



January 6, 2022

HOUSE BILL No. 1001

DIGEST OF HB 1001 (Updated January 6, 2022 10:33 am - DI 141)

Citations Affected: IC 12-8; IC 12-14; IC 16-18; IC 16-19; IC 16-31; IC 16-39; IC 22-4; IC 22-5; IC 25-1; IC 34-18.

Synopsis: Administrative authority; COVID-19 immunizations. Allows the secretary of family and social services (secretary) to issue a waiver of human services statutory provisions and administrative (Continued next page)

Effective: Upon passage.

**Lehman, Barrett, Jeter, Huston,
Steuerwald, Abbott, Baird, Bartels,
Behning, Borders, Carbaugh, Cherry,
Cook, Davis, DeVon, Ellington, Engleman,
Frye R, Goodrich, Gutwein, Heaton, Heine,
Jordan, Judy, Karickhoff, King, Lauer,
Leonard, Lindauer, Lyness, Manning,
May, McNamara, Miller D, Morris,
Morrison, Negele, O'Brien, Olthoff,
Prescott, Pressel, Rowray, Schaibley,
Slager, Smaltz, Snow, Soliday, Speedy,
Teshka, Thompson, Torr, VanNatter,
Wesco, Zent, Young J, Mayfield**

January 4, 2022, read first time and referred to Committee on Employment, Labor and Pensions.
January 6, 2022, amended, reported — Do Pass.

HB 1001—LS 6280/DI 104



Digest Continued

rules if the secretary determines that the waiver is necessary to claim certain enhanced federal matching funds available to the Medicaid program. Allows the secretary to issue an emergency declaration for purposes of participating in specified authorized federal Supplemental Nutrition Assistance Program (SNAP) emergency allotments. Requires the secretary to prepare and submit any waivers or emergency declarations to the budget committee. Allows the state health commissioner of the state department of health or the commissioner's designated public health authority to issue standing orders, prescriptions, or protocols to administer or dispense certain immunizations for individuals who are at least five years old (current law limits the age for the commissioner's issuance of standing orders, prescriptions, and protocols for individuals who are at least 11 years old). Defines "Indiana governmental entity" and specifies that an Indiana governmental entity (current law refers to a state or local unit) may not issue or require an immunization passport. Establishes certain requirements for the temporary licensure of retired or inactive emergency medical services personnel, retired or inactive health care professionals, out-of-state health care professionals, or recently graduated students who have applied for a physician assistant, nurse, respiratory care practitioner, or pharmacist license. Allows a health care provider or an officer, agent, or employee of a health care provider who has a temporary license to qualify for coverage under the Medical Malpractice Act. Provides that an individual is not disqualified from unemployment benefits if the individual has complied with the requirements for seeking an exemption from an employer's COVID-19 immunization requirement and was discharged from employment for failing or refusing to receive an immunization against COVID-19. Provides that charges based on wage credits shall only be charged to the experience or reimbursable account of the employer who discharged the employee for failing or refusing to receive an immunization against COVID-19. Provides that an employer may not impose a requirement that employees receive an immunization against COVID-19 unless the employer provides individual exemptions that allow an employee to opt out of the requirement on the basis of medical reasons, religious reasons, an agreement to submit to testing for the presence of COVID-19, or immunity from COVID-19 acquired from a prior infection with COVID-19. Provides that an employer may not take an adverse employment action against an employee because the employee has requested or used an exemption from an employer's COVID-19 immunization requirement.



January 6, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1001

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 12-8-1.5-7.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) Notwithstanding any**
4 **other law, the secretary, through the offices, may issue a waiver, in**
5 **writing, of provisions of this title and rules adopted under**
6 **IC 4-22-2 concerning provisions of this title if the secretary**
7 **determines that the waiver is necessary to claim any enhanced**
8 **federal matching funds available from:**
9 (1) the federal Families First Coronavirus Response Act;
10 (2) the federal American Rescue Plan Act of 2021; or
11 (3) any other federal law, regulation, guidance, or policy
12 pertaining to COVID-19 (as defined in IC 16-39-11-1) relief;
13 for the Medicaid program or programs funded through Medicaid.
14 (b) Not later than March 1, 2022, and every six (6) months
15 thereafter, the secretary shall prepare and submit a report to the

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1 **budget committee concerning any waiver issued under subsection**
 2 **(a).**

3 **(c) Nothing in this section may be construed to obligate the**
 4 **secretary to issue a waiver under this section.**

5 **(d) This section expires on the date that the funds described in**
 6 **subsection (a)(1) through (a)(3) are no longer available to the state.**

7 SECTION 2. IC 12-14-30-7 IS ADDED TO THE INDIANA CODE
 8 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: **Sec. 7. (a) The secretary may issue an**
 10 **emergency declaration for the purpose of participating in SNAP**
 11 **emergency allotments authorized under the federal Families First**
 12 **Coronavirus Response Act.**

13 **(b) Not later than March 1, 2022, the secretary shall prepare**
 14 **and submit a report to the budget committee concerning any**
 15 **emergency declaration issued under this section.**

16 **(c) This section expires on the date that the funds described in**
 17 **subsection (a) are no longer available to the state.**

18 SECTION 3. IC 16-18-2-187.8 IS ADDED TO THE INDIANA
 19 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 20 [EFFECTIVE UPON PASSAGE]: **Sec. 187.8. "Indiana governmental**
 21 **entity", for purposes of IC 16-39-11, has the meaning set forth in**
 22 **IC 16-39-11-4.5.**

23 SECTION 4. IC 16-19-4-11, AS AMENDED BY P.L.218-2019,
 24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: **Sec. 11. (a) The state health commissioner or the**
 26 **commissioner's designated public health authority who is a licensed**
 27 **prescriber may, as part of the individual's official capacity, issue a**
 28 **standing order, prescription, or protocol that allows a pharmacist to**
 29 **administer or dispense any of the following:**

30 (1) An immunization that is recommended by the federal Centers
 31 for Disease Control and Prevention Advisory Committee on
 32 Immunization Practices for individuals who are not less than
 33 eleven (11) years of age.

34 (2) A smoking cessation product. However, the pharmacist must
 35 inform the patient that the patient must have a follow-up
 36 consultation with the patient's licensed prescriber.

37 (b) This subsection does not apply to a pharmacist. The state health
 38 commissioner or the commissioner's designated public health authority
 39 who is a licensed prescriber may, as part of the individual's official
 40 capacity, issue a standing order, prescription, or protocol that allows an
 41 individual who is licensed, certified, or registered by a board (as
 42 defined in IC 25-1-9-1), and if within the individual's scope of practice,



1 to administer or dispense an immunization that is recommended by the
 2 federal Centers for Disease Control and Prevention Advisory
 3 Committee on Immunization Practices for individuals who are not less
 4 than eleven (11) years of age.

5 (c) A standing order described in subsection (a), **or** (b), **or** (e) must
 6 include the following:

7 (1) The purpose of the order.

8 (2) The eligible recipients.

9 (3) The geographic area covered by the standing order.

10 (4) The procedure for administering or dispensing the
 11 immunization or product.

12 (5) A timeline for renewing or updating the standing order.

13 (d) The state health commissioner or designated public health
 14 authority who issues a standing order, prescription, or protocol under
 15 subsection (a), **or** (b), **or** (e) is immune from civil liability related to the
 16 issuing of the standing order, prescription, or protocol.

