IC 16-35

ARTICLE 35. CHILDREN'S HEALTH

IC 16-35-1

Chapter 1. Maternal and Child Health Services

IC 16-35-1-1

Municipal corporation defined

Sec. 1. As used in this chapter, "municipal corporation" means a:

(1) county;
(2) township;
(3) city;
(4) town; or
(5) school corporation;

that makes provisions for conducting any kind of health work of a character qualified to comply with this chapter.

As added by P.L.2-1993, SEC.18.

IC 16-35-1-2

Cooperation with federal Children's Bureau

Sec. 2. The state department shall cooperate with the Children's Bureau of the United States Department of Labor to do the following:

(1) Extend and improve services for the promotion of the health of mothers and children, especially in rural areas and in areas suffering from severe economic distress.
(2) Provide for the extension and improvement of maternal and child health services administered by municipal corporations and health districts of the state.
(3) Develop demonstration services in needy areas and among groups in special need.
(4) Cooperate with medical, dental, nursing, educational, and welfare groups and organizations of Indiana.
(5) Develop plans necessary to effectuate the services contemplated in this section and to comply with the regulations of the Children's Bureau of the United States Department of Labor issued under the federal Social Security Act (42 U.S.C. 701 et seq.).

As added by P.L.2-1993, SEC.18.

IC 16-35-1-3

Cooperation with federal Public Health Service

Sec. 3. The state department shall cooperate with the Public Health Service of the United States Department of the Treasury to do the following:

(1) Establish and maintain adequate public health services, including the training of the proper personnel to administer the public health work of the state and of the respective municipal

corporations and health districts of the state.

(2) Conduct investigations relating to disease and the problems of sanitation.

(3) Develop plans necessary to effectuate the services contemplated in this section and to comply with the regulations of the Public Health Service of the United States Department of the Treasury issued under the federal Social Security Act (42 U.S.C. 701 et seq.).

As added by P.L.2-1993, SEC.18.

IC 16-35-1-4
Duties of department

Sec. 4. The state department shall do the following:

(1) Make reports that are in the form and that contain the information required by the Children's Bureau of the United States Department of Labor or the Public Health Service of the United States Department of the Treasury.

(2) Comply with any other requirements the United States Department of Labor or the United States Department of the Treasury finds necessary to assure the correctness and verification of reports.

As added by P.L.2-1993, SEC.18.

IC 16-35-1-5
Acceptance of federal Social Security Act

Sec. 5. (a) The state accepts all of the provisions and benefits of the Social Security Act enacted by the United States Congress and approved on August 14, 1935.

(b) Under this chapter, the state department:

(1) may administer; and

(2) shall observe and comply with all of the requirements of;

the Social Security Act and any amendments to the Social Security Act and the regulations issued under the Social Security Act.

As added by P.L.2-1993, SEC.18.

IC 16-35-1-6
Treasurer as custodian of federal Social Security money received

Sec. 6. (a) The treasurer of state shall serve as the custodian of money that is received by the state from appropriations made by the United States Congress for the purpose of cooperating with the several states in the enforcement and administration of the federal Social Security Act.

(b) Under this chapter, the state department may administer the money received under subsection (a), and the treasurer of state may do the following:

(1) Receive the money.

(2) Pay the money into the proper account of the state general fund.

(3) Provide for the proper custody of the money.

(4) Make disbursements from the proper account on the order of the state department on which the warrant of the auditor of state shall be issued.

As added by P.L.2-1993, SEC.18.

IC 16-35-1-7

Disposition of federal Social Security money received; accounts; vouchers

Sec. 7. (a) The money received from the federal government by the treasurer of state to defray the expenses and to pay the claims and obligations incurred in the administration of the federal Social Security Act shall be paid into the following accounts of the state general fund:

(1) Money received as aid for the promotion of the health of mothers and children shall be paid into the maternal and child health account.

(2) Money received as aid for the establishment and maintenance of public health services shall be paid into the public health service account.

(b) Vouchers issued for the disbursement of money from the maternal and child health account and the public health service account shall be issued on order of the state department and shall be signed by the state health commissioner.

As added by P.L.2-1993, SEC.18.

IC 16-35-1-8

Department to cooperate with federal government in administering federal Social Security Act

Sec. 8. (a) The state department is designated as the state agency to cooperate with the federal government in the administration of the provisions of Part I of Title 5 and of Title 6 of the federal Social Security Act.

