

HOUSE BILL No. 1085

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-163; IC 16-43-2.

Synopsis: Use of latex products in health care. Prohibits the use by health care providers of powdered latex gloves. Restricts the use of latex products to those containing a level of protein permissible under rules adopted by the state department of health.

Effective: Upon passage; January 1, 1999.

M. Young

January 6, 1998, read first time and referred to Committee on Public Health.



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. 1085

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 16-18-2-163, AS AMENDED BY P.L.188-1995,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 1999]: Sec. 163. (a) "Health care provider", for purposes
4 of IC 16-21 and IC 16-41, means any of the following:

5 (1) An individual, a partnership, a corporation, a professional
6 corporation, a facility, or an institution licensed or legally
7 authorized by this state to provide health care or professional
8 services as a licensed physician, a psychiatric hospital, a hospital,
9 a health facility, an emergency ambulance service (IC 16-31-3),
10 a dentist, a registered or licensed practical nurse, a midwife, an
11 optometrist, a pharmacist, a podiatrist, a chiropractor, a physical
12 therapist, a respiratory care practitioner, an occupational therapist,
13 a psychologist, a paramedic, an emergency medical technician, or
14 an advanced emergency technician, or a person who is an officer,
15 employee, or agent of the individual, partnership, corporation,
16 professional corporation, facility, or institution acting in the
17 course and scope of the person's employment.

1998

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- 1 (2) A college, university, or junior college that provides health
 2 care to a student, a faculty member, or an employee, and the
 3 governing board or a person who is an officer, employee, or agent
 4 of the college, university, or junior college acting in the course
 5 and scope of the person's employment.
- 6 (3) A blood bank, community mental health center, community
 7 mental retardation center, community health center, or migrant
 8 health center.
- 9 (4) A home health agency (as defined in IC 16-27-1-2).
- 10 (5) A health maintenance organization (as defined in
 11 IC 27-13-1-19).
- 12 (6) A health care organization whose members, shareholders, or
 13 partners are health care providers under subdivision (1).
- 14 (7) A corporation, partnership, or professional corporation not
 15 otherwise qualified under this subsection that:
- 16 (A) provides health care as one (1) of the corporation's,
 17 partnership's, or professional corporation's functions;
 18 (B) is organized or registered under state law; and
 19 (C) is determined to be eligible for coverage as a health care
 20 provider under IC 27-12 for the corporation's, partnership's, or
 21 professional corporation's health care function.
- 22 Coverage for a health care provider qualified under this
 23 subdivision is limited to the health care provider's health care
 24 functions and does not extend to other causes of action.
- 25 (b) "Health care provider", for purposes of IC 16-35 **and**
 26 **IC 16-43-2**, has the meaning set forth in subsection (a). However, for
 27 purposes of IC 16-35 **and IC 16-43-2**, the term also includes a health
 28 facility (as defined in section 167 of this chapter).
- 29 SECTION 2. IC 16-43-2 IS ADDED TO THE INDIANA CODE AS
 30 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 1999]:
- 32 **Chapter 2. Restrictions on Use of Latex Products**
- 33 **Sec. 1. As used in this chapter, "health care provider" has the**
 34 **meaning set forth in IC 16-18-2-163.**
- 35 **Sec. 2. A health care provider may not use latex gloves that are**
 36 **coated with a preparation of fine particles of cornstarch, talc, or**
 37 **other mineral.**
- 38 **Sec. 3. A health care provider may only use latex products that**
 39 **contain a level of protein below the maximum allowable level of**
 40 **protein as established by the state department.**
- 41 **Sec. 4. (a) The state department shall adopt rules under**
 42 **IC 4-22-2 establishing the maximum allowable level of protein in**



1 latex products used by health care providers.
2 (b) The maximum allowable level of protein established under
3 subsection (a) must be consistent with the protection of the health
4 of health care providers and patients.
5 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The state
6 department of health shall adopt rules, under IC 4-22-2, to
7 establish the maximum allowable level of protein in latex products
8 used by health care providers. The rules adopted under this
9 SECTION must take effect January 1, 1999.
10 (b) This SECTION expires January 2, 1999.
11 SECTION 4. An emergency is declared for this act.

