# 

February 18, 2022

# **ENGROSSED** HOUSE BILL No. 1314

DIGEST OF HB 1314 (Updated February 17, 2022 10:33 am - DI 129)

Citations Affected: IC 5-10; IC 10-19; IC 10-21; IC 12-21; IC 16-18; IC 16-31; IC 22-11; IC 36-8.

Synopsis: Indiana department of homeland security. Provides that a surviving spouse or child of a department of homeland security (department) fire investigator is eligible to receive health coverage under the health coverage plan for active employees provided by the employer. Provides that a department fire investigator who is diagnosed with certain health conditions that result in a disability or death is presumed to have incurred the health condition in the line of duty. Provides that, not later than October 31, 2022, the department, department of health, the integrated public safety commission, and the statewide 911 board shall submit recommendations regarding: (1) ways the 911 system can increase interoperability to better facilitate an emergency medical services (EMS) response from the closest and most (Continued next page)

Effective: Upon passage; July 1, 2022.

Barrett, Frye R, Judy, Pack (SENATE SPONSORS — WALKER K, CRANE, FORD J.D., QADDOURA)

January 11, 2022, read first time and referred to Committee on Veterans Affairs and Public Safety

January 25, 2022, amended, reported — Do Pass. January 27, 2022, read second time, ordered engrossed. Engrossed. January 31, 2022, read third time, passed. Yeas 93, nays 0.

SENATE ACTION February 2, 2022, read first time and referred to Committee on Homeland Security and Transportation. February 8, 2022, amended, reported favorably — Do Pass; reassigned to Committee on

Appropriations. February 17, 2022, amended, reported favorably — Do Pass.



### Digest Continued

appropriate resource; and (2) the effectiveness of regionalized trauma systems and their impact on patient care; to the executive director of the legislative services agency for distribution to the general assembly. Provides that a department fire investigator who is diagnosed with certain cancers or heart or lung disease that results in a disability is presumed to have incurred the health condition in the line of duty. Establishes the first responder crisis intervention account within the statewide 9-8-8 trust fund for the purpose of awarding grants to public safety agencies that provide first responder emergency services. Provides that the division of mental health and addiction shall administer the account. Provides that a fire department is required to report annually to the department information regarding each emergency response by the fire department. Provides that, in the event the fire department does not report information regarding emergency responses, the department may determine that the fire department is ineligible to receive grants administered by the department. Makes changes to how public safety fees from the retail sale of fireworks are distributed. Provides, after June 30, 2023, that the minimum basic training requirements that a volunteer firefighter must complete before the firefighter may perform emergency response duties do not include interior firefighter operations. Makes changes to various definitions used in relation to the provision of emergency medical services. Provides that the department may (rather than shall, under current law) waive any rule adopted by the emergency medical services commission 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. Makes changes to notice requirements for the acquisition and location of a defibrillator. Provides that an individual who holds a license or certification issued by the emergency medical services commission is subject to disciplinary sanctions if the individual fails to notify the department in writing of any misdemeanor or felony criminal conviction, except traffic related misdemeanors other than operating a motor vehicle under the influence of a drug or alcohol, within 90 days after the entry of an order or judgment. Provides that each ambulance service shall participate in a written quality assurance program. Makes changes to the provision relating to data sharing of pre-hospital ambulance reports by the emergency medical services commission or the department. Removes obsolete provisions and makes conforming amendments. Repeals a provision requiring a person who uses a defibrillator to contact the ambulance service provider or the fire department that provides ambulance service for the area as soon as practicable.



February 18, 2022

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

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

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

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

# ENGROSSED HOUSE BILL No. 1314

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1	SECTION 1. IC 5-10-13-2, AS AMENDED BY P.L.227-2005,
2	SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3	JULY 1, 2022]: Sec. 2. As used in this chapter, "employee" means an
4	individual who:
5	(1) is employed full time by the state or a political subdivision of
6	the state as:
7	(A) a member of a fire department (as defined in IC 36-8-1-8);
8	(B) an emergency medical services provider (as defined in
9	IC 16-41-10-1);
10	(C) a member of a police department (as defined in
11	IC 36-8-1-9);
12	(D) a correctional officer (as defined in IC 5-10-10-1.5);
13	(E) a state police officer;
14	(F) a county police officer;
15	(C) a county shoriff

15 (G) a county sheriff;