17 (e) **Notwithstanding subsection (a) and subsection (b), the state**
 18 **health commissioner or the commissioner's designated public**
 19 **health authority may issue a standing order, prescription, or**
 20 **protocol to administer or dispense an immunization that is**
 21 **recommended by the federal Centers for Disease Control and**
 22 **Prevention Advisory Committee on Immunization Practices for**
 23 **individuals who are at least five (5) years of age. Nothing in this**
 24 **subsection authorizes the state health commissioner or the**
 25 **commissioner's designated public health authority to:**

26 (1) **require an individual to receive an immunization for**
 27 **COVID-19; or**

28 (2) **wave or otherwise allow a minor to receive an**
 29 **immunization without the parent's consent as required under**
 30 **IC 16-36-1.**

31 **This subsection expires March 31, 2022.**

32 SECTION 5. IC 16-31-11.5 IS ADDED TO THE INDIANA CODE
 33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]:

35 **Chapter 11.5. Temporary Licensure of Retired and Inactive**
 36 **Emergency Medical Services Personnel**

37 **Sec. 1. Notwithstanding any other provision of this article, the**
 38 **commission shall issue a temporary license or certificate to an**
 39 **individual to allow the individual to provide emergency medical**
 40 **services if the individual satisfies the following conditions:**

41 (1) **The individual applies for the temporary license or**
 42 **certificate in the manner prescribed by the commission.**



1 **(2) The individual has, within the past five (5) years, held:**

2 **(A) a certificate or license under this article; or**

3 **(B) an equivalent certificate or license in another state;**
 4 **to provide emergency medical services.**

5 **(3) The individual remains in good standing with the issuing**
 6 **entity and the license or certification described in subdivision**

7 **(2):**

8 **(A) was retired, surrendered, or otherwise inactivated by**
 9 **the individual; and**

10 **(B) was not revoked, suspended, or relinquished by the**
 11 **issuing entity.**

12 **Sec. 2. The commission shall post the following on the**
 13 **department of homeland security's Internet web site:**

14 **(1) The application for a temporary license or certification**
 15 **described in section 1 of this chapter.**

16 **(2) A list of the names of individuals who have been granted**
 17 **a temporary license or certification by the commission under**
 18 **this chapter.**

19 **Sec. 3. This chapter expires March 31, 2022.**

20 SECTION 6. IC 16-39-11-4.5 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. (a) As used in this**
 23 **chapter, "Indiana governmental entity" means:**

24 **(1) the state (as defined in IC 5-11-1-16(b));**

25 **(2) a state educational institution (as defined in**
 26 **IC 21-7-13-32);**

27 **(3) a political subdivision (as defined in IC 36-1-2-13); or**

28 **(4) a public school corporation (as defined in IC 4-4-38.5-6.2).**

29 **(b) The term does not include the following:**

30 **(1) A state institution (as defined in IC 12-7-2-184).**

31 **(2) A hospital organized or operated under IC 16-22-1**
 32 **through IC 16-22-5, IC 16-22-8, or IC 16-23-1.**

33 SECTION 7. IC 16-39-11-5, AS ADDED BY P.L.196-2021,
 34 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 UPON PASSAGE]: **Sec. 5. (a) Except as provided in subsection (b),**
 36 **~~the state or a local unit~~ an Indiana governmental entity** may not issue
 37 or require an immunization passport.

38 **(b) This section does not prohibit ~~the state or a local unit~~ an**
 39 **Indiana governmental entity** from doing any of the following:

40 **(1) Maintaining, creating, or storing a medical record of an**
 41 **individual's immunization status.**

42 **(2) Providing a medical record of an individual's immunization**



1 status to the individual's medical provider in accordance with the
 2 federal Health Insurance Portability and Accountability Act
 3 (HIPAA) (P.L.104-191).

4 (3) Providing the individual with a record of an immunization at
 5 the time the individual receives the immunization or upon request
 6 by the individual.

7 (4) Maintaining an immunization record for the purpose of public
 8 health administration.

9 SECTION 8. IC 22-4-2-41 IS ADDED TO THE INDIANA CODE
 10 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 11 **UPON PASSAGE]: Sec. 41. As used in this article, "COVID-19" has**
 12 **the meaning set forth in IC 34-30-32-3.**

13 SECTION 9. IC 22-4-2-42 IS ADDED TO THE INDIANA CODE
 14 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 15 **UPON PASSAGE]: Sec. 42. As used in this article, "immunization"**
 16 **means the treatment of an individual with a vaccine to produce**
 17 **immunity.**

18 SECTION 10. IC 22-4-11-1, AS AMENDED BY P.L.154-2013,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 1. (a) For the purpose of charging employers'
 21 experience or reimbursable accounts with regular benefits paid
 22 subsequent to July 3, 1971, to any eligible individual but except as
 23 provided in IC 22-4-22 and ~~subsection~~ **subsections (f) and (i)**, such
 24 benefits paid shall be charged proportionately against the experience
 25 or reimbursable accounts of the individual's employers in the
 26 individual's base period (on the basis of total wage credits established
 27 in such base period) against whose accounts the maximum charges
 28 specified in this section shall not have been previously made. Such
 29 charges shall be made in the inverse chronological order in which the
 30 wage credits of such individuals were established. However, when an
 31 individual's claim has been computed for the purpose of determining
 32 the individual's regular benefit rights, maximum regular benefit
 33 amount, and the proportion of such maximum amount to be charged to
 34 the experience or reimbursable accounts of respective chargeable
 35 employers in the base period, the experience or reimbursable account
 36 of any employer charged with regular benefits paid shall not be
 37 credited or reccredited with any portion of such maximum amount
 38 because of any portion of such individual's wage credits remaining
 39 uncharged at the expiration of the individual's benefit period. The
 40 maximum so charged against the account of any employer shall not
 41 exceed twenty-eight percent (28%) of the total wage credits of such
 42 individual with each employer with which wage credits were



1 established during such individual's base period. Benefits paid under
2 provisions of IC 22-4-22-3 in excess of the amount that the claimant
3 would have been monetarily eligible for under other provisions of this
4 article shall be paid from the fund and not charged to the experience
5 account of any employer. This exception shall not apply to those
6 employers electing to make payments in lieu of contributions who shall
7 be charged for the full amount of regular benefit payments and the part
8 of benefits not reimbursed by the federal government under the
9 Federal-State Extended Unemployment Compensation Act of 1970 that
10 are attributable to service in their employ. Irrespective of the
11 twenty-eight percent (28%) maximum limitation provided for in this
12 section, the part of benefits not reimbursed by the federal government
13 under the Federal-State Extended Unemployment Compensation Act
14 of 1970 paid to an eligible individual based on service with a
15 governmental entity of this state or its political subdivisions shall be
16 charged to the experience or reimbursable accounts of the employers,
17 and the part of benefits not reimbursed by the federal government
18 under the Federal-State Extended Unemployment Compensation Act
19 of 1970 paid to an eligible individual shall be charged to the experience
20 or reimbursable accounts of the individual's employers in the
21 individual's base period, other than governmental entities of this state
22 or its political subdivisions, in the same proportion and sequence as are
23 provided in this section for regular benefits paid. Additional benefits
24 paid under IC 22-4-12-4(c) and benefits paid under IC 22-4-15-1(c)(8)
25 shall:

26 (1) be paid from the fund; and

27 (2) not be charged to the experience account or the reimbursable
28 account of any employer.

29 (b) If the aggregate of wages paid to an individual by two (2) or
30 more employers during the same calendar quarter exceeds the
31 maximum wage credits (as defined in IC 22-4-4-3) then the experience
32 or reimbursable account of each such employer shall be charged in the
33 ratio which the amount of wage credits from such employer bears to the
34 total amount of wage credits during the base period.

35 (c) When wage records show that an individual has been employed
36 by two (2) or more employers during the same calendar quarter of the
37 base period but do not indicate both that such employment was
38 consecutive and the order of sequence thereof, then and in such cases
39 it shall be deemed that the employer with whom the individual
40 established a plurality of wage credits in such calendar quarter is the
41 most recent employer in such quarter and its experience or
42 reimbursable account shall be first charged with benefits paid to such



1 individual. The experience or reimbursable account of the employer
2 with whom the next highest amount of wage credits were established
3 shall be charged secondly and the experience or reimbursable accounts
4 of other employers during such quarters, if any, shall likewise be
5 charged in order according to plurality of wage credits established by
6 such individual.

7 (d) Except as provided in subsection (f) or section 1.5 of this
8 chapter, if an individual:

9 (1) voluntarily leaves an employer without good cause in
10 connection with the work; or

11 (2) is discharged from an employer for just cause;

12 wage credits earned with the employer from whom the employee has
13 separated under these conditions shall be used to compute the
14 claimant's eligibility for benefits, but charges based on such wage
15 credits shall be paid from the fund and not charged to the experience
16 account of any employer. However, this exception shall not apply to
17 those employers who elect to make payments in lieu of contributions,
18 who shall be charged for all benefit payments which are attributable to
19 service in their employ.

