

HOUSE BILL No. 1350

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-163; IC 16-38-7; IC 35-52-16-33.5.

Synopsis: Indiana vaccination adverse event reporting system. Requires the Indiana department of health (department) to establish an Indiana vaccination adverse event reporting system (IVAERS) for reporting the occurrence of adverse events relating to childhood vaccines. Provides that IVAERS must enable a health care provider to report the occurrence of an adverse event experienced by a child residing in Indiana who is under the care of the health care provider. Requires the department to create a searchable Internet data base for publishing information reported through IVAERS. Provides that the health information of a particular individual is confidential. Specifies to whom and the requirements for releasing health information of a particular individual. Provides that a person who knowingly, intentionally, or recklessly discloses confidential information received through IVAERS in violation of the statute commits a Class A misdemeanor. Authorizes the department to adopt rules concerning IVAERS. Makes an appropriation.

Effective: July 1, 2022.

Borders

January 11, 2022, read first time and referred to Committee on Public Health.



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. 1350



A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

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

1 SECTION 1. IC 16-18-2-163, AS AMENDED BY P.L.50-2021,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 163. (a) Except as provided in subsection (c),
4 "health care provider", for purposes of IC 16-21, **IC 16-38-7**, and
5 IC 16-41, means any of the following:
6 (1) An individual, a partnership, a corporation, a professional
7 corporation, a facility, or an institution licensed or legally
8 authorized by this state to provide health care or professional
9 services as a licensed physician, a psychiatric hospital, a hospital,
10 a health facility, an emergency ambulance service (IC 16-31-3),
11 a dentist, a registered or licensed practical nurse, a midwife, an
12 optometrist, a pharmacist, a podiatrist, a chiropractor, a physical
13 therapist, a respiratory care practitioner, an occupational therapist,
14 a psychologist, a paramedic, an emergency medical technician, an
15 advanced emergency medical technician, an athletic trainer, or a
16 person who is an officer, employee, or agent of the individual,
17 partnership, corporation, professional corporation, facility, or



- 1 institution acting in the course and scope of the person's
 2 employment.
- 3 (2) A college, university, or junior college that provides health
 4 care to a student, a faculty member, or an employee, and the
 5 governing board or a person who is an officer, employee, or agent
 6 of the college, university, or junior college acting in the course
 7 and scope of the person's employment.
- 8 (3) A blood bank, community mental health center, community
 9 intellectual disability center, community health center, or migrant
 10 health center.
- 11 (4) A home health agency (as defined in IC 16-27-1-2).
- 12 (5) A health maintenance organization (as defined in
 13 IC 27-13-1-19).
- 14 (6) A health care organization whose members, shareholders, or
 15 partners are health care providers under subdivision (1).
- 16 (7) A corporation, partnership, or professional corporation not
 17 otherwise qualified under this subsection that:
- 18 (A) provides health care as one (1) of the corporation's,
 19 partnership's, or professional corporation's functions;
- 20 (B) is organized or registered under state law; and
- 21 (C) is determined to be eligible for coverage as a health care
 22 provider under IC 34-18 for the corporation's, partnership's, or
 23 professional corporation's health care function.
- 24 Coverage for a health care provider qualified under this subdivision is
 25 limited to the health care provider's health care functions and does not
 26 extend to other causes of action.
- 27 (b) "Health care provider", for purposes of IC 16-35, has the
 28 meaning set forth in subsection (a). However, for purposes of IC 16-35,
 29 the term also includes a health facility (as defined in section 167 of this
 30 chapter).
- 31 (c) "Health care provider", for purposes of IC 16-32-5, IC 16-36-5,
 32 IC 16-36-6, and IC 16-41-10 means an individual licensed or
 33 authorized by this state to provide health care or professional services
 34 as:
- 35 (1) a licensed physician;
- 36 (2) a registered nurse;
- 37 (3) a licensed practical nurse;
- 38 (4) an advanced practice registered nurse;
- 39 (5) a certified nurse midwife;
- 40 (6) a paramedic;
- 41 (7) an emergency medical technician;
- 42 (8) an advanced emergency medical technician;



- 1 (9) an emergency medical responder, as defined by section 109.8
 2 of this chapter;
 3 (10) a licensed dentist;
 4 (11) a home health aide, as defined by section 174 of this chapter;
 5 or
 6 (12) a licensed physician assistant.
- 7 The term includes an individual who is an employee or agent of a
 8 health care provider acting in the course and scope of the individual's
 9 employment.
- 10 (d) "Health care provider", for purposes of IC 16-36-7, has the
 11 meaning set forth in IC 16-36-7-12.
- 12 (e) "Health care provider", for purposes of section 1.5 of this chapter
 13 and IC 16-40-4, means any of the following:
- 14 (1) An individual, a partnership, a corporation, a professional
 15 corporation, a facility, or an institution licensed or authorized by
 16 the state to provide health care or professional services as a
 17 licensed physician, a psychiatric hospital, a hospital, a health
 18 facility, an emergency ambulance service (IC 16-31-3), an
 19 ambulatory outpatient surgical center, a dentist, an optometrist, a
 20 pharmacist, a podiatrist, a chiropractor, a psychologist, or a
 21 person who is an officer, employee, or agent of the individual,
 22 partnership, corporation, professional corporation, facility, or
 23 institution acting in the course and scope of the person's
 24 employment.
- 25 (2) A blood bank, laboratory, community mental health center,
 26 community intellectual disability center, community health
 27 center, or migrant health center.
- 28 (3) A home health agency (as defined in IC 16-27-1-2).
- 29 (4) A health maintenance organization (as defined in
 30 IC 27-13-1-19).
- 31 (5) A health care organization whose members, shareholders, or
 32 partners are health care providers under subdivision (1).
- 33 (6) A corporation, partnership, or professional corporation not
 34 otherwise specified in this subsection that:
- 35 (A) provides health care as one (1) of the corporation's,
 36 partnership's, or professional corporation's functions;
 37 (B) is organized or registered under state law; and
 38 (C) is determined to be eligible for coverage as a health care
 39 provider under IC 34-18 for the corporation's, partnership's, or
 40 professional corporation's health care function.
- 41 (7) A person that is designated to maintain the records of a person
 42 described in subdivisions (1) through (6).



