 preceding ~~four (4) two (2)~~ years that affected or may affect the  
 42 podiatrist's ability to practice podiatric medicine.



1 (9) Except for a showing of good cause that is acceptable to the  
2 board, evidence of the podiatrist's maintenance of professional  
3 medical competence, which may include continuing podiatric  
4 medical education, postgraduate studies, institutes, seminars,  
5 lectures, conferences, work shops, professional evaluation, and  
6 specialty board certification or recertification during the  
7 preceding four (4) years.

8 SECTION 41. IC 25-29-8 IS REPEALED [EFFECTIVE JULY 1,  
9 2018]. (Podiatrist's Assistants).



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1130, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 20, delete lines 7 through 22.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1130 as introduced.)

VANNATTER

Committee Vote: yeas 11, nays 0.

## COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred House Bill No. 1130, 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:

Page 7, between lines 13 and 14, begin a new paragraph and insert: "SECTION 17. IC 25-21.8-4-2, AS AMENDED BY P.L.267-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. An individual who applies for licensure as a massage therapist must do the following:

- (1) Complete and submit the licensure application in the form and manner provided by the board.
- (2) Furnish evidence satisfactory to the board showing that the individual:
  - (A) is at least eighteen (18) years of age;
  - (B) has a high school diploma or the equivalent of a high school diploma;
  - (C) has successfully completed a massage therapy school or program that:
    - (i) requires at least ~~five hundred (500)~~ **six hundred twenty-five (625)** hours of supervised classroom and hands on instruction on massage therapy;
    - (ii) is in good standing with a state, regional, or national

EH 1130—LS 6839/DI 77



agency of government charged with regulating massage therapy schools or programs; and

(iii) is accredited by the state workforce innovation council under IC 22-4.1-21 or accredited by another state where the standards for massage therapy education are substantially the same as the standards in Indiana, or is a program at an institution of higher learning that is approved by the board; and

(D) has taken and passed a licensure examination approved by the board.

(3) Provide a history of any criminal convictions the individual has, including any convictions related to the practice of the profession. The board shall deny an application for licensure if the applicant:

(A) has been convicted of:

(i) prostitution;

(ii) rape; or

(iii) sexual misconduct; or

(B) is a registered sex offender.

(4) Provide proof that the applicant currently has professional liability insurance with minimum coverage of two million dollars (\$2,000,000) per claim and six million dollars (\$6,000,000) in aggregate.

(5) Submit to a national criminal history background check as prescribed by IC 25-0.5-1-9.

(6) Verify the information submitted on the application form.

(7) Pay fees established by the board."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1130 as printed January 16, 2018.)

MESSMER, Chairperson

Committee Vote: Yeas 8, Nays 0.



## SENATE MOTION

Madam President: I move that Engrossed House Bill 1130 be amended to read as follows:

Replace the effective date in SECTION 17 with "[EFFECTIVE JULY 1, 2019]".

Page 1, delete lines 1 through 15.

Delete page 2.

Page 17, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 26. IC 25-26-14-14.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 14.2. (a) Notwithstanding any other law, a person located in Indiana may not engage in third party logistics of legend drugs without:**

**(1) submitting an inspection report under section 30 of this chapter from a third party inspection provider who is approved by the board, dated not more than one (1) year before the date of application for a license from the board;**

**(2) obtaining and maintaining a license issued by the board; and**

**(3) paying any reasonable fee required by the board.**

**(b) The board may not issue a license to a third party logistics provider that does not comply with this chapter.**

**(c) The board shall require a separate license for each facility or location where third party logistics provider operations are conducted.**

**(d) An agent or employee of any licensed third party logistics provider does not need a license and may lawfully possess pharmaceutical drugs when acting in the usual course of business or employment.**

**(e) The issuance of a license under this chapter does not affect tax liability imposed by the department of state revenue or the department of local government finance on any third party logistics provider.**

SECTION 27. IC 25-26-14-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 28. Notwithstanding any other law, a third party logistics provider that holds a valid wholesale drug distributor license issued under this chapter on July 1, 2018, holds a third party logistics provider license with the same EXPIRATION date as the original wholesale drug distributor license. This section expires July 1, 2020.**