(b) The state department shall cooperate with the proper departments of the federal government in the enforcement and administration of:

(1) the provisions of;

(2) amendments to; and

(3) regulations issued under;

the federal Social Security Act in the manner prescribed in this chapter or as otherwise provided by law.

As added by P.L.2-1993, SEC.18.

IC 16-35-1-9

Administrative personnel; cooperative agreements with health authorities of municipal corporations or health districts

Sec. 9. (a) The regular employees of the state department may be assigned to the performance of the duties prescribed in this chapter

either on a full-time or part-time basis. Additional qualified personnel may be employed as the state department determines is necessary to administer this chapter.

(b) The state department may enter into a cooperative agreement with the health authorities of a municipal corporation or health district under which assistants, investigators, and employees may be appointed who are necessary and qualified to cooperate with the state department and the federal government in conducting the health work in the municipal corporation or health district, in conformity with the following:

(1) This chapter and rules adopted under this chapter.

(2) The federal Social Security Act and regulations adopted under the federal Social Security Act.

(c) The state department:

(1) may make allotments from the state department's money to a municipal corporation or health district; and

(2) shall cause to be deposited in a separate health fund of the municipal corporation or the health district an amount not to exceed an allotment.

(d) Agreements may be made under which:

(1) at least two (2) municipal corporations or health districts may cooperate with the state department; and

(2) the expenses incurred in conducting health work shall be allocated between or among the municipal corporations and health districts and the state department;

as may be mutually agreed upon. Appointments are subject to the approval of the state department. The state department may pay a proportionate share of the salaries and expenses of assistants, investigators, and employees as may be agreed upon by the state department and the health authorities of a municipal corporation or health district as prescribed in cooperative agreements.

As added by P.L.2-1993, SEC.18.

IC 16-35-1-10

Medical examination or treatment of adult person or dependent child less than 18 years of age; religious objections; discrimination; consent; limitations

Sec. 10. (a) An official, an agent, or a representative of:

(1) the state;

(2) a political subdivision or municipal corporation;

(3) a board, a bureau, a district, a welfare group, or an organization referred to in this chapter; or

(4) the federal Public Health Service when cooperating with an official, an agent, or a representative described in subdivisions (1) through (3);

may not compel an adult person or a dependent child less than eighteen (18) years of age to submit to a medical examination or treatment when the adult person or the parent or guardian of the child

objects to the medical examination or treatment on religious grounds and may not permit discrimination against a dependent child less than eighteen (18) years of age or adult person because of the medical examination or treatment.

(b) This section does not limit the powers of:

(1) the state department;

(2) a local board of health; or

(3) other public health authority;

to establish quarantine, as provided by law, for the purpose of preventing the spread of communicable disease.

(c) A person who is at least eighteen (18) years of age is competent with regard to age to give consent or to object to the treatment or examinations required by this section.

As added by P.L.2-1993, SEC.18.

IC 16-35-1.5

Chapter 1.5. Women, Infants, and Children Program

IC 16-35-1.5-1

Food instrument defined

Sec. 1. As used in this chapter, "food instrument" means a negotiable voucher that specifies the quantity, size, and type of authorized food for a WIC participant within a designated time and that can be taken to a WIC vendor for exchange for a specified quantity of food.

As added by P.L.2-1993, SEC.18.

IC 16-35-1.5-2

WIC defined

Sec. 2. As used in this chapter, "WIC" refers to the women, infants, and children nutrition program.

As added by P.L.2-1993, SEC.18.

IC 16-35-1.5-3

WIC participant defined

Sec. 3. As used in this chapter, "WIC participant" means an authorized pregnant woman, a postpartum woman, an infant, or a child who is receiving supplemental food or a food instrument under the WIC program.

As added by P.L.2-1993, SEC.18.

IC 16-35-1.5-4

WIC vendor defined

Sec. 4. As used in this chapter, "WIC vendor" means the individual, partnership, limited partnership, or corporation authorized by the state department to accept a food instrument and provide supplemental food to a WIC participant.

As added by P.L.2-1993, SEC.18.

IC 16-35-1.5-5

Women, infants, and children nutrition program defined

Sec. 5. As used in this chapter, "women, infants, and children nutrition program" refers to the federal Special Supplemental Food Program for Women, Infants, and Children under 42 U.S.C. 1786.

