



February 26, 1999

HOUSE BILL No. 1308

DIGEST OF HB1308 (Updated February 24, 1999 6:41 pm - DI 77)

Citations Affected: IC 25-22.5.

Synopsis: Experimental medical treatment protocols. Provides that if experimental or nonconventional treatment is to be provided at a hospital, the type of treatment that is to be provided must be approved by the governing board of the hospital or a committee authorized by the governing board to approve experimental or nonconventional treatments provided at the hospital.

Effective: July 1, 1999.

**Crosby, Brown C, Brown T,
Herrell, Burton**

January 12, 1999, read first time and referred to Committee on Public Health.
February 25, 1999, reported — Do Pass.

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HB 1308—LS 7421/DI 97+



February 26, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

HOUSE BILL No. 1308

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-22.5-1-2.1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.1. (a) An individual
3 who consents under IC 34-18-12 may receive any experimental or
4 nonconventional medical treatment if:
5 (1) a licensed physician has personally examined the individual
6 and agrees to treat the individual;
7 (2) there is no reasonable basis to conclude that the medical
8 treatment, when administered as directed, poses an unreasonable
9 and significant risk of danger to the individual receiving the
10 medical treatment; and
11 (3) the physician has provided the individual with a written
12 statement and an oral explanation of the medical treatment that
13 the individual has acknowledged by the individual's signature or
14 the signature of the individual's legal representative and that
15 discloses the following:
16 (A) That the medical treatment is experimental or
17 nonconventional.

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1 (B) That the drug or medical device has not been approved by
 2 the United States Food and Drug Administration for any
 3 indication.
 4 (C) The material risks generally recognized by a reasonably
 5 prudent physician of the medical treatment's side effects.
 6 (b) If the medical treatment is **to be** provided on an inpatient or
 7 outpatient basis at a hospital licensed under IC 16-21, then ~~the~~ **that**
 8 **type of** treatment must have been ~~specifically preapproved~~ **approved**
 9 by the governing board of the hospital **or by a committee of the**
 10 **hospital authorized by the governing board to approve the types of**
 11 **experimental or nonconventional medical treatments that may be**
 12 **provided at the hospital on an inpatient or outpatient basis.**
 13 (c) The medical licensing board shall develop protocols for medical
 14 treatments that are provided in a setting other than the inpatient or
 15 outpatient hospital setting specified in subsection (b). A physician who
 16 fails to comply with a protocol developed under this subsection shall
 17 be subject to discipline by the medical licensing board.
 18 (d) This section does not require any person or organization to
 19 provide an individual with access to a medical treatment not otherwise
 20 commercially available to that individual.
 21 (e) This section does not require:
 22 (1) an insurer;
 23 (2) a fraternal benefit society;
 24 (3) a nonprofit corporation;
 25 (4) a health maintenance organization (as defined in
 26 IC 27-13-1-19);
 27 (5) a preferred provider arrangement under IC 27-8-11; or
 28 (6) a limited service health maintenance organization (as defined
 29 in IC 27-13-34-4);
 30 to provide coverage or make payment beyond the terms and conditions
 31 of the contract for medical treatment authorized under this section.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1308, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN C, Chair

Committee Vote: yeas 12, nays 0.

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