

# SENATE BILL No. 190

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-42-27-1; IC 25-1; IC 25-27.5.

**Synopsis:** Physician assistants. Amends current requirements for a collaborative agreement between a physician and a physician assistant with the following: (1) the collaborative agreement must include limitations; (2) the collaborative agreement must set forth the method of collaboration between the physician and physician assistant; and (3) the collaborative agreement must be signed, updated annually, and made available to the medical licensing board of Indiana upon request. Amends the definition of "prescriber" for purposes of electronically transmitted prescriptions for controlled substances, overdose intervention drugs, and telehealth services and prescriptions. Provides that a written collaborative agreement between a physician assistant, who is employed by a certain health care facility or center, and a particular collaborating physician is not required. Requires a physician assistant employed by a certain health care facility or center to enter into a practice agreement with the health care facility or center that employs the physician assistant. Eliminates: (1) a prohibition against a physician collaborating with more than four physician assistants at the same time; (2) a requirement that a physician submit a collaborative agreement to the medical licensing board; and (3) a requirement that a collaborating physician and physician assistant submit a list of locations the physician and physician assistant will practice to the medical licensing board.

**Effective:** July 1, 2023.

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## Charbonneau

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January 10, 2023, read first time and referred to Committee on Health and Provider Services.

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First Regular Session of the 123rd General Assembly (2023)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

## SENATE BILL No. 190

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-42-27-1, AS AMENDED BY P.L.247-2019,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 1. As used in this chapter, "prescriber" means any  
4 of the following:

- 5 (1) A physician licensed under IC 25-22.5.
- 6 (2) A physician assistant licensed under IC 25-27.5. ~~and granted~~  
7 ~~the authority to prescribe by the physician assistant's collaborating~~  
8 ~~physician and in accordance with IC 25-27.5-5-4.~~
- 9 (3) An advanced practice registered nurse licensed and granted  
10 the authority to prescribe drugs under IC 25-23.
- 11 (4) The state health commissioner, if the state health  
12 commissioner holds an active license under IC 25-22.5.
- 13 (5) A public health authority.

14 SECTION 2. IC 25-1-9.3-5, AS ADDED BY P.L.28-2019,  
15 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2023]: Sec. 5. As used in this chapter, "prescriber" means any  
17 of the following:



- 1 (1) A dentist licensed under IC 25-14.
- 2 (2) A physician licensed under IC 25-22.5.
- 3 (3) An advanced practice registered nurse licensed and granted
- 4 the authority to prescribe under IC 25-23.
- 5 (4) An optometrist licensed under IC 25-24.
- 6 (5) A physician assistant licensed under IC 25-27.5. ~~and granted~~
- 7 ~~the authority to prescribe by the physician assistant's supervisory~~
- 8 ~~physician in accordance with IC 25-27.5-5-4.~~
- 9 (6) A podiatrist licensed under IC 25-29.

10 SECTION 3. IC 25-1-9.5-4, AS AMENDED BY P.L.85-2021,  
 11 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2023]: Sec. 4. As used in this chapter, "prescriber" means any  
 13 of the following:

- 14 (1) A physician licensed under IC 25-22.5.
- 15 (2) A physician assistant licensed under IC 25-27.5. ~~and granted~~
- 16 ~~the authority to prescribe by the physician assistant's collaborating~~
- 17 ~~physician in accordance with IC 25-27.5-5-4.~~
- 18 (3) An advanced practice registered nurse licensed and granted
- 19 the authority to prescribe drugs under IC 25-23.
- 20 (4) An optometrist licensed under IC 25-24.
- 21 (5) A podiatrist licensed under IC 25-29.
- 22 (6) A dentist licensed under IC 25-14.
- 23 (7) A veterinarian licensed under IC 25-38.1.

24 SECTION 4. IC 25-27.5-5-2, AS AMENDED BY P.L.247-2019,  
 25 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2023]: Sec. 2. (a) **Except as provided in section 2.1 of this**  
 27 **chapter**, a physician assistant:

- 28 (1) must engage in a dependent practice with a collaborating
- 29 physician; and
- 30 (2) may not be independent from the collaborating physician,
- 31 **including any of even in conducting** the activities of other health
- 32 care providers set forth ~~under in~~ IC 25-22.5-1-2(a)(1) through
- 33 IC 25-22.5-1-2(a)(19).

34 A physician assistant may perform, under a collaborative agreement,  
 35 the duties and responsibilities that are delegated by the collaborating  
 36 physician and that are within the collaborating physician's scope of  
 37 practice, including prescribing and dispensing drugs and medical  
 38 devices. A patient may elect to be seen, examined, and treated by the  
 39 collaborating physician.

- 40 (b) If a physician assistant determines that a patient needs to be
- 41 examined by a physician, the physician assistant shall immediately
- 42 notify the collaborating physician or physician designee.



1 (c) If a physician assistant notifies the collaborating physician  
 2 **under subsection (b) that the physician should examine a patient**  
 3 **needs to be examined by the collaborating physician,** the  
 4 collaborating physician shall:

5 (1) schedule an examination of the patient, unless the patient  
 6 declines; or

7 (2) arrange for another physician to examine the patient.

