



Reprinted  
January 24, 2012

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## SENATE BILL No. 223

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DIGEST OF SB 223 (Updated January 23, 2012 4:31 pm - DI 104)

**Citations Affected:** IC 16-38; IC 16-46.

**Synopsis:** State department of health matters. Allows the state department of health (department) to adopt rules concerning who may input and retrieve data from the immunization data registry (registry). Allows an individual to file a registry exemption with the department. Allows the state health commissioner to approve persons to whom information from the registry may be released. Removes language that: (1) prohibits the department from releasing identifying information when releasing statistical registry information; and (2) requires the department to convene a panel concerning expanding access to the registry. Removes a requirement that a health care professional work at least one year in a shortage area or at other specified health centers in order to be eligible for the loan repayment program. Requires that the health care professional agree to practice in the shortage area for at least one year. Allows the Indiana health care professional recruitment and retention fund to be used to encourage delivery of health care in shortage areas on a full-time or less than full-time basis.

**Effective:** July 1, 2012.

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### Miller, Becker, Breaux

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January 4, 2012, read first time and referred to Committee on Health and Provider Services.

January 12, 2012, amended, reported favorably — Do Pass.

January 23, 2012, read second time, amended, ordered engrossed.

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SB 223—LS 6505/DI 104+



Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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## SENATE BILL No. 223

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 16-38-5-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The state  
3 department may develop and maintain an immunization data registry  
4 to collect, store, analyze, release, and report immunization data.  
5 (b) Data in the immunization registry may be used only for the  
6 following purposes:  
7 (1) To assure that necessary immunizations are provided and  
8 overimmunization is avoided.  
9 (2) To assess immunization coverage rates.  
10 (3) To determine areas of underimmunization and other  
11 epidemiological research for disease control purposes.  
12 (4) To document that required immunizations have been provided  
13 as required for school or child care admission.  
14 (5) To accomplish other public health purposes as determined by  
15 the state department.  
16 (c) **The state department may adopt rules under IC 4-22-2**  
17 **concerning who may input and retrieve information from the**

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1 **immunization data registry.**

2 SECTION 2. IC 16-38-5-2, AS AMENDED BY P.L.161-2009,  
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2012]: Sec. 2. (a) A provider, a physician's designee, ~~or~~ a  
5 pharmacist's designee, **or a person approved by the state department**  
6 may provide immunization data to the immunization data registry in a  
7 manner prescribed by the state department and for the purposes  
8 allowed under this chapter. ~~unless:~~

9 **(b) An exemption from the immunization registry shall be**  
10 **granted if:**

11 (1) the patient; or

12 (2) the patient's parent or guardian, if the patient is less than  
13 eighteen (18) years of age;

14 has completed and filed ~~with the provider, physician's designee, or~~  
15 ~~pharmacist's designee~~ a written immunization data exemption form  
16 **with either the person who provides the immunization or the state**  
17 **department.**

18 ~~(b)~~ **(c)** The state department shall create and provide copies of  
19 immunization data exemption forms to:

20 (1) providers who are:

21 (A) licensed under IC 25; and

22 (B) authorized within the provider's scope of practice to  
23 administer immunizations; and

24 (2) individuals;

25 who request the form.

26 ~~(c)~~ **(d)** The state department shall distribute, ~~to providers,~~ upon  
27 request, written information to be disseminated to patients that  
28 describes the immunization data registry. The written information must  
29 include the following:

30 (1) That the provider may report immunization data to the  
31 immunization data registry.

32 (2) That the patient or the patient's parent or guardian, if the  
33 patient is less than eighteen (18) years of age, has a right to  
34 exempt disclosure of immunization data to the registry and may  
35 prevent disclosure by signing an immunization data exemption  
36 form.

37 (3) That the patient or the patient's parent or guardian, if the  
38 patient is less than eighteen (18) years of age, may have the  
39 individual's information removed from the immunization data  
40 registry.

41 (4) Instructions on how to have the information removed.

42 SECTION 3. IC 16-38-5-3, AS AMENDED BY P.L.161-2009,

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1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2012]: Sec. 3. (a) Records maintained as part of the  
3 immunization data registry are confidential.

4 (b) The state department may release ~~an individual's confidential~~  
5 information **from the immunization data registry** to the individual or  
6 to the individual's parent or guardian if the individual is less than  
7 eighteen (18) years of age.

8 (c) Subject to subsection (d), the state department may release  
9 information in the immunization data registry concerning an individual  
10 to the following **persons or** entities:

11 (1) The immunization data registry of another state.

12 (2) A provider or a provider's designee.

13 (3) A local health department.

14 (4) An elementary or secondary school that is attended by the  
15 individual.

16 (5) A child care center that is licensed under IC 12-17.2-4 in  
17 which the individual is enrolled.

