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**INDIANA**  
**STATE DEPARTMENT OF HEALTH**

**TITLE 410 INDIANA ADMINISTRATIVE CODE**

**ARTICLE 26 ABORTION CLINIC LICENSURE RULES**

**Rule 1-1 thru 19-1 and Interpretive Guidelines**

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**10/06/2019**

02/03/2020

# ARTICLE 26 ABORTION CLINIC LICENSURE RULES

Tag Number	Rule	Guidance to Surveyors
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Tag Number	Rule 0.5 Applicability	Guidance to Surveyors
	<p><b>410 IAC 26-0.5-1 Applicability</b> Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 1. This article applies to abortion clinics that perform surgical abortion procedures. An abortion clinic that provides an abortion inducing drug for the purpose of inducing an abortion must comply with 410 IAC 26.5. (Indiana State Department of Health; 410 IAC 26-0.5-1)</p>	
	<p><b>Rule 1. Definitions</b> 410 IAC 26-1-1 Applicability Authority: IC 16-21-1-7; IC 16-21-1-9 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 1. The definitions in this rule apply throughout this article except as otherwise indicated. (Indiana State Department of Health; 410 IAC 26-1-1)</p>	
	<p>410 IAC 26-1-2 "Abortion" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-18-2-1; IC 16-21-1; IC 16-21-2</p> <p>Sec. 2. "Abortion" has the meaning set forth in IC 16-18-2-1. (Indiana State Department of Health; 410 IAC 26-1-2)</p>	<p>IC 16-18-2-1 "Abortion" Sec. 1. "Abortion" means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus. The term includes abortions by surgical procedures and by abortion inducing drugs. [Pre-1993 Recodification Citation: 35-1-58.5-1(b).] As added by P.L.2-1993, SEC.1. Amended by P.L.136-2013, SEC.1.</p>

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	<p>410 IAC 26-1-3 "Abortion clinic" defined                      Authority: IC 16-21-1-7; IC 16-21-2-2.5                      Affected: IC 16-18-2-163; IC 16-21-1; IC 16-21-2</p> <p>Sec. 3. (a) "Abortion clinic" means a health care provider (as defined in IC 16-18-2-163(d)(1)) that performs surgical abortion procedures.                      (b) The term does not include the following:                      (1) A hospital that is licensed as a hospital under IC 16-21-2.                      (2) An ambulatory outpatient surgical center that is licensed as an ambulatory outpatient surgical center under IC 16-21-2.                      (3) A health care provider that provides, prescribes, administers, or dispenses an abortion inducing drug to fewer than five (5) patients per year for the purposes of inducing an abortion. (Indiana State Department of Health; 410 IAC 26-1-3)</p>	
	<p>410 IAC 26-1-3.2 "Affiliate" defined                      Authority: IC 16-21-1-7; IC 16-21-2-2.5                      Affected: IC 16-18-2-9.4; IC 16-21-1; IC 16-21-2</p> <p>Sec. 3.2. "Affiliate" has the meaning set forth in IC 16-18-2-9.4. (Indiana State Department of Health; 410 IAC 26-1-3.2)</p>	<p>IC 16-18-2-9.4 "Affiliate"</p> <p>Sec. 9.4. "Affiliate", for purposes of IC 16-21-2-11, means any person who directly or indirectly controls, is controlled by, or is under common control of another person.</p> <p>As added by P.L.205-2018, SEC.3.</p>

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	<p>410 IAC 26-1-3.5 "ASA Class I patient" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 3.5 "ASA Class I patient: means a normal, healthy patient." (Indiana State Department of Health; IAC 26-1-3.5)</p>	
	<p>410 IAC 26-1-4 "Authenticate" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 4. "Authenticate" means the author or responsible individual has reviewed the clinical content of the order and validated an entry in the record by:</p> <ol style="list-style-type: none"><li>(1) a full signature, including first initial, last name, and discipline;</li><li>(2) written initials if full signature appears on the same page; or</li><li>(3) a unique identifier such as a number or computer key. (Indiana State Department of Health; 410 IAC 26-1-4)</li></ol>	
	<p>410 IAC 26-1-4.6 "Biologics" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 4.6. "Biologics" means a biological product, such as:</p> <ol style="list-style-type: none"><li>(1) a globulin;</li><li>(2) a serum;</li><li>(3) a vaccine;</li><li>(4) an antitoxin;</li><li>(5) blood; or</li><li>(6) an antigen;</li></ol> <p>Used in the prevention or treatment of disease. (Indiana State Department of Health; 410 IAC 26-1-4.6)</p>	

