



February 28, 2020

ENGROSSED HOUSE BILL No. 1392

DIGEST OF HB 1392 (Updated February 26, 2020 1:46 pm - DI 104)

Citations Affected: IC 16-18; IC 16-37; IC 25-23; noncode.

Synopsis: Physician assistants and nurses. Beginning January 1, 2021, allows a physician assistant who: (1) performs under a collaborative agreement that allows the physician assistant to certify the cause of death and submit death records as delegated by the collaborating physician; and (2) is last in attendance upon the deceased; and (3) certifies the cause of death of a deceased individual; to enter or sign a record on a death into the Indiana death registration system. Beginning January 1, 2021, allows an advanced practice registered nurse who is last in attendance upon the deceased to certify the cause of death of a deceased individual and to enter or sign a record on a death into the Indiana death registration system. Provides that one of the registered nurses appointed to the Indiana state board of nursing (board) must be an advanced practice registered nurse with prescriptive authority. Amends the qualifications of registered nurse members and practical nurse members of the board.

Effective: July 1, 2020; January 1, 2021.

Smaltz, Mayfield, Jackson

(SENATE SPONSORS — CHARBONNEAU, BUSCH, MELTON, FORD J.D.)

January 15, 2020, read first time and referred to Committee on Public Health.
January 28, 2020, amended, reported — Do Pass.
January 30, 2020, read second time, ordered engrossed. Engrossed.
February 3, 2020, read third time, passed. Yeas 92, nays 0.

SENATE ACTION

February 17, 2020, read first time and referred to Committee on Health and Provider Services.
February 27, 2020, amended, reported favorably — Do Pass.

EH 1392—LS 7063/DI 132



February 28, 2020

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

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

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

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

ENGROSSED HOUSE BILL No. 1392

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 16-18-2-7.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2021]: **Sec. 7.3. (a) "Advanced practice registered
4 nurse last in attendance" means the individual who pronounced the
5 time of death for a deceased individual.**

6 **(b) For purposes of IC 16-37-3, the term includes an individual
7 who holds a license under IC 25-23 and is practicing as an
8 advanced practice registered nurse and meets the definition of
9 IC 25-23-1-1(b).**

10 SECTION 2. IC 16-18-2-282.1 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JANUARY 1, 2021]: **Sec. 282.1. (a) "Physician
13 assistant last in attendance" means the individual who pronounced
14 the time of death for a deceased individual.**

15 **(b) For purposes of IC 16-37-3, the term includes an individual
16 who holds a license under IC 25-27.5 and is practicing as a
17 physician assistant under a collaborative agreement that meets the**

EH 1392—LS 7063/DI 132



1 **requirements of IC 25-27.5-5-3.**

2 SECTION 3. IC 16-37-1-3.1, AS AMENDED BY P.L.138-2019,
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2021]: Sec. 3.1. (a) The state department shall establish
5 the Indiana birth registration system (IBRS) for recording in an
6 electronic format live births in Indiana.

7 (b) The state department shall establish the Indiana death
8 registration system (IDRS) for recording in an electronic format deaths
9 in Indiana.

10 (c) Submission of records on births and deaths shall be entered by:

- 11 (1) funeral directors;
12 (2) physicians;
13 (3) coroners;
14 (4) medical examiners;
15 (5) persons in attendance at birth; ~~and~~
16 (6) local health departments; **and**
17 **(7) for purposes of records on death:**
18 **(A) physician assistants; or**
19 **(B) advanced practice registered nurses;**

20 using the electronic system created by the state department under this
21 section.

22 (d) A person in attendance at a live birth shall report a birth to the
23 local health officer in accordance with IC 16-37-2-2.

24 (e) Except as provided in subsection (f), death records shall be
25 submitted as follows, using the Indiana death registration system:

- 26 (1) The:
27 (A) physician last in attendance upon the deceased; ~~or~~
28 **(B) physician assistant last in attendance upon the**
29 **deceased;**
30 **(C) advanced practice registered nurse last in attendance**
31 **upon the deceased; or**
32 ~~(B)~~ **(D) person in charge of interment;**

33 shall initiate the document process. If the person in charge of
34 interment initiates the process, the person in charge of interment
35 shall electronically submit the certificate required under
36 IC 16-37-3-5 to the physician, **the physician assistant, or the**
37 **advanced practice registered nurse** last in attendance upon the
38 deceased not later than five (5) days after the death.

39 (2) The physician, **the physician assistant, or the advanced**
40 **practice registered nurse** last in attendance upon the deceased
41 shall electronically certify to the local health department the cause
42 of death on the certificate of death not later than five (5) days



1 after:

2 (A) initiating the document process; or

3 (B) receiving under IC 16-37-3-5 the electronic notification
4 from the person in charge of interment.

