

HOUSE BILL No. 1673

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-27; IC 34-30-2-67.5.

Synopsis: Home health aide registry. Requires the state department of health to include a home health aide who has successfully completed a state approved competency evaluation program in the registry of nurse aides required by federal law. Requires the state department of health to establish procedures 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 a person who is denied or 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
(Continued next page)

Effective: July 1, 1999.

**Klinker, Becker, Goeglein,
Dickinson**

January 21, 1999, read first time and referred to Committee on Public Health.



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Digest Continued

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.

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

4 **Chapter 1.5. Registration of Home Health Aides**
5 **Sec. 1. The state department shall include a home health aide**
6 **who has successfully completed a home health aide competency**
7 **evaluation program approved by the state department in the**
8 **registry of nurse aides required by 42 CFR 483.156(a).**

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

13 **Sec. 3. (a) The state department shall establish a procedure for**
14 **the receipt and the timely review and investigation of allegations**
15 **of:**

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IN 1673—LS 7972/DI 98+



- 1 (1) neglect of a patient;
 2 (2) abuse of a patient; or
 3 (3) misappropriation of patient property;
 4 by a home health aide.
- 5 (b) The procedure required under subsection (a) must allow for:
 6 (1) reasonable notice to the home health aide; and
 7 (2) reasonable opportunity for a hearing in which the home
 8 health aide may rebut the allegation.
- 9 (c) The state department shall, after following the procedure
 10 required under this section, make a finding whether the home
 11 health aide:
 12 (1) neglected a patient;
 13 (2) abused a patient; or
 14 (3) misappropriated patient property.
- 15 (d) If the state department determines that a home health aide
 16 has:
 17 (1) neglected a patient;
 18 (2) abused a patient; or
 19 (3) misappropriated patient property;
 20 the state department shall notify the registry of nurse aides of that
 21 determination.
- 22 **Sec. 4.** The state department may adopt rules under IC 4-22-2
 23 to implement this chapter.
- 24 SECTION 2. IC 16-27-2-8 IS ADDED TO THE INDIANA CODE
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 26 1, 1999]: **Sec. 8.** An individual who is denied employment or
 27 dismissed from employment under this chapter:
 28 (1) does not have a cause of action;
 29 (2) is not eligible for unemployment compensation;
 30 (3) does not acquire the rights of an unemployed individual;
 31 and
 32 (4) does not have other rights under IC 22;
 33 as a result of the denial or dismissal.
- 34 SECTION 3. IC 16-27-2-9 IS ADDED TO THE INDIANA CODE
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 36 1, 1999]: **Sec. 9.** A person (other than a person denied employment
 37 or dismissed under this chapter or against whom a finding is made
 38 for the registry of nurse aides under 42 CFR 483.156) who in good
 39 faith:
 40 (1) denies employment to an individual or dismisses an
 41 individual from employment under this chapter;
 42 (2) testifies or participates in an investigation or an

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1 **administrative or a judicial proceeding arising from:**
 2 **(A) this chapter; or**
 3 **(B) 42 CFR 483 regarding the registry of nurse aides; or**
 4 **(3) makes a report to the state department or the registry of**
 5 **nurse aides;**
 6 **is immune from both civil and criminal liability arising from those**
 7 **actions.**

8 SECTION 4. IC 34-30-2-67.5 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 1999]: **Sec. 67.5. IC 16-27-2-9 (Concerning**
 11 **persons for denying or terminating employment of an individual**
 12 **with a criminal history, or reporting to or participating in the**
 13 **proceedings of the state department of health or the registry of**
 14 **nurse aides.)**

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