

HOUSE BILL No. 1177

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 12-10-10-2; IC 12-11-13; IC 12-15-5-1; IC 12-15-35-12; IC 25-22.5-1-2; IC 25-23-1-27.1.

Synopsis: In-home health care. Provides that an individual in need of in-home care who is an eligible Medicaid recipient or a participant in the community and home options to institutional care for the elderly and disabled program (CHOICE) may employ registered personal services attendants to provide attendant care services. Exempts from these provisions home health agencies, hospice programs, and health care professionals who practice within the scope of their license. Requires an individual in need of in-home care and the individual's case manager to develop an authorized care plan. Requires an individual in need of in-home care to hire a fiscal agent to provide payroll related services. Requires the fiscal agent to register with the (Continued next page)

Effective: Upon passage; July 1, 1999.

**Goeglein, Klinker, Summers,
Scholer**

January 6, 1999, read first time and referred to Committee on Public Health.



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Digest Continued

office of Medicaid policy and planning. Requires that appropriate federal Medicaid waivers be sought to permit reimbursement of these services under the Medicaid program. Exempts attendant care services performed by a personal services attendant from the practice of medicine and nursing. Makes certain other changes.

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Introduced

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.

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HOUSE BILL No. 1177

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

1 SECTION 1. IC 12-7-2-14.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 14.7. "Ancillary services", for purposes of**
4 **IC 12-11-13, has the meaning set forth in IC 12-11-13-2.**

5 SECTION 2. IC 12-7-2-18.3 IS ADDED TO THE INDIANA CODE
6 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 1999]: **Sec. 18.3. "Attendant care services", for purposes of**
8 **IC 12-11-13, has the meaning set forth in IC 12-11-13-3.**

9 SECTION 3. IC 12-7-2-20.7 IS ADDED TO THE INDIANA CODE
10 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 1999]: **Sec. 20.7. "Basic services", for purposes of IC 12-11-13,**
12 **has the meaning set forth in IC 12-11-13-4.**

13 SECTION 4. IC 12-7-2-103.5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 103.5. "Health related
15 services":

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IN 1177—LS 6841/DI 77+



1 (1) for purposes of IC 12-10-15, has the meaning set forth in
2 IC 12-10-15-2; and

3 (2) for purposes of IC 12-11-13, has the meaning set forth in
4 IC 12-11-13-5.

5 SECTION 5. IC 12-7-2-117.1 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 1999]: **Sec. 117.1. "Individual in need of
8 in-home care", for purposes of IC 12-11-13, has the meaning set
9 forth in IC 12-11-13-6.**

10 SECTION 6. IC 12-7-2-137.3 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 1999]: **Sec. 137.3. "Personal services
13 attendant", for purposes of IC 12-11-13, has the meaning set forth
14 in IC 12-11-13-7.**

15 SECTION 7. IC 12-7-2-138 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 138. "Physician" means
17 the following:

18 (1) For purposes of **IC 12-11-13 and IC 12-15-35, the meaning
19 set forth in ~~IC 12-15-35-12~~. an individual who is licensed to
20 practice medicine in Indiana under IC 25-22.5.**

21 (2) For purposes of IC 12-26, either of the following:

22 (A) An individual who holds a license to practice medicine
23 under IC 25-22.5.

24 (B) A medical officer of the United States government who is
25 in Indiana performing the officer's official duties.

26 SECTION 8. IC 12-10-10-2 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. As used in this
28 chapter, "community and home care services" means services provided
29 within the limits of available funding to an eligible individual. The
30 term includes the following:

31 (1) Homemaker services and attendant care, including personal
32 care services.

33 (2) Respite care services and other support services for primary
34 or family caregivers.

35 (3) Adult day care services.

36 (4) Home health services and supplies.

37 (5) Home delivered meals.

38 (6) Transportation.

39 (7) **Attendant care services provided by a registered personal
40 services attendant under IC 12-11-13 to persons described in
41 IC 12-11-13-6.**

42 (8) Other services necessary to prevent institutionalization of

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1 eligible individuals when feasible.

2 **SECTION 9. IC 12-11-13 IS ADDED TO THE INDIANA CODE**
 3 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
 4 **JULY 1, 1999]:**

5 **Chapter 13. Individuals in Need of In-Home Care**

6 **Sec. 1. This chapter does not apply to the following:**

- 7 (1) An individual who provides attendant care services and
 8 who is employed by and under the direct control of a home
 9 health agency (as defined by IC 12-15-34-1).
 10 (2) An individual who provides attendant care services and
 11 who is employed by and under the direct control of a certified
 12 hospice program under IC 16-25-1.
 13 (3) A practitioner (as defined by IC 25-1-9-2) who is
 14 practicing under the scope of the practitioner's license (as
 15 defined by IC 25-1-9-3).