As added by P.L.2-1993, SEC.18.

IC 16-35-1.5-6

Rules and regulations; penalties and sanctions

Sec. 6. The state department shall adopt rules under IC 4-22-2 specifying a system of civil penalties and other sanctions for a WIC vendor contract under the WIC program or federal regulations under 7 CFR 246. The severity of a sanction must be consistent with the type and frequency of the violation, and may include suspension or

termination from the WIC program and civil penalties.
As added by P.L.2-1993, SEC.18.

IC 16-35-1.5-7
Penalties; deposit in dedicated accounts

Sec. 7. (a) A civil penalty collected by the state department must be deposited in a dedicated account designated by the state department to be used in the administration of the WIC program.

(b) A civil penalty collected under this chapter does not revert to the state general fund, but remains in the account designated under subsection (a).
As added by P.L.2-1993, SEC.18.

IC 16-35-1.6

Chapter 1.6. Voter Registration Services and WIC Program Services

IC 16-35-1.6-1

Purpose of chapter

Sec. 1. This chapter prescribes the procedures to be followed by the state department in processing:

(1) voter registration applications; and

(2) records concerning an individual's declining to register to vote;

under 52 U.S.C. 20506(a)(2)(A) and IC 3-7-15.

As added by P.L.12-1995, SEC.123. Amended by P.L.128-2015, SEC.238.

IC 16-35-1.6-1.5

Repealed

(As added by P.L.4-1996, SEC.101. Repealed by P.L.81-2005, SEC.35.)

IC 16-35-1.6-2

Applicability of definitions

Sec. 2. The definitions set forth in IC 16-35-1.5 apply throughout this chapter.

As added by P.L.12-1995, SEC.123.

IC 16-35-1.6-3

"WIC office" defined

Sec. 3. As used in this chapter, "WIC office" refers to an office providing assistance to a WIC participant.

As added by P.L.12-1995, SEC.123.

IC 16-35-1.6-4

Designated individual

Sec. 4. The commissioner shall designate an employee of each WIC office as the individual responsible for performing the voter registration duties of the bureau under this chapter at that office. The employee designated under this section shall supervise the registration of voters by other employees of the office and shall perform any other registration duty required to be performed by the office under this chapter. Notwithstanding this designation, any employee of the office may perform registration duties in accordance with this chapter.

As added by P.L.12-1995, SEC.123.

IC 16-35-1.6-5

Transmittal of voter registration application or declination forms

Sec. 5. (a) As required under 52 U.S.C. 20506(d)(1), the

designated office employee shall transmit a completed voter registration application:

(1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and

(2) not later than five (5) days after the application is accepted at the office.

(b) The employee shall transmit the voter registration application (or a separate declination form) on which the individual declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(c) The declination must be transmitted:

(1) to the circuit court clerk or board of registration of the county in which the individual's residential address (as indicated on the application) is located; and

(2) not later than five (5) days after the application is accepted at the office.

As added by P.L.12-1995, SEC.123. Amended by P.L.3-1995, SEC.146; P.L.258-2013, SEC.91; P.L.128-2015, SEC.239.

IC 16-35-1.6-6
Repealed

(Repealed by P.L.3-1995, SEC.155.)

IC 16-35-1.6-7
Methods for transmittal of applications or declinations

Sec. 7. A designated employee may use any of the following methods to transmit voter registration applications or declinations under section 5 of this chapter:

(1) Hand delivery to the circuit court clerk or board of registration.

(2) Delivery by the United States Postal Service, using first class mail.

As added by P.L.12-1995, SEC.123. Amended by P.L.258-2013, SEC.92.

IC 16-35-1.6-8
Hand delivery

Sec. 8. If a designated employee transmits registration applications or declinations by hand delivery under section 7(1) of this chapter, the circuit court clerk or board of registration shall provide the designated employee with a receipt for the forms. The receipt must state the date and time of delivery, and the printed name and signature of the person who received the forms.

As added by P.L.12-1995, SEC.123.

IC 16-35-1.6-9
Information to be provided to commissioner

Sec. 9. The election division shall provide the commissioner with a list of the current address and telephone number of the county voter registration office in each county. The commissioner shall promptly forward the list and each revision of the list to each WIC office.
As added by P.L.12-1995, SEC.123. Amended by P.L.2-1996, SEC.254; P.L.3-1997, SEC.441; P.L.219-2013, SEC.77.