8 (d) A ~~collaborating physician or physician assistant~~ who does not  
 9 comply with ~~subsections~~ **subsection (b) and or a collaborating**  
 10 **physician who does not comply with subsection (c)** is subject to  
 11 discipline under IC 25-1-9.

12 (e) A ~~physician assistant's collaborative agreement with~~ **between a**  
 13 **collaborating physician and a physician assistant** must:

14 (1) be in writing;

15 (2) include ~~all the tasks delegated to the physician assistant by the~~  
 16 ~~collaborating physician;~~ **any limitations;**

17 (3) set forth the collaborative agreement for the physician  
 18 assistant, including the emergency procedures that the physician  
 19 assistant must follow; **method by which the physician assistant**  
 20 **and the health care medical team of which the physician**  
 21 **assistant is a member may collaborate with the collaborating**  
 22 **physician to deliver patient care; and**

23 (4) specify the protocol the physician assistant shall follow in  
 24 prescribing a drug.

25 (4) **be signed by the collaborating physician and the physician**  
 26 **assistant;**

27 (5) **be updated annually; and**

28 (6) **be made available to the board upon request.**

29 (f) The physician shall submit the collaborative agreement to the  
 30 board. The physician assistant may prescribe a drug under the  
 31 collaborative agreement unless the board denies the collaborative  
 32 agreement. Any amendment to the collaborative agreement must be  
 33 resubmitted to the board; and the physician assistant may operate under  
 34 any new prescriptive authority under the amended collaborative  
 35 agreement unless the agreement has been denied by the board.

36 (g) A physician or a physician assistant who violates the  
 37 collaborative agreement described in this section may be disciplined  
 38 under IC 25-1-9.

39 SECTION 5. IC 25-27.5-5-2.1 IS ADDED TO THE INDIANA  
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2023]: **Sec. 2.1. (a) This section applies to a**  
 42 **physician assistant who is employed by a:**



- 1 (1) health care facility or an affiliate of a health care facility;  
 2 (2) physician-owned or private medical facility or practice; or  
 3 (3) federally qualified health center or rural health care clinic  
 4 (both as defined in 42 U.S.C. 1396(d)(1)).

5 (b) The following apply to a physician assistant described in  
 6 subsection (a):

7 (1) A written collaborative agreement between the physician  
 8 assistant and a particular collaborating physician is not  
 9 required.

10 (2) The physician assistant shall enter into a practice  
 11 agreement with the entity described in subsection (a)(1),  
 12 (a)(2), or (a)(3) that employs the physician assistant.

13 (3) The practice agreement described in subdivision (2) must  
 14 set forth the manner in which the physician assistant is  
 15 required to cooperate, coordinate, and consult with the other  
 16 health care workers in providing health care to patients of the  
 17 entity.

18 SECTION 6. IC 25-27.5-6-2 IS REPEALED [EFFECTIVE JULY  
 19 1, 2023]. Sec. 2: A physician may enter into a collaborative agreement  
 20 with more than four (4) physician assistants but may not collaborate  
 21 with more than four (4) physician assistants at the same time.

22 SECTION 7. IC 25-27.5-6-4, AS AMENDED BY P.L.247-2019,  
 23 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2023]: Sec. 4. (a) A physician collaborating with a physician  
 25 assistant must do the following: **under IC 25-27.5-5-2 must:**

26 (1) be licensed under IC 25-22.5;

27 (2) Register with the board the physician's intent to enter into a  
 28 collaborative agreement with a physician assistant.

29 (3) not have a disciplinary action restriction that limits the  
 30 physician's ability to collaborate with a physician assistant; **and**  
 31 (4) (3) maintain a written **collaborative** agreement with the  
 32 physician assistant that states the physician will: **as specified in**  
 33 **IC 25-27.5-5-2.**

34 (A) work in collaboration with the physician assistant in  
 35 accordance with any rules adopted by the board; and

36 (B) retain responsibility for the care rendered by the physician  
 37 assistant.

38 The collaborative agreement must be signed by the physician and  
 39 physician assistant, updated annually, and made available to the  
 40 board upon request.

41 (5) Submit to the board a list of locations that the collaborating  
 42 physician and the physician assistant may practice. The board



- 1           may request additional information concerning the practice  
2           locations to assist the board with considering the written  
3           agreement described in subdivision (4):
- 4           (b) Except as provided in this section, this chapter may not be  
5           construed to limit the employment arrangement **of a physician**  
6           **assistant** with a collaborating physician under this chapter.
- 7           SECTION 8. IC 25-27.5-6-5 IS REPEALED [EFFECTIVE JULY  
8           1, 2023]. See: 5: (a) Before initiating practice the collaborating  
9           physician and the physician assistant must submit, on forms approved  
10          by the board; the following information:
- 11           (1) The name, the business address, and the telephone number of  
12           the collaborating physician:
- 13           (2) The name, the business address, and the telephone number of  
14           the physician assistant:
- 15           (3) A brief description of the setting in which the physician  
16           assistant will practice:
- 17           (4) Any other information required by the board:
- 18          (b) A physician assistant must notify the committee of any changes  
19          or additions in practice sites or collaborating physicians not more than  
20          thirty (30) days after the change or addition:

