

**ENGROSSED  
SENATE BILL No. 251**

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DIGEST OF SB 251 (Updated February 17, 1998 1:43 pm - DI 77)

**Citations Affected:** IC 16-25; IC 16-27; IC 16-29; IC 27-8.

**Synopsis:** Possession of drugs by certain providers. Provides that an employee of a home health agency or hospice who is a licensed pharmacist, registered nurse, or licensed practical nurse may purchase, store, or transport certain drugs for the purpose of administering the drugs to a home health patient or hospice patient of the home health agency or hospice. Requires that all drugs must be administered under the order of a licensed physician. Provides safeguards for purchasing,  
(Continued next page)

**Effective:** July 1, 1998; Upon passage.

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**Riegsecker, Landske, Skillman,  
Gard, K. Adams**

(HOUSE SPONSORS — C. BROWN, BECKER)

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January 8, 1998, read first time and referred to Committee on Health and Environmental Affairs.

January 29, 1998, amended, reported favorably — Do Pass.

February 2, 1998, read second time, amended, ordered engrossed. Engrossed.

February 3, 1998, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 10, 1998, read first time and referred to Committee on Public Health.

February 17, 1998, amended, reported — Do Pass.

February 20, 1998, read second time, amended, ordered engrossed.

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Digest Continued

storing, and transporting vaccines. Allows an employee of a home health agency or hospice who is a licensed pharmacist, registered nurse, or licensed practical nurse to administer a vaccine to the employees of the home health agency or hospice, to the home health patients and hospice patients of the home health agency or hospice, and to the patients' family members under the order of a licensed physician. Imposes certain safeguards to make containers in which drugs are purchased, stored, or transported tamperproof. Requires a hospice or home health agency to establish written policies and procedures to ensure that the hospice or home health agency requires an employee who possesses the container to submit a daily accounting of all drugs and devices in the container to the hospice or home health agency in writing. Provides that certain drugs may be administered to a home health patient or hospice patient of a home health agency or hospice only in the patient's residence in connection with the provision of emergency treatment or the adjustment of parenteral drug therapy or vaccine administration. Requires that a licensed physician's oral order for administering a drug to a home health patient or hospice patient of a home health agency or hospice must be promptly reduced to writing, a signed copy of which must be sent to the home health agency or hospice. Requires the home health agency or hospice to send a copy of the signed order to the dispensing pharmacy within 20 days after receiving the signed order.

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Reprinted  
February 23, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

## ENGROSSED SENATE BILL No. 251

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 16-25-2 IS ADDED TO THE INDIANA CODE AS  
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1998]:

4 **Chapter 2. Possession of Certain Drugs and Other Health Care**  
5 **Items**

6 **Sec. 1. An employee of a hospice who is a licensed pharmacist,**  
7 **registered nurse, or licensed practical nurse may purchase, store,**  
8 **or transport for administering to a hospice patient or home health**  
9 **patient under the order of a licensed physician the following:**

10 (1) Sterile water for injection and irrigation.

11 (2) Sterile saline for injection and irrigation.

12 **Sec. 2. (a) An employee of a hospice who is a licensed**  
13 **pharmacist, registered nurse, or licensed practical nurse may**  
14 **purchase, store, or transport a vaccine in order to administer the**  
15 **vaccine to:**

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1           (1) the hospice's employees or a hospice patient or home  
 2           health patient; or  
 3           (2) family members of a patient;  
 4           under the order of a licensed physician.

5           (b) An employee described in subsection (a) who purchases,  
 6           stores, or transports a vaccine under this section must ensure that  
 7           a standing order for the vaccine:

- 8           (1) is signed and dated by a licensed physician;  
 9           (2) identifies the vaccine covered by the order;  
 10          (3) indicates that appropriate procedures are established for  
 11          responding to any adverse reaction to the vaccine; and  
 12          (4) directs that a specific medication or category of  
 13          medication be administered if a recipient has an adverse  
 14          reaction to the vaccine.

