



Adopted

Rejected

## COMMITTEE REPORT

YES: 12  
NO: 0

### MR. SPEAKER:

*Your Committee on* **Family, Children and Human Affairs**, to which was referred  
Senate Bill 498, 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:

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 25-26-24-19, AS AMENDED BY P.L.233-2023,
- 4       SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5       JULY 1, 2025]: Sec. 19. (a) Information received by the INSPECT
- 6       program under section 17 of this chapter is confidential.
- 7       (b) The board shall carry out a program to protect the confidentiality
- 8       of the information described in subsection (a). The board may disclose
- 9       the information to another person only under subsection (c), (d), or (g).
- 10       (c) The board may disclose confidential information described in
- 11       subsection (a) to any person who is authorized to engage in receiving,
- 12       processing, or storing the information.
- 13       (d) Except as provided in subsections (e) and (f), the board may

1 release confidential information described in subsection (a) to the  
2 following persons:

3 (1) A member of the board or another governing body that  
4 licenses practitioners and is engaged in an investigation, an  
5 adjudication, or a prosecution of a violation under any state or  
6 federal law that involves ephedrine, pseudoephedrine, or a  
7 controlled substance.

8 (2) An investigator for the consumer protection division of the  
9 office of the attorney general, a prosecuting attorney, the attorney  
10 general, a deputy attorney general, or an investigator from the  
11 office of the attorney general, who is engaged in:

12 (A) an investigation;

13 (B) an adjudication; or

14 (C) a prosecution;

15 of a violation under any state or federal law that involves  
16 ephedrine, pseudoephedrine, or a controlled substance.

17 (3) A law enforcement officer who is an employee of:

18 (A) a local, state, or federal law enforcement agency; or

19 (B) an entity that regulates ephedrine, pseudoephedrine, or  
20 controlled substances or enforces ephedrine, pseudoephedrine,  
21 or controlled substances rules or laws in another state;

22 that is certified to receive ephedrine, pseudoephedrine, or  
23 controlled substance prescription drug information from the  
24 INSPECT program.

25 (4) A practitioner or practitioner's agent certified to receive  
26 information from the INSPECT program.

27 (5) An ephedrine, pseudoephedrine, or controlled substance  
28 monitoring program in another state with which Indiana has  
29 established an interoperability agreement.

30 (6) The state toxicologist.

31 (7) A certified representative of the Medicaid retrospective and  
32 prospective drug utilization review program.

33 (8) A substance abuse assistance program for a licensed health  
34 care provider who:

35 (A) has prescriptive authority under this title; and

36 (B) is participating in the assistance program.

37 (9) An individual who holds a valid temporary medical permit  
38 issued under IC 25-22.5-5-4 or a noneducational commission for

foreign medical graduates certified graduate permit issued under  
IC 25-22.5-5-4.6.

(10) A county coroner conducting a medical investigation of the  
cause of death.

(11) The management performance hub established by  
IC 4-3-26-8.

(12) The state epidemiologist under the Indiana department of  
health.

**(13) A supervisor of the department of child services who is  
engaged in:**

**(A) an investigation; or**

**(B) an adjudication;**

**of child abuse or neglect.**

(e) Information provided to a person under:

(1) subsection (d)(3) is limited to information:

(A) concerning an individual or proceeding involving the  
unlawful diversion or misuse of a schedule II, III, IV, or V  
controlled substance; and

(B) that will assist in an investigation or proceeding;

(2) subsection (d)(4) may be released only for the purpose of:

(A) providing medical or pharmaceutical treatment; or

(B) evaluating the need for providing medical or  
pharmaceutical treatment to a patient; and

(3) subsection (d)(11) must be released to the extent disclosure of  
the information is not prohibited by applicable federal law.

(f) Before the board releases confidential information under  
subsection (d), the applicant must be approved by the INSPECT  
program in a manner prescribed by the board.

