
SENATE BILL No. 41

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-25-3-2.5; IC 16-27-0.5.

Synopsis: Home health agency and hospice council. Creates the home health agency and hospice council. Provides that the state department of health shall pay the council's expenses. Allows the council to propose rules and act as an advisory body.

Effective: July 1, 2004.

Miller

November 18, 2003, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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SENATE BILL No. 41



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 16-18-2-84 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 84. "Council" refers to
3 the following:

- 4 (1) For purposes of IC 16-21, the hospital council.
- 5 (2) **For purposes of IC 16-25 and IC 16-27, the home health**
- 6 **agency and hospice council.**
- 7 (3) For purposes of IC 16-28 and IC 16-29, the Indiana health
- 8 facilities council.
- 9 ~~(3)~~ (4) For purposes of IC 16-46-6, the interagency state council
- 10 on black and minority health.

11 SECTION 2. IC 16-18-2-96, AS AMENDED BY P.L.2-2003,
12 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2004]: Sec. 96. (a) "Director", for purposes of IC 16-19-13,
14 refers to the director of the office of women's health established by
15 IC 16-19-13.

16 (b) **"Director", for purposes of IC 16-27, means the individual**
17 **acting under the authority of and assigned the responsibility by the**



1 **state health commissioner to implement IC 16-27.**

2 (c) "Director", for purposes of IC 16-28, IC 16-29, and IC 16-30,
3 means the individual acting under the authority of and assigned the
4 responsibility by the state health commissioner to implement IC 16-28,
5 IC 16-29, and IC 16-30.

6 ~~(c)~~ (d) "Director", for purposes of IC 16-31, refers to the director of
7 the state emergency management agency established under
8 IC 10-14-2-1.

9 ~~(d)~~ (e) "Director", for purposes of IC 16-35-2, refers to the director
10 of the program for children with special health care needs.

11 SECTION 3. IC 16-18-2-97 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 97. "Division" means
13 the following:

14 (1) For purposes of IC 16-22-8, the meaning set forth in
15 IC 16-22-8-3.

16 (2) **For purposes of IC 16-27, a group of individuals under the**
17 **supervision of the director within the state department**
18 **assigned the responsibility of implementing IC 16-27.**

19 (3) For purposes of IC 16-28, a group of individuals under the
20 supervision of the director within the state department assigned
21 the responsibility of implementing IC 16-28.

22 ~~(3)~~ (4) For purposes of IC 16-41-40, the meaning set forth in
23 IC 16-41-40-1.

24 SECTION 4. IC 16-25-3-2.5 IS ADDED TO THE INDIANA CODE
25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
26 1, 2004]: **Sec. 2.5. The state department shall administer this**
27 **chapter with the advice of the council established by**
28 **IC 16-27-0.5-1.**

29 SECTION 5. IC 16-27-0.5 IS ADDED TO THE INDIANA CODE
30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2004]:

32 **Chapter 0.5. Home Health Agency and Hospice Council**

33 **Sec. 1. (a) The home health agency and hospice council is**
34 **established.**

35 **(b) The council consists of fourteen (14) members as follows:**

36 **(1) One (1) licensed physician.**

37 **(2) Six (6) individuals, each of whom is engaged in the**
38 **administration of one (1) of the following:**

