

PROPOSED AMENDMENT

HB 1001 # 1

DIGEST

Administrative authority; COVID-19 immunizations. Establishes certain requirements for the temporary licensure of retired or inactive emergency medical services personnel, retired or inactive health care professionals, out-of-state health care professionals, or recently graduated students who have applied for a physician assistant, nurse, respiratory care practitioner, or pharmacist license. Allows a health care provider or an officer, agent, or employee of a health care provider who has a temporary license to qualify for coverage under the Medical Malpractice Act. Provides that an individual is not disqualified from unemployment benefits if the individual has complied with the requirements for seeking an exemption from an employer's COVID-19 immunization requirement and was discharged from employment for failing or refusing to receive an immunization against COVID-19. Provides that charges based on wage credits shall only be charged to the experience or reimbursable account of the employer who discharged the employee for failing or refusing to receive an immunization against COVID-19. Provides that the COVID-19 immunization exemption requirements do not apply to the following: (1) An employee when the employee is working in another state for an employer, if the employer provides accommodations in accordance with federal law. (2) An employer who has entered into a federally awarded or amended contract, subcontract, or postsecondary grant, if the employer meets certain requirements. Amends the definition of "employee". Provides that an employer may not require an employee who is required to submit to testing for the presence of COVID-19 to pay for the cost of the test. Allows an employer to seek reimbursement for the cost of the test under certain circumstances. Requires the department of workforce development to establish rules regarding the method of distributing a reimbursement. Establishes documentation requirements for an employee to claim an exemption based on immunity from COVID-19 acquired from a prior infection with COVID-19.

-
- 1 Page 3, between lines 30 and 31, begin a new paragraph and insert:
2 "SECTION 5. IC 16-31-11.5 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]:
5 **Chapter 11.5. Temporary Licensure of Retired and Inactive**
6 **Emergency Medical Services Personnel**
7 **Sec. 1. Notwithstanding any other provision of this article, the**
8 **commission shall issue a temporary license or certificate to an**
9 **individual to allow the individual to provide emergency medical**
10 **services if the individual satisfies the following conditions:**
11 **(1) The individual applies for the temporary license or**
12 **certificate in the manner prescribed by the commission.**
13 **(2) The individual has, within the past five (5) years, held:**

- 1 **(A) a certificate or license under this article; or**
 2 **(B) an equivalent certificate or license in another state;**
 3 **to provide emergency medical services.**
 4 **(3) The individual remains in good standing with the issuing**
 5 **entity and the license or certification described in subdivision**
 6 **(2):**
 7 **(A) was retired, surrendered, or otherwise inactivated by**
 8 **the individual; and**
 9 **(B) was not revoked, suspended, or relinquished by the**
 10 **issuing entity.**

11 **Sec. 2. The commission shall post the following on the**
 12 **department of homeland security's Internet web site:**

- 13 **(1) The application for a temporary license or certification**
 14 **described in section 1 of this chapter.**
 15 **(2) A list of the names of individuals who have been granted**
 16 **a temporary license or certification by the commission under**
 17 **this chapter.**

18 **Sec. 3. This chapter expires March 31, 2022."**

19 Page 4, between lines 19 and 20, begin a new paragraph and insert:
 20 "SECTION 8. IC 22-4-2-41 IS ADDED TO THE INDIANA CODE
 21 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: **Sec. 41. As used in this article, "COVID-19" has**
 23 **the meaning set forth in IC 34-30-32-3.**

24 SECTION 9. IC 22-4-2-42 IS ADDED TO THE INDIANA CODE
 25 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: **Sec. 42. As used in this article, "immunization"**
 27 **means the treatment of an individual with a vaccine to produce**
 28 **immunity.**