20 (e) Any nonprofit organization which elects to make payments in
21 lieu of contributions into the unemployment compensation fund as
22 provided in this article is not liable to make the payments with respect
23 to the benefits paid to any individual whose base period wages include
24 wages for previously uncovered services as defined in IC 22-4-4-4, nor
25 is the experience account of any other employer liable for charges for
26 benefits paid the individual to the extent that the unemployment
27 compensation fund is reimbursed for these benefits pursuant to Section
28 121 of P.L.94-566. Payments which otherwise would have been
29 chargeable to the reimbursable or contributing employers shall be
30 charged to the fund.

31 (f) If an individual:

32 (1) earns wages during the individual's base period through
33 employment with two (2) or more employers concurrently;

34 (2) is separated from work by one (1) of the employers for reasons
35 that would not result in disqualification under IC 22-4-15-1; and

36 (3) continues to work for one (1) or more of the other employers
37 after the end of the base period and continues to work during the
38 applicable benefit year on substantially the same basis as during
39 the base period;

40 wage credits earned with the base period employers shall be used to
41 compute the claimant's eligibility for benefits, but charges based on the
42 wage credits from the employer who continues to employ the individual



1 shall be charged to the experience or reimbursable account of the
2 separating employer.

3 (g) Subsection (f) does not affect the eligibility of a claimant who
4 otherwise qualifies for benefits nor the computation of benefits.

5 (h) Unemployment benefits paid shall not be charged to the
6 experience account of a base period employer when the claimant's
7 unemployment from the employer was a direct result of the
8 condemnation of property by a municipal corporation (as defined in
9 IC 36-1-2-10), the state, or the federal government, a fire, a flood, or an
10 act of nature, when at least fifty percent (50%) of the employer's
11 employees, including the claimant, became unemployed as a result.
12 This exception does not apply when the unemployment was an
13 intentional result of the employer or a person acting on behalf of the
14 employer.

15 **(i) This subsection applies to an individual who has requested an**
16 **exemption from an employer's COVID-19 immunization**
17 **requirement and has complied with the requirements set forth in**
18 **IC 22-5-4.6. If an individual:**

19 **(1) earns wages during the individual's base period through**
20 **employment with two (2) or more employers; and**

21 **(2) is separated from work by an employer for failing or**
22 **refusing to receive an immunization against COVID-19;**

23 **wage credits earned with the base period employers shall be used**
24 **to compute the claimant's eligibility for benefits, but charges based**
25 **on the wage credits shall only be charged to the experience or**
26 **reimbursable account of the separating employer described in**
27 **subdivision (2).**

28 SECTION 11. IC 22-4-15-1, AS AMENDED BY P.L.224-2017,
29 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 UPON PASSAGE]: Sec. 1. (a) Regarding an individual's most recent
31 separation from employment before filing an initial or additional claim
32 for benefits, an individual who voluntarily left the employment without
33 good cause in connection with the work or was discharged from the
34 employment for just cause is ineligible for waiting period or benefit
35 rights for the week in which the disqualifying separation occurred and
36 until:

37 (1) the individual has earned remuneration in employment in at
38 least eight (8) weeks; and

39 (2) the remuneration earned equals or exceeds the product of the
40 weekly benefit amount multiplied by eight (8).

41 If the qualification amount has not been earned at the expiration of an
42 individual's benefit period, the unearned amount shall be carried



1 forward to an extended benefit period or to the benefit period of a
2 subsequent claim.

3 (b) When it has been determined that an individual has been
4 separated from employment under disqualifying conditions as outlined
5 in this section, the maximum benefit amount of the individual's current
6 claim, as initially determined, shall be reduced by an amount
7 determined as follows:

8 (1) For the first separation from employment under disqualifying
9 conditions, the maximum benefit amount of the individual's
10 current claim is equal to the result of:

11 (A) the maximum benefit amount of the individual's current
12 claim, as initially determined; multiplied by

13 (B) seventy-five percent (75%);

14 rounded (if not already a multiple of one dollar (\$1)) to the next
15 higher dollar.

16 (2) For the second separation from employment under
17 disqualifying conditions, the maximum benefit amount of the
18 individual's current claim is equal to the result of:

19 (A) the maximum benefit amount of the individual's current
20 claim determined under subdivision (1); multiplied by

21 (B) eighty-five percent (85%);

22 rounded (if not already a multiple of one dollar (\$1)) to the next
23 higher dollar.

24 (3) For the third and any subsequent separation from employment
25 under disqualifying conditions, the maximum benefit amount of
26 the individual's current claim is equal to the result of:

27 (A) the maximum benefit amount of the individual's current
28 claim determined under subdivision (2); multiplied by

29 (B) ninety percent (90%);

30 rounded (if not already a multiple of one dollar (\$1)) to the next
31 higher dollar.

32 (c) The disqualifications provided in this section shall be subject to
33 the following modifications:

34 (1) An individual shall not be subject to disqualification because
35 of separation from the individual's employment if:

36 (A) the individual left to accept with another employer
37 previously secured permanent full-time work which offered
38 reasonable expectation of continued covered employment and
39 betterment of wages or working conditions and thereafter was
40 employed on said job;

41 (B) having been simultaneously employed by two (2)
42 employers, the individual leaves one (1) such employer



- 1 voluntarily without good cause in connection with the work
2 but remains in employment with the second employer with a
3 reasonable expectation of continued employment; or
4 (C) the individual left to accept recall made by a base period
5 employer.
- 6 (2) An individual whose unemployment is the result of medically
7 substantiated physical disability and who is involuntarily
8 unemployed after having made reasonable efforts to maintain the
9 employment relationship shall not be subject to disqualification
10 under this section for such separation.
- 11 (3) An individual who left work to enter the armed forces of the
12 United States shall not be subject to disqualification under this
13 section for such leaving of work.
- 14 (4) An individual whose employment is terminated under the
15 compulsory retirement provision of a collective bargaining
16 agreement to which the employer is a party, or under any other
17 plan, system, or program, public or private, providing for
18 compulsory retirement and who is otherwise eligible shall not be
19 deemed to have left the individual's work voluntarily without
20 good cause in connection with the work. However, if such
21 individual subsequently becomes reemployed and thereafter
22 voluntarily leaves work without good cause in connection with the
23 work, the individual shall be deemed ineligible as outlined in this
24 section.
- 25 (5) An otherwise eligible individual shall not be denied benefits
26 for any week because the individual is in training approved under
27 Section 236(a)(1) of the Trade Act of 1974, nor shall the
28 individual be denied benefits by reason of leaving work to enter
29 such training, provided the work left is not suitable employment,
30 or because of the application to any week in training of provisions
31 in this law (or any applicable federal unemployment
32 compensation law), relating to availability for work, active search
33 for work, or refusal to accept work. For purposes of this
34 subdivision, the term "suitable employment" means with respect
35 to an individual, work of a substantially equal or higher skill level
36 than the individual's past adversely affected employment (as
37 defined for purposes of the Trade Act of 1974), and wages for
38 such work at not less than eighty percent (80%) of the individual's
39 average weekly wage as determined for the purposes of the Trade
40 Act of 1974.
- 41 (6) An individual is not subject to disqualification because of
42 separation from the individual's employment if:



- 1 (A) the employment was outside the individual's labor market;
- 2 (B) the individual left to accept previously secured full-time
- 3 work with an employer in the individual's labor market; and
- 4 (C) the individual actually became employed with the
- 5 employer in the individual's labor market.

6 (7) An individual who, but for the voluntary separation to move
 7 to another labor market to join a spouse who had moved to that
 8 labor market, shall not be disqualified for that voluntary
 9 separation, if the individual is otherwise eligible for benefits.
 10 Benefits paid to the spouse whose eligibility is established under
 11 this subdivision shall not be charged against the employer from
 12 whom the spouse voluntarily separated.

13 (8) An individual shall not be subject to disqualification if the
 14 individual voluntarily left employment or was discharged due to
 15 circumstances directly caused by domestic or family violence (as
 16 defined in IC 31-9-2-42). An individual who may be entitled to
 17 benefits based on this modification may apply to the office of the
 18 attorney general under IC 5-26.5 to have an address designated by
 19 the office of the attorney general to serve as the individual's
 20 address for purposes of this article.