(g) The board may release to:

(1) a member of the board or another governing body that licenses  
practitioners;

(2) an investigator for the consumer protection division of the  
office of the attorney general, a prosecuting attorney, the attorney  
general, a deputy attorney general, or an investigator from the  
office of the attorney general; or

(3) a law enforcement officer who is:

(A) authorized by the state police department to receive  
ephedrine, pseudoephedrine, or controlled substance

- 1           prescription drug information; and  
2           (B) approved by the board to receive the type of information  
3           released;  
4       confidential information generated from computer records that  
5       identifies practitioners who are prescribing or dispensing large  
6       quantities of a controlled substance.
- 7       (h) The information described in subsection (g) may not be released  
8       until it has been reviewed by:
- 9           (1) a member of the board who is licensed in the same profession  
10          as the prescribing or dispensing practitioner identified by the data;  
11          or  
12          (2) the board's designee;  
13       and until that member or the designee has certified that further  
14       investigation is warranted. However, failure to comply with this  
15       subsection does not invalidate the use of any evidence that is otherwise  
16       admissible in a proceeding described in subsection (i).
- 17       (i) An investigator or a law enforcement officer receiving  
18       confidential information under subsection (c), (d), or (g) may disclose  
19       the information to a law enforcement officer or an attorney for the  
20       office of the attorney general for use as evidence in the following:
- 21           (1) A proceeding under IC 16-42-20.  
22           (2) A proceeding under any state or federal law.  
23           (3) A criminal proceeding or a proceeding in juvenile court.
- 24       (j) The board may compile statistical reports from the information  
25       described in subsection (a). The reports must not include information  
26       that identifies any practitioner, ultimate user, or other person  
27       administering ephedrine, pseudoephedrine, or a controlled substance.  
28       Statistical reports compiled under this subsection are public records.
- 29       (k) Except as provided in subsections (q) and (r), and in addition to  
30       any requirements provided in IC 25-22.5-13, the following practitioners  
31       shall obtain information about a patient from the data base either  
32       directly or through the patient's integrated health record before  
33       prescribing an opioid or benzodiazepine to the patient:
- 34           (1) A practitioner who has had the information from the data base  
35           integrated into the patient's electronic health records.  
36           (2) A practitioner who provides services to the patient in:  
37               (A) the emergency department of a hospital licensed under  
38               IC 16-21; or

1 (B) a pain management clinic.

2 (3) Beginning January 1, 2020, a practitioner who provides  
3 services to the patient in a hospital licensed under IC 16-21.

4 (4) Beginning January 1, 2021, all practitioners.

5 However, a practitioner is not required to obtain information about a  
6 patient who is subject to a pain management contract from the data  
7 base more than once every ninety (90) days.

8 (l) A practitioner who checks the INSPECT program either directly  
9 through the data base or through the patient's integrated health record  
10 for the available data on a patient is immune from civil liability for an  
11 injury, death, or loss to a person solely due to a practitioner:

12 (1) seeking information from the INSPECT program; and

13 (2) in good faith using the information for the treatment of the  
14 patient.

15 The civil immunity described in this subsection does not extend to a  
16 practitioner if the practitioner receives information directly from the  
17 INSPECT program or through the patient's integrated health record and  
18 then negligently misuses this information. This subsection does not  
19 apply to an act or omission that is a result of gross negligence or  
20 intentional misconduct.

21 (m) The board may review the records of the INSPECT program. If  
22 the board determines that a violation of the law may have occurred, the  
23 board shall notify the appropriate law enforcement agency or the  
24 relevant government body responsible for the licensure, regulation, or  
25 discipline of practitioners authorized by law to prescribe controlled  
26 substances.

27 (n) A practitioner who in good faith discloses information based on  
28 a report from the INSPECT program either directly through the data  
29 base or through the patient's integrated health record to a law  
30 enforcement agency is immune from criminal or civil liability. A  
31 practitioner that discloses information to a law enforcement agency  
32 under this subsection is presumed to have acted in good faith.

33 (o) A practitioner's agent may act as a delegate and check INSPECT  
34 program reports on behalf of the practitioner.

35 (p) A patient may access a report from the INSPECT program that  
36 has been included in the patient's medical file by a practitioner.