15          Sec. 3. An employee of a hospice who is a licensed pharmacist,  
 16          registered nurse, or licensed practical nurse may purchase, store,  
 17          or transport the following drugs in order to administer to a  
 18          hospice patient or home health patient, in accordance with section  
 19          5 of this chapter:

- 20          (1) Any of the following items in a sealed portable container  
 21          in a size determined by the dispensing pharmacist:  
 22                  (A) Up to one thousand (1,000) milliliters of nine-tenths of  
 23                  one percent (0.9%) sodium chloride intravenous infusion.  
 24                  (B) Up to one thousand (1,000) milliliters of five percent  
 25                  (5%) dextrose in water injection.  
 26          (2) Not more than five (5) dosage units of each of the following  
 27          items, each in an individually sealed, unused container:  
 28                  (A) Heparin sodium lock flush in a concentration of ten  
 29                  (10) units per milliliter, one hundred (100) units per  
 30                  milliliter, or one thousand (1,000) units per milliliter.  
 31                  (B) Epinephrine HC1 solution in a concentration of one (1)  
 32                  to one thousand (1,000).  
 33                  (C) Diphenhydramine HC1 solution in a concentration of  
 34                  fifty (50) milligrams per milliliter.  
 35                  (D) Methylprednisolone in a concentration of one hundred  
 36                  twenty-five (125) milligrams per two (2) milliliters.  
 37                  (E) Naloxone in a concentration of up to one (1) milligram  
 38                  per milliliter in a two (2) milliliter vial.  
 39                  (F) Glucagon in a concentration of one (1) milligram per  
 40                  milliliter.  
 41                  (G) Furosemide in a concentration of ten (10) milligrams  
 42                  per milliliter.



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1 (H) Lidocaine two and one-half percent (2.5%) and  
 2 prilocaine two and one-half percent (2.5%) cream in a five  
 3 (5) gram tube.

4 (I) Lidocaine HCl solution in a concentration of one  
 5 percent (1%) in a two (2) milliliter vial.

6 (J) Urokinase five thousand (5,000) units per a one (1)  
 7 milliliter vial.

8 The board of pharmacy may, upon the approval of the medical  
 9 licensing board, approve additional drugs for purchasing, storing,  
 10 or transporting to be administered to a hospice patient or home  
 11 health patient.

12 Sec. 4. An employee of a hospice who is a licensed pharmacist,  
 13 registered nurse, or licensed practical nurse may purchase, store,  
 14 or transport drugs in a sealed portable container under this  
 15 chapter only if the hospice has established written policies and  
 16 procedures to ensure the following:

17 (1) That the container is handled properly with respect to  
 18 storage, transportation, and temperature stability.

19 (2) That a drug is removed from the container only on the  
 20 written or oral order of a licensed physician.

21 (3) That the administration of a drug in the container is  
 22 performed in accordance with a specific treatment protocol.

23 (4) That the hospice maintains a written record of the dates  
 24 and times the container is in the possession of a licensed  
 25 pharmacist, registered nurse, or licensed practical nurse.

26 (5) That the hospice require an employee who possesses the  
 27 container to submit a daily accounting of all drugs and  
 28 devices in the container to the hospice in writing.

29 Sec. 5. An employee of a hospice who:

30 (1) is a licensed pharmacist, registered nurse, or licensed  
 31 practical nurse; and

32 (2) administers a drug listed in section 3 of this chapter;  
 33 may administer the drug only in the residence of a hospice patient  
 34 or home health patient under the order of a licensed physician in  
 35 connection with the provision of emergency treatment or the  
 36 adjustment of parenteral drug therapy or vaccine administration.

37 Sec. 6. (a) If an employee of a hospice who is a licensed  
 38 pharmacist, registered nurse, or licensed practical nurse  
 39 administers a drug listed in section 3 of this chapter under the oral  
 40 order of a licensed physician, the physician shall promptly send a  
 41 signed copy of the order to the hospice.

42 (b) Not more than twenty (20) days after receiving an order



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1 under subsection (a), the hospice shall send a copy of the order, as  
 2 signed by and received from the physician, to the dispensing  
 3 pharmacy.

