



March 19, 1999

ENGROSSED HOUSE BILL No. 1673

DIGEST OF HB 1673 (Updated March 17, 1999 12:37 pm - DI 88)

Citations Affected: IC 16-18; IC 16-27; IC 34-30.

Synopsis: Home health aide registry. Requires the state department of health to include a home health aide who has successfully completed a competency evaluation program in the registry of nurse aides. Requires the state department of health to establish a procedure to investigate allegations of neglect, abuse, or misappropriation of property by a home health aide and to notify the registry of nurse aides of a proven allegation. Provides that an individual who is denied or
(Continued next page)

Effective: July 1, 1999.

Klinker, Becker, Goeglein, Dickinson

(SENATE SPONSORS — MILLER, BREAUX, SERVER, ROGERS)

January 21, 1999, read first time and referred to Committee on Public Health.
February 24, 1999, amended, reported — Do Pass.
March 1, 1999, read second time, ordered engrossed. Engrossed.
March 2, 1999, read third time, passed. Yeas 72, nays 22.

SENATE ACTION

March 4, 1999, read first time and referred to Committee on Health and Provider Services.
March 18, 1999, amended, reported favorably — Do Pass.

EH 1673—LS 7972/DI 98+



C
O
P
Y

Digest Continued

dismissed from employment by a home health agency because of a criminal history does not have certain rights, including the right to sue or to collect unemployment insurance. Provides immunity to persons for denying or terminating employment of an individual with a criminal history or reporting to or participating in the proceedings of the state department of health or the registry of nurse aides.

C
o
p
y



March 19, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1673

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 16-18-2-174 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 174. (a) "Home health
3 aide", for purposes of IC 16-27-1 ~~has the meaning set forth in~~
4 ~~IC 16-27-1-3~~, and IC 12-27-1.5, means an individual who provides
5 home health aide services.

6 (b) The term does not include the following:

7 (1) A health care professional.

8 (2) A volunteer who provides home health aide services
9 without compensation.

10 (3) An immediate member of the patient's family.

11 SECTION 2. IC 16-27-1.5 IS ADDED TO THE INDIANA CODE
12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 1999]:

14 Chapter 1.5. Registration of Home Health Aides

15 Sec. 1. The state department shall include in the registry of

EH 1673—LS 7972/DI 98+



C
O
P
Y

1 nurse aides required by 42 CFR 483.156(a) a home health aide who
 2 has successfully completed a home health aide competency
 3 evaluation program as required by 42 CFR 484.36.

4 **Sec. 2. Information required for entry of a home health aide in**
 5 **the registry of nurse aides described in section 1 of this chapter**
 6 **must be the same as the information required for nurse aides**
 7 **under 42 CFR 483.156(c).**

8 **Sec. 3. (a) The state department shall establish a procedure for**
 9 **the receipt and the timely review and investigation of allegations**
 10 **of:**

- 11 (1) neglect of a patient;
- 12 (2) abuse of a patient; or
- 13 (3) misappropriation of patient property;

14 **by a home health aide.**

15 **(b) The procedure required under subsection (a) must allow for:**

- 16 (1) reasonable notice to the home health aide; and
- 17 (2) reasonable opportunity for a hearing in which the home
 18 health aide may rebut the allegation.

19 **(c) The state department shall, after following the procedure**
 20 **required under this section, make a finding whether the home**
 21 **health aide:**

- 22 (1) neglected a patient;
- 23 (2) abused a patient; or
- 24 (3) misappropriated patient property.

25 **(d) If the state department determines that a home health aide**
 26 **has:**

- 27 (1) neglected a patient;
- 28 (2) abused a patient; or
- 29 (3) misappropriated patient property;

30 **the state department shall notify the registry of nurse aides of that**
 31 **determination.**

32 **Sec. 4. The state department may adopt rules under IC 4-22-2**
 33 **to implement this chapter.**

34 SECTION 3. IC 16-27-2-8 IS ADDED TO THE INDIANA CODE
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 36 1, 1999]: **Sec. 8. An individual who is denied employment or**
 37 **dismissed from employment under this chapter:**

- 38 (1) does not have a cause of action;
- 39 (2) is not eligible for unemployment compensation;
- 40 (3) does not acquire the rights of an unemployed individual;
- 41 and
- 42 (4) does not have other rights under IC 22;



C
O
P
Y

1 as a result of the denial or dismissal.

2 SECTION 4. IC 16-27-2-9 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 1999]: **Sec. 9. A person (other than a person denied employment
5 or dismissed under this chapter or against whom a finding is made
6 for the registry of nurse aides under 42 CFR 483.156) who in good
7 faith:**

8 (1) denies employment to an individual or dismisses an
9 individual from employment under this chapter;

10 (2) testifies or participates in an investigation or an
11 administrative or a judicial proceeding arising from:

12 (A) this chapter; or

13 (B) 42 CFR 483 regarding the registry of nurse aides; or

14 (3) makes a report to the state department or the registry of
15 nurse aides;

16 is immune from both civil and criminal liability arising from those
17 actions.

18 SECTION 5. IC 34-30-2-67.5 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 1999]: **Sec. 67.5. IC 16-27-2-9 (Concerning
21 persons for denying or terminating employment of an individual
22 with a criminal history, or reporting to or participating in the
23 proceedings of the state department of health or the registry of
24 nurse aides.)**

25 SECTION 6. IC 16-27-1-3 IS REPEALED [EFFECTIVE JULY 1,
26 1999].

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1673, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "approved by the state department in the" and insert "**as required by 42 CFR 484.36.**"

Page 1, delete line 8.

and when so amended that said bill do pass.

(Reference is to HB 1673 as introduced.)

BROWN C, Chair

Committee Vote: yeas 12, nays 0.

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1673, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-174 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 174. (a) "Home health aide", for purposes of IC 16-27-1 ~~has the meaning set forth in IC 16-27-1-3.~~ and IC 12-27-1.5, means an individual who provides home health aide services.

(b) The term does not include the following:

- (1) A health care professional.
- (2) A volunteer who provides home health aide services without compensation.
- (3) An immediate member of the patient's family."

Page 1, line 5, after "include" insert "**in the registry of nurse aides required by 42 CFR 483.156(a)**".

Page 3, after line 13, begin a new paragraph and insert:

"SECTION 1. IC 16-27-1-3 IS REPEALED [EFFECTIVE JULY 1, 1999]."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1673 as printed February 25, 1999.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

C
O
P
Y

