

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1145 be amended to read as follows:

- 1 Page 1, delete lines 1 through 6, begin a new paragraph and insert:
- 2 "SECTION 1. IC 16-27-1-7 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The state
- 4 department shall adopt rules under IC 4-22-2 to do the following:
- 5 (1) Protect the health, safety, and welfare of patients.
- 6 (2) Govern the qualifications of applicants for licenses.
- 7 (3) Govern the operating policies, supervision, and maintenance
- 8 of service records of home health agencies.
- 9 (4) Govern the procedure for issuing, renewing, denying, or
- 10 revoking an annual license to a home health agency, including
- 11 the following:
- 12 (A) The form and content of the license.
- 13 (B) The collection of an annual license fee of not more than
- 14 two hundred dollars (\$200) that the state department may
- 15 waive.
- 16 (5) Exempt persons who do not provide home health services
- 17 under this chapter.
- 18 (b) The state department may adopt rules under IC 4-22-2 to
- 19 implement IC 16-27-1-8(c), IC 16-27-1-8(d), IC 16-27-1-12(d), and
- 20 IC 16-27-1-12(e).
- 21 Page 1, line 9, delete "the following must first occur:".
- 22 Page 1, line 10, delete "(1) A" and insert "a".
- 23 Page 1, run in lines 9 through 10.
- 24 Page 1, delete lines 13 through 15.

1 Page 2, between lines 7 and 8, begin a new paragraph and insert:

2 **"(c) The commissioner shall require submission of the**
 3 **following information regarding the owner of the home health**
 4 **agency, the individual who will serve as administrator of the home**
 5 **health agency, and the individual who will serve as an alternative**
 6 **administrator if the administrator candidate is not acceptable to**
 7 **the commissioner:**

- 8 (1) **The owner's or individual's name.**
 9 (2) **Any applicable license number.**
 10 (3) **Postsecondary education and health related experience.**
 11 (4) **A description of any convictions for criminal offenses**
 12 **relating to or associated with a dependent population.**
 13 (5) **A description of any lapses, suspensions, or revocations**
 14 **of any applicable licenses, including the action taken and the**
 15 **reason.**

16 **(d) An individual may not serve as an administrator of a home**
 17 **health agency unless the individual has been approved by the**
 18 **commissioner. An individual who violates this subsection commits**
 19 **a Class C infraction.**

20 SECTION 2. IC 16-27-1-12 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) The state health
 22 commissioner may take one (1) or more of the following actions on any
 23 ground listed in subsection (b):

- 24 (1) Issue a letter of correction.
 25 (2) Issue a probationary license.
 26 (3) Conduct a resurvey.
 27 (4) Deny renewal of a license.
 28 (5) Revoke a license.
 29 (6) Impose a civil penalty in an amount not to exceed ten
 30 thousand dollars (\$10,000).

31 (b) The state health commissioner may take action under
 32 subsection (a) on any of the following grounds:

- 33 (1) Violation of any of the provisions of this chapter or rules
 34 adopted under this chapter.
 35 (2) Permitting, aiding, or abetting the commission of an illegal
 36 act in a home health agency.
 37 (3) Conduct or practice found by the state department to be
 38 detrimental to the welfare of the patients of the home health care
 39 agency.

40 (c) IC 4-21.5 applies to an action under ~~this section~~: **subsection**

41 **(a).**
 42 **(d) The commissioner shall revoke the authority of an owner**
 43 **to possess a home health agency license or an individual to serve as**
 44 **administrator of a licensed home health agency if the owner or**
 45 **individual is convicted of any of the following offenses:**

- 46 (1) **Any criminal offense (as defined in 42 U.S.C. 1320a-7(l))**

1 **or an exclusion action.**
2 **(2) Any criminal offense relating to health care or a**
3 **dependent population.**
4 **(3) Exclusion, debarment, or other ineligibility for**
5 **participation in a federal health care program (as defined in**
6 **42 U.S.C. 1320a-7b(f)).**
7 **However, an individual described in this subsection who has been**
8 **officially reinstated into the Medicare and Medicaid programs and**
9 **who submits to the commissioner proof of the reinstatement may**
10 **be considered for approval to obtain a home health agency license**
11 **or authority to serve as administrator of a home health agency.**
12 **(e) The commissioner shall suspend, pending resolution of the**
13 **matter, the authority of an owner to possess a home health agency**
14 **license or an individual to serve as administrator of a licensed**
15 **home health agency if an indictment or information is filed against**
16 **the owner or individual for any of the following offenses:**
17 **(1) Any criminal offense (as defined in 42 U.S.C. 1320a-7(l))**
18 **or an exclusion action.**
19 **(2) Any criminal offense relating to health care or a**
20 **dependent population.**
21 **(3) Exclusion, debarment, or other ineligibility for**
22 **participation in a federal health care program (as defined in**
23 **42 U.S.C. 1320a-7b(f))."**
24 Page 2, delete lines 8 through 42.
25 Delete page 3.
26 Renumber all SECTIONS consecutively.
 (Reference is to HB 1145 as printed January 26, 1999.)

Representative Gregg