February 12, 1999

SENATE BILL No. 293

DIGEST OF SB 293 (Updated February 11, 1999 10:48 am - DI 88)

Citations Affected: IC 5-14; IC 12-26; IC 16-18; IC 16-25; IC 16-27.

Synopsis: Hospice licensing and approval. Establishes requirements for hospice licensure and approval. Provides that a hospice license or approval is valid for one year, with an annual fee of $100. Provides for a provisional license or approval for a hospice program operating before July 1, 1999. Requires a survey by the state department of health (SDOH), in coordination with the office of Medicaid policy and planning, to determine whether a hospice should receive a license or approval. Requires the SDOH to provide recommendations to the general assembly regarding the frequency with which hospices should be surveyed. Makes it a Class A misdemeanor for a person to represent to the public that the person offers hospice services or to provide hospice services without a hospice license or approval. Requires the SDOH to establish and maintain a statewide, toll free number to receive complaints. Allows the SDOH to sanction a hospice under

(Continued next page)

Effective: July 1, 1999.

Miller

January 7, 1999, read first time and referred to Committee on Health and Provider Services.
February 11, 1999, amended, reported favorably — Do Pass.

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Digest Continued

certain circumstances. Requires the owner or operator of a licensed or approved hospice program to obtain a limited criminal history of each employee of the hospice program who will provide hospice services. Requires each licensed or approved hospice program to provide a written disclosure to each potential patient that includes specific information. Repeals optional certification of hospice providers by the SDOH. Makes conforming amendments.

C o p y

February 12, 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

SENATE BILL No. 293

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

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

SECTION 1. IC 5-14-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. As used in this chapter:

"Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

"Direct cost" means one hundred five percent (105%) of the sum of the cost of:

(1) the initial development of a program, if any;

(2) the labor required to retrieve electronically stored data; and

(3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

"Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

"Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

(1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or

(2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

"Facsimile machine" means a machine that electronically transmits exact images through connection with a telephone network.

"Inspect" includes the right to do the following:

(1) Manually transcribe and make notes, abstracts, or memoranda.

(2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.

(3) In the case of public records available:

(A) by enhanced access under section 3.5 of this chapter; or

(B) to a governmental entity under section 3(c)(2) of this chapter;

to examine and copy the public records by use of an electronic device.

(4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.

"Investigatory record" means information compiled in the course of the investigation of a crime.

"Patient" has the meaning set out in IC 16-18-2-272(c).

"Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

"Provider" has the meaning set out in ~~IC 16-18-2-295(b)~~ **IC 16-18-2-295(a)** and includes employees of the state department of health or local boards of health who create patient records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.

"Public agency" means the following:

(1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive,

C o p y

administrative, judicial, or legislative power of the state.

(2) Any:

(A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the state board of tax commissioners or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcoholic beverage commission, conservation officers of the department of natural resources, and the security division of the state lottery commission.

(7) Any license branch staffed by employees of the bureau of motor vehicles commission under IC 9-16.

(8) The state lottery commission, including any department, division, or office of the commission.

(9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.

(10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

"Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, used, or filed by or with a

C o p y

public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

"Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

"Trade secret" has the meaning set forth in IC 24-2-3-2.

"Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation and includes the attorney's:

(1) notes and statements taken during interviews of prospective witnesses; and

(2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 2. IC 12-26-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) This section applies under the following statutes:

(1) IC 12-26-6.

(2) IC 12-26-7.

(3) IC 12-26-12.

(4) IC 12-26-15.

(b) A petitioner may be represented by counsel.

(c) The court may appoint counsel for a petitioner upon a showing of the petitioner's indigency and the court shall pay for such counsel if appointed.

