

IC 16-31

ARTICLE 31. EMERGENCY MEDICAL SERVICES

IC 16-31-1

Chapter 1. General Provisions

IC 16-31-1-1

Intent

Sec. 1. (a) The general assembly declares that the provision of emergency medical services is a matter of vital concern affecting the public health, safety, and welfare of the people of Indiana.

(b) It is the purpose of this article:

(1) to promote the establishment and maintenance of an effective system of emergency medical service, including the necessary equipment, personnel, and facilities to ensure that all emergency patients receive prompt and adequate medical care throughout the range of emergency conditions encountered;

(2) that the emergency medical services commission established under IC 16-31-2 shall cooperate with other agencies empowered to license persons engaged in the delivery of health care so as to coordinate the efforts of the commission and other agencies; and

(3) to establish standards and requirements for the furnishing of emergency medical services by persons not licensed or regulated by other appropriate agencies.

As added by P.L.2-1993, SEC.14.

IC 16-31-1-2

Essential purpose of political subdivisions

Sec. 2. The provision of emergency medical service is an essential purpose of the political subdivisions of the state.

As added by P.L.2-1993, SEC.14.

IC 16-31-1-3

Religious objections to medical treatment

Sec. 3. This article or a rule adopted under this article does not authorize transporting to a hospital or medical treatment of a person who objects to medical treatment on religious grounds.

As added by P.L.2-1993, SEC.14.

IC 16-31-2

Chapter 2. Indiana Emergency Medical Services Commission

IC 16-31-2-1

Creation

Sec. 1. The Indiana emergency medical services commission is created.

As added by P.L.2-1993, SEC.14.

IC 16-31-2-2

Membership

Sec. 2. (a) The commission is composed of thirteen (13) members. The governor shall appoint the members for four (4) year terms as follows:

- (1) One (1) must be appointed from a volunteer fire department that provides emergency medical service.
- (2) One (1) must be appointed from a full-time municipal fire or police department that provides emergency medical service.
- (3) One (1) must be a nonprofit provider of emergency ambulance services organized on a volunteer basis other than a volunteer fire department.
- (4) One (1) must be a provider of private ambulance services.
- (5) One (1) must be a state licensed paramedic.
- (6) One (1) must be a licensed physician who:
 - (A) has a primary interest, training, and experience in emergency medical services; and
 - (B) is currently practicing in an emergency medical services facility.
- (7) One (1) must be a chief executive officer of a hospital that provides emergency ambulance services.
- (8) One (1) must be a registered nurse who has supervisory or administrative responsibility in a hospital emergency department.
- (9) One (1) must be a licensed physician who:
 - (A) has a primary interest, training, and experience in trauma care; and
 - (B) is practicing in a trauma facility.
- (10) One (1) must be a state certified emergency medical service technician.
- (11) One (1) must be an individual who:
 - (A) represents the public at large; and
 - (B) is not in any way related to providing emergency medical services.
- (12) One (1) must be a program director (as defined in 836 IAC 4-2-2(12)(B)(iii)) for a commission certified advanced life support training institution.
- (13) One (1) must be the deputy executive director appointed under IC 10-19-5-3 to manage the division of preparedness and

training of the department of homeland security or the designee of the deputy executive director.

(b) The chief executive officer of a hospital appointed under subsection (a)(7) may designate another administrator of the hospital to serve for the chief executive officer on the commission.

(c) Not more than seven (7) members may be from the same political party.

As added by P.L.2-1993, SEC.14. Amended by P.L.110-2000, SEC.1; P.L.68-2009, SEC.1; P.L.77-2012, SEC.15.

IC 16-31-2-3

Vacancies

Sec. 3. An appointment to fill a vacancy occurring on the commission is for the unexpired term.

As added by P.L.2-1993, SEC.14.

IC 16-31-2-4

Compensation and expenses

Sec. 4. (a) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.2-1993, SEC.14.

IC 16-31-2-5

Meetings

Sec. 5. The commission may meet as often as is necessary upon call of the chairman but meetings shall be held at least four (4) times each year.

As added by P.L.2-1993, SEC.14.

IC 16-31-2-6

Seal

Sec. 6. The commission may adopt and use a seal, the description of which shall be filed at the office of the secretary of state, which may be used for the authentication of the acts of the commission.

As added by P.L.2-1993, SEC.14.

IC 16-31-2-7

Emergency medical program; emergency medical services; financial assistance

Sec. 7. (a) The commission shall do the following:

(1) Develop and promote, in cooperation with state, regional, and local public and private organizations, agencies, and persons, a statewide program for the provision of emergency medical services that must include the following:

(A) Preparation of state, regional, and local emergency ambulance service plans.

(B) Provision of consultative services to state, regional, and local organizations and agencies in developing and implementing emergency ambulance service programs.

(C) Promotion of a statewide system of emergency medical service facilities by developing minimum standards, procedures, and guidelines in regard to personnel, equipment, supplies, communications, facilities, and location of such centers.

(D) Promotion of programs for the training of personnel providing emergency medical services and programs for the education of the general public in first aid techniques and procedures. The training shall be held in various local communities of the state and shall be conducted by agreement with publicly and privately supported educational institutions or hospitals licensed under IC 16-21, wherever appropriate.

(E) Promotion of coordination of emergency communications, resources, and procedures throughout Indiana and, in cooperation with interested state, regional, and local public and private agencies, organizations, and persons, the development of an effective state, regional, and local emergency communications system.

(F) Organizing and sponsoring a statewide emergency medical services conference to provide continuing education for persons providing emergency medical services.

(2) Regulate, inspect, and certify or license services, facilities, and personnel engaged in providing emergency medical services as provided in this article.

(3) Adopt rules required to implement an approved system of emergency medical services.

(4) Adopt rules concerning triage and transportation protocols for the transportation of trauma patients consistent with the field triage decision scheme of the American College of Surgeons Committee on Trauma.

(5) Apply for, receive, and accept gifts, bequests, grants-in-aid, state, federal, and local aid, and other forms of financial assistance for the support of emergency medical services.

(6) Employ necessary administrative staff.

(b) The commission shall include the provision of the mental

health first aid training program developed under IC 12-21-5-4 in the promotion of continuing education programs under subsection (a)(1)(D).

As added by P.L.2-1993, SEC.14. Amended by P.L.20-2008, SEC.1; P.L.77-2012, SEC.16; P.L.185-2015, SEC.16.

IC 16-31-2-8

First responder training and certification; reciprocal certification for military personnel; appointment of state emergency medical services medical director

Sec. 8. The commission may do the following:

- (1) Develop training and certification standards for emergency medical responders under this article.
- (2) Require emergency medical responders to be certified under the standards developed under subdivision (1).
- (3) Develop reciprocal certification training standards for individuals who have received medical training by a branch of the United States armed forces.
- (4) Not later than thirty (30) days after the executive director of the department of homeland security submits an appointment for state emergency medical services medical director to the commission, vote concerning whether to approve the appointment in accordance with IC 10-19-7-5(d). If the commission votes on the appointment in accordance with IC 10-19-7-5(d), a vote by a majority of the members of the commission is necessary under this subdivision in order to approve or not approve the appointment.

As added by P.L.2-1993, SEC.14. Amended by P.L.77-2012, SEC.17; P.L.188-2014, SEC.2.