1	(H) an excise police officer;
2	(I) a conservation enforcement officer;
3	(J) a town marshal;
4	(K) a deputy town marshal; <del>or</del>
5	(L) a department of homeland security fire investigator; or
6	(L) (M) a member of a consolidated law enforcement
7	department established under IC 36-3-1-5.1;
8	(2) in the course of the individual's employment is at high risk for
9	occupational exposure to an exposure risk disease; and
10	(3) is not employed elsewhere in a similar capacity.
11	SECTION 2. IC 5-10-15-3, AS ADDED BY P.L.62-2006,
12	SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13	JULY 1, 2022]: Sec. 3. As used in this chapter, "employee" means an
14	individual who:
15	(1) is employed full time by the state or a political subdivision of
16	the state as:
17	(A) a member of a fire department (as defined in IC 36-8-1-8);
18	(B) an emergency medical services provider (as defined in
19	IC 16-41-10-1); <del>or</del>
20	(C) a member of a police department (as defined in
21	IC 36-8-1-9); or
22	(D) a department of homeland security fire investigator;
23	(2) in the course of the individual's employment, is at risk for
24	occupational exposure; and
25	(3) is not employed elsewhere by the state or a political
26	subdivision of the state in a similar capacity.
27	SECTION 3. IC 5-10-18-3, AS ADDED BY P.L.111-2019,
28	SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29	JULY 1, 2022]: Sec. 3. As used in this chapter, "public safety officer"
30	means any of the following:
31	(1) An excise police officer.
32	(2) A conservation enforcement officer.
33	(3) A gaming agent or a gaming control officer of the Indiana
34	gaming commission (established by IC 4-33-3-1).
35	(4) A state educational institution police officer appointed under
36	IC 21-39-4.
37	(5) A police officer who is employed by a postsecondary
38	educational institution, other than a state educational institution,
39	located in Indiana that appoints a police officer under IC 21-17-5.
40	(6) A firefighter who is employed by the fire department of a state
41	university.
42	(7) A firefighter who is employed by a postsecondary educational



1	institution, other than a state educational institution, located in
2	Indiana that:
3	(A) maintains a fire department;
4	(B) employs firefighters for the fire department; and
5	(C) is accredited by the North Central Association.
6	(8) A firefighter who is employed by an operator that enters into
7	an operating agreement under IC 5-23 for the operation of a
8	public use airport that:
9	(A) maintains a fire department; and
10	(B) employs firefighters for the fire department.
11	(9) A school corporation police officer appointed under
12	IC 20-26-16.
13	(10) A hospital police officer appointed under IC 16-18-4.
14	(11) A police officer employed under IC 8-22-3-34 by:
15	(A) a local airport authority; or
16	(B) an operator that enters into an operating agreement under
17	IC 5-23 for the operation of a public use airport.
18	(12) A park ranger who:
19	(A) completed at least the number of weeks of training at the
20	Indiana law enforcement academy or a comparable law
21	enforcement academy in another state that were required at the
22	time the park ranger attended the Indiana law enforcement
23	academy or the law enforcement academy in another state;
24	(B) graduated from the Indiana law enforcement academy or
25	a comparable law enforcement academy in another state; and
26	(C) is employed by a local unit public employer located in a
27	county containing a consolidated city.
28	(13) A department of homeland security fire investigator.
29	SECTION 4. IC 10-19-2.1-2 IS ADDED TO THE INDIANA CODE
30	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
31	1, 2022]: Sec. 2. (a) Not later than October 31, 2022, the
32	department, the state department of health, the integrated public
33	safety commission established by IC 5-26-2-1, and the statewide
34	911 board established by IC 36-8-16.7-24 shall develop and submit
35	recommendations regarding:
36	(1) ways that the 911 system can increase interoperability to
37	better facilitate an emergency medical services (as defined in
38	IC 16-18-2-110) response for the closest and most appropriate
39	source; and
40	(2) the effectiveness of regionalized trauma systems and the
41	impact of regionalized trauma systems on patient care;
42	to the executive director of the legislative services agency for



1 distribution to the members of the general assembly. The report 2 submitted to the executive director of the legislative services 3 agency must be in an electronic format under IC 5-14-6. 4 (b) In developing recommendations, the department, state 5 department of health, integrated public safety commission 6 established by IC 5-26-2-1, and statewide 911 board established by 7 IC 36-8-16.7-24 may consult stakeholders, including: 8 (1) emergency medical services provider organizations (as 9 defined in 836 IAC 1-1-1(21)); 10 (2) fire departments; (3) hospitals or other emergency medical facilities; and 11 12 (4) local governments. 13 (c) This section expires July 1, 2023. 14 SECTION 5. IC 10-21-1-5, AS AMENDED BY P.L.69-2020, 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. (a) A school corporation, charter school, or 16 17 accredited nonpublic school may annually apply to the board for a 18 matching grant from the fund for a program described in section 19 2(a)(1) of this chapter. 20 (b) The application must include the following: 21 (1) A concise description of the school corporation's, charter 22 school's, or accredited nonpublic school's security needs. 23 (2) The estimated cost of the program to the school corporation, 24 charter school, or accredited nonpublic school. 25 (3) The extent to which the school corporation, charter school, or accredited nonpublic school has access to and support from a 26 nearby law enforcement agency, if applicable. 27 28 (4) The ADM of the school corporation or charter school or the 29 equivalent for an accredited nonpublic school (or the combined 30 ADM of the coalition of schools applying jointly). (5) Any other information required by the board. 31 32 (6) A statement whether the school corporation or charter school 33 has completed a local plan and has filed the plan with the county 34 school safety commission for the county in which the school 35 corporation or charter school is located. 36 (7) A statement whether the school corporation or charter school 37 (or coalition of public schools applying jointly) requests an 38 advance under IC 20-49-10 in addition to a matching grant under 39 this chapter. 40 (c) Before July 1, 2021, Each school corporation, charter school, or 41 accredited nonpublic school shall certify to the department of 42 homeland security that the school corporation, charter school, or



accredited nonpublic school has conducted a threat assessment for each school building used by the school corporation, charter school, or accredited nonpublic school before applying for a grant under this chapter.