1 (f) "Health care provider", for purposes of IC 16-45-4, has the
2 meaning set forth in 47 CFR 54.601(a).

3 SECTION 2. IC 16-38-7 IS ADDED TO THE INDIANA CODE AS
4 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2022]:

6 **Chapter 7. Indiana Vaccination Adverse Event Reporting**
7 **System**

8 **Sec. 1. As used in this chapter, "adverse event" means any of the**
9 **following occurring after the administration of a childhood**
10 **vaccine:**

11 (1) An event that is a reportable event for purposes of the
12 administration of the federal vaccination adverse event
13 reporting system as published by the United States
14 Department of Health and Human Services in the Table of
15 Reportable Events in effect on January 1, 2022.

16 (2) A diagnosis that a child receiving the childhood vaccine
17 has autism spectrum disorder.

18 (3) Any other reaction or injury that a health care provider
19 determines is proximately caused by the administration of the
20 childhood vaccine.

21 **Sec. 2. As used in this chapter, "childhood vaccine" means an**
22 **immunization described in IC 20-34-4-2(a).**

23 **Sec. 3. As used in this chapter, "IVAERS" refers to the Indiana**
24 **vaccination adverse event reporting system established under**
25 **section 4 of this chapter.**

26 **Sec. 4. The state department shall develop the Indiana**
27 **vaccination adverse event reporting system. IVAERS must enable**
28 **a health care provider to report the occurrence of an adverse event**
29 **experienced by a child residing in Indiana who is under the care of**
30 **the health care provider.**

31 **Sec. 5. A health care provider shall, in the form and manner**
32 **required by the rules adopted by the state department, report to**
33 **the state department through IVAERS the occurrence of an**
34 **adverse event experienced by a child residing in Indiana who is**
35 **under the care of the health care provider.**

36 **Sec. 6. The state department shall do the following:**

37 (1) Create a searchable Internet data base for publishing
38 information reported through IVAERS under section 5 of this
39 chapter after removing any personal identifying information
40 of a child who experiences an adverse event.

41 (2) Provide continuing twenty-four (24) hour a day online
42 access to the data base.



1 **(3) Secure the information collected under section 5 of this**
2 **chapter and the data base maintained under this chapter**
3 **against access by unauthorized persons.**

4 **Sec. 7. (a) Health information reported by a health care**
5 **provider through IVAERS is confidential.**

6 **(b) The state department may release information received**
7 **through IVAERS relating to a particular individual to the**
8 **individual or to the individual's parent or guardian if the**
9 **individual is less than eighteen (18) years of age.**

10 **(c) With the consent of the individual or of the individual's**
11 **parent or guardian if the individual is less than eighteen (18) years**
12 **of age, the state department may release information received**
13 **through IVAERS relating to a particular individual to a health**
14 **care provider.**

15 **(d) A person who knowingly, intentionally, or recklessly**
16 **discloses confidential information received through IVAERS in**
17 **violation of this chapter commits a Class A misdemeanor.**

18 **Sec. 8. The state department shall adopt rules under IC 4-22-2**
19 **to implement this chapter, including rules concerning the**
20 **following:**

21 **(1) The form and manner in which a health care provider**
22 **must submit information to IVAERS.**

23 **(2) Protecting the privacy and personal identifying**
24 **information of children who experience adverse events.**

25 **(3) The form and manner of publishing information relating**
26 **to adverse events without breaching the confidentiality of the**
27 **health information of particular individuals.**

28 **(4) The design of the data base required under section 6 of this**
29 **chapter.**

30 **Sec. 9. Money is annually appropriated to the state department**
31 **from the state general fund in an amount sufficient to establish and**
32 **maintain IVAERS established under section 4 of this chapter.**

33 **SECTION 3. IC 35-52-16-33.5 IS ADDED TO THE INDIANA**
34 **CODE AS A NEW CHAPTER TO READ AS FOLLOWS**
35 **[EFFECTIVE JULY 1, 2022]: Sec. 33.5. IC 16-38-7-7 defines a crime**
36 **concerning the release of confidential information maintained in**
37 **the Indiana vaccination adverse event reporting system.**