IC 16-31-2-9

Emergency medical personnel; standards

Sec. 9. The commission shall establish the following:

- (1) Standards for persons who provide emergency medical services and who are not licensed or regulated under IC 16-31-3.
- (2) Training standards for the administration of antidotes, vaccines, and antibiotics to prepare for or respond to a terrorist or military attack.
- (3) Training and certification standards for the administration of epinephrine through an auto-injector by an emergency medical technician.
- (4) Training standards to permit the use of antidote kits containing atropine and pralidoxime chloride for the treatment of exposure to nerve agents by an emergency medical technician or an emergency medical responder.
- (5) Standards for distribution, administration, use, and training in the use of an overdose intervention drug.

(6) Protocols for persons who provide emergency medical services to notify law enforcement officials when services have been provided to an individual who has attempted to commit suicide and who has indicated that the attempt was due in part to bullying.

As added by P.L.2-1993, SEC.14. Amended by P.L.156-2001, SEC.2; P.L.17-2002, SEC.4; P.L.93-2002, SEC.2; P.L.205-2003, SEC.21; P.L.74-2006, SEC.2; P.L.77-2012, SEC.18; P.L.156-2014, SEC.7; P.L.164-2014, SEC.3.

IC 16-31-2-10

Technical advisory committee

Sec. 10. (a) In adopting rules concerning the duties of the commission, the commission shall appoint a technical advisory committee.

(b) Members of the technical advisory committee shall be selected by the commission subject to the approval of the governor on the basis of technical expertise and competency in the specific area of emergency medical service concerned.

(c) Each member of a technical advisory committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) Each member of a technical advisory committee who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.2-1993, SEC.14.

IC 16-31-2-11

Pre-hospital ambulance rescue and report records

Sec. 11. (a) The commission shall develop procedures for ongoing review of all emergency ambulance services.

(b) The commission may review any pre-hospital ambulance rescue or report record regarding an emergency patient that is utilized or compiled by an emergency ambulance service employing paramedics, advanced emergency medical technicians, or emergency medical technicians. However, except as provided in subsection (d), those records shall remain confidential and may be used solely for the purpose of compiling data and statistics. The use of such data or statistics is subject to IC 4-1-6.

(c) The commission may develop and oversee experimental study projects conducted by ambulance service providers in limited geographic areas of Indiana. These study projects must be developed and conducted in accordance with rules adopted by the commission under IC 4-22-2. These study projects must be designed to test the efficacy of new patient care techniques and new ambulance service systems.

(d) This subsection applies to emergency ambulance services that are provided by or under a contract with an entity that is a public agency for purposes of IC 5-14-3. The following information, if contained in a pre-hospital ambulance rescue or report record regarding an emergency patient, is public information and must be made available for inspection and copying under IC 5-14-3:

- (1) The date and time of the request for ambulance services.
- (2) The reason for the request for assistance.
- (3) The time and nature of the response to the request for ambulance services.
- (4) The time of arrival at the scene where the patient was located.
- (5) The time of departure from the scene where the patient was located.
- (6) The name of the facility, if any, to which the patient was delivered for further treatment and the time of arrival at that facility.

As added by P.L.2-1993, SEC.14. Amended by P.L.127-2001, SEC.2; P.L.205-2003, SEC.22; P.L.77-2012, SEC.19.

IC 16-31-2-12

Fee

Sec. 12. The commission may impose a reasonable fee for the issuance of a certification or license under this chapter. The commission shall deposit the fee in the emergency medical services fund established by IC 16-31-8.5-3.

As added by P.L.101-2006, SEC.25. Amended by P.L.77-2012, SEC.20.

IC 16-31-2-13

Expired

(As added by P.L.77-2012, SEC.21. Expired 7-1-2013 by P.L.77-2012, SEC.21.)

IC 16-31-3

Chapter 3. Certification Requirements for the Provision of Emergency Medical Services

IC 16-31-3-0.5

"Nontransporting emergency medical services vehicle"

Sec. 0.5. (a) As used in this chapter, "nontransporting emergency medical services vehicle" means a motor vehicle, other than an ambulance, used for emergency medical services.

(b) The term does not include an employer owned or employer operated vehicle used for first aid purposes within or upon the employer's premises.

As added by P.L.186-1995, SEC.7.

IC 16-31-3-1

Certification or license required

Sec. 1. (a) Except as provided in subsection (b), a person other than:

- (1) a licensed physician;
- (2) a registered nurse or an individual acting under the supervision of a licensed physician; or
- (3) a person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

may not furnish, operate, conduct, maintain, advertise, or otherwise be engaged in providing emergency medical services, except for the use of an automated external defibrillator, as a part of the regular course of doing business, either paid or voluntary, unless that person holds a valid certificate or license issued by the commission.

(b) A:

- (1) licensed physician;
- (2) registered nurse or an individual acting under the supervision of a licensed physician; or
- (3) person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

who operates a business of transporting emergency patients by ambulance or using a nontransporting emergency medical services vehicle must hold a valid certificate issued by the commission under this article.

As added by P.L.2-1993, SEC.14. Amended by P.L.186-1995, SEC.8; P.L.74-2006, SEC.3; P.L.77-2012, SEC.22.

IC 16-31-3-2

Standards for certification and licensure

Sec. 2. The commission shall establish standards for persons required to be certified or licensed by the commission to provide emergency medical services. To be certified or licensed, a person must meet the following minimum requirements:

- (1) The personnel certified or licensed under this chapter must

do the following:

- (A) Meet the standards for education and training established by the commission by rule.
 - (B) Successfully complete a basic or an inservice course of education and training on sudden infant death syndrome that is certified by the commission in conjunction with the state health commissioner.
 - (C) Beginning January 1, 2009, successfully complete a basic or an inservice course of education and training on autism that is certified by the commission.
- (2) Ambulances to be used must conform with the requirements of the commission and must either be:
- (A) covered by insurance issued by a company licensed to do business in Indiana in the amounts and under the terms required in rules adopted by the commission; or
 - (B) owned by a governmental entity covered under IC 34-13-3.
- (3) Emergency ambulance service shall be provided in accordance with rules adopted by the commission. However, the rules adopted under this chapter may not prohibit the dispatch of an ambulance to aid an emergency patient because an emergency medical technician is not immediately available to staff the ambulance.
- (4) Ambulances must be equipped with a system of emergency medical communications approved by the commission. The emergency medical communication system must properly integrate and coordinate appropriate local and state emergency communications systems and reasonably available area emergency medical facilities with the general public's need for emergency medical services.
- (5) Emergency medical communications shall be provided in accordance with rules adopted by the commission.
- (6) A nontransporting emergency medical services vehicle must conform with the commission's requirements.

As added by P.L.2-1993, SEC.14. Amended by P.L.22-1994, SEC.4; P.L.186-1995, SEC.9; P.L.1-1998, SEC.117; P.L.22-2005, SEC.19; P.L.71-2008, SEC.1; P.L.77-2012, SEC.23.

IC 16-31-3-3

Exceptions to certification or licensure requirement

Sec. 3. (a) A certificate or license is not required for a person who provides emergency ambulance service, an emergency medical technician, an ambulance, a nontransporting emergency medical services vehicle, or advanced life support when doing any of the following:

- (1) Providing assistance to persons certified to provide emergency ambulance service or to emergency medical technicians.

(2) Operating from a location or headquarters outside Indiana to provide emergency ambulance services to patients who are picked up outside Indiana for transportation to locations within Indiana.

(3) Providing emergency medical services during a major catastrophe or disaster with which persons or ambulances certified to provide emergency ambulance services are insufficient or unable to cope.

