

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.

HOUSE ENROLLED ACT No. 1130

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 25-2.5-2-5, AS AMENDED BY P.L.177-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) Subject to IC 25-1-2-6(e), a license issued by the board expires on the date established by the agency under IC 25-1-5-4 in each even-numbered year.

(b) To renew a license, an acupuncturist must:

- (1) pay a renewal fee not later than the expiration date of the license; and
- (2) submit proof of **a** current active ~~license~~ **certificate** in acupuncture by the National Certification Commission for Acupuncture and Oriental Medicine.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a license, the license becomes invalid without further action by the board.

(d) If an individual holds a license that has been invalid for not more than three (3) years, the board shall reinstate the license if the individual meets the requirements of IC 25-1-8-6(c).

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

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

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

(2) has graduated with;

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

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

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

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

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

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

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

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

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

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

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

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

(4) Except to the extent that section 4 of this chapter applies, successfully pass the qualifying examination adopted by the board as described in IC 25-14.5-5.

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

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



(2) a location in Indiana where; and
 (3) the supervision under which;
 applicants for certification shall be examined.

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

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

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

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

- (1) a person who is an audiologist licensed under IC 25-35.6; or
- (2) the sale of hearing aid batteries or cords.

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

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

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

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

- (1) is eighteen (18) years of age or older;
- (2) if the applicant applies after June 29, 1992:
 - (A) is a high school graduate; or
 - (B) has a:
 - (i) high school equivalency certificate; or
 - (ii) state of Indiana general educational development (GED) diploma issued under IC 20-20-6 (before its repeal) or IC 22-4.1-18;
- (3) has not been convicted of:



- (A) an act which would constitute a ground for disciplinary sanction under IC 25-1-9; or
- (B) a crime that has a direct bearing on the applicant's ability to practice competently; and
- (4) has passed the examination prepared by the committee and given by the board to determine that the applicant has the qualifications to properly fit hearing aids.

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

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

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

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

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

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

(b) Subject to IC 25-1-2-6(e), if the holder of a certificate does not renew the holder's hearing aid dealer certificate of registration on or before the date established by the licensing agency, the certificate expires without any action taken by the ~~board~~ **committee**.

(c) A holder of a hearing aid dealer certificate of registration that



expires under this section may have the certificate reinstated by the committee if, not later than three (3) years after the license expires, the holder meets the requirements under IC 25-1-8-6(c).

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

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

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

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

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

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

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

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

(2) application forms and other forms and written materials; as necessary in order for it to carry out the provisions and legislative intent of this chapter.

SECTION 16. IC 25-21.8-4-2, AS AMENDED BY P.L.267-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: 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 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.

SECTION 17. IC 25-21.8-4-6, AS ADDED BY P.L.267-2017, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) This subsection applies to an individual who holds a certification by the board as a massage therapist on the effective date of the rules adopted by the board for massage therapy licensure. An individual to whom this subsection applies is considered



to be licensed from the effective date of the rules adopted by the board for massage therapy licensure, and the board shall thereafter renew the person's license in accordance with IC 25-21.8-6. If an individual to whom this subsection applies becomes licensed under this subsection, the expiration date of the license is the same as the expiration date of the certification that the individual held on the effective date of the rules adopted by the board for massage therapy licensure.

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

- (1) ~~The individual must~~ Apply for licensure before the date occurring one hundred eighty-three (183) days after the effective date of the rules adopted by the board for massage therapy licensure.
- (2) Provide the board with either:
 - (A) documentation that the applicant has completed and passed a nationally recognized competency examination in the practice of massage therapy and an affidavit of at least five (5) years of work experience in the state; or
 - (B) a certificate and transcript of completion from a massage therapy program or school with at least five hundred (500) hours of education.
- (3) ~~Provide the board with a limited~~ **Submit to a national criminal history (as defined in IC 10-13-3-11): background check as prescribed by IC 25-0.5-1-9.**

(c) Notwithstanding any other law, the board shall continue to issue massage therapy certifications under this article until the effective date of the rules adopted by the board for massage therapy licensure.

