

## **IC 16-41-19**

### **Chapter 19. Prevention and Treatment Programs: Provision of Free Drugs and Vaccines to Indigents**

#### **IC 16-41-19-1**

##### **Biologicals**

Sec. 1. As used in this chapter, "biologicals" means drugs and vaccines.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-19-2**

##### **Antitoxins and vaccines**

Sec. 2. All counties, cities, and towns shall supply without charge diphtheria, scarlet fever, and tetanus (lockjaw) antitoxin and rabies vaccine to persons financially unable to purchase the antitoxin or vaccine, upon the application of a licensed physician.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-19-3**

##### **Application forms**

Sec. 3. The state department shall supply the necessary application forms to all local health officers for the administration of section 2 of this chapter and IC 12-20-16-14. The local health officers shall supply physicians with the forms on request. The application forms shall be designed to provide the statistical information required by the state department.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-19-4**

##### **Physicians' affirmation**

Sec. 4. The physician or advanced practice nurse applying for free biologicals as provided in this chapter and IC 12-20-16-14 shall sign in ink the following affirmation printed on the application form:

I solemnly affirm that the free biologicals applied for will be administered to the person named above, and it is my belief after inquiry that the person is financially unable to pay for the biologicals.

*As added by P.L.2-1993, SEC.24. Amended by P.L.262-2003, SEC.8.*

#### **IC 16-41-19-5**

##### **Supply of biologicals**

Sec. 5. On receipt of an official form properly filled out and signed in ink by a physician, any dealer may supply the biologicals called for in the application form.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-19-6**

##### **Payment claims**

Sec. 6. When the application form is filed with the proper financial officer, the application form constitutes a legal claim for the

market price of the furnished biologicals against the appropriate county, township, city, or town in which biologicals are used and against which the application form is issued.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-19-7**

##### **Costs**

Sec. 7. (a) Except as provided in subsection (b), all costs that are incurred in furnishing biologicals under this chapter, IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid by:

(1) the appropriate county, city, or town against which the application form is issued from general funds; and

(2) the appropriate township against which the application form is issued from funds in the township assistance fund;

not otherwise appropriated without appropriations.

(b) A township is not responsible for paying for biologicals as provided in subsection (a)(2) if the township trustee has evidence that the individual has the financial ability to pay for the biologicals.

(c) After being presented with a legal claim for insulin being furnished to the same individual a second time, a township trustee may require the individual to complete and file a standard application for township assistance in order to investigate the financial condition of the individual claiming to be indigent. The trustee shall immediately notify the individual's physician that:

(1) the financial ability of the individual claiming to be indigent is in question; and

(2) a standard application for township assistance must be filed with the township.

The township shall continue to furnish insulin under this section until the township trustee completes an investigation and makes a determination as to the individual's financial ability to pay for insulin.

(d) For purposes of this section, the township shall consider an adult individual needing insulin as an individual and not as a member of a household requesting township assistance.

*As added by P.L.2-1993, SEC.24. Amended by P.L.259-2001, SEC.9; P.L.73-2005, SEC.169.*

#### **IC 16-41-19-8**

##### **Records**

Sec. 8. Each local health officer shall make official records of all cases in which free biologicals are furnished in the local health officer's jurisdiction. The local health officer shall, by the fifth day of each month, send information concerning the preceding month as required by the state department.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-19-9**

##### **Preventive biologicals**

Sec. 9. (a) The state department may supply without charge, in the

interest of disease prevention and control, preventive biologicals to local health officers for immunization of individuals financially unable to purchase the biologicals.

(b) The state department shall determine the procedures necessary for the proper administration of this section.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-19-10**

##### **Violations**

Sec. 10. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

*As added by P.L.2-1993, SEC.24.*