(b) An agency or instrumentality of the United States and any paramedic, advanced emergency medical technician, emergency medical technician, or emergency medical responder of the agency or instrumentality is not required to:

(1) be certified or licensed; or

(2) conform to the standards prescribed under this chapter.

As added by P.L.2-1993, SEC.14. Amended by P.L.186-1995, SEC.10; P.L.22-2005, SEC.20; P.L.77-2012, SEC.24.

IC 16-31-3-4

Agencies and instrumentalities of the United States; exception to certification requirement

Sec. 4. An agency or instrumentality of the United States and emergency medical technicians or ambulances of the agency or instrumentality are not required to be certified or to conform to the standards prescribed under this article.

As added by P.L.2-1993, SEC.14.

IC 16-31-3-5

Waiver of rules; requirements; expiration date; renewal

Sec. 5. (a) The commission shall waive any rule for a person who provides emergency ambulance service, an emergency medical technician, an advanced emergency medical technician, a paramedic, or an ambulance when operating from a location in an adjoining state by contract with an Indiana unit of government to provide emergency ambulance or medical services to patients who are picked up or treated in Indiana.

(b) The commission may waive any rule, including a rule establishing a fee, for a person who submits facts demonstrating that:

(1) compliance with the rule will impose an undue hardship on the person; and

(2) either:

(A) noncompliance with the rule; or

(B) compliance with an alternative requirement approved by the commission;

will not jeopardize the quality of patient care. However, the commission may not waive a rule that sets forth educational requirements for a person regulated under this article.

(c) A waiver granted under subsection (b)(2)(B) is conditioned upon compliance with the alternative requirement approved under

subsection (b).

(d) The commission shall establish an expiration date for any waiver that is granted.

(e) The commission may renew a waiver if the person makes the same demonstration required for the original waiver.

As added by P.L.2-1993, SEC.14. Amended by P.L.205-2003, SEC.23; P.L.77-2012, SEC.25.

IC 16-31-3-6

Volunteer fire departments and firefighters; exception to certification or licensure requirement

Sec. 6. (a) As used in this section, "volunteer fire department" has the meaning set forth in IC 36-8-12-2.

(b) As used in this section, "volunteer firefighter" has the meaning set forth in IC 36-8-12-2.

(c) A certificate or paramedic license is not required for a volunteer fire department or volunteer firefighter to engage in extrication or rescue services.

As added by P.L.2-1993, SEC.14. Amended by P.L.1-1999, SEC.44; P.L.77-2012, SEC.26.

IC 16-31-3-7

Withholding of certificate or license

Sec. 7. The commission may not withhold certification or licensure from a person providing emergency medical services that include extrication and rescue services because the person is not affiliated with a hospital, law enforcement agency, or fire department.

As added by P.L.2-1993, SEC.14. Amended by P.L.77-2012, SEC.27.

IC 16-31-3-8

Applications for certificates and licenses

Sec. 8. An application for a certificate or license must be made upon the forms, provide the information, and be in accordance with the procedures prescribed by the commission.

As added by P.L.2-1993, SEC.14. Amended by P.L.77-2012, SEC.28.

IC 16-31-3-9

Duration of certificate or license

Sec. 9. Except as otherwise provided in this chapter, all certificates and licenses are valid for a period specified by the commission unless earlier suspended, revoked, or terminated.

As added by P.L.2-1993, SEC.14. Amended by P.L.77-2012, SEC.29.

IC 16-31-3-10

Renewal of certificates and licenses; conditions

Sec. 10. (a) Except as provided in subsection (b), to renew a certificate or license issued under this chapter upon expiration of the

certificate or license for any reason, a person must comply with any continuing education requirements that have been established by the commission. To renew a certificate or license issued under this chapter after a revocation of the certificate or license, a person must comply with all the requirements of this chapter that apply to the original certification or licensure.

(b) A renewal of an emergency medical technician or advanced emergency medical technician certificate or a paramedic license shall be issued to an individual who meets the following conditions:

(1) While holding a valid certificate or license, enters the armed forces of the United States, including:

- (A) the Army;
- (B) the Navy;
- (C) the Air Force;
- (D) the Marines; or
- (E) the Coast Guard;

but excluding the guard and reserve components of those forces.

(2) Is discharged from the armed forces of the United States within forty-eight (48) months after the individual entered the armed forces.

(3) Successfully completes, not more than nine (9) months after the individual's discharge from the armed forces of the United States, a refresher course approved by the commission.

(4) Applies for the certificate or license renewal not more than one (1) year after the individual's discharge from the armed forces of the United States.

(5) Passes the written and practical skills examinations.

(c) A renewal of an emergency medical technician or advanced emergency medical technician certificate or a paramedic license must be issued to an individual who meets the following conditions:

(1) While holding a valid certificate or license, the individual is called to active military duty as a member of the Indiana National Guard or a reserve component of the armed forces of the United States, including:

- (A) the Army;
- (B) the Navy;
- (C) the Air Force;
- (D) the Marines; or
- (E) the Coast Guard.

(2) The individual provides the emergency medical services commission with a copy of the document from the armed forces that called the individual to active duty.

(3) The individual applies for the certificate or license renewal not more than one hundred twenty (120) days after the individual leaves active duty.

As added by P.L.2-1993, SEC.14. Amended by P.L.205-2003, SEC.24; P.L.77-2012, SEC.30.

IC 16-31-3-11

Certificates and licenses nonassignable and nontransferable

Sec. 11. A certificate or license issued under this chapter is not assignable or transferable.

As added by P.L.2-1993, SEC.14. Amended by P.L.77-2012, SEC.31.

IC 16-31-3-12

Defacing, removal, and obliteration of entries on official entries on certificate or license

Sec. 12. An official entry made upon a certificate or license may not be defaced, removed, or obliterated.

As added by P.L.2-1993, SEC.14. Amended by P.L.77-2012, SEC.32.

IC 16-31-3-13

Repealed

(As added by P.L.2-1993, SEC.14. Repealed by P.L.101-2006, SEC.39.)

IC 16-31-3-13.5

Fee

Sec. 13.5. The commission may impose a reasonable fee for the issuance of a certification or license under this chapter. The commission shall deposit the fee in the emergency medical services fund established by IC 16-31-8.5-3.

As added by P.L.101-2006, SEC.26. Amended by P.L.77-2012, SEC.33.

IC 16-31-3-14

Disciplinary sanctions; denial, suspension, or revocation; appeals; investigations; reinstatement; consistency of sanctions

Sec. 14. (a) A person holding a certificate or license issued under this article must comply with the applicable standards and rules established under this article. A certificate holder or license holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder or license holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate or license, including cheating on a certification or licensure examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the

conviction has a direct bearing on determining if the certificate holder or license holder should be entrusted to provide emergency medical services;

(6) is convicted of violating IC 9-19-14.5;

(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;

(8) continues to practice if the certificate holder or license holder becomes unfit to practice due to:

(A) professional incompetence that includes the undertaking of professional activities that the certificate holder or license holder is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's or license holder's ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's or license holder's name or a certificate or license issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(13) allows a certificate or license issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate or license is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder or license holder is subject to disciplinary sanctions under subsection (a):

(1) Revocation of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(3) Censure of a certificate holder or license holder.

- (4) Issuance of a letter of reprimand.
- (5) Assessment of a civil penalty against the certificate holder or license holder in accordance with the following:
 - (A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.
 - (B) If the certificate holder or license holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate or license holder's license without additional proceedings.
- (6) Placement of a certificate holder or license holder on probation status and requirement of the certificate holder or license holder to:
 - (A) report regularly to the department of homeland security upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the department of homeland security;
 - (C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
 - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder or license holder.