37 (q) A practitioner is not required under subsection (k) to obtain  
38 information about a patient from the data base or through the patient's

integrated health record before prescribing an opioid or benzodiazepine if any of the following apply:

(1) The practitioner has obtained a waiver from the board because the practitioner does not have access to the Internet at the practitioner's place of business.

(2) The patient is:

(A) recovering; or

(B) in the process of completing a prescription that was prescribed by another practitioner;

while still being treated as an inpatient or in observation status.

(3) The data base described in section 18 of this chapter is suspended or is not operational if the practitioner documents in writing or electronically the date and time in the patient's medical record that the practitioner, dispenser, or delegate attempted to use the data base.

(r) A practitioner is not required under subsection (k) to obtain information about a patient from the data base or through the patient's integrated health record before prescribing an opioid or benzodiazepine if the patient is enrolled in a hospice program (as defined in IC 16-25-1.1-4).".

Page 1, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 2. IC 31-27-3-3, AS AMENDED BY P.L.173-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An applicant must apply for a child caring institution license on forms provided by the department.

(b) An applicant must submit the required information as part of the application.

(c) The applicant must submit with the application a statement attesting the following:

(1) Whether the applicant has been convicted of:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children.

(2) Whether the applicant has been charged with:

(A) a felony; or

(B) a misdemeanor relating to the health and safety of children;

during the pendency of the application.

(d) The department, on behalf of an applicant, or, at the discretion of the department, an applicant, shall conduct a criminal history check of the following:

- (1) Each individual who is an applicant.
- (2) The director or manager of a facility where children will be placed.
- (3) Each employee ~~or~~ volunteer ~~or contractor~~ of the applicant.

**(4) Each:**

**(A) contractor; or**

**(B) other individual;**

**working for the applicant who is likely to have unsupervised contact with children in the child caring institution within the scope of the contractor's or individual's employment.**

(e) If the applicant conducts a criminal history check under subsection (d), the applicant shall:

- (1) maintain records of the information it receives concerning each individual who is the subject of a criminal history check; and
- (2) submit to the department a copy of the information it receives concerning each person described in subsection (d)(1) through ~~(d)(3)~~. **(d)(4).**

(f) If the department conducts a criminal history check on behalf of an applicant under subsection (d), the department shall:

- (1) determine whether the subject of a national fingerprint based criminal history check has a record of:
  - (A) a conviction for a felony;
  - (B) a conviction for a misdemeanor relating to the health and safety of a child; or
  - (C) a juvenile adjudication for a nonwaivable offense, as defined in IC 31-9-2-84.8 that, if committed by an adult, would be a felony;
- (2) notify the applicant of the determination under subdivision (1) without identifying a specific offense or other identifying information concerning a conviction or juvenile adjudication contained in the national criminal history record information;
- (3) submit to the applicant a copy of any state limited criminal history report that the department receives on behalf of any person described in subsection (d); and
- (4) maintain a record of every report and all information the

1 department receives concerning a person described in subsection  
2 (d).

3 (g) Except as provided in subsection (h), a criminal history check  
4 described in subsection (d) is required only at the time an application  
5 for a new license or the renewal of an existing license is submitted.

6 (h) Except as provided in subsection (i), a criminal history check of  
7 each person described in subsection (d)(2), ~~or~~ (d)(3), **or (d)(4)** must be  
8 completed on or before the date the person:

- 9 (1) is employed;
- 10 (2) is assigned as a volunteer; or
- 11 (3) enters into, or the person's employing entity enters into, a  
12 contract with the applicant.

13 (i) An individual may be employed by a child caring institution as  
14 an employee, volunteer, or contractor before a criminal history check  
15 of the individual is completed as required under subsection (h) if all of  
16 the following conditions are satisfied:

17 (1) The following checks have been completed regarding the  
18 individual:

19 (A) A fingerprint based check of national crime information  
20 data bases under IC 31-9-2-22.5(1).

21 (B) A national sex offender registry check under  
22 IC 31-9-2-22.5(3).

23 (C) An in-state local criminal records check under  
24 IC 31-9-2-22.5(4).