5 (3) The local health officer shall submit the reports required under
6 IC 16-37-1-5 to the state department not later than five (5) days
7 after electronically receiving under IC 16-37-3-5 the completed
8 certificate of death from the physician, **the physician assistant,**
9 **or the advanced practice registered nurse** last in attendance.

10 (f) If the IBRS or IDRS is unavailable for more than forty-eight (48)
11 hours, the state registrar may issue a notice permitting the filing of a
12 paper record of a live birth, a death, or both, subject to the following:

13 (1) The notice issued by the state registrar must contain a time
14 frame for which the notice is in effect and when the notice
15 expires. However, the notice automatically expires if the state
16 department notifies the local health officers that the IBRS or
17 IDRS is available, the notice has expired, and that all future
18 submissions must use the IBRS or IDRS.

19 (2) Paper records may not be accepted by the local health
20 department or the state department of health on the earlier of the
21 following:

22 (A) The expiration date listed in the notice or the expiration
23 listed in a renewal notice described in subdivision (3).

24 (B) The state department notifies the local health officers
25 when the IBRS or IDRS becomes available.

26 (3) The notice may be renewed by the state registrar until the
27 IBRS or IDRS becomes available.

28 (4) Once the IBRS or IDRS becomes available, the local health
29 officer shall enter the information contained in the paper record
30 into the IBRS or IDRS.

31 SECTION 4. IC 16-37-3-3, AS AMENDED BY P.L.138-2019,
32 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JANUARY 1, 2021]: Sec. 3. Except as provided in IC 16-37-1-3.1(f),
34 the physician, **the physician assistant, or the advanced practice**
35 **registered nurse** last in attendance upon the deceased, or the person
36 in charge of interment shall use the Indiana death registration system
37 established under IC 16-37-1-3.1 to file a certificate of death with the
38 local health officer of the jurisdiction in which the death occurred.

39 SECTION 5. IC 16-37-3-4, AS AMENDED BY P.L.156-2011,
40 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JANUARY 1, 2021]: Sec. 4. The physician, **the physician assistant,**
42 **or the advanced practice registered nurse** last in attendance upon the



1 deceased, or the person in charge of interment shall secure the personal
 2 data required by the state department by rules adopted under IC 4-22-2
 3 for preparation of the certificate of death or of stillbirth from the
 4 persons best qualified to give the information.

5 SECTION 6. IC 16-37-3-5, AS AMENDED BY P.L.138-2019,
 6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2021]: Sec. 5. Except as provided in IC 16-37-1-3.1(f),
 8 if the person in charge of interment initiates the process, the person in
 9 charge of interment shall electronically provide a certificate of death to
 10 the physician, **the physician assistant, or the advanced practice**
 11 **registered nurse** last in attendance upon the deceased. The physician,
 12 **the physician assistant, or the advanced practice registered nurse**
 13 last in attendance upon the deceased shall electronically certify to the
 14 local health department the cause of death on the certificate of death,
 15 using the Indiana death registration system.

16 SECTION 7. IC 16-37-3-6 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2021]: Sec. 6. (a) If:

- 18 (1) a death or stillbirth occurred without medical attendance; or
- 19 (2) the physician, **the physician assistant, or the advanced**
 20 **practice registered nurse** last in attendance is physically or
 21 mentally unable to sign the certificate of death or stillbirth;

22 the local health officer shall inquire into the cause of death from
 23 anyone having knowledge of the facts regarding the cause of death.

24 (b) The local health officer may issue a subpoena to obtain
 25 information and to employ a qualified pathologist to perform an
 26 autopsy when, in the judgment of the local health officer, those
 27 procedures are required to complete the inquiry. The local health
 28 officer shall then certify the cause of death on the basis of the
 29 information.

30 SECTION 8. IC 25-23-1-2, AS AMENDED BY P.L.249-2019,
 31 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2020]: Sec. 2. (a) There is established the Indiana state board
 33 of nursing consisting of nine (9) members appointed by the governor
 34 **as follows**, each to serve a term under IC 25-1-6.5:

- 35 ~~(b)~~ **(1)** Subject to IC 25-1-6.5-3, six (6) of the board members
 36 must be registered nurses who are committed to advancing and
 37 safeguarding the nursing profession as a whole. **One (1) of the**
 38 **members appointed under this subdivision must be an**
 39 **advanced practice registered nurse who has prescriptive**
 40 **authority.**

- 41 **(2)** Two (2) of the board's members must be licensed practical
 42 nurses.