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder or license holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate or license, including cheating on the certification or licensure examination, the department of homeland security may rescind the certificate or license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate or license for a length of time established by the department of homeland security.

(d) The department of homeland security may deny certification or licensure to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder or license holder, has had disciplinary action taken against the applicant or the applicant's certificate or license to practice in another state or jurisdiction, or has practiced without a certificate or license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary

action.

(e) The department of homeland security may order a certificate holder or license holder to submit to a reasonable physical or mental examination if the certificate holder's or license holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department of homeland security order to submit to a physical or mental examination makes a certificate holder or license holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate or license may not be denied, revoked, or suspended because the applicant, certificate holder, or license holder has been convicted of an offense. The acts from which the applicant's, certificate holder's, or license holder's conviction resulted may be considered as to whether the applicant or certificate holder or license holder should be entrusted to serve the public in a specific capacity.

(g) The department of homeland security may deny, suspend, or revoke a certificate or license issued under this article if the individual who holds or is applying for the certificate or license is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
- (9) Possession of a synthetic drug or synthetic drug lookalike substance as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its amendment in 2013).
- (10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.
- (11) An offense relating to registration, labeling, and

prescription forms under IC 35-48-4-14.

(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The department of homeland security may temporarily suspend a certificate holder's certificate or license holder's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder or license holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder or license holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified or licensed under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the department of homeland security must initiate an investigation against the person.

(k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper in relation to the complaint.

(l) The department of homeland security may reinstate a certificate or license that has been suspended under this section if the department of homeland security is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the department of homeland security may impose disciplinary or corrective measures authorized under this chapter.

(m) The department of homeland security may not reinstate a certificate or license that has been revoked under this chapter.

(n) The department of homeland security must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department of homeland security's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate, and a license holder may not surrender the license holder's license, without the written approval of the department of homeland security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate or license.

(p) For purposes of this section, "certificate holder" means a

person who holds:

- (1) an unlimited certificate;
- (2) a limited or probationary certificate; or
- (3) an inactive certificate.

(q) For purposes of this section, "license holder" means a person who holds:

- (1) an unlimited license;
- (2) a limited or probationary license; or
- (3) an inactive license.

As added by P.L.2-1993, SEC.14. Amended by P.L.65-1998, SEC.1; P.L.205-2003, SEC.25; P.L.22-2005, SEC.21; P.L.1-2006, SEC.300; P.L.151-2006, SEC.6; P.L.138-2011, SEC.2; P.L.182-2011, SEC.2; P.L.78-2012, SEC.3; P.L.77-2012, SEC.34; P.L.196-2013, SEC.4; P.L.158-2013, SEC.234; P.L.168-2014, SEC.30; P.L.59-2016, SEC.2.

IC 16-31-3-14.5

Denial or permanent revocation for conviction of specified crimes

Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or licensure or permanently revoke a certificate or license under procedures provided by section 14 of this chapter if the individual who holds the certificate or license issued under this title is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.
- (10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in

this section.

(13) A crime of violence (as defined in IC 35-50-1-2(a)).

(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under this section.

As added by P.L.65-1998, SEC.2. Amended by P.L.17-2001, SEC.2; P.L.1-2002, SEC.74; P.L.205-2003, SEC.26; P.L.1-2006, SEC.301; P.L.151-2006, SEC.7; P.L.138-2011, SEC.3; P.L.182-2011, SEC.3; P.L.78-2012, SEC.4; P.L.77-2012, SEC.35; P.L.196-2013, SEC.5; P.L.238-2015, SEC.3.

IC 16-31-3-15

Repealed

(As added by P.L.2-1993, SEC.14. Repealed by P.L.205-2003, SEC.44.)

IC 16-31-3-16

Misrepresentation of certification or licensure; penalty

Sec. 16. A person who is not certified or licensed under this chapter and identifies or holds out to other persons that the person is:

- (1) certified or licensed under this chapter; or
- (2) authorized to do any act allowed under this chapter;

commits a Class C misdemeanor.

As added by P.L.2-1993, SEC.14. Amended by P.L.77-2012, SEC.36.

IC 16-31-3-17

Violation; penalty

Sec. 17. (a) The department of homeland security established by IC 10-19-2-1 may issue an order to a person who has practiced without a certificate or license in violation of this article imposing a civil penalty of not more than five hundred dollars (\$500) per occurrence.

(b) A decision of the department of homeland security under subsection (a) may be appealed to the commission under IC 4-21.5-3-7.

As added by P.L.2-1993, SEC.14. Amended by P.L.205-2003, SEC.27; P.L.1-2009, SEC.116; P.L.77-2012, SEC.37.

IC 16-31-3-18

Advanced life support; scope

Sec. 18. This chapter does not limit the scope of advanced life support.

As added by P.L.2-1993, SEC.14.

IC 16-31-3-19

Repealed

(As added by P.L.186-1995, SEC.11. Amended by P.L.205-2003,

SEC.28. Repealed by P.L.22-2005, SEC.55.)

IC 16-31-3-20

Advanced life support services development; licensure requirements for paramedics; rules

Sec. 20. The commission shall adopt rules under IC 4-22-2 that promote the orderly development of advanced life support services in Indiana. The rules must include the following:

- (1) Requirements and procedures for the certification of provider organizations, advanced emergency medical technicians, and supervising hospitals.
- (2) Requirements and procedures for the licensure of paramedics.
- (3) Rules governing the operation of advanced life support services, including the medications and procedures that may be administered and performed by paramedics and advanced emergency medical technicians.

As added by P.L.186-1995, SEC.12. Amended by P.L.205-2003, SEC.29; P.L.77-2012, SEC.38.

IC 16-31-3-21

Persons permitted to perform advanced life support

Sec. 21. (a) Notwithstanding any other law, a licensed paramedic or a certified advanced emergency medical technician may perform advanced life support in an emergency according to the rules of the commission.

(b) Notwithstanding any other law, a person may, during a course of instruction in advanced life support, perform advanced life support according to the rules of the commission.

As added by P.L.186-1995, SEC.13. Amended by P.L.205-2003, SEC.30; P.L.77-2012, SEC.39.

IC 16-31-3-22

Advanced life support certification; exemptions; offenses

Sec. 22. (a) Except as provided in subsection (c), this section does not apply to the following:

- (1) A licensed physician.
- (2) A registered nurse or an individual acting under the supervision of a licensed physician.
- (3) A person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21.

(b) A person may not furnish, operate, conduct, maintain, or advertise advanced life support as a part of the regular course of doing business unless the person holds a valid certificate or provisional certificate issued by the commission to provide advanced life support.

(c) A:

- (1) licensed physician;

(2) registered nurse or an individual acting under the supervision of a licensed physician; or
(3) person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;
who operates a business of operating an emergency ambulance service that provides advanced life support must hold a valid certificate issued by the commission under this chapter.

(d) A person who violates this section commits a Class C misdemeanor. Each day of continued violation of this section is a separate offense.

As added by P.L.186-1995, SEC.14.

IC 16-31-3-23

Use of an auto-injector by a certified emergency medical technician

Sec. 23. An emergency medical technician who is certified under this article may administer epinephrine through an auto-injector to an individual who is experiencing symptoms of an allergic reaction or anaphylaxis.