29 SECTION 10. IC 22-4-11-1, AS AMENDED BY P.L.154-2013,
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 UPON PASSAGE]: **Sec. 1. (a) For the purpose of charging employers'**
 32 **experience or reimbursable accounts with regular benefits paid**
 33 **subsequent to July 3, 1971, to any eligible individual but except as**
 34 **provided in IC 22-4-22 and ~~subsection~~ subsections (f) and (i), such**
 35 **benefits paid shall be charged proportionately against the experience**
 36 **or reimbursable accounts of the individual's employers in the**
 37 **individual's base period (on the basis of total wage credits established**
 38 **in such base period) against whose accounts the maximum charges**
 39 **specified in this section shall not have been previously made. Such**
 40 **charges shall be made in the inverse chronological order in which the**

1 wage credits of such individuals were established. However, when an
2 individual's claim has been computed for the purpose of determining
3 the individual's regular benefit rights, maximum regular benefit
4 amount, and the proportion of such maximum amount to be charged to
5 the experience or reimbursable accounts of respective chargeable
6 employers in the base period, the experience or reimbursable account
7 of any employer charged with regular benefits paid shall not be
8 credited or reccredited with any portion of such maximum amount
9 because of any portion of such individual's wage credits remaining
10 uncharged at the expiration of the individual's benefit period. The
11 maximum so charged against the account of any employer shall not
12 exceed twenty-eight percent (28%) of the total wage credits of such
13 individual with each such employer with which wage credits were
14 established during such individual's base period. Benefits paid under
15 provisions of IC 22-4-22-3 in excess of the amount that the claimant
16 would have been monetarily eligible for under other provisions of this
17 article shall be paid from the fund and not charged to the experience
18 account of any employer. This exception shall not apply to those
19 employers electing to make payments in lieu of contributions who shall
20 be charged for the full amount of regular benefit payments and the part
21 of benefits not reimbursed by the federal government under the
22 Federal-State Extended Unemployment Compensation Act of 1970 that
23 are attributable to service in their employ. Irrespective of the
24 twenty-eight percent (28%) maximum limitation provided for in this
25 section, the part of benefits not reimbursed by the federal government
26 under the Federal-State Extended Unemployment Compensation Act
27 of 1970 paid to an eligible individual based on service with a
28 governmental entity of this state or its political subdivisions shall be
29 charged to the experience or reimbursable accounts of the employers,
30 and the part of benefits not reimbursed by the federal government
31 under the Federal-State Extended Unemployment Compensation Act
32 of 1970 paid to an eligible individual shall be charged to the experience
33 or reimbursable accounts of the individual's employers in the
34 individual's base period, other than governmental entities of this state
35 or its political subdivisions, in the same proportion and sequence as are
36 provided in this section for regular benefits paid. Additional benefits
37 paid under IC 22-4-12-4(c) and benefits paid under IC 22-4-15-1(c)(8)
38 shall:

- 39 (1) be paid from the fund; and
- 40 (2) not be charged to the experience account or the reimbursable

1 account of any employer.

2 (b) If the aggregate of wages paid to an individual by two (2) or
3 more employers during the same calendar quarter exceeds the
4 maximum wage credits (as defined in IC 22-4-4-3) then the experience
5 or reimbursable account of each such employer shall be charged in the
6 ratio which the amount of wage credits from such employer bears to the
7 total amount of wage credits during the base period.

8 (c) When wage records show that an individual has been employed
9 by two (2) or more employers during the same calendar quarter of the
10 base period but do not indicate both that such employment was
11 consecutive and the order of sequence thereof, then and in such cases
12 it shall be deemed that the employer with whom the individual
13 established a plurality of wage credits in such calendar quarter is the
14 most recent employer in such quarter and its experience or
15 reimbursable account shall be first charged with benefits paid to such
16 individual. The experience or reimbursable account of the employer
17 with whom the next highest amount of wage credits were established
18 shall be charged secondly and the experience or reimbursable accounts
19 of other employers during such quarters, if any, shall likewise be
20 charged in order according to plurality of wage credits established by
21 such individual.

