

TITLE 410 INDIANA DEPARTMENT OF HEALTH**Notice of First Public Comment Period****LSA Document #26-356****REPORTABLE EVENTS****PURPOSE OF NOTICE**

The Indiana Department of Health (IDOH) is soliciting public comment on repealing rules at [410 IAC 15-1.4-2.2](#), [410 IAC 15-2.4-2.2](#), and [410 IAC 27-6-2](#) concerning reportable events.

ADDITIONAL DOCUMENTS

Regulatory Analysis: [20261007-IR-410260356RAA](#)

Notice of Public Hearing: [20261007-IR-410260356PHA](#)

CITATIONS AFFECTED: [410 IAC 15-1.4-2.2](#); [410 IAC 15-2.4-2.2](#); [410 IAC 27-6-2](#)

AUTHORITY: [IC 16-19-3-4](#); [IC 16-21-1-7](#)

OVERVIEW**Basic Purpose and Background**

IDOH established the Medical Error Reporting System (MERS) effective January 1, 2006, and adopted facility-specific reporting rules to mandate electronic reporting within defined timelines and to enable statewide public reporting by facility. In 2023, the general assembly enacted P.L.190-2023, codified at [IC 16-21-1-7.1](#), which requires hospital quality programs to determine and report only "serious reportable events" as identified by the National Quality Forum and expressly prohibits IDOH's executive board from requiring hospitals to report any other event types. Subsection (a) of [410 IAC 15-1.4-2.2](#) was accordingly voided by statute effective July 1, 2023. While subsection (a) was voided, the remaining sections were not updated, and this results in a gap that dictates how information must be reported without requiring any specific information to be reported.

The implementation costs of the proposed rule are not expected to exceed the threshold set in [IC 4-22-2-22.7\(c\)\(6\)](#).

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Z. Claire Dyer, Advisory Chief
Indiana Department of Health
2 North Meridian Street
Indianapolis, IN 46204
(317) 454-0040
ZDyer@health.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Caleb Wakeman

Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(463) 269-2670

Ombudsman@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

REQUEST FOR PUBLIC COMMENT

IDOH is soliciting public comment on the proposed rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #26-356 Reportable Events

Zanna Claire Dyer, Advisory Chief
Indiana Department of Health
2 North Meridian Street
Indianapolis, IN 46204

(2) By email to RulePublicComments@health.in.gov. PLEASE NOTE: Email comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.

(3) Attend scheduled public hearing.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time-stamped not later than November 7, 2026.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis, and materials incorporated by reference (if applicable) are on file at the Indiana Department of Health, Office of Legal Affairs, 2 North Meridian Street, Indianapolis, Indiana and are available for public inspection. Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis are available at the Indiana Department of Health office.

If IDOH does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

PROPOSED RULE

SECTION 1. THE FOLLOWING ARE REPEALED: [410 IAC 15-1.4-2.2](#); [410 IAC 15-2.4-2.2](#); [410 IAC 27-6-2](#).

Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator: Z. Claire Dyer, Advisory Chief, Indiana Department of Health, 2 North Meridian Street, Indianapolis, IN 46204, (317) 454-0040, ZDyer@health.in.gov

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