IC 16-35-1.6-10
Confidentiality of information
Sec. 10. Voter registration information received or maintained under this chapter is confidential.
As added by P.L.12-1995, SEC.123.

IC 16-35-1.6-11
Notice regarding elections
Sec. 11. (a) The co-directors of the election division shall notify the commissioner of the following:
(1) The scheduled date of each primary, general, municipal, and special election.
(2) The jurisdiction in which the election will be held.
As added by P.L.12-1995, SEC.123. Amended by P.L.2-1996, SEC.255; P.L.3-1997, SEC.442.

IC 16-35-1.6-12
Information to be provided to election division
Sec. 12. The commissioner shall provide the co-directors of the election division with a list stating the following:
(1) The address and telephone number of each WIC office.
(2) The name of each employee designated by the commissioner to be responsible for performing voter registration duties under this chapter.
As added by P.L.12-1995, SEC.123. Amended by P.L.2-1996, SEC.256; P.L.3-1997, SEC.443.

IC 16-35-2

Chapter 2. Assistance to Children With Special Health Care Needs

IC 16-35-2-1

Children defined

Sec. 1. As used in this chapter, "children" refers to children with special health care needs.

As added by P.L.2-1993, SEC.18.

IC 16-35-2-2

Administering federal Social Security money; cooperation with federal agencies

Sec. 2. (a) The state department shall administer the federal money provided for services to children under the federal Social Security Act (42 U.S.C. 701 et seq.).

(b) In the administration of the money, the state department shall cooperate with the United States Department of Health and Human Services and other federal and state agencies to do the following:

(1) Extend and improve services for locating children and for providing medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and aftercare for children who are suffering from conditions that lead to special health care needs.

(2) Cooperate with medical, health, nursing, and welfare groups and organizations of Indiana in the enforcement and administration of this section.

(3) Develop plans that are necessary to effectuate the services contemplated in this section and to comply with the regulations and requirements of the United States Department of Health and Human Services under the federal Social Security Act.

As added by P.L.2-1993, SEC.18.

IC 16-35-2-3

Appointment of director of program

Sec. 3. The state health commissioner shall appoint a director of the program for children with special health care needs.

As added by P.L.2-1993, SEC.18. Amended by P.L.156-2011, SEC.32.

IC 16-35-2-4

Assignment of eligible child for care, services, or treatment; contracting

Sec. 4. (a) A child with special health care needs who has been determined to be financially and medically eligible according to rules adopted by the state department may be assigned for care, services, or treatment to any of the following:

(1) A public or private hospital licensed under IC 16-21-2.

(2) A diagnostic and treatment center.
(3) A licensed physician.
(4) Other participating providers under this chapter.

(b) The state department may contract for any service necessary to administer the program for children with special health care needs, including the following:

(1) The determination of medical eligibility.
(2) The development and implementation of a certification program for physicians serving children with special health care needs.
(3) The development of standards of care for children with special health care needs.

As added by P.L.2-1993, SEC.18.

IC 16-35-2-5
Designation of categories of services, materials, and care to be paid for out of federal Social Security money received

Sec. 5. The state department may designate certain categories of services, materials, and care that shall be paid for out of money received from the federal government for services for children in conformity with the federal Social Security Act (42 U.S.C. 701 et seq.) and the regulations adopted under the federal Social Security Act.

As added by P.L.2-1993, SEC.18.

IC 16-35-2-6
Fees and charges same as Medicaid

Sec. 6. The fees and charges paid to providers of services, care, and materials under this chapter shall be at the same amounts as those allowed by the Medicaid program (42 U.S.C. 1396 et seq.).

As added by P.L.2-1993, SEC.18.

IC 16-35-2-7
Uniform rules; adoption

Sec. 7. The state department shall adopt uniform rules under IC 4-22-2 to do the following:

(1) Determine medical eligibility.
(2) Determine financial eligibility.
(3) Certify licensed physicians serving children with special health care needs.
(4) Develop standards of care for children with special health care needs.
(5) Determine the types of care, services, and materials that the state department will reimburse under this chapter.
(6) Determine the duration of care that the state department will reimburse providers under this chapter.

As added by P.L.2-1993, SEC.18.