25 (D) An in-state child protection index check under  
26 IC 31-33-26.

27 (2) If the individual has resided outside Indiana at any time during  
28 the five (5) years preceding the individual's date of hiring by the  
29 child caring institution, the following checks have been requested  
30 regarding the individual:

31 (A) An out-of-state child abuse registry check under  
32 IC 31-9-2-22.5(2).

33 (B) An out-of-state local criminal records check under  
34 IC 31-9-2-22.5(4).

35 (3) The individual's employment before the completion of the  
36 criminal history check required under subsection (h) is limited to  
37 training during which the individual:

38 (A) does not have contact with children who are under the care



- 1 and control of the child caring institution; and  
2 (B) does not have access to records containing information  
3 regarding children who are under the care and control of the  
4 child caring institution.
- 5 (4) The individual completes an attestation, under penalty of  
6 perjury, disclosing:
- 7 (A) any abuse or neglect complaints made against the  
8 individual with the child welfare agency of a state other than  
9 Indiana in which the individual resided within the five (5)  
10 years preceding the date of the attestation; and  
11 (B) any contact the individual had with a law enforcement  
12 agency in connection with the individual's suspected or alleged  
13 commission of a crime in a state other than Indiana in which  
14 the individual resided within the five (5) years preceding the  
15 date of the attestation.
- 16 (j) The applicant or facility is responsible for any fees associated  
17 with a criminal history check.
- 18 (k) The department shall, at the applicant's request, inform the  
19 applicant whether the department has or does not have a record of the  
20 person who is the subject of a criminal history check and if the  
21 department has identified the person as an alleged perpetrator of abuse  
22 or neglect. The department may not provide to the applicant any details  
23 or personally identifying information contained in any child protective  
24 services investigation report.
- 25 (l) A person who is the subject of a criminal history check  
26 conducted in accordance with this section may request the state police  
27 department to provide the person with a copy of any state or national  
28 criminal history report concerning the person."
- 29 Page 2, between lines 3 and 4, begin a new paragraph and insert:  
30 "SECTION 3. IC 31-27-5-4, AS AMENDED BY P.L.173-2022,  
31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 UPON PASSAGE]: Sec. 4. (a) An applicant must apply for a group  
33 home license on forms provided by the department.
- 34 (b) An applicant must submit the required information as part of the  
35 application.
- 36 (c) An applicant must submit with the application a statement  
37 attesting the following:
- 38 (1) Whether the applicant has been convicted of:

- 1 (A) a felony; or
- 2 (B) a misdemeanor relating to the health and safety of
- 3 children.
- 4 (2) Whether the applicant has been charged with:
- 5 (A) a felony; or
- 6 (B) a misdemeanor relating to the health and safety of
- 7 children;
- 8 during the pendency of the application.
- 9 (d) The department on behalf of an applicant, or, at the discretion of
- 10 the department, an applicant, shall conduct a criminal history check of
- 11 the following:
- 12 (1) Each individual who is an applicant.
- 13 (2) The director or manager of a facility where children will be
- 14 placed.
- 15 (3) Each employee ~~or volunteer or contractor~~ of the applicant.
- 16 **(4) Each:**
- 17 **(A) contractor; or**
- 18 **(B) other individual;**
- 19 **working for the applicant who is likely to have unsupervised**
- 20 **contact with children in the group home within the scope of**
- 21 **the contractor's or individual's employment.**
- 22 (e) If the applicant conducts a criminal history check under
- 23 subsection (d), the applicant shall:
- 24 (1) maintain records of the information it receives concerning
- 25 each individual who is the subject of a criminal history check; and
- 26 (2) submit to the department a copy of the information the
- 27 applicant receives concerning each person described in subsection
- 28 (d)(1) through ~~(d)(3)~~: **(d)(4).**
- 29 (f) If the department conducts a criminal history check on behalf of
- 30 an applicant under subsection (d), the department shall:
- 31 (1) determine whether the subject of a national fingerprint based
- 32 criminal history check has a record of a:
- 33 (A) conviction for a felony;
- 34 (B) conviction for a misdemeanor relating to the health and
- 35 safety of a child; or
- 36 (C) juvenile adjudication for a nonwaivable offense, as defined
- 37 in IC 31-9-2-84.8 that, if committed by an adult, would be a
- 38 felony;

