

HOUSE BILL No. 1108

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-14-3-2; IC 12-26-2-5; IC 16-18-2; IC 16-21-2-17; IC 36-2-14-21.

Synopsis: Small hospital charge notices. Requires certain small hospitals to post certain notices concerning charges. Makes conforming amendments.

Effective: July 1, 2018.

Carbaugh

January 4, 2018, read first time and referred to Committee on Public Health.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1108

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

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

- 1 SECTION 1. IC 5-14-3-2, AS AMENDED BY P.L.85-2017,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 2. (a) The definitions set forth in this section apply
4 throughout this chapter.
5 (b) "Copy" includes transcribing by handwriting, photocopying,
6 xerography, duplicating machine, duplicating electronically stored data
7 onto a disk, tape, drum, or any other medium of electronic data storage,
8 and reproducing by any other means.
9 (c) "Criminal intelligence information" means data that has been
10 evaluated to determine that the data is relevant to:
11 (1) the identification of; and
12 (2) the criminal activity engaged in by;
13 an individual who or organization that is reasonably suspected of
14 involvement in criminal activity.
15 (d) "Direct cost" means one hundred five percent (105%) of the sum
16 of the cost of:
17 (1) the initial development of a program, if any;



- 1 (2) the labor required to retrieve electronically stored data; and
 2 (3) any medium used for electronic output;
 3 for providing a duplicate of electronically stored data onto a disk, tape,
 4 drum, or other medium of electronic data retrieval under section 8(g)
 5 of this chapter, or for reprogramming a computer system under section
 6 6(c) of this chapter.
- 7 (e) "Electronic map" means copyrighted data provided by a public
 8 agency from an electronic geographic information system.
- 9 (f) "Enhanced access" means the inspection of a public record by a
 10 person other than a governmental entity and that:
 11 (1) is by means of an electronic device other than an electronic
 12 device provided by a public agency in the office of the public
 13 agency; or
 14 (2) requires the compilation or creation of a list or report that does
 15 not result in the permanent electronic storage of the information.
- 16 (g) "Facsimile machine" means a machine that electronically
 17 transmits exact images through connection with a telephone network.
- 18 (h) "Inspect" includes the right to do the following:
 19 (1) Manually transcribe and make notes, abstracts, or memoranda.
 20 (2) In the case of tape recordings or other aural public records, to
 21 listen and manually transcribe or duplicate, or make notes,
 22 abstracts, or other memoranda from them.
 23 (3) In the case of public records available:
 24 (A) by enhanced access under section 3.5 of this chapter; or
 25 (B) to a governmental entity under section 3(c)(2) of this
 26 chapter;
 27 to examine and copy the public records by use of an electronic
 28 device.
 29 (4) In the case of electronically stored data, to manually transcribe
 30 and make notes, abstracts, or memoranda or to duplicate the data
 31 onto a disk, tape, drum, or any other medium of electronic
 32 storage.
- 33 (i) "Investigatory record" means information compiled in the course
 34 of the investigation of a crime.
- 35 (j) "Law enforcement activity" means:
 36 (1) a traffic stop;
 37 (2) a pedestrian stop;
 38 (3) an arrest;
 39 (4) a search;
 40 (5) an investigation;
 41 (6) a pursuit;
 42 (7) crowd control;



1 (8) traffic control; or

2 (9) any other instance in which a law enforcement officer is
3 enforcing the law.

4 The term does not include an administrative activity, including the
5 completion of paperwork related to a law enforcement activity, or a
6 custodial interrogation conducted in a place of detention as described
7 in Indiana Evidence Rule 617, regardless of the ultimate admissibility
8 of a statement made during the custodial interrogation.

9 (k) "Law enforcement recording" means an audio, visual, or
10 audiovisual recording of a law enforcement activity captured by a
11 camera or other device that is:

12 (1) provided to or used by a law enforcement officer in the scope
13 of the officer's duties; and

14 (2) designed to be worn by a law enforcement officer or attached
15 to the vehicle or transportation of a law enforcement officer.

16 (l) "Offender" means a person confined in a penal institution as the
17 result of the conviction for a crime.

18 (m) "Patient" has the meaning set out in IC 16-18-2-272(d).

19 (n) "Person" means an individual, a corporation, a limited liability
20 company, a partnership, an unincorporated association, or a
21 governmental entity.

22 (o) "Private university police department" means the police officers
23 appointed by the governing board of a private university under
24 IC 21-17-5.