5 (d) Before July 1, 2021, Each school corporation, charter school, or 6 accredited nonpublic school shall certify to the department of 7 homeland security that the school corporation, charter school, or 8 accredited nonpublic school has a memorandum of understanding in 9 place with a community mental health center established under 10 IC 12-29-2 or provider certified or licensed by the state to provide mental or behavioral health services to students before applying for a 11 12 grant under this chapter. A provider described in this subsection may 13 be employed by the school corporation, charter school, or accredited 14 nonpublic school.

15 SECTION 6. IC 12-21-8-1.5 IS ADDED TO THE INDIANA CODE 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE 17 UPON PASSAGE]: Sec. 1.5. As used in this chapter, "account" 18 means the first responder crisis intervention account established 19 under section 11.4 of this chapter.

SECTION 7. IC 12-21-8-11.4 IS ADDED TO THE INDIANA 20 CODE AS A NEW SECTION TO READ AS FOLLOWS 21 22 [EFFECTIVE UPON PASSAGE]: Sec. 11.4. (a) The auditor of state 23 shall establish a first responder crisis intervention account within 24 the statewide 9-8-8 trust fund established by section 11 of this 25 chapter for the purpose of awarding grants to public safety agencies that provide first responder emergency services, to be 26 27 used by the agencies for:

- (1) developing local crisis intervention team programs;
- 29 (2) improving data collection on behavioral health runs and 30 interactions; and
- 31 (3) updating training manuals.

32 The account shall be administered by the division.

(b) The account shall consist of the following:

(1) Appropriations made to the account by the general assembly.

- 36 (2) Funds received from the federal government for the 37 purposes described in subsection (a).
- 38 (3) Investment earnings, including interest, on money in the 39 fund. 40
  - (4) Money from any other source, including gifts and grants.
- 41 (c) The expenses of administering the account shall be paid from
- 42 money in the account.

28

33

34

35

1

2

3

4

1 (d) The division may award grants from the account t	lo DUDIIC
1 (d) The division may award grants from the account to 2 safety agencies described in subsection (a) for the p	-
3 specified in subsection (a).	· · I' · · · · ·
4 (e) Money in the account at the end of a state fiscal year	does not
5 revert to the state general fund.	
6 SECTION 8. IC 16-18-2-6.5, AS ADDED BY P.L.?	77-2012.
7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFF]	
8 JULY 1, 2022]: Sec. 6.5. "Advanced emergency medical tech	
9 for purposes of IC 16-31, means an individual who can perform	
10 one (1) procedure but not all the procedures of a paramedic a	
11 (1) has completed a prescribed course in advanced life	
12 (2) has been certified by the Indiana emergency medical	· ·
13 commission;	
14 (3) is associated with a single supervising hospital; and	ŀ
15 (4) is affiliated with a provider organization. is certifie	
16 the IC 16-31-3-2 Indiana emergency medical	
17 commission standards for an advanced emergency	
18 technician certification to provide elements of advar	
19 support.	
20 SECTION 9. IC 16-18-2-7, AS AMENDED BY P.L.	13-2013,
21 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFF]	ECTIVE
JULY 1, 2022]: Sec. 7. (a) "Advanced life support", for pur	rposes of
23 IC 16-31, means care that is given:	•
24 (1) at the scene of:	
25 (A) an accident;	
26 (B) an act of terrorism (as defined in IC 35-31.5-2-32	29), if the
27 governor has declared a disaster emergency	y under
28 IC 10-14-3-12 in response to the act of terrorism; or	
29 (C) an illness;	
30 (2) during transport; or	
31 (3) at a hospital;	
32 by a paramedic or an advanced emergency medical technician	n and that
is more advanced than the care usually provided by an em	nergency
34 medical technician.	
35 (b) The term may include any of the following:	
36 (1) <del>Defibrillation.</del> Advanced cardiac life support.	
37 (2) Endotracheal intubation.	
38 (3) Parenteral injections of appropriate medications.	
39 (4) Electrocardiogram interpretation.	
40 (5) Emergency management of trauma and illness.	
41 SECTION 10. IC 16-18-2-33.5, AS AMENDED BY P.L.20	,
42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFF]	TECTIVE