4 **Sec. 7. A pharmacist who dispenses a sealed portable container**  
 5 **under this chapter shall ensure that the container:**

6 (1) is designed to allow access to the contents of the container  
 7 only if a tamperproof seal is broken;

8 (2) bears a label that lists the drugs in the container and  
 9 provides notice of the container's expiration date; and

10 (3) remains in the pharmacy or under the control of a licensed  
 11 pharmacist, registered nurse, or licensed practical nurse.

12 **Sec. 8. If a home health agency or hospice patient's care or**  
 13 **treatment is being managed, directed, or provided by an advanced**  
 14 **practice nurse licensed under IC 25-23, that nurses's orders will be**  
 15 **honored, unless it will cause the home health agency or hospice to**  
 16 **be unreimbursed for their service.**

17 SECTION 2. IC 16-27-3 IS ADDED TO THE INDIANA CODE AS  
 18 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 19 1, 1998]:

20 **Chapter 3. Possession of Certain Drugs and Other Health Care**  
 21 **Items**

22 **Sec. 1. An employee of a home health agency who is a licensed**  
 23 **pharmacist, registered nurse, or licensed practical nurse may**  
 24 **purchase, store, or transport for administering to a home health**  
 25 **patient or hospice patient of the home health agency under the**  
 26 **order of a licensed physician the following:**

27 (1) Sterile water for injection and irrigation.

28 (2) Sterile saline for injection and irrigation.

29 **Sec. 2. (a) An employee of a home health agency who is a**  
 30 **licensed pharmacist, registered nurse, or licensed practical nurse**  
 31 **may purchase, store, or transport a vaccine in order to administer**  
 32 **the vaccine to:**

33 (1) the home health agency's:

34 (A) employees; or

35 (B) home health patients or hospice patients; or

36 (2) family members of a home health patient or hospice  
 37 patient;

38 under the order of a licensed physician.

39 (b) An employee described in subsection (a) who purchases,  
 40 stores, or transports a vaccine under this section must ensure that  
 41 a standing order for the vaccine:

42 (1) is signed and dated by a licensed physician;



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- 1 (2) identifies the vaccine covered by the order;  
 2 (3) indicates that appropriate procedures are established for  
 3 responding to any adverse reaction to the vaccine; and  
 4 (4) directs that a specific medication or category of  
 5 medication be administered if a recipient has an adverse  
 6 reaction to the vaccine.

7 **Sec. 3. An employee of a home health agency who is a licensed**  
 8 **pharmacist, registered nurse, or licensed practical nurse may**  
 9 **purchase, store, or transport the following drugs in order to**  
 10 **administer to a home health patient or hospice patient of the home**  
 11 **health agency, in accordance with section 5 of this chapter:**

12 (1) Any of the following items in a sealed portable container  
 13 in a size determined by the dispensing pharmacist:

14 (A) Up to one thousand (1,000) milliliters of nine-tenths of  
 15 one percent (0.9%) sodium chloride intravenous infusion.

16 (B) Up to one thousand (1,000) milliliters of five percent  
 17 (5%) dextrose in water injection.

18 (2) Not more than five (5) dosage units of each of the following  
 19 items, each in an individually sealed, unused container:

20 (A) Heparin sodium lock flush in a concentration of ten  
 21 (10) units per milliliter, one hundred (100) units per  
 22 milliliter, or one thousand (1,000) units per milliliter.

23 (B) Epinephrine HCl solution in a concentration of one (1)  
 24 to one thousand (1,000).

25 (C) Diphenhydramine HCl solution in a concentration of  
 26 fifty (50) milligrams per milliliter.

27 (D) Methylprednisolone in a concentration of one hundred  
 28 twenty-five (125) milligrams per two (2) milliliters.

29 (E) Naloxone in a concentration of up to one (1) milligram  
 30 per milliliter in a two (2) milliliter vial.

31 (F) Glucagon in a concentration of one (1) milligram per  
 32 milliliter.

33 (G) Furosemide in a concentration of ten (10) milligrams  
 34 per milliliter.

35 (H) Lidocaine two and one-half percent (2.5%) and  
 36 prilocaine two and one-half percent (2.5%) cream in a five  
 37 (5) gram tube.

38 (I) Lidocaine HCl solution in a concentration of one  
 39 percent (1%) in a two (2) milliliter vial.

