

SENATE BILL No. 285

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-10-17.1-1; IC 25-1; IC 25-26-21-5.

Synopsis: Practitioner discipline. Amends the definitions of "practitioner", for purposes of the health professions and professional standards of practice laws, to include individuals who held a license, certificate, registration, or permit when the alleged violation of the standard of practice occurred. Specifies that an individual who: (1) held a license and the license's current status is inactive, surrendered, expired, revoked, or suspended; and (2) engages in conduct in Indiana that requires a license; is subject to the same penalties as an individual who practiced without a license in violation of the law. Provides that if an individual has a conviction or judgment for practicing without a license in violation of the law, in addition to any other penalty, the court shall impose a fine equal to the amount of any fee or other compensation earned in the commission of the offense. Makes conforming changes.

Effective: Upon passage.

Charbonneau

January 10, 2022, read first time and referred to Committee on Health and Provider Services.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 285

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 12-10-17.1-1, AS ADDED BY P.L.141-2006,
2 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 1. This chapter does not apply to the
4 following:

- 5 (1) An individual who provides attendant care services and who
- 6 is employed by and under the direct control of a home health
- 7 agency (as defined in IC 12-15-34-1).
- 8 (2) An individual who provides attendant care services and who
- 9 is employed by and under the direct control of a licensed hospice
- 10 program under IC 16-25.
- 11 (3) An individual who provides attendant care services and who
- 12 is employed by and under the control of an employer that is not
- 13 the individual who is receiving the services.
- 14 (4) A practitioner (as defined in ~~IC 25-1-9-2~~) **IC 25-1-9-2(a)**
- 15 who is practicing under the scope of the practitioner's license (as
- 16 defined in IC 25-1-9-3).

17 SECTION 2. IC 25-1-9-2 IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this chapter,
2 "practitioner" means an individual who holds:

- 3 (1) an unlimited license, certificate, or registration;
4 (2) a limited or probationary license, certificate, or registration;
5 (3) a temporary license, certificate, registration, or permit;
6 (4) an intern permit; or
7 (5) a provisional license;

8 issued by the board regulating the profession in question, including a
9 certificate of registration issued under IC 25-20.

10 **(b) The term includes an individual who held:**

- 11 **(1) an unlimited license, certificate, or registration;**
12 **(2) a limited or probationary license, certificate, or**
13 **registration;**
14 **(3) a temporary license, certificate, registration, or permit;**
15 **(4) an intern permit; or**
16 **(5) a provisional license;**

17 **issued by the board regulating the profession in question, including**
18 **a certificate of registration issued under IC 25-20, when the alleged**
19 **violation of this chapter occurred.**

20 SECTION 3. IC 25-1-9-24 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: Sec. 24. (a) An individual who:

- 23 (1) held a license and the license's current status is inactive,
24 surrendered, expired, revoked, or suspended; and
25 (2) engages in conduct in Indiana that requires a license;

26 is subject to the same penalties as an individual who practiced
27 without a license in violation of the law.

28 (b) Notwithstanding any other law, if an individual has a
29 conviction or judgment for practicing without a license in violation
30 of the law, in addition to any other penalty, the court shall impose
31 a fine equal to the amount of any fee or other compensation earned
32 in the commission of the offense.

33 SECTION 4. IC 25-1-9.1-9, AS ADDED BY P.L.147-2017,
34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 9. (a) As used in this chapter, "provider"
36 means a practitioner described in ~~IC 25-1-9-2(1)~~: **IC 25-1-9-2(a)(1)**.

37 (b) The term does not include an individual who holds a license,
38 certification, registration, or permit issued under the following:

- 39 (1) IC 25-19.
40 (2) IC 25-38.1.

41 (c) The term includes a provider group.

42 SECTION 5. IC 25-1-11-2 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in
2 this chapter, "practitioner" means a person that holds:

- 3 (1) an unlimited license, certificate, registration, or permit;
- 4 (2) a limited or probationary license, certificate, registration, or
5 permit;
- 6 (3) a temporary license, certificate, registration, or permit;
- 7 (4) an intern permit; or
- 8 (5) an inactive license;

9 issued by the board regulating a profession.

10 **(b) The term includes a person that held:**

- 11 **(1) an unlimited license, certificate, registration, or permit;**
- 12 **(2) a limited or probationary license, certificate, registration,**
13 **or permit;**
- 14 **(3) a temporary license, certificate, registration, or permit;**
- 15 **(4) an intern permit; or**
- 16 **(5) an inactive license;**

17 **issued by the board regulating a profession when the alleged**
18 **violation of this chapter occurred.**

19 SECTION 6. IC 25-1-11-22 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]: Sec. 22. (a) An individual who:

- 22 **(1) held a license and the license's current status is inactive,**
23 **surrendered, expired, revoked, or suspended; and**
- 24 **(2) engages in conduct in Indiana that requires a license;**

25 **is subject to the same penalties as an individual who practiced**
26 **without a license in violation of the law.**

27 **(b) Notwithstanding any other law, if an individual has a**
28 **conviction or judgment for practicing without a license in violation**
29 **of the law, in addition to any other penalty, the court shall impose**
30 **a fine equal to the amount of any fee or other compensation earned**
31 **in the commission of the offense.**

32 SECTION 7. IC 25-26-21-5, AS AMENDED BY P.L.2-2008,
33 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]: Sec. 5. (a) This chapter does not apply to the
35 following:

- 36 (1) A home health agency (as defined in IC 16-27-1-2) that does
37 not sell, lease, or rent home medical equipment.
- 38 (2) A hospital licensed under IC 16-21-2 that:
 - 39 (A) provides home medical equipment services only as an
40 integral part of patient care; and
 - 41 (B) does not provide home medical equipment services
42 through a separate business entity.



- 1 (3) A manufacturer or wholesale distributor that does not sell,
 2 lease, or rent home medical equipment directly to a consumer.
 3 (4) Except as provided under subsection (b), a practitioner (as
 4 defined in ~~IC 25-1-9-2~~ **IC 25-1-9-2(a)**) who does not sell, lease,
 5 or rent home medical equipment.
 6 (5) A veterinarian licensed under IC 25-38.1-3.
 7 (6) A hospice program (as defined in IC 16-25-1.1-4) that does
 8 not sell, lease, or rent home medical equipment.
 9 (7) A health facility licensed under IC 16-28 that does not sell,
 10 lease, or rent home medical equipment.
 11 (8) A provider that:
 12 (A) provides home medical equipment services within the
 13 scope of the licensed provider's professional practice;
 14 (B) is otherwise licensed by the state; and
 15 (C) receives annual continuing education that is documented
 16 by the provider or the licensing entity.
 17 (9) An employee of a person licensed under this chapter.
 18 (b) A pharmacist licensed in Indiana or a pharmacy that holds a
 19 permit issued under IC 25-26 that sells, leases, or rents home medical
 20 equipment:
 21 (1) is not required to obtain a license under this chapter; and
 22 (2) is otherwise subject to the:
 23 (A) requirements of this chapter; and
 24 (B) requirements established by the board by rule under this
 25 chapter.
 26 **SECTION 8. An emergency is declared for this act.**