22 (d) Except as provided in subsection (f) or section 1.5 of this
23 chapter, if an individual:

24 (1) voluntarily leaves an employer without good cause in
25 connection with the work; or

26 (2) is discharged from an employer for just cause;
27 wage credits earned with the employer from whom the employee has
28 separated under these conditions shall be used to compute the
29 claimant's eligibility for benefits, but charges based on such wage
30 credits shall be paid from the fund and not charged to the experience
31 account of any employer. However, this exception shall not apply to
32 those employers who elect to make payments in lieu of contributions,
33 who shall be charged for all benefit payments which are attributable to
34 service in their employ.

35 (e) Any nonprofit organization which elects to make payments in
36 lieu of contributions into the unemployment compensation fund as
37 provided in this article is not liable to make the payments with respect
38 to the benefits paid to any individual whose base period wages include
39 wages for previously uncovered services as defined in IC 22-4-4-4, nor
40 is the experience account of any other employer liable for charges for

1 benefits paid the individual to the extent that the unemployment
 2 compensation fund is reimbursed for these benefits pursuant to Section
 3 121 of P.L.94-566. Payments which otherwise would have been
 4 chargeable to the reimbursable or contributing employers shall be
 5 charged to the fund.

6 (f) If an individual:

7 (1) earns wages during the individual's base period through
 8 employment with two (2) or more employers concurrently;

9 (2) is separated from work by one (1) of the employers for reasons
 10 that would not result in disqualification under IC 22-4-15-1; and

11 (3) continues to work for one (1) or more of the other employers
 12 after the end of the base period and continues to work during the
 13 applicable benefit year on substantially the same basis as during
 14 the base period;

15 wage credits earned with the base period employers shall be used to
 16 compute the claimant's eligibility for benefits, but charges based on the
 17 wage credits from the employer who continues to employ the individual
 18 shall be charged to the experience or reimbursable account of the
 19 separating employer.

20 (g) Subsection (f) does not affect the eligibility of a claimant who
 21 otherwise qualifies for benefits nor the computation of benefits.

22 (h) Unemployment benefits paid shall not be charged to the
 23 experience account of a base period employer when the claimant's
 24 unemployment from the employer was a direct result of the
 25 condemnation of property by a municipal corporation (as defined in
 26 IC 36-1-2-10), the state, or the federal government, a fire, a flood, or an
 27 act of nature, when at least fifty percent (50%) of the employer's
 28 employees, including the claimant, became unemployed as a result.
 29 This exception does not apply when the unemployment was an
 30 intentional result of the employer or a person acting on behalf of the
 31 employer.

32 **(i) This subsection applies to an individual who has requested an**
 33 **exemption from an employer's COVID-19 immunization**
 34 **requirement and has complied with the requirements set forth in**
 35 **IC 22-5-4.6. If an individual:**

36 **(1) earns wages during the individual's base period through**
 37 **employment with two (2) or more employers; and**

38 **(2) is separated from work by an employer for failing or**
 39 **refusing to receive an immunization against COVID-19;**

40 **wage credits earned with the base period employers shall be used**

1 **to compute the claimant's eligibility for benefits, but charges based**
 2 **on the wage credits shall only be charged to the experience or**
 3 **reimbursable account of the separating employer described in**
 4 **subdivision (2).**

5 SECTION 11. IC 22-4-15-1, AS AMENDED BY P.L.224-2017,
 6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 1. (a) Regarding an individual's most recent
 8 separation from employment before filing an initial or additional claim
 9 for benefits, an individual who voluntarily left the employment without
 10 good cause in connection with the work or was discharged from the
 11 employment for just cause is ineligible for waiting period or benefit
 12 rights for the week in which the disqualifying separation occurred and
 13 until:

- 14 (1) the individual has earned remuneration in employment in at
 15 least eight (8) weeks; and
- 16 (2) the remuneration earned equals or exceeds the product of the
 17 weekly benefit amount multiplied by eight (8).

18 If the qualification amount has not been earned at the expiration of an
 19 individual's benefit period, the unearned amount shall be carried
 20 forward to an extended benefit period or to the benefit period of a
 21 subsequent claim.