(d) A petitioner, including a petitioner who is a health care provider under ~~IC 16-18-2-295(b),~~ **IC 16-18-2-295(a),** in the petitioner's individual capacity or as a corporation is not required to be represented by counsel. If a petitioner who is a corporation elects not to be represented by counsel, the individual representing the corporation at the commitment hearing must present the court with written authorization from:

(1) an officer;

(2) a director;

(3) a principal; or

(4) a manager;

of the corporation that authorizes the individual to represent the interest

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of the corporation in the proceedings.

(e) The petitioner is required to prove by clear and convincing evidence that:

(1) the individual is mentally ill and either dangerous or gravely disabled; and

(2) detention or commitment of that individual is appropriate.

SECTION 3. IC 16-18-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19. **(a) "Applicant", for purposes of IC 16-25, has the meaning set forth in IC 16-25-1.1-2.**

(b) "Applicant", for purposes of IC 16-26-2, has the meaning set forth in IC 16-26-2-1.

SECTION 4. IC 16-18-2-177.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 177.1. "Hospice", for purposes of IC 16-25, has the meaning set forth in IC 16-25-1.1-3.**

SECTION 5. IC 16-18-2-177.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 177.2. "Hospice program", for purposes of IC 16-25, has the meaning set forth in IC 16-25-1.1-4.**

SECTION 6. IC 16-18-2-177.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 177.3. "Hospice program patient", for purposes of IC 16-25, has the meaning set forth in IC 16-25-1.1-5.**

SECTION 7. IC 16-18-2-177.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 177.4. "Hospice services", for purposes of IC 16-25, has the meaning set forth in IC 16-25-1.1-6.**

SECTION 8. IC 16-18-2-191.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 191.5. "Interdisciplinary team", for purposes of IC 16-25, has the meaning set forth in IC 16-25-1.1-7.**

SECTION 9. IC 16-18-2-274 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 274. (a) "Person" means, except as provided in subsections (b), ~~and~~ (c), **and (d),** an individual, a firm, a partnership, an association, a fiduciary, an executor or administrator, a governmental entity, or a corporation.

(b) "Person", for purposes of IC 16-25, has the meaning set forth in IC 16-25-1.1-8.

~~(b)~~ **(c)** "Person", for purposes of IC 16-31, means an individual, a

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partnership, a corporation, an association, a joint stock association, or a governmental entity other than an agency or instrumentality of the United States.

~~(c)~~ **(d)** "Person", for purposes of IC 16-42-10, has the meaning set forth in IC 16-42-10-3.

SECTION 10. IC 16-18-2-295 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 295. (a) ~~"Provider", for purposes of IC 16-25, means a hospice program certified under IC 16-25-1.~~

~~(b)~~ "Provider", for purposes of IC 16-39 except for IC 16-39-7 and for purposes of IC 16-41-1 through IC 16-41-9 and IC 16-41-37, means any of the following:

(1) An individual (other than an individual who is an employee or a contractor of a hospital, a facility, or an agency described in subdivision (2) or (3)) who is licensed, registered, or certified as a health care professional, including the following:

(A) A physician.
(B) A psychotherapist.
(C) A dentist.
(D) A registered nurse.
(E) A licensed practical nurse.
(F) An optometrist.
(G) A podiatrist.
(H) A chiropractor.
(I) A physical therapist.
(J) A psychologist.
(K) An audiologist.
(L) A speech-language pathologist.
(M) A dietitian.
(N) An occupational therapist.
(O) A respiratory therapist.
(P) A pharmacist.

(2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24-1 or IC 12-29.

(3) A health facility licensed under IC 16-28-2.

(4) A home health agency licensed under IC 16-27-1.

(5) An employer of a certified emergency medical technician, a certified advanced emergency medical technician, or a certified paramedic.

~~(c)~~ **(b)** "Provider", for purposes of IC 16-39-7-1, has the meaning set forth in IC 16-39-7-1(a).

SECTION 11. IC 16-18-2-351.5 IS ADDED TO THE INDIANA

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CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 351.5. "Terminal illness", for purposes of IC 16-25, has the meaning set forth in IC 16-25-1.1-9.**

SECTION 12. IC 16-25-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 1.1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Applicant" means a person that applies for a license or an approval for a hospice program under IC 16-25-3.