1	JULY 1, 2022]: Sec. 33.5. (a) "Basic life support", for purposes of
2	IC 16-31, means the following:
$\frac{2}{3}$	(1) Assessment of emergency patients.
4	(1) Assessment of emergency patients. (2) Administration of oxygen.
5	(3) Use of mechanical breathing devices.
6	(4) Application of anti-shock trousers.
7	(1) Applied on of and shoek dousers. (5) (4) Performance of cardiopulmonary resuscitation.
8	(5) (4) refrontance of cardiopulnionary resuscitation.
9	(6) (6) Application of splinting and immobilization devices.
10	(7) Use of lifting and moving devices to ensure safe transport.
11	(9) (8) Administration of epinephrine through an auto-injector. in
12	accordance with IC 16-31-3-23.
13	(10) (9) Blood glucose monitoring that is not more invasive than
14	a capillary sampling using a lancet.
15	(11) (10) Other procedures authorized by the Indiana emergency
16	medical services commission, including procedures contained in
17	the revised national emergency medical technician basic training
18	curriculum guide.
19	(b) Except as provided by:
20	(1) subsection (a)(9) and the training and certification standards
21	established under IC 16-31-2-9(3); and
22	(2) the training standards established under IC 16-31-2-9(4);
23	the term does not include invasive medical care techniques or advanced
24	life support.
25	SECTION 11. IC 16-18-2-110, AS AMENDED BY P.L.100-2019,
26	SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27	JULY 1, 2022]: Sec. 110. "Emergency medical services", for purposes
28	of IC 16-31, means
29	the provision of any of the following:
30	(1) Emergency ambulance services or other services, including
31	extrication and rescue services, utilized in serving an individual's
32	need for immediate medical care in order to prevent loss of life or
33	aggravation of physiological or psychological illness or injury.
34	(2) Transportation services, acute care, chronic condition
35	services, or disease management services provided as part of a
36	mobile integrated healthcare program under IC 16-31-12. an
37	integrated medical care delivery system in which emergency
38	medical responders, emergency medical technicians, advanced
39	emergency medical technicians, and paramedics provide
40	emergency and nonemergency medical care to protect against
41	the loss of life or aggravation of illness or injury:
42	(1) during an emergency response;



1 2	(2) while transporting a patient in a ground or air ambulance outside of a hospital or health care facility; or
$\frac{2}{3}$	(3) as part of a mobile integrated healthcare program
3 4	described in IC 16-31-12.
5	SECTION 12. IC 16-18-2-113 IS AMENDED TO READ AS
6	FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 113. (a) "Emergency
7	patient", for purposes of IC 16-31, means an individual who:
8	(1) is acutely ill, injured, incapacitated, or helpless; and
9	(2) requires emergency medical services.
10	(b) The term includes an individual who:
11	(1) requires transportation on a litter or cot; or
12	(2) is transported in a vehicle certified as an ambulance under
13	IC <del>16-31-3.</del>
14	SECTION 13. IC 16-18-2-266, AS AMENDED BY P.L.77-2012,
15	SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16	JULY 1, 2022]: Sec. 266. "Paramedic", for purposes of IC 16-31,
17	means an individual who
18	<del>(1) is:</del>
19	(A) affiliated with a certified paramedic organization;
20	(B) employed by a sponsoring hospital approved by the
21	commission; or
22	(C) employed by a supervising hospital with a contract for
23	inservice education with a sponsoring hospital approved by the
24	commission;
25	(2) has completed a prescribed course in advanced life support;
26	and
27	(3) has been licensed by the Indiana emergency medical services
28	commission. is certified under the IC 16-31-3-2 Indiana
29	emergency medical services commission standards for
30	paramedic licensure.
31	SECTION 14. IC 16-31-2-11, AS AMENDED BY P.L.77-2012,
32	SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33	UPON PASSAGE]: Sec. 11. (a) The commission shall develop
34	procedures for ongoing review of all emergency ambulance services.
35	(b) The commission and the department of homeland security
36	may review any pre-hospital ambulance rescue or report record
37	regarding an emergency patient that is utilized or compiled by an
38	emergency ambulance service employing paramedics, advanced
39	emergency medical technicians, or emergency medical technicians.
40	However, except as provided in subsection (d), those records shall
41	remain confidential and may be used solely for the purpose of
42	compiling for the following purposes:



8

1	
1	(1) The compilation and use of data and statistics. The use of much data an attitude is subject to $IC 4.1.6$
2 3	such data or statistics is subject to IC 4-1-6.
3 4	(2) Sharing and exchanging data with another entity for the
4 5	purpose of improving patient care and outcomes. The entity
5 6	shall:
0 7	(A) be:
8	(i) a covered entity pursuant to the federal Health
8 9	Insurance Portability and Accountability Act (HIPAA) (P.L. 104-191); or
10	(ii) an Indiana nonprofit entity that performs health data
10	services for a health care provider; and
12	(B) enter into a data sharing agreement with the
12	commission or department of homeland security that
13	governs the use and protection of confidential data.
15	(c) The commission and the department of homeland security
16	may <b>independently</b> develop and oversee experimental study projects
17	conducted by ambulance service providers in limited geographic areas
18	of Indiana. These study projects must be developed and conducted in
19	accordance with rules adopted by the commission under IC 4-22-2.
20	These study projects must be designed to test the efficacy of new
20	patient care techniques and new ambulance service systems.
$\frac{21}{22}$	(d) This subsection applies to emergency ambulance services that
$\frac{22}{23}$	are provided by or under a contract with an entity that is a public
24	agency for purposes of IC 5-14-3. The following information, if
25	contained in a pre-hospital ambulance rescue or report record regarding
26	an emergency patient, is public information and must be made
27	available for inspection and copying under IC 5-14-3:
28	(1) The date and time of the request for ambulance services.
29	(2) The reason for the request for assistance.
30	(3) The time and nature of the response to the request for
31	ambulance services.
32	(4) The time of arrival at the scene where the patient was located.
33	(5) The time of departure from the scene where the patient was
34	located.
35	(6) The name of the facility, if any, to which the patient was
36	delivered for further treatment and the time of arrival at that
37	facility.
38	SECTION 15. IC 16-31-3-5, AS AMENDED BY P.L.249-2019,
39	SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40	JULY 1, 2022]: Sec. 5. (a) The department of homeland security shall
41	may waive any rule adopted by the commission under this article for
42	a person who provides emergency ambulance service, an emergency