22 (b) When it has been determined that an individual has been
 23 separated from employment under disqualifying conditions as outlined
 24 in this section, the maximum benefit amount of the individual's current
 25 claim, as initially determined, shall be reduced by an amount
 26 determined as follows:

- 27 (1) For the first separation from employment under disqualifying
 28 conditions, the maximum benefit amount of the individual's
 29 current claim is equal to the result of:

- 30 (A) the maximum benefit amount of the individual's current
 31 claim, as initially determined; multiplied by

- 32 (B) seventy-five percent (75%);

33 rounded (if not already a multiple of one dollar (\$1)) to the next
 34 higher dollar.

- 35 (2) For the second separation from employment under
 36 disqualifying conditions, the maximum benefit amount of the
 37 individual's current claim is equal to the result of:

- 38 (A) the maximum benefit amount of the individual's current
 39 claim determined under subdivision (1); multiplied by

- 40 (B) eighty-five percent (85%);

- 1 rounded (if not already a multiple of one dollar (\$1)) to the next
2 higher dollar.
- 3 (3) For the third and any subsequent separation from employment
4 under disqualifying conditions, the maximum benefit amount of
5 the individual's current claim is equal to the result of:
- 6 (A) the maximum benefit amount of the individual's current
7 claim determined under subdivision (2); multiplied by
8 (B) ninety percent (90%);
9 rounded (if not already a multiple of one dollar (\$1)) to the next
10 higher dollar.
- 11 (c) The disqualifications provided in this section shall be subject to
12 the following modifications:
- 13 (1) An individual shall not be subject to disqualification because
14 of separation from the individual's employment if:
- 15 (A) the individual left to accept with another employer
16 previously secured permanent full-time work which offered
17 reasonable expectation of continued covered employment and
18 betterment of wages or working conditions and thereafter was
19 employed on said job;
- 20 (B) having been simultaneously employed by two (2)
21 employers, the individual leaves one (1) such employer
22 voluntarily without good cause in connection with the work
23 but remains in employment with the second employer with a
24 reasonable expectation of continued employment; or
- 25 (C) the individual left to accept recall made by a base period
26 employer.
- 27 (2) An individual whose unemployment is the result of medically
28 substantiated physical disability and who is involuntarily
29 unemployed after having made reasonable efforts to maintain the
30 employment relationship shall not be subject to disqualification
31 under this section for such separation.
- 32 (3) An individual who left work to enter the armed forces of the
33 United States shall not be subject to disqualification under this
34 section for such leaving of work.
- 35 (4) An individual whose employment is terminated under the
36 compulsory retirement provision of a collective bargaining
37 agreement to which the employer is a party, or under any other
38 plan, system, or program, public or private, providing for
39 compulsory retirement and who is otherwise eligible shall not be
40 deemed to have left the individual's work voluntarily without

- 1 good cause in connection with the work. However, if such
2 individual subsequently becomes reemployed and thereafter
3 voluntarily leaves work without good cause in connection with the
4 work, the individual shall be deemed ineligible as outlined in this
5 section.
- 6 (5) An otherwise eligible individual shall not be denied benefits
7 for any week because the individual is in training approved under
8 Section 236(a)(1) of the Trade Act of 1974, nor shall the
9 individual be denied benefits by reason of leaving work to enter
10 such training, provided the work left is not suitable employment,
11 or because of the application to any week in training of provisions
12 in this law (or any applicable federal unemployment
13 compensation law), relating to availability for work, active search
14 for work, or refusal to accept work. For purposes of this
15 subdivision, the term "suitable employment" means with respect
16 to an individual, work of a substantially equal or higher skill level
17 than the individual's past adversely affected employment (as
18 defined for purposes of the Trade Act of 1974), and wages for
19 such work at not less than eighty percent (80%) of the individual's
20 average weekly wage as determined for the purposes of the Trade
21 Act of 1974.
- 22 (6) An individual is not subject to disqualification because of
23 separation from the individual's employment if:
- 24 (A) the employment was outside the individual's labor market;
 - 25 (B) the individual left to accept previously secured full-time
26 work with an employer in the individual's labor market; and
 - 27 (C) the individual actually became employed with the
28 employer in the individual's labor market.
- 29 (7) An individual who, but for the voluntary separation to move
30 to another labor market to join a spouse who had moved to that
31 labor market, shall not be disqualified for that voluntary
32 separation, if the individual is otherwise eligible for benefits.
33 Benefits paid to the spouse whose eligibility is established under
34 this subdivision shall not be charged against the employer from
35 whom the spouse voluntarily separated.
- 36 (8) An individual shall not be subject to disqualification if the
37 individual voluntarily left employment or was discharged due to
38 circumstances directly caused by domestic or family violence (as
39 defined in IC 31-9-2-42). An individual who may be entitled to
40 benefits based on this modification may apply to the office of the

