



January 26, 2024

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## SENATE BILL No. 272

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DIGEST OF SB 272 (Updated January 24, 2024 3:34 pm - DI 55)

**Citations Affected:** IC 12-7; IC 12-15; IC 16-19; IC 20-19; IC 20-26; IC 20-34.

**Synopsis:** School based health centers and student health. Authorizes a school corporation to contract with a health care provider, a health system, or community partner to establish a school based health center for the purpose of providing primary health services to students. Requires that a school based health center be a legal entity separate from the school corporation, that student participation in the services provided by the school based health center be voluntary, and that health records be maintained by a school based health center in compliance with federal confidentiality requirements. Requires each school corporation to employ at least one registered nurse who holds a bachelor of science degree in nursing to coordinate health services in the school corporation. Requires the office of the secretary of family and social services to apply to the United States Department of Health and Human Services for a state plan amendment to allow school based health centers to seek Medicaid reimbursement for health services provided by school based health centers. Requires the state department of health to develop first aid guidelines for school emergencies. Requires the state department of education to publish those first aid guidelines for school emergencies on its Internet website. Prohibits a school corporation from conducting a vision test or an audiometer test on a student without the prior written consent of the student's parent or guardian.

**Effective:** July 1, 2024.

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### Zay, Crider

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January 16, 2024, read first time and referred to Committee on Insurance and Financial Institutions.

January 25, 2024, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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SB 272—LS 6698/DI 152





January 26, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## SENATE BILL No. 272

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

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

- 1 SECTION 1. IC 12-7-2-170.2 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2024]: **Sec. 170.2. "School based health**  
4 **center", for purposes of IC 12-15-1-16, means a health clinic that:**  
5 **(1) is located in or near a school or school facility of a school**  
6 **corporation;**  
7 **(2) is organized or promoted through school, community, or**  
8 **health care provider relationships;**  
9 **(3) provides primary health services to children by health**  
10 **care providers, in accordance with state and federal law; and**  
11 **(4) meets any other requirements necessary for the operation**  
12 **of a school based health center.**  
13 SECTION 2. IC 12-15-1-16, AS AMENDED BY P.L.35-2022,  
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2024]: Sec. 16. (a) Each:  
16 (1) school corporation, **including a school based health center;**  
17 or

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1 (2) school corporation's employed, licensed, or qualified provider;  
 2 must enroll in a program to use federal funds under the Medicaid  
 3 program (IC 12-15-1 et seq.) with the intent to share the costs of  
 4 services that are reimbursable under the Medicaid program and that are  
 5 provided to eligible children by the school corporation **or school based**  
 6 **health center**. However, a school corporation or a school corporation's  
 7 employed, licensed, or qualified provider is not required to file any  
 8 claims or participate in the program developed under this section.

9 (b) The secretary and the department of education may develop  
 10 policies and adopt rules to administer the program developed under this  
 11 section.

12 (c) The federal reimbursement for services provided under this  
 13 section must be distributed to the school corporation. The state shall  
 14 retain the nonfederal share of the reimbursement for Medicaid services  
 15 provided under this section.

16 (d) The office of Medicaid policy and planning, with the approval  
 17 of the budget agency and after consultation with the department of  
 18 education, shall establish procedures for the timely distribution of  
 19 federal reimbursement due to the school corporations. The distribution  
 20 procedures may provide for offsetting reductions to distributions of  
 21 state tuition support or other state funds to school corporations in the  
 22 amount of the nonfederal reimbursements required to be retained by the  
 23 state under subsection (c).

24 (e) **Before December 1, 2024**, the office ~~may~~ **shall** apply to the  
 25 United States Department of Health and Human Services for a state  
 26 plan amendment to allow school corporations **and school based health**  
 27 **centers** to seek Medicaid reimbursement for medically necessary,  
 28 school based Medicaid covered services that are provided under federal  
 29 or state mandates. If the state plan amendment is approved and  
 30 implemented, services may be provided by a qualified provider in a  
 31 school setting **or school based health center** to Medicaid enrolled  
 32 students. Subject to subsection (f), the services may be pursuant to any  
 33 of the following:

34 (1) An individualized education program (as defined in  
 35 IC 20-18-2-9).

36 (2) A plan developed under Section 504 of the federal  
 37 Rehabilitation Act, 29 U.S.C. 794.

38 (3) A behavioral intervention plan (as defined in IC 20-20-40-1).

39 (4) A service plan developed under 511 IAC 7-34.

40 (5) An individualized health care plan.