21 **(9) An individual shall not be subject to disqualification if the**
 22 **individual:**

- 23 (A) has requested an exemption from an employer's
- 24 COVID-19 immunization requirement;
- 25 (B) has complied with the requirements set forth in
- 26 IC 22-5-4.6; and
- 27 (C) was discharged from employment for failing or
- 28 refusing to receive an immunization against COVID-19.

29 As used in this subsection, "labor market" means the area surrounding
 30 an individual's permanent residence, outside which the individual
 31 cannot reasonably commute on a daily basis. In determining whether
 32 an individual can reasonably commute under this subdivision, the
 33 department shall consider the nature of the individual's job.

34 (d) "Discharge for just cause" as used in this section is defined to
 35 include but not be limited to:

- 36 (1) separation initiated by an employer for falsification of an
- 37 employment application to obtain employment through
- 38 subterfuge;
- 39 (2) knowing violation of a reasonable and uniformly enforced rule
- 40 of an employer, including a rule regarding attendance;
- 41 (3) if an employer does not have a rule regarding attendance, an
- 42 individual's unsatisfactory attendance, if good cause for absences



- 1 or tardiness is not established;
- 2 (4) damaging the employer's property through willful negligence;
- 3 (5) refusing to obey instructions;
- 4 (6) reporting to work under the influence of alcohol or drugs or
- 5 consuming alcohol or drugs on employer's premises during
- 6 working hours;
- 7 (7) conduct endangering safety of self or coworkers;
- 8 (8) incarceration in jail following conviction of a misdemeanor or
- 9 felony by a court of competent jurisdiction;
- 10 (9) any breach of duty in connection with work which is
- 11 reasonably owed an employer by an employee; or
- 12 (10) testing positive on a drug test under IC 16-27-2.5.

13 (e) To verify that domestic or family violence has occurred, an
 14 individual who applies for benefits under subsection (c)(8) shall
 15 provide one (1) of the following:

- 16 (1) A report of a law enforcement agency (as defined in
- 17 IC 10-13-3-10).
- 18 (2) A protection order issued under IC 34-26-5.
- 19 (3) A foreign protection order (as defined in IC 34-6-2-48.5).
- 20 (4) An affidavit from a domestic violence service provider
- 21 verifying services provided to the individual by the domestic
- 22 violence service provider.

23 SECTION 12. IC 22-5-4.6 IS ADDED TO THE INDIANA CODE
 24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]:

26 **Chapter 4.6. Exemptions from COVID-19 Immunization**
 27 **Requirements**

28 **Sec. 0.5. (a) This chapter does not apply to the following:**

- 29 (1) **An employee when the employee is working in another**
- 30 **state, if the employer provides accommodations for a**
- 31 **COVID-19 immunization requirement for the employee in**
- 32 **accordance with:**
 - 33 (A) **Title VII of the federal Civil Rights Act of 1964, as**
 - 34 **amended (42 U.S.C. 2000e et seq.); and**
 - 35 (B) **the Americans with Disabilities Act (42 U.S.C. 12101 et**
 - 36 **seq.).**
- 37 (2) **An employer who has entered into a federally awarded or**
- 38 **amended contract, subcontract, or postsecondary grant as a**
- 39 **condition to receive federal funds, if:**
 - 40 (A) **a COVID-19 immunization requirement is imposed on**
 - 41 **parties that contract with the federal government under**
 - 42 **federal law, federal regulation, or federal executive order;**



- 1 (B) compliance with this chapter would result in a breach
 2 of contract or a loss of federal funding;
 3 (C) the employer provides accommodations for the
 4 COVID-19 immunization requirement for an employee in
 5 accordance with:
 6 (i) Title VII of the federal Civil Rights Act of 1964, as
 7 amended (42 U.S.C. 2000e et seq.); and
 8 (ii) the Americans with Disabilities Act (42 U.S.C. 12101
 9 et seq.); and
 10 (D) an employer files with the secretary of state business
 11 services division evidence that:
 12 (i) a COVID-19 immunization requirement is imposed on
 13 parties that contract with the federal government under
 14 federal law, federal regulation, or federal executive
 15 order; and
 16 (ii) the employer has entered into a federally awarded or
 17 amended contract, subcontract, or postsecondary grant
 18 as a condition to receive federal funds.
 19 (b) Subsection (a)(2)(D) does not require an employer to disclose
 20 confidential or proprietary information to the secretary of state.
 21 An employer may redact any confidential or proprietary
 22 information prior to submitting the evidence described in
 23 subsection (a)(2)(D).
 24 (c) The information collected or maintained by the secretary of
 25 state under subsection (a)(2)(D) shall be:
 26 (1) public information; and
 27 (2) available electronically for inspection by the public.
 28 Sec. 1. As used in this chapter, "COVID-19" has the meaning set
 29 forth in IC 34-30-32-3.
 30 Sec. 2. As used in this chapter, "employee" means an individual
 31 who works for an employer on a full-time or part-time basis, either
 32 paid or unpaid. The term includes:
 33 (1) an independent contractor;
 34 (2) a subcontractor; and
 35 (3) a student who works as a trainee or an intern.
 36 Sec. 3. As used in this chapter, "employer" means a sole
 37 proprietor, corporation, partnership, limited liability company, or
 38 other entity with one (1) or more employees. However, the term
 39 does not include:
 40 (1) an Indiana governmental entity (as defined in
 41 IC 16-39-11-4.5); or
 42 (2) the United States and its agencies and instrumentalities.



1 **Sec. 4.** As used in this chapter, "immunization" means the
2 treatment of an individual with a vaccine to produce immunity.

3 **Sec. 5. (a)** An employer may not impose a requirement that
4 employees receive an immunization against COVID-19 unless the
5 employer provides individual exemptions that allow an employee
6 to opt out of the requirement on the basis of any of the following:

7 (1) Medical reasons.

8 (2) Religious reasons.

9 (3) An employee has agreed to submit to testing for the
10 presence of COVID-19 in lieu of receiving an immunization
11 against COVID-19 as set forth in subsection (b).

12 (4) An employee has immunity from COVID-19 acquired
13 from a prior infection with COVID-19.

14 **(b)** An employer may require an employee to submit to testing
15 for the presence of COVID-19 not more than once a week, if the
16 employee receives an exemption based on:

17 (1) medical reasons under subsection (a)(1);

18 (2) religious reasons under subsection (a)(2);

19 (3) an agreement to testing under subsection (a)(3); or

20 (4) immunity from COVID-19 acquired from a prior infection
21 with COVID-19 under subsection (a)(4).

22 **(c)** An employer may not require an employee who is required
23 to submit to testing for the presence of COVID-19 under this
24 section to pay for the cost of the test described in subsection (b).

25 **Sec. 5.5. (a)** As used in this section, "department" refers to the
26 department of workforce development established under
27 IC 22-4.1-2-1.

28 **(b)** An employer may seek reimbursement of the costs of a test
29 for the presence of COVID-19 taken by an employee under section
30 5(b) of this chapter that:

31 (1) has been approved by the federal Food and Drug
32 Administration; and

33 (2) is the least invasive testing option available.

34 **(c)** A reimbursement under subsection (b) shall be paid from
35 any state or federal funds that may be used for employee testing
36 for the presence of COVID-19.

37 **(d)** A reimbursement under subsection (b) may not exceed fifty
38 dollars (\$50) per test.

