

SENATE BILL No. 480

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-6-2-55; IC 34-30-13.1; IC 36-1-14.4.

Synopsis: Inmate health care services. Provides for civil immunity of certain individuals providing health care services to inmates of county jails or state correctional facilities under certain circumstances. Authorizes state and local governmental units to disburse funds to a medical office or hospital that provides health care services to inmates. Requires the funds to be used by the medical office or hospital to purchase professional liability insurance.

Effective: July 1, 2004.

Skinner

January 13, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.

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Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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SENATE BILL No. 480



A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

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

1 SECTION 1. IC 34-6-2-55 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 55. "Health care
3 services", for purposes of IC 34-30-13 **and IC 34-30-13.1**, has the
4 meaning set forth in IC 27-13-1-18(a).

5 SECTION 2. IC 34-30-13.1 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2004]:

8 **Chapter 13.1. Health Care: Immunity of Individuals Providing**
9 **Inmate Health Care Services**

10 **Sec. 1. Except as provided in section 2 of this chapter, an**
11 **individual who meets all the following conditions is immune from**
12 **civil liability resulting from an act or omission relating to the**
13 **provision of health care services:**

14 (1) **Is licensed to provide the health care services under**
15 **Indiana law.**

16 (2) **Provides the health care services within the scope of the**
17 **individual's license to an inmate of a county jail or a state**



1 correctional facility.

2 **(3) Provides the health care services at a:**

3 **(A) medical office operated by:**

4 **(i) the county jail or state correctional facility in which**

5 **the inmate is incarcerated; or**

6 **(ii) a private entity; or**

7 **(B) hospital licensed under IC 16-21-2;**

8 **that is a qualified provider under IC 34-18 or to which**

9 **IC 34-13-3 applies.**

10 **Sec. 2. An individual described in section 1 of this chapter is not**

11 **immune from civil liability if the damages resulting from the**

12 **provision of the health care services resulted from the individual's**

13 **gross negligence or willful misconduct.**

14 SECTION 3. IC 36-1-14.4 IS ADDED TO THE INDIANA CODE

15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

16 JULY 1, 2004]:

17 **Chapter 14.4. Insurance for Inmate Health Care Services**

18 **Sec. 1. As used in this chapter, "health care services" has the**

19 **meaning set forth in IC 27-13-1-18(a).**

20 **Sec. 2. As used in this chapter, "hospital" refers to a hospital**

21 **licensed under IC 16-21-2 and operated by a private entity.**

22 **Sec. 3. As used in this chapter, "medical office" means an office:**

23 **(1) operated by a private entity; and**

24 **(2) in which health care services are provided.**

25 **Sec. 4. The state or a local governmental unit may disburse**

26 **funds to a medical office or hospital that provides health care**

27 **services to an inmate of a county jail or a state correctional facility.**

28 **Funding obtained under this section must be used by the medical**

29 **office or hospital to purchase professional liability insurance to**

30 **provide the medical office or hospital with:**

31 **(1) medical malpractice protection; and**

32 **(2) compensation for required surcharges;**

33 **under IC 34-18. However, the disbursement of funds by the state**

34 **or a local governmental unit does not create liability for the state**

35 **or local governmental unit as a result of an act or omission of the**

36 **medical office or hospital that receives the funds.**

37 **Sec. 5. If a medical office or hospital purchases professional**

38 **liability insurance under section 4 of this chapter, the medical**

39 **office or hospital must purchase the professional liability insurance**

40 **directly from an insurance company granted a certificate of**

41 **authority to do business in Indiana under IC 27.**

42 **Sec. 6. An individual described in IC 34-30-13.1-1 who provides**

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1 health care services to an inmate of a county jail or a state
2 correctional facility at a medical office or hospital described in this
3 chapter is immune from civil liability to the extent described in
4 IC 34-30-13.1.

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