

CONFERENCE COMMITTEE REPORT DIGEST FOR HB 1060

Citations Affected: IC 25-22.5.

Synopsis: Experimental and nonconventional medical treatment. Conference committee report for EHB 1060. Entitles an individual to medical treatment that includes any experimental or nonconventional medical treatment 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 written informed consent of the individual or the individual's legal representative before providing the treatment. Provides that if the treatment is provided on an inpatient or outpatient basis at a licensed hospital the governing board of the hospital must have specifically approved the medical treatment. Provides that if the treatment is provided in a setting other than an inpatient or outpatient hospital setting a protocol developed by the medical licensing board must be followed. Provides that health insurers are not required to provide coverage, or make payment beyond the terms and conditions of the contract, for the treatment. Provides that no person nor organization be required to provide an individual with access to medical treatment not otherwise commercially available to that individual. This conference committee report adds a requirement that if the treatment is provided on an inpatient or outpatient basis in a licensed hospital then the treatment must have been specifically preapproved by the governing board of the hospital. Provides that if the treatment is provided in a setting other than an inpatient or outpatient hospital setting a protocol developed by the medical licensing board must be followed. Removes a provision regarding malpractice. Provides that health insurers are not required to make payment for the treatment beyond the terms and conditions of the contract.

Effective: July 1, 1998.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1060 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Page 4, line 25, delete "IC 27-12-12" and insert "**IC 34-18-12**".
- 2 Page 4, line 32, after "treatment;" insert "**and**".
- 3 Page 5, line 3, delete "effects; and" and insert "**effects.**".
- 4 Page 5, line 4, delete "(4)" and begin a new paragraph and insert:
- 5 "**(b) If**".
- 6 Page 5, line 4, delete "treatment:" and insert "**treatment**".
- 7 Page 5, line 5, delete "(A)".
- 8 Page 5, run in lines 4 and 5.
- 9 Page 5, line 5, delete "in" and insert "**on an inpatient or**
- 10 **outpatient basis at**".
- 11 Page 5, line 5, delete "IC 16-21; and" and insert "**IC 16-21, then**
- 12 **the treatment must have**".
- 13 Page 5, line 6, delete "(B) has".
- 14 Page 5, run in lines 5 through 6.
- 15 Page 5, line 7, delete "specified in clause (A)." and insert ".".
- 16 Page 5, between lines 7 and 8, begin a new paragraph and insert:
- 17 "**(c) The medical licensing board shall develop protocols for**
- 18 **medical treatments that are provided in a setting other than the**
- 19 **inpatient or outpatient hospital setting specified in subsection (b).**
- 20 **A physician who fails to comply with a protocol developed under**
- 21 **this subsection shall be subject to discipline by the medical**
- 22 **licensing board.**".
- 23 Page 5, delete lines 8 through 14.
- 24 Page 5, line 15, delete "(c)" and insert "**(d)**".
- 25 Page 5, line 18, delete "(d)" and insert "**(e)**".
- 26 Page 5, line 27, after "coverage" insert "**or make payment beyond**
- 27 **the terms and conditions of the contract**".

- 1 Page 5, line 28, delete "chapter" and insert "**section**".
- 2 (Reference is to EHB 1060 as printed February 20, 1998.)

Conference Committee Report
on
House Bill 1060

Signed by:

Senator Hume

Representative Crosby

Senator Miller

Representative Burton

Senate Conferees

House Conferees