39 **(e)** The department shall establish rules regarding the method
40 of distribution of the funds made available for employee testing for
41 the presence of COVID-19 under this section, including the
42 following:



- 1 (1) The timely distribution of funds.
- 2 (2) The verification and authentication of a request for
- 3 reimbursement under subsection (b).
- 4 (f) The department shall adopt rules under IC 4-22-2, including
- 5 emergency rules in the manner provided under IC 4-22-2-37.1, to
- 6 carry out the department's responsibilities under this section.
- 7 Notwithstanding IC 4-22-2-37.1(g)(2), the department may extend
- 8 an emergency rule adopted to carry out this section for not more
- 9 than two (2) extension periods.
- 10 (g) This section expires June 30, 2023.
- 11 Sec. 6. (a) Unless an employer waives the documentation
- 12 requirements under this subsection, to claim an exemption based
- 13 on medical reasons, an employee must present to the employer an
- 14 exemption statement in writing, dated and signed by:
- 15 (1) a licensed physician;
- 16 (2) a licensed physician's assistant; or
- 17 (3) an advanced practice registered nurse;
- 18 who has examined the employee. The statement must provide that,
- 19 in the professional opinion of the licensed physician, licensed
- 20 physician's assistant, or advanced practice registered nurse, the
- 21 immunization against COVID-19 is medically contraindicated (as
- 22 defined in IC 16-18-2-223.7) for the employee.
- 23 (b) To claim an exemption based on religious reasons, an
- 24 employee must present to the employer an exemption statement in
- 25 writing indicating that the employee declines the immunization
- 26 against COVID-19 because of a sincerely held religious belief.
- 27 (c) Unless an employer waives the documentation requirements
- 28 under this subsection, to claim an exemption based on immunity
- 29 from COVID-19 acquired from a prior infection with COVID-19,
- 30 an employee must present to the employer the result of a
- 31 laboratory test performed on the employee that has been approved
- 32 by the federal Food and Drug Administration, including any of the
- 33 following:
- 34 (1) A polymerase chain reaction test (PCR) test.
- 35 (2) An antigen test.
- 36 (3) An antibody or serology test.
- 37 An employer may request that an employee submit a new
- 38 laboratory test result as described in this subsection not more than
- 39 once every six (6) months.
- 40 Sec. 7. If an employer receives a completed exemption statement
- 41 for an exemption based on:
- 42 (1) medical reasons;



1 (2) religious reasons; or
 2 (3) immunity from COVID-19 acquired from a prior infection
 3 with COVID-19;
 4 in accordance with section 6 of this chapter, the employer must
 5 allow the employee to opt out of the employer's COVID-19
 6 immunization requirement as provided in section 5 of this chapter
 7 without further inquiry.

8 Sec. 8. (a) Except as provided in subsection (b), an employer
 9 may not take an adverse employment action against an employee
 10 because the employee has requested or used an exemption based
 11 on:

- 12 (1) medical reasons under section 5(a)(1) of this chapter;
- 13 (2) religious reasons under section 5(a)(2) of this chapter;
- 14 (3) an employee's agreement to be subject to testing for the
 15 presence of COVID-19 as set forth in section 5(a)(3) of this
 16 chapter; or
- 17 (4) immunity from COVID-19 acquired from a prior infection
 18 with COVID-19 under section 5(a)(4) of this chapter.

19 (b) An employer may take an adverse employment action
 20 against an employee who:

- 21 (1) has agreed to be subject to testing for the presence of
 22 COVID-19 as set forth in section 5(a)(3) of this chapter; and
- 23 (2) fails to comply with the agreement.

24 Sec. 9. Nothing in this chapter shall be construed to:

- 25 (1) require an employer to impose a requirement that
 26 employees receive an immunization against COVID-19; or
- 27 (2) preclude an employer from allowing additional exemptions
 28 from an employer's COVID-19 immunization requirement.

29 SECTION 13. IC 25-1-5.7 IS ADDED TO THE INDIANA CODE
 30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]:

32 **Chapter 5.7. Emergency Practitioner Temporary Licensing**

33 Sec. 1. As used in this chapter, "board" has the meaning set
 34 forth in IC 25-0.5-11-1.

35 Sec. 2. As used in this chapter, "license" includes a license,
 36 certificate, registration, or permit.

37 Sec. 3. As used in this chapter, "licensing agency" means the
 38 Indiana professional licensing agency created by IC 25-1-5-3.

39 Sec. 4. Notwithstanding any other law, the licensing agency shall
 40 issue a temporary license to an individual if the individual satisfies
 41 the following conditions:

- 42 (1) The individual applies for the temporary license in the



1 manner prescribed by the licensing agency.

2 (2) The individual has, within the past five (5) years, held:

3 (A) a license issued by a board; or

4 (B) an equivalent license in another state;

5 to practice the profession.

6 (3) The individual remains in good standing with the board or
7 licensing agency and the license described in subdivision (2):

8 (A) was retired, surrendered, or otherwise inactivated by
9 the individual; and

10 (B) was not revoked, suspended, or relinquished by the
11 board or licensing agency.

12 **Sec. 5.** Notwithstanding any other law, the licensing agency shall
13 issue a temporary license to an individual who has an equivalent
14 license in another state to a license issued by a board if the
15 individual satisfies the following conditions:

16 (1) The individual applies for the temporary license in the
17 manner prescribed by the licensing agency.

18 (2) The individual remains in good standing and has not been
19 disciplined by the state that has jurisdiction to issue the
20 license.

21 **Sec. 6.** Notwithstanding any other law, the licensing agency shall
22 issue a temporary license to a recently graduated student if the
23 student satisfies the following conditions:

24 (1) The student applies for the temporary license in the
25 manner prescribed by the licensing agency.

26 (2) The student has successfully completed all required course
27 work at an accredited or approved school.

28 (3) The student has submitted a certificate of completion to
29 the licensing agency.

30 (4) The student has applied for any of the following:

31 (A) A physician assistant license under IC 25-27.5-4.

32 (B) A nurse license under IC 25-23.

33 (C) A respiratory care practitioner license under
34 IC 25-34.5.

35 (D) A pharmacist license under IC 25-26-13.

36 **Sec. 7.** The licensing agency shall post the following on the
37 licensing agency's Internet web site:

38 (1) The application for a temporary license described in
39 sections 4, 5, and 6 of this chapter.

40 (2) A list of the names of individuals who have been granted
41 a temporary license by the licensing agency under this
42 chapter.



1 **Sec. 8. This chapter expires March 31, 2022.**

2 SECTION 14. IC 34-18-3-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) Except as**
4 **provided in subsection (b)**, for a health care provider to be qualified
5 under this article, the health care provider or the health care provider's
6 insurance carrier shall:

7 (1) cause to be filed with the commissioner proof of financial
8 responsibility established under IC 34-18-4; and

9 (2) pay the surcharge assessed on all health care providers under
10 IC 34-18-5.

11 **(b) A health care provider who has a temporary license under**
12 **IC 16-31-11.5 or IC 25-1-5.7 is qualified under this article**
13 **regardless of whether the health care provider meets the other**
14 **requirements under this chapter. This subsection expires March**
15 **31, 2022.**

16 SECTION 15. IC 34-18-3-3 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) Except as**
18 **provided in subsection (b)**, the officers, agents, and employees of a
19 health care provider, while acting in the course and scope of their
20 employment, may be qualified under this chapter if the following
21 conditions are met:

22 (1) The officers, agents, and employees are individually named or
23 are members of a named class in the proof of financial
24 responsibility filed by the health care provider under IC 34-18-4.

25 (2) The surcharge assessed under IC 34-18-5 is paid.

26 **(b) An officer, agent, or employee of a health care provider who**
27 **has a temporary license under IC 16-31-11.5 or IC 25-1-5.7 is**
28 **qualified under this article regardless of whether the officer, agent,**
29 **or employee meets the other requirements under this chapter. This**
30 **subsection expires March 31, 2022.**

31 SECTION 16. IC 34-18-3-7 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The
33 commissioner shall adopt rules under IC 4-22-2 to establish the
34 following:

35 (1) Criteria for determining, upon application, whether a
36 corporation, limited liability company, partnership, or
37 professional corporation is subject to IC 34-18-2-14(7) and thus
38 is eligible to qualify as a health care provider under this chapter.

39 (2) The minimum annual aggregate insurance amount necessary
40 for the corporation, limited liability company, partnership, or
41 professional corporation to become qualified under
42 IC 34-18-2-14(7).



1 (b) The criteria to be established by rule under subsection (a)(1)
2 must include the identification of the health care purpose and function
3 of the corporation, limited liability company, partnership, or
4 professional corporation.

5 (c) The minimum annual aggregate insurance amount to be set by
6 rule under subsection (a)(2) may not exceed five hundred thousand
7 dollars (\$500,000).

