

# HOUSE BILL No. 1343

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-163; IC 16-22-3-9.5; IC 16-22-8-39.5; IC 34-6-2-117.5; IC 34-30-15-15.

**Synopsis:** County hospital privileges. Provides that a practitioner of chiropractic, optometry, or podiatry is eligible for privileges to provide patient care at a county hospital. Allows the hospital's governing board to establish certain standards and rules to govern a practitioner's practice in the hospital and the granting and retention of a practitioner's privileges. Allows a practitioner to appear before a peer review committee before being granted privileges and to have a hearing before a peer review committee before the practitioner's privileges are terminated. Exempts from civil liability the professional review activities of a peer review committee that are made in good faith.

**Effective:** January 1, 2000.

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**Kromkowski**

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January 12, 1999, read first time and referred to Committee on Public Health.

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Introduced

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. 1343

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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 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 163. (a) "Health  
3 care provider", for purposes of IC 16-21 and IC 16-41, means any of  
4 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.

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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 34-18 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 16-22-3-9.5 and**  
 26 **IC 16-22-8-39.5, means an individual who holds a valid license**  
 27 **under Indiana law to practice:**
- 28 **(1) chiropractic;**  
 29 **(2) optometry; or**  
 30 **(3) podiatry.**
- 31 ~~(b)~~ (c) "Health care provider", for purposes of IC 16-35:
- 32 **(1) has the meaning set forth in subsection (a); However, for**  
 33 **purposes of IC 16-35, the term also and**
- 34 **(2) includes a health facility (as defined in section 167 of this**  
 35 **chapter).**
- 36 SECTION 2. IC 16-22-3-9.5 IS ADDED TO THE INDIANA CODE  
 37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 38 JANUARY 1, 2000]: **Sec. 9.5. (a) The governing board may**  
 39 **delineate privileges for the provision of patient care services by a**  
 40 **health care provider.**
- 41 **(b) A health care provider is eligible for privileges to provide**  
 42 **patient care services, but the board shall establish and enforce**



1 reasonable standards and rules concerning a health care provider's  
2 qualifications for the following:

- 3 (1) Practice in the hospital.  
4 (2) The granting of privileges to a provider.  
5 (3) The retention of privileges.

6 (c) The fact that an applicant for privileges to provide patient  
7 care services is a health care provider may not serve as a basis for  
8 denying the applicant privileges to provide patient care services  
9 that are allowed under the professional license held by the  
10 applicant.

11 (d) The board may determine the kinds of health care  
12 procedures and treatments that are appropriate for an inpatient or  
13 outpatient hospital setting.

14 (e) The standards and rules described in subsection (b) may, in  
15 the interest of good patient care, allow the board to do the  
16 following:

- 17 (1) Consider a health care provider's postgraduate education,  
18 training, experience, and other facts concerning the provider  
19 that may affect the provider's professional competence.  
20 (2) Consider the scope of practice allowed under the  
21 professional license held by a health care provider.  
22 (3) Limit privileges for admitting patients to the hospital to  
23 physicians licensed under IC 25-22.5.  
24 (4) Limit responsibility for the management of a patient's care  
25 to physicians licensed under IC 25-22.5.  
26 (5) Limit or preclude a health care provider's performing  
27 x-rays or other imaging procedures in an inpatient or  
28 outpatient hospital setting. However, this subdivision does not  
29 affect the ability of a health care provider to order x-rays  
30 under that provider's scope of practice.

31 (f) The standards and rules described in subsection (b) may  
32 include a requirement for the following:

- 33 (1) Submitting proof that a health care provider is qualified  
34 under IC 34-18-3-2.  
35 (2) Performing patient care and related duties in a manner  
36 that is not disruptive to the delivery of quality care in the  
37 hospital setting.  
38 (3) Maintaining standards of quality care that recognize the  
39 efficient and effective utilization of hospital resources as  
40 developed by the hospital's medical staff.

41 (g) The standards and rules described in subsection (b) must  
42 allow a health care provider who applies for privileges an

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1 opportunity to appear before a peer review committee that is  
 2 established by the board to make recommendations regarding  
 3 applications for privileges by health care providers before the peer  
 4 review committee makes its recommendations regarding the  
 5 applicant's request for privileges.