9

1 medical technician, an advanced emergency medical technician, a 2 paramedic, or an ambulance when operating from a location in an 3 adjoining state by contract with an Indiana unit of government to 4 provide emergency ambulance or medical services to patients who are 5 picked up or treated in Indiana. 6 (b) The department of homeland security may waive any rule, 7 including a rule establishing a fee adopted by the commission under 8 this article, for a person who submits facts demonstrating that: 9 (1) compliance with the rule will impose an undue hardship on 10 the person; and (2) either: 11 12 (A) noncompliance with the rule; or 13 (B) compliance with an alternative requirement approved by 14 the department of homeland security; 15 will not jeopardize the quality of patient care. However, the department of homeland security may not waive a rule that sets 16 forth educational requirements for a person regulated under this 17 18 article. 19 (c) A waiver granted under subsection (b)(2)(B) is conditioned upon 20 compliance with the alternative requirement approved under subsection 21 (b). 22 (d) The department of homeland security shall establish an 23 expiration date for any waiver that is granted. 24 (e) The department of homeland security may renew a waiver if the 25 person makes the same demonstration required for the original waiver. 26 (f) The commission is the ultimate authority for orders issued under 27 this section. 28 SECTION 16. IC 16-31-3-14, AS AMENDED BY P.L.142-2020, 29 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE 30 JULY 1, 2022]: Sec. 14. (a) A person holding a certificate or license 31 issued under this article must comply with the applicable standards and 32 rules established under this article. A certificate holder or license 33 holder is subject to disciplinary sanctions under subsection (b) if the 34 department of homeland security determines that the certificate holder 35 or license holder: 36 (1) engaged in or knowingly cooperated in fraud or material 37 deception in order to obtain a certificate or license, including 38 cheating on a certification or licensure examination; 39 (2) engaged in fraud or material deception in the course of 40 professional services or activities; 41 (3) advertised services or goods in a false or misleading manner; 42 (4) falsified or knowingly allowed another person to falsify



1	attendance records or certificates of completion of continuing
2	education courses required under this article or rules adopted
3	under this article;
4	(5) is convicted of a crime, if the act that resulted in the
5	conviction has a direct bearing on determining if the certificate
6	holder or license holder should be entrusted to provide emergency
7	medical services;
8	(6) is convicted of violating IC 9-19-14.5;
9	(7) fails to comply and maintain compliance with or violates any
10	applicable provision, standard, or other requirement of this article
11	or rules adopted under this article;
12	(8) continues to practice if the certificate holder or license holder
13	becomes unfit to practice due to:
14	(A) professional incompetence that includes the undertaking
15	of professional activities that the certificate holder or license
16	holder is not qualified by training or experience to undertake;
17	(B) failure to keep abreast of current professional theory or
18	practice;
19	(C) physical or mental disability; or
20	(D) addiction to, abuse of, or dependency on alcohol or other
20	drugs that endanger the public by impairing the certificate
21	holder's or license holder's ability to practice safely;
22	(9) engages in a course of lewd or immoral conduct in connection
23 24	
24 25	with the delivery of services to the public;
23 26	(10) allows the certificate holder's or license holder's name or a certificate or license issued under this article to be used in
27	connection with a person who renders services beyond the scope
28	of that person's training, experience, or competence;
29	(11) is subjected to disciplinary action in another state or
30	jurisdiction on grounds similar to those contained in this chapter.
31	For purposes of this subdivision, a certified copy of a record of
32	disciplinary action constitutes prima facie evidence of a
33	disciplinary action in another jurisdiction;
34	(12) assists another person in committing an act that would
35	constitute a ground for disciplinary sanction under this chapter;
36	<del>0</del> r
37	(13) allows a certificate or license issued by the commission to
38	be:
39	(A) used by another person; or
40	(B) displayed to the public when the certificate or license is
41	expired, inactive, invalid, revoked, or suspended; or
42	(14) fails to notify the department in writing of any