1 attorney general under IC 5-26.5 to have an address designated by
 2 the office of the attorney general to serve as the individual's
 3 address for purposes of this article.

4 **(9) An individual shall not be subject to disqualification if the**
 5 **individual:**

6 **(A) has requested an exemption from an employer's**
 7 **COVID-19 immunization requirement;**

8 **(B) has complied with the requirements set forth in**
 9 **IC 22-5-4.6; and**

10 **(C) was discharged from employment for failing or**
 11 **refusing to receive an immunization against COVID-19.**

12 As used in this subsection, "labor market" means the area surrounding
 13 an individual's permanent residence, outside which the individual
 14 cannot reasonably commute on a daily basis. In determining whether
 15 an individual can reasonably commute under this subdivision, the
 16 department shall consider the nature of the individual's job.

17 (d) "Discharge for just cause" as used in this section is defined to
 18 include but not be limited to:

19 (1) separation initiated by an employer for falsification of an
 20 employment application to obtain employment through
 21 subterfuge;

22 (2) knowing violation of a reasonable and uniformly enforced rule
 23 of an employer, including a rule regarding attendance;

24 (3) if an employer does not have a rule regarding attendance, an
 25 individual's unsatisfactory attendance, if good cause for absences
 26 or tardiness is not established;

27 (4) damaging the employer's property through willful negligence;

28 (5) refusing to obey instructions;

29 (6) reporting to work under the influence of alcohol or drugs or
 30 consuming alcohol or drugs on employer's premises during
 31 working hours;

32 (7) conduct endangering safety of self or coworkers;

33 (8) incarceration in jail following conviction of a misdemeanor or
 34 felony by a court of competent jurisdiction;

35 (9) any breach of duty in connection with work which is
 36 reasonably owed an employer by an employee; or

37 (10) testing positive on a drug test under IC 16-27-2.5.

38 (e) To verify that domestic or family violence has occurred, an
 39 individual who applies for benefits under subsection (c)(8) shall
 40 provide one (1) of the following:

- 1 (1) A report of a law enforcement agency (as defined in
2 IC 10-13-3-10).
3 (2) A protection order issued under IC 34-26-5.
4 (3) A foreign protection order (as defined in IC 34-6-2-48.5).
5 (4) An affidavit from a domestic violence service provider
6 verifying services provided to the individual by the domestic
7 violence service provider."

8 Page 4, between lines 24 and 25, begin a new paragraph and insert:

9 **"Sec. 0.5. (a) This chapter does not apply to the following:**

10 **(1) An employee when the employee is working in another**
11 **state, if the employer provides accommodations for a**
12 **COVID-19 immunization requirement for the employee in**
13 **accordance with:**

14 (A) Title VII of the federal Civil Rights Act of 1964, as
15 amended (42 U.S.C. 2000e et seq.); and

16 (B) the Americans with Disabilities Act (42 U.S.C. 12101 et
17 seq.).

