

SENATE BILL No. 357

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-27.5.

Synopsis: Homemaker companions and attendant caregivers. Requires an entity that receives state or federal funds that are designated to pay for certain services for a medically frail elderly or disabled individual in the individual's home to do the following: (1) Conduct the same criminal history check that is required for home health employees on each applicant who desires to become one of the entity's employees. (2) Provide an annual tuberculosis test to the entity's employees. Requires an entity that provides these services but that is not licensed as a home health agency to register with the state department of health on an
(Continued next page)

Effective: July 1, 1998.

Simpson

January 8, 1998, read first time and referred to Committee on Health and Environmental Affairs.

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Digest Continued

annual basis and to provide a toll free complaint hotline number to each individual served by the entity. Requires the state department of health to establish a toll free complaint hotline number and to distribute the number to each entity that registers with the state department.

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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.

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SENATE BILL No. 357

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 16-18-2-28.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1998]: **Sec. 28.5. "Attendant care duties", for**
4 **purposes of IC 16-27.5, has the meaning set forth in IC 16-27.5-1-2.**
5 SECTION 2. IC 16-18-2-28.6 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 1998]: **Sec. 28.6. "Attendant caregiver", for**
8 **purposes of IC 16-27.5, has the meaning set forth in IC 16-27.5-1-3.**
9 SECTION 3. IC 16-18-2-176.3 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 1998]: **Sec. 176.3. "Homemaker companion",**
12 **for purposes of IC 16-27.5, has the meaning set forth in**
13 **IC 16-27.5-1-4.**
14 SECTION 4. IC 16-18-2-176.4 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 1998]: **Sec. 176.4. "Homemaker companion**
2 **duties"**, for purposes of IC 16-27.5, has the meaning set forth in
3 **IC 16-27.5-1-5.**

4 SECTION 5. IC 16-27.5 IS ADDED TO THE INDIANA CODE AS
5 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
6 1998]:

7 **ARTICLE 27.5. HOMEMAKER COMPANIONS AND**
8 **ATTENDANT CAREGIVERS**

9 **Chapter 1. Definitions**

10 **Sec. 1. The definitions in this chapter apply throughout this**
11 **article.**

12 **Sec. 2. "Attendant care duties" means the following:**

- 13 (1) **Homemaker companion duties.**
- 14 (2) **Assistance with activities of daily living, including the**
15 **following:**
 - 16 (A) **Ambulation.**
 - 17 (B) **Bathing.**
 - 18 (C) **Hair care and grooming.**
 - 19 (D) **Dressing.**
 - 20 (E) **Toileting.**
 - 21 (F) **Transportation.**

22 **Sec. 3. "Attendant caregiver" means an individual who:**

- 23 (1) **assists a client and the client's family with:**
 - 24 (A) **home management activities; and**
 - 25 (B) **nonmedically directed personal care and child care**
26 **based on an individualized care plan; and**
- 27 (2) **provides assistance to individuals who have medical**
28 **impairments or physical impairments, or both.**

29 **Sec. 4. "Homemaker companion" means an individual who:**

- 30 (1) **assists with environmental services, including**
31 **housekeeping and homemaking services, in order to preserve**
32 **a safe, sanitary, and healthy home;**
- 33 (2) **enhances family life; and**
- 34 (3) **provides socialization and safety for individuals requiring**
35 **services.**

36 **Sec. 5. "Homemaker companion duties" means the**
37 **responsibilities of a homemaker companion, including the**
38 **following:**

- 39 (1) **Housekeeping.**
- 40 (2) **Shopping.**
- 41 (3) **Laundry.**
- 42 (4) **Essential errands.**

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- (5) Basic meal planning and preparation.
 - (6) Serving as a companion.
- Chapter 2. Unlicensed Entities**
- Sec. 1. An entity that receives state or federal funds that are designated to pay for homemaker companion duties or attendant caregiver services for a medically frail elderly or disabled individual in the home of the medically frail elderly or disabled individual must meet the following requirements:**
- (1) Conduct a criminal history as provided in IC 16-27-2 on each individual who:
 - (A) applies to become employed by the entity; and
 - (B) will work as an attendant caregiver or homemaker companion.
 - (2) Provide an annual tuberculosis test for the entity's employees.
- Sec. 2. An entity that:**
- (1) is not licensed as a home health agency under IC 16-27; and
 - (2) provides homemaker companion duties or attendant caregiver services;
- shall register with the state department on an annual basis and provide the state department's toll free complaint hotline number to each individual receiving homemaker companion or attendant caregiver services described in section 1 of this chapter.
- Sec. 3. The state department shall:**
- (1) establish a toll free complaint hotline number; and
 - (2) distribute the toll free complaint hotline number to each entity that registers with the state department under section 2 of this chapter.

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