18 (6) The office of Medicaid policy and planning or a contractor of  
19 the office of Medicaid policy and planning.

20 (7) A child placing agency licensed under IC 31-27.

21 (8) A college or university (as defined in IC 21-7-13-10) that is  
22 attended by the individual.

23 **(9) As needed, individuals or entities approved by the state**  
24 **health commissioner.**

25 (d) Before immunization data may be released to an entity, the entity  
26 must enter into ~~an a data use~~ agreement with the state department. ~~that~~  
27 ~~provides that information that identifies a patient will not be released~~  
28 ~~to any other person without the written consent of the patient.~~

29 (e) The state department may release summary statistics regarding  
30 information in the immunization data registry ~~if the summary statistics~~  
31 ~~do not reveal the identity of an individual.~~ **to an entity that has**  
32 **entered into a data use agreement with the state department.**

33 (f) The state department shall convene a panel to discuss expanding  
34 access to the immunization data registry. The panel must include at  
35 least one (+) representative of an insurance organization and at least  
36 one (+) member of a health maintenance organization. The state  
37 department shall submit the recommendations of the panel to the  
38 legislative council by October 1, 2009; in an electronic format under  
39 IC 5-14-6.

40 SECTION 4. IC 16-46-5-8 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The Indiana  
42 health care professional recruitment and retention fund is established.

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1 The purpose of the fund is to provide loan repayment for student loans  
 2 incurred by health care professionals to encourage the ~~full-time~~  
 3 delivery of health care in shortage areas. The state department shall  
 4 administer the fund.

5 (b) The fund consists of the following:

- 6 (1) Appropriations by the general assembly.  
 7 (2) Repayments by loan recipients from the Indiana medical and  
 8 nursing distribution loan fund under IC 25-22.5-9 (repealed July  
 9 1, 1987).  
 10 (3) Gifts to the fund.  
 11 (4) Grants from public or private sources.

12 (c) The treasurer of state shall invest the money in the fund not  
 13 currently needed to meet the obligations of the fund.

14 (d) Money in the fund at the end of a state fiscal year does not revert  
 15 to the state general fund.

16 (e) The fund shall be used to do the following:

- 17 (1) Provide loan repayment under this chapter.  
 18 (2) Pay the costs incurred by the state department in administering  
 19 this chapter.

20 The administrative costs paid from the fund under subdivision (2) may  
 21 not exceed thirty thousand dollars (\$30,000) per year.

22 SECTION 5. IC 16-46-5-9 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. In order to be  
 24 eligible for loan repayment for student loans, a health care professional  
 25 must meet all of the following conditions:

- 26 (1) Hold an unlimited license to practice a health care profession  
 27 in Indiana that has been declared by the state department to be  
 28 eligible for loan repayment in a specified fiscal year.

29 ~~(2) Have either:~~

30 ~~(A) completed at least one (1) year of health care professional~~  
 31 ~~practice in a shortage area; or~~

32 ~~(B) worked at least one (1) year at a community or migrant~~  
 33 ~~health center or maternal and child health clinic in a shortage~~  
 34 ~~area.~~

35 ~~(3) (2) Practice in a shortage area~~ in a health care profession that  
 36 has been declared eligible by the state department for loan  
 37 repayment in a specified fiscal year.

38 ~~(3) Either:~~

39 ~~(A) enter into an agreement with the state department; or~~

40 ~~(B) provide the state department with a copy of an~~  
 41 ~~agreement that the health professional has entered into~~  
 42 ~~with a provider in a shortage area;~~



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1           **to practice in the shortage area for at least one (1) year.**  
2           SECTION 6. IC 16-46-5-19 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. **(a)** The state  
4           department shall adopt rules under IC 4-22-2 necessary to carry out this  
5           chapter.  
6           **(b) The state department shall adopt rules under IC 4-22-2 to**  
7           **ensure that a loan repayment provided under this chapter complies**  
8           **with federal law and regulations.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 223, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 35, after "Practice" insert "**in a shortage area**".

and when so amended that said bill do pass.

(Reference is to SB 223 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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 SENATE MOTION

Madam President: I move that Senate Bill 223 be amended to read as follows:

Page 4, after line 37, begin a new line block indented and insert:

**"(3) Either:**

**(A) enter into an agreement with the state department; or**

**(B) provide the state department with a copy of an agreement that the health professional has entered into with a provider in a shortage area;**

**to practice in the shortage area for at least one (1) year.**

SECTION 6. IC 16-46-5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) The state department shall adopt rules under IC 4-22-2 necessary to carry out this chapter.

**(b) The state department shall adopt rules under IC 4-22-2 to ensure that a loan repayment provided under this chapter complies with federal law and regulations."**

Renumber all SECTIONS consecutively.

(Reference is to SB 223 as printed January 13, 2012.)

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