



April 3, 2015

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# ENGROSSED HOUSE BILL No. 1183

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DIGEST OF HB 1183 (Updated April 1, 2015 1:30 pm - DI 104)

**Citations Affected:** IC 25-27.5; IC 35-48.

**Synopsis:** Physician assistants. Allows a physician assistant who is delegated authority to prescribe a controlled substance after practicing for at least 1,800 hours. (Current law allows a physician assistant to be delegated to prescribe a controlled substance after practicing for one year after graduating from a physician assistant program and practicing for at least 1,800 hours.) Removes requirement that supervising physician must delegate prescribing authority by the name of the drug or drug classification. Specifies that a physician assistant may refill a  
(Continued next page)

**Effective:** July 1, 2015.

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## Davisson, Heaton, Errington, Brown C

(SENATE SPONSORS — MILLER PATRICIA, GROOMS, CHARBONNEAU,  
FORD, STOOPS)

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January 12, 2015, read first time and referred to Committee on Public Health.  
January 29, 2015, amended, reported — Do Pass.  
February 2, 2015, read second time, amended, ordered engrossed.  
February 3, 2015, engrossed. Read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Health & Provider Services.  
April 2, 2015, amended, reported favorably — Do Pass.

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EH 1183—LS 6542/DI 77



## Digest Continued

prescription as allowed for in the physician assistant's supervisory agreement. Provides that a pharmacist may not require the supervising agreement or a cosignature to fill a prescription written by a physician assistant. Removes requirement that patient encounters must be reviewed within 72 hours and provides that a physician must review physician assistant charts within ten business days and within a reasonable time that is appropriate for the maintenance of quality medical care. Reduces the percentage of physician assistant charts that a physician must review based on the year of practice by the physician assistant. Specifies patient record review by a physician for Schedule II prescription that a physician assistant with less than a year of authority to prescribe Schedule II controlled substances dispenses or prescribes. Provides that a physician may supervise four physician assistants at the same time. Allows physician assistants and advanced practice nurses to treat a patient with a Schedule III or Schedule IV controlled substance for weight reduction or to control obesity if certain conditions are met.

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April 3, 2015

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1183

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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 25-27.5-5-4, AS AMENDED BY P.L.102-2013,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 4. (a) Except as provided in this section, a  
4 physician assistant may prescribe, dispense, and administer drugs and  
5 medical devices or services to the extent delegated by the supervising  
6 physician.  
7 (b) A physician assistant may not prescribe, dispense, or administer  
8 ophthalmic devices, including glasses, contact lenses, and low vision  
9 devices.  
10 (c) A physician assistant may use or dispense only drugs prescribed  
11 or approved by the supervising physician. A physician assistant may  
12 not prescribe or dispense a schedule I controlled substance listed in  
13 IC 35-48-2-4.  
14 (d) A physician assistant may request, receive, and sign for  
15 professional samples and may distribute professional samples to

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1 patients if the samples are within the scope of the physician assistant's  
 2 prescribing privileges delegated by the supervising physician.

3 (e) A physician assistant may not prescribe drugs unless the  
 4 physician assistant has successfully completed at least thirty (30)  
 5 contact hours in pharmacology from an educational program that is  
 6 approved by the committee.

7 (f) A physician assistant may not prescribe, administer, or monitor  
 8 general anesthesia, regional anesthesia, or deep sedation as defined by  
 9 the board. A physician assistant may not administer moderate sedation:

10 (1) if the moderate sedation contains agents in which the  
 11 manufacturer's general warning advises that the drug should be  
 12 administered and monitored by an individual who is:

13 (A) experienced in the use of general anesthesia; and

14 (B) not involved in the conduct of the surgical or diagnostic  
 15 procedure; and

16 (2) during diagnostic tests, surgical procedures, or obstetric  
 17 procedures unless the following conditions are met:

18 (A) A physician is physically present in the area, is  
 19 immediately available to assist in the management of the  
 20 patient, and is qualified to rescue patients from deep sedation.

21 (B) The physician assistant is qualified to rescue patients from  
 22 deep sedation and is competent to manage a compromised  
 23 airway and provide adequate oxygenation and ventilation by  
 24 reason of meeting the following conditions:

25 (i) The physician assistant is certified in advanced  
 26 cardiopulmonary life support.

27 (ii) The physician assistant has knowledge of and training in  
 28 the medications used in moderate sedation, including  
 29 recommended doses, contraindications, and adverse  
 30 reactions.