18 **(2) An employer who has entered into a federally awarded or**
19 **amended contract, subcontract, or postsecondary grant as a**
20 **condition to receive federal funds, if:**

21 (A) a COVID-19 immunization requirement is imposed on
22 parties that contract with the federal government under
23 federal law, federal regulation, or federal executive order;

24 (B) compliance with this chapter would result in a breach
25 of contract or a loss of federal funding;

26 (C) the employer provides accommodations for the
27 COVID-19 immunization requirement for an employee in
28 accordance with:

29 (i) Title VII of the federal Civil Rights Act of 1964, as
30 amended (42 U.S.C. 2000e et seq.); and

31 (ii) the Americans with Disabilities Act (42 U.S.C. 12101
32 et seq.); and

33 **(D) an employer files with the secretary of state business**
34 **services division evidence that:**

35 (i) a COVID-19 immunization requirement is imposed on
36 parties that contract with the federal government under
37 federal law, federal regulation, or federal executive
38 order; and

39 (ii) the employer has entered into a federally awarded or
40 amended contract, subcontract, or postsecondary grant

1 as a condition to receive federal funds.

2 (b) Subsection (a)(2)(D) does not require an employer to disclose
3 confidential or proprietary information to the secretary of state.
4 An employer may redact any confidential or proprietary
5 information prior to submitting the evidence described in
6 subsection (a)(2)(D).

7 (c) The information collected or maintained by the secretary of
8 state under subsection (a)(2)(D) shall be:

- 9 (1) public information; and
10 (2) available electronically for inspection by the public."

11 Page 4, delete lines 27 through 29, begin a new paragraph and
12 insert:

13 "Sec. 2. As used in this chapter, "employee" means an individual
14 who works for an employer on a full-time or part-time basis, either
15 paid or unpaid. The term includes:

- 16 (1) an independent contractor;
17 (2) a subcontractor; and
18 (3) a student who works as a trainee or an intern."

19 Page 4, delete lines 39 through 42, begin a new paragraph and
20 insert:

21 "Sec. 5. (a) An employer may not impose a requirement that
22 employees receive an immunization against COVID-19 unless the
23 employer provides individual exemptions that allow an employee
24 to opt out of the requirement on the basis of any of the following:

- 25 (1) Medical reasons.
26 (2) Religious reasons.
27 (3) An employee has agreed to submit to testing for the
28 presence of COVID-19 in lieu of receiving an immunization
29 against COVID-19 as set forth in subsection (b).
30 (4) An employee has immunity from COVID-19 acquired
31 from a prior infection with COVID-19.

32 (b) An employer may require an employee to submit to testing
33 for the presence of COVID-19 not more than once a week, if the
34 employee receives an exemption based on:

- 35 (1) medical reasons under subsection (a)(1);
36 (2) religious reasons under subsection (a)(2);
37 (3) an agreement to testing under subsection (a)(3); or
38 (4) immunity from COVID-19 acquired from a prior infection
39 with COVID-19 under subsection (a)(4).

40 (c) An employer may not require an employee who is required

1 to submit to testing for the presence of COVID-19 under this
2 section to pay for the cost of the test described in subsection (b)."

3 Page 5, delete lines 1 through 22, begin a new paragraph and insert:

4 "Sec. 5.5. (a) As used in this section, "department" refers to the
5 department of workforce development established under
6 IC 22-4.1-2-1.

7 (b) An employer may seek reimbursement of the costs of a test
8 for the presence of COVID-19 taken by an employee under section
9 5(b) of this chapter that:

10 (1) has been approved by the federal Food and Drug
11 Administration; and

12 (2) is the least invasive testing option available.

13 (c) A reimbursement under subsection (b) shall be paid from
14 any state or federal funds that may be used for employee testing
15 for the presence of COVID-19.

16 (d) A reimbursement under subsection (b) may not exceed fifty
17 dollars (\$50) per test.

18 (e) The department shall establish rules regarding the method
19 of distribution of the funds made available for employee testing for
20 the presence of COVID-19 under this section, including the
21 following:

22 (1) The timely distribution of funds.