IC 16-35-2-8
State or federal higher education awards as not affecting eligibility for assistance

Sec. 8. If an individual receives a state or federal higher education award that is paid directly to an approved postsecondary educational institution for the individual's benefit:

(1) the individual is not required to report that award as income or as a resource of the individual when applying for assistance for a destitute child under this chapter; and

(2) the award shall not be considered as income or a resource of the individual in determining initial or continuing eligibility for assistance under this chapter.

As added by P.L.2-1993, SEC.18. Amended by P.L.2-2007, SEC.193.

IC 16-35-2-9
Cystic fibrosis; services extended to afflicted persons

Sec. 9. The state department shall extend care, services, and materials provided under this chapter to persons with cystic fibrosis who are at least twenty-one (21) years of age. The services shall be extended under the same criteria that are applicable to persons who are less than twenty-one (21) years of age.

As added by P.L.2-1993, SEC.18.

IC 16-35-2-10
Children with autism

Sec. 10. (a) An individual who:

(1) has autism (as defined in IC 12-7-2-19(b)); and

(2) is less than twenty-one (21) years of age;

has an eligible medical condition under this chapter.

(b) The state department shall extend all care, services, and materials provided under this chapter to an individual described in subsection (a) who meets any additional eligibility criteria established by the state department under this chapter.

As added by P.L.79-1999, SEC.2. Amended by P.L.99-2007, SEC.159.

IC 16-35-3
Repealed

(Repealed by P.L.146-2008, SEC.806.)

IC 16-35-4
Repealed
(Repealed by P.L.146-2008, SEC.806.)

IC 16-35-5
Repealed
(Repealed by P.L.146-2008, SEC.806.)

IC 16-35-6
Chapter 6. Breastfeeding

IC 16-35-6-1
Right to breastfeed

Sec. 1. Notwithstanding any other law, a woman may breastfeed her child anywhere the woman has a right to be.

As added by P.L.125-2003, SEC.1.

IC 16-35-7
Chapter 7. Deaths of Children

IC 16-35-7-1
Sources of funding
Sec. 1. The state department may receive funds from any source and expend the funds for the administration of this chapter.
As added by P.L.225-2007, SEC.1.

IC 16-35-7-2
Adoption of rules regarding suspicious deaths of children
Sec. 2. The state department shall adopt rules under IC 4-22-2 requiring hospitals and physicians to identify suspicious deaths of children who are less than eighteen (18) years of age.
As added by P.L.225-2007, SEC.1.

IC 16-35-7-3
Adoptions of rules regarding certification of child death pathologists
Sec. 3. (a) The medical licensing board may adopt rules under IC 4-22-2 to certify a child death pathologist and to require special training to conduct autopsies on child fatalities.
(b) A child death pathologist must be a physician:
(1) who is certified by the American Board of Pathology in forensic pathology;
(2) who is certified in anatomic pathology by:
(A) the American Board of Pathology; or
(B) another certifying organization that:
(i) is comparable to the American Board of Pathology in its adherence to nationally or internationally recognized certification standards; and
(ii) has been approved and recognized by the medical licensing board;
and has received special training in the area of child fatalities that has been approved by the medical licensing board; or
(3) who has received certification in the area of forensic pathology or child death pathology by a certifying organization that:
(A) is comparable to the American Board of Pathology in its adherence to nationally or internationally recognized certification standards; and
(B) that has been approved and recognized by the medical licensing board.
(c) The medical licensing board may approve an annual training program or provide a training program for pathologists concerning new procedures for child death investigations for physicians who want to become child death pathologists under subsection (b)(2). In approving or providing a training program, the medical licensing

board shall consult and coordinate with pathologists who have received:

(1) certification in forensic pathology by the American Board of Pathology; or

(2) a comparable certification in forensic pathology.

As added by P.L.225-2007, SEC.1.

IC 16-35-8

Chapter 8. Hearing Aid Assistance

IC 16-35-8-1

"Child"

Sec. 1. As used in this chapter, "child" means a child enrolled in a public school, accredited nonpublic school, or nonaccredited nonpublic school in kindergarten through grade 12.

As added by P.L.119-2009, SEC.1.

IC 16-35-8-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to the hearing aid fund established by section 3 of this chapter.

As added by P.L.119-2009, SEC.1.

