

Adopted	Rejected
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## COMMITTEE REPORT

YES:	12
NO:	0

### MR. SPEAKER:

*Your Committee on Public Health, to which was referred Senate Bill 458, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 5-10-8-10, AS ADDED BY P.L.91-1999,  
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2002]: Sec. 10. (a) The state shall cover the **testing required**  
6 **under IC 16-41-6-4 and the** examinations required under  
7 IC 16-41-17-2 under a:  
8           (1) self-insurance program established or maintained under  
9 section 7(b) of this chapter to provide group health coverage; and  
10           (2) contract entered into or renewed under section 7(c) of this  
11 chapter to provide health services through a prepaid health care  
12 delivery plan.  
13           (b) **Payment to a hospital for a test required under**  
14 **IC 12-15-15-4.5 must be in an amount equal to the hospital's actual**  
15 **cost of performing the test.**  
16           SECTION 2. IC 12-15-15-4.5 IS ADDED TO THE INDIANA

1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2002]: **Sec. 4.5. Payment to a hospital for a**  
 3 **test required under IC 16-41-6-4 must be in an amount equal to the**  
 4 **hospital's actual cost of performing the test. The total cost to the**  
 5 **state may not be more than twenty-four thousand dollars**  
 6 **(\$24,000).".**

7 Page 6, between lines 20 and 21, begin a new paragraph and insert:  
 8 "SECTION 12. IC 16-41-6-12 IS ADDED TO THE INDIANA  
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2002]: **Sec. 12. The state department shall**  
 11 **adopt rules under IC 4-22-2 to establish standards to be used by**  
 12 **individuals described in section 9(a) of this chapter to provide to**  
 13 **women who are pregnant, before delivery, at delivery, and after**  
 14 **delivery, information concerning HIV. The rules must include:**

- 15 (1) **an explanation of the nature of AIDS and HIV;**
- 16 (2) **information concerning discrimination and legal**  
 17 **protections;**
- 18 (3) **information concerning the duty to notify persons at risk**  
 19 **as described in IC 16-41-7-1;**
- 20 (4) **information about risk behaviors for HIV transmission;**
- 21 (5) **information about the risk of transmission through breast**  
 22 **feeding;**
- 23 (6) **notification that if the woman chooses not to be tested for**  
 24 **HIV before delivery, at delivery the child will be tested**  
 25 **subject to section 4 of this chapter;**
- 26 (7) **procedures for obtaining informed, written consent for**  
 27 **testing under this chapter;**
- 28 (8) **procedures to inform the woman of the test results**  
 29 **whether they are positive or negative;**
- 30 (9) **procedures for post-test counseling by a health care**  
 31 **provider when the test results are communicated to the**  
 32 **woman, whether the results are positive or negative;**
- 33 (10) **procedures for referral for physical and emotional**  
 34 **services if the test results are positive;**
- 35 (11) **procedures for explaining the importance of immediate**  
 36 **entry into medical care if the test results are positive;**
- 37 (12) **procedures for explaining the side effects of any**  
 38 **treatment if the test results are positive;**

1           **(13) procedures for explaining that giving birth by caesarean**  
 2           **section may lessen the likelihood of passing on the HIV virus**  
 3           **to the child during childbirth, especially when done in**  
 4           **combination with medications if the test results are positive;**  
 5           **and**

6           **(14) procedures that provide that if the mother refused testing**  
 7           **for the newborn, and the newborn was tested with positive**  
 8           **results, the mother must be notified of the positive test within**  
 9           **forty-eight (48) hours after the test.**

10           SECTION 13. IC 16-41-6-13 IS ADDED TO THE INDIANA  
 11           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 12           [EFFECTIVE JULY 1, 2002]: **Sec. 13. (a) The state department shall**  
 13           **provide that an HIV test history and assessment form from the**  
 14           **patient's medical records or an interview with the patient must be**  
 15           **filled out. The state department shall develop the form to**  
 16           **determine if:**

17                   **(1) the patient is HIV positive and has been informed; or**

18                   **(2) the patient was tested during the current pregnancy and**  
 19                   **tested negative or was not tested during the current**  
 20                   **pregnancy and the HIV status is unknown.**