31 (g) Before a physician assistant may prescribe a controlled  
 32 substance, the physician assistant must have practiced as a physician  
 33 assistant

34 ~~(1) for at least one (1) year after graduating from a physician~~  
 35 ~~assistant program approved by the committee; and~~

36 ~~(2) for at least one thousand eight hundred (1,800) hours.~~

37 SECTION 2. IC 25-27.5-5-6, AS AMENDED BY P.L.102-2013,  
 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2015]: Sec. 6. (a) Except as provided in section 4(d) of this  
 40 chapter, a supervising physician may delegate authority to a physician  
 41 assistant to prescribe:

42 (1) legend drugs except as provided in section 4(c) of this chapter;



- 1           and
- 2           (2) medical devices (except ophthalmic devices, including
- 3           glasses, contact lenses, and low vision devices).
- 4           (b) Any prescribing authority delegated to a physician assistant must
- 5           be expressly delegated in writing by the physician assistant's
- 6           supervising physician, including
- 7           ~~(1) the name of the drug or drug classification being delegated by~~
- 8           ~~the supervising physician; and~~
- 9           ~~(2) the protocols the physician assistant shall use when~~
- 10          prescribing the drug.
- 11          (c) A physician assistant who is delegated the authority to prescribe
- 12          legend drugs or medical devices must do the following:
- 13          (1) Enter the following on each prescription form that the
- 14          physician assistant uses to prescribe a legend drug or medical
- 15          device:
- 16               (A) The signature of the physician assistant.
- 17               (B) The initials indicating the credentials awarded to the
- 18               physician assistant by the NCCPA.
- 19               (C) The physician assistant's state license number.
- 20          (2) Comply with all applicable state and federal laws concerning
- 21          prescriptions for legend drugs and medical devices.
- 22          (d) A supervising physician may delegate to a physician assistant
- 23          the authority to prescribe only legend drugs and medical devices that
- 24          are within the scope of practice of the licensed supervising physician
- 25          or the physician designee.
- 26          (e) A physician assistant who is delegated the authority to prescribe
- 27          controlled substances under subsection (a) and in accordance with the
- 28          limitations specified in section 4(c) of this chapter must do the
- 29          following:
- 30          (1) Obtain an Indiana controlled substance registration and a
- 31          federal Drug Enforcement Administration registration.
- 32          (2) Enter the following on each prescription form that the
- 33          physician assistant uses to prescribe a controlled substance:
- 34               (A) The signature of the physician assistant.
- 35               (B) The initials indicating the credentials awarded to the
- 36               physician assistant by the NCCPA.
- 37               (C) The physician assistant's state license number.
- 38               (D) The physician assistant's federal Drug Enforcement
- 39               Administration (DEA) number.
- 40          (3) Comply with all applicable state and federal laws concerning
- 41          prescriptions for controlled substances.
- 42          (f) A supervising physician may only delegate to a physician



1 assistant the authority to prescribe controlled substances:

2 (1) that may be prescribed within the scope of practice of the  
3 licensed supervising physician or the physician designee;

4 (2) in an aggregate amount that does not exceed a thirty (30) day  
5 supply; **the prescription may be refilled by the physician**  
6 **assistant as allowed for under the physician assistant's**  
7 **supervisory agreement; and however, any refills or subsequent**  
8 **prescriptions beyond the thirty (30) day supply must be**  
9 **authorized by the supervising physician and recorded in the**  
10 **patient's medical record; and**

11 (3) in accordance with the limitations set forth in section 4(c) of  
12 this chapter.

13 **(g) Unless the pharmacist has specific knowledge that filling the**  
14 **prescription written by a physician assistant will violate a**  
15 **supervising agreement or is illegal, a pharmacist shall fill a**  
16 **prescription written by a physician assistant without requiring to**  
17 **see the physician assistant's supervising agreement.**

18 **(h) A prescription written by a physician assistant that complies**  
19 **with this chapter does not require a cosignature from the**  
20 **supervising physician or physician designee.**

21 SECTION 3. IC 25-27.5-6-1, AS AMENDED BY P.L.102-2013,  
22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2015]: Sec. 1. (a) Supervision by the supervising physician or  
24 the physician designee must be continuous but does not require the  
25 physical presence of the supervising physician at the time and the place  
26 that the services are rendered.

