

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

### **Chapter 2. Communicable Disease: Reporting of Communicable or Dangerous Diseases**

#### **IC 16-41-2-1**

##### **Rules**

Sec. 1. The state department may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, that do the following:

- (1) Define and classify the following:
  - (A) Communicable diseases.
  - (B) Other diseases that are a danger to health based upon the characteristics of the disease.
- (2) Establish reporting, monitoring, and preventive procedures for communicable diseases.

*As added by P.L.2-1993, SEC.24. Amended by P.L.8-2008, SEC.2.*

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

##### **Reporting of required information**

Sec. 2. Each:

- (1) licensed physician;
- (2) administrator of a hospital licensed under IC 16-21-2 or the administrator's representative; or
- (3) director of a medical laboratory or the director's representative;

shall report to the local or state health officer designated by the state department the information required to be reported by the rules adopted under section 1 of this chapter.

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

#### **IC 16-41-2-3**

##### **Reporting of HIV and AIDS cases**

Sec. 3. (a) The following persons shall report to the state department each case of human immunodeficiency virus (HIV) infection, including each confirmed case of acquired immune deficiency syndrome (AIDS):

- (1) A licensed physician.
- (2) A hospital licensed under IC 16-21.
- (3) A medical laboratory.
- (4) The department of correction.

The report must comply with rules adopted by the state department.

- (b) The records of the state department must indicate, if known:
- (1) whether the individual had undergone any blood transfusions before being diagnosed as having AIDS or HIV infection;
  - (2) the place the transfusions took place;
  - (3) the blood center that furnished the blood; and
  - (4) any other known risk factors.

(c) A case report concerning HIV infection that does not involve a confirmed case of AIDS submitted to the state department under

this section that involves an individual:

- (1) enrolled in a formal research project for which a written study protocol has been filed with the state department;
- (2) who is tested anonymously at a designated counseling or testing site; or
- (3) who is tested by a health care provider permitted by rule by the state department to use a number identifier code;

may not include the name or other identifying characteristics of the individual tested.

*As added by P.L.2-1993, SEC.24. Amended by P.L.293-2001, SEC.2.*

#### **IC 16-41-2-4**

##### **Waiver of physician-patient privilege**

Sec. 4. A patient's privilege with respect to a physician under IC 34-46-3-1 is waived regarding information reported to a local or state health officer under this chapter.

*As added by P.L.2-1993, SEC.24. Amended by P.L.1-1998, SEC.121.*

#### **IC 16-41-2-5**

##### **Satisfaction of statutory notification duties**

Sec. 5. A person who reports information as required by this chapter does not satisfy the duties that exist under IC 16-41-7-3 or other laws to provide notification to persons identified as being at significant risk of being infected by the individual who is the subject of the report.

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

#### **IC 16-41-2-6**

##### **Good faith reporting; immunity**

Sec. 6. A person who makes a report under this chapter in good faith is not subject to liability in:

- (1) a civil;
- (2) an administrative;
- (3) a disciplinary; or
- (4) a criminal;

action.

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

#### **IC 16-41-2-7**

##### **False reporting; liability**

Sec. 7. A person who knowingly or recklessly makes a false report under this chapter is civilly liable for actual damages suffered by a person who is falsely reported and for punitive damages.

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

#### **IC 16-41-2-8**

##### **Failure to report required information; penalty**

Sec. 8. A person who fails to report information as required by this chapter commits a Class A infraction.

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

**IC 16-41-2-9**

**Violations**

Sec. 9. (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.*