



SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1278 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 12-15-5-6.5 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2026]: **Sec. 6.5. The following shall ensure**
6 **that a woman who has given birth and is either a Medicaid**
7 **recipient or eligible for Medicaid schedules a follow-up**
8 **appointment with a health care provider for a postpartum checkup**
9 **that is not later than sixty (60) days from the date the woman gives**
10 **birth:**
11 **(1) A hospital that is licensed under IC 16-21 and operates a**
12 **maternity unit.**
13 **(2) A health care provider that provided prenatal or delivery**
14 **care to the woman.**
15 **(3) The office or a managed care organization that has**
16 **contracted with the office under this article.**
17 SECTION 2. IC 12-15-5-14, AS AMENDED BY P.L.129-2018,
18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2026]: Sec. 14. (a) As used in this section, "advanced practice
20 registered nurse" means:
21 (1) a nurse practitioner; or
22 (2) a clinical nurse specialist;
23 who is a registered nurse licensed under IC 25-23 and qualified to
24 practice nursing in a specialty role based upon the additional
25 knowledge and skill gained through a formal organized program of
26 study and clinical experience, or the equivalent as determined by the
27 Indiana state board of nursing.

- 1 (b) As used in this section, "office" includes the following:
- 2 (1) The office of the secretary of family and social services.
- 3 (2) A managed care organization that has contracted with the
- 4 office of Medicaid policy and planning under this article.
- 5 (3) A person that has contracted with a managed care organization
- 6 described in subdivision (2).
- 7 (c) The office shall reimburse eligible Medicaid claims for the
- 8 following services provided by an advanced practice registered nurse
- 9 employed by a community mental health center if the services are part
- 10 of the advanced practice registered nurse's scope of practice:
- 11 (1) Mental health services.
- 12 (2) Behavioral health services.
- 13 (3) Substance abuse treatment.
- 14 (4) Primary care services.
- 15 (5) Evaluation and management services for inpatient or
- 16 outpatient psychiatric treatment.
- 17 (6) Prescription drugs.
- 18 (d) The office shall include an advanced practice registered nurse
- 19 as an eligible provider for the supervision of a plan of treatment for a
- 20 patient's outpatient mental health or substance abuse treatment
- 21 services, if the supervision is in the advanced practice registered
- 22 nurse's scope of practice, education, and training.
- 23 (e) This section:
- 24 (1) may not be construed to expand an advanced practice
- 25 registered nurse's scope of practice; and
- 26 (2) is subject to IC 25-23-1-19.4(c). ~~and applies only if the service~~
- 27 ~~is included in the advanced practice registered nurse's practice~~
- 28 ~~agreement with a collaborating physician.~~
- 29 SECTION 3. IC 16-18-2-14, AS AMENDED BY P.L.213-2025,
- 30 SECTION 146, IS AMENDED TO READ AS FOLLOWS
- 31 [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) "Ambulatory outpatient
- 32 surgical center", for purposes of IC 16-19, IC 16-21, IC 16-32-5, and
- 33 IC 16-38-2, means a public or private institution that meets the
- 34 following conditions:
- 35 (1) Is established, equipped, and operated primarily for the
- 36 purpose of performing surgical procedures and services.
- 37 (2) Is operated under the supervision of at least one (1) licensed
- 38 physician or under the supervision of the governing board of the
- 39 hospital if the center is affiliated with a hospital.
- 40 (3) Permits a surgical procedure to be performed only by a
- 41 physician, dentist, or podiatrist who meets the following
- 42 conditions:
- 43 (A) Is qualified by education and training to perform the
- 44 surgical procedure.
- 45 (B) Is legally authorized to perform the procedure.
- 46 (C) Is privileged to perform surgical procedures in at least one

