



## Legislative Update

### 121<sup>st</sup> General Assembly

**Friday, January 25, 2019**

#### Week Three Overview

Greetings! The legislature observed Martin Luther King Jr. Day on Monday and the State House was closed for business. Despite one less day of work, the week was very busy with a significant number of committee hearings and bills being heard on the House & Senate floor. Some of the key topics addressed in the Statehouse this week included:

#### Points of Interest

##### *Budget Hearings*

In the House Ways & Means Committee this week committee members heard testimony from state agency officials about their funding requests for several key state agencies. The following offices had representatives testify about their proposed funding as part of the upcoming budget:

##### Tuesday

- ❖ Governor's Office
- ❖ Department of Revenue
- ❖ Department of Transportation
- ❖ Department of Corrections

##### Wednesday

- ❖ Auditor of the State
- ❖ Office of the Attorney General
- ❖ Supreme Court
- ❖ Public Defender's Commission
- ❖ Lieutenant Governor's Office
- ❖ Department of Education

## ***Department of Child Services Legislation***

The Indiana House easily approved legislation Tuesday that intends to help the Department of Child Services (“DCS”) caseworkers by easing some of their job expectations. The key measure, which had unanimous votes in both committee and on third reading in the House, was developed because of the independent investigation called for by Governor Holcomb last year. This recommendation was included in the report issued as a result of this investigation. The bill makes it easier for the DCS to meet legally-mandated caseload standards. When DCS workers receive a report about an endangered child, the bill gives them more time to make a proper assessment. Bill author Rep. Greg Steuerwald (R –Danville) included more time to finish the assessment. The deadline is extended from 30 currently to 45 days in the proposed legislation. Rep. Steuerwald stated, “They [caseworkers] felt rushed and sometimes that does not end in the best result [for Hoosier children],” Steuerwald said. The bill passed the House 100-0. It will now head to the Senate for consideration during the second half of session.



### **Session Floor Highlights**

During the third week of session, the Indiana House of Representatives and the Indiana State Senate began to pick up its pace with more activity on the floor. Many committee reports were adopted and bills were moving along to their second and third readings. Additionally, through House Concurrent Resolution 6, the motor sports industry in the Indianapolis area was honored for their contributions to community. Below you will find bills that passed in their respective chamber this week.

#### ***House of Representatives***

*House Bill 1006, Department of Child Services (Rep. Greg Steuerwald (R- Danville))* – Provides that an older youth who received foster care is eligible to receive collaborative care services until the individual becomes 21 years of age. Provides that the caseload of a family case manager may not be more than: (1) 12 active cases relating to initial assessments; (2) 12 families in active cases relating to ongoing in-home services; or (3) 13 children in active cases relating to ongoing services who are in out-of-home placements. Requires the department of child services (department) to initiate an assessment immediately, but not later than two hours (rather than one hour, under current law), after receiving a report of child abuse or neglect if the department believes the child is in immediate danger of serious bodily harm. Requires the department to provide a report concerning an assessment or investigation of a report of suspected child abuse or neglect not later than 45 days after the department initiates the assessment if the report of suspected child abuse or neglect was received from certain entities. Provides that a child is a child in need of services if the child’s parent, guardian, or custodian has failed to supply the child with necessary food, clothing, shelter, medical care, education, or supervision: (1) when the parent, guardian, or custodian is financially able to do so; or (2) due to the failure, refusal, or inability of the parent, guardian, or custodian to seek financial or other reasonable means to do so. (Current code does not consider financial ability.)

House Bill 1019, Public Construction (Rep. Jim Pressel (R-Rolling Prairie)) – Increases, from \$100,000 to \$150,000, the ceiling under which a board of aviation commissioners or an airport authority board may perform certain public construction projects with its own workforce. Increases, from \$75,000 to \$150,000 the ceiling under which a county drainage board may obtain quotes rather than advertise for bids for certain projects under the drainage law.

House Bill 1084, Identification Through Surgical Implants (Rep. Alan Morrison-R- Brazil)) - Allows a coroner to positively identify a dead person by tracking a unique identifying number on a surgically implanted medical device in the dead person's body.