As added by P.L.17-2002, SEC.5. Amended by P.L.205-2003, SEC.31; P.L.77-2012, SEC.40.

IC 16-31-3-23.5

Use of overdose intervention drugs; prescription, drug order, or protocol

Sec. 23.5. (a) The following may administer an overdose intervention drug to an individual who is suffering from an overdose:

- (1) An advanced emergency medical technician.
- (2) An emergency medical responder.
- (3) An emergency medical technician.
- (4) A firefighter or volunteer firefighter.
- (5) A law enforcement officer.
- (6) A paramedic.

(b) A health care provider who is licensed in Indiana and whose scope of practice includes the prescribing of medication may write a prescription, drug order, standing order, or protocol for an overdose intervention drug for any of the following:

- (1) An advanced emergency medical technician.
- (2) An emergency medical responder.
- (3) An emergency medical technician.
- (4) A fire department or volunteer fire department.
- (5) A law enforcement agency.
- (6) A paramedic.

(c) A pharmacist licensed under IC 25-26 may dispense a valid prescription, drug order, standing order, or protocol for an overdose intervention drug issued in the name of any of the following:

- (1) An advanced emergency medical technician.
- (2) An emergency medical responder.
- (3) An emergency medical technician.

- (4) A fire department or volunteer fire department.
- (5) A law enforcement agency.
- (6) A paramedic.

As added by P.L.156-2014, SEC.8. Amended by P.L.32-2015, SEC.4.

IC 16-31-3-23.7

Administration of an overdose intervention drug; report

Sec. 23.7. (a) An advanced emergency medical technician, an emergency medical responder, an emergency medical technician, a firefighter, a volunteer firefighter, a law enforcement officer, or a paramedic who:

- (1) administers an overdose intervention drug; or
- (2) is summoned immediately after an overdose intervention drug is administered;

shall inform the emergency ambulance service responsible for submitting the report to the commission of the number of times an overdose intervention drug has been administered.

(b) The emergency ambulance service shall include information received under subsection (a) in the emergency ambulance service's report to the commission under the emergency medical services system review in accordance with the commission's rules.

As added by P.L.32-2015, SEC.5. Amended by P.L.6-2016, SEC.4.

IC 16-31-3-24

Authority for implementation of certification program for emergency services personnel

Sec. 24. The commission may implement a certification program for emergency services personnel regulated by the commission through emergency rules adopted under IC 4-22-2-37.1. An emergency rule adopted under this section expires on the later of the following:

- (1) July 1, 2014.
- (2) The date permanent rules are adopted to replace the emergency rules.

As added by P.L.77-2012, SEC.41.

IC 16-31-3-25

Tactical emergency medicine provider; qualifications; rules

Sec. 25. (a) An individual who meets the following qualifications may operate as a tactical emergency medicine provider:

- (1) Is an emergency medical technician, an advanced emergency medical technician, or a paramedic.
- (2) Is employed by:
 - (A) a law enforcement agency; or
 - (B) an emergency medical services agency established by IC 16-31-5-1 that has an agreement with a law enforcement agency;

to provide retrieval and field medical treatment to victims of

violent confrontations.

(3) Has successfully completed an accredited educational training program in tactical emergency medicine that meets the core curriculum requirements approved by the commission.

However, the commission may approve a program provided by:

(A) a military, naval, or air service of the armed forces of the United States;

(B) a program accredited by a federal or state governmental agency; or

(C) a program provided by the National Association of Emergency Medical Technicians that is accredited by the Continuing Education Coordinating Board for Emergency Medical Services;

that substantially meets the core curriculum requirements approved by the commission.

(b) An individual who meets the requirements set forth in subsection (a) may practice emergency medicine according to the individual's scope of training and as approved by the medical director of the law enforcement agency or an emergency medical services agency supervising the individual.

(c) A law enforcement agency or an emergency medical services agency established by IC 16-31-5-1 that has an agreement with a law enforcement agency to operate under this section must be certified as a provider organization by the commission.

(d) The commission shall adopt rules under IC 4-22-2 to implement this section.

(e) Before August 31, 2013, the commission shall adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement this section. The emergency rules must incorporate the following:

(1) Criteria for basic and advanced life support personnel to function as tactical medical support for law enforcement agencies as adopted by the commission under IC 4-22-7-7 in nonrule policy statement EMS-02-2002 adopted on March 15, 2002.

(2) Tactical emergency medical support core curriculum requirements approved by the commission on September 13, 2007.

This subsection expires on the earlier of the date a permanent rule to implement this section is adopted under IC 4-22-2 or June 30, 2014.

As added by P.L.64-2013, SEC.1.

IC 16-31-3-26

Audit by provider organization; confidentiality; rules

Sec. 26. (a) Each provider organization shall conduct an audit and review at least quarterly to assess, monitor, and evaluate the quality of patient care as follows:

(1) The audit must evaluate patient care and personnel

performance.

(2) The results of the audit must be reviewed with the emergency medical service personnel.

(3) Documentation for the audit and review must include the following:

(A) The criteria used to select audited runs.

(B) Problem identification and resolution.

(C) Date of review.

(D) Attendance at the review.

(E) A summary of the discussion at the review.

(4) The audit and review must be conducted under the direction of one (1) of the following:

(A) The provider organization medical director.

(B) An emergency department committee that is supervised by a medical director with a provider organization representative serving as a member of the committee.

(C) A committee established by the provider organization and under the direction of the medical director or medical director's designee. If the medical director selects a designee, the designee must:

(i) be a physician licensed under IC 25-22.5;

(ii) have an active role in the delivery of emergency care; and

(iii) be designated in writing by the medical director as the medical director's designee.

(5) The audit must provide a method for identifying the need for staff development programs, basic training, in-service training, and orientation.

(6) The audit must evaluate all levels of care by emergency medical service personnel.

(b) An audit and review proceeding under this section is confidential, and any communication at the audit and review proceeding is a privileged communication.

(c) This section does not prevent participation by a provider organization in a peer review committee proceeding under IC 34-30-15.

(d) The commission may adopt rules under IC 4-22-2 to implement this section.

As added by P.L.79-2016, SEC.1.

IC 16-31-3.5

Chapter 3.5. Emergency Medical Dispatch

IC 16-31-3.5-1

Definitions; applicability

Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Emergency medical dispatching" means the reception, evaluation, processing, and provision of dispatch life support, management of requests for emergency medical assistance, and participation in ongoing evaluation and improvement of the emergency medical dispatch process. This process includes identifying the nature of the request, prioritizing the severity of the request, dispatching the necessary resources, providing medical aid and safety instructions to the callers, and coordinating the responding resources as needed, but does not include call routing itself.

(c) "Emergency medical dispatch agency" means any person that provides emergency medical dispatching for emergency medical assistance.

As added by P.L.205-2003, SEC.32. Amended by P.L.68-2009, SEC.2; P.L.77-2012, SEC.42.

IC 16-31-3.5-2

Exclusion

Sec. 2. This chapter does not apply to the following:

- (1) A person who solely dispatches prescheduled emergency medical transports.
- (2) A person who provides emergency medical dispatching during a major catastrophe or disaster with which individuals or dispatch agencies certified to provide emergency medical dispatching are unable to cope.

As added by P.L.205-2003, SEC.32. Amended by P.L.22-2005, SEC.22.

IC 16-31-3.5-3

Training requirement

Sec. 3. A person may not furnish, operate, conduct, maintain, or advertise services as an emergency medical dispatcher or otherwise be engaged as an emergency medical dispatch agency unless the person performing the emergency medical dispatch has completed training that meets or exceeds the standards established by the National Highway Traffic Safety Administration in the Emergency Medical Dispatch Program Implementation and Administration Managers Guide, as in effect July 1, 2012.