- 1 (1) hospital within the county or an Indiana county adjacent to
- 2 the county in which the ambulatory outpatient surgical center
- 3 is located.
- 4 (D) Is admitted to the open staff of the ambulatory outpatient
- 5 surgical center.
- 6 (4) Requires that a licensed physician with specialized training or
- 7 experience in the administration of an anesthetic supervise the
- 8 administration of the anesthetic to a patient and ~~remain present in~~
- 9 ~~the facility~~ **be available for timely consultation** during the
- 10 surgical procedure, except when only a local infiltration
- 11 anesthetic is administered.
- 12 (5) Provides at least one (1) operating room and, if anesthetics
- 13 other than local infiltration anesthetics are administered, at least
- 14 one (1) postanesthesia recovery room.
- 15 (6) Is equipped to perform diagnostic x-ray and laboratory
- 16 examinations required in connection with any surgery performed.
- 17 (7) Does not provide accommodations for patient stays of longer
- 18 than twenty-four (24) hours.
- 19 (8) Provides full-time services of registered and licensed nurses
- 20 for the professional care of the patients in the postanesthesia
- 21 recovery room.
- 22 (9) Has available the necessary equipment and trained personnel
- 23 to handle foreseeable emergencies such as a defibrillator for
- 24 cardiac arrest, a tracheotomy set for airway obstructions, and a
- 25 blood bank or other blood supply.
- 26 (10) Maintains a written agreement with at least one (1) hospital
- 27 for immediate acceptance of patients who develop complications
- 28 or require postoperative confinement.
- 29 (11) Provides for the periodic review of the center and the center's
- 30 operations by a committee of at least three (3) licensed physicians
- 31 having no financial connections with the center.
- 32 (12) Maintains adequate medical records for each patient.
- 33 (13) Meets all additional minimum requirements as established by
- 34 the state department for building and equipment requirements.
- 35 (14) Meets the rules and other requirements established by the
- 36 state department for the health, safety, and welfare of the patients.
- 37 (b) The term does not include a birthing center.
- 38 (c) "Ambulatory outpatient surgical center", for purposes of
- 39 IC 16-34, refers to an institution described in subsection (a) and that
- 40 has a majority ownership by a hospital licensed under IC 16-21."
- 41 Page 3, between lines 11 and 12, begin a new paragraph and insert:
- 42 "SECTION 5. IC 25-22.5-1-2, AS AMENDED BY P.L.128-2022,
- 43 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 44 JULY 1, 2026]: Sec. 2. (a) This article, as it relates to the unlawful or
- 45 unauthorized practice of medicine or osteopathic medicine, does not
- 46 apply to any of the following:

- 1 (1) A student in training in a medical school approved by the
2 board, or while performing duties as an intern or a resident in a
3 hospital under the supervision of the hospital's staff or in a
4 program approved by the medical school.
- 5 (2) A person who renders service in case of emergency where no
6 fee or other consideration is contemplated, charged, or received.
- 7 (3) A paramedic (as defined in IC 16-18-2-266), an advanced
8 emergency medical technician (as defined in IC 16-18-2-6.5), an
9 emergency medical technician (as defined in IC 16-18-2-112), or
10 a person with equivalent certification from another state who
11 renders advanced life support (as defined in IC 16-18-2-7), or
12 basic life support (as defined in IC 16-18-2-33.5):
- 13 (A) during a disaster emergency declared by the governor
14 under IC 10-14-3-12 in response to an act that the governor in
15 good faith believes to be an act of terrorism (as defined in
16 IC 35-31.5-2-329); and
- 17 (B) in accordance with the rules adopted by the Indiana
18 emergency medical services commission or the disaster
19 emergency declaration of the governor.
- 20 (4) Commissioned medical officers or medical service officers of
21 the armed forces of the United States, the United States Public
22 Health Service, and medical officers of the United States
23 Department of Veterans Affairs in the discharge of their official
24 duties in Indiana.
- 25 (5) An individual who is not a licensee who resides in another
26 state or country and is authorized to practice medicine or
27 osteopathic medicine there, who is called in for consultation by an
28 individual licensed to practice medicine or osteopathic medicine
29 in Indiana.
- 30 (6) A person administering a domestic or family remedy to a
31 member of the person's family.
- 32 (7) A member of a church practicing the religious tenets of the
33 church if the member does not make a medical diagnosis,
34 prescribe or administer drugs or medicines, perform surgical or
35 physical operations, or assume the title of or profess to be a
36 physician.
- 37 (8) A school corporation and a school employee who acts under
38 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- 39 (9) A chiropractor practicing the chiropractor's profession under
40 IC 25-10 or to an employee of a chiropractor acting under the
41 direction and supervision of the chiropractor under IC 25-10-1-13.
- 42 (10) A dental hygienist practicing the dental hygienist's profession
43 under IC 25-13.
- 44 (11) A dentist practicing the dentist's profession under IC 25-14.
- 45 (12) A hearing aid dealer practicing the hearing aid dealer's
46 profession under IC 25-20.