8 (d) The commissioner may require a corporation, limited liability
9 company, partnership, or professional corporation that seeks to qualify
10 under IC 34-18-2-14(7) and this chapter to provide information
11 necessary to determine eligibility and to establish the minimum annual
12 aggregate amount applicable to the corporation, limited liability
13 company, partnership, or professional corporation.

14 **(e) The commissioner may require a health care provider who**
15 **is qualified under section 2(b) of this chapter and an officer, agent,**
16 **and employee of a health care provider who is qualified under**
17 **section (3)(b) of this chapter to provide information necessary to**
18 **determine eligibility.**

19 SECTION 17. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1001, 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:

Page 2, delete line 16, begin a new paragraph and insert:

"(c) This section expires on the date that the funds described in subsection (a) are no longer available to the state."

Page 3, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 5. IC 16-31-11.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 11.5. Temporary Licensure of Retired and Inactive Emergency Medical Services Personnel

Sec. 1. Notwithstanding any other provision of this article, the commission shall issue a temporary license or certificate to an individual to allow the individual to provide emergency medical services if the individual satisfies the following conditions:

- (1) The individual applies for the temporary license or certificate in the manner prescribed by the commission.**
- (2) The individual has, within the past five (5) years, held:**
 - (A) a certificate or license under this article; or**
 - (B) an equivalent certificate or license in another state;****to provide emergency medical services.**
- (3) The individual remains in good standing with the issuing entity and the license or certification described in subdivision (2):**
 - (A) was retired, surrendered, or otherwise inactivated by the individual; and**
 - (B) was not revoked, suspended, or relinquished by the issuing entity.**

Sec. 2. The commission shall post the following on the department of homeland security's Internet web site:

- (1) The application for a temporary license or certification described in section 1 of this chapter.**
- (2) A list of the names of individuals who have been granted a temporary license or certification by the commission under this chapter.**

Sec. 3. This chapter expires March 31, 2022."

Page 4, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 8. IC 22-4-2-41 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: **Sec. 41. As used in this article, "COVID-19" has the meaning set forth in IC 34-30-32-3.**

SECTION 9. IC 22-4-2-42 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 42. As used in this article, "immunization" means the treatment of an individual with a vaccine to produce immunity.**

SECTION 10. IC 22-4-11-1, AS AMENDED BY P.L.154-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) For the purpose of charging employers' experience or reimbursable accounts with regular benefits paid subsequent to July 3, 1971, to any eligible individual but except as provided in IC 22-4-22 and ~~subsection~~ **subsections (f) and (i)**, such benefits paid shall be charged proportionately against the experience or reimbursable accounts of the individual's employers in the individual's base period (on the basis of total wage credits established in such base period) against whose accounts the maximum charges specified in this section shall not have been previously made. Such charges shall be made in the inverse chronological order in which the wage credits of such individuals were established. However, when an individual's claim has been computed for the purpose of determining the individual's regular benefit rights, maximum regular benefit amount, and the proportion of such maximum amount to be charged to the experience or reimbursable accounts of respective chargeable employers in the base period, the experience or reimbursable account of any employer charged with regular benefits paid shall not be credited or reccredited with any portion of such maximum amount because of any portion of such individual's wage credits remaining uncharged at the expiration of the individual's benefit period. The maximum so charged against the account of any employer shall not exceed twenty-eight percent (28%) of the total wage credits of such individual with each such employer with which wage credits were established during such individual's base period. Benefits paid under provisions of IC 22-4-22-3 in excess of the amount that the claimant would have been monetarily eligible for under other provisions of this article shall be paid from the fund and not charged to the experience account of any employer. This exception shall not apply to those employers electing to make payments in lieu of contributions who shall be charged for the full amount of regular benefit payments and the part of benefits not reimbursed by the federal government under the Federal-State Extended Unemployment Compensation Act of 1970 that are attributable to service in their employ. Irrespective of the



twenty-eight percent (28%) maximum limitation provided for in this section, the part of benefits not reimbursed by the federal government under the Federal-State Extended Unemployment Compensation Act of 1970 paid to an eligible individual based on service with a governmental entity of this state or its political subdivisions shall be charged to the experience or reimbursable accounts of the employers, and the part of benefits not reimbursed by the federal government under the Federal-State Extended Unemployment Compensation Act of 1970 paid to an eligible individual shall be charged to the experience or reimbursable accounts of the individual's employers in the individual's base period, other than governmental entities of this state or its political subdivisions, in the same proportion and sequence as are provided in this section for regular benefits paid. Additional benefits paid under IC 22-4-12-4(c) and benefits paid under IC 22-4-15-1(c)(8) shall:

- (1) be paid from the fund; and
- (2) not be charged to the experience account or the reimbursable account of any employer.

(b) If the aggregate of wages paid to an individual by two (2) or more employers during the same calendar quarter exceeds the maximum wage credits (as defined in IC 22-4-4-3) then the experience or reimbursable account of each such employer shall be charged in the ratio which the amount of wage credits from such employer bears to the total amount of wage credits during the base period.

(c) When wage records show that an individual has been employed by two (2) or more employers during the same calendar quarter of the base period but do not indicate both that such employment was consecutive and the order of sequence thereof, then and in such cases it shall be deemed that the employer with whom the individual established a plurality of wage credits in such calendar quarter is the most recent employer in such quarter and its experience or reimbursable account shall be first charged with benefits paid to such individual. The experience or reimbursable account of the employer with whom the next highest amount of wage credits were established shall be charged secondly and the experience or reimbursable accounts of other employers during such quarters, if any, shall likewise be charged in order according to plurality of wage credits established by such individual.

(d) Except as provided in subsection (f) or section 1.5 of this chapter, if an individual:

- (1) voluntarily leaves an employer without good cause in connection with the work; or

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(2) is discharged from an employer for just cause; wage credits earned with the employer from whom the employee has separated under these conditions shall be used to compute the claimant's eligibility for benefits, but charges based on such wage credits shall be paid from the fund and not charged to the experience account of any employer. However, this exception shall not apply to those employers who elect to make payments in lieu of contributions, who shall be charged for all benefit payments which are attributable to service in their employ.

(e) Any nonprofit organization which elects to make payments in lieu of contributions into the unemployment compensation fund as provided in this article is not liable to make the payments with respect to the benefits paid to any individual whose base period wages include wages for previously uncovered services as defined in IC 22-4-4-4, nor is the experience account of any other employer liable for charges for benefits paid the individual to the extent that the unemployment compensation fund is reimbursed for these benefits pursuant to Section 121 of P.L.94-566. Payments which otherwise would have been chargeable to the reimbursable or contributing employers shall be charged to the fund.

(f) If an individual:

- (1) earns wages during the individual's base period through employment with two (2) or more employers concurrently;
- (2) is separated from work by one (1) of the employers for reasons that would not result in disqualification under IC 22-4-15-1; and
- (3) continues to work for one (1) or more of the other employers after the end of the base period and continues to work during the applicable benefit year on substantially the same basis as during the base period;

wage credits earned with the base period employers shall be used to compute the claimant's eligibility for benefits, but charges based on the wage credits from the employer who continues to employ the individual shall be charged to the experience or reimbursable account of the separating employer.

(g) Subsection (f) does not affect the eligibility of a claimant who otherwise qualifies for benefits nor the computation of benefits.

(h) Unemployment benefits paid shall not be charged to the experience account of a base period employer when the claimant's unemployment from the employer was a direct result of the condemnation of property by a municipal corporation (as defined in IC 36-1-2-10), the state, or the federal government, a fire, a flood, or an act of nature, when at least fifty percent (50%) of the employer's



employees, including the claimant, became unemployed as a result. This exception does not apply when the unemployment was an intentional result of the employer or a person acting on behalf of the employer.

(i) This subsection applies to an individual who has requested an exemption from an employer's COVID-19 immunization requirement and has complied with the requirements set forth in IC 22-5-4.6. If an individual:

(1) earns wages during the individual's base period through employment with two (2) or more employers; and
(2) is separated from work by an employer for failing or refusing to receive an immunization against COVID-19;
wage credits earned with the base period employers shall be used to compute the claimant's eligibility for benefits, but charges based on the wage credits shall only be charged to the experience or reimbursable account of the separating employer described in subdivision (2).