21           **(b) The form required under subsection (a) must identify what**  
 22           **special support or assistance for continued medical care the patient**  
 23           **might need as a result of a positive test.**

24           **(c) The form must be in triplicate, with one (1) copy going into**  
 25           **the patient's medical file, one (1) copy going into the baby's**  
 26           **medical file, and one (1) copy going to the doctor in the hospital**  
 27           **designated to administer the newborn HIV testing program.**

28           **(d) The state department must maintain a systemwide**  
 29           **evaluation of prenatal HIV testing in Indiana. The HIV test history**  
 30           **and assessment form and a newborn blood screening form shall be**  
 31           **prescribed by the state department. The state department shall**  
 32           **remove all identifying information from the maternal test history**  
 33           **before the state department performs its analyses and not**  
 34           **maintain HIV test history data with identifying information.**

35           SECTION 14. IC 16-41-6-14 IS ADDED TO THE INDIANA  
 36           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 37           [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a) Women who:**

38                   **(1) meet the financial qualifications to participate in**

1           **Medicaid, the children's health insurance program, the AIDS**  
 2           **drug assistance program, the health insurance assistance**  
 3           **program, or any other health care program of the state; and**  
 4           **(2) test positive under section 5, 6, or 7 of this chapter;**  
 5           **shall be automatically approved and accepted into the Medicaid**  
 6           **program, the children's health insurance program, the AIDS drug**  
 7           **assistance program (ADAP), the health insurance assistance**  
 8           **program, or any other health care program of the state.**

9           **(b) Women who qualify under this section may not be placed on**  
 10          **a waiting list for services, and they remain eligible until they either**  
 11          **cease to meet the financial qualifications under subsection (a) or no**  
 12          **longer test positive for HIV.**

13          **(c) An individual described in section 9(a) of this chapter who**  
 14          **can no longer provide care for a woman described in subsection (a)**  
 15          **must continue to provide care for the woman until another**  
 16          **provider is found to continue care for the woman.**

17          **(d) Before October 1, 2002, the office of Medicaid policy and**  
 18          **planning shall apply to the United States Department of Health and**  
 19          **Human Services for approval of any necessary waivers under the**  
 20          **federal Medicaid program and the children's health insurance**  
 21          **program to provide for expanded eligibility for women under this**  
 22          **chapter.**

23          **(e) The office of Medicaid policy and planning may not**  
 24          **implement a waiver described in subsection (d) until the office files**  
 25          **an affidavit with the governor attesting that the federal waiver**  
 26          **applied for under this section is in effect. The office shall file the**  
 27          **affidavit under this subsection not later than five (5) days after the**  
 28          **office is notified that the waiver is approved.**

29          **(f) If the office receives a waiver under this section from the**  
 30          **United States Department of Health and Human Services and the**  
 31          **governor receives the affidavit filed under subsection (e), the office**  
 32          **of Medicaid policy and planning shall implement the waiver not**  
 33          **more than sixty (60) days after the governor receives the affidavit.**

34          **SECTION 15. IC 27-8-24-4, AS AMENDED BY P.L.91-1999,**  
 35          **SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**  
 36          **JULY 1, 2002]: Sec. 4. (a) Except as provided in section 5 of this**  
 37          **chapter, every policy or group contract that provides maternity benefits**  
 38          **must provide minimum benefits to a mother and her newborn child that**

1 cover:

2 (1) a minimum length of postpartum stay at a hospital licensed  
3 under IC 16-21 that is consistent with the minimum postpartum  
4 hospital stay recommended by the American Academy of  
5 Pediatrics and the American College of Obstetricians and  
6 Gynecologists in their Guidelines for Perinatal Care; ~~and~~

7 (2) the examinations to the newborn child required under  
8 IC 16-41-17-2; **and**

9 **(3) the testing of the newborn child required under**  
10 **IC 16-41-6-4.**

11 **(b) Payment to a hospital for a test required under IC 16-41-6-4**  
12 **must be in an amount equal to the hospital's actual cost of**  
13 **performing the test."**

14 Renumber all SECTIONS consecutively.

(Reference is to SB 458 as printed January 30, 2002.)

**and when so amended that said bill do pass.**

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Representative Brown C