- 1 (13) A nurse practicing the nurse's profession under IC 25-23.
- 2 However, a certified registered nurse anesthetist (as defined in
- 3 IC 25-23-1-1.4) may administer anesthesia if the certified
- 4 registered nurse anesthetist acts under the direction of **any of the**
- 5 **following:**
- 6 (A) ~~and in the immediate presence of~~ A physician **if the**
- 7 **directing physician is available for timely consultation.**
- 8 (B) A podiatrist if:
- 9 (i) **the anesthesia is being provided in a hospital or an**
- 10 **ambulatory outpatient surgical center (as defined in**
- 11 **IC 16-18-2-14); and**
- 12 (ii) **the directing podiatrist is available for timely**
- 13 **consultation.**
- 14 (14) An optometrist practicing the optometrist's profession under
- 15 IC 25-24.
- 16 (15) A pharmacist practicing the pharmacist's profession under
- 17 IC 25-26.
- 18 (16) A physical therapist practicing the physical therapist's
- 19 profession under IC 25-27.
- 20 (17) A podiatrist practicing the podiatrist's profession under
- 21 IC 25-29.
- 22 (18) A psychologist practicing the psychologist's profession under
- 23 IC 25-33.
- 24 (19) A speech-language pathologist or audiologist practicing the
- 25 pathologist's or audiologist's profession under IC 25-35.6.
- 26 (20) An employee of a physician or group of physicians who
- 27 performs an act, a duty, or a function that is customarily within
- 28 the specific area of practice of the employing physician or group
- 29 of physicians, if the act, duty, or function is performed under the
- 30 direction and supervision of the employing physician or a
- 31 physician of the employing group within whose area of practice
- 32 the act, duty, or function falls. An employee may not make a
- 33 diagnosis or prescribe a treatment and must report the results of
- 34 an examination of a patient conducted by the employee to the
- 35 employing physician or the physician of the employing group
- 36 under whose supervision the employee is working. An employee
- 37 may not administer medication without the specific order of the
- 38 employing physician or a physician of the employing group.
- 39 Unless an employee is licensed or registered to independently
- 40 practice in a profession described in subdivisions (9) through
- 41 (18), nothing in this subsection grants the employee independent
- 42 practitioner status or the authority to perform patient services in
- 43 an independent practice in a profession.
- 44 (21) A hospital licensed under IC 16-21 or IC 12-25.
- 45 (22) A health care organization whose members, shareholders, or
- 46 partners are individuals, partnerships, corporations, facilities, or

- 1 institutions licensed or legally authorized by this state to provide
 2 health care or professional services as:
- 3 (A) a physician;
 - 4 (B) a psychiatric hospital;
 - 5 (C) a hospital;
 - 6 (D) a health maintenance organization or limited service
 7 health maintenance organization;
 - 8 (E) a health facility;
 - 9 (F) a dentist;
 - 10 (G) a registered or licensed practical nurse;
 - 11 (H) a certified nurse midwife or a certified direct entry
 12 midwife;
 - 13 (I) an optometrist;
 - 14 (J) a podiatrist;
 - 15 (K) a chiropractor;
 - 16 (L) a physical therapist; or
 - 17 (M) a psychologist.
- 18 (23) A physician assistant practicing the physician assistant
 19 profession under IC 25-27.5.
- 20 (24) A physician providing medical treatment under section 2.1
 21 of this chapter.
- 22 (25) An attendant who provides attendant care services (as
 23 defined in IC 16-18-2-28.5).
- 24 (26) A personal services attendant providing authorized attendant
 25 care services under IC 12-10-17.1.
- 26 (27) A respiratory care practitioner practicing the practitioner's
 27 profession under IC 25-34.5.
- 28 (b) A person described in subsection (a)(9) through (a)(18) is not
 29 excluded from the application of this article if:
- 30 (1) the person performs an act that an Indiana statute does not
 31 authorize the person to perform; and
 - 32 (2) the act qualifies in whole or in part as the practice of medicine
 33 or osteopathic medicine.
- 34 (c) An employment or other contractual relationship between an
 35 entity described in subsection (a)(21) through (a)(22) and a licensed
 36 physician does not constitute the unlawful practice of medicine or
 37 osteopathic medicine under this article if the entity does not direct or
 38 control independent medical acts, decisions, or judgment of the
 39 licensed physician. However, if the direction or control is done by the
 40 entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity
 41 is excluded from the application of this article as it relates to the
 42 unlawful practice of medicine or osteopathic medicine.
- 43 (d) This subsection does not apply to a prescription or drug order for
 44 a legend drug that is filled or refilled in a pharmacy owned or operated
 45 by a hospital licensed under IC 16-21. A physician licensed in Indiana
 46 who permits or authorizes a person to fill or refill a prescription or drug

1 order for a legend drug except as authorized in IC 16-42-19-11 through
 2 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A
 3 person who violates this subsection commits the unlawful practice of
 4 medicine or osteopathic medicine under this chapter.

5 (e) A person described in subsection (a)(8) shall not be authorized
 6 to dispense contraceptives or birth control devices.

7 (f) Nothing in this section allows a person to use words or
 8 abbreviations that indicate or induce an individual to believe that the
 9 person is engaged in the practice of medicine or osteopathic
 10 medicine."

11 Page 3, between lines 19 and 20, begin a new paragraph and insert:
 12 "SECTION 7. IC 25-23-1-19.4, AS AMENDED BY P.L.127-2020,
 13 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2026]: Sec. 19.4. (a) This section does not apply to certified
 15 registered nurse anesthetists.

