

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 343 be amended to read as follows:

- 1 Page 5, between lines 10 and 11, begin a new paragraph and
- 2 insert:
- 3 "SECTION 1. IC 16-41-10-1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. As used in this
- 5 chapter, "emergency medical services provider" means a firefighter, **a**
- 6 law enforcement officer, **a** paramedic, **an** emergency medical
- 7 technician, **a nurse licensed under IC 25-23**, or other person who
- 8 provides emergency medical services in the course of the person's
- 9 employment.
- 10 SECTION 2. IC 16-41-10-2 IS AMENDED TO READ AS
- 11 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) ~~A provider of An~~ **provider** who is exposed to blood or body
- 12 emergency medical services **provider** who is exposed to blood or body
- 13 fluids while providing emergency medical services to a patient may
- 14 request notification concerning exposure to a dangerous communicable
- 15 disease under this chapter if the exposure is of a type that has been
- 16 demonstrated epidemiologically to transmit a dangerous communicable
- 17 disease.
- 18 (b) If ~~a provider of an~~ **an emergency medical services provider**
- 19 desires to be notified **of results of testing following a possible**
- 20 **exposure to a dangerous communicable disease** under this chapter,
- 21 the ~~provider of~~ **emergency medical services provider** shall notify the
- 22 emergency ~~service facility~~ **medical services provider's employer** not
- 23 more than twenty-four (24) hours after the ~~patient~~ **emergency medical**

1 **services provider is admitted to the facility exposed** on a form that is
2 prescribed by the state department and the Indiana emergency medical
3 services commission.

4 (c) The ~~provider of~~ emergency medical services **provider** shall
5 distribute a copy of the completed form required under subsection (b)
6 to the following:

7 (1) **If applicable, the receiving medical director of the**
8 **emergency department of the** medical facility:

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

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

13 (2) ~~The facility that employs the provider of~~ emergency medical
14 services **provider's employer.**

15 (3) The state department.

16 SECTION 3. IC 16-41-10-2.5 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2003]: **Sec. 2.5. (a) A patient (including a**
19 **patient who is unable to consent due to physical or mental**
20 **incapacity) to whose blood or body fluids an emergency medical**
21 **services provider is exposed as described in section 2 of this**
22 **chapter is considered to have consented to:**

23 (1) **testing for the presence of a dangerous communicable**
24 **disease of a type that has been epidemiologically**
25 **demonstrated to be transmittable by an exposure of the kind**
26 **experienced by the emergency medical services provider;**
27 **and**

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

30 **The medical director or physician shall notify the emergency**
31 **medical services provider of the test results.**

32 (b) **If a patient described in subsection (a) refuses to provide**
33 **a blood or body fluid specimen for testing for a dangerous**
34 **communicable disease, the exposed emergency medical services**
35 **provider, the exposed emergency medical services provider's**
36 **employer, or the state department may petition the circuit or**
37 **superior court having jurisdiction in the county;**

38 (1) **of the patient's residence; or**

39 (2) **where the employer of the exposed emergency medical**
40 **services provider has the employer's principal office;**

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

43 SECTION 4. IC 16-41-10-3 IS AMENDED TO READ AS
44 FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 3. (a) Except as**
45 **provided in subsection (b), if a patient to whose blood or body fluids**
46 **an emergency medical services provider is exposed as described in**
47 **section 2 of this chapter:**

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

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

7 (B) notify the medical director of a facility employing the
 8 provider of emergency medical services described in
 9 section 2 of this chapter if (1) not more than seventy-two
 10 (72) hours after a patient is admitted to the facility the
 11 facility obtains information from the patient's records or a
 12 diagnosis at the facility that the patient has a dangerous
 13 communicable disease; and (2) the provider of emergency
 14 medical services has complied with section 2 of this
 15 chapter; provider's employer; or

16 (2) is not described in subdivision (1), the exposed emergency
 17 medical services provider, the exposed emergency medical
 18 services provider's employer, or the state department may:

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

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

27 (b) ~~A provider of An~~ emergency medical services ~~provider~~ may,
 28 ~~on the form described in section 2 of this chapter~~, designate a
 29 physician other than the medical director of the facility that employs
 30 ~~the provider of~~ emergency medical services ~~provider's employer~~ to
 31 receive notification: ~~on the form described in section 2 of this chapter:~~
 32 ~~the test results.~~

33 (c) The notification required by this section shall be made ~~The~~
 34 ~~medical director or physician described in section 3 of this chapter~~
 35 ~~shall notify the emergency medical services provider of the test~~
 36 ~~results~~ not more than forty-eight (48) hours after the facility
 37 ~~determines that a patient medical director or physician receives the~~
 38 ~~test results.~~ has a dangerous communicable disease that is potentially
 39 transmissible through the incident.

40 SECTION 5. IC 16-41-10-3.5 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2003]: **Sec. 3.5. (a)** A medical facility may not
 43 physically restrain a patient described in section 2.5 of this chapter
 44 in order to test the patient for the presence of a dangerous
 45 communicable disease.

46 (b) Nothing in this chapter prohibits a patient from being
 47 discharged from a medical facility before:

48 (1) a test is performed under section 2.5 or section 3 of this
 49 chapter; or

50 (2) the results of a test are released under section 3 of this

1 **chapter.**

2 **(c) A provider or a facility that tests a patient for the presence**
 3 **of a dangerous communicable disease under section 2.5 or section**
 4 **3 of this chapter is immune from liability for the performance of**
 5 **the test over the patient's objection or without the patient's**
 6 **consent. However, this subsection does not apply to an act or**
 7 **omission that constitutes gross negligence or willful or wanton**
 8 **misconduct.**

9 SECTION 6. IC 16-41-10-4 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) ~~if medically~~
 11 ~~indicated,~~ **A medical director or** physician notified under section 3 of
 12 this chapter shall, **not more than forty-eight (48) hours after**
 13 **receiving the notification under section 3 of this chapter,** contact the
 14 ~~provider of emergency medical services~~ **provider** described in section
 15 2 of this chapter to do the following:

16 (1) Explain, without disclosing information about the patient, the
 17 ~~infectious~~ **dangerous communicable** disease to which the
 18 ~~provider of emergency medical services~~ **provider** was exposed.

19 (2) Provide for any medically necessary treatment and
 20 counseling to the ~~provider of emergency medical services~~
 21 **provider.**

22 (b) Expenses of **testing or** treatment and counseling are the
 23 responsibility of the ~~provider of emergency medical services~~ **provider**
 24 or the provider's employer.

25 SECTION 7. IC 16-41-10-5 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) Except as
 27 **otherwise** provided in ~~sections 3 and 4 of~~ this chapter, **the medical**
 28 **information referred to in this chapter is confidential, and** a person
 29 may not disclose or be compelled to disclose medical or
 30 epidemiological information referred to in this chapter.

31 (b) A person responsible for recording, reporting, or maintaining
 32 information referred to in this chapter who recklessly, knowingly, or
 33 intentionally discloses or fails to protect medical or epidemiological
 34 information classified as confidential under this section commits a
 35 Class A misdemeanor.

36 (c) In addition to the penalty prescribed by subsection (b), a public
 37 employee who violates this section is subject to discharge or other
 38 disciplinary action under the personnel rules of the agency that
 39 employs the employee."

40 Page 5, between lines 15 and 16, begin a new paragraph and
 41 insert:

42 "SECTION 8. IC 34-30-2-81.5 IS ADDED TO THE INDIANA
 43 CODE AS A NEW SECTION TO READ AS FOLLOWS
 44 [EFFECTIVE JULY 1, 2003]: **Sec. 81.5. IC 16-41-10-3.5 (Concerning**
 45 **a provider who tests a patient for the presence of a dangerous**
 46 **communicable disease).**"

47 Renumber all SECTIONS consecutively.

(Reference is to ESB 343 as printed March 28, 2003.)