Sec. 3. "Hospice" means a person that owns or operates a hospice program.

Sec. 4. (a) "Hospice program" means a specialized form of interdisciplinary health care designed to alleviate the physical, emotional, social, and spiritual discomforts of an individual who is experiencing the last phase of a terminal illness or disease and that:

(1) uses an interdisciplinary team that is under the direction of a physician licensed under IC 25-22.5 to provide a program of planned and continuous care for terminally ill patients and their families, including:

(A) participation in the establishment of the plan of care;

(B) provision or supervision of hospice services;

(C) periodic review and updating of the plan of care for each hospice program patient; and

(D) establishment of policies governing the day to day provision of hospice services;

(2) provides a continuum of care, including twenty-four (24) hour availability of:

(A) nursing services, physician services, drugs, and biologicals;

(B) other services necessary for care that is reasonable and necessary for palliation and management of terminal illnesses and related conditions; and

(C) bereavement counseling;

in a manner consistent with accepted standards of practice; and

(3) meets the minimum standards for certification under the Medicare program (42 U.S.C. 1395 et seq.) and complies with the regulations for hospices under 42 CFR 418.1 et seq.

(b) The term does not include services provided by a hospital, a health facility, an ambulatory outpatient surgical center, or a home

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health agency unless the entity has a distinct hospice program.

Sec. 5. "Hospice program patient" means a patient who:

(1) has been diagnosed by a licensed physician as having a terminal illness;

(2) has a prognosis for a life expectancy in accordance with 42 CFR 418.3; and

(3) receives hospice services from a hospice program.

Sec. 6. "Hospice services" means:

(1) palliative care for the physical, psychological, social, spiritual, and other special needs of a hospice program patient during the final stages of a hospice program patient's terminal illness; and

(2) care for the psychological, social, spiritual, and other needs of the hospice program patient's family before and after the hospice program patient's death;

that is directed by an interdisciplinary team.

Sec. 7. "Interdisciplinary team" means a group of individuals who provide or supervise the care and services offered by the hospice program that includes at least a licensed physician, a registered nurse, a social worker, and a pastoral or other counselor, all of whom must be employees or volunteers of the hospice program.

Sec. 8. "Person" means an individual, a corporation, a limited liability company, a partnership, or other legal entity.

Sec. 9. "Terminal illness" means a life threatening illness with a limited prognosis.

SECTION 13. IC 16-25-3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 3. Licensure of Hospices

Sec. 1. (a) For purposes of this chapter, a;

(1) hospital licensed under IC 16-21-2;

(2) health facility licensed under IC 16-28-2; or

(3) home health agency licensed under IC 16-27-1;

that operates a hospice program must be approved by the state department under this chapter but is not required to have a hospice license.

(b) A person not described in subsection (a) who provides hospice services must be licensed by the state department under this chapter.

Sec. 2. A license issued or approval granted under this chapter authorizes the owner or operator of a hospice program to provide

C o p y

hospice services.

Sec. 3. (a) An applicant shall submit an application for a hospice license or for approval of a hospice program on a form prescribed by the state department.

(b) The applicant shall attach to the application evidence of the applicant's ability to comply with the minimum standards established for licensure under this article.

(c) The application must contain the following information:

(1) The applicant's name.

(2) The type of hospice program the applicant will own or operate.

(3) The location of the hospice program owned or operated by the applicant.

(4) The name of the individual or individuals responsible for the day to day operation of the hospice program owned or operated by the applicant.

Sec. 4. To obtain a license or approval under this chapter, the hospice program owned or operated by the applicant must:

(1) meet the minimum standards for certification under the Medicare program (42 U.S.C. 1395 et seq.) and comply with the regulations for hospices under 42 CFR 418.1 et seq.; or

(2) be certified by the Medicare program.

