SENATE BILL No. 394

DIGEST OF SB 394 (Updated February 6, 2019 1:01 pm - DI 104)

Citations Affected: IC 12-15; IC 25-23; noncode.

Synopsis: Advanced practice registered nurses. Provides that an advanced practice registered nurse with prescriptive authority and who has operated under a practice agreement with a practitioner for at least three years may operate without a practice agreement if certain conditions are met. Amends the hospital governing board requirements for the manner in which an advanced practice registered nurse who operates in the hospital will interact with other practitioners. Makes a conforming change. Requires the Indiana state board of nursing to study and report to the general assembly before October 1, 2019, concerning the clinical training of advanced practice registered nurses and information concerning implementation of allowing advanced practice registered nurses to operate without a practice agreement.

Effective: Upon passage; July 1, 2019.

Charbonneau, Crider, Ford J.D., Becker, Stoops, Rogers

January 14, 2019, read first time and referred to Committee on Health and Provider Services.
February 7, 2019, amended, reported favorably — Do Pass.
SENATE BILL No. 394

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:

SECTION 1. IC 12-15-5-14, AS AMENDED BY P.L.129-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) As used in this section, "advanced practice registered nurse" means:

(1) a nurse practitioner; or

(2) a clinical nurse specialist;

who is a registered nurse licensed under IC 25-23 and qualified to practice nursing in a specialty role based upon the additional knowledge and skill gained through a formal organized program of study and clinical experience, or the equivalent as determined by the Indiana state board of nursing.

(b) As used in this section, "office" includes the following:

(1) The office of the secretary of family and social services.

(2) A managed care organization that has contracted with the office of Medicaid policy and planning under this article.

(3) A person that has contracted with a managed care organization described in subdivision (2).

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(c) The office shall reimburse eligible Medicaid claims for the
following services provided by an advanced practice registered nurse
employed by a community mental health center if the services are part
of the advanced practice registered nurse's scope of practice:
   (1) Mental health services.
   (2) Behavioral health services.
   (3) Substance abuse treatment.
   (4) Primary care services.
   (5) Evaluation and management services for inpatient or
       outpatient psychiatric treatment.
   (6) Prescription drugs.
(d) The office shall include an advanced practice registered nurse
as an eligible provider for the supervision of a plan of treatment for a
patient's outpatient mental health or substance abuse treatment
services, if the supervision is in the advanced practice registered
nurse's scope of practice, education, and training.
(e) This section:
   (1) may not be construed to expand an advanced practice
       registered nurse's scope of practice; and
   (2) is subject to IC 25-23-1-19.4(c). and applies only if the service
       is included in the advanced practice registered nurse's practice
       agreement with a collaborating physician.

SECTION 2. IC 25-23-1-19.4, AS AMENDED BY P.L.129-2018,
SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2019]: Sec. 19.4. (a) This section does not apply to certified
registered nurse anesthetists.
(b) As used in this section, "practitioner" has the meaning set forth
in IC 16-42-19-5. However, the term does not include the following:
   (1) A veterinarian.
   (2) An advanced practice registered nurse.
   (3) A physician assistant.
   (4) Beginning July 1, 2022:
      (A) a podiatrist;
      (B) an optometrist; or
      (C) a dentist.
(c) **Except as provided in subsection (d),** an advanced practice
registered nurse shall operate:
   (1) in collaboration with a licensed practitioner as evidenced by
       a practice agreement;
   (2) by privileges granted by the governing board of a hospital
       licensed under IC 16-21 with the advice of the medical staff of the
       hospital that sets forth the manner in which an advanced practice

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registered nurse and a licensed practitioner will cooperate, coordinate, and consult with each other practitioners in the provision of health care to their patients; or

(3) by privileges granted by the governing body of a hospital operated under IC 12-24-1 that sets forth the manner in which an advanced practice registered nurse and a licensed practitioner will cooperate, coordinate, and consult with each other practitioners in the provision of health care to their patients.

(d) An advanced practice registered nurse with prescriptive authority may practice without a practice agreement if the following conditions are met:

(1) The advanced practice registered nurse has practiced under a practice agreement with a practitioner for the full time equivalent of at least three (3) years.

(2) The practitioner described in subdivision (1) has been licensed in Indiana for a minimum of five (5) years with the practitioner's respective governing board.

(3) The practitioner has reviewed at least five percent (5%) of the advanced practice registered nurse's prescriptive charts during the practice agreement period.

(4) The advanced practice registered nurse has submitted an attestation to the board to the completion of the required three (3) year practice agreement.

(5) The advanced practice registered nurse practices in the same practice area in which the advanced practice registered nurse practiced with the practitioner under a practice agreement.

(6) The advanced practice registered nurse establishes a referral plan to other appropriate practitioners for complex medical case, emergencies, and cases that are beyond the advanced practice registered nurse's scope of practice.

The board shall designate on the advanced practice registered nurse's prescriptive authority license, in a manner determined by the board, that the advanced practice registered nurse has completed the requirements of this subsection.