39 **(A) A for-profit home health agency.**

40 **(B) A nonprofit home health agency.**

41 **(C) A hospital based home health agency.**

42 **(D) A for-profit hospice.**

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- 1 (E) A nonprofit hospice.
- 2 (F) A hospital based hospice.
- 3 (3) One (1) registered nurse licensed under IC 25-23.
- 4 (4) One (1):
- 5 (A) physical therapist licensed under IC 25-27;
- 6 (B) occupational therapist certified under IC 25-23.5; or
- 7 (C) speech-language pathologist licensed under IC 25-35.6;
- 8 experienced in home health or hospice care.
- 9 (5) One (1) citizen having knowledge of or experience in
- 10 hospice care.
- 11 (6) One (1) citizen having knowledge of or experience in home
- 12 health agency care.
- 13 (7) One (1) registered pharmacist licensed under IC 25-26.
- 14 (8) The commissioner or the commissioner's designee.
- 15 (9) The director of the division of disability, aging, and
- 16 rehabilitative services or the director's designee.
- 17 (c) The governor shall appoint the members of the council
- 18 designated by subsection (b)(1) through (b)(7).
- 19 (d) Except for the members of the council designated by
- 20 subsection (b)(8) and (b)(9), all appointments are for four (4) years.
- 21 If a vacancy occurs, the appointee serves for the remainder of the
- 22 unexpired term. A vacancy shall be filled from the same group that
- 23 was represented by the outgoing member.
- 24 (e) Except for the members of the council designated by
- 25 subsection (b)(2), a member of the council may not have a
- 26 pecuniary interest in the operation of or provide professional
- 27 services through employment or under contract to a home health
- 28 agency licensed under this article or a hospice licensed under
- 29 IC 16-25.
- 30 Sec. 2. (a) The state department shall pay the expenses of the
- 31 council.
- 32 (b) A member of the council who is not a state employee is
- 33 entitled to the minimum salary per diem provided by
- 34 IC 4-10-11-2.1(b). A member is entitled to reimbursement for
- 35 traveling expenses as provided under IC 4-13-1-4 and other
- 36 expenses actually incurred in connection with the member's duties,
- 37 as provided in the state policies and procedures established by the
- 38 Indiana department of administration and approved by the budget
- 39 agency.
- 40 (c) Each member of the council who is a state employee is
- 41 entitled to reimbursement for traveling expenses as provided under
- 42 IC 4-13-1-4 and other expenses actually incurred in connection

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1 with the member's duties as provided in the state policies and
 2 procedures established by the Indiana department of
 3 administration and approved by the budget agency.
 4 Sec. 3. Each year the council shall elect from among council
 5 members a chair and a vice chair.
 6 Sec. 4. The director serves as secretary to the council.
 7 Sec. 5. (a) The council shall meet at least six (6) times a year.
 8 (b) Special meetings of the council shall be called by the chair
 9 upon the written request of four (4) members of the council.
 10 Sec. 6. (a) Eight (8) members of the council constitute a quorum
 11 for the transaction of all business of the council.
 12 (b) The council shall establish procedures to govern the
 13 council's deliberations.
 14 Sec. 7. The council shall do the following:
 15 (1) Propose the adoption of rules by the state department
 16 under IC 4-22-2 governing the following:
 17 (A) Health and sanitation standards necessary to protect
 18 the health, safety, security, rights, and welfare of home
 19 health care patients and hospice patients.
 20 (B) Qualifications of applicants for licenses issued under
 21 IC 16-25 and IC 16-27.
 22 (2) Recommend to other state agencies or governing bodies
 23 rules necessary to protect the health, safety, security, rights,
 24 and welfare of home health care patients and hospice patients.
 25 (3) Act as an advisory body for the division, state health
 26 commissioner, and state department.
 27 Sec. 8. The council may recommend interpretive guidelines
 28 when necessary to assist a home health agency or hospice in
 29 meeting the requirements of a rule.
 30 Sec. 9. (a) The state department may request the council to
 31 propose a new rule or an amendment to a rule necessary to protect
 32 the health, safety, rights, and welfare of the home health care
 33 patients and hospice patients. If the council does not propose a rule
 34 within ninety (90) days after the state department's request, the
 35 state department may propose the rule.
 36 (b) The executive board shall consider rules proposed by the
 37 council under this section and section 1 of this chapter. The
 38 executive board may adopt, modify, remand, or reject specific
 39 rules or parts of rules proposed by the council.
 40 (c) To become effective, all rules proposed by the council under
 41 this chapter must be adopted by the executive board in accordance
 42 with IC 4-22-2.

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