

Adopted	Rejected
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# COMMITTEE REPORT

<b>YES:</b>	<b>21</b>
<b>NO:</b>	<b>5</b>

**MR. SPEAKER:**

*Your Committee on Ways and Means, to which was referred House Bill 1140, 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 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 health and to make an appropriation.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 16-18-2-163, AS AMENDED BY P.L.148-1999,
- 7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2003]: Sec. 163. (a) "Health care provider", for purposes of
- 9 IC 16-21 and IC 16-41, means any of the following:
- 10 (1) An individual, a partnership, a corporation, a professional
- 11 corporation, a facility, or an institution licensed or legally
- 12 authorized by this state to provide health care or professional
- 13 services as a licensed physician, a psychiatric hospital, a hospital,
- 14 a health facility, an emergency ambulance service (IC 16-31-3),

1 a dentist, a registered or licensed practical nurse, a midwife, an  
 2 optometrist, a pharmacist, a podiatrist, a chiropractor, a physical  
 3 therapist, a respiratory care practitioner, an occupational therapist,  
 4 a psychologist, a paramedic, an emergency medical technician, or  
 5 an advanced emergency technician, or a person who is an officer,  
 6 employee, or agent of the individual, partnership, corporation,  
 7 professional corporation, facility, or institution acting in the  
 8 course and scope of the person's employment.

9 (2) A college, university, or junior college that provides health  
 10 care to a student, a faculty member, or an employee, and the  
 11 governing board or a person who is an officer, employee, or agent  
 12 of the college, university, or junior college acting in the course  
 13 and scope of the person's employment.

14 (3) A blood bank, community mental health center, community  
 15 mental retardation center, community health center, or migrant  
 16 health center.

17 (4) A home health agency (as defined in IC 16-27-1-2).

18 (5) A health maintenance organization (as defined in  
 19 IC 27-13-1-19).

20 (6) A health care organization whose members, shareholders, or  
 21 partners are health care providers under subdivision (1).

22 (7) A corporation, partnership, or professional corporation not  
 23 otherwise qualified under this subsection that:

24 (A) provides health care as one (1) of the corporation's,  
 25 partnership's, or professional corporation's functions;

26 (B) is organized or registered under state law; and

27 (C) is determined to be eligible for coverage as a health care  
 28 provider under IC 34-18 for the corporation's, partnership's, or  
 29 professional corporation's health care function.

30 Coverage for a health care provider qualified under this subdivision is  
 31 limited to the health care provider's health care functions and does not  
 32 extend to other causes of action.

33 (b) "Health care provider", for purposes of **IC 16-19-1-4 and**  
 34 **IC 16-35**, has the meaning set forth in subsection (a). However, for  
 35 purposes of **IC 16-19-1-4 and IC 16-35**, the term also includes a health  
 36 facility (as defined in section 167 of this chapter).

37 (c) "Health care provider", for purposes of IC 16-36-5, means an  
 38 individual licensed or authorized by this state to provide health care or

1 professional services as:

- 2 (1) a licensed physician;
- 3 (2) a registered nurse;
- 4 (3) a licensed practical nurse;
- 5 (4) an advanced practice nurse;
- 6 (5) a licensed nurse midwife;
- 7 (6) a paramedic;
- 8 (7) an emergency medical technician;
- 9 (8) an advanced emergency medical technician; or
- 10 (9) a first responder, as defined under IC 16-18-2-131.

11 The term includes an individual who is an employee or agent of a  
 12 health care provider acting in the course and scope of the individual's  
 13 employment.

14 SECTION 2. IC 16-19-1-4 IS ADDED TO THE INDIANA CODE  
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 16 1, 2003]: **Sec. 4. (a) As used in this section, "augmentation allowed"**  
 17 **means the governor and the budget agency are authorized to add**  
 18 **to any appropriation from revenues accruing to the fund from**  
 19 **which the appropriation was made.**

20 (b) As used in this section, "personal services" includes  
 21 payments for salaries and wages to officers and employees of the  
 22 state (either regular or temporary), payments for compensation  
 23 awards, and the employer's share of Social Security, health  
 24 insurance, life insurance, and disability and retirement fund  
 25 contributions.

26 (c) In addition to any other appropriation, augmentation is  
 27 allowed for any appropriation made for any state fiscal year to the  
 28 department for personal services in amounts not to exceed the  
 29 additional revenue derived from the sum of:

- 30 (1) the increase in the health facility licensing fee under  
 31 IC 16-28-2-7, as enacted in the 2003 session of the general  
 32 assembly; and
- 33 (2) any increase in the fees on health care providers (as  
 34 defined in IC 16-18-2-163(b)) that are:
  - 35 (A) enacted; or
  - 36 (B) adopted by the executive board under IC 16-19-3;  
 37 after December 31, 2002.

1       **The amount of augmentation allowed is annually appropriated to**  
2       **the department for personal services.**

3       **(d) This section expires June 30, 2008."**

4       Page 1, delete lines 7 through 16.

5       Renumber all SECTIONS consecutively.

(Reference is to HB 1140 as printed February 11, 2003.)

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

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Representative Crawford