IC 16-35-8-3

Hearing aid fund; established

Sec. 3. The hearing aid fund is established for the purpose of providing hearing aid assistance to eligible children through the hearing aid assistance program established by section 9 of this chapter.

As added by P.L.119-2009, SEC.1.

IC 16-35-8-4

Fund administration

Sec. 4. The fund shall be administered by the state department.

As added by P.L.119-2009, SEC.1.

IC 16-35-8-5

Fund contents

Sec. 5. The fund consists of appropriations from the general assembly, gifts, bequests, and other sources of funding.

As added by P.L.119-2009, SEC.1.

IC 16-35-8-6

Fund expenses

Sec. 6. The expenses of administering the fund shall be paid from money in the fund.

As added by P.L.119-2009, SEC.1.

IC 16-35-8-7

Fund investments

Sec. 7. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

As added by P.L.119-2009, SEC.1.

IC 16-35-8-8
Nonreversion; appropriation

Sec. 8. (a) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(b) There is annually appropriated to the state department from the fund an amount sufficient for the purposes of this chapter.

As added by P.L.119-2009, SEC.1.

IC 16-35-8-9
Hearing aid assistance program; established; criteria; central information location

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.

As added by P.L.119-2009, SEC.1. Amended by P.L.109-2012, SEC.13.

IC 16-35-8-10
Application for funding; payment from fund

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, not to exceed one thousand five hundred dollars ($1,500) per hearing aid.
As added by P.L.119-2009, SEC.1.

IC 16-35-8-11
School assistance with applications
Sec. 11. A public or nonpublic school may identify eligible children and assist the parents or guardians of the eligible children in submitting applications to the state department under this chapter.
As added by P.L.119-2009, SEC.1.

IC 16-35-8-12
Funding priority
Sec. 12. The state department shall give funding priority to applications under this chapter for eligible children who are less than fourteen (14) years of age.
As added by P.L.119-2009, SEC.1.

IC 16-35-8-13
Hearing aid refurbishing program
Sec. 13. (a) The state department may, if economically feasible, create a hearing aid refurbishing program through which hearing aids that are no longer used by eligible children and other individuals are collected and refurbished for the use of other individuals.
(b) The state department may enter into an agreement with another organization to implement this section.
As added by P.L.119-2009, SEC.1.

IC 16-35-8-14
Administrative rules
Sec. 14. The state department may adopt rules under IC 4-22-2 to implement this chapter.
As added by P.L.119-2009, SEC.1.

IC 16-35-9

Chapter 9. Newborn Safety Incubators Recommendations

IC 16-35-9-1

"Emergency medical services provider"

Sec. 1. As used in this chapter, "emergency medical services provider" has the meaning set forth in IC 16-41-10-1.

As added by P.L.61-2015, SEC.7.

IC 16-35-9-2

"Facility"

Sec. 2. As used in this chapter, "facility" means a building in which one (1) or more of the following are located:

(1) A hospital licensed under IC 16-21.

(2) A fire department or volunteer fire department of a unit (as defined in IC 36-1-2-23), staffed twenty-four (24) hours a day by an emergency medical services provider.

(3) A law enforcement agency (as defined in IC 35-47-15-2), staffed twenty-four (24) hours a day by an emergency medical services provider.

As added by P.L.61-2015, SEC.7.

IC 16-35-9-3

"Newborn"

Sec. 3. As used in this chapter, "newborn" means a child who is less than thirty-one (31) days of age.

As added by P.L.61-2015, SEC.7.

IC 16-35-9-4

"Newborn safety incubator"

Sec. 4. As used in this chapter, "newborn safety incubator" means a device that is designed to permit:

(1) a person to anonymously place a newborn in the device with the intent to leave the newborn; and

(2) another person to remove the newborn from the device and take custody of the newborn.

As added by P.L.61-2015, SEC.7.

IC 16-35-9-5

"Qualified service provider"

Sec. 5. As used in this chapter, "qualified service provider" means any of the following:

(1) A hospital licensed under IC 16-21.

(2) A fire department or volunteer fire department of a unit (as defined in IC 36-1-2-23), staffed twenty-four (24) hours a day by an emergency medical services provider.

(3) A law enforcement agency (as defined in IC 35-47-15-2), staffed twenty-four (24) hours a day by an emergency medical

services provider.

As added by P.L.61-2015, SEC.7.