1 **(3)** One (1) member of the board, to represent the general public,
 2 must be a resident of this state and not be associated with nursing
 3 in any way other than as a consumer.

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

6 SECTION 9. IC 25-23-1-4 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) Each registered
 8 nurse member of the board required by section 2 of this chapter must:

9 (1) be a citizen of the United States;

10 (2) be a resident of Indiana; **and**

11 (3) have:

12 (A) graduated from an accredited educational program for the
 13 preparation of practitioners of professional nursing;

14 (B) been licensed as a registered nurse in Indiana;

15 (C) had at least five (5) years successful experience since
 16 graduation in administering, teaching, or practicing in an
 17 educational program to prepare practitioners of nursing or in
 18 administering or practicing in nursing service; and

19 (D) been actively engaged in the activities described in clause
 20 (C) ~~for at least three (3)~~ **at any time during the five (5) years**
 21 immediately preceding **the member's initial appointment or**
 22 **reappointment; and to the board.**

23 ~~(4) be actively engaged in the activities described in subdivision~~
 24 ~~(3)(C) throughout the member's term of office.~~

25 (b) Each licensed practical nurse member of the board required by
 26 section 2 of this chapter must:

27 (1) be a citizen of the United States;

28 (2) be a resident of Indiana; **and**

29 (3) have:

30 (A) graduated from an accredited educational program for the
 31 preparation of practitioners of practical nursing;

32 (B) been licensed as a licensed practical nurse in Indiana;

33 (C) had at least five (5) years successful experience as a
 34 practitioner of practical nursing since graduation; and

35 (D) been actively engaged in practical nursing ~~for at least three~~
 36 ~~(3)~~ **at any time during the five (5) years** immediately
 37 preceding **the member's initial** appointment to the board. ~~and~~

38 ~~(4) be actively engaged in practice throughout the member's term~~
 39 ~~of office.~~

40 (c) Before entering upon the discharge of official duties, each
 41 member of the board shall file the constitutional oath of office in the
 42 office of the secretary of state.



1 SECTION 10. [EFFECTIVE JULY 1, 2020] (a) Notwithstanding
2 IC 25-23-1-2, as amended by this act, a member of the Indiana
3 state board of nursing serving on June 30, 2020, may serve the
4 remainder of the member's unexpired term under the membership
5 requirements of IC 25-23-1-2, before its amendment by this act.
6 (b) This SECTION expires December 31, 2024.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1392, 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 1, line 17, delete "advanced practice registered nurses licensed under" and insert "**physician assistants; or**

(B) advanced practice registered nurses;".

Page 2, delete lines 1 through 3.

Page 2, line 12, delete "under a collaborative agreement;" and insert "**last in attendance upon the deceased;**".

Page 2, line 13, delete "nurse;" and insert "**nurse last in attendance upon the deceased;**".

Page 2, line 18, after "physician" insert ", **the physician assistant, or the advanced practice registered nurse;**".

Page 2, line 19, delete ", the physician assistant under a collaborative".

Page 2, line 20, delete "agreement, or the advanced practice registered nurse".

Page 2, line 22, after "physician" insert ", **the physician assistant, or the advanced practice registered nurse**".

Page 2, line 22, delete "deceased, the" and insert "deceased".

Page 2, line 23, delete "physician assistant under a collaborative agreement, or the".

Page 2, line 24, delete "advanced practice registered nurse".

Page 2, line 33, after "physician" insert ", **the physician assistant, or the advanced practice registered nurse**".

Page 2, line 33, delete "attendance, the" and insert "attendance.".

Page 2, delete lines 34 through 35.

Page 3, delete lines 15 through 27.

Page 3, line 31, after "physician" insert ", **the physician assistant, or the advanced practice registered nurse**".

Page 3, line 31, delete "the physician assistant".

Page 3, delete line 32.

Page 3, line 33, delete "the advanced practice registered nurse,".

Page 3, line 39, after "physician" insert ", **the physician assistant, or the advanced practice registered nurse**".

Page 3, line 40, delete "the physician assistant under a collaborative agreement".

Page 3, delete line 41.

Page 3, line 42, delete "nurse,".



Page 4, line 9, delete "physician last" and insert "physician, **the physician assistant, or the advanced practice registered nurse** last".

Page 4, line 9, delete "deceased, the physician assistant" and insert "deceased."

Page 4, delete line 10.

Page 4, line 11, delete "or the advanced practice registered nurse."

Page 4, line 11, after "physician" insert ", **the physician assistant, or the advanced practice registered nurse**".

Page 4, line 12, delete ", the physician assistant under a".

