

# COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1135-2013 because it conflicts with HEA 1182-2013 without properly recognizing the existence of HEA 1182-2013, has had Engrossed House Bill 1135-2013 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed House Bill 1135-2013 be corrected as follows:

- 1           In the conference committee report for EHB 1135-2013, page 1,
- 2           delete lines 2 through 18.
- 3           In the conference committee report for EHB 1135-2013, delete page
- 4           2.
- 5           In the conference committee report for EHB 1135-2013, page 3,
- 6           delete lines 1 through 27, begin a new paragraph and insert:
- 7           "SECTION 1. IC 16-18-2-163, AS AMENDED BY HEA 1182-
- 8           2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS
- 9           [EFFECTIVE JULY 1, 2013]: Sec. 163. (a) "Health care provider", for
- 10          purposes of IC 16-21 and IC 16-41, means any of the following:
- 11           (1) An individual, a partnership, a corporation, a professional
- 12           corporation, a facility, or an institution licensed or legally
- 13           authorized by this state to provide health care or professional
- 14           services as a licensed physician, a psychiatric hospital, a hospital,
- 15           a health facility, an emergency ambulance service (IC 16-31-3),
- 16           a dentist, a registered or licensed practical nurse, a midwife, an
- 17           optometrist, a pharmacist, a podiatrist, a chiropractor, a physical
- 18           therapist, a respiratory care practitioner, an occupational therapist,
- 19           a psychologist, a paramedic, an emergency medical technician, an
- 20           advanced emergency medical technician, or a person who is an
- 21           officer, employee, or agent of the individual, partnership,
- 22           corporation, professional corporation, facility, or institution acting
- 23           in the course and scope of the person's employment.
- 24           (2) A college, university, or junior college that provides health

- 1 care to a student, a faculty member, or an employee, and the  
 2 governing board or a person who is an officer, employee, or agent  
 3 of the college, university, or junior college acting in the course  
 4 and scope of the person's employment.
- 5 (3) A blood bank, community mental health center, community  
 6 mental retardation center, community health center, or migrant  
 7 health center.
- 8 (4) A home health agency (as defined in IC 16-27-1-2).
- 9 (5) A health maintenance organization (as defined in  
 10 IC 27-13-1-19).
- 11 (6) A health care organization whose members, shareholders, or  
 12 partners are health care providers under subdivision (1).
- 13 (7) A corporation, partnership, or professional corporation not  
 14 otherwise qualified under this subsection that:
- 15 (A) provides health care as one (1) of the corporation's,  
 16 partnership's, or professional corporation's functions;
- 17 (B) is organized or registered under state law; and
- 18 (C) is determined to be eligible for coverage as a health care  
 19 provider under IC 34-18 for the corporation's, partnership's, or  
 20 professional corporation's health care function.
- 21 Coverage for a health care provider qualified under this subdivision is  
 22 limited to the health care provider's health care functions and does not  
 23 extend to other causes of action.
- 24 (b) "Health care provider", for purposes of IC 16-35, has the  
 25 meaning set forth in subsection (a). However, for purposes of IC 16-35,  
 26 the term also includes a health facility (as defined in section 167 of this  
 27 chapter).
- 28 (c) "Health care provider", for purposes of IC 16-36-5 and IC 16-36-  
 29 6, means an individual licensed or authorized by this state to provide  
 30 health care or professional services as:
- 31 (1) a licensed physician;
- 32 (2) a registered nurse;
- 33 (3) a licensed practical nurse;
- 34 (4) an advanced practice nurse;
- 35 (5) a ~~licensed~~ **certified** nurse midwife;
- 36 (6) a paramedic;
- 37 (7) an emergency medical technician;
- 38 (8) an advanced emergency medical technician; or
- 39 (9) an emergency medical responder, as defined by section 109.8  
 40 of this chapter.

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

4 (d) "Health care provider", for purposes of IC 16-40-4, means any  
5 of the following:

6 (1) An individual, a partnership, a corporation, a professional  
7 corporation, a facility, or an institution licensed or authorized by  
8 the state to provide health care or professional services as a  
9 licensed physician, a psychiatric hospital, a hospital, a health  
10 facility, an emergency ambulance service (IC 16-31-3), an  
11 ambulatory outpatient surgical center, a dentist, an optometrist, a  
12 pharmacist, a podiatrist, a chiropractor, a psychologist, or a  
13 person who is an officer, employee, or agent of the individual,  
14 partnership, corporation, professional corporation, facility, or  
15 institution acting in the course and scope of the person's  
16 employment.

17 (2) A blood bank, laboratory, community mental health center,  
18 community mental retardation center, community health center,  
19 or migrant health center.

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

21 (4) A health maintenance organization (as defined in  
22 IC 27-13-1-19).

23 (5) A health care organization whose members, shareholders, or  
24 partners are health care providers under subdivision (1).

25 (6) A corporation, partnership, or professional corporation not  
26 otherwise specified in this subsection that:

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

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

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

33 (7) A person that is designated to maintain the records of a person  
34 described in subdivisions (1) through (6).

35 (e) "Health care provider", for purposes of IC 16-45-4, has the  
36 meaning set forth in 47 CFR 54.601(a)."

(Reference is to EHB 1135 as reprinted April 10, 2013, and as  
amended by the conference committee report for EHB 1135-2013.)

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Senator LONG, Chairperson

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Senator LANANE, R.M.M.

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Senator MILLER PATRICIA