

# HOUSE BILL No. 1392

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-21-4-5; IC 16-18-2-144.5; IC 16-21-2.

**Synopsis:** Hospitals. Specifies that only general acute hospitals may post community wayfinding signage for hospitals. Requires the state department of health to, beginning May 1, 2020, designate hospitals as: (1) general acute hospitals; (2) specialty hospitals; or (3) limited service hospitals; when issuing or renewing a hospital license and sets forth requirements for each designation. Specifies that only a general acute hospital may use the term "hospital" when marketing to or soliciting business from the public. Beginning May 1, 2020, a hospital license expires two years from the date of issuance. (Current law requires a hospital license to expire one year after issuance.)

**Effective:** July 1, 2019.

---

---

## Brown T

---

---

January 14, 2019, read first time and referred to Committee on Public Health.

---

---



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1392

---

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 9-21-4-5, AS AMENDED BY P.L.79-2015,  
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 5. (a) Except as provided in subsection (b), a  
4 person may not place or maintain upon a highway a traffic sign or  
5 signal bearing commercial advertising. A public authority may not  
6 permit the placement of a traffic sign or signal that bears a commercial  
7 message.

8 (b) Under criteria to be jointly established by the Indiana  
9 department of transportation and the office of tourism development, the  
10 Indiana department of transportation may authorize the posting of any  
11 of the following:

- 12 (1) Limited tourist attraction signage.  
13 (2) Business signs on specific information panels on the interstate  
14 system of highways and other freeways.

15 All costs of manufacturing, installation, and maintenance to the Indiana  
16 department of transportation for a business sign posted under this  
17 subsection shall be paid by the business.



1 (c) Criteria established under subsection (b) for tourist attraction  
2 signage must include a category for a tourist attraction that:

- 3 (1) is a trademarked destination brand; and  
4 (2) encompasses buildings, structures, sites, or other facilities that  
5 are:

6 (A) listed on the National Register of Historic Places  
7 established under 16 U.S.C. 470 et seq.; or

8 (B) listed on the register of Indiana historic sites and historic  
9 structures established under IC 14-21-1;

10 regardless of the distance of the tourist attraction from the highway on  
11 which the tourist attraction signage is placed.

12 (d) Criteria established under subsection (b) for tourist attraction  
13 signage must include a category for a tourist attraction that is an  
14 establishment issued a brewer's permit under IC 7.1-3-2-2(b).

15 (e) A person may not place, maintain, or display a flashing, a  
16 rotating, or an alternating light, beacon, or other lighted device that:

- 17 (1) is visible from a highway; and  
18 (2) may be mistaken for or confused with a traffic control device  
19 or for an authorized warning device on an emergency vehicle.

20 (f) This section does not prohibit the erection, upon private property  
21 adjacent to highways, of signs giving useful directional information and  
22 of a type that cannot be mistaken for official signs.

23 **(g) Beginning May 1, 2020, the Indiana department of**  
24 **transportation shall permit only a hospital designated as a general**  
25 **acute hospital under IC 16-21-2-2.2 to post a community**  
26 **wayfinding sign for a hospital.**

27 SECTION 2. IC 16-18-2-144.5 IS ADDED TO THE INDIANA  
28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2019]: **Sec. 144.5. "General anesthesia"**  
30 **means a drug induced loss of consciousness during which:**

- 31 **(1) the individual is not arousable, even by painful**  
32 **stimulation;**  
33 **(2) the individual's ability to independently maintain**  
34 **ventilatory function may be impaired;**  
35 **(3) the individual may require assistance in maintaining a**  
36 **patent airway;**  
37 **(4) positive pressure ventilation may be required because of**  
38 **depressed spontaneous ventilation or drug induced depression**  
39 **of neuromuscular function; and**  
40 **(5) cardiovascular function may be impaired.**

41 SECTION 3. IC 16-21-2-2.2 IS ADDED TO THE INDIANA CODE  
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2019]: Sec. 2.2. (a) This section is effective beginning May 1, 2020.

(b) When issuing a hospital license under this chapter, the state department shall designate the license as one (1) of the following types of hospitals:

- (1) General acute hospital.
- (2) Specialty hospital.
- (3) Limited service hospital.

(c) Except as provided in subsection (f), to qualify as a general acute hospital, an applicant must meet the following:

- (1) Be capable of providing medical care for patients presenting in an emergency.
- (2) Have a physician licensed under IC 25-22.5 onsite at all times.
- (3) Have emergency surgical services that have:
  - (A) at least one (1) general surgeon on call and available to see patients within thirty (30) minutes at all times; and
  - (B) the capability to perform emergency surgical services onsite in accordance with the requirements of 42 CFR 482.51.
- (4) Be capable of providing general anesthesia.
- (5) Unless the hospital is designated as a Level I trauma hospital by the American College of Surgeons or its successor, have a transfer agreement in place for trauma services.
- (6) Unless the hospital provides Level IV obstetrical services designated by the state department, have a transfer agreement in place for the provision of obstetrical services.

(d) To qualify as a specialty hospital, an applicant must demonstrate that at least two-thirds (2/3) of the facility's patients either:

- (1) are classified in a specific diagnosis category; or
- (2) have a diagnosis related group classification that falls into not more than two (2) major diagnosis categories.

(e) Except as provided in subsection (f), if an applicant meets all of the other requirements for licensure under this article, but does not meet the requirements of:

- (1) a general acute hospital under subsection (c); or
- (2) a specialty hospital under subsection (d);

the state department shall designate the facility as a limited service hospital.

(f) An applicant seeking a license or a hospital that is renewing a license that meets all of the other requirements for licensure



1 under this article and that is either:

2 (1) designated as a critical access hospital, as described in 42  
3 U.S.C. 1395i-4(e); or

4 (2) located in a county with a population of not more than  
5 twenty-five thousand (25,000);

6 shall be designated as a general acute hospital.

7 (g) Only a hospital designated as a general acute hospital may  
8 use the term "hospital" when:

9 (1) marketing to; or

10 (2) soliciting business from;

11 the public.

12 (h) The state department shall adopt rules under IC 4-22-2 to  
13 carry out this section.

14 SECTION 4. IC 16-21-2-14, AS AMENDED BY P.L.197-2011,  
15 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2019]: Sec. 14. A license to operate a hospital, an ambulatory  
17 outpatient surgical center, an abortion clinic, or a birthing center:

18 (1) expires:

19 (A) one (1) year after the date of issuance for:

20 (i) an ambulatory outpatient surgical center;

21 (ii) an abortion clinic;

22 (iii) a birthing center; and

23 (iv) a hospital until April 30, 2020; and

24 (B) beginning May 1, 2020, two (2) years after the date of  
25 issuance for a hospital;

26 (2) is not assignable or transferable;

27 (3) is issued only for the premises named in the application;

28 (4) must be posted in a conspicuous place in the facility; and

29 (5) may be renewed each year upon the payment of a renewal fee  
30 at the rate adopted by the state department under IC 4-22-2.