SECTION 11. IC 22-4-15-1, AS AMENDED BY P.L.224-2017, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Regarding an individual's most recent separation from employment before filing an initial or additional claim for benefits, an individual who voluntarily left the employment without good cause in connection with the work or was discharged from the employment for just cause is ineligible for waiting period or benefit rights for the week in which the disqualifying separation occurred and until:

- (1) the individual has earned remuneration in employment in at least eight (8) weeks; and
- (2) the remuneration earned equals or exceeds the product of the weekly benefit amount multiplied by eight (8).

If the qualification amount has not been earned at the expiration of an individual's benefit period, the unearned amount shall be carried forward to an extended benefit period or to the benefit period of a subsequent claim.

(b) When it has been determined that an individual has been separated from employment under disqualifying conditions as outlined in this section, the maximum benefit amount of the individual's current claim, as initially determined, shall be reduced by an amount determined as follows:

- (1) For the first separation from employment under disqualifying conditions, the maximum benefit amount of the individual's current claim is equal to the result of:



- (A) the maximum benefit amount of the individual's current claim, as initially determined; multiplied by
- (B) seventy-five percent (75%);
- rounded (if not already a multiple of one dollar (\$1)) to the next higher dollar.
- (2) For the second separation from employment under disqualifying conditions, the maximum benefit amount of the individual's current claim is equal to the result of:
- (A) the maximum benefit amount of the individual's current claim determined under subdivision (1); multiplied by
- (B) eighty-five percent (85%);
- rounded (if not already a multiple of one dollar (\$1)) to the next higher dollar.
- (3) For the third and any subsequent separation from employment under disqualifying conditions, the maximum benefit amount of the individual's current claim is equal to the result of:
- (A) the maximum benefit amount of the individual's current claim determined under subdivision (2); multiplied by
- (B) ninety percent (90%);
- rounded (if not already a multiple of one dollar (\$1)) to the next higher dollar.
- (c) The disqualifications provided in this section shall be subject to the following modifications:
- (1) An individual shall not be subject to disqualification because of separation from the individual's employment if:
- (A) the individual left to accept with another employer previously secured permanent full-time work which offered reasonable expectation of continued covered employment and betterment of wages or working conditions and thereafter was employed on said job;
- (B) having been simultaneously employed by two (2) employers, the individual leaves one (1) such employer voluntarily without good cause in connection with the work but remains in employment with the second employer with a reasonable expectation of continued employment; or
- (C) the individual left to accept recall made by a base period employer.
- (2) An individual whose unemployment is the result of medically substantiated physical disability and who is involuntarily unemployed after having made reasonable efforts to maintain the employment relationship shall not be subject to disqualification under this section for such separation.



(3) An individual who left work to enter the armed forces of the United States shall not be subject to disqualification under this section for such leaving of work.

(4) An individual whose employment is terminated under the compulsory retirement provision of a collective bargaining agreement to which the employer is a party, or under any other plan, system, or program, public or private, providing for compulsory retirement and who is otherwise eligible shall not be deemed to have left the individual's work voluntarily without good cause in connection with the work. However, if such individual subsequently becomes reemployed and thereafter voluntarily leaves work without good cause in connection with the work, the individual shall be deemed ineligible as outlined in this section.

(5) An otherwise eligible individual shall not be denied benefits for any week because the individual is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor shall the individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any week in training of provisions in this law (or any applicable federal unemployment compensation law), relating to availability for work, active search for work, or refusal to accept work. For purposes of this subdivision, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974), and wages for such work at not less than eighty percent (80%) of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974.

(6) An individual is not subject to disqualification because of separation from the individual's employment if:

- (A) the employment was outside the individual's labor market;
- (B) the individual left to accept previously secured full-time work with an employer in the individual's labor market; and
- (C) the individual actually became employed with the employer in the individual's labor market.

(7) An individual who, but for the voluntary separation to move to another labor market to join a spouse who had moved to that labor market, shall not be disqualified for that voluntary separation, if the individual is otherwise eligible for benefits. Benefits paid to the spouse whose eligibility is established under



this subdivision shall not be charged against the employer from whom the spouse voluntarily separated.

(8) An individual shall not be subject to disqualification if the individual voluntarily left employment or was discharged due to circumstances directly caused by domestic or family violence (as defined in IC 31-9-2-42). An individual who may be entitled to benefits based on this modification may apply to the office of the attorney general under IC 5-26.5 to have an address designated by the office of the attorney general to serve as the individual's address for purposes of this article.

(9) An individual shall not be subject to disqualification if the individual:

(A) has requested an exemption from an employer's COVID-19 immunization requirement;

(B) has complied with the requirements set forth in IC 22-5-4.6; and

(C) was discharged from employment for failing or refusing to receive an immunization against COVID-19.

As used in this subsection, "labor market" means the area surrounding an individual's permanent residence, outside which the individual cannot reasonably commute on a daily basis. In determining whether an individual can reasonably commute under this subdivision, the department shall consider the nature of the individual's job.

(d) "Discharge for just cause" as used in this section is defined to include but not be limited to:

(1) separation initiated by an employer for falsification of an employment application to obtain employment through subterfuge;

(2) knowing violation of a reasonable and uniformly enforced rule of an employer, including a rule regarding attendance;

(3) if an employer does not have a rule regarding attendance, an individual's unsatisfactory attendance, if good cause for absences or tardiness is not established;

(4) damaging the employer's property through willful negligence;

(5) refusing to obey instructions;

(6) reporting to work under the influence of alcohol or drugs or consuming alcohol or drugs on employer's premises during working hours;

(7) conduct endangering safety of self or coworkers;

(8) incarceration in jail following conviction of a misdemeanor or felony by a court of competent jurisdiction;

(9) any breach of duty in connection with work which is



reasonably owed an employer by an employee; or

(10) testing positive on a drug test under IC 16-27-2.5.

(e) To verify that domestic or family violence has occurred, an individual who applies for benefits under subsection (c)(8) shall provide one (1) of the following:

(1) A report of a law enforcement agency (as defined in IC 10-13-3-10).

(2) A protection order issued under IC 34-26-5.

(3) A foreign protection order (as defined in IC 34-6-2-48.5).

(4) An affidavit from a domestic violence service provider verifying services provided to the individual by the domestic violence service provider."

Page 4, between lines 24 and 25, begin a new paragraph and insert:

"Sec. 0.5. (a) This chapter does not apply to the following:

(1) An employee when the employee is working in another state, if the employer provides accommodations for a COVID-19 immunization requirement for the employee in accordance with:

(A) Title VII of the federal Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.); and

(B) the Americans with Disabilities Act (42 U.S.C. 12101 et seq.).

(2) An employer who has entered into a federally awarded or amended contract, subcontract, or postsecondary grant as a condition to receive federal funds, if:

(A) a COVID-19 immunization requirement is imposed on parties that contract with the federal government under federal law, federal regulation, or federal executive order;

(B) compliance with this chapter would result in a breach of contract or a loss of federal funding;

(C) the employer provides accommodations for the COVID-19 immunization requirement for an employee in accordance with:

(i) Title VII of the federal Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.); and

(ii) the Americans with Disabilities Act (42 U.S.C. 12101 et seq.); and

(D) an employer files with the secretary of state business services division evidence that:

(i) a COVID-19 immunization requirement is imposed on parties that contract with the federal government under federal law, federal regulation, or federal executive



order; and

(ii) the employer has entered into a federally awarded or amended contract, subcontract, or postsecondary grant as a condition to receive federal funds.

(b) Subsection (a)(2)(D) does not require an employer to disclose confidential or proprietary information to the secretary of state. An employer may redact any confidential or proprietary information prior to submitting the evidence described in subsection (a)(2)(D).

(c) The information collected or maintained by the secretary of state under subsection (a)(2)(D) shall be:

- (1) public information; and
- (2) available electronically for inspection by the public."

Page 4, delete lines 27 through 29, begin a new paragraph and insert:

"Sec. 2. As used in this chapter, "employee" means an individual who works for an employer on a full-time or part-time basis, either paid or unpaid. The term includes:

- (1) an independent contractor;
- (2) a subcontractor; and
- (3) a student who works as a trainee or an intern."