Sec. 5. The state department:

(1) may issue a provisional license or approval to an applicant that is operating a hospice program before July 1, 1999, if the hospice program is certified by:

(A) the Medicare program; or

(B) the state under IC 16-25-1 (before its repeal); and

(2) may not issue a license or grant approval to an applicant that is not operating a hospice program before July 1, 1999, unless the state department:

(A) surveys the hospice program; and

(B) finds that the hospice program complies with section 6(a) of this chapter.

Sec. 6. (a) If, after conducting an initial survey of a hospice program, the state department finds that the hospice program owned or operated by the applicant complies with this article, the state department shall:

(1) approve the application; and

(2) issue a hospice license or grant approval to the applicant.

(b) If, after conducting an initial survey of a hospice program, the state department finds that the hospice program owned or

C o p y

operated by the applicant does not comply with this article, the state department shall:

(1) deny the application; and

(2) notify the applicant in writing of the denial and the specific reasons for denying the application.

Sec. 7. (a) A license issued or approval granted under this chapter expires one (1) year after the date of issuance.

(b) A hospice program may renew its license or approval under procedures approved by the state department.

Sec. 8. An employee of a hospice licensed or approved under this chapter who:

(1) provides hospice services only as an employee of the hospice; and

(2) does not receive compensation for providing the services, other than wages from the hospice;

is not required to obtain a hospice license or approval under this chapter.

Sec. 9. A person may not:

(1) provide hospice services; or

(2) represent to the public that the person provides hospice services;

unless the person holds a license issued or approval granted by the state department under this chapter.

Sec. 10. A person that is not licensed or approved to own or operate a hospice program under this chapter may not use:

(1) the word "hospice" in a title or description of a facility, an organization, a program, a service provider, or a service; or

(2) any words, letters, abbreviations, or insignia indicating or implying that the person holds a license or has approval to provide hospice services.

SECTION 14. IC 16-25-4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 4. Hospice License Fees

Sec. 1. The state department shall charge an annual hospice fee of one hundred dollars ($100) for each hospice program licensed or approved under IC 16-25-3.

Sec. 2. The fees collected by the state department under section 1 of this chapter shall be used by the state department to pay the administrative costs of the hospice licensing and approval program under this article.

SECTION 15. IC 16-25-5 IS ADDED TO THE INDIANA CODE

C o p y

AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 5. Penalties, Enforcement Actions, and Grievance Procedures

Sec. 1. (a) The state department shall conduct an initial survey of each hospice program licensed or approved under IC 16-25-3 before July 1, 2000, to determine if the hospice complies with this article.

(b) After conducting initial surveys under subsection (a), the state department shall provide recommendations to the general assembly regarding how often surveys of each hospice program should occur.

(c) This section expires January 1, 2001.

Sec. 2. If a hospice program licensed or approved under IC 16-25-3 is also subject to state department licensure surveys or inspections under Medicare law, the state department:

(1) may conduct all surveys or inspections simultaneously; and

(2) shall:

(A) coordinate with the office of Medicaid policy and planning all hospice program surveys; and

(B) forward a copy of each hospice program survey to the office of Medicaid policy and planning.

Sec. 3. (a) The state department may take any of the following actions against the owner or operator of a licensed or approved hospice program on any of the grounds listed in subsection (b):

(1) Issue a letter of correction.

(2) Issue a probationary license.

(3) Conduct a resurvey.

(4) Deny renewal of a license.

(5) Suspend a license.

(6) Revoke a license.

(7) Impose a civil penalty in an amount not to exceed ten thousand dollars ($10,000).

(b) The state department may take any action listed under subsection (a) against a hospice on any of the following grounds:

(1) A material violation by the hospice program of a provision of this article.

(2) Authorizing, aiding, or abetting the commission of a violation of law by the hospice program.

(3) Conduct or practice by the hospice program that the state department finds detrimental to the welfare of the hospice

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program's patients.

