

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1821 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 Page 4, between lines 16 and 17, begin a new paragraph and insert:
- 14 "SECTION 5. IC 16-27-2-4, AS AMENDED BY P.L.212-2005,
- 15 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2007]: Sec. 4. (a) A person who operates a home health
- 17 agency under IC 16-27-1 or a personal services agency under
- 18 IC 16-27-4 shall apply, not more than three (3) business days after the
- 19 date that an employee begins to provide services in a patient's
- 20 temporary or permanent residence, for a copy of the employee's ~~limited~~
- 21 **national criminal history background check** from the Indiana central
- 22 repository for criminal history information under ~~IC 10-13-3-~~
- 23 **IC 10-13-3-39.**
- 24 (b) **Except as provided in subsection (c),** a home health agency or

1 personal services agency may not employ a person to provide services
 2 in a patient's or client's temporary or permanent residence for more than
 3 three (3) business days without applying for that person's ~~limited~~
 4 **national criminal history background check** as required by subsection
 5 (a).

6 **(c) Subsection (b) does not apply to a person who is an employee**
 7 **of a home health agency or a personal services agency as of June**
 8 **30, 2007.**

9 **(d) A home health agency or personal services agency shall**
 10 **apply for the national criminal history background check required**
 11 **by subsection (a) for each person who is a an employee as of June**
 12 **30, 2007, by December 1, 2007.**

13 SECTION 6. IC 16-27-2-5, AS AMENDED BY P.L.212-2005,
 14 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2007]: Sec. 5. (a) Except as provided in subsection (b), a
 16 person who operates a home health agency under IC 16-27-1 or a
 17 personal services agency under IC 16-27-4 may not employ a person to
 18 provide services in a patient's or client's temporary or permanent
 19 residence if that person's ~~limited national~~ criminal history **background**
 20 **check** indicates that the person has been convicted of any of the
 21 following:

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

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

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

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

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

30 **(b) Except as provided in subsection (c), a home health agency or**
 31 **personal services agency may not employ a person to provide services**
 32 **in a patient's or client's temporary or permanent residence for more than**
 33 **twenty-one (21) calendar days without receipt of that person's ~~limited~~**
 34 **national criminal history background check** required by section 4 of
 35 this chapter, unless **either the Indiana central repository for criminal**
 36 **history information under ~~IC 10-13-3~~ state police department or the**
 37 **Federal Bureau of Investigation under IC 10-13-3-39 is solely**
 38 **responsible for failing to provide the person's ~~limited national~~ criminal**
 39 **history background check** to the home health agency or personal
 40 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 1821 as printed February 9, 2007.)

Representative Knollman