



March 17, 2017

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# ENGROSSED

## HOUSE BILL No. 1336

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DIGEST OF HB 1336 (Updated March 15, 2017 11:33 am - DI 104)

**Citations Affected:** IC 16-19; IC 16-22; IC 16-35; IC 16-38; IC 16-42.

**Synopsis:** Department of health matters. Repeals the expiration provision for the office of minority health and the birth problems registry. Specifies various ways in which a hospital board may be named. Extends eligibility for the hearing aid assistance program (program) to a child who is at least three years of age and less than seven years of age. Removes: (1) a requirement for the program that reimbursement is unavailable from specific third sources in order to be eligible for the program; and (2) the state department of health's ability to use internal and external resources to administer the program and registration by external entities. Raises the maximum amount that can be reimbursed for a hearing aid under the program from \$1,500 to \$2,000. Provides that in cases in which food is believed to be adulterated or so misbranded as to be dangerous or fraudulent, the commissioner or the commissioner's agent may mark food to give notice that the food has been detained or embargoed for not more than 15 days. (Current law allows the food to be detained or embargoed for five days.) Provides that if an individual files a complaint under certain food safety laws concerning an issue related to food safety or a food borne illness, certain personal information of the individual is confidential.

**Effective:** Upon passage; July 1, 2017.

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## Kirchhofer, Shackelford, Zent

(SENATE SPONSOR — CHARBONNEAU)

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January 12, 2017, read first time and referred to Committee on Public Health.

January 26, 2017, reported — Do Pass.

February 2, 2017, read second time, amended, ordered engrossed.

February 3, 2017, engrossed.

February 6, 2017, read third time, passed. Yeas 96, nays 0.

### SENATE ACTION

February 20, 2017, read first time and referred to Committee on Health and Provider Services.

March 16, 2017, amended, reported favorably — Do Pass.

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EH 1336—LS 7181/DI 77





March 17, 2017

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1336

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 16-19-14-7 IS REPEALED [EFFECTIVE UPON  
2 PASSAGE]. ~~Sec. 7: This chapter expires July 1, 2017.~~
- 3 SECTION 2. IC 16-22-3-24 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. **(a)** The board  
5 is a body corporate and politic. ~~with the style of "The Board of Trustees~~  
6 ~~of \_\_\_\_\_ Hospital", to include the full name of the hospital. In~~  
7 ~~that name and~~ capacity, the board may do the following:
- 8 (1) Sue and be sued and plead and be impleaded but all actions  
9 against the board must be brought in the circuit or superior courts  
10 of the county in which the hospital is located.
- 11 (2) Possess the real and personal property of the hospital and the  
12 hospital funds in the hospital's corporate name for the hospital's  
13 use and benefit.
- 14 (3) Exercise the other powers, duties, and responsibilities set forth  
15 in this article.
- 16 **(b) This subsection is retroactively effective beginning January**  
17 **1, 1971. The name of the board may be styled as:**

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

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

9           SECTION 3. IC 16-35-8-1, AS ADDED BY P.L.119-2009,  
 10          SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11          JULY 1, 2017]: Sec. 1. As used in this chapter, "child" means a child  
 12          **who is:**

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

17          SECTION 4. IC 16-35-8-9, AS AMENDED BY P.L.109-2012,  
 18          SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19          JULY 1, 2017]: Sec. 9. (a) The hearing aid assistance program is  
 20          established.

21          (b) The following eligibility criteria apply for funding through the  
 22          hearing aid assistance program:

- 23           (1) The hearing aid must be:  
 24           (A) prescribed for a child by a physician who is licensed under  
 25           IC 25-22.5; and  
 26           (B) prescribed, fitted, and dispensed for the child by an  
 27           audiologist who is licensed under IC 25-35.6.  
 28           (2) The child has not received funding from the fund for a hearing  
 29           aid for the applicable ear during the previous three (3) years.  
 30           (3) Reimbursement is not available through any of the following  
 31           or is not sufficient to pay the full amount required for a hearing  
 32           aid:

- 33           (A) A policy of accident and sickness insurance (IC 27-8-5);  
 34           (B) A health maintenance organization contract (IC 27-13);  
 35           (C) The Medicaid program (IC 12-15);  
 36           (D) The children's health insurance program (IC 12-17.6);  
 37           (E) The federal Medicare program or any other federal  
 38           assistance program:

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

- 42          (d) External foundations and other organizations that provide



1 hearing aid assistance may register with the state department to provide  
 2 a centralized location from which deaf and hard of hearing individuals  
 3 can obtain information regarding additional sources of hearing aid  
 4 assistance.

5 SECTION 5. IC 16-35-8-10, AS ADDED BY P.L.119-2009,  
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2017]: Sec. 10. (a) The parent or guardian of a child may at  
 8 any time apply to the state department for funding through the hearing  
 9 aid assistance program.

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

16 SECTION 6. IC 16-38-4-19 IS REPEALED [EFFECTIVE UPON  
 17 PASSAGE]. ~~Sec. 19: The registry is abolished July 1, 2017.~~

18 SECTION 7. IC 16-42-1-18 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Whenever  
 20 a duly authorized agent of the state department finds or has probable  
 21 cause to believe that any food, drug, device, or cosmetic is:

22 (1) adulterated; or

23 (2) so misbranded as to be dangerous or fraudulent;

24 within the meaning of IC 16-42-1 through IC 16-42-4, the state health  
 25 commissioner or the commissioner's legally authorized agent shall affix  
 26 to the merchandise a tag or other appropriate marking as described in  
 27 subsection (b).

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

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

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

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

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

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

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



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

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

6 SECTION 8. IC 16-42-1-35 IS ADDED TO THE INDIANA CODE  
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
8 UPON PASSAGE]: **Sec. 35. For purposes of IC 5-14-3-4, if an  
9 individual files a complaint under this article concerning an issue  
10 related to food safety or a food borne illness, including any health  
11 or sanitary condition at a food establishment, the department shall  
12 keep the following information of the individual who filed the  
13 complaint confidential:**

14 (1) Name.

15 (2) Address.

16 (3) Telephone number.

17 (4) Electronic mail address.

18 (5) Personal health information.

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

20 SECTION 9. An emergency is declared for this act.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1336, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1336 as introduced.)

KIRCHHOFER

Committee Vote: Yeas 12, Nays 0

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1336 be amended to read as follows:

Page 1, delete lines 3 through 17.

Re-number all SECTIONS consecutively.

(Reference is to HB 1336 as printed January 27, 2017.)

KIRCHHOFER

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 COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1336, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between lines 2 and 3, begin a new paragraph and insert:

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

- (1) Sue and be sued and plead and be impleaded but all actions against the board must be brought in the circuit or superior courts of the county in which the hospital is located.
- (2) Possess the real and personal property of the hospital and the hospital funds in the hospital's corporate name for the hospital's use and benefit.

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(3) Exercise the other powers, duties, and responsibilities set forth in this article.

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

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

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

SECTION 3. IC 16-35-8-1, AS ADDED BY P.L.119-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. As used in this chapter, "child" means a child who is:

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

SECTION 4. IC 16-35-8-9, AS AMENDED BY P.L.109-2012, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) The hearing aid assistance program is established.

(b) The following eligibility criteria apply for funding through the hearing aid assistance program:

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





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

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

SECTION 5. IC 16-35-8-10, AS ADDED BY P.L.119-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. (a) The parent or guardian of a child may at any time apply to the state department for funding through the hearing aid assistance program.

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

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1336 as reprinted February 3, 2017.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 9, Nays 0.