25 (p) "Provider" has the meaning set out in ~~IC 16-18-2-295(b)~~
26 **IC 16-18-2-295(c)** and includes employees of the state department of
27 health or local boards of health who create patient records at the
28 request of another provider or who are social workers and create
29 records concerning the family background of children who may need
30 assistance.

31 (q) "Public agency", except as provided in section 2.1 of this
32 chapter, means the following:

33 (1) Any board, commission, department, division, bureau,
34 committee, agency, office, instrumentality, or authority, by
35 whatever name designated, exercising any part of the executive,
36 administrative, judicial, or legislative power of the state.

37 (2) Any:

38 (A) county, township, school corporation, city, or town, or any
39 board, commission, department, division, bureau, committee,
40 office, instrumentality, or authority of any county, township,
41 school corporation, city, or town;

42 (B) political subdivision (as defined by IC 36-1-2-13); or



- 1 (C) other entity, or any office thereof, by whatever name
 2 designated, exercising in a limited geographical area the
 3 executive, administrative, judicial, or legislative power of the
 4 state or a delegated local governmental power.
- 5 (3) Any entity or office that is subject to:
- 6 (A) budget review by either the department of local
 7 government finance or the governing body of a county, city,
 8 town, township, or school corporation; or
 9 (B) an audit by the state board of accounts that is required by
 10 statute, rule, or regulation.
- 11 (4) Any building corporation of a political subdivision that issues
 12 bonds for the purpose of constructing public facilities.
- 13 (5) Any advisory commission, committee, or body created by
 14 statute, ordinance, or executive order to advise the governing
 15 body of a public agency, except medical staffs or the committees
 16 of any such staff.
- 17 (6) Any law enforcement agency, which means an agency or a
 18 department of any level of government that engages in the
 19 investigation, apprehension, arrest, or prosecution of alleged
 20 criminal offenders, such as the state police department, the police
 21 or sheriff's department of a political subdivision, prosecuting
 22 attorneys, members of the excise police division of the alcohol
 23 and tobacco commission, conservation officers of the department
 24 of natural resources, gaming agents of the Indiana gaming
 25 commission, gaming control officers of the Indiana gaming
 26 commission, and the security division of the state lottery
 27 commission.
- 28 (7) Any license branch operated under IC 9-14.1.
- 29 (8) The state lottery commission established by IC 4-30-3-1,
 30 including any department, division, or office of the commission.
- 31 (9) The Indiana gaming commission established under IC 4-33,
 32 including any department, division, or office of the commission.
- 33 (10) The Indiana horse racing commission established by IC 4-31,
 34 including any department, division, or office of the commission.
- 35 (11) A private university police department. The term does not
 36 include the governing board of a private university or any other
 37 department, division, board, entity, or office of a private
 38 university.
- 39 (r) "Public record" means any writing, paper, report, study, map,
 40 photograph, book, card, tape recording, or other material that is
 41 created, received, retained, maintained, or filed by or with a public
 42 agency and which is generated on paper, paper substitutes,



1 photographic media, chemically based media, magnetic or machine
 2 readable media, electronically stored data, or any other material,
 3 regardless of form or characteristics.

4 (s) "Standard-sized documents" includes all documents that can be
 5 mechanically reproduced (without mechanical reduction) on paper
 6 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight
 7 and one-half (8 1/2) inches by fourteen (14) inches.

8 (t) "Trade secret" has the meaning set forth in IC 24-2-3-2.

9 (u) "Work product of an attorney" means information compiled by
 10 an attorney in reasonable anticipation of litigation. The term includes
 11 the attorney's:

12 (1) notes and statements taken during interviews of prospective
 13 witnesses; and

14 (2) legal research or records, correspondence, reports, or
 15 memoranda to the extent that each contains the attorney's
 16 opinions, theories, or conclusions.

17 This definition does not restrict the application of any exception under
 18 section 4 of this chapter.

19 SECTION 2. IC 12-26-2-5, AS AMENDED BY P.L.1-2007,
 20 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) This section applies under the
 22 following statutes:

23 (1) IC 12-26-6.

24 (2) IC 12-26-7.

25 (3) IC 12-26-12.

26 (4) IC 12-26-15.

27 (b) A petitioner may be represented by counsel.

28 (c) The court may appoint counsel for a petitioner upon a showing
 29 of the petitioner's indigency and the court shall pay for such counsel if
 30 appointed.

