

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 ENROLLED ACT No. 1244

AN ACT to amend the Indiana Code concerning health.

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

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

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

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

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

~~(b)~~ **(c)** If an emergency medical services provider **or a law enforcement officer** desires to be notified of results of testing following a possible exposure to a dangerous communicable disease under this chapter, the emergency medical services provider **or law enforcement officer** shall notify the emergency medical services provider's **or law enforcement officer's** employer not more than twenty-four (24) hours after the emergency medical services provider

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or law enforcement officer is exposed on a form that is prescribed by the state department and the Indiana emergency medical services commission.

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

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

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

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

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

(3) The state department.

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

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

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

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

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

(1) of the patient's residence; or

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



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

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

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

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

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

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

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

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

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

(c) A law enforcement officer shall, on the form described in section 2 of this chapter, designate a physician to receive the test results.

~~(e)~~ **(d)** The medical director or physician described in this section shall notify the emergency medical services provider **or law enforcement officer** of the test results not more than forty-eight (48)



hours after the medical director or physician receives the test results.

SECTION 4. IC 16-41-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) A medical director or physician notified under section 3 of this chapter shall, not more than forty-eight (48) hours after receiving the notification under section 3 of this chapter, contact the emergency medical services provider **or law enforcement officer** described in section 2 of this chapter to do the following:

(1) Explain, without disclosing information about the patient, the dangerous communicable disease to which the emergency medical services provider **or law enforcement officer** was exposed.

(2) Provide for any medically necessary treatment and counseling to the emergency medical services provider **or law enforcement officer**.

(b) Expenses of testing or treatment and counseling are the responsibility of the emergency medical services provider or the provider's **or law enforcement officer's** employer.

SECTION 5. [EFFECTIVE UPON PASSAGE] **Notwithstanding the effective date in HEA 1017-2018, SECTION 1, for IC 16-41-17-2, the effective date of that SECTION is July 1, 2018, and not April 1, 2018.**

SECTION 6. **An emergency is declared for this act.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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