27 (b) A supervising physician or physician designee shall review ~~all~~  
28 patient encounters not later than ~~seventy-two (72) hours~~ **ten (10)**  
29 **business days, and within a reasonable time, as established in the**  
30 **supervising agreement, after the physician assistant has seen the**  
31 **patient, that is appropriate for the maintenance of quality medical**  
32 **care.**

33 (c) ~~Subject to subsection (d);~~ The supervising physician or physician  
34 designee shall review within ~~seventy-two (72) hours~~ **a reasonable time**  
35 **that is not later than ten (10) business days** after a patient encounter,  
36 **that is appropriate for the maintenance of quality medical care, at**  
37 **least the following percentages of the patient charts:**

38 (1) For the first year of ~~employment~~ **practice** of the physician  
39 assistant, ~~one hundred at least twenty-five percent (100%):~~  
40 **(25%).**

41 (2) For ~~the second each subsequent~~ **each subsequent** year of ~~employment~~ **practice**  
42 of the physician assistant, ~~fifty percent (50%):~~ **the percentage of**



1 charts that the physician or physician designee determines to  
 2 be reasonable for the particular practice setting and level of  
 3 experience of the physician assistant, as stated in the  
 4 supervising agreement, that is appropriate for the  
 5 maintenance of quality medical care.

6 (3) For the third year of employment of the physician assistant  
 7 and thereafter, twenty-five percent (25%).

8 (4) (3) For the first year in which a physician assistant obtains  
 9 authority to prescribe a **Schedule II** controlled substance under  
 10 IC 25-27.5-5-4, ~~one hundred fifty percent (100%)~~ **(50%)** of the  
 11 patient records for which a **Schedule II** controlled substance is  
 12 being dispensed or prescribed.

13 (d) If a physician assistant changes supervising physicians but  
 14 remains in the same practice specialty, the schedule of chart review in  
 15 subsection (c) does not start over. However, if the physician assistant  
 16 is employed in a different practice specialty, the full schedule of chart  
 17 review in subsection (c) must be followed.

18 **However, if the physician assistant's employment changes to a**  
 19 **different practice speciality, the chart review described in**  
 20 **subdivision (1) is required for the first year.**

21 SECTION 4. IC 25-27.5-6-2, AS AMENDED BY P.L.102-2013,  
 22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2015]: Sec. 2. A physician may enter into a supervising  
 24 agreement with more than ~~two (2)~~ **four (4)** physician assistants but may  
 25 not supervise more than ~~two (2)~~ **four (4)** physician assistants at the  
 26 same time.

27 SECTION 5. IC 35-48-3-11 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) Only a  
 29 physician licensed under IC 25-22.5, **a physician assistant licensed**  
 30 **under IC 25-27.5, or an advanced practice nurse licensed under**  
 31 **IC 25-23 with prescriptive authority** may treat a patient with a  
 32 Schedule III or Schedule IV controlled substance for the purpose of  
 33 weight reduction or to control obesity.

34 (b) A physician licensed under IC 25-22.5, **a physician assistant**  
 35 **licensed under IC 25-27.5, or an advanced practice nurse licensed**  
 36 **under IC 25-23 with prescriptive authority** may not prescribe,  
 37 dispense, administer, supply, sell, or give any amphetamine,  
 38 sympathomimetic amine drug, or compound designated as a Schedule  
 39 III or Schedule IV controlled substance under IC 35-48-2-8 and  
 40 IC 35-48-2-10 for a patient for purposes of weight reduction or to  
 41 control obesity, unless the physician, **physician assistant, or advanced**  
 42 **practice nurse** does the following:



- 1 (1) Determines:  
 2 (A) through review of:  
 3 (i) the physician's records of prior treatment of the patient;  
 4 or  
 5 (ii) the records of prior treatment of the patient provided by  
 6 a previous treating physician or weight loss program;  
 7 that the physician's patient has made a reasonable effort to lose  
 8 weight in a treatment program using a regimen of weight  
 9 reduction based on caloric restriction, nutritional counseling,  
 10 behavior modification, and exercise without using controlled  
 11 substances; and  
 12 (B) that the treatment described in clause (A) has been  
 13 ineffective for the physician's patient.  
 14 (2) Obtains a thorough history and performs a thorough physical  
 15 examination of the physician's patient before initiating a treatment  
 16 plan using a Schedule III or Schedule IV controlled substance for  
 17 purposes of weight reduction or to control obesity.  
 18 (c) A physician licensed under IC 25-22.5, **a physician assistant**  
 19 **licensed under IC 25-27.5, or an advanced practice nurse licensed**  
 20 **under IC 25-23 with prescriptive authority** may not begin and shall  
 21 discontinue using a Schedule III or Schedule IV controlled substance  
 22 for purposes of weight reduction or to control obesity after the  
 23 physician, **physician assistant, or advanced practice nurse**  
 24 determines in the physician's, **physician assistant's, or advanced**  
 25 **practice nurse's** professional judgment that:  
 26 (1) the physician's patient has failed to lose weight using a  
 27 treatment plan involving the controlled substance;  
 28 (2) the controlled substance has provided a decreasing  
 29 contribution toward further weight loss for the patient unless  
 30 continuing to take the controlled substance is medically necessary  
 31 or appropriate for maintenance therapy;  
 32 (3) the physician's patient:  
 33 (A) has a history of; or  
 34 (B) shows a propensity for;  
 35 alcohol or drug abuse; or  
 36 (4) the physician's patient has consumed or disposed of a  
 37 controlled substance in a manner that does not strictly comply  
 38 with a treating physician's, **physician assistant's, or advance**  
 39 **practice nurse's** direction.  
 40 (d) A **physician assistant licensed under IC 25-27.5 or an**  
 41 **advanced practice nurse licensed under IC 25-23 with prescriptive**  
 42 **authority may not prescribe a schedule II controlled substance for**





