

HOUSE BILL No. 1060

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-4.

Synopsis: Right to medical treatment. Entitles an individual who has an illness or disease that is potentially life threatening or chronically disabling to medical treatment that includes any experimental or nonconventional medical treatment desired by the individual or authorized by the individual's legal representative if a licensed physician has personally examined the individual and agrees to treat the individual. Requires that, before providing such treatment, the physician must determine that the treatment, when administered as directed, does not pose an unreasonable and significant risk of danger to the individual receiving the treatment. Also requires the physician to provide specific information to the individual and to receive the
(Continued next page)

Effective: July 1, 1998.

Burton

January 6, 1998, read first time and referred to Committee on Insurance, Corporations and Small Business.



Digest Continued

written informed consent of the individual or the individual's legal representative before providing the treatment. Provides that treatment given in compliance with these requirements is not malpractice or the unlawful practice of medicine.



Introduced

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.

HOUSE BILL No. 1060

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 16-18-4 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1998]:
4 **Chapter 4. Access to Medical Treatment**
5 **Sec. 1. Notwithstanding any other law, and except as provided**
6 **in section 3 of this chapter, an individual is entitled to receive**
7 **treatment authorized under this chapter for any illness or disease**
8 **that is potentially life threatening or chronically disabling.**
9 **Sec. 2. The treatment authorized under this chapter may include**
10 **any experimental or nonconventional medical treatment that:**
11 **(1) the individual desires; or**
12 **(2) the legal representative of the individual authorizes;**
13 **if a licensed physician has personally examined the individual and**
14 **agrees to treat the individual.**
15 **Sec. 3. A licensed physician may provide medical treatment**



- 1 described in section 2 of this chapter if:
- 2 (1) there is no reasonable basis to conclude that the medical
- 3 treatment, when administered as directed, poses an
- 4 unreasonable and significant risk of danger to the individual
- 5 receiving the medical treatment; and
- 6 (2) the physician has provided the individual with a written
- 7 statement and an oral explanation of the medical treatment
- 8 that the individual has acknowledged by the individual's
- 9 signature or the signature of the individual's legal
- 10 representative and that discloses the following:
- 11 (A) That the medical treatment is experimental or
- 12 nonconventional.
- 13 (B) That the drug or medical device has not been approved
- 14 by the United States Food and Drug Administration for
- 15 any indication.
- 16 (C) The material risks generally recognized by a
- 17 reasonably prudent physician of the medical treatment's
- 18 side effects.
- 19 **Sec. 4. Medical treatment of an individual that is:**
- 20 (1) authorized under this chapter; and
- 21 (2) provided by a licensed physician;
- 22 is not malpractice or the unlawful practice of medicine.