41 The office may, in consultation with the department of education,  
 42 develop any necessary state plan amendment under this subsection. The



1 office may apply for any state plan amendment necessary to implement  
2 this subsection.

3 (f) Services under subsection (e) may not include the following:

- 4 (1) An abortion.
- 5 (2) Counseling for abortion procedures.
- 6 (3) Referrals for abortion services.
- 7 (4) Abortifacients.
- 8 (5) Contraceptives.

9 (g) If the state plan amendment described in subsection (e) is  
10 approved and implemented, the medically necessary, school based  
11 Medicaid covered services described in subsection (e):

- 12 (1) may only be performed by a qualified provider;
- 13 (2) must be within the qualified provider's scope of practice; and
- 14 (3) must be provided in accordance with this article and  
15 administrative rules concerning the Medicaid program.

16 SECTION 3. IC 16-19-3-32.7 IS ADDED TO THE INDIANA  
17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
18 [EFFECTIVE JULY 1, 2024]: **Sec. 32.7. (a) The state department  
19 shall develop and publish on its website first aid guidelines for  
20 school emergencies for use by schools in Indiana.**

21 **(b) The first aid guidelines for school emergencies described in  
22 subsection (a) must include at least the following:**

- 23 **(1) General emergency guidelines and information on  
24 administering emergency assistance before emergency  
25 medical personnel arrive to an individual who is sick or  
26 injured.**
- 27 **(2) Standard precautions for handling blood and bodily fluids  
28 in school settings, including handwashing procedures, and the  
29 disposal and clean up of infectious waste.**
- 30 **(3) First aid procedures for injuries and illnesses, including  
31 bleeding, chest pain, shock, concussions, heat emergencies,  
32 seizures, and poisoning.**
- 33 **(4) Emergency procedures for chemical, biological, radiologic,  
34 nuclear, or explosive events or bomb threats.**
- 35 **(5) Instructions for managing behavioral and mental health  
36 emergencies, including suicide risk and active shooter  
37 situations.**
- 38 **(6) Emergency care procedures in life threatening medical  
39 situations, including cardiopulmonary resuscitation,  
40 automated external defibrillator use, and emergency choke  
41 saving methods.**
- 42 **(7) Guidelines concerning parent or guardian notification for**



1           **an incident described in this subsection.**  
2           SECTION 4. IC 20-19-3-11.9 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2024]: **Sec. 11.9. The department shall**  
5 **publish on its website the first aid guidelines for school**  
6 **emergencies developed by the Indiana department of health under**  
7 **IC 16-19-3-32.7.**  
8           SECTION 5. IC 20-26-22.5 IS ADDED TO THE INDIANA CODE  
9 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2024]:  
11           **Chapter 22.5. School Health Services**  
12           **Sec. 1. As used in this chapter, "health care provider" has the**  
13 **meaning set forth in IC 16-18-2-163(a).**  
14           **Sec. 2. As used in this chapter, "health records" has the**  
15 **meaning set forth in IC 16-18-2-168(a).**  
16           **Sec. 3. (a) As used in this chapter, "health services" means**  
17 **prevention, assessment, intervention, and referral services**  
18 **available to students of a school corporation that meet the criteria**  
19 **set forth in section 7 of this chapter.**  
20           **(b) The term does not include services provided in a school**  
21 **based health center.**  
22           **Sec. 4. As used in this chapter, "informed consent" has the**  
23 **meaning set forth in IC 16-36-7-16.**  
24           **Sec. 5. As used in this chapter, "school based health center"**  
25 **means a health clinic that:**  
26           **(1) is located in or near a school or school facility of a school**  
27 **corporation;**  
28           **(2) is organized or promoted through school, community, or**  
29 **health care provider relationships;**  
30           **(3) provides primary health services to children by health**  
31 **care providers, in accordance with state and federal law; and**  
32           **(4) meets any other requirements necessary for the operation**  
33 **of a school based health center.**  
34           **Sec. 6. (a) Except as provided in subsection (b), a school**  
35 **corporation shall employ at least one (1) registered nurse who**  
36 **holds a bachelor of science in nursing to coordinate health services**  
37 **in the school corporation.**  
38           **(b) A school corporation may employ a registered nurse who**  
39 **does not hold a bachelor of science in nursing to coordinate health**  
40 **services in the school corporation if the registered nurse:**  
41           **(1) was employed by the school corporation on June 30, 2000,**  
42 **to coordinate health services; and**