As added by P.L.205-2003, SEC.32. Amended by P.L.22-2005, SEC.23; P.L.68-2009, SEC.3; P.L.77-2012, SEC.43.

IC 16-31-3.5-4

(As added by P.L.205-2003, SEC.32. Amended by P.L.22-2005, SEC.24. Repealed by P.L.68-2009, SEC.7.)

IC 16-31-3.5-4.5

Repealed

(As added by P.L.22-2005, SEC.25. Repealed by P.L.68-2009, SEC.7.)

IC 16-31-3.5-5

Repealed

(As added by P.L.205-2003, SEC.32. Amended by P.L.22-2005, SEC.26; P.L.68-2009, SEC.4. Repealed by P.L.77-2012, SEC.44.)

IC 16-31-3.5-6

Repealed

(As added by P.L.205-2003, SEC.32. Amended by P.L.22-2005, SEC.27; P.L.1-2006, SEC.302. Repealed by P.L.68-2009, SEC.7.)

IC 16-31-3.5-7

Repealed

(As added by P.L.205-2003, SEC.32. Repealed by P.L.77-2012, SEC.45.)

IC 16-31-4

Repealed

(Repealed by P.L.186-1995, SEC.19.)

IC 16-31-5

Chapter 5. Provision or Authorization of Emergency Medical Services by Local Governments

IC 16-31-5-1 Version a

Provision or authorization of emergency medical services; procedures

Note: This version of section effective until 1-1-2017. See also following version of this section, effective 1-1-2017.

Sec. 1. The governing body of a city, town, township, or county by the governing body's action or in any combination may do the following:

- (1) Establish, operate, and maintain emergency medical services.
- (2) Levy taxes under and limited by IC 6-3.5 and expend appropriated funds of the political subdivision to pay the costs and expenses of establishing, operating, maintaining, or contracting for emergency medical services.
- (3) Except as provided in section 2 of this chapter, authorize, franchise, or contract for emergency medical services. However:
 - (A) a county may not provide, authorize, or contract for emergency medical services within the limits of any city without the consent of the city; and
 - (B) a city or town may not provide, authorize, franchise, or contract for emergency medical services outside the limits of the city or town without the approval of the governing body of the area to be served.
- (4) Apply for, receive, and accept gifts, bequests, grants-in-aid, state, federal, and local aid, and other forms of financial assistance for the support of emergency medical services.
- (5) Establish and provide for the collection of reasonable fees for emergency ambulance services the governing body provides under this chapter.
- (6) Pay the fees or dues for individual or group membership in any regularly organized volunteer emergency medical services association on their own behalf or on behalf of the emergency medical services personnel serving that unit of government.

As added by P.L.2-1993, SEC.14.

IC 16-31-5-1 Version b

Provision or authorization of emergency medical services; procedures

Note: This version of section effective 1-1-2017. See also preceding version of this section, effective until 1-1-2017.

Sec. 1. The governing body of a city, town, township, or county by the governing body's action or in any combination may do the following:

- (1) Establish, operate, and maintain emergency medical services.
- (2) Levy taxes under and limited by IC 6-3.6 and expend appropriated funds of the political subdivision to pay the costs and expenses of establishing, operating, maintaining, or contracting for emergency medical services.
- (3) Except as provided in section 2 of this chapter, authorize, franchise, or contract for emergency medical services. However:
 - (A) a county may not provide, authorize, or contract for emergency medical services within the limits of any city without the consent of the city; and
 - (B) a city or town may not provide, authorize, franchise, or contract for emergency medical services outside the limits of the city or town without the approval of the governing body of the area to be served.
- (4) Apply for, receive, and accept gifts, bequests, grants-in-aid, state, federal, and local aid, and other forms of financial assistance for the support of emergency medical services.
- (5) Establish and provide for the collection of reasonable fees for emergency ambulance services the governing body provides under this chapter.
- (6) Pay the fees or dues for individual or group membership in any regularly organized volunteer emergency medical services association on their own behalf or on behalf of the emergency medical services personnel serving that unit of government.

As added by P.L.2-1993, SEC.14. Amended by P.L.197-2016, SEC.116.

IC 16-31-5-2

Restrictions on provision of emergency medical services

Sec. 2. A city, town, or county may not adopt an ordinance that restricts a person from providing emergency ambulance services in the city, town, township, or county if:

- (1) the person is authorized to provide emergency ambulance services in any part of another county; and
- (2) the person has been requested to provide emergency ambulance services:
 - (A) to the county in which the person is authorized to provide emergency ambulance services, and those services will originate in another county; or
 - (B) from the county in which the person is authorized to provide emergency ambulance services, and those services will terminate in another county.

As added by P.L.2-1993, SEC.14.

IC 16-31-6

Chapter 6. Immunity From Liability

IC 16-31-6-1

Emergency medical technician services

Sec. 1. (a) A certified emergency medical technician who provides emergency medical services to an emergency patient is not liable for an act or omission in providing those services unless the act or omission constitutes negligence or willful misconduct. If the emergency medical technician is not liable for an act or omission, no other person incurs liability by reason of an agency relationship with the emergency medical technician.

(b) This section does not affect the liability of a driver of an ambulance for negligent operation of the ambulance.

As added by P.L.2-1993, SEC.14. Amended by P.L.205-2003, SEC.33; P.L.77-2012, SEC.46.

IC 16-31-6-2

Use of defibrillators

Sec. 2. (a) Except for an act of negligence or willful misconduct, a certified emergency medical responder who uses an automatic or semiautomatic defibrillator on an emergency patient according to the training procedures established by the commission under IC 16-31-2-9 is immune from civil liability for acts or omissions when rendering those services.

(b) If the emergency medical responder is immune from civil liability for the emergency medical responder's act or omission, a person who has only an agency relationship with the emergency medical responder is also immune from civil liability for the act or omission.

As added by P.L.2-1993, SEC.14. Amended by P.L.77-2012, SEC.47.

IC 16-31-6-2.5

Use of overdose intervention drugs; civil immunity

Sec. 2.5. (a) Except for an act of gross negligence or willful misconduct, an advanced emergency medical technician, an emergency medical responder, an emergency medical technician, a firefighter or volunteer firefighter, a law enforcement officer, or a paramedic who administers an overdose intervention drug according to standards established by:

- (1) the department or agency that oversees the individual's employment in providing emergency medical services; or
- (2) the commission under IC 16-31-2-9;

to an individual suffering from an overdose is immune from civil liability for acts or omissions when administering the drug.

(b) If:

- (1) an advanced emergency medical technician;
- (2) an emergency medical responder;

- (3) an emergency medical technician;
- (4) a firefighter or volunteer firefighter;
- (5) a law enforcement officer; or
- (6) a paramedic;

is immune from civil liability for the individual's act or omission when administering an overdose intervention drug, a person who has only an agency relationship with the advanced emergency medical technician, emergency medical responder, emergency medical technician, firefighter or volunteer firefighter, law enforcement officer, or paramedic is also immune from civil liability for the act or omission.

As added by P.L.156-2014, SEC.9. Amended by P.L.32-2015, SEC.6.