40 (J) Urokinase five thousand (5,000) units per a one (1)  
 41 milliliter vial.

42 The board of pharmacy may, upon the approval of the medical

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1       licensing board, approve additional drugs for purchasing, storing,  
2       or transporting to be administered to a hospice patient or home  
3       health patient.

4       **Sec. 4.** An employee of a home health agency who is a licensed  
5       pharmacist, registered nurse, or licensed practical nurse may  
6       purchase, store, or transport drugs in a sealed portable container  
7       under this chapter only if the home health agency has established  
8       written policies and procedures to ensure the following:

9           (1) That the container is handled properly with respect to  
10          storage, transportation, and temperature stability.

11          (2) That a drug is removed from the container only on the  
12          written or oral order of a licensed physician.

13          (3) That the administration of a drug in the container is  
14          performed in accordance with a specific treatment protocol.

15          (4) That the home health agency maintains a written record  
16          of the dates and times the container is in the possession of a  
17          licensed pharmacist, registered nurse, or licensed practical  
18          nurse.

19          (5) That the home health agency require an employee who  
20          possesses the container to submit a daily accounting of all  
21          drugs and devices in the container to the home health agency  
22          in writing.

23       **Sec. 5.** An employee of a home health agency who:

24           (1) is a licensed pharmacist, registered nurse, or licensed  
25           practical nurse; and

26           (2) administers a drug listed in section 3 of this chapter;

27       may administer the drug only in the residence of a home health  
28       patient or hospice patient of the home health agency under the  
29       order of a licensed physician in connection with the provision of  
30       emergency treatment or the adjustment of parenteral drug therapy  
31       or vaccine administration.

32       **Sec. 6.** (a) If an employee of a home health agency who is a  
33       licensed pharmacist, registered nurse, or licensed practical nurse  
34       administers a drug listed in section 3 of this chapter under the oral  
35       order of a licensed physician, the physician shall promptly send a  
36       signed copy of the order to the home health agency.

37       (b) Not more than twenty (20) days after receiving an order  
38       under subsection (a), the home health agency shall send a copy of  
39       the order, as signed by and received from the physician, to the  
40       dispensing pharmacy.

41       **Sec. 7.** A pharmacist who dispenses a sealed portable container  
42       under this chapter shall ensure that the container:



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- 1           **(1) is designed to allow access to the contents of the container**  
 2           **only if a tamperproof seal is broken;**  
 3           **(2) bears a label that lists the drugs in the container and**  
 4           **provides notice of the container's expiration date; and**  
 5           **(3) remains in the pharmacy or under the control of a licensed**  
 6           **pharmacist, registered nurse, or licensed practical nurse.**

7           **Sec. 8. If a home health agency or hospice patient's care or**  
 8           **treatment is being managed, directed, or provided by an advanced**  
 9           **practice nurse licensed under IC 25-23, that nurses's orders will be**  
 10           **honored, unless it will cause the home health agency or hospice to**  
 11           **be unreimbursed for their service.**

12           SECTION 3. IC 16-29-1-16, AS AMENDED BY P.L.255-1996,  
 13           SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14           UPON PASSAGE]: Sec. 16. This chapter expires July 1, ~~1998~~: **2001**.

15           SECTION 4. IC 27-8-11-3, AS AMENDED BY P.L.191-1996,  
 16           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17           JULY 1, 1998]: Sec. 3. (a) An insurer may:

- 18           (1) enter into agreements with providers relating to terms and  
 19           conditions of reimbursement for health care services that may be  
 20           rendered to insureds of the insurer, including agreements relating  
 21           to the amounts to be charged the insured for services rendered or  
 22           the terms and conditions for activities intended to reduce  
 23           inappropriate care;  
 24           (2) issue or administer policies in this state that include incentives  
 25           for the insured to utilize the services of a provider that has entered  
 26           into an agreement with the insurer under subdivision (1); and  
 27           (3) issue or administer policies in this state that provide for  
 28           reimbursement for expenses of health care services only if the  
 29           services have been rendered by a provider that has entered into an  
 30           agreement with the insurer under subdivision (1).