16 **Sec. 2. As used in this chapter, "ancillary services" means**
 17 **services ancillary to the basic services provided to an individual in**
 18 **need of in-home care who needs at least one (1) of the basic**
 19 **services. The term includes the following:**

- 20 (1) Homemaker type services, including shopping, laundry,
 21 cleaning, and seasonal chores.
 22 (2) Companion type services, including transportation, letter
 23 writing, mail reading, and escort services.
 24 (3) Assistance with cognitive tasks, including managing
 25 finances, planning activities, and making decisions.

26 **Sec. 3. As used in this chapter, "attendant care services" means**
 27 **those basic and ancillary services that enable an individual in need**
 28 **of in-home care to live in the individual's home and community**
 29 **rather than in an institution and to carry out functions of daily**
 30 **living, self-care, and mobility.**

31 **Sec. 4. As used in this chapter, "basic services" means a function**
 32 **that could be performed by the individual in need of in-home care**
 33 **if the individual were not physically disabled. The term includes**
 34 **the following:**

- 35 (1) Assistance getting in and out of beds, wheelchairs, and
 36 motor vehicles.
 37 (2) Assistance with routine bodily functions, including:
 38 (A) health related services;
 39 (B) bathing and personal hygiene;
 40 (C) dressing and grooming; and
 41 (D) feeding, including preparation and cleanup.

42 **Sec. 5. As used in this chapter, "health related services" means**

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1 those medical activities that, in the opinion of the attending
 2 physician, could be performed by the individual if the individual
 3 were physically capable, and if the procedure can be safely
 4 performed in the home.

5 **Sec. 6.** As used in this chapter, "individual in need of in-home
 6 care" means a disabled individual who:

7 (1) is eligible for Medicaid, for services under a Medicaid
 8 waiver, or for the community and home options to
 9 institutional care for the elderly and disabled program under
 10 IC 12-10-10;

11 (2) is in need of attendant care services because of
 12 impairment; and

13 (3) requires assistance to complete functions of daily living,
 14 self-care, and mobility, including those functions included in
 15 attendant care services.

16 **Sec. 7.** As used in this chapter, "personal services attendant"
 17 means an individual who is registered to provide attendant care
 18 services under this chapter.

19 **Sec. 8. (a)** An individual may not provide attendant care services
 20 for compensation from Medicaid or the community and home
 21 options to institutional care for the elderly and disabled program
 22 for an individual in need of in-home care services unless the
 23 individual is registered under section 10 of this chapter.

24 (b) An individual who is related to an individual in need of
 25 in-home care is not precluded from providing attendant care
 26 services for compensation under this chapter.

27 **Sec. 9.** An individual who desires to provide attendant care
 28 services must register with the area agency on aging in the
 29 planning and service region where the attendant care services will
 30 be provided.

31 **Sec. 10. (a)** An area agency on aging shall register an individual
 32 who does the following:

33 (1) Provides the individual's resume. The individual must
 34 certify that the information contained in the resume is
 35 accurate. The resume may contain information concerning
 36 the individual's qualifications, work experience, and any
 37 credentials the individual may hold.

38 (2) Provides the individual's limited criminal history check
 39 from the Indiana central repository for criminal history
 40 information under IC 5-2-5 or another source allowed by law.

41 (3) Provides the individual's state nurse aide registry report
 42 from the state department of health. This subdivision does not



