FISCAL IMPACT STATEMENT

LS 7135
BILL NUMBER: HB 1182
NOTE PREPARED: Jan 3, 2020
BILL AMENDED:

SUBJECT: HIV and Fatality Reviews.
FIRST AUTHOR: Rep. Clere
FIRST SPONSOR:
BILL STATUS: As Introduced
IMPACT: State & Local

Funds Affected: X General
DEDICATED
FEDERAL

Summary of Legislation: Definitions: The bill removes acquired immune deficiency syndrome (AIDS) from the statutory definition of "exposure risk disease". It replaces the term "AIDS" with the term "human immunodeficiency virus (HIV)" where appropriate. It also replaces the term "carrier" with the term "individual with a communicable disease" where appropriate, and the bill replaces the term "danger" with the term "risk" where appropriate. It replaces the term "spread" with the term "transmission" where appropriate. It replaces the term "HIV antibody" with "human immunodeficiency virus (HIV)" where appropriate.

HIV Prevention: The bill requires the Indiana State Department of Health (ISDH) to specify, in any literature provided to children and young adults concerning HIV, that abstinence is one way to prevent the transmission of HIV. (Current law states that abstinence is the best way to prevent the transmission of HIV). The bill also specifies that the use of antiretroviral drugs and other medical interventions may lessen the likelihood of transmitting HIV to a child during childbirth. (Current law states that birth by caesarean section may lessen the likelihood of transmitting HIV to a child during childbirth).

Physicians: The bill requires a physician or the authorized representative of a physician to:
(1) provide a patient with a meaningful opportunity to consider an HIV test; and
(2) inform a patient of their right to ask questions and to refuse an HIV test; prior to ordering an HIV test for a patient.

The bill requires a physician or an authorized representative of the physician to inform a patient of the counseling services and treatment options available to the patient if an HIV test indicates that the patient is HIV positive.
Notification: It requires a patient to be notified of their right to a: (1) hearing; and (2) counsel; in certain situations involving a court ordered HIV test.

Statewide Suicide and Overdose Fatality Review Committee: The bill allows the ISDH to establish a Statewide Suicide and Overdose Fatality Review Committee (SOFR). The bill requires the ISDH to establish a state suicide and overdose fatality review coordinator if a statewide SOFR is created and it specifies certain duties for the state suicide and overdose fatality review coordinator.

The bill provides that the purpose of a statewide SOFR is to:
(1) study and review the issues underlying suicide and overdose fatalities;
(2) identify similarities, trends, and factual patterns in suicide and overdose fatalities in Indiana;
(3) develop strategies to reduce the stigma associated with suicide and overdose fatalities;
(4) use acquired information to:
   (A) improve community resources and systems of care so that suicide and overdose fatalities may be prevented or reduced across the state of Indiana;
   and
   (B) create strategies and make recommendations concerning the prevention of:
      (i) suicide; and
      (ii) overdose fatalities;
(4) provide consultation, guidance, and training to county SOFR committees; and
(5) advise and educate the legislature, the Governor, and the public on the status of suicide and overdose fatalities in Indiana.

The bill specifies membership and duty requirements for the statewide SOFR team and it specifies certain recordkeeping and reporting requirements for the statewide SOFR team.

County Suicide and Overdose Fatality Review Committee: The bill provides that a county may establish a county suicide and overdose fatality review committee (county SOFR). It also requires a county SOFR committee to review certain suicide and overdose fatalities. The bill allows a county SOFR committee to make recommendations concerning the prevention of suicide and overdose fatalities. It specifies membership, recordkeeping, and data entry requirements for county SOFR committees.

Technical: The bill defines certain terms and it makes conforming amendments.

Effective Date: July 1, 2020.

Explanation of State Expenditures: Definitions and HIV Prevention: The bill will impact workload and expenditures at the ISDH to update information on communicable diseases and to publish new documents. It may also increase workload for the Professional Licensing Agency and Medical Licensing Board to review physicians or physician’s assistants who fail to follow the notification and procedures under the bill. Any increased costs or workload for these agencies should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Statewide Suicide and Overdose Fatality Review Committee (SOFR): The bill allows the ISDH Commissioner to establish the SOFR consisting of at least 13 members with the option to appoint additional members. If the SOFR is established, a SOFR review coordinator position is created. Based on a similar
program coordinator position, the coordinator’s salary range is estimated to be between $41,600 and $79,200. Meetings of the committee are open to the public, except when the meeting involves confidential records or identifying information. The bill is silent on any reimbursement for per diem or travel for committee members.

**State Fatality Review Coordinator:** The bill requires the SOFR fatality review coordinator to prepare a confidentiality statement to be signed by each member of the SOFR and other invited individuals. The coordinator will be tasked with maintaining confidentiality documentation. If the SOFR is not created, the ISDH will have a one-time cost to develop confidentiality forms for use by county SOFRs.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Each county is allowed to establish a county SOFR consisting of at least six members and up to 15 additional members appointed by the local health officer. A county SOFR is to have open meetings, except when confidential records or identifying information is discussed. The county SOFR chairperson is responsible for maintaining confidentiality agreements.

**Explanation of Local Revenues:**

**State Agencies Affected:** ISDH; Professional Licensing Agency; Medical Licensing Board.

**Local Agencies Affected:** Counties.

**Information Sources:** Staffing Report as of October 1, 2019.

**Fiscal Analyst:** Karen Rossen, 317-234-2106.