31           (b) Before entering into any agreement under subsection (a)(1), an  
 32           insurer shall establish terms and conditions that must be met by  
 33           providers wishing to enter into an agreement with the insurer under  
 34           subsection (a)(1). These terms and conditions may not discriminate  
 35           unreasonably against or among providers. For the purposes of this  
 36           subsection, neither differences in prices among hospitals or other  
 37           institutional providers produced by a process of individual negotiation  
 38           nor price differences among other providers in different geographical  
 39           areas or different specialties constitutes unreasonable discrimination.  
 40           Upon request by a provider seeking to enter into an agreement with an  
 41           insurer under subsection (a)(1), the insurer shall make available to the  
 42           provider a written statement of the terms and conditions that must be



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1 met by providers wishing to enter into an agreement with the insurer  
2 under subsection (a)(1).

3 (c) No hospital, physician, pharmacist, **home health agency,**  
4 **hospice,** or other provider designated in IC 27-8-6-1 willing to meet the  
5 terms and conditions of agreements described in this section or section  
6 3.1 of this chapter may be denied the right to enter into an agreement  
7 under subsection (a)(1) or section 3.1 of this chapter. When an insurer  
8 denies a provider the right to enter into an agreement with the insurer  
9 under subsection (a)(1) or section 3.1 of this chapter on the grounds  
10 that the provider does not satisfy the terms and conditions established  
11 by the insurer for providers entering into agreements with the insurer,  
12 the insurer shall provide the provider with a written notice that:

13 (1) explains the basis of the insurer's denial; and

14 (2) states the specific terms and conditions that the provider, in  
15 the opinion of the insurer, does not satisfy.

16 (d) In no event may an insurer deny or limit reimbursement to an  
17 insured under this chapter on the grounds that the insured was not  
18 referred to the provider by a person acting on behalf of or under an  
19 agreement with the insurer.

20 (e) No cause of action shall arise against any person or insurer for:

21 (1) disclosing information as required by this section; or

22 (2) the subsequent use of the information by unauthorized  
23 individuals.

24 Nor shall such a cause of action arise against any person or provider for  
25 furnishing personal or privileged information to an insurer. However,  
26 this subsection provides no immunity for disclosing or furnishing false  
27 information with malice or willful intent to injure any person, provider,  
28 or insurer.

29 (f) Nothing in this chapter abrogates the privileges and immunities  
30 established in IC 34-4-12.6.

31 **SECTION 5. An emergency is declared for this act.**

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SENATE MOTION

Mr. President: I move that Senator Landske be added as coauthor of Senate Bill 251.

RIEGSECKER

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Environmental affairs, to which was referred Senate Bill 251, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 8, delete "patient of the hospice" and insert "**hospice patient or home health patient**".

Page 1, line 14, delete "an influenza" and insert "**a**".

Page 2, line 1, delete "patients" and insert "**a hospice patient or home health patient**".

Page 2, line 5, delete "an influenza" and insert "**a**".

Page 2, line 16, after "a" insert "**hospice patient or home health**".

Page 2, line 17, delete "of the hospice".

Page 3, between lines 18 and 19, begin a new line block indented and insert:

**"(5) That the hospice require an employee who possesses the container to submit a daily accounting of all drugs and devices in the container to the hospice in writing."**

Page 3, line 23, after "a" insert "**hospice patient or home health**".

Page 3, line 23, delete "of the".

Page 3, line 24, delete "hospice".

Page 4, line 16, delete "an influenza" and insert "**a**".

Page 4, line 25, delete "an influenza" and insert "**a**".

Page 5, between lines 40 and 41, begin a new line block indented and insert:

**"(5) That the home health agency require an employee who possesses the container to submit a daily accounting of all drugs and devices in the container to the home health agency in writing."**

and when so amended that said bill do pass.

(Reference is to Senate Bill 251 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 6, Nays 0.

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## SENATE MOTION

Mr. President: I move that Senate Bill 251 be amended to read as follows:

Page 2, line 22, after "(A)" insert "Up to".

Page 2, line 22, delete "One" and insert "one".

Page 2, line 24, after "(B)" insert "Up to".