Page 4, delete line 13.

Page 4, line 14, delete "advanced practice registered nurse".

Page 4, line 20, after "(2) the physician" insert ", **the physician assistant, or the advanced practice registered nurse**".

Page 4, line 20, delete ", the physician assistant".

Page 4, delete line 21.

Page 4, line 22, delete "IC 25-27.5-5-3), or the advanced practice registered nurse".

Page 4, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 7. IC 25-23-1-2, AS AMENDED BY P.L.249-2019, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) There is established the Indiana state board of nursing consisting of nine (9) members appointed by the governor **as follows**, each to serve a term under IC 25-1-6.5:

~~(b)~~ **(1)** Subject to IC 25-1-6.5-3, six (6) of the board members must be registered nurses who are committed to advancing and safeguarding the nursing profession as a whole. **Two (2) of the members appointed under this subdivision must be advanced practice registered nurses, at least one (1) of whom has prescriptive authority.**

(2) Two (2) of the board's members must be licensed practical nurses.

(3) One (1) member of the board, to represent the general public, must be a resident of this state and not be associated with nursing in any way other than as a consumer.

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

SECTION 7. IC 25-23-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) Each registered nurse member of the board required by section 2 of this chapter must:

(1) be a citizen of the United States;

(2) be a resident of Indiana; **and**

(3) have:



- (A) graduated from an accredited educational program for the preparation of practitioners of professional nursing;
- (B) been licensed as a registered nurse in Indiana;
- (C) had at least five (5) years successful experience since graduation in administering, teaching, or practicing in an educational program to prepare practitioners of nursing or in administering or practicing in nursing service; and
- (D) been actively engaged in the activities described in clause (C) **for at least three (3) at any time during the five (5) years immediately preceding the member's initial appointment or reappointment; and to the board.**

~~(4) be actively engaged in the activities described in subdivision (3)(C) throughout the member's term of office.~~

(b) Each licensed practical nurse member of the board required by section 2 of this chapter must:

- (1) be a citizen of the United States;
- (2) be a resident of Indiana; **and**
- (3) have:

- (A) graduated from an accredited educational program for the preparation of practitioners of practical nursing;
- (B) been licensed as a licensed practical nurse in Indiana;
- (C) had at least five (5) years successful experience as a practitioner of practical nursing since graduation; and
- (D) been actively engaged in practical nursing **for at least three (3) at any time during the five (5) years immediately preceding the member's initial appointment to the board. and**

~~(4) be actively engaged in practice throughout the member's term of office.~~

(c) Before entering upon the discharge of official duties, each member of the board shall file the constitutional oath of office in the office of the secretary of state."

Page 6, line 5, delete "if" and insert "**only if**".

Page 6, after line 7, begin a new paragraph and insert:

"(c) A physician assistant that does not comply the requirements under this section may be disciplined under IC 25-1-9.

SECTION 11. [EFFECTIVE JULY 1, 2020] (a) Notwithstanding IC 25-23-1-2, as amended by this act, a member of the Indiana state board of nursing serving on June 30, 2020, may serve the remainder of the member's unexpired term under the membership requirements of IC 25-23-1-2, before its amendment by this act.

(b) This SECTION expires December 31, 2024."



Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1392 as introduced.)

KIRCHHOFER

Committee Vote: yeas 9, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1392, 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:

Replace the effective dates in SECTIONS 1 through 5 with "[EFFECTIVE JANUARY 1, 2021]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-7.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 7.3. (a) "Advanced practice registered nurse last in attendance" means the individual who pronounced the time of death for a deceased individual.**

(b) For purposes of IC 16-37-3, the term includes an individual who holds a license under IC 25-23 and is practicing as an advanced practice registered nurse and meets the definition of IC 25-23-1-1(b).

SECTION 2. IC 16-18-2-282.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021]: **Sec. 282.1. (a) "Physician assistant last in attendance" means the individual who pronounced the time of death for a deceased individual.**

(b) For purposes of IC 16-37-3, the term includes an individual who holds a license under IC 25-27.5 and is practicing as a physician assistant under a collaborative agreement that meets the requirements of IC 25-27.5-5-3."

Page 2, line 19, delete "nurse;" and insert "**nurse**".

Page 4, line 19, delete "Two (2)" and insert "**One (1)**".

EH 1392—LS 7063/DI 132



Page 4, line 20, after "be" insert "**an**".

Page 4, line 21, delete "nurses, at least one (1) of whom" and insert "**nurse who**".

Page 5, delete lines 25 through 42.

Delete page 6.

Page 7, delete line 1.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1392 as printed January 28, 2020.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 11, Nays 0.

