



January 23, 2018

HOUSE BILL No. 1244

DIGEST OF HB 1244 (Updated January 23, 2018 11:57 am - DI 131)

Citations Affected: IC 16-41.

Synopsis: Law enforcement exposure to communicable diseases. Provides that a law enforcement officer who is exposed to blood or body fluids may request to be included in the list of individuals who are provided with notification concerning exposure to a dangerous communicable disease.

Effective: July 1, 2018.

DeVon, Taylor J, Frye R, Bartels

January 16, 2018, read first time and referred to Committee on Veterans Affairs and Public Safety.
January 23, 2018, amended, reported — Do Pass.

HB 1244—LS 6358/DI 132



January 23, 2018

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. 1244

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 16-41-10-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. **(a) This section**
3 **applies to the following:**

4 **(1) An emergency medical services provider who is exposed to**
5 **blood and body fluids while providing emergency medical**
6 **services to a patient.**

7 **(2) A law enforcement officer who is exposed to blood and**
8 **body fluids while performing the law enforcement officer's**
9 **official duties.**

10 ~~(a)~~ **(b)** An emergency medical services provider ~~who is exposed to~~
11 ~~blood or body fluids while providing emergency medical services to a~~
12 ~~patient~~ **or a law enforcement officer** may request notification
13 concerning exposure to a dangerous communicable disease under this
14 chapter if the exposure is of a type that has been demonstrated
15 epidemiologically to transmit a dangerous communicable disease.

16 ~~(b)~~ **(c)** If an emergency medical services provider **or a law**
17 **enforcement officer** desires to be notified of results of testing

HB 1244—LS 6358/DI 132



1 following a possible exposure to a dangerous communicable disease
 2 under this chapter, the emergency medical services provider **or law**
 3 **enforcement officer** shall notify the emergency medical services
 4 provider's **or law enforcement officer's** employer not more than
 5 twenty-four (24) hours after the emergency medical services provider
 6 **or law enforcement officer** is exposed on a form that is prescribed by
 7 the state department and the Indiana emergency medical services
 8 commission.

9 ~~(c)~~ **(d)** The emergency medical services provider **or law**
 10 **enforcement officer** shall distribute a copy of the completed form
 11 required under subsection ~~(b)~~ **(c)** to the following:

12 (1) If applicable, the medical director of the emergency
 13 department of the medical facility:

14 (A) to which the patient was admitted following the exposure;

15 or

16 (B) in which the patient was located at the time of the
 17 exposure.

18 (2) The emergency medical services provider's **or law**
 19 **enforcement officer's** employer.

20 (3) The state department.

21 SECTION 2. IC 16-41-10-2.5 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2.5. (a) A patient
 23 (including a patient who is unable to consent due to physical or mental
 24 incapacity) to whose blood or body fluids an emergency medical
 25 services provider **or a law enforcement officer** is exposed as
 26 described in section 2 of this chapter is considered to have consented
 27 to:

28 (1) testing for the presence of a dangerous communicable disease
 29 of a type that has been epidemiologically demonstrated to be
 30 transmittable by an exposure of the kind experienced by the
 31 emergency medical services provider **or law enforcement**
 32 **officer**; and

33 (2) release of the testing results to a medical director or physician
 34 described in section 3 of this chapter.

35 The medical director or physician shall notify the emergency medical
 36 services provider **or law enforcement officer** of the test results.

37 (b) If a patient described in subsection (a) refuses to provide a blood
 38 or body fluid specimen for testing for a dangerous communicable
 39 disease, the exposed emergency medical services provider **or law**
 40 **enforcement officer**, the exposed emergency medical services
 41 provider's **or law enforcement officer's** employer, or the state
 42 department may petition the circuit or superior court having



1 jurisdiction in the county:

2 (1) of the patient's residence; or

3 (2) where the employer of the exposed emergency medical
4 services provider **or law enforcement officer** has the employer's
5 principal office;

6 for an order requiring that the patient provide a blood or body fluid
7 specimen.

8 SECTION 3. IC 16-41-10-3 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) Except as
10 provided in subsection (b), if a patient to whose blood or body fluids an
11 emergency medical services provider **or a law enforcement officer** is
12 exposed as described in section 2 of this chapter:

13 (1) is admitted to a medical facility following the exposure or is
14 located in a medical facility at the time of the exposure, a
15 physician designated by the medical facility shall, not more than
16 seventy-two (72) hours after the medical facility is notified under
17 section 2 of this chapter:

18 (A) cause a blood or body fluid specimen to be obtained from
19 the patient and testing to be performed for a dangerous
20 communicable disease of a type that has been
21 epidemiologically demonstrated to be transmittable by an
22 exposure of the kind experienced by the emergency medical
23 services provider **or law enforcement officer**; and

24 (B) notify the medical director of the emergency medical
25 services provider's employer **or a physician as designated
26 under subsection (b) or (c)**; or

27 (2) is not described in subdivision (1), the exposed emergency
28 medical services provider **or law enforcement officer**, the
29 exposed emergency medical services provider's **or law
30 enforcement officer's** employer, or the state department may:

31 (A) arrange for testing of the patient as soon as possible; or

32 (B) petition the circuit or superior court having jurisdiction in
33 the county of the patient's residence or where the employer of
34 the exposed emergency medical services provider **or law
35 enforcement officer** has the employer's principal office for an
36 order requiring that the patient provide a blood or body fluid
37 specimen.

38 (b) An emergency medical services provider may, on the form
39 described in section 2 of this chapter, designate a physician other than
40 the medical director of the emergency medical services provider's
41 employer to receive the test results.

42 (c) **A law enforcement officer shall, on the form described in**



- 1 **section 2 of this chapter, designate a physician to receive the test**
2 **results.**
- 3 ~~(e)~~ **(d)** The medical director or physician described in this section
4 shall notify the emergency medical services provider **or law**
5 **enforcement officer** of the test results not more than forty-eight (48)
6 hours after the medical director or physician receives the test results.
- 7 SECTION 4. IC 16-41-10-4 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) A medical
9 director or physician notified under section 3 of this chapter shall, not
10 more than forty-eight (48) hours after receiving the notification under
11 section 3 of this chapter, contact the emergency medical services
12 provider **or law enforcement officer** described in section 2 of this
13 chapter to do the following:
- 14 (1) Explain, without disclosing information about the patient, the
15 dangerous communicable disease to which the emergency
16 medical services provider **or law enforcement officer** was
17 exposed.
- 18 (2) Provide for any medically necessary treatment and counseling
19 to the emergency medical services provider **or law enforcement**
20 **officer.**
- 21 (b) Expenses of testing or treatment and counseling are the
22 responsibility of the emergency medical services provider or the
23 provider's **or law enforcement officer's** employer.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1244, 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 4, line 22, delete "or law".

Page 4, line 23, delete "enforcement officer".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1244 as introduced.)

FRYE R

Committee Vote: yeas 12, nays 0.

