

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1410 be amended to read as follows:

1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 10-13-3-16 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) As used in this  
5 chapter, "qualified entity" means a business or an organization, whether  
6 public, private, for-profit, nonprofit, or voluntary, that provides care or  
7 care placement services.  
8           (b) The term includes **the following:**  
9           (1) A business or an organization that licenses or certifies others  
10 to provide care or care placement services.  
11           (2) **A home health agency licensed under IC 16-27-1.**  
12           (3) **A personal services agency licensed under IC 16-27-4.**  
13           SECTION 2. IC 16-27-2-4, AS AMENDED BY P.L.212-2005,  
14 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2007]: Sec. 4. (a) A person who operates a home health  
16 agency under IC 16-27-1 or a personal services agency under  
17 IC 16-27-4 shall apply, not more than three (3) business days after the  
18 date that an employee begins to provide services in a patient's  
19 temporary or permanent residence, for a copy of the employee's ~~limited~~  
20 **national criminal history background check** from the Indiana central  
21 repository for criminal history information under ~~IC 10-13-3-~~  
22 **IC 10-13-3-39.**  
23           (b) **Except as provided in subsection (c),** a home health agency or  
24 personal services agency may not employ a person to provide services

1 in a patient's or client's temporary or permanent residence for more than  
 2 three (3) business days without applying for that person's ~~limited~~  
 3 **national criminal history background check** as required by subsection  
 4 (a).

5 **(c) Subsection (b) does not apply to a person who is an employee**  
 6 **of a home health agency or a personal services agency as of June**  
 7 **30, 2007.**

8 **(d) A home health agency or personal services agency shall**  
 9 **apply for the national criminal history background check required**  
 10 **by subsection (a) for each person who is an employee as of June 30,**  
 11 **2007, by December 1, 2007.**

12 SECTION 3. IC 16-27-2-5, AS AMENDED BY P.L.212-2005,  
 13 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2007]: Sec. 5. (a) Except as provided in subsection (b), a  
 15 person who operates a home health agency under IC 16-27-1 or a  
 16 personal services agency under IC 16-27-4 may not employ a person to  
 17 provide services in a patient's or client's temporary or permanent  
 18 residence if that person's ~~limited national~~ criminal history **background**  
 19 **check** indicates that the person has been convicted of any of the  
 20 following:

21 (1) Rape (IC 35-42-4-1).

22 (2) Criminal deviate conduct (IC 35-42-4-2).

23 (3) Exploitation of an endangered adult (IC 35-46-1-12).

24 (4) Failure to report battery, neglect, or exploitation of an  
 25 endangered adult (IC 35-46-1-13).

26 (5) Theft (IC 35-43-4), if the conviction for theft occurred less  
 27 than ten (10) years before the person's employment application  
 28 date.

29 **(b) Except as provided in subsection (c), a home health agency or**  
 30 **personal services agency may not employ a person to provide services**  
 31 **in a patient's or client's temporary or permanent residence for more than**  
 32 **twenty-one (21) calendar days without receipt of that person's ~~limited~~**  
 33 **national criminal history background check** required by section 4 of  
 34 this chapter, unless **either** the ~~Indiana central repository for criminal~~  
 35 ~~history information under IC 10-13-3~~ **state police department or the**  
 36 **Federal Bureau of Investigation under IC 10-13-3-39** is ~~solo~~  
 37 responsible for failing to provide the person's ~~limited national~~ criminal  
 38 history **background check** to the home health agency or personal  
 39 services agency within the time required under this subsection.

1           **(c) Subsection (b) does not apply to a person who is an employee**  
2           **of a home health agency or personal services agency as of June 30,**  
3           **2007."**

4           Renumber all SECTIONS consecutively.  
            (Reference is to HB 1410 as printed February 7, 2007.)

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Representative Knollman