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	<p>410 IAC 26-1-4.8 "Burn" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 4.8. "Burn" means any injury or damage to the tissues of the body caused by exposure to any of the following:</p> <ul style="list-style-type: none"><li>(1) Fire.</li><li>(2) Heat.</li><li>(3) Chemicals.</li><li>(4) Electricity.</li><li>(5) Radiation.</li><li>(6) Gases.</li></ul> <p>(Indiana State Department of Health; 410 IAC 26-1-4.8)</p>	
	<p>410 IAC 26-1-5 "Clinic" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 5. "Clinic" means an abortion clinic. (Indiana State Department of Health; 410 IAC 26-1-5)</p>	
	<p>410 IAC 26-1-6 "Commissioner" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 6. "Commissioner" means the state health commissioner or the state health commissioner's designee. (Indiana State Department of Health; 410 IAC 26-1-6)</p>	

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	<p>410 IAC 26-1-7 "Council" defined (Repealed)</p> <p>Sec. 7. (Repealed by Indiana State Department of Health)</p>	
	<p>410 IAC 26-1-8 "Department" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 8. "Department" means the Indiana state department of health. (Indiana State Department of Health; 410 IAC 26-1-8)</p>	
	<p>410 IAC 26-1-9 "Division" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 9. "Division" means the division of acute care of the department. (Indiana State Department of Health; 410 IAC 26-1-9)</p>	
	<p>410 IAC 26-1-9.5 "Elopement" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 9.5. "Elopement" means any situation in which a registered or admitted patient, excluding events involving adults with decision making capacity, leaves the clinic without staff being aware that the patient has done so. (Indiana State Department of Health; 410 IAC 26-1-9.5)</p> <p>410 IAC 26-1-10 "Governing body" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5</p>	

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	<p>Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 10. "Governing body" means:</p> <ol style="list-style-type: none"> <li>(1) board of trustees;</li> <li>(2) governing board;</li> <li>(3) board of directors; or</li> <li>(4) other body or individual responsible for governing an abortion clinic.</li> </ol> <p>(Indiana State Department of Health; 410 IAC 26-1-10)</p>	
	<p>410 IAC 26-1-11 "Health care provider" defined</p> <p>Authority: IC 16-21-1-7; IC 16-21-2-2.5</p> <p>Affected: IC 16-18-2-163; IC 16-21-1; IC 16-21-2</p> <p>Sec. 11. "Health care provider" has the meaning set forth in IC 16-18-2-163. (Indiana State Department of Health; 410 IAC 26-1-11)</p>	<p>IC 16-18-2-163 "Health care provider"</p> <p>Sec. 163. (a) "Health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following:</p> <ol style="list-style-type: none"> <li>(1) An individual, a partnership, 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 licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a midwife, an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, an advanced emergency medical technician, an athletic trainer, 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.</li> <li>(2) A college, university, or junior college that provides health care to a student, a faculty member, or an 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.</li> <li>(3) A blood bank, community mental health center, community intellectual disability center, community health center, or migrant health center.</li> <li>(4) A home health agency (as defined in IC 16-27-1-2).</li> <li>(5) A health maintenance organization (as defined in IC 27-13-1-19).</li> <li>(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).</li> <li>(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:</li> </ol>

