



February 25, 1999

HOUSE BILL No. 1524

DIGEST OF HB 1524 (Updated February 24, 1999 4:53 pm - DI 77)

Citations Affected: IC 16-28; IC 34-30.

Synopsis: Health facility receivership.. Specifies the qualifications, powers, and duties of a health facility receiver. Provides immunity from civil liability for a receiver or a receiver's agent, except for a breach of duty or failure to perform that constitutes willful misconduct or recklessness.

Effective: July 1, 1999.

Brown C

January 19, 1999, read first time and referred to Committee on Public Health.
February 24, 1999, amended, reported — Do Pass.

C
o
p
y

HB 1524—LS 7027/DI 98+



February 25, 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.

C
O
P
Y

HOUSE BILL No. 1524

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 16-28-8-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. ~~(a)~~ A receiver:
3 (1) must be licensed under IC 25-19-1, **unless the receiver is a**
4 **state employee; and**
5 **(2) must possess the education and experience necessary, as**
6 **determined by the director, to oversee correction of the**
7 **deficiencies of the facility;**
8 **(3) must not have been found guilty of misconduct by any**
9 **licensing board or professional society in the state;**
10 **(4) must not have (or a member of the receiver's immediate**
11 **family must not have) a financial ownership interest in the**
12 **facility.**
13 ~~(2)~~ **(5)** has the powers and duties granted by the court to protect
14 the interests of the patients in the health facility
15 ~~(b)~~ These powers and duties may include providing for the orderly

HB 1524—LS 7027/DI 98+



1 relocation of patients from the health facility and the refusal to refuse
2 to admit new patients pending closure; and

3 (6) must report to the director on the operation of the facility
4 and the status and condition of the patients.

5 SECTION 2. IC 16-28-8-8 IS ADDED TO THE INDIANA CODE
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 1999]: Sec. 8. (a) A receiver is immune from civil liability for an
8 action taken as a receiver, or failure to take an action, unless the
9 following conditions exist:

10 (1) The receiver has breached or failed to perform the duties
11 of the receiver's office in compliance with this chapter.

12 (2) The breach or failure to perform constitutes willful
13 misconduct or recklessness.

14 (b) An agent of a receiver is immune from civil liability for an
15 action taken as an agent of the receiver, or failure to take an action,
16 unless the following conditions exist:

17 (1) The agent has breached or failed to perform the duties of
18 the agent's agency of the receiver in compliance with this
19 chapter.

20 (2) The breach or failure to perform constitutes willful
21 misconduct or recklessness.

22 SECTION 3. IC 34-30-2-66.5 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 1999]: Sec. 66.5. IC 16-28-8-8 (Concerning
25 a person who performs actions as a receiver or a receiver's agent
26 for a health facility).

C
O
P
Y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1524, 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, delete lines 1 through 14.

Page 2, line 16, after "closure;" insert "**and**".

Page 2, line 18, delete ";" and insert "."

Page 2, delete lines 19 through 42.

Delete page 3

Page 4, delete line 1.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1524 as introduced.)

BROWN C, Chair

Committee Vote: yeas 11, nays 0.

C
O
P
Y

