SENATE ENROLLED ACT No. 360

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-18-2-36.5, AS AMENDED BY P.L.138-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 36.5. (a) "Birthing center", for purposes of IC 16-21-2, and IC 16-21-11.2, and IC 16-21-13, means a freestanding entity that has the sole purpose of delivering a normal or uncomplicated pregnancy.

(b) The term does not include a hospital that is licensed as a hospital under IC 16-21-2.

SECTION 2. IC 16-21-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

Chapter 13. Perinatal Levels of Care Designation and Perinatal Centers

Sec. 1. (a) The state department shall establish a program to certify perinatal levels of care designations for every hospital and birthing center licensed under this article that provides birthing services.

(b) The program must include obstetrics level certification and neonatal level certification.

(c) The certification under this chapter is not part of licensure actions under this article.

Sec. 2. The state department may do any of the following:

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(1) Change the perinatal level of care designation for a hospital or birthing center if the state department determines that the hospital or birthing center failed to meet the standards necessary for the designated perinatal level of care.

(2) Investigate a complaint against a hospital or birthing center concerning a perinatal certification.

Sec. 3. (a) A hospital or birthing center licensed under this article that offers birthing services may operate as a perinatal center if the hospital or birthing center complies with the perinatal certification requirements of the following:


(2) The American College of Obstetricians and Gynecologists.

(b) A perinatal center may perform peer review (as described in IC 34-30-15) for:

(1) the perinatal center;

(2) other hospitals; or

(3) other birthing centers;

that offer birthing services. This subsection does not prevent a perinatal center from performing its own peer review.

(c) Peer review performed by a perinatal center under this chapter must comply with IC 34-30-15.

Sec. 4. A decision by the state department under this chapter is subject to review under IC 4-21.5.

Sec. 5. (a) The state department shall adopt rules under IC 4-22-2 to implement this chapter.

(b) The rules adopted under this section may include regulation of interfacility patient transfers.

SECTION 3. IC 34-6-2-99, AS AMENDED BY P.L.204-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 99. (a) "Peer review committee", for purposes of IC 34-30-15, means a committee that:

(1) has the responsibility of evaluation of:

(A) qualifications of professional health care providers;

(B) patient care rendered by professional health care providers; or

(C) the merits of a complaint against a professional health care provider that includes a determination or recommendation concerning the complaint, and the complaint is based on the competence or professional conduct of an individual health care provider, whose competence or conduct affects or could affect adversely the health or welfare of a patient or patients; and
(2) meets the following criteria:

(A) The committee is organized:

(i) by a state, regional, or local organization of professional health care providers or by a nonprofit foundation created by the professional organization for purposes of improvement of patient care;
(ii) by the professional staff of a hospital, another health care facility, a nonprofit health care organization (under section 117(23) of this chapter), a professional health care organization, or a medical school located in Indiana;
(iii) by state or federal law or regulation;
(iv) by a governing board of a hospital, a nonprofit health care organization (under section 117(23) of this chapter), or professional health care organization;
(v) as a governing board or committee of the board of a hospital, a nonprofit health care organization (under section 117(23) of this chapter), or professional health care organization;
(vi) by an organization, a plan, or a program described in section 117(16) through 117(17) of this chapter;
(vii) as a hospital or a nonprofit health care organization (under section 117(23) of this chapter) medical staff or a section of that staff; or
(viii) as a governing board or committee of the board of a professional health care provider (as defined in section 117(16) through 117(17) of this chapter); or
(ix) by a perinatal center described in IC 16-21-13.

(B) At least fifty percent (50%) of the committee members are:

(i) individual professional health care providers, the governing board of a hospital, the governing board of a nonprofit health care organization (under section 117(23) of this chapter), or professional health care organization, or the governing board or a committee of the board of a professional health care provider (as defined in section 117(16) through 117(17) of this chapter); or
(ii) individual professional health care providers and the committee is organized as an interdisciplinary committee to conduct evaluation of patient care services.

(b) However, "peer review committee" does not include a medical review panel created under IC 34-18-10 (or IC 27-12-10 before its repeal).
President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _______________ Time: _______________