

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Emergency Rule LSA Document #15- (E)

DIGEST

Temporarily adds provisions concerning the disposition of aborted remains. Statutory authority: IC 4-22-2-37.1; IC 16-19-3-5; IC 16-19-3-31; IC 16-21-1-7. Effective July 1, 2015.

SECTION 1. The definitions in this document apply throughout this document.

SECTION 2. "Abortion" has the meaning set forth in IC 16-18-2-1.

SECTION 3. "Cremation" means incineration by a crematory, or incineration as authorized for infectious and pathological waste under IC 16-41-16 and 410 IAC 1-3.

SECTION 4. "Facility" means:

- (1) a hospital licensed under IC 16-21;**
- (2) an ambulatory outpatient surgical center licensed under IC 16-21;**
- (3) any other health care provider, as defined in IC 16-18-2-163(d)(1), required to be licensed as an abortion clinic under IC 16-21.**

SECTION 5. "Fetus" has the meaning set forth in IC 16-18-2-128.7.

SECTION 6. "Infectious waste" has the meaning set forth in IC 16-41-16-4.

SECTION 7. "Pathological waste" has the meaning set forth in IC 16-41-16-5.

SECTION 8. (a) Each facility shall comply with this section as soon as practicable, but not later than September 1, 2015.

(b) Each facility shall provide for the disposition of an aborted fetus by any of the following methods:

- (1) in the earth in an established cemetery pursuant to IC 23-14-34; or**
- (2) cremation.**

(c) The facility must have written policies and procedures for the available method or methods of disposition of aborted fetuses.

(d) The facility must maintain evidentiary documentation demonstrating the date and method of disposition for each aborted fetus.

(e) This document does not apply when the patient elects to receive the aborted fetus pursuant to IC 16-34-3.

SECTION 9. Sections 1 through 8 of this document take effect July 1, 2015.