- (2) notify the applicant of the determination under subdivision (1) without identifying a specific offense or other identifying information concerning a conviction or juvenile adjudication contained in the national criminal history record information;
- (3) submit to the applicant a copy of any state limited criminal history report that the department receives on behalf of any person described in subsection (d); and
- (4) maintain a record of every report and all information it receives concerning a person described in subsection (d).

(g) Except as provided in subsection (h), a criminal history check described in subsection (d) is required only at the time an application for a new license or the renewal of an existing license is submitted.

(h) Except as provided in subsection (i), a criminal history check of each person described in subsection (d)(2), ~~or~~ (d)(3), **or (d)(4)** must be completed on or before the date the person:

- (1) is employed;
- (2) is assigned as a volunteer; or
- (3) enters into, or the person's employing entity enters into, a contract with the applicant.

(i) An individual may be employed by a group home as an employee, volunteer, or contractor before a criminal history check of the individual is completed as required under subsection (h) if all of the following conditions are satisfied:

(1) The following checks have been completed regarding the individual:

- (A) A fingerprint based check of national crime information data bases under IC 31-9-2-22.5(1).
- (B) A national sex offender registry check under IC 31-9-2-22.5(3).
- (C) An in-state local criminal records check under IC 31-9-2-22.5(4).
- (D) An in-state child protection index check under IC 31-33-26.

(2) If the individual has resided outside Indiana at any time during the five (5) years preceding the individual's date of hiring by the group home, the following checks have been requested regarding the individual:

- (A) An out-of-state child abuse registry check under

- 1 IC 31-9-2-22.5(2).  
2 (B) An out-of-state local criminal records check under  
3 IC 31-9-2-22.5(4).  
4 (3) The individual's employment before the completion of the  
5 criminal history check required under subsection (h) is limited to  
6 training during which the individual:  
7 (A) does not have contact with children who are under the care  
8 and control of the group home; and  
9 (B) does not have access to records containing information  
10 regarding children who are under the care and control of the  
11 group home.  
12 (4) The individual completes an attestation, under penalty of  
13 perjury, disclosing:  
14 (A) any abuse or neglect complaints made against the  
15 individual with the child welfare agency of a state other than  
16 Indiana in which the individual resided within the five (5)  
17 years preceding the date of the attestation; and  
18 (B) any contact the individual had with a law enforcement  
19 agency in connection with the individual's suspected or alleged  
20 commission of a crime in a state other than Indiana in which  
21 the individual resided within the five (5) years preceding the  
22 date of the attestation.  
23 (j) The applicant is responsible for any fees associated with a  
24 criminal history check.  
25 (k) The department shall, at the applicant's request, inform the  
26 applicant as to whether the department has or does not have a record of  
27 the person who is the subject of a criminal history check and whether  
28 the department has identified the person as an alleged perpetrator of  
29 abuse or neglect. The department may not provide to the applicant any  
30 details or personally identifying information contained in any child  
31 protective services investigation report.  
32 (l) A person who is the subject of a criminal history check  
33 conducted in accordance with this section may request the state police  
34 department to provide the person with a copy of any state or national  
35 criminal history report concerning the person."  
36 Page 3, delete lines 27 through 42, begin a new paragraph and  
37 insert:  
38 "SECTION 5. IC 31-27-9-2, AS ADDED BY P.L.109-2024,

1 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 UPON PASSAGE]: Sec. 2. (a) A licensee shall obtain from the placing  
3 agency or placing parent a statement indicating whether or not the child  
4 has, to the best of the agency's or parent's knowledge, been exposed to  
5 a communicable disease within twenty-one (21) days before the date  
6 of admission.

7 (b) Each child must receive a health examination by a licensed  
8 professional within ninety-three (93) days before admission, or not later  
9 than twenty-one (21) days after admission. The examination must  
10 include the following:

11 (1) Health history.