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- 1 require an individual to be a nurse aide.
- 2 **(4) Provides at least three (3) letters of reference that are**
- 3 **certified by the person providing the reference.**
- 4 **(5) Pays a registration fee to the area agency on aging. The**
- 5 **division shall establish the amount of the registration fee.**
- 6 **(b) A registration is valid for one (1) year. A personal services**
- 7 **attendant may renew the personal services attendant's registration**
- 8 **by updating information in the file that has changed and by paying**
- 9 **the fee required under subsection (a)(5). The report and limited**
- 10 **criminal history check required under subsection (a)(2) and (a)(3)**
- 11 **must be updated every two (2) years.**
- 12 **(c) An area agency on aging shall maintain a file on each**
- 13 **personal services attendant that contains:**
- 14 **(1) any comments submitted by an individual in need of**
- 15 **in-home care who has employed the personal services**
- 16 **attendant; and**
- 17 **(2) the items described in subsection (a)(1), (a)(2), (a)(3), and**
- 18 **(a)(4).**
- 19 **(d) Upon request, an area agency on aging shall provide to an**
- 20 **individual in need of in-home care the following:**
- 21 **(1) Without charge, a list of all personal services attendants**
- 22 **who are registered with the area agency on aging.**
- 23 **(2) A copy of the information of a specified personal services**
- 24 **attendant that is listed in subsection (c). The area agency on**
- 25 **aging may charge a fee for shipping, handling, and copying**
- 26 **expenses.**
- 27 **Sec. 11. (a) A personal services attendant is an employee of the**
- 28 **individual in need of in-home care who hires the personal services**
- 29 **attendant.**
- 30 **(b) An:**
- 31 **(1) area agency on aging; or**
- 32 **(2) organization that provides payroll and bookkeeping**
- 33 **services;**
- 34 **is not liable for any actions of a personal services attendant or an**
- 35 **individual in need of in-home care.**
- 36 **(c) A personal services attendant and an individual in need of**
- 37 **in-home care are each liable for any negligent or wrongful act or**
- 38 **omission in which the person personally participates.**
- 39 **Sec. 12. (a) An individual in need of in-home care is responsible**
- 40 **for recruiting, hiring, training, paying, dismissing, and supervising**
- 41 **in the individual's home during service hours a personal services**
- 42 **attendant who provides attendant care services for the individual.**



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1 (b) If an individual in need of in-home care is less than
 2 twenty-one (21) years of age, the individual's parent or legal
 3 guardian may make employment, care, and training decisions and
 4 certify the necessary employment related documents on behalf of
 5 the minor.

6 (c) An individual in need of in-home care and the individual's
 7 case manager shall develop an authorized care plan. The
 8 authorized care plan must include a list of weekly services that
 9 must be performed to comply with the authorized care plan.

10 Sec. 13. (a) An individual in need of in-home care who has hired
 11 a personal services attendant shall hire a fiscal agent to provide
 12 payroll and bookkeeping services, including the following:

13 (1) Assisting the individual in completing and submitting
 14 applications for state and federal employment tax
 15 identification numbers, unemployment insurance, and
 16 worker's compensation insurance.

17 (2) Processing payroll, including income tax withholdings,
 18 Social Security deductions under the Federal Insurance
 19 Contributions Act (FICA), worker's compensation, and
 20 wages.

21 (3) Disbursing checks to the personal services attendant and
 22 proper governmental agencies. The fiscal agent shall prepare
 23 a check for the fiscal agent's services that must be signed by
 24 the individual in need of in-home care.

25 (4) Preparing employer tax forms, including W-4 forms.

26 (5) Supplying weekly time slips to be used by the individual in
 27 need of in-home care.

28 (b) The fiscal agent must be a private accounting firm or a
 29 nonprofit corporation, association, or organization located in
 30 Indiana.

31 (c) The fiscal agent that is selected by the individual in need of
 32 in-home care shall register with the office before providing
 33 bookkeeping services.

34 Sec. 14. (a) The individual in need of in-home care shall deliver
 35 the personal services attendant's time sheet to the fiscal agent.

36 (b) The time sheet must be certified:

37 (1) by the personal services attendant that the hours were
 38 worked as recorded; and

39 (2) by the individual in need of in-home care that the services
 40 were rendered as recorded and that the services were within
 41 the limits of the authorized care plan.

42 Sec. 15. Each individual in need of in-home care and the

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1 personal services attendant must sign a contract that includes the
2 following provisions:

- 3 (1) The responsibilities of the personal services attendant.
4 (2) The hours the personal services attendant will provide
5 attendant care services.
6 (3) The duration of the contract.
7 (4) The hourly wage of the personal services attendant. The
8 wage may not be less than the federal minimum wage or more
9 than the rate that the recipient is eligible to receive under
10 Medicaid, a Medicaid waiver, or the community and home
11 options to institutional care for the elderly and disabled
12 program for attendant care services.
13 (5) Reasons and notice agreements for early termination of
14 the contract.

15 Sec. 16. (a) The office shall amend the community and
16 community based services program under the state Medicaid plan
17 to provide for the payment for attendant care services provided by
18 a personal services attendant for a Medicaid eligible individual in
19 need of in-home care under this chapter, including related
20 bookkeeping and employment expenses. Payment for attendant
21 care services must be in the form of a voucher issued to the
22 individual in need of in-home care and made payable to the
23 individual's fiscal agent.