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



as a massage therapist must:

- (1) apply for renewal in the manner required by the board;
- (2) furnish evidence of successful completion of twenty-four (24) hours of continuing education within the most recent four (4) year period, as approved by the board; ~~and~~
- (3) pay a renewal fee established by the board; **and**
- (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.**

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

- (1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.
- (2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.
- (3) A paramedic (as defined in IC 16-18-2-266), an advanced emergency medical technician (as defined in IC 16-18-2-6.5), an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7), or basic life support (as defined in IC 16-18-2-33.5):
 - (A) during a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-31.5-2-329); and
 - (B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.
- (4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.
- (5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an



individual licensed to practice medicine or osteopathic medicine in Indiana.

(6) A person administering a domestic or family remedy to a member of the person's family.

(7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.

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

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

(10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.

(11) A dentist practicing the dentist's profession under IC 25-14.

(12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.

(13) A nurse practicing the nurse's profession under IC 25-23. However, a certified registered nurse anesthetist (as defined in IC 25-23-1-1.4) may administer anesthesia if the certified registered nurse anesthetist acts under the direction of and in the immediate presence of a physician.

(14) An optometrist practicing the optometrist's profession under IC 25-24.

(15) A pharmacist practicing the pharmacist's profession under IC 25-26.

(16) A physical therapist practicing the physical therapist's profession under IC 25-27.

(17) A podiatrist practicing the podiatrist's profession under IC 25-29.

(18) A psychologist practicing the psychologist's profession under IC 25-33.

(19) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.

(20) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice



the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

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

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

- (A) a physician;
- (B) a psychiatric hospital;
- (C) a hospital;
- (D) a health maintenance organization or limited service health maintenance organization;
- (E) a health facility;
- (F) a dentist;
- (G) a registered or licensed practical nurse;
- (H) a certified nurse midwife or a certified direct entry midwife;
- (I) an optometrist;
- (J) a podiatrist;
- (K) a chiropractor;
- (L) a physical therapist; or
- (M) a psychologist.

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

(24) A physician providing medical treatment under section 2.1 of this chapter.

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

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

(27) A respiratory care practitioner practicing the practitioner's profession under IC 25-34.5.



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

- (1) the person performs an act that an Indiana statute does not authorize the person to perform; and
- (2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

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

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

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

SECTION 20. IC 25-22.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The board shall:

- (1) adopt rules concerning examinations; **and**
- (2) prepare and give, or approve the preparation and giving of, an examination which covers those general subjects and topics, a knowledge of which is commonly and generally required, in the opinion of the board, to practice medicine or osteopathic medicine in Indiana. **and**
- (3) ~~permit a student of an accredited school of medicine to take the examination for licensure if:~~
 - (A) ~~the student submits an application to the board to take the examination before the application deadline set by the board;~~
 - and**
 - (B) ~~the dean of the school certifies that the student is expected to graduate before the results of the examination are published by the board.~~

(b) Examinations must be:



- (1) given in a way that persons grading the papers will have no knowledge of the identity of an individual being examined; and
- (2) conducted at least semiannually, if there are applicants.

(c) (b) An applicant must achieve a passing score on the examination to qualify for licensure.

SECTION 21. IC 25-22.5-5-4.6, AS AMENDED BY P.L.78-2017, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4.6. (a) The board may authorize the agency to issue noneducational commission for foreign medical graduates certified graduate permits for the practice of medicine **or osteopathic medicine**. A noneducational commission for foreign medical graduates certified graduate permit is subject to any termination date specified by the board.

(b) The board may issue a noneducational commission for foreign medical graduates certified graduate permit to a graduate of a school located outside the United States, its possessions, or Canada if the graduate:

- (1) applies in the form and manner required by the board;
- (2) pays a fee set by the board;
- (3) has completed the academic requirements for the degree of doctor of medicine **or doctor of osteopathic medicine** from a medical school approved by the board;
- (4) has been issued a valid permit by another state for participation in a postgraduate medical education or training program located in a state that has standards for postgraduate medical education and training satisfactory to the board;
- (5) has been accepted into a postgraduate medical fellowship training program that:
 - (A) is affiliated with a medical school located in a state that issued a permit under subdivision (4);
 - (B) has a training site located in Indiana; and
 - (C) has standards for postgraduate medical education and training satisfactory to the board;
- (6) provides the board with documentation of the areas of medical practice for which the training is sought;
- (7) provides the board with at least two (2) letters of reference documenting the individual's character; and
- (8) demonstrates to the board that the individual is a physician of good character who is in good standing outside the United States, its possessions, or Canada where the person normally would practice.