Page 2, line 24, delete "One" and insert "one".

Page 2, delete line 26.

Page 2, line 30, delete "or" and insert ",".

Page 2, line 30, after "(100) units per" insert "milliliter, or one thousand (1000) units per".

Page 2, line 38, after "concentration of" insert "up to".

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"(J) Urokinase five thousand (5,000) units per one (1) milliliter vial."

Page 5, line 4, after "(A)" insert "Up to".

Page 5, line 4, delete "One" and insert "one".

Page 5, line 6, after "(B)" insert "Up to".

Page 5, line 6, delete "One" and insert "one".

Page 5, delete line 8.

Page 5, line 12, delete "or" and insert ",".

Page 5, line 12, after "(100) units per" insert "milliliter or one thousand (1000) units per".

Page 5, line 20, after "concentration of" insert "up to".

Page 5, between lines 30 and 31, begin a new paragraph and insert:

"(J) Urokinase five thousand (5,000) units per one (1) milliliter vial."

(Reference is to Senate Bill 251 as printed January 30, 1998.)

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 SENATE MOTION

Mr. President: I move that Senators Gard and K. Adams be added as coauthors of Senate Bill 251.

RIEGSECKER



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SENATE MOTION

Mr. President: I move that Senator Skillman be added as coauthor of Senate Bill 251.

RIEGSECKER

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 251, 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:

Delete the amendment made on motion of Senator Riegsecker, adopted February 2, 1998.

Page 2, line 11, delete "negative" and insert "**adverse**".

Page 2, line 13, delete "a negative" and insert "**an adverse**".

Page 2, line 22, delete "One" and insert "**Up to one**".

Page 2, line 24, delete "One" and insert "**Up to one**".

Page 2, delete line 26.

Page 2, line 30, delete "or" and insert ",".

Page 2, line 30, after "(100) units per" insert "**milliliter, or one thousand (1,000) units per**".

Page 2, line 38, after "of" insert "**up to**".

Page 3, between lines 6 and 7, begin a new line double block indented and insert:

**"(J) Urokinase five thousand (5,000) units per a one (1) milliliter vial."**

Page 4, line 35, delete "negative" and insert "**adverse**".

Page 4, line 37, delete "a negative" and insert "**an adverse**".

Page 5, line 4, delete "One" and insert "**Up to one**".

Page 5, line 6, delete "One" and insert "**Up to one**".

Page 5, delete line 8.

Page 5, line 12, delete "or" and insert ",".

Page 5, line 12, after "(100) units per" insert "**milliliter, or one thousand (1,000) units per**".

Page 5, line 20, after "of" insert "**up to**".

Page 5, between lines 30 and 31, begin a new line double block indented and insert:

**"(J) Urokinase five thousand (5,000) units per a one (1) milliliter vial."**

Page 6, after line 33, begin a new paragraph and insert:

"SECTION 3. IC 16-29-1-16, AS AMENDED BY P.L.255-1996, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. This chapter expires July 1, ~~1998~~: **2001**.

SECTION 4. **An emergency is declared for this act.**"

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Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to Senate Bill 251 as printed January 30, 1998, and as amended on motion of Senator Riegsecker adopted February 2, 1998.)

GULLING, Chair

Committee Vote: yeas 11, nays 1.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 251 be amended to read as follows:

Page 4, between lines 7 and 8, begin a new paragraph and insert:

**"Sec. 8. If a home health agency or hospice patient's care or treatment is being managed, directed, or provided by an advanced practice nurse licensed under IC 25-23, that nurses's orders will be honored, unless it will cause the home health agency or hospice to be unreimbursed for their service".**

Page 6, between lines 35 and 36, begin a new paragraph and insert:

**"Sec. 8. If a home health agency or hospice patient's care or treatment is being managed, directed, or provided by an advanced practice nurse licensed under IC 25-23, that nurses's orders will be honored, unless it will cause the home health agency or hospice to be unreimbursed for their service".**

Renumber all SECTIONS consecutively.

(Reference is to Engrossed Senate Bill 251 as printed February 18, 1998.)

