

## **IC 34-18-2**

### **Chapter 2. Definitions**

#### **IC 34-18-2-1**

##### **Application of definitions**

Sec. 1. The definitions in this chapter apply throughout this article.

*As added by P.L.1-1998, SEC.13.*

#### **IC 34-18-2-2**

##### **Terms of art**

Sec. 2. A legal term or word of art that is used in this article, if not otherwise defined, has the meaning that is consistent with the common law.

*As added by P.L.1-1998, SEC.13.*

#### **IC 34-18-2-3**

##### **Repealed**

*(Repealed by P.L.205-2003, SEC.44.)*

#### **IC 34-18-2-4**

##### **"Ambulance service"**

Sec. 4. "Ambulance service" means a person who employs:

- (1) emergency medical technicians;
- (2) emergency medical technicians-basic advanced;
- (3) emergency medical technicians-intermediate; or
- (4) paramedics.

*As added by P.L.1-1998, SEC.13. Amended by P.L.205-2003, SEC.40.*

#### **IC 34-18-2-5**

##### **"Annual aggregate"**

Sec. 5. "Annual aggregate" means the limitation on a health care provider's liability as provided in IC 34-18-4.

*As added by P.L.1-1998, SEC.13.*

#### **IC 34-18-2-6**

##### **"Authority"**

Sec. 6. "Authority" refers to the residual malpractice insurance authority established under IC 34-18-17 (or IC 27-12-17 before its repeal).

*As added by P.L.1-1998, SEC.13.*

#### **IC 34-18-2-7**

##### **"College", "university", and "junior college"**

Sec. 7. "College, university, or junior college" means an institution for postsecondary school education accredited by the North Central Association.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-8****"Commissioner"**

Sec. 8. "Commissioner" refers to the insurance commissioner.  
*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-9****"Community health center"**

Sec. 9. "Community health center" means a provider of primary health care organized as a nonprofit corporation under IC 23-7-1.1 (before its repeal on August 1, 1991) or IC 23-17 and governed by a board of directors, at least fifty-one percent (51%) of whom are representatives of consumers.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-10****"Community mental health center"**

Sec. 10. "Community mental health center" means a public or private mental health center established under IC 12-29.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-11****"Community mental retardation center"**

Sec. 11. "Community mental retardation center" means a public or private community mental retardation and other developmental disabilities center established under IC 12-29.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-12****"Emergency medical technician"**

Sec. 12. "Emergency medical technician" has the meaning set forth in IC 16-18-2-112 but does not include such a person while operating an emergency vehicle.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-12.1****"Emergency medical technician-basic advanced"; exclusion**

Sec. 12.1. (a) "Emergency medical technician-basic advanced" has the meaning set forth in IC 16-18-2-112.5.

(b) The term does not include a person while the person is operating an emergency vehicle.

*As added by P.L.205-2003, SEC.41.*

**IC 34-18-2-12.2****"Emergency medical technician-intermediate"; exclusion**

Sec. 12.2. (a) "Emergency medical technician-intermediate" has the meaning set forth in IC 16-18-2-112.7.

(b) The term does not include a person while the person is operating an emergency vehicle.

*As added by P.L.205-2003, SEC.42.*

**IC 34-18-2-13**

**"Health care"**

Sec. 13. "Health care" means an act or treatment performed or furnished, or that should have been performed or furnished, by a health care provider for, to, or on behalf of a patient during the patient's medical care, treatment, or confinement.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-14**

**"Health care provider"**

Sec. 14. "Health care provider" means any of the following:

(1) An individual, a partnership, a limited liability company, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a physician, psychiatric hospital, hospital, health facility, emergency ambulance service (IC 16-18-2-107), dentist, registered or licensed practical nurse, physician assistant, midwife, optometrist, podiatrist, chiropractor, physical therapist, respiratory care practitioner, occupational therapist, psychologist, paramedic, emergency medical technician-intermediate, emergency medical technician-basic advanced, or emergency medical technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

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

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

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

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

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

(7) A corporation, limited liability company, partnership, or professional corporation not otherwise qualified under this section that:

(A) as one (1) of its functions, provides health care;

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

(C) is determined to be eligible for coverage as a health care provider under this article for its health care function.

