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# SENATE BILL No. 140

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-19-3-27.

**Synopsis:** Hospital doctor public question. Requires a statewide public question to be placed on the 2000 general election ballot asking Indiana voters whether Indiana law should require hospitals with at least 100 beds to have on duty at all times at least one physician who is assigned to serve only nonemergency patients. Provides that if more voters vote in favor of this question than are opposed, the state department of health is required to adopt a rule to implement the policy described in the public question. Provides that the state department of health may not substantively amend or repeal a rule the state department is required to adopt following a statewide public question relating to the substance of the rule unless the general assembly requires by law that the rule be amended or repealed.

**Effective:** July 1, 2000.

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## Bowser

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January 10, 2000, read first time and referred to Committee on Rules and Legislative Procedure.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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# SENATE BILL No. 140



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 16-19-3-27 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2000]: **Sec. 27. (a) This section applies to rules adopted under**  
4 **IC 4-22-2.**

5 **(b) The state department may not substantively amend or repeal**  
6 **a rule the state department is required to adopt following a**  
7 **statewide public question relating to the substance of the rule**  
8 **unless the general assembly requires by law that the rule be**  
9 **amended or repealed.**

10 SECTION 2. [EFFECTIVE JULY 1, 2000] **(a) A statewide public**  
11 **question shall be placed on the ballot at the general election held**  
12 **November 7, 2000. The public question must read as follows:**

13 **"Shall Indiana law require hospitals with at least 100 beds to**  
14 **have on duty at all times at least one physician licensed under**  
15 **Indiana law who is assigned to serve only nonemergency**  
16 **patients and forbid such hospitals from requiring a physician**  
17 **assigned to serve nonemergency patients to serve emergency**



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patients during the same period the physician is assigned to serve nonemergency patients?"

(b) Each county election board shall tabulate the votes cast on the public question described in this SECTION and certify the results under IC 3-12-4-9. The secretary of state shall certify the results of the public question to the governor and to the state department of health.

(c) Subject to this SECTION, IC 3-10-3 applies to the election required by this SECTION.

(d) If the results of the public question required by this SECTION show more voters voted in favor of the public question than voted against the public question, the state department of health shall adopt a rule under IC 4-22-2 to do both of the following:

(1) Require hospitals with at least one hundred (100) beds to have on duty at all times at least one (1) physician licensed under Indiana law who is assigned to serve only nonemergency patients.

(2) Provide that hospitals with at least one hundred (100) beds may not require a physician assigned to serve nonemergency patients to serve emergency patients during the same period the physician is assigned to serve nonemergency patients.

(e) This SECTION expires January 1, 2003.

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