

HOUSE BILL No. 1178

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-21-18; IC 25-0.5-11-1; IC 25-1-21.

Synopsis: Implicit bias training. Provides that after December 31, 2023, a hospital that provides inpatient maternity services and a birthing center shall implement an evidence based implicit bias training program for all health care providers who regularly provide perinatal treatment and care to pregnant women at the hospital or birthing center. Requires the health care providers to complete the training one time every two years. Provides that after December 31, 2023, a practitioner must complete implicit bias training before renewal of a license in a health care profession. Provides an exemption for a license issued by the board of veterinary medical examiners. Provides that a practitioner is not required to complete implicit bias training more than one time every two years unless specified by the board that regulates the practitioner. Requires the board to approve and publish on its Internet web site organizations approved to offer the implicit bias training to a practitioner. Allows the board to grant the practitioner a hardship waiver from the training requirement. Provides that taking implicit bias training satisfies the requirements for both training at a hospital or birthing center and the license renewal requirements.

Effective: July 1, 2022.

Summers

January 6, 2022, read first time and referred to Committee on Public Health.



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.

HOUSE BILL No. 1178

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 16-18-2-36.5, AS AMENDED BY P.L.111-2018,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 36.5. (a) "Birthing center", for purposes of
4 IC 16-21-2, ~~and~~ IC 16-21-13, **and IC 16-21-18**, means a freestanding
5 entity that has the sole purpose of delivering a normal or uncomplicated
6 pregnancy.

7 (b) The term does not include a hospital that is licensed as a hospital
8 under IC 16-21-2.

9 SECTION 2. IC 16-18-2-185.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2022]: **Sec. 185.5. "Implicit bias", for**
12 **purposes of IC 16-21-18, has the meaning set forth in**
13 **IC 16-21-18-1.**

14 SECTION 3. IC 16-18-2-185.6 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2022]: **Sec. 185.6. "Implicit stereotype", for**
17 **purposes of IC 16-21-18, has the meaning set forth in**



1 **IC 16-21-18-2.**

2 SECTION 4. IC 16-21-18 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2022]:

5 **Chapter 18. Implicit Bias Training**

6 **Sec. 1. As used in this chapter, "implicit bias" means a bias in**
7 **judgment or behavior that results from subtle cognitive processes,**
8 **including implicit prejudice and implicit stereotypes, that may**
9 **operate at a level below conscious awareness and without**
10 **intentional control.**

11 **Sec. 2. As used in this chapter, "implicit stereotype" means the**
12 **unconscious attribution of particular qualities to a member of a**
13 **certain social group that is influenced by experience and based on**
14 **learned associations between various qualities and social**
15 **categories, including race and gender.**

16 **Sec. 3. (a) After December 31, 2023, a:**

17 (1) hospital that provides inpatient maternity services; and
18 (2) birthing center;
19 shall implement an evidence based implicit bias training program
20 for all health care providers who regularly provide perinatal
21 treatment and care to pregnant women at the hospital or birthing
22 center.

23 (b) A hospital that implements an implicit bias training program
24 under this section shall ensure that the program is structured in a
25 manner that permits a health care provider who is required to
26 complete continuing education to be eligible to receive continuing
27 education credits for participation in the program.

28 (c) A health care provider who has successfully completed an
29 implicit bias training program under IC 25-1-21 within the
30 previous two (2) years satisfies the requirements under this
31 chapter.

32 **Sec. 4. The training program required under this chapter must**
33 **include the following components:**

34 (1) Identifying previous and current unconscious biases and
35 misinformation when providing perinatal treatment and care
36 to pregnant women.
37 (2) Identifying personal, interpersonal, institutional, and
38 cultural barriers to inclusion.
39 (3) Information on the effects of historical and contemporary
40 exclusion and oppression of minority communities.
41 (4) Information about cultural identity across racial and
42 ethnic groups.



- 1 **(5) Information about communicating more effectively across**
- 2 **racial, ethnic, religious, and gender identities.**
- 3 **(6) Information about reproductive justice.**
- 4 **(7) A discussion on power dynamics and organizational**
- 5 **decision making and their effects on implicit bias.**
- 6 **(8) A discussion on health inequities and racial and ethnic**
- 7 **disparities within the field of perinatal care, and how implicit**
- 8 **bias may contribute to pregnancy related deaths and**
- 9 **maternal and infant health outcomes.**
- 10 **(9) Corrective measures to decrease implicit bias at the**
- 11 **interpersonal and institutional levels.**

12 **Sec. 5. A health care provider who regularly provides perinatal**
 13 **treatment and care to pregnant women at a hospital that provides**
 14 **inpatient maternity services or a birthing center shall:**

- 15 **(1) complete the training program on implicit bias at the times**
- 16 **and intervals required by the hospital or birthing center;**
- 17 **(2) complete a refresher course under the training program,**
- 18 **designed to provide the health care provider with updated**
- 19 **information about racial, ethnic, and cultural identity and**
- 20 **best practices in decreasing interpersonal and institutional**
- 21 **implicit bias, at least every two (2) years, or more frequently**
- 22 **if required by the hospital or birthing center; and**
- 23 **(3) receive a certification from the hospital or birthing center**
- 24 **on the successful completion of the training program.**

25 **Sec. 6. The state department shall adopt rules under IC 4-22-2**
 26 **to implement this chapter.**

27 SECTION 5. IC 25-0.5-11-1, AS ADDED BY P.L.3-2014,
 28 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2022]: Sec. 1. As used in IC 25-1-9 and IC 25-1-21, "board"
 30 means any of the entities described in this chapter.

