

# SENATE BILL No. 84

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-5-5; IC 16-28-13-4.

**Synopsis:** Health facility criminal history checks. Allows an entity acting on behalf of a person that operates a health facility, administers a hospital based health facility, or operates an entity in the business of contracting to provide nurse aides or other unlicensed employees for a health facility or hospital based health facility to apply for a limited criminal history from the Indiana central repository for criminal history when the health facility or contracting entity employs a person as a nurse aide or unlicensed employee.

**Effective:** July 1, 1998.

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Skillman

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January 8, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## SENATE BILL No. 84

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 5-2-5-5, AS AMENDED BY P.L.59-1995,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 5. (a) Except as provided in subsection (b), on  
4 request, law enforcement agencies shall release or allow inspection of  
5 a limited criminal history to noncriminal justice organizations or  
6 individuals only if the subject of the request:
- 7 (1) has applied for employment with a noncriminal justice  
8 organization or individual;
  - 9 (2) has applied for a license and criminal history data as required  
10 by law to be provided in connection with the license;
  - 11 (3) is a candidate for public office or a public official;
  - 12 (4) is in the process of being apprehended by a law enforcement  
13 agency;
  - 14 (5) is placed under arrest for the alleged commission of a crime;
  - 15 (6) has charged that his rights have been abused repeatedly by  
16 criminal justice agencies;
  - 17 (7) is the subject of judicial decision or determination with



- 1 respect to the setting of bond, plea bargaining, sentencing, or  
 2 probation;  
 3 (8) has volunteered services that involve contact with, care of, or  
 4 supervision over a child who is being placed, matched, or  
 5 monitored by a social services agency or a nonprofit corporation;  
 6 (9) is being investigated for welfare fraud by an investigator of the  
 7 division of family and children or a county office of family and  
 8 children;  
 9 (10) is being sought by the parent locator service of the child  
 10 support bureau of the division of family and children; ~~or~~  
 11 **(11) is a nurse aide or other unlicensed employee of a health**  
 12 **facility or hospital based health facility and the request is**  
 13 **made by an entity acting under IC 16-28-13-4 on behalf of a**  
 14 **person that operates a health facility, administers a hospital**  
 15 **based health facility, or operates an entity in the business of**  
 16 **contracting to provide nurse aides or other unlicensed**  
 17 **employees for a health facility or hospital based health**  
 18 **facility; or**  
 19 ~~(11)~~ **(12)** has been convicted of any of the following:  
 20 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen  
 21 (18) years of age.  
 22 (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is  
 23 less than eighteen (18) years of age.  
 24 (C) Child molesting (IC 35-42-4-3).  
 25 (D) Child exploitation (IC 35-42-4-4(b)).  
 26 (E) Possession of child pornography (IC 35-42-4-4(c)).  
 27 (F) Vicarious sexual gratification (IC 35-42-4-5).  
 28 (G) Child solicitation (IC 35-42-4-6).  
 29 (H) Child seduction (IC 35-42-4-7).  
 30 (I) Incest (IC 35-46-1-3), if the victim is less than eighteen  
 31 (18) years of age.  
 32 However, limited criminal history information obtained from the  
 33 National Crime Information Center may not be released under this  
 34 section except to the extent permitted by the Attorney General of the  
 35 United States.  
 36 (b) A law enforcement agency shall allow inspection of a limited  
 37 criminal history by and release a limited criminal history to the  
 38 following noncriminal justice organizations:  
 39 (1) Federally chartered or insured banking institutions.  
 40 (2) Officials of state and local government for the purpose of  
 41 employment and licensing.  
 42 (3) Segments of the securities industry identified under 15 U.S.C.



1 78q(f)(2).

2 (c) Any person who uses limited criminal history for any purpose  
3 not specified under this section commits a Class A misdemeanor.

4 SECTION 2. IC 16-28-13-4, AS AMENDED BY P.L.147-1996,  
5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 1998]: Sec. 4. (a) Except as provided in subsection (b), a  
7 person who:

- 8 (1) operates a health facility;  
9 (2) administers a hospital based health facility; ~~or~~  
10 (3) operates an entity in the business of contracting to provide  
11 nurse aides or other unlicensed employees for a health facility or  
12 hospital based health facility; ~~or~~  
13 **(4) is an entity acting on behalf of a person who operates a**  
14 **health facility, administers a hospital based health facility, or**  
15 **operates an entity in the business of contracting to provide**  
16 **nurse aides or other unlicensed employees for a health facility**  
17 **or hospital based health facility;**

18 shall apply within three (3) business days from the date a person is  
19 employed as a nurse aide or other unlicensed employee for a copy of  
20 the person's limited criminal history from the Indiana central repository  
21 for criminal history information under IC 5-2-5 or another source  
22 allowed by law.

23 (b) A:

- 24 (1) health facility; or  
25 (2) hospital based health facility;

26 is not required to apply for the limited criminal history required by  
27 subsection (a) if the health facility or hospital based health facility  
28 contracts to use the services of a nurse aide or other unlicensed  
29 employee who is employed by an entity in the business of contracting  
30 to provide nurse aides or other unlicensed employees to health facilities  
31 and hospital based health facilities.