23 (2) The verification and authentication of a request for
24 reimbursement under subsection (b).

25 (f) The department shall adopt rules under IC 4-22-2, including
26 emergency rules in the manner provided under IC 4-22-2-37.1, to
27 carry out the department's responsibilities under this section.
28 Notwithstanding IC 4-22-2-37.1(g)(2), the department may extend
29 an emergency rule adopted to carry out this section for not more
30 than two (2) extension periods.

31 (g) This section expires June 30, 2023."

32 Page 5, delete lines 39 through 42, begin a new paragraph and
33 insert:

34 "(c) Unless an employer waives the documentation requirements
35 under this subsection, to claim an exemption based on immunity
36 from COVID-19 acquired from a prior infection with COVID-19,
37 an employee must present to the employer the result of a
38 laboratory test performed on the employee that has been approved
39 by the federal Food and Drug Administration, including any of the
40 following:

- 1 **(1) A polymerase chain reaction test (PCR) test.**
 2 **(2) An antigen test.**
 3 **(3) An antibody or serology test.**

4 **An employer may request that an employee submit a new**
 5 **laboratory test result as described in this subsection not more than**
 6 **once every six (6) months."**

7 Page 6, delete lines 1 through 7.

8 Page 6, delete line 12, begin a new line block indented and insert:

9 **"(3) immunity from COVID-19 acquired from a prior**
 10 **infection with COVID-19;"**

11 Page 6, line 24, delete "5(b)(1)" and insert "**5(a)(3)**".

12 Page 6, delete lines 26 through 27, begin a new line block indented
 13 and insert:

14 **"(4) immunity from COVID-19 acquired from a prior**
 15 **infection with COVID-19 under section 5(a)(4) of this**
 16 **chapter."**

17 Page 6, line 31, delete "5(b)(1)" and insert "**5(a)(3)**".

18 Page 6, between lines 37 and 38, begin a new paragraph and insert:

19 "SECTION 13. IC 25-1-5.7 IS ADDED TO THE INDIANA CODE
 20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]:

22 **Chapter 5.7. Emergency Practitioner Temporary Licensing**

23 **Sec. 1. As used in this chapter, "board" has the meaning set**
 24 **forth in IC 25-0.5-11-1.**

25 **Sec. 2. As used in this chapter, "license" includes a license,**
 26 **certificate, registration, or permit.**

27 **Sec. 3. As used in this chapter, "licensing agency" means the**
 28 **Indiana professional licensing agency created by IC 25-1-5-3.**

29 **Sec. 4. Notwithstanding any other law, the licensing agency shall**
 30 **issue a temporary license to an individual if the individual satisfies**
 31 **the following conditions:**

32 **(1) The individual applies for the temporary license in the**
 33 **manner prescribed by the licensing agency.**

34 **(2) The individual has, within the past five (5) years, held:**

35 **(A) a license issued by a board; or**

36 **(B) an equivalent license in another state;**

37 **to practice the profession.**

38 **(3) The individual remains in good standing with the board or**
 39 **licensing agency and the license described in subdivision (2):**

40 **(A) was retired, surrendered, or otherwise inactivated by**

1 the individual; and
 2 **(B) was not revoked, suspended, or relinquished by the**
 3 **board or licensing agency.**

4 **Sec. 5. Notwithstanding any other law, the licensing agency shall**
 5 **issue a temporary license to an individual who has an equivalent**
 6 **license in another state to a license issued by a board if the**
 7 **individual satisfies the following conditions:**

8 **(1) The individual applies for the temporary license in the**
 9 **manner prescribed by the licensing agency.**

10 **(2) The individual remains in good standing and has not been**
 11 **disciplined by the state that has jurisdiction to issue the**
 12 **license.**

13 **Sec. 6. Notwithstanding any other law, the licensing agency shall**
 14 **issue a temporary license to a recently graduated student if the**
 15 **student satisfies the following conditions:**

16 **(1) The student applies for the temporary license in the**
 17 **manner prescribed by the licensing agency.**