C. BROWN

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 251 be amended to read as follows:

Page 6, after line 38, begin a new paragraph and insert:

"SECTION 1. IC 27-8-11-3, AS AMENDED BY P.L.191-1996, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) An insurer may:

- (1) enter into agreements with providers relating to terms and conditions of reimbursement for health care services that may be rendered to insureds of the insurer, including agreements relating to the amounts to be charged the insured for services rendered or the terms and conditions for activities intended to reduce inappropriate care;
- (2) issue or administer policies in this state that include incentives for the insured to utilize the services of a provider that has entered into an agreement with the insurer under subdivision (1); and
- (3) issue or administer policies in this state that provide for reimbursement for expenses of health care services only if the

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services have been rendered by a provider that has entered into an agreement with the insurer under subdivision (1).

(b) Before entering into any agreement under subsection (a)(1), an insurer shall establish terms and conditions that must be met by providers wishing to enter into an agreement with the insurer under subsection (a)(1). These terms and conditions may not discriminate unreasonably against or among providers. For the purposes of this subsection, neither differences in prices among hospitals or other institutional providers produced by a process of individual negotiation nor price differences among other providers in different geographical areas or different specialties constitutes unreasonable discrimination. Upon request by a provider seeking to enter into an agreement with an insurer under subsection (a)(1), the insurer shall make available to the provider a written statement of the terms and conditions that must be met by providers wishing to enter into an agreement with the insurer under subsection (a)(1).

(c) No hospital, physician, pharmacist, **home health agency, hospice**, or other provider designated in IC 27-8-6-1 willing to meet the terms and conditions of agreements described in this section or section 3.1 of this chapter may be denied the right to enter into an agreement under subsection (a)(1) or section 3.1 of this chapter. When an insurer denies a provider the right to enter into an agreement with the insurer under subsection (a)(1) or section 3.1 of this chapter on the grounds that the provider does not satisfy the terms and conditions established by the insurer for providers entering into agreements with the insurer, the insurer shall provide the provider with a written notice that:

- (1) explains the basis of the insurer's denial; and
- (2) states the specific terms and conditions that the provider, in the opinion of the insurer, does not satisfy.

(d) In no event may an insurer deny or limit reimbursement to an insured under this chapter on the grounds that the insured was not referred to the provider by a person acting on behalf of or under an agreement with the insurer.

- (e) No cause of action shall arise against any person or insurer for:
- (1) disclosing information as required by this section; or
  - (2) the subsequent use of the information by unauthorized individuals.

Nor shall such a cause of action arise against any person or provider for furnishing personal or privileged information to an insurer. However, this subsection provides no immunity for disclosing or furnishing false information with malice or willful intent to injure any person, provider, or insurer.



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(f) Nothing in this chapter abrogates the privileges and immunities established in IC 34-4-12.6."

Renumber all SECTIONS consecutively.

(Reference is to Engrossed Senate Bill 364 as reprinted February 18, 1998.)

BAILEY

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 251 be amended to read as follows:

Page 2, line 22, delete "up" and insert "**Up**".

Page 2, line 24, delete "up" and insert "**Up**".

Page 2, line 31, delete "HCI" and insert "**HCI**".

Page 2, line 33, delete "HCI" and insert "**HCI**".

Page 3, line 4, delete "HCI" and insert "**HCI**".

Page 3, between lines 7 and 8, begin a new line blocked left and insert:

**"The board of pharmacy may, upon the approval of the medical licensing board, approve additional drugs for purchasing, storing, or transporting to be administered to a hospice patient or home health patient."**

Page 5, line 5, delete "up" and insert "**Up**".

Page 5, line 7, delete "up" and insert "**Up**".

Page 5, line 14, delete "HCI" and insert "**HCI**".

Page 5, line 16, delete "HCI" and insert "**HCI**".

Page 5, line 29, delete "HCI" and insert "**HCI**".

Page 5, between lines 32 and 33, begin a new line blocked left and insert:

**"The board of pharmacy may, upon the approval of the medical licensing board, approve additional drugs for purchasing, storing, or transporting to be administered to a hospice patient or home health patient."**

(Reference is to Engrossed Senate Bill 251 as printed February 18, 1998.)

GOEGLEIN

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