House Bill 1086, Local Licensing and Permitting (Rep. Jim Pressel (R-Rolling Prairie)) - Provides that if a political subdivision requires a person to post a surety bond as a condition that the political subdivision issue a license or permit to the person, a surety bond posted by the person is considered sufficient if the following are satisfied: (1) The bond is written by a surety company authorized to transact business in Indiana. (2) The obligation on the bond is for an amount that is at least the amount required by the political subdivision for the issuance of the particular license or permit. (3) The obligee or obligees named on the bond are any of the following: (A) The political subdivision that requires the bond. (B) Specifically named political subdivisions in the county that include the name of the political subdivision that requires the bond. (C) All political subdivisions in the county in which the political subdivision that requires the bond is located. (D) All political subdivisions of the same kind as the political subdivision that requires the bond located in the county. (4) The conditions of the bond otherwise comply with the requirements of the ordinance that imposes the bond condition. Provides that a person required to post a bond satisfies the posting requirement if the person files a copy of the bond with the political subdivision or appropriate agency of the political subdivision that requires the bond. Provides that a political subdivision may not require that the person record the license bond.

House Bill 1170, Public Safety Officer Contract Negotiations (Rep. Kevin Mahan (R-Hartford City)) - Creates the following minimum requirements for a written agreement (agreement) entered into after June 30, 2019, between a county, city, town, or township and an employee organization for fire department or police department employees: (1) Requires the parties to submit to nonbinding mediation if they fail to agree to a new agreement within one year after the existing agreement expires. (2) Requires the agreement to continue without any change in its terms and conditions until the earlier of the following: (A) The parties fail to reach an agreement after mediating the dispute, at which time the written agreement no longer binds the parties. (B) The date the parties execute a new written agreement.

House Bill 1187, Technical Corrections (Rep. Greg Steuerwald (R- Danville))- Resolves technical conflicts and addresses technical problems in the Indiana Code. Provides that the technical corrections bill may be referred to as the "technical corrections bill of the 2019 general assembly". Specifies that the title may be used in the lead-in line of each SECTION of another bill to identify the provisions added, amended, or repealed by the technical corrections bill that are also amended or repealed in another bill being considered during the 2019 legislative session. Provides the publisher of the Indiana Code with guidance concerning resolution of amend/repeal conflicts between the technical corrections bill and other bills passed during the 2019 legislative session. Specifies that if there is a conflict between a provision in the technical corrections bill and a provision being repealed in another bill, the other bill's repealer is law. (The introduced version of this bill was prepared by the code revision commission.)

## *Senate*

*Senate Bill 80, Code Revision Corrections (Sen. Michael Young (R-Indianapolis))* – Addresses problems in the Indiana Code not suitable for resolution in the annual Technical Corrections bill, including corresponding amendment to certain percentages and overly broad or ambiguous language.

*Senate Bill 112, Anatomical gifts and individuals with disabilities (Sen. Eric Koch (R-Bedford))* – Prohibits certain health care entities from discriminating against potential transplant recipients solely on the basis of disability, and authorizes an individual to seek injunctive relief against an entity believed to be in violation of the law. Defines "covered entity". Defines "qualified recipient". Prohibits a state employee health plan, insurer, or health maintenance program from denying coverage for anatomical gifts, transplantation, or related treatment and services solely on the basis of disability.

*Senate Bill 141, Office Based Opioid Treatment Providers (Sen. Erin Houchin (R-Salem))* – Specifies requirements that a health care provider that prescribes for a patient in an office based opioid treatment setting must meet in the treatment of the patient. Requires the medical licensing board of Indiana, in consultation with the state department of health and the office of the secretary of family and social services, to adopt rules or protocols concerning office based opioid treatment providers and: (1) treatment agreements; (2) periodic scheduled patient visits; (3) urine toxicology screenings; (4) HIV, hepatitis B, and hepatitis C testing; and (5) the medical record documentation required for the prescribing of buprenorphine over a specified dosage

*Senate Bill 170, Child Fatality Report Information (Sen. Jean Leising (R-Oldenburg))* – Specifies that the report concerning child fatalities in Indiana must be completed before September 1 of each year for the preceding calendar year and include information concerning whether the death occurred: (1) while the child was placed in foster care; or (2) after the child, who was once placed in foster care, was returned to a natural parent.