Sec. 4. (a) The state department shall investigate any hospice program about which the state department receives a complaint from a hospice program patient or a member of a hospice program patient's family.

(b) The state department shall establish and maintain a statewide, toll free telephone line continuously open to receive reports of problems regarding hospice programs.

Sec. 5. (a) The state department shall investigate a report of an unlicensed hospice or unapproved hospice program and report the state department's findings to the attorney general.

(b) The attorney general, upon receiving a report of an unlicensed hospice or unapproved hospice program, may do any of the following:

(1) Seek an injunction in the circuit or superior court of the county in which the unlicensed hospice or unapproved hospice program is located or in the circuit or superior court of Marion County.

(2) Seek relief under IC 4-21.5, including a civil penalty not to exceed twenty-five thousand dollars ($25,000) for each day of unlicensed or unapproved operation.

(3) Seek criminal penalties as provided by section 8 of this chapter.

Sec. 6. A person aggrieved by an action of the state department under this article may appeal the action under IC 4-21.5-5.

Sec. 7. (a) For an appeal under section 6 of this chapter, the executive board shall appoint an appeals panel consisting of three (3) members as follows:

(1) One (1) member of the executive board.

(2) One (1) attorney admitted to the practice of law in Indiana.

(3) One (1) individual with qualifications determined by the executive board.

(b) An employee of the state department may not be a member of the appeals panel.

(c) The appeals panel shall conduct proceedings for review of an order issued by an administrative law judge under this chapter. The appeals panel is the ultimate authority under IC 4-21.5.

(d) The costs of the proceedings, including the fees of the appeals panel, shall be paid as follows:

(1) By the hospice, if the appeals panel finds in favor of the state department.

C o p y

(2) By the state department, if the appeals panel finds in favor of the hospice.

Sec. 8. A person who knowingly or intentionally:

(1) represents to the public that the person offers hospice services; or

(2) owns or operates a hospice program;

without a license issued or approval granted under this article commits a Class A misdemeanor.

SECTION 16. IC 16-25-6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 6. Criminal History of Hospice Owners, Operators, and Employees

Sec. 1. (a) A person may not own or operate a hospice program if the person has:

(1) been convicted of rape (IC 35-42-4-1);

(2) been convicted of criminal deviate conduct (IC 35-42-4-2);

(3) been convicted of exploitation of a dependent or an endangered adult (IC 35-46-1-12);

(4) had a judgment entered against the person for failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13); or

(5) been convicted of theft (IC 35-43-4), if the person's conviction for theft occurred less than ten (10) years before the date of submission by the person of an application for licensure or approval as a hospice program under IC 16-25-3.

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

Sec. 2. (a) A person who owns or operates a hospice program shall apply, not more than three (3) business days after the date that an employee begins to provide hospice services, for a copy of the employee's limited criminal history from the Indiana central repository for criminal history information under IC 5-2-5.

(b) A hospice program may not employ an individual to provide hospice services for more than three (3) business days without applying for that individual's limited criminal history as required by subsection (a).

Sec. 3. (a) Except as provided in subsection (b), a person who owns or operates a hospice program may not employ an individual to provide hospice services if that individual's limited criminal history indicates that the individual has:

(1) been convicted of rape (IC 35-42-4-1);

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(2) been convicted of criminal deviate conduct (IC 35-42-4-2);
(3) been convicted of exploitation of an endangered adult (IC 35-46-1-12);
(4) had a judgment entered against the individual for failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13); or
(5) been convicted of theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the individual's employment application date.

(b) A hospice program may not employ an individual to provide hospice services for more than twenty-one (21) calendar days without receipt of that individual's limited criminal history required by section 2 of this chapter, unless the Indiana central repository for criminal history information under IC 5-2-5 is solely responsible for failing to provide the individual's limited criminal history to the hospice program within the time required under this subsection.

Sec. 4. (a) A person who owns or operates a hospice program is responsible for the payment of fees under IC 5-2-5-7 and other fees required under section 2 of this chapter.

