

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 371 be amended to read as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 16-18-2-317.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
4 [EFFECTIVE JULY 1, 2013]: **Sec. 317.5. "Reproductive health**
5 **office", for purposes of IC 16-21-2-1, means an entity that provides**
6 **reproductive health related services, including treatment for:**
7 **(1) pregnancy;**
8 **(2) infertility; and**
9 **(3) erectile dysfunction.**
10 SECTION 2. IC 16-21-1-7, AS AMENDED BY P.L.96-2005,
11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2013]: Sec. 7. (a) Except as provided in subsection (b), the
13 council shall propose and the executive board may adopt rules under
14 IC 4-22-2 necessary to protect the health, safety, rights, and welfare of
15 patients, including the following:
16 (1) Rules pertaining to the operation and management of
17 hospitals, ambulatory outpatient surgical centers, abortion clinics,
18 **and birthing centers, and reproductive health offices.**
19 (2) Rules establishing standards for equipment, facilities, and
20 staffing required for efficient and quality care of patients.
21 (b) The state department may request the council to propose a new
22 rule or an amendment to an existing rule necessary to protect the
23 health, safety, rights, and welfare of patients. If the council does not
24 propose a rule within ninety (90) days of the department's request, the
25 department may propose its own rule.
26 (c) The state department shall consider the rules proposed by the
27 council and may adopt, modify, remand, or reject specific rules or parts
28 of rules proposed by the council.
29 SECTION 3. IC 16-21-2-1, AS AMENDED BY P.L.96-2005,
30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2013]: Sec. 1. (a) Except as provided in subsection (b), this
 2 chapter applies to all hospitals, ambulatory outpatient surgical centers,
 3 abortion clinics, ~~and~~ birthing centers, **and reproductive health offices.**

4 (b) This chapter does not apply to a hospital operated by the federal
 5 government.

6 (c) This chapter does not affect a statute pertaining to the placement
 7 and adoption of children.

8 SECTION 4. IC 16-21-2-2, AS AMENDED BY P.L.96-2005,
 9 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2013]: Sec. 2. The state department shall license and regulate:

- 11 (1) hospitals;
- 12 (2) ambulatory outpatient surgical centers;
- 13 (3) birthing centers; ~~and~~
- 14 (4) abortion clinics; **and**
- 15 (5) **reproductive health offices.**

16 SECTION 5. IC 16-21-2-2.5, AS ADDED BY P.L.96-2005,
 17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2013]: Sec. 2.5. (a) The state department shall adopt rules
 19 under IC 4-22-2 to do the following concerning birthing centers, ~~and~~
 20 abortion clinics, **and reproductive health offices:**

- 21 (1) Establish minimum license qualifications.
- 22 (2) Establish the following requirements:
 - 23 (A) Sanitation standards.
 - 24 (B) Staff qualifications.
 - 25 (C) Necessary emergency equipment.
 - 26 (D) Procedures to provide emergency care.
 - 27 (E) Quality assurance standards.
 - 28 (F) Infection control.
- 29 (3) Prescribe the operating policies, supervision, and maintenance
 30 of medical records.
- 31 (4) Establish procedures for the issuance, renewal, denial, and
 32 revocation of licenses under this chapter. The rules adopted under
 33 this subsection must address the following:
 - 34 (A) The form and content of the license.
 - 35 (B) The collection of an annual license fee.
- 36 (5) Prescribe the procedures and standards for inspections.

37 (b) A person who knowingly or intentionally:

- 38 (1) operates a birthing center, ~~or~~ an abortion clinic, **or a**
 39 **reproductive health office** that is not licensed under this chapter;
 40 or
- 41 (2) advertises the operation of a birthing center, ~~or~~ an abortion
 42 clinic, **or a reproductive health office** that is not licensed under
 43 this chapter;

44 commits a Class A misdemeanor.

45 SECTION 6. IC 16-21-2-10, AS AMENDED BY P.L.96-2005,
 46 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2013]: Sec. 10. A:
 2 (1) person;
 3 (2) state, county, or local governmental unit; or
 4 (3) division, a department, a board, or an agency of a state,
 5 county, or local governmental unit;
 6 must obtain a license from the state health commissioner under
 7 IC 4-21.5-3-5 before establishing, conducting, operating, or
 8 maintaining a hospital, an ambulatory outpatient surgical center, an
 9 abortion clinic, ~~or~~ a birthing center, **or a reproductive health office.**

10 SECTION 7. IC 16-21-2-11, AS AMENDED BY P.L.172-2011,
 11 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) An applicant must submit
 13 an application for a license on a form prepared by the state department
 14 showing that:

- 15 (1) the applicant is of reputable and responsible character;
- 16 (2) the applicant is able to comply with the minimum standards
 17 for a hospital, an ambulatory outpatient surgical center, an
 18 abortion clinic, ~~or~~ a birthing center, **or a reproductive health**
 19 **office**, and with rules adopted under this chapter; and
- 20 (3) the applicant has complied with section 15.4 of this chapter.

21 (b) The application must contain the following additional
 22 information:

- 23 (1) The name of the applicant.
- 24 (2) The type of institution to be operated.
- 25 (3) The location of the institution.
- 26 (4) The name of the person to be in charge of the institution.
- 27 (5) If the applicant is a hospital, the range and types of services to
 28 be provided under the general hospital license, including any
 29 service that would otherwise require licensure by the state
 30 department under the authority of IC 16-19.
- 31 (6) Other information the state department requires.

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

- 35 (1) the person provides to the department a statement from the
 36 department of state revenue that the person's tax warrant has been
 37 satisfied; or
- 38 (2) the department receives a notice from the commissioner of the
 39 department of state revenue under IC 6-8.1-8-2(k).

40 SECTION 8. IC 16-21-2-14, AS AMENDED BY P.L.197-2011,
 41 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2013]: Sec. 14. A license to operate a hospital, an ambulatory
 43 outpatient surgical center, an abortion clinic, ~~or~~ a birthing center, **or a**
 44 **reproductive health office:**

- 45 (1) expires one (1) year after the date of issuance;
- 46 (2) is not assignable or transferable;

1 (3) is issued only for the premises named in the application;
 2 (4) must be posted in a conspicuous place in the facility; and
 3 (5) may be renewed each year upon the payment of a renewal fee
 4 at the rate adopted by the state department under IC 4-22-2.

5 SECTION 9. IC 16-21-2-16, AS AMENDED BY P.L.96-2005,
 6 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2013]: Sec. 16. A hospital, an ambulatory outpatient surgical
 8 center, an abortion clinic, ~~or~~ a birthing center, **or a reproductive**
 9 **health office** that provides to a patient notice concerning a third party
 10 billing for a service provided to the patient shall ensure that the notice:
 11 (1) conspicuously states that the notice is not a bill;
 12 (2) does not include a tear-off portion; and
 13 (3) is not accompanied by a return mailing envelope.

14 SECTION 10. IC 16-31-6.5-2, AS AMENDED BY P.L.96-2005,
 15 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2013]: Sec. 2. This chapter does not apply to the following:
 17 (1) A licensed physician.
 18 (2) A hospital, an ambulatory outpatient surgical center, an
 19 abortion clinic, ~~or~~ a birthing center, **or a reproductive health**
 20 **office.**
 21 (3) A person providing health care in a hospital, an ambulatory
 22 outpatient surgical center, an abortion clinic, ~~or~~ a birthing center
 23 licensed under IC 16-21, **or a reproductive health office.**
 24 (4) A person or entity certified under IC 16-31-3."
 25 Delete pages 2 through 7.
 (Reference is to SB 371 as printed February 22, 2013.)

Senator TAYLOR