31 (d) A petitioner, including a petitioner who is a health care provider
 32 under ~~IC 16-18-2-295(b)~~, **IC 16-18-2-295(c)**, in the petitioner's
 33 individual capacity or as a corporation is not required to be represented
 34 by counsel. If a petitioner who is a corporation elects not to be
 35 represented by counsel, the individual representing the corporation at
 36 the commitment hearing must present the court with written
 37 authorization from:

38 (1) an officer;

39 (2) a director;

40 (3) a principal; or

41 (4) a manager;

42 of the corporation that authorizes the individual to represent the interest



1 of the corporation in the proceedings.

2 (e) The petitioner is required to prove by clear and convincing
3 evidence that:

4 (1) the individual is mentally ill and either dangerous or gravely
5 disabled; and

6 (2) detention or commitment of that individual is appropriate.

7 SECTION 3. IC 16-18-2-88.2 IS ADDED TO THE INDIANA
8 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
9 [EFFECTIVE JULY 1, 2018]: **Sec. 88.2. "Covered individual" means**
10 **an individual who is entitled to coverage under a health plan.**

11 SECTION 4. IC 16-18-2-122.1 IS ADDED TO THE INDIANA
12 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
13 [EFFECTIVE JULY 1, 2018]: **Sec. 122.1. "Facility fee" means a**
14 **service charge for a patient's use of hospital facilities and**
15 **equipment.**

16 SECTION 5. IC 16-18-2-167.6 IS ADDED TO THE INDIANA
17 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
18 [EFFECTIVE JULY 1, 2018]: **Sec. 167.6. (a) "Health plan", other**
19 **than for purposes of IC 16-30-3-1, IC 16-46-1-12, and**
20 **IC 16-46-11-1, means:**

21 (1) a policy of accident and sickness insurance (as defined in
22 IC 27-8-5-1);

23 (2) an individual contract or a group contract with a health
24 maintenance organization under IC 27-13; or

25 (3) another plan or program that provides payment,
26 reimbursement, or indemnification for the costs of health care
27 items or services;

28 that conditions the payment of benefits, in whole or in part, on a
29 covered individual's use of providers that have agreed to be part
30 of a network.

31 (b) The term does not include the following:

32 (1) Worker's compensation or similar insurance.

33 (2) Benefits provided under a certificate of exemption issued
34 by the worker's compensation board under IC 22-3-2-5.

35 (3) Medicaid (IC 12-15).

36 SECTION 6. IC 16-18-2-247.4 IS ADDED TO THE INDIANA
37 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
38 [EFFECTIVE JULY 1, 2018]: **Sec. 247.4. "Network" means a group**
39 **of two (2) or more providers that have entered into:**

40 (1) an agreement with an insurer under IC 27-8-11-3;

41 (2) a participating provider contract with a health
42 maintenance organization under IC 27-13; or



- 1 **(3) an agreement with another person specifying terms and**
 2 **conditions of the providers' rendering of health care items or**
 3 **services to covered individuals.**
- 4 SECTION 7. IC 16-18-2-247.5 IS ADDED TO THE INDIANA
 5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2018]: **Sec. 247.5. "Network provider"**
 7 **means a provider described in section 247.4 of this chapter.**
- 8 SECTION 8. IC 16-18-2-264.6 IS ADDED TO THE INDIANA
 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2018]: **Sec. 264.6. "Out of network provider"**
 11 **means a provider that is not described in section 247.4 of this**
 12 **chapter.**
- 13 SECTION 9. IC 16-18-2-295, AS AMENDED BY P.L.161-2014,
 14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2018]: **Sec. 295. (a) "Provider", for purposes of**
 16 **IC 16-21-2-17, means a practitioner described in IC 25-1-9-2(1).**
 17 **The term includes a provider group. The term does not include an**
 18 **individual who holds a license, certification, registration, or permit**
 19 **issued under IC 25-19 or IC 25-38.1.**
- 20 **(a) (b) "Provider", for purposes of IC 16-21-8, has the meaning set**
 21 **forth in IC 16-21-8-0.2.**
- 22 **(b) (c) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for**
 23 **IC 16-39-7), and IC 16-41-1 through IC 16-41-9, means any of the**
 24 **following:**
- 25 (1) An individual (other than an individual who is an employee or
 26 a contractor of a hospital, a facility, or an agency described in
 27 subdivision (2) or (3)) who is licensed, registered, or certified as
 28 a health care professional, including the following:
- 29 (A) A physician.
 30 (B) A psychotherapist.
 31 (C) A dentist.
 32 (D) A registered nurse.
 33 (E) A licensed practical nurse.
 34 (F) An optometrist.
 35 (G) A podiatrist.
 36 (H) A chiropractor.
 37 (I) A physical therapist.
 38 (J) A psychologist.
 39 (K) An audiologist.
 40 (L) A speech-language pathologist.
 41 (M) A dietitian.
 42 (N) An occupational therapist.