- 1           **(2) has been continuously employed by the school corporation**
- 2           **to coordinate health services described in subdivision (1) since**
- 3           **June 30, 2000.**
- 4           **Sec. 7. A school corporation shall provide health services to**
- 5           **students in accordance with:**
- 6           **(1) all state and federal laws and regulations;**
- 7           **(2) the applicable standard of care; and**
- 8           **(3) the first aid guidelines for school emergencies, developed**
- 9           **by the Indiana department of health under IC 16-19-3-32.7.**
- 10          **Sec. 8. A school corporation may contract with a health care**
- 11          **provider, health system, or community partner to establish a**
- 12          **school based health center for the purpose of providing primary**
- 13          **health services to students if the following requirements are met:**
- 14          **(1) The school based health center must be a distinct legal**
- 15          **entity that is separate from the school corporation.**
- 16          **(2) The establishment of a school based health center may not**
- 17          **replace the role of school nurses who are employed by the**
- 18          **school corporation to provide first aid and emergency**
- 19          **services.**
- 20          **(3) Student participation in services provided by a school**
- 21          **based health center must be voluntary.**
- 22          **(4) The school based health center or school corporation may**
- 23          **not offer an incentive to a student or parent of a student in**
- 24          **exchange for participation in services provided by the school**
- 25          **based health center.**
- 26          **(5) A student, if the student is an adult or emancipated minor,**
- 27          **or a student's parent or guardian must provide written**
- 28          **informed consent for the student to receive services at a**
- 29          **school based health center, and the parent must be present at**
- 30          **the time the student receives services at a school based health**
- 31          **center.**
- 32          **(6) Services provided at a school based health center must be**
- 33          **provided by a health care provider.**
- 34          **(7) A health care provider employed by or working in a school**
- 35          **based health center must maintain health records in**
- 36          **accordance with the federal Health Insurance Portability and**
- 37          **Accountability Act (HIPAA).**
- 38          **(8) Except as required by law, a school or school corporation**
- 39          **may not access a student's health records.**
- 40          **(9) A school, school corporation, or health care provider may**
- 41          **not be obligated to violate this section, including participating**
- 42          **in a grant program that requires a school, school corporation,**



1           **or health care provider to violate this section.**

2           **Sec. 9. The state board shall amend any rules necessary to**  
 3 **comply with this section.**

4           SECTION 6. IC 20-34-3-12, AS AMENDED BY P.L.164-2023,  
 5 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2024]: Sec. 12. (a) For purposes of this section, "modified  
 7 clinical technique" means a battery of vision tests that includes:

8           (1) a visual acuity test to determine an individual's ability to see  
 9 at various distances;

10          (2) a refractive error test to determine the focusing power of the  
 11 eye;

12          (3) an ocular health test to determine any external or internal  
 13 abnormalities of the eye; and

14          (4) a binocular coordination test to determine if the eyes are  
 15 working together properly.

16          (b) For purposes of this section, "vision screening" means the testing  
 17 of visual acuity to determine an individual's ability to see at various  
 18 distances using:

19          (1) the Snellen chart;

20          (2) Sloan letter charts;

21          (3) HOTV letter or LEA symbol charts for younger students; or

22          (4) technology devices, including photoscreens or autorefractors,  
 23 for a child who is unable to perform the tests described in  
 24 subdivisions (1) through (3);

25 at a distance of either ten (10) or twenty (20) feet for distance vision,  
 26 depending on the calibration of the chart being used, and a distance of  
 27 fourteen (14) inches for near vision.

28          (c) The modified clinical technique shall be performed by an  
 29 ophthalmologist licensed as a physician under IC 25-22.5 or an  
 30 optometrist licensed under IC 25-24.

31          (d) **Subject to subsection (I)**, the governing body of each school  
 32 corporation shall conduct a vision test for each student enrolling in or  
 33 transferring into:

34          (1) either kindergarten or grade 1;

35          (2) grade 3;

36          (3) grade 5; and

37          (4) grade 8;

38 and for each student suspected of having a visual defect.

39          (e) The vision test for students in kindergarten and grade 1 shall be  
 40 conducted using the modified clinical technique unless a waiver is  
 41 granted under section 13 of this chapter. If a waiver is granted for a  
 42 school corporation, the governing body shall conduct a vision screening





1 described in subsection (b) upon each student's enrollment in  
2 kindergarten or grade 1.

3 (f) Each student described in subsection (d)(2), (d)(3), and (d)(4),  
4 and each student suspected of having a visual defect shall be tested  
5 using a vision screening of the student's visual acuity.