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	<p>(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;</p> <p>(B) is organized or registered under state law; and</p> <p>(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.</p> <p>Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.</p> <p>(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35, the term also includes a health facility (as defined in section 167 of this chapter).</p> <p>(c) "Health care provider", for purposes of IC 16-32-5, IC 16-36-5, and IC 16-36-6, means an individual licensed or authorized by this state to provide health care or professional services as:</p> <ol style="list-style-type: none"><li>(1) a licensed physician;</li><li>(2) a registered nurse;</li><li>(3) a licensed practical nurse;</li><li>(4) an advanced practice registered nurse;</li><li>(5) a certified nurse midwife;</li><li>(6) a paramedic;</li><li>(7) an emergency medical technician;</li><li>(8) an advanced emergency medical technician;</li><li>(9) an emergency medical responder, as defined by section 109.8 of this chapter;</li><li>(10) a licensed dentist;</li><li>(11) a home health aide, as defined by section 174 of this chapter; or</li><li>(12) a licensed physician assistant.</li></ol> <p>The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.</p> <p>(d) "Health care provider", for purposes of section 1.5 of this chapter and IC 16-40-4, means any of the following:</p> <ol style="list-style-type: none"><li>(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or authorized by the state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), an ambulatory outpatient surgical center, a dentist, an optometrist, a pharmacist, a podiatrist, a chiropractor, a</li></ol>
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		<p>psychologist, 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.</p> <p>(2) A blood bank, laboratory, community mental health center, community intellectual disability center, community health center, or migrant health center.</p> <p>(3) A home health agency (as defined in IC 16-27-1-2).</p> <p>(4) A health maintenance organization (as defined in IC 27-13-1-19).</p> <p>(5) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).</p> <p>(6) A corporation, partnership, or professional corporation not otherwise specified in this subsection that:</p> <p>(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;</p> <p>(B) is organized or registered under state law; and</p> <p>(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.</p> <p>(7) A person that is designated to maintain the records of a person described in subdivisions (1) through (6).</p> <p>(e) "Health care provider", for purposes of IC 16-45-4, has the meaning set forth in 47 CFR 54.601(a).</p> <p>[Pre-1993 Recodification Citations: 16-1-9.5-9; 16-8-11-3; 16-8-12-1(3).]</p>
	<p>410 IAC 26-1-12 "Health care worker" defined                      Authority: IC 16-21-1-7; IC 16-21-2-2.5                      Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 12. "Health care worker" means a person who provides services whether as an individual health care provider, volunteer, or student at or employee of a clinic. (Indiana State Department of Health; 410 IAC 26-1-12)</p> <p>410 IAC 26-1-12.4 "Hypoglycemia" defined                      Authority: IC 16-19-3-4; IC 16-21-1-7                      Affected: IC 16-19-3; IC 16-21-1</p>	

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	<p>Sec. 12.4. "Hypoglycemia" means a physiologic state in which:</p> <ul style="list-style-type: none"><li>(1) the blood sugar falls below sixty (60) mg/dl (forty (40) mg/dl in neonates); and</li><li>(2) physiological or neurological, or both, dysfunction begins.</li></ul> <p>(Indiana State Department of Health; 410 IAC 26-1-12.4)</p> <p>410 IAC 26-1-12.5 "Immediately postoperative" defined</p> <p>Authority: IC 16-19-3-4; IC 16-21-1-7</p> <p>Affected: IC 16-19-3; IC 16-21-1</p>	
	<p>Sec. 12.5. "Immediately postoperative" means within twenty-four (24) hours after either of the following:</p> <ul style="list-style-type: none"><li>(1) Administration of anesthesia (if surgery or other invasive procedure is not completed).</li><li>(2) Completion of surgery or other invasive procedure.</li></ul> <p>(Indiana State Department of Health; 410 IAC 26-1-12.5)</p> <p>410 IAC 26-1-12.6 "Informed consent" defined</p> <p>Authority: IC 16-19-3-4; IC 16-21-1-7</p> <p>Affected: IC 16-19-3; IC 16-21-1</p>	
	<p>Sec. 12.6. "Informed consent" means a patient's authorization or agreement to undergo surgery or other invasive procedure that is based upon communication between a patient and his or her physician regarding the surgery or other invasive procedure.</p> <p>(Indiana State Department of Health; 410 IAC 26-1-12.6)</p> <p>410 IAC 26-1-12.7 "Intended use" defined (Repealed)</p> <p>Sec. 12.7. (Repealed by Indiana State Department of Health)</p>	
	<p>410 IAC 26-1-12.8 "Joint movement therapy" defined</p> <p>Authority: IC 16-19-3-4; IC 16-21-1-7</p> <p>Affected: IC 16-19-3; IC 16-21-1</p>	