16 (b) As used in this section, "practitioner" has the meaning set forth
 17 in IC 16-42-19-5. However, the term does not include the following:

- 18 (1) A veterinarian.
- 19 (2) An advanced practice registered nurse.
- 20 (3) A physician assistant.

21 **(4) Beginning July 1, 2029:**

- 22 **(A) a podiatrist;**
- 23 **(B) an optometrist; or**
- 24 **(C) a dentist.**

25 (c) **Except as provided in subsection (f),** an advanced practice
 26 registered nurse shall ~~operate:~~ **practice:**

- 27 (1) ~~in collaboration~~ with a licensed practitioner as evidenced by
 28 a practice agreement;
- 29 (2) by privileges granted by the governing board of a hospital
 30 licensed under IC 16-21 with the advice of the medical staff of the
 31 hospital that sets forth the manner in which an advanced practice
 32 registered nurse ~~and a licensed practitioner~~ will cooperate,
 33 coordinate, and consult with ~~each~~ other **practitioners** in the
 34 provision of health care to their patients; or
- 35 (3) by privileges granted by the governing body of a hospital
 36 operated under IC 12-24-1 that sets forth the manner in which an
 37 advanced practice registered nurse ~~and a licensed practitioner~~ will
 38 cooperate, coordinate, and consult with ~~each~~ other **practitioners**
 39 in the provision of health care to their patients.

40 (d) This subsection applies for purposes of the Medicaid program
 41 to an advanced practice registered nurse who:

- 42 (1) is licensed pursuant to IC 25-23-1-19.5; and
- 43 (2) has been educated and trained to work with patients with
 44 addiction and mental health needs.

45 An advanced practice registered nurse who meets the requirements of
 46 this subsection has all of the supervisory rights and responsibilities,

1 including prior authorization, that are available to a licensed physician
 2 or a health service provider in psychology (HSPP) operating in a
 3 community mental health center certified under IC 12-21-2-3(5)(C).

4 (e) Before January 1, 2021, the office of the secretary shall apply to
 5 the United States Department of Health and Human Services for any
 6 state plan amendment necessary to implement subsection (d).

7 **(f) An advanced practice registered nurse with prescriptive
 8 authority may practice without a practice agreement if the
 9 following conditions are met:**

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

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

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

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

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

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

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

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

39 SECTION 8. IC 25-23-1-19.6, AS AMENDED BY P.L.28-2019,
 40 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2026]: Sec. 19.6. (a) When the board grants authority to an
 42 advanced practice registered nurse to prescribe legend drugs under this
 43 chapter, the board shall assign an identification number to the
 44 advanced practice registered nurse.

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

- 1 (1) Enter on each prescription form that the advanced practice
- 2 registered nurse uses to prescribe a legend drug:
- 3 (A) the signature of the advanced practice registered nurse;
- 4 (B) initials indicating the credentials awarded to the advanced
- 5 practice registered nurse under this chapter; and
- 6 (C) the identification number assigned to the advanced
- 7 practice registered nurse under subsection (a).
- 8 (2) Transmit the prescription in an electronic format for an
- 9 electronically transmitted prescription.
- 10 (3) Comply with all applicable state and federal laws concerning
- 11 prescriptions for legend drugs, including the requirement to issue
- 12 electronically transmitted prescriptions under IC 25-1-9.3.
- 13 (c) An advanced practice registered nurse may be granted authority
- 14 to prescribe legend drugs under this chapter only within the scope of
- 15 practice of the advanced practice registered nurse and, **if applicable,**
- 16 the scope of the licensed collaborating health practitioner."
- 17 Page 4, after line 7, begin a new paragraph and insert:
- 18 "SECTION 10. IC 25-23-1-30, AS AMENDED BY P.L.177-2009,
- 19 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2026]: Sec. 30. (a) A certified registered nurse anesthetist may
- 21 administer anesthesia if the certified registered nurse anesthetist acts
- 22 under the direction of ~~and in the immediate presence of any of the~~
- 23 **following:**
- 24 (1) A physician **if the directing physician is available for timely**
- 25 **consultation.**
- 26 (2) A podiatrist **if:**
- 27 (A) **the anesthesia is being provided in a hospital or an**
- 28 **ambulatory outpatient surgical center (as defined in**
- 29 **IC 16-18-2-14); and**
- 30 (B) **the directing podiatrist is available for timely**
- 31 **consultation.**
- 32 (b) Nothing in this chapter shall be construed as requiring a certified
- 33 registered nurse anesthetist to obtain prescriptive authority to
- 34 administer anesthesia under subsection (a)."
- 35 Renumber all SECTIONS consecutively.
- (Reference is to EHB 1278 as printed February 6, 2026.)

Senator BOHACEK