IC 16-31-6-3

Advanced life support; liability

Sec. 3. An act or omission of a paramedic or an advanced emergency medical technician done or omitted in good faith while providing advanced life support to a patient or trauma victim does not impose liability upon the paramedic or advanced emergency medical technician, the authorizing physician, the hospital, or the officers, members of the staff, nurses, or other employees of the hospital or the local governmental unit if the advanced life support is provided:

- (1) in connection with an emergency;
- (2) in good faith; and
- (3) under the written or oral direction of a licensed physician;

unless the act or omission was a result of negligence or willful misconduct.

As added by P.L.2-1993, SEC.14. Amended by P.L.205-2003, SEC.34; P.L.77-2012, SEC.48.

IC 16-31-6-4

Life support provided in connection with disaster emergency

Sec. 4. (a) This section does not apply to an act or omission that was a result of gross negligence or willful or intentional misconduct.

(b) An act or omission of a paramedic, an advanced emergency medical technician, an emergency medical technician, or a person with equivalent certification or licensure from another state that is performed or made while providing advanced life support or basic life support to a patient or trauma victim does not impose liability upon the paramedic, the advanced emergency medical technician, an emergency medical technician, the person with equivalent certification or licensure from another state, a hospital, a provider organization, a governmental entity, or an employee or other staff of a hospital, provider organization, or governmental entity if the advanced life support or basic life support is provided in good faith:

- (1) in connection with 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

(2) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

As added by P.L.156-2001, SEC.3. Amended by P.L.2-2003, SEC.53; P.L.205-2003, SEC.35; P.L.97-2004, SEC.64; P.L.114-2012, SEC.40; P.L.77-2012, SEC.49.

IC 16-31-6.5

Chapter 6.5. Automatic External Defibrillators

IC 16-31-6.5-1

Repealed

(As added by P.L.24-1998, SEC.1. Repealed by P.L.205-2003, SEC.44.)

IC 16-31-6.5-2

Exemptions

Sec. 2. This chapter does not apply to the following:

- (1) A licensed physician.
- (2) A hospital, an ambulatory outpatient surgical center, an abortion clinic, or a birthing center.
- (3) A person providing health care in a hospital, an ambulatory outpatient surgical center, an abortion clinic, or a birthing center licensed under IC 16-21.
- (4) A person or entity certified under IC 16-31-3.

As added by P.L.24-1998, SEC.1. Amended by P.L.96-2005, SEC.12.

IC 16-31-6.5-3

"Defibrillator" defined

Sec. 3. As used in this chapter, "defibrillator" means an automatic external defibrillator.

As added by P.L.24-1998, SEC.1.

IC 16-31-6.5-4

Duties of person or entity acquiring defibrillator

Sec. 4. A person or entity acquiring a defibrillator shall ensure that the defibrillator is maintained and tested according to the manufacturer's operational guidelines.

As added by P.L.24-1998, SEC.1. Amended by P.L.74-2006, SEC.4.

IC 16-31-6.5-5

Notice of acquisition and location of defibrillator

Sec. 5. A person or entity in possession of a defibrillator shall notify the:

- (1) ambulance service provider that serves the area where the person or entity is located; or
- (2) emergency medical services commission;

of the acquisition and location of the defibrillator.

As added by P.L.24-1998, SEC.1.

IC 16-31-6.5-6

Contact with ambulance service provider following use of defibrillator

Sec. 6. A person who uses a defibrillator is required to contact:

- (1) the ambulance service provider; or

(2) a fire department that provides ambulance service;
for the area as soon as practicable following the use of the
defibrillator.

As added by P.L.24-1998, SEC.1.

IC 16-31-7

Chapter 7. Emergency Medical Services Education Fund

IC 16-31-7-1

Establishment of fund

Sec. 1. The emergency medical services education fund is established.

As added by P.L.2-1993, SEC.14.

IC 16-31-7-2

Administration of fund; use of fund

Sec. 2. The commission shall administer the fund. Money from the fund may be used to fund inservice training programs promoted by the commission.

As added by P.L.2-1993, SEC.14.

IC 16-31-7-3

Approval of expenditures

Sec. 3. Expenditures from the fund must be approved by the budget agency.

As added by P.L.2-1993, SEC.14.

IC 16-31-7-4

Sources of fund

Sec. 4. The fund consists of income derived as follows:

- (1) Generated by the state emergency medical services conference authorized under IC 16-31-2-7(a)(1)(F).
- (2) Generated by education programs conducted by the commission.
- (3) From civil penalties imposed by the commission.

As added by P.L.2-1993, SEC.14.

IC 16-31-7-5

Repealed

(Repealed by P.L.65-1998, SEC.3.)

IC 16-31-7-6

Investment of unneeded money

Sec. 6. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

As added by P.L.2-1993, SEC.14.

IC 16-31-7-7

Reversion of unused money

Sec. 7. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.2-1993, SEC.14.

IC 16-31-8

Chapter 8. Emergency Medical Services Restitution Fund

IC 16-31-8-1

Establishment of fund; purpose

Sec. 1. The emergency medical services restitution fund is established for the purpose of reimbursing persons who:

- (1) are certified or licensed under IC 16-31-3; and
- (2) provided emergency medical services to individuals injured as a result of an accident caused by an individual who:
 - (A) was operating a vehicle while intoxicated at the time the accident occurred; and
 - (B) was subsequently convicted under IC 9-30-5 of that offense.

As added by P.L.2-1993, SEC.14. Amended by P.L.77-2012, SEC.50.

IC 16-31-8-2

Administration of fund

Sec. 2. The department of homeland security shall administer the fund. The expenses of administering the fund shall be paid from money in the fund.

As added by P.L.2-1993, SEC.14. Amended by P.L.1-2006, SEC.303.

IC 16-31-8-3

Reversion of unused money; transfer of excess money

Sec. 3. Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the money in the fund at the close of a particular fiscal year exceeds ten thousand dollars (\$10,000), the treasurer of state shall transfer the excess from the fund into the emergency medical services education fund established under IC 16-31-7.

As added by P.L.2-1993, SEC.14.

IC 16-31-8-4

Reimbursement from fund; conditions

Sec. 4. A person is entitled to reimbursement from the fund for emergency medical services provided under section 1(2) of this chapter if the following conditions are met:

- (1) The person files with the commission a claim not more than one hundred eighty (180) days after the entry of a conviction under IC 9-30-5 of the individual who caused the accident necessitating the emergency medical services.
- (2) The court, as part of the entry of conviction, has ordered the individual to make restitution for emergency medical services under IC 9-30-5-17.
- (3) The commission has received a copy of the order for restitution as required under IC 9-30-5-17.
- (4) The fund has been paid the restitution ordered by the court

under IC 9-30-5-17.
As added by P.L.2-1993, SEC.14.

IC 16-31-8-5
Schedule of costs

Sec. 5. (a) The commission shall prepare a schedule of costs for the following:

- (1) Emergency medical services.
- (2) Administering a claim made against the fund.

The schedule must be based on the different levels of emergency response required in the types of accidents caused by operators of motor vehicles who are intoxicated.

(b) The commission shall distribute the schedule to all courts in Indiana having jurisdiction over individuals who have been charged with an offense under IC 9-30-5.

As added by P.L.2-1993, SEC.14.

IC 16-31-8.5

Chapter 8.5. Emergency Medical Services Fund

IC 16-31-8.5-1

"Department"

Sec. 1. As used in this chapter, "department" refers to the department of homeland security established by IC 10-19-2-1.

As added by P.L.205-2003, SEC.36. Amended by P.L.97-2004, SEC.65; P.L.22-2005, SEC.28; P.L.101-2006, SEC.27.