(c) Applications for a noneducational commission for foreign



medical graduates certified graduate permit for graduates of foreign medical schools must be made to the board subject to this section.

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

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

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

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

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

- (1) violated; or
- (2) authorized or permitted a physician to violate;

this section.

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

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

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

SECTION 22. IC 25-22.5-6-1, AS AMENDED BY P.L.157-2006, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) Any physician licensed to practice medicine or osteopathic medicine in this state who intends to retire from practice shall notify the board in writing of the physician's intention to retire.



Upon receipt of this notice, the board shall record the fact that the physician is retired and excuse the person from further payment of registration fees. If any physician retires the physician's license to practice medicine or osteopathic medicine in this state, reinstatement of the license may be considered by the board upon written request. The board may impose any conditions it considers appropriate to the retirement or to the reinstatement of a retired license. If any disciplinary proceedings under this chapter are pending against a physician, the physician may not surrender or retire the physician's license to practice without the written approval of the board.

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

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

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

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

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

the board shall reinstate that physician's license.

SECTION 23. IC 25-22.5-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. ~~Injunctions.~~ In cases



where the continued practice of medicine **or osteopathic medicine** by an accused is considered harmful to the public or ~~himself~~, **the accused**, the board may sue to enjoin the accused from practicing medicine or osteopathic medicine until the hearing, provided in section 3 of this chapter, is completed and a decision rendered.

SECTION 24. IC 25-26-14-10.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 10.3. As used in this chapter, "third party inspection provider" means:**

- (1) a manufacturer;**
- (2) a wholesale drug distributor;**
- (3) a repackager;**
- (4) a dispenser; or**
- (5) an accreditation body approved by the board;**

that conducts an inspection of a third party logistics provider under section 30 of this chapter.

SECTION 25. IC 25-26-14-14, AS AMENDED BY P.L.212-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. (a) **Subject to subsection (h)**, a person may not engage in wholesale distributions of legend drugs without:

- (1) ~~after December 31, 2005~~, obtaining and maintaining accreditation or certification from the National Association of Boards of Pharmacy's Verified Accredited Wholesale Distributor or an accreditation body approved by the board under subsection (g);**
- (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 or renew the license of a wholesale drug distributor that does not comply with this chapter.

(c) The board shall require a separate license for each facility or location where wholesale distribution operations are conducted.

(d) An agent or employee of any licensed wholesale drug distributor 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 wholesale drug distributor.

(f) The board may adopt rules that permit out-of-state wholesale drug distributors to obtain a license on the basis of reciprocity if:

- (1) an out-of-state wholesale drug distributor possesses a valid license granted by another state and the legal standards for licensure in the other state are comparable to the standards under**



this chapter; and

- (2) the other state extends reciprocity to wholesale drug distributors 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 wholesale drug distributor must comply with the additional requirements of this chapter to obtain a license under this chapter.

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

- (1) evaluate a wholesale drug distributor's operations to determine compliance with:
 - (A) professional standards;
 - (B) this chapter; and
 - (C) any other applicable law; and
- (2) perform inspections of each facility and location where wholesale distribution operations are conducted by the wholesale drug distributor.

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

- (1) the National Association of Boards of Pharmacy's Verified Accredited Wholesale Distributor; or**
- (2) an accreditation body approved by the board under subsection (g).**

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, 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 not more than five (5) 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.

(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.



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.

SECTION 32. IC 25-29-1-0.5, AS AMENDED BY P.L.42-2011, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 0.5. (a) This article, as it relates to the unlawful or unauthorized practice of podiatric medicine, does not apply to any of the following:**

- (1) A student in training in a podiatric medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's podiatric staff or in a program approved by the board.
- (2) An individual who renders service in case of emergency when no fee or other consideration is contemplated, charged, or received.
- (3) Commissioned podiatric medical officers or podiatric medical service officers of the armed forces of the United States, the United States Public Health Service, and podiatric medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana who are also licensed to practice podiatric medicine in another jurisdiction in the United States.
- (4) An individual who is licensed to practice podiatric medicine in another jurisdiction, and is called in for consultation by an individual licensed to practice podiatric medicine in Indiana.
- (5) An individual administering a domestic or family remedy to a member of the individual's family.
- (6) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a podiatrist.
- (7) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).



