

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	1

MR. SPEAKER:

*Your Committee on Public Policy, to which was referred Senate Bill 207, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, line 1, delete "P.L. 101-2006," and insert "SEA 526-2007,
- 2 SECTION 167,"
- 3 Page 1, line 2, delete "SECTION 23,".
- 4 Page 1, line 3, delete "(a)" and insert "(a) Agency", for purposes of
- 5 IC 16-23.5, has the meaning set forth in IC 16-23.5-1-2.
- 6 (b)".
- 7 Page 1, line 5, delete "(b)" and insert "(c)".
- 8 Page 2, line 30, delete "sedation or" and insert "**sedation**".
- 9 Page 2, line 31, delete "analgesia, deep sedation or analgesia," and
- 10 insert "**deep sedation**".
- 11 Page 2, between lines 32 and 33, begin a new paragraph and insert:
- 12 "**Sec. 3. As used in this chapter, "personnel of the agency"**
- 13 **means the agency's directors, officers, employees, representatives,**
- 14 **agents, attorneys, investigators, assistants, clerks, staff, and any**
- 15 **other individual or organization serving the agency in any**
- 16 **capacity**".

- 1 Page 2, line 33, delete "3." and insert "4".
- 2 Page 3, line 10, delete "4." and insert "5".
- 3 Page 3, line 11, delete "3" and insert "4".
- 4 Page 3, line 19, delete "5." and insert "6".
- 5 Page 3, line 24, delete "agency." and insert "agency;
- 6 **that are generated, undertaken, or performed as a result of a**
- 7 **report described in section 5 of this chapter or under the**
- 8 **agreement described in section 4(a) of this chapter."**
- 9 Page 3, line 25, delete "The agency" and insert "**Neither the**
- 10 **personnel of the agency nor any participant or witness in an agency**
- 11 **proceeding or deliberation"**.
- 12 Page 3, line 25, delete "not".
- 13 Page 3, line 29, delete "determinations;" and insert "**findings;**".
- 14 Page 3, line 31, delete "4" and insert "5".
- 15 Page 3, line 32, delete "3(a)" and insert "**4(a)**".
- 16 Page 3, line 33, delete "A person who has participated in an agency
- 17 proceeding or" and insert "**Information that is otherwise**
- 18 **discoverable or admissible from original sources is not immune**
- 19 **from discovery or use in any proceeding merely because it was**
- 20 **presented during proceedings or deliberations of the agency.**
- 21 **Neither the personnel of the agency nor any participant or witness**
- 22 **in any agency proceeding or deliberation may be prevented from**
- 23 **testifying:**
- 24 **(1) as to matters within the individual's own knowledge; and**
- 25 **(2) in accordance with the other provisions of this chapter.**
- 26 **However, a witness cannot be questioned about testimony on other**
- 27 **matters before the agency or about opinions formed by the witness**
- 28 **as a result of the agency's proceedings or deliberations."**
- 29 Page 3, delete lines 34 through 41.
- 30 Page 4, line 2, delete "3(a)" and insert "**4(a)**".
- 31 Page 4, line 19, delete "6." and insert "7".
- 32 Page 4, line 21, delete "7." and insert "8".
- 33 Page 5, line 6, after "agency" insert "**(as defined in IC 16-40-5-1)**".
- 34 Page 5, line 13, delete "Except as provided in subsection (f),
- 35 information" and insert "**Information**".
- 36 Page 5, line 15, delete "," and insert "**from use as evidence in an**
- 37 **administrative or judicial proceeding, and notwithstanding**
- 38 **IC 16-40-5, the agency may not release the information or material**

- 1 **outside the agency."**
- 2 Page 5, line 15, delete "and the agency may not use or provide the
3 information".
- 4 Page 5, delete line 16.
- 5 Page 5, line 17, delete "a judicial proceeding".
- 6 Page 5, run in lines 15 through 17.
- 7 Page 5, line 22, delete "The" and insert "**Upon its determination,**
8 **the**".
- 9 Page 5, line 32, delete "as part of the health care quality indicator
10 data".
- 11 Page 5, line 33, delete "program,".
- 12 Page 5, line 33, delete "shall," and insert "**may**".
- 13 Page 5, line 35, after "develop" insert "**a list of**".
- 14 Page 5, line 35, delete "infections;" and insert "**infections that have**
15 **been adopted or endorsed by a national consensus organization for**
16 **voluntary reporting by health care facilities to the state**
17 **department of health;**".
- (Reference is to SB 207 as reprinted February 26, 2007.)

and when so amended that said bill do pass.

Representative Van Haften