



February 28, 2020

ENGROSSED SENATE BILL No. 4

DIGEST OF SB 4 (Updated February 26, 2020 6:31 pm - DI 77)

Citations Affected: IC 12-15; IC 16-41.

Synopsis: Health programs. Extends the prohibition against the inclusion of certain Medicaid recipients in: (1) risk based managed care programs; or (2) capitated managed care programs; from June 30, 2020, to June 30, 2021. Requires a syringe exchange program to: (1) provide testing for communicable diseases and provide services or a referral for services if the individual tests positive; and (2) establish a referral process for program participants in need of information or education concerning communicable diseases or health care. Requires the state department of health to include certain information concerning syringe exchange programs in the report to the general assembly before November 1, 2020. Extends the expiration date for certain syringe exchange programs from July 1, 2021, to July 1, 2022.

Effective: June 29, 2020; July 1, 2020.

**Charbonneau, Ruckelshaus, Melton,
Stoops, Glick, Randolph Lonnie M**
(HOUSE SPONSORS — KIRCHHOFER, SCHAIBLEY)

January 6, 2020, read first time and referred to Committee on Health and Provider Services.

January 16, 2020, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

January 23, 2020, amended, reported favorably — Do Pass.

January 27, 2020, read second time, ordered engrossed. Engrossed.

January 28, 2020, read third time, passed. Yeas 47, nays 3.

HOUSE ACTION

February 4, 2020, read first time and referred to Committee on Public Health.

February 27, 2020, amended, reported — Do Pass.

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February 28, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 4

A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

1 SECTION 1. IC 12-15-5-17, AS AMENDED BY P.L.108-2019,
2 SECTION 194, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JUNE 29, 2020]: Sec. 17. (a) This section does not apply
4 to a Medicaid recipient participating in the Program of All-Inclusive
5 Care for the Elderly (PACE) program described in IC 12-15-43.

6 (b) The office may not include a Medicaid recipient who is eligible
7 to ~~(†)~~ participate in the Medicare program (42 U.S.C. 1395 et seq.) and
8 receive nursing facility services in a risk based managed care program
9 or capitated managed care program.

10 (c) This section expires ~~June 30, 2020~~: **June 30, 2021**.

11 SECTION 2. IC 16-41-7.5-6, AS AMENDED BY P.L.198-2017,
12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2020]: Sec. 6. A qualified entity that operates a program under
14 this chapter must do the following:

15 (1) Annually register the program in a manner prescribed by the
16 state department with the:

17 (A) state department; and

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- 1 (B) local health department in the county or municipality
 2 where services will be provided by the qualified entity if the
 3 qualified entity is not the local health department.
 4 (2) Have one (1) of the following licensed in Indiana provide
 5 oversight to the qualified entity's programs:
 6 (A) A physician.
 7 (B) A registered nurse.
 8 (C) A physician assistant.
 9 (3) Store and dispose of all syringes and needles collected in a
 10 safe and legal manner.
 11 (4) Provide education and training on drug overdose response and
 12 treatment, including the administration of an overdose
 13 intervention drug.
 14 (5) Provide drug addiction treatment information and referrals to
 15 drug treatment programs, including programs in the local area and
 16 programs that offer medication assisted treatment that includes a
 17 federal Food and Drug Administration approved long acting,
 18 nonaddictive medication for the treatment of opioid or alcohol
 19 dependence.
 20 (6) Provide syringe and needle distribution and collection without
 21 collecting or recording personally identifiable information.
 22 (7) Operate in a manner consistent with public health and safety.
 23 (8) Ensure the program is medically appropriate and part of a
 24 comprehensive public health response.
 25 (9) Keep sufficient quantities of an overdose intervention drug (as
 26 defined in IC 16-18-2-263.9) in stock and to administer in
 27 accordance with IC 16-42-27.
 28 **(10) Provide testing for communicable diseases, and if an**
 29 **individual tests positive for a communicable disease, provide**
 30 **health care services or a referral to a health care provider for**
 31 **the services.**
 32 **(11) Establish a referral process for program participants in**
 33 **need of:**
 34 **(A) information or education concerning communicable**
 35 **diseases; or**
 36 **(B) health care.**
 37 SECTION 3. IC 16-41-7.5-12, AS ADDED BY P.L.208-2015,
 38 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2020]: Sec. 12. **(a)** Before November 1 of each year, the state
 40 department shall submit a report concerning syringe exchange
 41 programs operated under this chapter to the governor and to the general
 42 assembly in an electronic format under IC 5-14-6.



1 **(b) Before November 1, 2020, as part of the report to the general**
2 **assembly required under subsection (a), the state department shall**
3 **ensure the report includes the following additional information**
4 **concerning the program:**
5 **(1) The number of programs operating in Indiana.**
6 **(2) The data, compiled for each program, reported to the state**
7 **department under section 10 of this chapter.**
8 **(3) Any other information the state department deems**
9 **relevant to the general assembly in assessing the effectiveness**
10 **of having a program in the state.**
11 SECTION 4. IC 16-41-7.5-14, AS AMENDED BY P.L.198-2017,
12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2020]: Sec. 14. This chapter expires July 1, ~~2021~~, **2022**.
 SECTION 5. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 4, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, between lines 9 and 10, begin a new paragraph and insert: "**(g) The department shall staff the advisory committee.**".

Page 5, line 21, delete "shall" and insert "**may**".

Page 6, line 36, after "commissioner" insert "**, in consultation with the advisory committee,**".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 4 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 11, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 4, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 6, line 21, delete "base." and insert "**base to be deposited in the department of insurance fund established in IC 27-1-3-28 and to be used for funding of the data base.**".

Page 6, line 38, after "committee" delete "," and insert "**and after state budget agency approval,**".

Page 7, line 6, after "governor" insert "**, the state budget committee,**".

Page 7, line 14, delete "set." and insert "**base.**".

and when so amended that said bill do pass.

(Reference is to SB 4 as printed January 17, 2020.)

MISHLER, Chairperson

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Committee Vote: Yeas 13, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 4, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 4 as printed January 24, 2020.)

KIRCHHOFER

Committee Vote: yeas 11, nays 0.