(b) A hospice program may require an individual who applies to the hospice program for employment to provide hospice services:

(1) to pay the fees described in subsection (a) to the hospice program at the time the individual submits an application for employment; or
(2) to reimburse the hospice program for the payment of the fees described in subsection (a).

Sec. 5. A person who:

(1) owns or operates a hospice program; and
(2) violates section 2 or 3 of this chapter;

commits a Class A infraction.

SECTION 17. IC 16-25-7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 7. Disclosure Requirements

Sec. 1. Each hospice program licensed or approved under this article shall prepare and update as necessary a disclosure document to be presented to each potential patient of the hospice program.

Sec. 2. The disclosure document required under section 1 of this chapter must contain at least the following:

C o p y

(1) A description of all hospice services provided by the hospice program.

(2) An explanation of the hospice program's internal complaint resolution process.

(3) A statement that a hospice program patient may refuse any component of hospice services offered by the hospice program.

(4) A statement that if a hospice employee provides services or supplies that are not covered or provided as part of the hospice program to a hospice program patient or a hospice program patient's family, the hospice employee may only be reimbursed for those services or supplies by providing a written receipt to the hospice program patient or the hospice program patient's family and documenting the additional services or supplies that were provided in the hospice program patient's medical record.

(5) The toll free number established by the state department under IC 16-25-5-4 to receive reports of problems from hospice program patients and the family members of hospice program patients regarding the hospice program.

SECTION 18. IC 16-27-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. This chapter does not prohibit the provision of:

~~(1) hospice care by a hospice program certified under IC 16-25-1;~~

~~(2)~~ **(1)** homemaker services;

~~(3)~~ **(2)** companion services; or

~~(4)~~ **(3)** any other services;

for which a license is not required.

SECTION 19. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 1999]: IC 16-18-2-123; IC 16-18-2-177; IC 16-18-2-178; IC 16-25-1.

C o p y

COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 293, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 7, line 19, delete "licensed".

Page 7, line 19, after "physician" insert "**licensed under IC 25-22.5**".

Page 8, line 21, after "employees" insert "**or volunteers**".

Page 9, line 31, delete "inspects" and insert "**surveys**".

Page 9, line 34, delete "inspection" and insert "**survey**".

Page 9, line 40, delete "inspection" and insert "**survey**".

Page 10, line 22, delete "for each place of business" and insert "**.**".

Page 10, delete line 23.

Page 10, line 29, after "license" insert "**or has approval**".

Page 11, line 6, delete "inspection" and insert "**survey**".

Page 11, line 9, delete "inspections" and insert "**surveys**".

Page 11, line 11, delete "inspections" and insert "**surveys**".

Page 11, line 15, delete "liscensure" and insert "**licensure**".

Page 11, line 16, after "department" insert "**:**".

Page 11, line 16, delete "shall" begin a new line block indented and insert:

"**(1) may**".

Page 11, line 17, delete "." and insert "**; and**

(2) shall:

(A) coordinate with the office of Medicaid policy and planning all hospice program surveys; and

(B) forward a copy of each hospice program survey to the office of Medicaid policy and planning.".

Page 11, line 23, delete "reinspection" and insert "**resurvey**".

Page 15, line 2, after "that" insert "**if**".

Page 15, line 2, delete "may provide" and insert "**provides**".

Page 15, line 2, after "services" insert "**or supplies that are not covered or provided as part of the hospice program**".

Page 15, line 4, delete "in addition to those provided by the hospice program," and insert "**,**".

Page 15, line 5, delete "but" and insert "**the hospice employee**".

Page 15, line 5, after "services" insert "**or supplies**".

Page 15, line 7, delete "." and insert "**and documenting the additional services or supplies that were provided in the hospice**

C o p y

program patient's medical record.".

and when so amended that said bill do pass.

(Reference is to SB 293 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

C o p y