18 **(2) The student has successfully completed all required course**
 19 **work at an accredited or approved school.**

20 **(3) The student has submitted a certificate of completion to**
 21 **the licensing agency.**

22 **(4) The student has applied for any of the following:**

23 **(A) A physician assistant license under IC 25-27.5-4.**

24 **(B) A nurse license under IC 25-23.**

25 **(C) A respiratory care practitioner license under**
 26 **IC 25-34.5.**

27 **(D) A pharmacist license under IC 25-26-13.**

28 **Sec. 7. The licensing agency shall post the following on the**
 29 **licensing agency's Internet web site:**

30 **(1) The application for a temporary license described in**
 31 **sections 4, 5, and 6 of this chapter.**

32 **(2) A list of the names of individuals who have been granted**
 33 **a temporary license by the licensing agency under this**
 34 **chapter.**

35 **Sec. 8. This chapter expires March 31, 2022.**

36 SECTION 14. IC 34-18-3-2 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) Except as**
 38 **provided in subsection (b),** for a health care provider to be qualified
 39 under this article, the health care provider or the health care provider's
 40 insurance carrier shall:

1 (1) cause to be filed with the commissioner proof of financial
2 responsibility established under IC 34-18-4; and

3 (2) pay the surcharge assessed on all health care providers under
4 IC 34-18-5.

5 **(b) A health care provider who has a temporary license under**
6 **IC 16-31-11.5 or IC 25-1-5.7 is qualified under this article**
7 **regardless of whether the health care provider meets the other**
8 **requirements under this chapter. This subsection expires March**
9 **31, 2022.**

10 SECTION 15. IC 34-18-3-3 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) Except as**
12 **provided in subsection (b),** the officers, agents, and employees of a
13 health care provider, while acting in the course and scope of their
14 employment, may be qualified under this chapter if the following
15 conditions are met:

16 (1) The officers, agents, and employees are individually named or
17 are members of a named class in the proof of financial
18 responsibility filed by the health care provider under IC 34-18-4.

19 (2) The surcharge assessed under IC 34-18-5 is paid.

20 **(b) An officer, agent, or employee of a health care provider who**
21 **has a temporary license under IC 16-31-11.5 or IC 25-1-5.7 is**
22 **qualified under this article regardless of whether the officer, agent,**
23 **or employee meets the other requirements under this chapter. This**
24 **subsection expires March 31, 2022.**

25 SECTION 16. IC 34-18-3-7 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The
27 commissioner shall adopt rules under IC 4-22-2 to establish the
28 following:

29 (1) Criteria for determining, upon application, whether a
30 corporation, limited liability company, partnership, or
31 professional corporation is subject to IC 34-18-2-14(7) and thus
32 is eligible to qualify as a health care provider under this chapter.

33 (2) The minimum annual aggregate insurance amount necessary
34 for the corporation, limited liability company, partnership, or
35 professional corporation to become qualified under
36 IC 34-18-2-14(7).

37 (b) The criteria to be established by rule under subsection (a)(1)
38 must include the identification of the health care purpose and function
39 of the corporation, limited liability company, partnership, or
40 professional corporation.

1 (c) The minimum annual aggregate insurance amount to be set by
2 rule under subsection (a)(2) may not exceed five hundred thousand
3 dollars (\$500,000).

4 (d) The commissioner may require a corporation, limited liability
5 company, partnership, or professional corporation that seeks to qualify
6 under IC 34-18-2-14(7) and this chapter to provide information
7 necessary to determine eligibility and to establish the minimum annual
8 aggregate amount applicable to the corporation, limited liability
9 company, partnership, or professional corporation.

10 **(e) The commissioner may require a health care provider who**
11 **is qualified under section 2(b) of this chapter and an officer, agent,**
12 **and employee of a health care provider who is qualified under**
13 **section (3)(b) of this chapter to provide information necessary to**
14 **determine eligibility."**

15 Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as introduced.)