- (8) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.
- (9) A nurse practicing the nurse's profession under IC 25-23.
- (10) A pharmacist practicing the pharmacist's profession under IC 25-26.
- (11) A physical therapist practicing the physical therapist's profession under IC 25-27.
- (12) A physician or an osteopath practicing the physician's or osteopath's profession under IC 25-22.5.
- (13) An employee ~~including a licensed podiatrist's assistant~~, of a podiatrist or group of podiatrists who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing podiatrist or group of podiatrists, if the act, duty, or function is performed under the direction and supervision of the employing podiatrist or a podiatrist of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing podiatrist or the podiatrist of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing podiatrist or a podiatrist of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (8) through (12), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.
- (14) A hospital licensed under IC 16-21 or IC 12-25.
- (15) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:
 - (A) a podiatrist;
 - (B) a psychiatric hospital;
 - (C) a hospital;
 - (D) a health facility;
 - (E) a registered or licensed practical nurse;
 - (F) a physician;
 - (G) a chiropractor; or
 - (H) a physical therapist.



(b) A person described in subsection (a)(8) through (a)(12) is not excluded from the application of this article if:

- (1) the person performs an act that an Indiana statute does not authorize the person to perform; and
- (2) the act qualifies in whole or in part as the practice of podiatric medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(14) through (a)(15) and a licensed podiatrist does not constitute the unlawful practice of podiatric medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed podiatrist. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of podiatric medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21-2. A podiatrist licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of podiatric medicine under this chapter.

SECTION 33. IC 25-29-1-14 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 14. "Podiatrist's assistant" means an individual who is certified under IC 25-29-8.~~

SECTION 34. IC 25-29-1-15 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 15. "Supervising podiatrist" means a licensed podiatrist who has been certified by the board under IC 25-29-8 to supervise a podiatrist's assistant.~~

SECTION 35. IC 25-29-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) The board may adopt rules under IC 4-22-2 concerning the following:

- (1) Forms necessary for applications.
- (2) ~~Creation of a committee to assist the board with the administration of podiatrist's assistants and supervising podiatrists under IC 25-29-8.~~
- ~~(3)~~ (2) Areas that are necessary to implement this act.

(b) The board shall adopt rules under IC 4-22-2 concerning the following:

- (1) The establishment of fees under IC 25-1-8-2.
- (2) The retirement or surrender of a license.



(3) Granting an inactive license and procedures for reinstatement of an inactive license.

SECTION 36. IC 25-29-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. An individual who applies for a license to practice podiatric medicine must present satisfactory evidence to the board that the individual:

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

SECTION 37. IC 25-29-3-4, AS AMENDED BY P.L.2-2005, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. An applicant who satisfies the requirements under this chapter may take the examination ~~under IC 25-29-4;~~ **approved by the board.**

SECTION 38. IC 25-29-4 IS REPEALED [EFFECTIVE JULY 1, 2018]. (Examinations).

SECTION 39. 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.

SECTION 40. IC 25-29-6-3, AS AMENDED BY P.L.105-2008, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) The failure on the part of a podiatrist to renew a license as required does not deprive the individual of the right of renewal of the individual's license.

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

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

SECTION 41. IC 25-29-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. An application for renewal must be verified by the applicant and include the following information:

- (1) Any action taken against the podiatrist for conduct that would be a ground for disciplinary action.
- (2) Any awards, judgments, or settlements against the podiatrist that total at least twenty thousand dollars (\$20,000) in a calendar year.
- (3) The podiatrist's voluntary surrender or voluntary limitation on a license or authorization to practice podiatric medicine in another jurisdiction.
- (4) Any denial to issue the podiatrist a license or authorization to practice medicine in another jurisdiction.
- (5) The podiatrist's voluntary resignation from the medical staff of a health care institution or voluntary limitation of the podiatrist's staff privileges at the health care institution if the action occurred while the podiatrist was under investigation by the health care institution for possible medical incompetence, unprofessional conduct, or a mental or physical impairment.
- (6) The podiatrist's voluntary resignation or withdrawal from a podiatric medical society, an association, or an organization if the action occurred while the podiatrist was under investigation or review by the medical body for possible medical incompetence, unprofessional conduct, or a mental or physical impairment.



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

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

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

SECTION 42. IC 25-29-8 IS REPEALED [EFFECTIVE JULY 1, 2018]. (Podiatrist's Assistants).



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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