SECTION 28. IC 25-26-14-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 29. (a) A third party logistics provider located in another state seeking to engage in third party logistics of legend drugs in Indiana must be licensed with the board.**

**(b) To obtain a license from the board, an out-of-state third party logistics provider must provide the following to the board:**

**(1) Documentation that the out-of-state third party logistics provider is licensed as a third party logistics provider by:**

**(A) the state from which the out-of-state third party logistics provider engages in third party logistics of legend drugs, if that state licenses third party logistics providers;**  
**or**

**(B) the federal Food and Drug Administration.**

**(2) An inspection report under section 30 of this chapter, dated no more than five years from the date of application for a license from the board, issued by:**

**(A) the licensing authority in the state where the third party logistics provider is located; or**

**(B) a third party inspection provider who is approved by the board.**

**(3) Payment of any reasonable fee required by the board.**

SECTION 29. IC 25-26-14-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 30. (a) The board shall develop standards for inspections of third party logistics providers to be included on an inspection report.**

**(b) The report shall include whether the third party logistics provider's facility is compliant with the following storage practices:**

**(1) Maintaining access to warehouse space of suitable size to facilitate safe operations, including a suitable area to quarantine suspect product.**

**(2) Maintaining adequate security.**

**(3) Having written policies and procedures to:**

**(A) address receipt, security, storage, inventory, shipment, and distribution of a product;**

**(B) identify, record, and report confirmed losses or thefts;**

**(C) correct errors and inaccuracies in inventories;**

**(D) provide support for manufacturer recalls;**



- (E) prepare for, protect against, and address any reasonably foreseeable crisis that affects security or operation at the third party logistics provider's facility, such as a strike, fire, or flood;
- (F) ensure that any expired product is segregated from other products and returned to the manufacturer or repackager or destroyed;
- (G) maintain the capability to trace the receipt and outbound distribution of a product and supplies and records of inventory; and
- (H) quarantine or destroy a suspect product if directed to do so by the respective manufacturer, wholesale distributor, dispenser, or an authorized government agency.

SECTION 30. IC 25-26-14-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 31. (a) A third party logistics provider license expires at midnight of the renewal date specified by the Indiana professional licensing agency under IC 25-1-5-4 in each even-numbered year.**

**(b) If an application for renewal has not been filed and the required fee paid before the license expiration date, the third party logistics provider's license shall lapse and become void.**

**(c) A third party logistics provider shall provide the third party logistics provider's latest inspection report, dated not more than two (2) years from the date of renewal, issued by:**

- (1) the licensing authority in the state where the third party logistics provider is located; or**
- (2) a third party inspection provider who is approved by the board.**

SECTION 31. IC 25-26-14-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 32. (a) The board shall adopt rules under IC 4-22-2, including emergency rules adopted in the manner provided under IC 4-22-2-37.1, to establish requirements for a third party logistics license, license fees, and other relevant matters consistent with the Drug Supply Chain Security Act (21 U.S.C. 360eee et seq.).**

**(b) An emergency rule adopted by the board under this section expires on the date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36."**

Page 21, between lines 8 and 9, begin a new paragraph and insert:



"SECTION 33. IC 25-29-5-1, AS AMENDED BY P.L.2-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The board may issue a license to an applicant who pays a fee established by the board and who presents satisfactory evidence to the board that the applicant:

- (1) meets the requirements under IC 25-29-3-1;
- (2) is licensed in a state, territory, or possession of the United States;
- (3) has passed a podiatric medical licensing examination that is substantially equivalent to the examination ~~under IC 25-29-4;~~ **approved by the board;** and
- (4) has practiced podiatric medicine for at least five (5) years.

(b) The board may require an applicant under this section to do the following:

- (1) Personally appear before the board.
- (2) Pass a medical examination, approved by the board, if at least ten (10) years have elapsed since the applicant passed a medical licensing examination."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1130 as printed February 23, 2018.)

MESSMER