Page 4, delete lines 39 through 42, begin a new paragraph and insert:

"Sec. 5. (a) An employer may not impose a requirement that employees receive an immunization against COVID-19 unless the employer provides individual exemptions that allow an employee to opt out of the requirement on the basis of any of the following:

- (1) Medical reasons.
- (2) Religious reasons.
- (3) An employee has agreed to submit to testing for the presence of COVID-19 in lieu of receiving an immunization against COVID-19 as set forth in subsection (b).
- (4) An employee has immunity from COVID-19 acquired from a prior infection with COVID-19.

(b) An employer may require an employee to submit to testing for the presence of COVID-19 not more than once a week, if the employee receives an exemption based on:

- (1) medical reasons under subsection (a)(1);
- (2) religious reasons under subsection (a)(2);
- (3) an agreement to testing under subsection (a)(3); or
- (4) immunity from COVID-19 acquired from a prior infection with COVID-19 under subsection (a)(4).



(c) An employer may not require an employee who is required to submit to testing for the presence of COVID-19 under this section to pay for the cost of the test described in subsection (b)."

Page 5, delete lines 1 through 22, begin a new paragraph and insert:

"Sec. 5.5. (a) As used in this section, "department" refers to the department of workforce development established under IC 22-4.1-2-1.

(b) An employer may seek reimbursement of the costs of a test for the presence of COVID-19 taken by an employee under section 5(b) of this chapter that:

(1) has been approved by the federal Food and Drug Administration; and

(2) is the least invasive testing option available.

(c) A reimbursement under subsection (b) shall be paid from any state or federal funds that may be used for employee testing for the presence of COVID-19.

(d) A reimbursement under subsection (b) may not exceed fifty dollars (\$50) per test.

(e) The department shall establish rules regarding the method of distribution of the funds made available for employee testing for the presence of COVID-19 under this section, including the following:

(1) The timely distribution of funds.

(2) The verification and authentication of a request for reimbursement under subsection (b).

(f) The department shall adopt rules under IC 4-22-2, including emergency rules in the manner provided under IC 4-22-2-37.1, to carry out the department's responsibilities under this section. Notwithstanding IC 4-22-2-37.1(g)(2), the department may extend an emergency rule adopted to carry out this section for not more than two (2) extension periods.

(g) This section expires June 30, 2023."

Page 5, delete lines 39 through 42, begin a new paragraph and insert:

"(c) Unless an employer waives the documentation requirements under this subsection, to claim an exemption based on immunity from COVID-19 acquired from a prior infection with COVID-19, an employee must present to the employer the result of a laboratory test performed on the employee that has been approved by the federal Food and Drug Administration, including any of the following:

(1) A polymerase chain reaction test (PCR) test.



(2) An antigen test.

(3) An antibody or serology test.

An employer may request that an employee submit a new laboratory test result as described in this subsection not more than once every six (6) months."

Page 6, delete lines 1 through 7.

Page 6, delete line 12, begin a new line block indented and insert:

"(3) immunity from COVID-19 acquired from a prior infection with COVID-19;"

Page 6, line 24, delete "5(b)(1)" and insert "5(a)(3)".

Page 6, delete lines 26 through 27, begin a new line block indented and insert:

"(4) immunity from COVID-19 acquired from a prior infection with COVID-19 under section 5(a)(4) of this chapter."

Page 6, line 31, delete "5(b)(1)" and insert "5(a)(3)".

Page 6, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 13. IC 25-1-5.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 5.7. Emergency Practitioner Temporary Licensing

Sec. 1. As used in this chapter, "board" has the meaning set forth in IC 25-0.5-11-1.

Sec. 2. As used in this chapter, "license" includes a license, certificate, registration, or permit.

Sec. 3. As used in this chapter, "licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

Sec. 4. Notwithstanding any other law, the licensing agency shall issue a temporary license to an individual if the individual satisfies the following conditions:

(1) The individual applies for the temporary license in the manner prescribed by the licensing agency.

(2) The individual has, within the past five (5) years, held:

(A) a license issued by a board; or

(B) an equivalent license in another state;

to practice the profession.

(3) The individual remains in good standing with the board or licensing agency and the license described in subdivision (2):

(A) was retired, surrendered, or otherwise inactivated by the individual; and

(B) was not revoked, suspended, or relinquished by the board or licensing agency.



Sec. 5. Notwithstanding any other law, the licensing agency shall issue a temporary license to an individual who has an equivalent license in another state to a license issued by a board if the individual satisfies the following conditions:

- (1) The individual applies for the temporary license in the manner prescribed by the licensing agency.
- (2) The individual remains in good standing and has not been disciplined by the state that has jurisdiction to issue the license.

Sec. 6. Notwithstanding any other law, the licensing agency shall issue a temporary license to a recently graduated student if the student satisfies the following conditions:

- (1) The student applies for the temporary license in the manner prescribed by the licensing agency.
- (2) The student has successfully completed all required course work at an accredited or approved school.
- (3) The student has submitted a certificate of completion to the licensing agency.
- (4) The student has applied for any of the following:
 - (A) A physician assistant license under IC 25-27.5-4.
 - (B) A nurse license under IC 25-23.
 - (C) A respiratory care practitioner license under IC 25-34.5.
 - (D) A pharmacist license under IC 25-26-13.

Sec. 7. The licensing agency shall post the following on the licensing agency's Internet web site:

- (1) The application for a temporary license described in sections 4, 5, and 6 of this chapter.
- (2) A list of the names of individuals who have been granted a temporary license by the licensing agency under this chapter.

Sec. 8. This chapter expires March 31, 2022.

SECTION 14. IC 34-18-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **Except as provided in subsection (b)**, for a health care provider to be qualified under this article, the health care provider or the health care provider's insurance carrier shall:

- (1) cause to be filed with the commissioner proof of financial responsibility established under IC 34-18-4; and
- (2) pay the surcharge assessed on all health care providers under IC 34-18-5.

(b) **A health care provider who has a temporary license under**



IC 16-31-11.5 or IC 25-1-5.7 is qualified under this article regardless of whether the health care provider meets the other requirements under this chapter. This subsection expires March 31, 2022.

SECTION 15. IC 34-18-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) Except as provided in subsection (b),** the officers, agents, and employees of a health care provider, while acting in the course and scope of their employment, may be qualified under this chapter if the following conditions are met:

- (1) The officers, agents, and employees are individually named or are members of a named class in the proof of financial responsibility filed by the health care provider under IC 34-18-4.
- (2) The surcharge assessed under IC 34-18-5 is paid.

(b) An officer, agent, or employee of a health care provider who has a temporary license under IC 16-31-11.5 or IC 25-1-5.7 is qualified under this article regardless of whether the officer, agent, or employee meets the other requirements under this chapter. This subsection expires March 31, 2022.

SECTION 16. IC 34-18-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The commissioner shall adopt rules under IC 4-22-2 to establish the following:

- (1) Criteria for determining, upon application, whether a corporation, limited liability company, partnership, or professional corporation is subject to IC 34-18-2-14(7) and thus is eligible to qualify as a health care provider under this chapter.
- (2) The minimum annual aggregate insurance amount necessary for the corporation, limited liability company, partnership, or professional corporation to become qualified under IC 34-18-2-14(7).

(b) The criteria to be established by rule under subsection (a)(1) must include the identification of the health care purpose and function of the corporation, limited liability company, partnership, or professional corporation.

(c) The minimum annual aggregate insurance amount to be set by rule under subsection (a)(2) may not exceed five hundred thousand dollars (\$500,000).

(d) The commissioner may require a corporation, limited liability company, partnership, or professional corporation that seeks to qualify under IC 34-18-2-14(7) and this chapter to provide information necessary to determine eligibility and to establish the minimum annual



aggregate amount applicable to the corporation, limited liability company, partnership, or professional corporation.

(e) The commissioner may require a health care provider who is qualified under section 2(b) of this chapter and an officer, agent, and employee of a health care provider who is qualified under section (3)(b) of this chapter to provide information necessary to determine eligibility."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1001 as introduced.)

VANNATTER

Committee Vote: yeas 7, nays 4.