12 (2) Physical examination.

13 (3) Vision and hearing screening.

14 (4) A test for tuberculosis if the last such test is known to be  
15 negative or if there is no record of a test. If the test is positive the  
16 child shall have a diagnostic chest x-ray and other indicated  
17 laboratory tests to determine whether or not the disease is in an  
18 infectious state.

19 (5) A written statement from the licensed professional that in the  
20 professional's opinion there is no health condition that would be  
21 hazardous either to the child or to other children in the licensee's  
22 care.

23 (6) A statement of the medical findings, including physical  
24 defects and need for dental care, state of development, and ability  
25 of the child to take part in group activities, or a schedule of  
26 permitted activities if activities need to be limited.

27 (7) A health examination, including a tuberculosis screen  
28 annually and a tuberculosis test whenever there is reason to  
29 suspect that the child may have a condition hazardous or  
30 potentially hazardous to others or whenever the child's general  
31 condition indicates the need for an examination.

32 (c) Each child must receive a dental examination from a licensed  
33 dentist as follows:

34 (1) Within forty-five (45) days of admission unless the child  
35 caring institution has documentation of a dental examination  
36 within the one hundred eighty-five (185) days before admission.

37 (2) Annually.

38 (3) Whenever an interim condition indicates the need for

1 examination or treatment.

2 (d) Any treatment or corrective measures required by the licensed  
3 professional or dentist must be arranged by the licensee, as approved  
4 by a parent, legal guardian, or placing agency.

5 (e) **This subsection does not apply to an emergency shelter or an**  
6 **emergency shelter group home.** A licensee, after attempting to  
7 determine the child's immunization history, shall ensure that each child  
8 has received all immunizations and booster shots which are required  
9 under IC 20-34-4-2(c)(1).

10 (f) All children must be immunized against routine childhood  
11 diseases unless exempted by a licensed professional's statement.

12 (g) A child may be exempted from immunizations against routine  
13 childhood diseases upon the good faith religious belief statement of the  
14 parent or guardian.

15 (h) The adequate immunizing doses and the child's age for  
16 administering each vaccine under subsection (e) must be those  
17 recommended by the Indiana department of health.

18 (i) Adequate documentation of an immunization history must  
19 consist of one (1) of the following:

20 (1) A licensed professional's certificate, including the number and  
21 dates of doses administered.

22 (2) Immunization records forwarded from a school corporation,  
23 including the number and dates of doses administered.

24 (3) A record maintained by the parent or guardian showing the  
25 month, day, and year during which each dose of vaccine was  
26 administered.

27 (j) If a licensed professional certifies in writing that a particular  
28 immunization required under this section is detrimental, or may be  
29 detrimental, to the child's health, the requirements for that particular  
30 immunization are not applicable for that child until the immunization  
31 is found no longer to be detrimental to the child's health.

32 (k) A licensee shall maintain a health record for each child. The  
33 record must include the following:

34 (1) Admission and periodic health and dental examination  
35 information.

36 (2) A licensed professional's written instructions with regard to  
37 special dietary or health care required.

38 (3) Record of all medications and treatments.

(4) Record of observations and incidents, including accidents, injuries, or any other condition which may be associated with a health condition or possible abuse or neglect.

SECTION 6. IC 31-27-9-3, AS ADDED BY P.L.109-2024, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A licensee shall provide psychotropic medications to a child only as prescribed by a licensed professional in Indiana:

(1) whose scope of work includes prescribing psychotropic medications; and

(2) who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.

(b) **This subsection does not apply to an emergency shelter or an emergency shelter group home.** A licensee shall obtain from the prescribing licensed professional a written report at least every thirty-five (35) days for each child receiving psychotropic medication. The written report must state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the treatment goals and planning. The report must be based on the licensed professional's review of reports by staff as well as the professional's actual observation of the child at least every ninety-three (93) days."

Page 4, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

(Reference is to SB 498 as printed February 4, 2025.)

**and when so amended that said bill do pass.**

**Representative DeVon**