1      **the purpose of weight reduction or to control obesity.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1183, 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 2, line 31, delete "Schedule II".

Page 2, line 34, strike "for at least one (1) year after graduating from a physician".

Page 2, line 35, strike "assistant program approved by the committee."

Page 2, line 36, reset in roman "for at least one thousand eight hundred (1,800) hours."

Page 3, line 6, delete ":".

Page 3, strike lines 7 through 8.

Page 3, line 9, strike "(2)".

Page 4, line 27, delete "." and insert ", **which is appropriate for the maintenance of quality medical care.**".

Page 4, line 30, after "encounter" insert ", **which is appropriate for the maintenance of quality medical care.**".

Page 4, line 39, delete "." and insert ", **which is appropriate for the maintenance of quality medical care.**".

Page 5, line 18, delete "or" and insert ",".

Page 5, line 19, after "IC 25-27.5" insert ", **or an advanced practice nurse licensed under IC 25-23 with prescriptive authority**".

Page 5, line 22, delete "or" and insert ",".

Page 5, line 23, after "IC 25-27.5" insert ", **or an advanced practice nurse licensed under IC 25-23 with prescriptive authority**".

Page 5, line 27, after "physician" insert ",".

Page 5, line 28, delete "or".

Page 5, line 28, after "assistant" insert ", **or advanced practice nurse**".

Page 6, line 4, delete "or" and insert ",".

Page 6, line 5, after "IC 25-27.5" insert ", **or an advanced practice nurse licensed under IC 25-23 with prescriptive authority**".

Page 6, line 7, after "the physician" insert ",".

Page 6, line 7, delete "or".

Page 6, line 8, after "assistant" insert ", **or advanced practice nurse**".



Page 6, line 8, delete "or" and insert ",".

Page 6, line 8, after "assistant's" insert ", **or advanced practice nurse's**".

and when so amended that said bill do pass.

(Reference is to HB 1183 as introduced.)

CLERE

Committee Vote: yeas 13, nays 0.

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#### HOUSE MOTION

Mr. Speaker: I move that House Bill 1183 be amended to read as follows:

Page 6, line 30, delete "or" and insert ",".

Page 6, line 30, after "assistant's" insert ", **or advance practice nurse's**".

(Reference is to HB 1183 as printed January 30, 2015.)

DAVISSON

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1183, 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 4, line 3, delete "and".

Page 4, reset in roman line 4.

Page 4, line 5, reset in roman "supply;".

Page 4, line 5, after "supply;" insert "**the prescription may be refilled by the physician assistant as allowed for under the physician assistant's supervisory agreement; and**".

Page 4, line 8, reset in roman "(3)".

Page 4, line 8, delete "(2)".

Page 4, line 25, reset in roman "not later than".

Page 4, line 25, delete "within" and insert "**ten (10) business days, and within**".

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Page 4, line 27, delete "which" and insert **"that"**.

Page 4, line 30, after "time" insert **"that is not later than ten (10) business days"**.

Page 4, line 31, delete "which" and insert **"that"**.

Page 4, line 35, after "hundred" insert **"at least"**.

Page 4, line 41, delete "which" and insert **"that"**.

Page 5, between lines 12 and 13, begin a new line blocked left and insert:

**"However, if the physician assistant's employment changes to a different practice speciality, the chart review described in subdivision (1) is required for the first year."**

Page 6, line 14, after "reduction" insert "or".

Page 6, after line 31, begin a new paragraph and insert:

**"(d) A physician assistant licensed under IC 25-27.5 or an advanced practice nurse licensed under IC 25-23 with prescriptive authority may not prescribe a schedule II controlled substance for the purpose of weight reduction or to control obesity."**

and when so amended that said bill do pass.

(Reference is to HB 1183 as reprinted February 3, 2015.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 8, Nays 0.