6 (g) The following standards apply for a vision screening under  
7 subsections (e) and (f):

8 (1) A student in kindergarten or grade 1 who is unable to read  
9 with each eye the 20/30 line of the Snellen chart or the 20/32 line  
10 of the Sloan letters, HOTV, or LEA symbol optotypes shall be  
11 recommended for further examination based upon the  
12 recommendation of the individual performing the screening.

13 (2) A student:

14 (A) in grade 3, grade 5, or grade 8; or

15 (B) suspected of having a visual defect;

16 who is unable to read with each eye the 20/30 line of the Snellen  
17 chart or the 20/32 line of the Sloan letters shall be recommended  
18 for further examination based upon the recommendation of the  
19 individual performing the screening.

20 (3) If a student at any grade level is recommended for further  
21 examination, the school must provide a written recommendation  
22 for further examination to the parent or legal guardian of the  
23 student.

24 (h) Records of all tests shall be made and continuously maintained  
25 by the school corporation to provide information useful in protecting,  
26 promoting, and maintaining the health of students. The Indiana  
27 department of health, in consultation with the state board, shall adopt  
28 rules concerning vision testing equipment, qualifications of vision  
29 testing personnel, visual screening procedures, and criteria for failure  
30 and referral in the screening tests based on accepted medical practice  
31 and standards.

32 (i) The school corporation's governing body and the superintendent  
33 shall receive annually the following information concerning the tests  
34 conducted under this section:

35 (1) The number of students eligible for testing, by grade.

36 (2) The number of students tested, by grade.

37 (3) The number of students by grade who were tested using the  
38 modified clinical technique.

39 (4) The number of students by grade who were tested using a  
40 vision screening.

41 (5) The number of students by grade who passed a test.

42 (6) The number of students by grade who failed a test or were



- 1 referred for further testing.
- 2 (7) The name of the individual or department that supervised the
- 3 testing.
- 4 (j) Each school corporation shall annually provide to the
- 5 department, for each school within the school corporation, the
- 6 following information concerning the tests conducted under this
- 7 section:
- 8 (1) the number of students tested by grade;
- 9 (2) the number of students by grade who were tested using the
- 10 modified clinical technique;
- 11 (3) the number of students by grade who were tested using a
- 12 vision screening;
- 13 (4) the number of students who passed a test by grade; and
- 14 (5) the number of students who failed a test or who were referred
- 15 for further testing.
- 16 (k) Not later than October 1 each year, the department shall report
- 17 for the previous school year:
- 18 (1) a compilation of the information received from school
- 19 corporations under subsection (j);
- 20 (2) information received under section 13 of this chapter,
- 21 including:
- 22 (A) the number of school corporations that applied for a
- 23 waiver;
- 24 (B) the number of waivers approved;
- 25 (C) the number of waivers denied;
- 26 (D) the name of each school corporation that applied for a
- 27 waiver and whether the waiver was approved or denied; and
- 28 (E) the reason for the approval or denial;
- 29 (3) the total number of students eligible for testing; and
- 30 (4) the total number of students tested;
- 31 to the legislative council in electronic format under IC 5-14-6.
- 32 **(l) The governing body of a school corporation may not conduct**
- 33 **a vision test described in subsection (d) on a student without the**
- 34 **prior written consent of the student's parent or guardian if the**
- 35 **student is an unemancipated minor.**
- 36 SECTION 7. IC 20-34-3-14, AS ADDED BY P.L.1-2005,
- 37 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2024]: Sec. 14. (a) The governing body of each school
- 39 corporation shall annually conduct an audiometer test or a similar test
- 40 to determine the hearing efficiency of the following students:
- 41 (1) Students in grade 1, grade 4, grade 7, and grade 10.
- 42 (2) A student who has transferred into the school corporation.



- 1           (3) A student who is suspected of having hearing defects.
- 2           (b) A governing body may appoint the technicians and assistants
- 3 necessary to perform the testing required under this section.
- 4           (c) Records of all tests shall be made and continuously maintained
- 5 by the school corporation to provide information that may assist in
- 6 diagnosing and treating any student's auditory abnormality. However,
- 7 diagnosis and treatment shall be performed only on recommendation
- 8 of an Indiana physician who has examined the student.
- 9           (d) The governing body may adopt rules for the administration of
- 10 this section.
- 11           **(e) The governing body of a school corporation may not conduct**
- 12 **an audiometer test or a similar test described in subsection (a) on**
- 13 **a student without the prior written consent of the student's parent**
- 14 **or guardian if the student is an unemancipated minor.**



COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill No. 272, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 272 as introduced.)

BALDWIN, Chairperson

Committee Vote: Yeas 6, Nays 1