*Senate Bill 175, Operating a Vehicle while Intoxicated (Sen. Michael Young (R-Indianapolis))* – Provides that a person who causes the death of another person when operating a vehicle with: (1) cocaine; (2) a narcotic drug listed in schedule I or II; or (3) methamphetamine; or its metabolite in the person's blood commits a Level 4 felony.

*Senate Bill 176, Transfer of Prescription Drugs (Sen. Ron Grooms (R-Jeffersonville))* – Allows a pharmacy to transfer, upon the request of a patient, a prescription for the patient that the pharmacy has received but not filled to another pharmacy. Sets forth exceptions.

*Senate Bill 178, Property Tax Exemption. (Sen. Ron Alting (R-Lafayette))* – Provides that a person seeking a property tax exemption for property used for a charitable purpose may file an exemption application up to 30 days after the statutory deadline if the person pays a late filing fee. Requires the county auditor deposit all money collected from the late filing fee in the county's property reassessment fund. Provides that a property owner may submit a property tax exemption application before September 1, 2019, for any real and personal property: (1) for which an exemption application was filed after April 1, 2017, and before April 10, 2017; and (2) that would have been eligible for a property tax exemption if an exemption application had been properly and timely filed for the real and personal property. Specifies that if a property owner files such an exemption application, the property tax exemption shall be allowed and granted for the January 1, 2017, assessment date, and the

property owner is entitled to a refund for any taxes, penalties, and interest paid with respect to the property for that assessment date

Senate Bill 189, Emergency communication disorder permits (Sen. Vaneta Becker (R-Evansville)) – Allows the department of education (department) to issue an emergency communication disorder permit to an individual to serve the needs of certain students who are eligible for speech and language services. Provides that the director of a graduate program in communication disorders shall confirm to the department that an individual is complying with certain emergency communication disorder permit requirements. Requires the Indiana professional licensing agency, in consultation with the department of education and the speech-language pathology and audiology board to: (1) examine the requirements for licensure as a speech-language pathologist or audiologist in Indiana; and (2) not later than July 1, 2020, issue to the general assembly a report containing recommendations for streamlining the process for obtaining a license as a speech-language pathologist or audiologist in Indiana.

Senate Bill 197, Copies of identifying adoption information (Sen. Randy Head (R-Logansport)) – Provides that a person releasing identifying adoption information must, upon request by the individual requesting the identifying information, provide copies of the identifying information to the individual. Makes a correction regarding exceptions to the release of identifying information.

Senate Bill 203, Physician maintenance of certification (Sen. Liz Brown (R-Fort Wayne)) – Prohibits a hospital from denying hospital staff or admitting privileges to a physician or podiatrist based solely on the decision of the physician or podiatrist not to participate in maintenance of certification. Specifies that the medical licensing statute and the podiatrist licensing statute do not require a licensed physician or licensed podiatrist to hold or maintain a board certification in a specialty medical area in order to practice. Prohibits an accident and sickness insurer from: (1) denying a physician or podiatrist the right to enter into a reimbursement agreement with the insurer; (2) denying a physician or podiatrist reimbursement for a covered service; or (3) setting reimbursement for services provided by a physician or podiatrist at a lower rate; based solely on the decision of the physician or podiatrist not to participate in maintenance of certification. Prohibits a health maintenance organization (HMO) from: (1) preventing a physician or podiatrist from entering into a participating provider contract with the HMO; (2) denying a physician or podiatrist reimbursement for a covered service; or (3) setting reimbursement for services provided by a physician or podiatrist at a lower rate; based solely on the decision of the physician or podiatrist not to participate in maintenance of certification.

Senate Bill 324, Disabled veterans parking placards (Sen. Michael Crider (R-Greenfield)) – Defines "child" for purposes of exemption from tuition and fees for four undergraduate academic years at a state educational institution or state supported technical school for the child of a public safety officer who was killed in the line of duty.

**Please feel free to contact a member of our legislative team should you have questions regarding the happenings in the Indiana General Assembly!**

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