IC 16-35-9-6

Submit recommendations before January 1, 2016; standards and protocols for newborn safety incubators

Sec. 6. The state department shall, before January 1, 2016, prepare and submit to the general assembly in an electronic format under IC 5-14-6 and the governor's office recommendations concerning standards and protocols for the installation and operation of newborn safety incubators. In preparing the recommendations under this section, the state department shall consider the following:

(1) Sanitation standards for newborn safety incubators.

(2) Procedures to provide emergency care for a newborn left in a newborn safety incubator.

(3) Manufacturing and manufacturer standards for newborn safety incubators.

(4) Design and function requirements, including that a newborn safety incubator satisfies all the following:

(A) Is accessible from the exterior of a facility.

(B) Allows a newborn to be placed anonymously in the newborn safety incubator from outside the facility.

(C) The door or window of the newborn safety incubator that allows access outside the facility automatically locks after a newborn is placed in the newborn safety incubator.

(D) A person outside the facility is unable to access the newborn safety incubator after a newborn has been placed in the newborn safety incubator.

(E) Provides a controlled environment for the care and protection of the newborn.

(F) Has a signal that notifies an emergency medical services provider within thirty (30) seconds of a newborn being placed in the newborn safety incubator.

(G) Is accessible to an emergency medical services provider inside the facility.

(5) The operating policies, supervision, and maintenance of a newborn safety incubator, including requiring that only an emergency medical services provider supervise the newborn safety incubator and take custody of a newborn.

(6) Procedures and forms for the registering of qualified service providers that install newborn safety incubators.

(7) Procedures and standards for inspections of newborn safety incubators.

(8) Costs concerning the registration and regulation of newborn safety incubators and fees for registration to offset the costs.

(9) Preparation and posting of signs near or on newborn safety incubators.

(10) Enforcement actions and remedies for violations

concerning newborn safety incubators.

(11) Any other criteria the state department considers necessary to ensure the safety and welfare of a newborn placed in a newborn safety incubator.

As added by P.L.61-2015, SEC.7.

IC 16-35-9-7
Expiration

Sec. 7. This chapter expires July 1, 2016.

As added by P.L.61-2015, SEC.7.

IC 16-35-9.2

Chapter 9.2. Down Syndrome and Other Conditions Diagnosed Prenatally

IC 16-35-9.2-1

Criteria for information; approval of materials

Sec. 1. (a) The state department shall identify current, evidence based, written information that concerns the prenatal diagnosis of Down syndrome and any other condition diagnosed prenatally that meets all the following criteria:

(1) The information is designed for use by an expectant parent or parent who receives a prenatal test result for Down syndrome or any other condition diagnosed prenatally.

(2) The information does not implicitly or explicitly reference pregnancy termination.

(3) The information is culturally and linguistically appropriate for potential recipients of the information.

(4) The information includes a brief description and contact information for state and local advocacy organizations that advocate for people with intellectual and other developmental disabilities, including Down syndrome and other conditions diagnosed prenatally. The information may include information hotlines, resource centers, Internet web sites, and clearinghouses.

(b) The state department may approve material submitted by state and local advocacy organizations that advocate for people with intellectual and other developmental disabilities, including Down syndrome and other conditions diagnosed prenatally, if the information meets the criteria required in subsection (a). The information may include information hotlines, resource centers, Internet web sites, and clearinghouses.

As added by P.L.63-2015, SEC.1.

IC 16-35-9.2-2

Approval of information; web site information

Sec. 2. The state department shall do the following:

(1) Approve the information identified under section 1 of this chapter for use by:

(A) health care facilities and health care providers that furnish prenatal care or genetic counseling to expectant parents who receive a prenatal test result for Down syndrome or any other condition diagnosed prenatally; and

(B) parents of a child diagnosed with Down syndrome or any other condition diagnosed prenatally.

(2) Make available the information identified under section 1 of this chapter on the state department's Internet web site.

As added by P.L.63-2015, SEC.1.

IC 16-35-9.2-3
Information provided to parents

Sec. 3. When a positive result from a test for Down syndrome or any other condition diagnosed prenatally is received, a health care facility or health care provider shall provide to the expectant parent or the parent of the child diagnosed with Down syndrome or any other condition diagnosed prenatally the written information approved and made available by the state department under section 2 of this chapter.

As added by P.L.63-2015, SEC.1.