24 (b) Payment to the individual in need of in-home care under this
25 chapter shall not be considered income for any purpose to the
26 extent permitted by federal law and regulation.

27 Sec. 17. The division may:

- 28 (1) initiate demonstration projects to test new ways of
29 providing attendant care services; and
30 (2) research ways to best provide attendant care services in
31 urban and rural areas.

32 Sec. 18. (a) The division may adopt rules under IC 4-22-2 that
33 are necessary to implement this chapter.

34 (b) The office and division shall apply for any federal waivers
35 necessary to implement this chapter.

36 SECTION 10. IC 12-15-5-1 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Except as provided
38 in IC 12-15-2-12, IC 12-15-6, and IC 12-15-21, the following services
39 and supplies are provided under Medicaid:

- 40 (1) Inpatient hospital services.
41 (2) Nursing facility services.
42 (3) Physician's services, including services provided under

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- 1 IC 25-10-1 and IC 25-22.5-1.
 2 (4) Outpatient hospital or clinic services.
 3 (5) Home health care services.
 4 (6) Private duty nursing services.
 5 (7) Physical therapy and related services.
 6 (8) Dental services.
 7 (9) Prescribed laboratory and x-ray services.
 8 (10) Prescribed drugs and services.
 9 (11) Eyeglasses and prosthetic devices.
 10 (12) Optometric services.
 11 (13) Diagnostic, screening, preventive, and rehabilitative services.
 12 (14) Podiatric medicine services.
 13 (15) Hospice services.
 14 (16) Services or supplies recognized under Indiana law and
 15 specified under rules adopted by the office.
 16 (17) Family planning services except the performance of
 17 abortions.
 18 (18) Nonmedical nursing care given in accordance with the tenets
 19 and practices of a recognized church or religious denomination to
 20 an individual qualified for Medicaid who depends upon healing
 21 by prayer and spiritual means alone in accordance with the tenets
 22 and practices of the individual's church or religious denomination.
 23 (19) Services provided to individuals described in IC 12-15-2-8
 24 and IC 12-15-2-9.
 25 (20) Services provided under IC 12-15-34 and IC 12-15-32.
 26 (21) Case management services provided to individuals described
 27 in IC 12-15-2-11 and IC 12-15-2-13.
 28 **(22) Attendant care services provided by a registered personal**
 29 **services attendant under IC 12-11-13 to persons described in**
 30 **IC 12-11-13-6.**
 31 ~~(22)~~ **(23)** Any other type of remedial care recognized under
 32 Indiana law and specified by the United States Secretary of Health
 33 and Human Services.

34 SECTION 11. IC 25-22.5-1-2 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) This article, as it
 36 relates to the unlawful or unauthorized practice of medicine or
 37 osteopathic medicine, does not apply to any of the following:

- 38 (1) A student in training in a medical school approved by the
 39 board, or while performing duties as an intern or a resident in a
 40 hospital under the supervision of the hospital's staff or in a
 41 program approved by the medical school.
 42 (2) A person who renders service in case of emergency where no



- 1 fee or other consideration is contemplated, charged, or received.
2 (3) Commissioned medical officers or medical service officers of
3 the armed forces of the United States, the United States Public
4 Health Service, and medical officers of the United States
5 Department of Veterans Affairs in the discharge of their official
6 duties in Indiana.
7 (4) An individual who is not a licensee who resides in another
8 state or country and is authorized to practice medicine or
9 osteopathic medicine there, who is called in for consultation by an
10 individual licensed to practice medicine or osteopathic medicine
11 in Indiana.
12 (5) A person administering a domestic or family remedy to a
13 member of the person's family.
14 (6) A member of a church practicing the religious tenets of the
15 church if the member does not make a medical diagnosis,
16 prescribe or administer drugs or medicines, perform surgical or
17 physical operations, or assume the title of or profess to be a
18 physician.
19 (7) A school corporation and a school employee who acts under
20 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
21 (8) A chiropractor practicing the chiropractor's profession under
22 IC 25-10 or to an employee of a chiropractor acting under the
23 direction and supervision of the chiropractor under IC 25-10-1-13.
24 (9) A dental hygienist practicing the dental hygienist's profession
25 under IC 25-13.
26 (10) A dentist practicing the dentist's profession under IC 25-14.
27 (11) A hearing aid dealer practicing the hearing aid dealer's
28 profession under IC 25-20.
29 (12) A nurse practicing the nurse's profession under IC 25-23.
30 However, a registered nurse may administer anesthesia if the
31 registered nurse acts under the direction of and in the immediate
32 presence of a physician and holds a certificate of completion of a
33 course in anesthesia approved by the American Association of
34 Nurse Anesthetists or a course approved by the board.
35 (13) An optometrist practicing the optometrist's profession under
36 IC 25-24.
37 (14) A pharmacist practicing the pharmacist's profession under
38 IC 25-26.
39 (15) A physical therapist practicing the physical therapist's
40 profession under IC 25-27.
41 (16) A podiatrist practicing the podiatrist's profession under
42 IC 25-29.