1	misdemeanor or felony criminal conviction, except traffic
2	related misdemeanors other than operating a motor vehicle
3	under the influence of a drug or alcohol, within ninety (90)
4	days after the entry of an order or judgment. A certified copy
5	of the order or judgment with a letter of explanation must be
6	submitted to the department along with the written notice.
7	(b) The department of homeland security may issue an order under
8	IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
9	the department of homeland security determines that a certificate
10	holder or license holder is subject to disciplinary sanctions under
11	subsection (a):
12	(1) Revocation of a certificate holder's certificate or license
13	holder's license for a period not to exceed seven (7) years.
14	(2) Suspension of a certificate holder's certificate or license
15	holder's license for a period not to exceed seven (7) years.
16	(3) Censure of a certificate holder or license holder.
17	(4) Issuance of a letter of reprimand.
18	(5) Assessment of a civil penalty against the certificate holder or
19	license holder in accordance with the following:
20	(A) The civil penalty may not exceed five hundred dollars
21	(\$500) per day per violation.
22	(B) If the certificate holder or license holder fails to pay the
23	civil penalty within the time specified by the department of
24	homeland security, the department of homeland security may
25	suspend the certificate holder's certificate or license holder's
26	license without additional proceedings.
27	(6) Placement of a certificate holder or license holder on
28	probation status and requirement of the certificate holder or
29	license holder to:
30	(A) report regularly to the department of homeland security
31	upon the matters that are the basis of probation;
32	(B) limit practice to those areas prescribed by the department
33	of homeland security;
34	(C) continue or renew professional education approved by the
35	department of homeland security until a satisfactory degree of
36	skill has been attained in those areas that are the basis of the
37	probation; or
38	(D) perform or refrain from performing any acts, including
39 40	community restitution or service without compensation, that
40	the department of homeland security considers appropriate to
41	the public interest or to the rehabilitation or treatment of the
42	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.

14 (d) The department of homeland security may deny certification or 15 licensure to an applicant who would be subject to disciplinary sanctions 16 under subsection (b) if that person were a certificate holder or license 17 holder, has had disciplinary action taken against the applicant or the 18 applicant's certificate or license to practice in another state or 19 jurisdiction, or has practiced without a certificate or license in violation 20 of the law. A certified copy of the record of disciplinary action is 21 conclusive evidence of the other jurisdiction's disciplinary action.

22 (e) The department of homeland security may order a certificate 23 holder or license holder to submit to a reasonable physical or mental 24 examination if the certificate holder's or license holder's physical or 25 mental capacity to practice safely and competently is at issue in a 26 disciplinary proceeding. Failure to comply with a department of 27 homeland security order to submit to a physical or mental examination 28 makes a certificate holder or license holder liable to temporary 29 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.



1

2

3

4

5

6

7

8

9

10

11

12

13

30

31

32

33

34

35

36

37

38

39

40

41

42

1	(2) Possession of methamphetamine under IC 35-48-4-6.1.
2 3	(3) Possession of a controlled substance under IC 35-48-4-7(a).
	(4) Fraudulently obtaining a controlled substance under
4	IC 35-48-4-7(c).
5	(5) Manufacture of paraphernalia as a Class D felony (for a crime
6	committed before July 1, 2014) or Level 6 felony (for a crime
7	committed after June 30, 2014) under IC 35-48-4-8.1(b).
8	(6) Dealing in paraphernalia as a Class D felony (for a crime
9	committed before July 1, 2014) or Level 6 felony (for a crime
10	committed after June 30, 2014) under IC 35-48-4-8.5(b).
11	(7) Possession of paraphernalia as a Class D felony (for a crime
12	committed before July 1, 2014) or Level 6 felony (for a crime
13	committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
14	its amendment on July 1, 2015).
15	(8) Possession of marijuana, hash oil, hashish, or salvia as a Class
16	D felony (for a crime committed before July 1, 2014) or Level 6
17	felony (for a crime committed after June 30, 2014) under
18	IC 35-48-4-11.
19	(9) A felony offense under IC 35-48-4 involving:
20	(A) possession of a synthetic drug (as defined in
21	IC 35-31.5-2-321);
22	(B) possession of a synthetic drug lookalike substance (as
23	defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
24	2019)) as a:
25	(i) Class D felony (for a crime committed before July 1,
26	2014); or
27	(ii) Level 6 felony (for a crime committed after June 30,
28	2014);
29	under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or
30	(C) possession of a controlled substance analog (as defined in
31	IC 35-48-1-9.3).
32	(10) Maintaining a common nuisance under IC 35-48-4-13
33	(repealed) or IC 35-45-1-5, if the common nuisance involves a
34	controlled substance.
35	(11) An offense relating to registration, labeling, and prescription
36	forms under IC 35-48-4-14.
37	(h) A decision of the department of homeland security under
38	subsections (b) through (g) may be appealed to the commission under
39	IC 4-21.5-3-7.
40	(i) The department of homeland security may temporarily suspend
41	a certificate holder's certificate or license holder's license under
42	IC 4-21.5-4 before a final adjudication or during the appeals process if
	10 + 21.0 + before a multiagradieation of 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.
 (i) On receipt of a complaint or information alleging that a person

(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.

(1) 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.

37 (q) For purposes of this section, "license holder" means a person38 who holds:

- (1) an unlimited license;
- 40 (2) a limited or probationary license; or
- 41 (3) an inactive license.
- 42 SECTION 17. IC 16-31-3-26, AS ADDED BY P.L.79-2016,