Coverage for a health care provider qualified under this subdivision is limited to its health care functions and does not extend to other causes of action.

*As added by P.L.1-1998, SEC.13. Amended by P.L.205-2003,*

SEC.43.

**IC 34-18-2-15**

**"Health facility"**

Sec. 15. "Health facility" means a facility licensed under IC 16-28.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-16**

**"Hospital"**

Sec. 16. "Hospital" means a public or private institution licensed under IC 16-21-2.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-17**

**"Insurer"**

Sec. 17. "Insurer" means the authority or an insurance company engaged on an admitted or nonadmitted basis in making in this state Class 2(h) malpractice liability insurance under IC 27-1-5-1.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-18**

**"Malpractice"**

Sec. 18. "Malpractice" means a tort or breach of contract based on health care or professional services that were provided, or that should have been provided, by a health care provider, to a patient.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-19**

**"Midwife"**

Sec. 19. "Midwife" means a registered nurse who holds a limited license to practice midwifery under IC 25-23-1-13.1.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-20**

**"Migrant health center"**

Sec. 20. "Migrant health center" means a provider of primary health care organized as a nonprofit corporation under IC 23-7-1.1 (before its repeal on August 1, 1991) or IC 23-17 governed by a board of directors, at least fifty-one percent (51%) of whom are representatives of consumers and funded under Section 329 of the United States Public Health Service Act (42 U.S.C. 254b).

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-21**

**"Paramedic"**

Sec. 21. (a) "Paramedic", except as provided in subsection (b), has the meaning set forth in IC 16-18-2-266.

(b) The term does not include such a person while operating an emergency vehicle.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-22**

**"Patient"**

Sec. 22. "Patient" means an individual who receives or should have received health care from a health care provider, under a contract, express or implied, and includes a person having a claim of any kind, whether derivative or otherwise, as a result of alleged malpractice on the part of a health care provider. Derivative claims include the claim of a parent or parents, guardian, trustee, child, relative, attorney, or any other representative of the patient including claims for loss of services, loss of consortium, expenses, and other similar claims.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-23**

**"Physician"**

Sec. 23. "Physician" means an individual with an unlimited license to practice medicine under IC 25-22.5.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-24**

**"Psychiatric hospital"**

Sec. 24. "Psychiatric hospital" means a private institution licensed under IC 12-25 and public institutions under the administrative control of the director of a division as designated by IC 12-24-1-1 or IC 12-24-1-3.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-24.5**

**"Qualified provider"**

Sec. 24.5. "Qualified provider" means a health care provider that is qualified under this article (or by IC 27-12 before its repeal) by complying with the procedures set forth in IC 34-18-3 (or IC 27-12-3 before its repeal).

*As added by P.L.111-1998, SEC.4.*

**IC 34-18-2-25**

**"Representative"**

Sec. 25. "Representative" means the spouse, parent, guardian, trustee, attorney, or other legal agent of the patient.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-26**

**"Risk"**

Sec. 26. "Risk" means a health care provider that must apply for malpractice liability insurance coverage under IC 34-18-17.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-27**

**"Risk manager"**

Sec. 27. "Risk manager" means an insurance company that is:  
(1) admitted to make insurance and actively engaged in making  
in this state Class 2 insurance under IC 27-1-5-1; and  
(2) appointed by the commissioner to manage the authority.

*As added by P.L.1-1998, SEC.13.*

**IC 34-18-2-28**

**"Tort"**

Sec. 28. "Tort" means a legal wrong, breach of duty, or negligent  
or unlawful act or omission proximately causing injury or damage to  
another.

*As added by P.L.1-1998, SEC.13.*