31 SECTION 6. IC 25-1-21 IS ADDED TO THE INDIANA CODE AS
 32 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 2022]:

34 **Chapter 21. Implicit Bias Training**

35 **Sec. 1. As used in this chapter, "agency" refers to the**
 36 **professional licensing agency.**

37 **Sec. 2. As used in this chapter, "board" means any of the**
 38 **entities described in IC 25-0.5-11. However, the term does not**
 39 **include the Indiana board of veterinary medical examiners**
 40 **(IC 25-38.1-2).**

41 **Sec. 3. As used in this chapter, "implicit bias" means a bias in**
 42 **judgment or behavior that results from subtle cognitive processes,**



1 including implicit prejudice and implicit stereotypes, that may
2 operate at a level below conscious awareness and without
3 intentional control.

4 Sec. 4. As used in this chapter, "implicit stereotype" means the
5 unconscious attribution of particular qualities to a member of a
6 certain social group, that is influenced by experience and based on
7 learned associations between various qualities and social
8 categories, including race and gender.

9 Sec. 5. As used in this chapter, "license" includes a license,
10 certificate, registration, or permit.

11 Sec. 6. As used in this chapter, "practitioner" means an
12 individual who holds:

- 13 (1) an unlimited license, certificate, or registration;
- 14 (2) a limited or probationary license, certificate, or
15 registration;
- 16 (3) a temporary license, certificate, registration, or permit;
- 17 (4) an intern permit; or
- 18 (5) a provisional license;

19 issued by the board regulating the profession in question, including
20 a certificate of registration issued under IC 25-20.

21 Sec. 7. After December 31, 2023, a practitioner who seeks to
22 renew a license issued by a board must first complete, before a
23 license may be issued, an evidence based implicit bias training
24 program that includes the following components:

- 25 (1) Identifying previous and current unconscious biases and
26 misinformation when providing perinatal treatment and care
27 to pregnant women.
- 28 (2) Identifying personal, interpersonal, institutional, and
29 cultural barriers to inclusion.
- 30 (3) Information on the effects of historical and contemporary
31 exclusion and oppression of minority communities.
- 32 (4) Information about cultural identity across racial and
33 ethnic groups.
- 34 (5) Information about communicating more effectively across
35 racial, ethnic, religious, and gender identities.
- 36 (6) Information about reproductive justice.
- 37 (7) A discussion on power dynamics and organizational
38 decision making and their effects on implicit bias.
- 39 (8) A discussion on health inequities and racial and ethnic
40 disparities within the field of perinatal care, and how implicit
41 bias may contribute to pregnancy related deaths and
42 maternal and infant health outcomes.



1 **(9) Corrective measures to decrease implicit bias at the**
2 **interpersonal and institutional levels.**

3 **Sec. 8. (a) Unless specifically required by the board regulating**
4 **a practitioner, a practitioner is not required to complete the**
5 **implicit bias training program required in section 7 of this chapter**
6 **more than one (1) time in a two (2) year period.**

7 **(b) A practitioner who has successfully completed an implicit**
8 **bias training program under IC 16-21-18 within the previous two**
9 **(2) years satisfies the requirements under section 7 of this chapter.**

10 **Sec. 9. (a) The board shall approve and publish on its Internet**
11 **web site organizations and persons approved to offer the implicit**
12 **bias training program to a practitioner.**

13 **(b) The agency may offer an online course to practitioners that**
14 **fulfills the requirements under section 7 of this chapter.**

15 **(c) The board shall allow the implicit bias training program to**
16 **be counted toward fulfilling any continuing education requirement**
17 **required by law.**

18 **Sec. 10. The practitioner shall do the following:**

19 **(1) Provide the agency with a sworn statement executed by the**
20 **practitioner that the practitioner has fulfilled the implicit bias**
21 **training requirement.**

22 **(2) Retain copies of certificates of completion for implicit bias**
23 **training for four (4) years from the end of the licensing period**
24 **for which the implicit bias training applied. The practitioner**
25 **shall provide the board or agency with copies of the**
26 **certificates of completion upon the board's or agency's**
27 **request.**

28 **Sec. 11. A board may grant a practitioner a waiver from the**
29 **implicit bias training requirement for a renewal period if the**
30 **practitioner was not able to fulfill the requirement due to a**
31 **hardship that resulted from any of the following:**

32 **(1) Service in the armed forces of the United States during a**
33 **substantial part of the renewal period.**

34 **(2) An incapacitating illness or injury.**

35 **(3) Other circumstances determined by the board.**

36 **Sec. 12. The board may adopt rules under IC 4-22-2 to**
37 **implement this chapter.**