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- 1 (17) A psychologist practicing the psychologist's profession under
 2 IC 25-33.
- 3 (18) A speech-language pathologist or audiologist practicing the
 4 pathologist's or audiologist's profession under IC 25-35.6.
- 5 (19) An employee of a physician or group of physicians who
 6 performs an act, a duty, or a function that is customarily within
 7 the specific area of practice of the employing physician or group
 8 of physicians, if the act, duty, or function is performed under the
 9 direction and supervision of the employing physician or a
 10 physician of the employing group within whose area of practice
 11 the act, duty, or function falls. An employee may not make a
 12 diagnosis or prescribe a treatment and must report the results of
 13 an examination of a patient conducted by the employee to the
 14 employing physician or the physician of the employing group
 15 under whose supervision the employee is working. An employee
 16 may not administer medication without the specific order of the
 17 employing physician or a physician of the employing group.
 18 Unless an employee is licensed or registered to independently
 19 practice in a profession described in subdivisions (8) through
 20 (17), nothing in this subsection grants the employee independent
 21 practitioner status or the authority to perform patient services in
 22 an independent practice in a profession.
- 23 (20) A hospital licensed under IC 16-21 or IC 12-25.
- 24 (21) A health care organization whose members, shareholders, or
 25 partners are individuals, partnerships, corporations, facilities, or
 26 institutions licensed or legally authorized by this state to provide
 27 health care or professional services as:
- 28 (A) a physician;
 - 29 (B) a psychiatric hospital;
 - 30 (C) a hospital;
 - 31 (D) a health maintenance organization or limited service
 32 health maintenance organization;
 - 33 (E) a health facility;
 - 34 (F) a dentist;
 - 35 (G) a registered or licensed practical nurse;
 - 36 (H) a midwife;
 - 37 (I) an optometrist;
 - 38 (J) a podiatrist;
 - 39 (K) a chiropractor;
 - 40 (L) a physical therapist; or
 - 41 (M) a psychologist.
- 42 (22) A physician assistant practicing the physician assistant's

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1 profession under IC 25-27.5.
2 (23) A physician providing medical treatment under
3 IC 25-22.5-1-2.1.

4 **(24) A personal services attendant providing attendant care**
5 **services under IC 12-11-13.**

6 (b) A person described in subsection (a)(8) through (a)(17) is not
7 excluded from the application of this article if:

- 8 (1) the person performs an act that an Indiana statute does not
9 authorize the person to perform; and
- 10 (2) the act qualifies in whole or in part as the practice of medicine
11 or osteopathic medicine.

12 (c) An employment or other contractual relationship between an
13 entity described in subsection (a)(20) through (a)(21) and a licensed
14 physician does not constitute the unlawful practice of medicine under
15 this article if the entity does not direct or control independent medical
16 acts, decisions, or judgment of the licensed physician. However, if the
17 direction or control is done by the entity under IC 34-30-15 (or
18 IC 34-4-12.6 before its repeal), the entity is excluded from the
19 application of this article as it relates to the unlawful practice of
20 medicine or osteopathic medicine.

21 (d) This subsection does not apply to a prescription or drug order for
22 a legend drug that is filled or refilled in a pharmacy owned or operated
23 by a hospital licensed under IC 16-21. A physician licensed in Indiana
24 who permits or authorizes a person to fill or refill a prescription or drug
25 order for a legend drug except as authorized in IC 16-42-19-11 through
26 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A
27 person who violates this subsection commits the unlawful practice of
28 medicine under this chapter.

29 (e) A person described in subsection (a)(7) shall not be authorized
30 to dispense contraceptives or birth control devices.

