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.