



January 26, 1999

# HOUSE BILL No. 1145

DIGEST OF HB 1145 (Updated January 21, 1999 10:19 am - DI 77)

**Citations Affected:** IC 16-18; IC 16-27.

**Synopsis:** Licensure of home health care administrators. Requires an individual who will administer a home health agency to obtain a license from the state department of health.

**Effective:** July 1, 1999.

**Gregg**

January 6, 1999, read first time and referred to Committee on Public Health.  
January 25, 1999, amended, reported — Do Pass.

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January 26, 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.

## HOUSE BILL No. 1145

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

1 SECTION 1. IC 16-18-2-173 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 173. (a) "Home health  
3 agency", for purposes of IC 16-27-1 **and IC 16-27-4**, has the meaning  
4 set forth in IC 16-27-1-2.

5 (b) "Home health agency", for purposes of IC 16-27-2, has the  
6 meaning set forth in IC 16-27-2-2.

7 SECTION 2. IC 16-27-1-8 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) To operate a  
9 home health agency, **the following must first occur:**

10 (1) A person must ~~first~~ obtain a license from the state health  
11 commissioner, unless the person is exempted by a rule adopted by  
12 the state department.

13 (2) **The individual who will administer the home health  
14 agency must obtain a home health agency administrator's  
15 license as provided under IC 16-27-4.**

16 (b) The state health commissioner may also permit persons who are  
17 not required to be licensed under this chapter to be voluntarily licensed

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1 if:

- 2 (1) the services provided by the person are substantially similar  
 3 to those provided by licensed home health agencies under this  
 4 chapter; and  
 5 (2) licensure will assist the person in obtaining:  
 6 (A) payment for services; or  
 7 (B) certification.

8 SECTION 3. IC 16-27-4 IS ADDED TO THE INDIANA CODE AS  
 9 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 10 1, 1999]:

11 **Chapter 4. Home Health Agency Administrator's License**

12 **Sec. 1. The state department shall determine the qualifications,  
 13 skill, and fitness of an individual who is employed as an  
 14 administrator of a home health agency.**

15 **Sec. 2. (a) The state department shall issue a home health agency  
 16 administrator's license to an individual who:**

- 17 (1) meets the standards developed by the state department  
 18 under section 3 of this chapter; and  
 19 (2) pays a fee determined by the state department.

20 **The fee may not exceed one hundred dollars (\$100).**

21 (b) A license issued under this chapter is valid for two (2) years.  
 22 The state department may establish a uniform expiration date for  
 23 a license issued under this chapter.

24 (c) The state department shall establish renewal procedures for  
 25 a home health agency administrator's license.

26 **Sec. 3. The state department shall adopt rules under IC 4-22-2  
 27 to establish standards for an individual to be granted a home  
 28 health agency administrator's license. The rules must include the  
 29 following:**

30 (1) Standards to determine that the applicant for a home  
 31 health agency administrator's license:

- 32 (A) has not committed an act of moral turpitude or an act  
 33 that would be cause for revocation or suspension of a home  
 34 health agency administrator's license; and  
 35 (B) is qualified to serve as a home health agency  
 36 administrator by training or experience.

37 (2) Develop appropriate techniques to determine if an  
 38 individual is qualified to serve as a home health agency  
 39 administrator. The techniques may include investigations and  
 40 examinations.

41 (3) Develop standards of practice and procedures to ensure  
 42 compliance with the standards of practice and to revoke or



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1           **suspend a license for failure to conform to the standards of**  
2           **practice.**  
3           **(4) Establish procedures to receive, investigate, and take**  
4           **appropriate action against an individual who does not comply**  
5           **with the provisions of this chapter.**  
6           **Sec. 4. An individual may not serve as an administrator of a**  
7           **home health agency unless the individual has a home health agency**  
8           **administrator's license. An individual who violates this section**  
9           **commits a Class C infraction.**  
10           **Sec. 5. The state department may adopt rules under IC 4-22-2**  
11           **to establish continuing education requirements for individuals who**  
12           **hold a home health agency administrator's license.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1145, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-173 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 173. (a) "Home health agency", for purposes of IC 16-27-1 **and IC 16-27-4**, has the meaning set forth in IC 16-27-1-2.

(b) "Home health agency", for purposes of IC 16-27-2, has the meaning set forth in IC 16-27-2-2."

Page 1, line 8, delete "health facility and".

Page 1, line 9, delete "IC 25-19-1" and insert "**IC 16-27-4**".

Page 2, delete lines 2 through 42, begin a new paragraph and insert:

"SECTION 2. IC 16-27-4 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

**Chapter 4. Home Health Agency Administrator's License**

**Sec. 1. The state department shall determine the qualifications, skill, and fitness of an individual who is employed as an administrator of a home health agency.**

**Sec. 2. (a) The state department shall issue a home health agency administrator's license to an individual who:**

**(1) meets the standards developed by the state department under section 3 of this chapter; and**

**(2) pays a fee determined by the state department.**

**The fee may not exceed one hundred dollars (\$100).**

**(b) A license issued under this chapter is valid for two (2) years. The state department may establish a uniform expiration date for a license issued under this chapter.**

**(c) The state department shall establish renewal procedures for a home health agency administrator's license.**

**Sec. 3. The state department shall adopt rules under IC 4-22-2 to establish standards for an individual to be granted a home health agency administrator's license. The rules must include the following:**

**(1) Standards to determine that the applicant for a home health agency administrator's license:**

**(A) has not committed an act of moral turpitude or an act that would be cause for revocation or suspension of a home**

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health agency administrator's license; and

(B) is qualified to serve as a home health agency administrator by training or experience.

(2) Develop appropriate techniques to determine if an individual is qualified to serve as a home health agency administrator. The techniques may include investigations and examinations.

(3) Develop standards of practice and procedures to ensure compliance with the standards of practice and to revoke or suspend a license for failure to conform to the standards of practice.

(4) Establish procedures to receive, investigate, and take appropriate action against an individual who does not comply with the provisions of this chapter.

**Sec. 4. An individual may not serve as an administrator of a home health agency unless the individual has a home health agency administrator's license. An individual who violates this section commits a Class C infraction.**

**Sec. 5. The state department may adopt rules under IC 4-22-2 to establish continuing education requirements for individuals who hold a home health agency administrator's license."**

Delete pages 3 through 9.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1145 as introduced.)

BROWN C, Chair

Committee Vote: yeas 10, nays 0.

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