6 (h) The board must provide for a hearing before a peer review  
 7 committee for a health care provider whose privileges have been  
 8 recommended for termination.

9 SECTION 3. IC 16-22-8-39.5 IS ADDED TO THE INDIANA  
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 11 [EFFECTIVE JANUARY 1, 2000]: **Sec. 39.5.** (a) The governing  
 12 board may delineate privileges for the provision of patient care  
 13 services by a health care provider.

14 (b) A health care provider is eligible for privileges to provide  
 15 patient care services, but the board shall establish and enforce  
 16 reasonable standards and rules concerning a health care provider's  
 17 qualifications for the following:

- 18 (1) Practice in the hospital.
- 19 (2) The granting of privileges to a provider.
- 20 (3) The retention of privileges.

21 (c) The fact that an applicant for privileges to provide patient  
 22 care services is a health care provider may not serve as a basis for  
 23 denying the applicant privileges to provide patient care services  
 24 that are allowed under the professional license held by the  
 25 applicant.

26 (d) The board may determine the kinds of health care  
 27 procedures and treatments that are appropriate for an inpatient or  
 28 outpatient hospital setting.

29 (e) The standards and rules described in subsection (b) may, in  
 30 the interest of good patient care, allow the board to do the  
 31 following:

- 32 (1) Consider a health care provider's postgraduate education,  
 33 training, experience, and other facts concerning the provider  
 34 that may affect the provider's professional competence.
- 35 (2) Consider the scope of practice allowed under the  
 36 professional license held by a health care provider.
- 37 (3) Limit privileges for admitting patients to the hospital to  
 38 physicians licensed under IC 25-22.5.
- 39 (4) Limit responsibility for the management of a patient's care  
 40 to physicians licensed under IC 25-22.5.
- 41 (5) Limit or preclude a health care provider's performing  
 42 x-rays or other imaging procedures in an inpatient or



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1           outpatient hospital setting. However, this subdivision does not  
2           affect the ability of a health care provider to order x-rays  
3           under that provider's scope of practice.

4           (f) The standards and rules described in subsection (b) may  
5           include a requirement for the following:

6           (1) Submitting proof that a health care provider is qualified  
7           under IC 34-18-3-2.

8           (2) Performing patient care and related duties in a manner  
9           that is not disruptive to the delivery of quality care in the  
10          hospital setting.

11          (3) Maintaining standards of quality care that recognize the  
12          efficient and effective utilization of hospital resources as  
13          developed by the hospital's medical staff.

14          (g) The standards and rules described in subsection (b) must  
15          allow a health care provider who applies for privileges an  
16          opportunity to appear before a peer review committee that is  
17          established by the board to make recommendations regarding  
18          applications for privileges by health care providers, before the peer  
19          review committee makes its recommendations regarding the  
20          applicant's request for privileges.

21          (h) The board must provide for a hearing before a peer review  
22          committee for a health care provider whose privileges have been  
23          recommended for termination.

24          SECTION 4. IC 34-6-2-117.5 IS ADDED TO THE INDIANA  
25          CODE AS A NEW SECTION TO READ AS FOLLOWS  
26          [EFFECTIVE JANUARY 1, 2000]: Sec. 117.5. "Professional review  
27          activity", for purposes of IC 34-30-15, means an activity of a peer  
28          review committee of a hospital licensed under IC 16-21 with  
29          respect to a professional health care provider to:

30          (1) determine whether the professional health care provider  
31          may have privileges with respect to the hospital;

32          (2) determine the scope or conditions of the privileges; or

33          (3) change or modify the privileges.

34          The term includes the establishment and enforcement of standards  
35          and rules by the governing board of a hospital concerning practice  
36          in the hospital and the granting and retention of privileges within  
37          the hospital.

38          SECTION 5. IC 34-30-15-15 IS AMENDED TO READ AS  
39          FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 15. There is no  
40          liability on the part of, and no action of any nature shall arise against,  
41          an organization, a peer review committee, or the personnel of a peer  
42          review committee for any act, statement made in the confines of the



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1     **organization or** committee, or proceeding of the **organization or**  
2     committee made in good faith in regard to:  
3         **(1)** evaluation of patient care as that term is defined and limited  
4         in IC 34-6-2-44; **or**  
5         **(2) professional review activity as defined and limited in**  
6         **IC 34-6-2-117.5.**

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