IC 16-31-8.5-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to the emergency medical services fund established by section 3 of this chapter.

As added by P.L.205-2003, SEC.36.

IC 16-31-8.5-3

Emergency medical services fund

Sec. 3. (a) The emergency medical services fund is established to defray the personal services expense, other operating expense, and capital outlay of the:

- (1) commission; and
- (2) employees of the department.

(b) The fund includes money collected under IC 16-31-2, IC 16-31-3, and IC 16-31-3.5.

As added by P.L.205-2003, SEC.36. Amended by P.L.22-2005, SEC.29; P.L.101-2006, SEC.28.

IC 16-31-8.5-4

Administration

Sec. 4. (a) The department shall administer the fund.

(b) The department shall deposit money collected under IC 16-31-2, IC 16-31-3, and IC 16-31-3.5 in the fund at least monthly.

(c) Expenses of administering the fund shall be paid from money in the fund.

As added by P.L.205-2003, SEC.36. Amended by P.L.22-2005, SEC.30; P.L.101-2006, SEC.29.

IC 16-31-8.5-5

Investment

Sec. 5. The treasurer of state shall invest the money in the fund that is not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

As added by P.L.205-2003, SEC.36.

IC 16-31-8.5-6

Money remains in fund

Sec. 6. Money in the fund at the end of a state fiscal year does not
revert to the state general fund.
As added by P.L.205-2003, SEC.36.

IC 16-31-9

Chapter 9. Emergency Choke Saving Methods

IC 16-31-9-1

Food service establishment defined

Sec. 1. (a) As used in this chapter, "food service establishment" means a fixed or mobile establishment that serves food to the public for consumption on the premises.

(b) The term does not include establishments operated on a temporary basis by a charitable or nonprofit corporation, association, or organization.

As added by P.L.2-1993, SEC.14.

IC 16-31-9-2

Instruction placards

Sec. 2. (a) The state department shall adopt rules under IC 4-22-2 to provide for the approval of placards containing instructions in methods that may be used safely and effectively in an emergency by laymen to remove food lodged in a person's throat. The methods must be limited to first aid procedures and must include techniques that do not require the use of instruments or devices.

(b) The placards must be of a size and design suitable for posting in food service establishments. The instructions must, to the extent practicable, be expressed in words and illustrations that are not offensive to restaurant patrons.

As added by P.L.2-1993, SEC.14.

IC 16-31-9-3

Training program guidelines

Sec. 3. The state department shall develop and publish guidelines for training programs that may be used on a voluntary basis by food service establishments to train employees in the approved methods.

As added by P.L.2-1993, SEC.14.

IC 16-31-9-4

Civil liability

Sec. 4. (a) A person is not obligated to remove, assist in removing, or attempt to remove food from another person's throat. A person who in good faith gratuitously removes, assists in removing, or attempts to remove food from another person's throat in an emergency occurring at a food service establishment is not liable for any civil damages as a result of any act or omission by the person providing the emergency assistance unless the act or omission amounts to willful or wanton misconduct.

(b) The owner or operator of a food service establishment is not liable for any civil damages that result from an act or omission by a person rendering or attempting the emergency assistance if there is an approved placard posted in the food service establishment.

As added by P.L.2-1993, SEC.14.

IC 16-31-10
Chapter 10. Enforcement

IC 16-31-10-1

Injunctions

Sec. 1. (a) The:

- (1) attorney general;
- (2) prosecuting attorney; or
- (3) commission;

may, in accordance with the Indiana laws governing injunctions, maintain an action in the name of the state to enjoin a person from violating this article or the rules adopted under this article.

(b) An injunction issued under this section does not relieve a person from criminal prosecution under this article or the rules adopted under this article. An injunctive remedy is in addition to any remedy provided for the criminal prosecution of a violation of this article or the rules adopted under this article.

As added by P.L.2-1993, SEC.14.

IC 16-31-10-2

Violations

Sec. 2. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with this article commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

As added by P.L.2-1993, SEC.14.

IC 16-31-11

Chapter 11. Licensure of Individuals with Military Training

IC 16-31-11-1

"Military service applicant"

Sec. 1. As used in this chapter, "military service applicant" means an applicant for licensure or certification under this article who has performed service as an active member of any of the following:

- (1) The armed forces of the United States.
- (2) A reserve component of the armed forces of the United States.
- (3) The National Guard.

As added by P.L.16-2013, SEC.2; P.L.115-2013, SEC.2.

IC 16-31-11-2

Licensure and certification requirements

Sec. 2. Notwithstanding any other provision of this article, the commission shall issue a license or certificate to a military service applicant to allow the applicant to provide emergency medical services in Indiana if, upon application to the commission, the applicant satisfies the following conditions:

- (1) Has:
 - (A) completed a military program of training;
 - (B) been awarded a military occupational specialty; and
 - (C) performed in that occupational specialty; at a level that is substantially equivalent to or exceeds the academic or experience requirements for the license or certificate the applicant is seeking from the commission.
- (2) Has engaged in the active practice of the occupation for which the applicant is seeking licensure or certification for at least two (2) of the five (5) years preceding the date of the application under this section.
- (3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license or certificate to provide emergency medical services in Indiana at the time the act was committed.
- (4) Has paid any fees required by the commission under IC 16-31-3-13.5 for the license or certificate the applicant is seeking from the commission.

As added by P.L.16-2013, SEC.2; P.L.115-2013, SEC.2.

IC 16-31-11-3

Credit for official duties; academic requirements

Sec. 3. (a) All relevant experience of a military service applicant in the discharge of the applicant's official duties while performing service described in section 1 of this chapter must be credited in the calculation of the number of years the applicant has provided emergency medical services for purposes of section 2 of this chapter.

(b) In determining if a military service applicant substantially meets the academic requirements for a license or certificate issued by the commission, the commission shall consider the recommendations in the Guide to the Evaluation of Educational Experiences in the Armed Services published by the American Council on Education or the council's successor organization.

As added by P.L.16-2013, SEC.2; P.L.115-2013, SEC.2.

IC 16-31-11-4

Nonresidents

Sec. 4. A nonresident who is issued a license or certificate under this chapter is entitled to the same rights and subject to the same obligations as required of a resident who is issued a license or certificate by the commission.

As added by P.L.16-2013, SEC.2; P.L.115-2013, SEC.2.

IC 16-31-11-5

Temporary practice certificate and provisional license

Sec. 5. (a) Notwithstanding any other provision of this article, the commission may issue a temporary practice certificate or provisional license to a military service applicant while the military service applicant is satisfying certain requirements, as determined by the commission, for a license or certificate under section 2 of this chapter.

(b) The military service applicant may practice under a temporary practice certificate or provisional license issued under subsection (a) until:

- (1) a license or certification is granted or denied by the commission;
- (2) the temporary certificate expires; or
- (3) the military service applicant fails to comply with the terms of the provisional license.

As added by P.L.16-2013, SEC.2; P.L.115-2013, SEC.2.

IC 16-31-11-6

Rules

Sec. 6. The commission may adopt rules under IC 4-22-2 necessary to implement this chapter.

As added by P.L.16-2013, SEC.2; P.L.115-2013, SEC.2.

IC 16-31-11-7

Ability to obtain license or certificate under other provisions

Sec. 7. This chapter does not prohibit a military service applicant from proceeding under the licensure or certification requirements established by the commission under the other provisions of this article.

As added by P.L.16-2013, SEC.2; P.L.115-2013, SEC.2.