31 SECTION 12. IC 25-23-1-27.1 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27.1. (a) As used in this
33 section, "licensed health professional" means:

- 34 (1) a registered nurse;
- 35 (2) a licensed practical nurse;
- 36 (3) a physician with an unlimited license to practice medicine or
37 osteopathic medicine;
- 38 (4) a licensed dentist;
- 39 (5) a licensed chiropractor;
- 40 (6) a licensed optometrist;
- 41 (7) a licensed pharmacist;
- 42 (8) a licensed physical therapist;

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- 1 (9) a certified psychologist;
- 2 (10) a licensed podiatrist; or
- 3 (11) a licensed speech-language pathologist or audiologist.
- 4 (b) This chapter does not prohibit:
- 5 (1) furnishing nursing assistance in an emergency;
- 6 (2) the practice of nursing by any student enrolled in a board
- 7 approved nursing education program where such practice is
- 8 incidental to the student's program of study;
- 9 (3) the practice of any nurse who is employed by the government
- 10 of the United States or any of its bureaus, divisions, or agencies
- 11 while in the discharge of the nurse's official duties;
- 12 (4) the gratuitous care of sick, injured, or infirm individuals by
- 13 friends or the family of that individual;
- 14 (5) the care of the sick, injured, or infirm in the home for
- 15 compensation if the person assists only:
- 16 (A) with personal care;
- 17 (B) in the administration of a domestic or family remedy; or
- 18 (C) in the administration of a remedy that is ordered by a
- 19 licensed health professional and that is within the scope of
- 20 practice of the licensed health professional under Indiana law;
- 21 (6) performance of tasks by persons who provide health care
- 22 services which are delegated or ordered by licensed health
- 23 professionals, if the delegated or ordered tasks do not exceed the
- 24 scope of practice of the licensed health professionals under
- 25 Indiana law;
- 26 (7) a physician with an unlimited license to practice medicine or
- 27 osteopathic medicine in Indiana, a licensed dentist, chiropractor,
- 28 dental hygienist, optometrist, pharmacist, physical therapist,
- 29 podiatrist, psychologist, speech-language pathologist, or
- 30 audiologist from practicing the person's profession; ~~or~~
- 31 (8) a school corporation or school employee from acting under
- 32 ~~IC 34-4-16.5-3.5. IC 34-30-14-1;~~ **or**
- 33 **(9) a personal services attendant from providing attendant**
- 34 **care services under IC 12-11-13.**
- 35 SECTION 13. IC 12-15-35-12 IS REPEALED [EFFECTIVE JULY
- 36 1, 1999].
- 37 SECTION 14. [EFFECTIVE UPON PASSAGE] **(a) As used in this**
- 38 **SECTION, "office" refers to the office of Medicaid policy and**
- 39 **planning.**
- 40 **(b) The office shall apply for any necessary federal waivers to**
- 41 **provide Medicaid reimbursement of attendant care services**
- 42 **provided by registered personal services attendants to Medicaid**

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1 recipients under IC 12-11-13, as added by this act.
 2 (c) Notwithstanding IC 12-11-13, as added by this act, the office
 3 may not implement IC 12-11-13, as added by this act, for eligible
 4 Medicaid recipients until:
 5 (1) any necessary waiver is approved; and
 6 (2) the office has filed an affidavit with the governor attesting
 7 that the federal waiver applied for under this SECTION is in
 8 effect.
 9 The office shall file the affidavit under this subsection not later
 10 than five (5) days after the office is notified that the waiver is
 11 approved.
 12 (d) If the office receives a waiver under this SECTION from the
 13 United States Department of Health and Human Services and the
 14 governor receives the affidavit filed under subsection (c), the office
 15 shall implement the waiver not more than sixty (60) days after the
 16 governor receives the affidavit.
 17 (e) This SECTION expires July 1, 2004.
 18 SECTION 15. [EFFECTIVE JULY 1, 1999] (a) Notwithstanding
 19 IC 12-11-13-10(a)(5), as added by this act, the division of disability,
 20 aging, and rehabilitative services may not establish a registration
 21 fee that exceeds thirty dollars (\$30).
 22 (b) Notwithstanding IC 12-11-13-10(d)(2), as added by this act,
 23 an area agency on aging may not charge a fee for shipping,
 24 handling, and copying expenses that exceeds five dollars (\$5) per
 25 file.
 26 (c) This SECTION expires July 1, 2001.
 27 SECTION 16. An emergency is declared for this act.

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