## EH 1314—LS 6751/DI 116



6

7

8

9

20

21

22

23

24

25

32

33

34

35

36

39

1	SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2	JULY 1, 2022]: Sec. 26. (a) Each provider organization shall conduct
3	an audit and review at least quarterly to assess, monitor, and evaluate
4	the quality of patient care as follows:
5	(1) The audit must evaluate patient care and personnel
6	performance.
7	(2) The results of the audit must be reviewed with the emergency
8	medical service personnel.
9	(3) Documentation for the audit and review must include the
10	following:
11	(A) The criteria used to select audited runs.
12	(B) Problem identification and resolution.
13	(C) Date of review.
14	(D) Attendance at the review.
15	(E) A summary of the discussion at the review.
16	(4) The audit and review must be conducted under the direction
17	of one (1) of the following:
18	(A) The provider organization medical director.
19	(B) An emergency department committee that is supervised by
20	a medical director with a provider organization representative
21	serving as a member of the committee.
22	(C) A committee established by the provider organization and
23	under the direction of the medical director or medical
24	director's designee. If the medical director selects a designee,
25	the designee must:
26	(i) be a physician licensed under IC 25-22.5;
27	(ii) have an active role in the delivery of emergency care;
28	and
29	(iii) be designated in writing by the medical director as the
30	medical director's designee.
31	(5) The audit must provide a method for identifying the need for
32	staff development programs, basic training, in-service training,
33	and orientation.
34	(6) The audit must evaluate all levels of care by emergency
35	medical service personnel. participate in a written quality
36	assurance program. Proceedings under this section are
37	confidential, and any communication related to the quality
38	assurance program is considered a privileged communication.
39	(b) An audit and review proceeding under this section is
40	confidential, and any communication at the audit and review
41	proceeding is a privileged communication.
42	(c) (b) This section does not prevent participation by a provider



1 organization in a peer review committee proceeding under IC 34-30-15. 2 (d) (c) The commission may adopt rules under IC 4-22-2 to 3 implement this section. 4 SECTION 18. IC 16-31-6.5-5 IS AMENDED TO READ AS 5 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. A person or entity in 6 possession of a defibrillator shall: notify the: (1) notify the ambulance service provider that serves the area 7 8 where the person or entity is located of the acquisition and 9 location of the defibrillator; or and 10 (2) emergency medical services commission; register the device with the department of homeland security in a manner 11 prescribed by the department of homeland security. 12 13 of the acquisition and location of the defibrillator. 14 SECTION 19. IC 16-31-6.5-6 IS REPEALED [EFFECTIVE JULY 15 1, 2022]. Sec. 6. A person who uses a defibrillator is required to 16 contact: 17 (1) the ambulance service provider; or 18 (2) a fire department that provides ambulance service; 19 for the area as soon as practicable following the use of the defibrillator. 20 SECTION 20. IC 22-11-14-12, AS AMENDED BY P.L.107-2007, 21 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE 22 JULY 1, 2022]: Sec. 12. (a) A user fee, known as the public safety fee, 23 is imposed on retail transactions made in Indiana of fireworks, in 24 accordance with section 13 of this chapter. 25 (b) A person who acquires fireworks in a retail transaction is liable 26 for the public safety fee on the transaction and, except as otherwise 27 provided in this chapter, shall pay the public safety fee to the retailer 28 as a separate added amount to the consideration in the transaction. The 29 retailer shall collect the public safety fee as an agent for the state. 30 (c) The public safety fee shall be deposited in the state general fund. 31 The auditor of state shall annually transfer the money received from the public safety fee as follows: 32 (1) Two million dollars (\$2,000,000) shall be deposited in the 33 34 regional public safety training fund established by IC 10-15-3-12. (2) Any additional money received shall be deposited in evenly 35 36 between the state disaster relief fund established by IC 10-14-4-5 and the regional public safety training fund described in 37 38 subdivision (1). 39 (d) The department of state revenue shall adopt rules under 40 IC 4-22-2 necessary for the collection of the public safety fee money 41 from retailers as described in subsections (b) and (c). 42 SECTION 21. IC 36-8-10.5-6, AS AMENDED BY P.L.90-2017,



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2022]: Sec. 6. (a) A full-time firefighter must successfully
 complete the minimum basic training requirements established by this
 chapter before the firefighter may perform the duties of a full-time
 firefighter for the political subdivision.

6 (b) A volunteer firefighter must successfully complete the minimum
7 basic training requirements established by this chapter before
8 performing the firefighter may perform the emergency response
9 duties of a volunteer firefighter. However, after June 30, 2023,
10 emergency response duties do not include interior firefighter
11 operations.

(c) A volunteer firefighter who has successfully completed the
minimum basic training requirements established by this chapter may
be elected or appointed to membership in more than one (1) volunteer
fire department.

SECTION 22. IC 36-8-17-5, AS AMENDED BY P.L.187-2021,
SECTION 147, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2022]: Sec. 5. (a) The fire chief and the
designees of the fire chief in every fire department are assistants to the
state fire marshal.

(b) A fire department shall comply with an order issued by the
 department under IC 22-14-2-4 that directs the fire department to assist
 the department.

24 (c) A fire department shall report annually to the department of 25 homeland security, in a manner prescribed by the department of 26 homeland security, information relating to each emergency 27 response by the fire department. In the event that a fire 28 department fails to comply with this section, the department of 29 homeland security, notwithstanding any other law, may determine 30 that the fire department is ineligible to receive grants administered 31 by the department of homeland security.

- 32 (c) (d) This section also applies to a fire department established by
   33 the board of trustees of Purdue University under IC 21-39-7.
- 34 SECTION 23. An emergency is declared for this act.



### COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1314, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 11, delete lines 1 through 4, begin a new line block indented and insert:

"(14) fails to notify the department in writing of any misdemeanor or felony criminal conviction, except traffic related misdemeanors other than operating a motor vehicle under the influence of a drug or alcohol, within ninety (90) days after the entry of an order or judgement. A certified copy of the order or judgment with a letter of explanation must be submitted to the department along with the written notice.".

Page 15, strike lines 37 through 39. Page 15, line 40, strike "(c)" and insert "(b)". Page 15, line 42, strike "(d)" and insert "(c)". Page 16, delete lines 27 through 42. Delete pages 17 through 19. Page 20, delete lines 1 through 25. Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1314 as introduced.)

FRYE R

Committee Vote: yeas 13, nays 0.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1314, 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 3, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 5. IC 10-19-2.1-3 IS ADDED TO THE INDIANA



CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) Not later than October 31, 2022, the department, the state department of health, the integrated public safety commission established by IC 5-26-2-1, and the statewide 911 board established by IC 36-8-16.7-24 shall develop and submit recommendations regarding:

(1) ways that the 911 system can increase interoperability to better facilitate an emergency medical services (as defined in IC 16-18-2-110) response for the closest and most appropriate source; and

(2) the effectiveness of regionalized trauma systems and the impact of regionalized trauma systems on patient care;

to the executive director of the legislative services agency for distribution to the members of the general assembly. The report submitted to the executive director of the legislative services agency must be in an electronic format under IC 5-14-6.

(b) In developing recommendations, the department, state department of health, integrated public safety commission established by IC 5-26-2-1, and statewide 911 board established by IC 36-8-16.7-24 may consult stakeholders, including:

(1) emergency medical services provider organizations (as defined in 836 IAC 1-1-1(21));

(2) fire departments;

(3) hospitals or other emergency medical facilities; and

(4) local governments.

(c) This section expires July 1, 2023.".

Page 4, delete lines 1 through 8.

Page 5, between lines 9 and 10, begin a new paragraph and insert: "SECTION 7. IC 12-21-8-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. As used in this chapter, "account" means the first responder crisis intervention account established under section 11.4 of this chapter.

SECTION 8. IC 12-21-8-11.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.4. (a) The auditor of state shall establish a first responder crisis intervention account within the statewide 9-8-8 trust fund established by section 11 of this chapter for the purpose of awarding grants to public safety agencies that provide first responder emergency services, to be used by the agencies for:

(1) developing local crisis intervention team programs;



(2) improving data collection on behavioral health runs and interactions; and

(3) updating training manuals.

The account shall be administered by the division.

(b) The account shall consist of the following:

(1) Appropriations made to the account by the general assembly.

(2) Funds received from the federal government for the purposes described in subsection (a).

(3) Investment earnings, including interest, on money in the fund.

(4) Money from any other source, including gifts and grants.

(c) The expenses of administering the account shall be paid from money in the account.

(d) The division may award grants from the account to public safety agencies described in subsection (a) for the purposes specified in subsection (a).

(e) Money in the account at the end of a state fiscal year does not revert to the state general fund.".

Page 8, delete lines 7 through 15, begin a new line block indented and insert:

"(2) Sharing and exchanging data with another entity for the purpose of improving patient care and outcomes. The entity shall:

(A) be:

(i) a covered entity pursuant to the federal Health Insurance Portability and Accountability Act (HIPAA) (P.L. 104-191); or

(ii) an Indiana nonprofit entity that performs health data services for a health care provider; and

(B) enter into a data sharing agreement with the commission or department of homeland security that governs the use and protection of confidential data.".

Page 11, line 5, delete "judgement" and insert "**judgment**". Page 16, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 20. IC 22-11-14-12, AS AMENDED BY P.L.107-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 12. (a) A user fee, known as the public safety fee, is imposed on retail transactions made in Indiana of fireworks, in accordance with section 13 of this chapter.

(b) A person who acquires fireworks in a retail transaction is liable for the public safety fee on the transaction and, except as otherwise



provided in this chapter, shall pay the public safety fee to the retailer as a separate added amount to the consideration in the transaction. The retailer shall collect the public safety fee as an agent for the state.

(c) The public safety fee shall be deposited in the state general fund. The auditor of state shall annually transfer the money received from the public safety fee as follows:

Two million dollars (\$2,000,000) shall be deposited in the regional public safety training fund established by IC 10-15-3-12.
 Any additional money received shall be deposited in evenly between the state disaster relief fund established by IC 10-14-4-5 and the regional public safety training fund described in subdivision (1).

(d) The department of state revenue shall adopt rules under IC 4-22-2 necessary for the collection of the public safety fee money from retailers as described in subsections (b) and (c).".

Page 17, line 13, after "report" insert "annually".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1314 Digest Correction as printed January 25, 2022.)

CRIDER, Chairperson

Committee Vote: Yeas 8, Nays 0.

### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1314, 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 3, delete lines 29 through 33.

Page 3, line 34, delete "IC 10-19-2.1-3" and insert "IC 10-19-2.1-2".

Page 3, line 36, delete "Sec. 3." and insert "Sec. 2.".

Page 17, delete lines 25 through 33.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.



(Reference is to EHB 1314 as printed February 9, 2022.)

MISHLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