(e) If an advanced practice registered nurse practices independently without a practice agreement, the advanced practice registered nurse shall notify patients, through posting in a prominent and conspicuous place in the patient waiting area, that the advanced practice registered nurse is practicing independently.

SECTION 3. IC 25-23-1-19.6, AS AMENDED BY P.L.129-2018, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2019] Sec. 19.6. (a) When the board grants authority to an
advanced practice registered nurse to prescribe legend drugs under this
chapter, the board shall assign an identification number to the
advanced practice registered nurse.
(b) An advanced practice registered nurse who is granted authority
by the board to prescribe legend drugs must do the following:
(1) Enter on each prescription form that the advanced practice
registered nurse uses to prescribe a legend drug:
   (A) the signature of the advanced practice registered nurse;
   (B) initials indicating the credentials awarded to the advanced
   practice registered nurse under this chapter; and
   (C) the identification number assigned to the advanced
   practice registered nurse under subsection (a).
(2) Comply with all applicable state and federal laws concerning
prescriptions for legend drugs.
(c) An advanced practice registered nurse may be granted authority
to prescribe legend drugs under this chapter only within the scope of
practice of the advanced practice registered nurse and, if applicable,
the scope of the licensed collaborating health practitioner.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) Before October
1, 2019, the Indiana state board of nursing shall study and report
to the general assembly in an electronic format under IC 5-14-6 the
following information concerning advanced practice registered
nurses:
   (1) The clinical training required for an advanced practice
   registered nurse in Indiana.
   (2) Information concerning the implementation of this act
   concerning allowing advanced practice registered nurses to
   operate without a practice agreement with a practitioner, as
   specified in this act.
(b) This SECTION expires December 31, 2019.

SECTION 5. An emergency is declared for this act.
COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 394, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, reset in roman line 30.
Page 2, line 31, reset in roman "(3)".
Page 2, line 31, delete "(2)".
Page 2, between lines 31 and 32, begin a new line block indented and insert:

"(4) Beginning July 1, 2022:
   (A) a podiatrist;
   (B) an optometrist; or
   (C) a dentist."

Page 2, line 33, strike "operate:" and insert "practice:".
Page 3, line 6, delete "operate" and insert "practice".
Page 3, line 8, delete "operated" and insert "practiced".
Page 3, line 9, after "for" insert "the full time equivalent of".
Page 3, line 9, delete "one" and insert "three (3) years.".
Page 3, delete line 10.
Page 3, line 18, delete "one" and insert "three (3)".
Page 3, line 19, delete "(1)".
Page 3, between lines 19 and 20, begin a new line block indented and insert:

"(5) The advanced practice registered nurse practices in the same practice area in which the advanced practice registered nurse practiced with the practitioner under a practice agreement.

(6) The advanced practice registered nurse establishes a referral plan to other appropriate practitioners for complex medical case, emergencies, and cases that are beyond the advanced practice registered nurse's scope of practice.".

Page 3, line 20, delete "include an "I" after the prescriptive authority" and insert "designate on the advanced practice registered nurse's prescriptive authority license, in a manner determined by the board, that the advanced practice registered nurse has completed the requirements of this subsection.

(e) If an advanced practice registered nurse practices independently without a practice agreement, the advanced practice registered nurse shall notify patients, through posting in a

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prominent and conspicuous place in the patient waiting area, that the advanced practice registered nurse is practicing independently."

Page 3, delete lines 21 and 22, begin a new paragraph and insert:

"SECTION 3. IC 25-23-1-19.6, AS AMENDED BY P.L.129-2018, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19.6. (a) When the board grants authority to an advanced practice registered nurse to prescribe legend drugs under this chapter, the board shall assign an identification number to the advanced practice registered nurse.

(b) An advanced practice registered nurse who is granted authority by the board to prescribe legend drugs must do the following:

(1) Enter on each prescription form that the advanced practice registered nurse uses to prescribe a legend drug:

(A) the signature of the advanced practice registered nurse;
(B) initials indicating the credentials awarded to the advanced practice registered nurse under this chapter; and
(C) the identification number assigned to the advanced practice registered nurse under subsection (a).

(2) Comply with all applicable state and federal laws concerning prescriptions for legend drugs.

(c) An advanced practice registered nurse may be granted authority to prescribe legend drugs under this chapter only within the scope of practice of the advanced practice registered nurse and, if applicable, the scope of the licensed collaborating health practitioner.

SECTION 4 [EFFECTIVE UPON PASSAGE] (a) Before October 1, 2019, the Indiana state board of nursing shall study and report to the general assembly in an electronic format under IC 5-14-6 the following information concerning advanced practice registered nurses:

(1) The clinical training required for an advanced practice registered nurse in Indiana.

(2) Information concerning the implementation of this act concerning allowing advanced practice registered nurses to operate without a practice agreement with a practitioner, as specified in this act.

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(b) This SECTION expires December 31, 2019.
SECTION 5. An emergency is declared for this act."
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 394 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 8, Nays 1.