

## SENATE BILL No. 389

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-70.1; IC 16-21-2.

**Synopsis:** Hospital construction project disclosure. Establishes information that a hospital must submit to the state department of health (department) and the local plan commission before applying for zoning or a building permit for a construction project that will cost at least \$50,000,000. Requires the department to post the information on the department's Internet web site.

**Effective:** July 1, 2020.

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## Ruckelshaus

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January 15, 2020, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# SENATE BILL No. 389



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 16-18-2-70.1, AS ADDED BY P.L.67-2005,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2020]: Sec. 70.1. **(a)** "Construction project", **except as**
- 4 **provided in subsection (b)**, has the meaning set forth in
- 5 IC 16-21-2-11.5(a).
- 6 **(b)** "Construction project", **for purposes of IC 16-21-2-11.7, has**
- 7 **the meaning set forth in IC 16-21-2-11.7(a).**
- 8 SECTION 2. IC 16-21-2-11, AS AMENDED BY P.L.205-2018,
- 9 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2020]: Sec. 11. (a) An applicant must submit an application
- 11 for a license on a form prepared by the state department showing that:
- 12 (1) the applicant is of reputable and responsible character;
- 13 (2) the applicant is able to comply with the minimum standards
- 14 for a hospital, an ambulatory outpatient surgical center, an
- 15 abortion clinic, or a birthing center, and with rules adopted under
- 16 this chapter; and
- 17 (3) the applicant has complied with section 15.4 of this chapter.



1 (b) The application must contain the following additional  
2 information:

- 3 (1) The name of the applicant.  
4 (2) The type of institution to be operated.  
5 (3) The location of the institution.  
6 (4) The name of the person to be in charge of the institution.  
7 (5) If the applicant is a hospital, the range and types of services to  
8 be provided under the general hospital license, including any  
9 service that would otherwise require licensure by the state  
10 department under the authority of IC 16-19.

11 **(6) Whether the applicant has submitted the information  
12 required under IC 16-21-2-11.7.**

13 ~~(7)~~ (7) Other information the state department requires.

14 (c) If the department of state revenue notifies the department that a  
15 person is on the most recent tax warrant list, the department shall not  
16 issue or renew the person's license until:

- 17 (1) the person provides to the department a statement from the  
18 department of state revenue that the person's tax warrant has been  
19 satisfied; or  
20 (2) the department receives a notice from the commissioner of the  
21 department of state revenue under IC 6-8.1-8-2(k).

22 (d) An application for an abortion clinic license must require the  
23 applicant to do the following:

- 24 (1) Disclose whether the applicant, or an owner or affiliate of the  
25 applicant, operated an abortion clinic that was closed as a direct  
26 result of patient health and safety concerns.  
27 (2) Disclose whether a principal or clinic staff member was  
28 convicted of a felony.  
29 (3) Disclose whether a principal or clinic staff member was ever  
30 employed by a facility owned or operated by the applicant that  
31 closed as a result of administrative or legal action.  
32 (4) Provide copies of:  
33 (A) administrative and legal documentation relating to the  
34 information required under subdivisions (1) and (2);  
35 (B) inspection reports; and  
36 (C) violation remediation contracts;

37 if any.

38 SECTION 3. IC 16-21-2-11.7 IS ADDED TO THE INDIANA  
39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2020]: **Sec. 11.7. (a) As used in this section,**  
41 **"construction project" means the erection, installation, alteration,**  
42 **repair, or remodeling of a building or structure that, when**



1 completed, will be subject to licensure as a hospital under this  
 2 article. The term does not include the acquisition or installation of  
 3 medical equipment or the purchase of the services of an architect,  
 4 engineer, or consultant to prepare plans or studies related to a  
 5 construction project.

6 (b) This section does not apply to:

- 7 (1) a hospital that is operated by the federal government or an
- 8 agency of the federal government; or
- 9 (2) a construction project begun before July 1, 2020.

10 For purposes of this subsection, a construction project is  
 11 considered to have begun on the day that the physical erection,  
 12 installation, alteration, repair, or remodeling of the building or  
 13 structure commences.

14 (c) Before the owner of a hospital or proposed hospital may  
 15 begin a construction project that is estimated by the owner to cost  
 16 at least fifty million dollars (\$50,000,000), the owner must provide  
 17 the information required in subsection (d) to:

- 18 (1) the state department;
- 19 (2) each plan commission (as defined in IC 36-7-1-14) with
- 20 jurisdiction over the construction project site; and
- 21 (3) if there is not a plan commission under subdivision (2), the
- 22 executive (as defined in IC 36-1-2-5) with jurisdiction over the
- 23 construction project site;

24 not less than thirty (30) days before applying for zoning approval  
 25 or a building permit.

26 (d) The information that must be submitted under subsection (c)  
 27 must include the following:

- 28 (1) The population of the community.
- 29 (2) Whether there are any other hospitals already operating
- 30 in the area and whether the proposed facility would service
- 31 the same population.
- 32 (3) Whether there is:
- 33 (A) a shortage of hospital services; and
- 34 (B) access to health care in the area.
- 35 (4) The size and projected service numbers of the proposed
- 36 facility.
- 37 (5) The impact on the cost of health care in the area.

38 (e) The state department shall post the information received  
 39 under subsection (d) on the department's Internet web site.

