

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1336

AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-19-14-7 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 7. This chapter expires July 1, 2017.~~

SECTION 2. IC 16-22-3-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. **(a)** The board is a body corporate and politic. ~~with the style of "The Board of Trustees of _____ Hospital", to include the full name of the hospital.~~ In that ~~name and~~ capacity, the board may do the following:

- (1) Sue and be sued and plead and be impleaded but all actions against the board must be brought in the circuit or superior courts of the county in which the hospital is located.
- (2) Possess the real and personal property of the hospital and the hospital funds in the hospital's corporate name for the hospital's use and benefit.
- (3) Exercise the other powers, duties, and responsibilities set forth in this article.

(b) This subsection is retroactively effective beginning January 1, 1971. The name of the board may be styled as:

- (1) "The Board of Trustees of _____ Hospital", to include the full name of the hospital;**
- (2) the full name of the hospital; or**
- (3) an assumed business name under which the board conducts the board's affairs.**

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Any legal action taken by a board after December 31, 1970, that is questioned solely because of the board's name under this section is hereby legalized and validated.

SECTION 3. IC 16-23-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A governing board shall manage the hospital. The board consists of seven (7) members, all of whom must be qualified voters of the county in which the hospital is located.

(b) One (1) or two (2) of the members may be a licensed and practicing physician. One (1) member may be a registered nurse.

(c) The governing board is a separate legal entity. ~~under the name and style of "Board of Directors of _____ Hospital, _____, Indiana".~~

(d) This subsection is retroactively effective beginning January 1, 1971. The name of the board may be styled as:

- (1) "The Board of Trustees of _____ Hospital", to include the full name of the hospital;**
- (2) the full name of the hospital; or**
- (3) an assumed business name under which the board conducts the board's affairs.**

Any legal action taken by a board after December 31, 1970, that is questioned solely because of the board's name under this section is hereby legalized and validated.

SECTION 4. IC 16-35-8-1, AS ADDED BY P.L.119-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. As used in this chapter, "child" means a child who is:

- (1) at least three (3) years of age and less than seven (7) years of age; or**
- (2) enrolled in a public school, accredited nonpublic school, or nonaccredited nonpublic school in kindergarten through grade 12.**

SECTION 5. IC 16-35-8-5, AS ADDED BY P.L.119-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) The fund consists of appropriations from the general assembly, gifts, bequests, and other sources of funding.

(b) Expenditures for the program may not exceed the amounts appropriated, gifted, bequeathed, or provided to the fund.

SECTION 6. IC 16-35-8-9, AS AMENDED BY P.L.109-2012, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) The hearing aid assistance program is established.

(b) The following eligibility criteria apply for funding through the



hearing aid assistance program:

- (1) The hearing aid must be:
 - (A) prescribed for a child by a physician who is licensed under IC 25-22.5; and
 - (B) prescribed, fitted, and dispensed for the child by an audiologist who is licensed under IC 25-35.6.
- (2) The child has not received funding from the fund for a hearing aid for the applicable ear during the previous three (3) years.
- (3) Reimbursement is not available through any of the following or is not sufficient to pay the full amount required for a hearing aid:
 - (A) A policy of accident and sickness insurance (IC 27-8-5).
 - (B) A health maintenance organization contract (IC 27-13).
 - (C) The Medicaid program (IC 12-15).
 - (D) The children's health insurance program (IC 12-17.6).
 - (E) The federal Medicare program or any other federal assistance program.

(c) The state department may use appropriate internal and external resources to administer the hearing aid assistance program in a cost effective manner.

(d) External foundations and other organizations that provide hearing aid assistance may register with the state department to provide a centralized location from which deaf and hard of hearing individuals can obtain information regarding additional sources of hearing aid assistance.

SECTION 7. IC 16-35-8-10, AS ADDED BY P.L.119-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. (a) The parent or guardian of a child may at any time apply to the state department for funding through the hearing aid assistance program.

(b) Upon receipt of an application made under subsection (a), if the state department determines that the child is eligible under section 9(b) of this chapter, the state department may pay from the fund any amount not reimbursed through a source described in section 9(b)(3) of this chapter, **an amount** not to exceed **one thousand five hundred two thousand** dollars (~~\$1,500~~) (**\$2,000**) per hearing aid.

SECTION 8. IC 16-38-4-19 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 19: The registry is abolished July 1, 2017.

SECTION 9. IC 16-42-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Whenever a duly authorized agent of the state department finds or has probable cause to believe that any food, drug, device, or cosmetic is:

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(1) adulterated; or
 (2) so misbranded as to be dangerous or fraudulent;
 within the meaning of IC 16-42-1 through IC 16-42-4, the state health commissioner or the commissioner's legally authorized agent shall affix to the merchandise a tag or other appropriate marking as described in subsection (b).

(b) The tag or marking required in subsection (a) must do the following:

(1) Give notice that the merchandise is or is suspected of being adulterated or misbranded.

(2) Give notice that the merchandise has been detained or embargoed as follows:

(A) ~~Five (5)~~ **Not more than fifteen (15)** days in the case of food.

(B) Ten (10) days in the case of drugs and cosmetics.

(3) Contain a warning to all persons not to remove or dispose of the merchandise by sale or otherwise until permission for removal or disposal is given by the state department or the court.

(c) A person may not remove or dispose of detained or embargoed merchandise by sale or otherwise without permission of the state department or the court.

(d) The claimant may, under the supervision of the state department, destroy the detained merchandise.

(e) If the state department finds that merchandise that has been detained or embargoed is not adulterated or misbranded, the state department shall remove the tag or marking.

SECTION 10. IC 16-42-1-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 35. For purposes of IC 5-14-3-4, if an individual files a complaint under this article concerning an issue related to food safety or a food borne illness, including any health or sanitary condition at a food establishment, the department shall keep the following information of the individual who filed the complaint confidential:**

(1) Name.

(2) Address.

(3) Telephone number.

(4) Electronic mail address.

(5) Personal health information.

(6) Any other information that could identify the complainant.

SECTION 11. **An emergency is declared for this act.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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