- 1 (O) A respiratory therapist.
 2 (P) A pharmacist.
 3 (Q) A sexual assault nurse examiner.
 4 (2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or
 5 described in IC 12-24-1 or IC 12-29.
 6 (3) A health facility licensed under IC 16-28-2.
 7 (4) A home health agency licensed under IC 16-27-1.
 8 (5) An employer of a certified emergency medical technician, a
 9 certified advanced emergency medical technician, or a licensed
 10 paramedic.
 11 (6) The state department or a local health department or an
 12 employee, agent, designee, or contractor of the state department
 13 or local health department.
 14 ~~(c)~~ (d) "Provider", for purposes of IC 16-39-7-1, has the meaning set
 15 forth in IC 16-39-7-1(a).
 16 ~~(d)~~ (e) "Provider", for purposes of IC 16-48-1, has the meaning set
 17 forth in IC 16-48-1-3.
 18 SECTION 10. IC 16-18-2-295.2 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2018]: **Sec. 295.2. "Provider group" means**
 21 **a legal entity:**
 22 **(1) that is owned by or employs one (1) or more providers;**
 23 **and**
 24 **(2) through which billing is performed for health care items**
 25 **and services rendered by the providers.**
 26 SECTION 11. IC 16-21-2-17 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2018]: **Sec. 17. (a) This section applies to a**
 29 **hospital that:**
 30 **(1) is licensed under this chapter;**
 31 **(2) has fewer than twenty (20) inpatient beds; and**
 32 **(3) is not a:**
 33 **(A) critical access hospital described in 42 U.S.C.**
 34 **1395i-4(e); or**
 35 **(B) psychiatric hospital (as defined in 42 U.S.C. 1395x(f)).**
 36 **(b) A hospital shall prominently and conspicuously provide**
 37 **notice of all of the following:**
 38 **(1) That the hospital:**
 39 **(A) charges for health care services at rates that are**
 40 **comparable to rates charged for health care services**
 41 **rendered in a hospital emergency department; and**
 42 **(B) may charge a facility fee.**



- 1 **(2) That a provider rendering health care services at the**
 2 **hospital may not be a network provider.**
 3 **(3) That a provider rendering health care services at the**
 4 **hospital may bill separately from the hospital for the health**
 5 **care services.**
 6 **(c) The notice required by subsection (b) must be displayed:**
 7 **(1) in at least twelve (12) point font on the hospital's Internet**
 8 **web site; and**
 9 **(2) on a poster that is at least eleven (11) inches wide and**
 10 **seventeen (17) inches long at each of the following locations:**
 11 **(A) The hospital's primary entrance.**
 12 **(B) Each patient treatment room.**
 13 **(C) Each location within the hospital at which a person**
 14 **pays for health care services.**
 15 SECTION 12. IC 36-2-14-21, AS AMENDED BY P.L.1-2007,
 16 SECTION 240, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2018]: Sec. 21. (a) As used in this section,
 18 "health records" means written, electronic, or printed information
 19 possessed by a provider concerning any diagnosis, treatment, or
 20 prognosis of the patient. The term includes mental health records,
 21 alcohol and drug abuse records, and emergency ambulance service
 22 records.
 23 (b) As used in this section, "provider" has the meaning set forth in
 24 ~~IC 16-18-2-295(b)~~. **IC 16-18-2-295(c)**.
 25 (c) As part of a medical examination or autopsy conducted under
 26 this chapter, a coroner may obtain a copy of the decedent's health
 27 records.
 28 (d) Except as provided in subsection (e), health records obtained
 29 under this section are confidential.
 30 (e) The coroner may provide the health records of a decedent that
 31 were obtained under this section to a prosecuting attorney or law
 32 enforcement agency that is investigating the individual's death. Health
 33 records received from a coroner under this subsection are confidential.
 34 (f) A person who receives confidential records or information under
 35 this section and knowingly or intentionally discloses the records or
 36 information to an unauthorized person commits a Class A
 37 misdemeanor.

