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# HOUSE BILL No. 1084

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-28-9-3.

**Synopsis:** Nursing home employee and resident protection. Provides that a person who intentionally retaliates or discriminates against a resident or employee of a health facility for: (1) contacting or providing information to any state official or supervisor; or (2) in good faith, contacting or providing information concerning a resident's health or safety to a state official, supervisor, health care professional employed or under contract with the health facility or resident, or spouse or other individual authorized to give health care consent for the resident; commits a Class C misdemeanor.

**Effective:** July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Public Health.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## HOUSE BILL No. 1084



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 16-28-9-3 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) A person who
- 3 intentionally:
- 4 (1) prevents, interferes with, or attempts to impede the work of an
- 5 employee of the state department in the investigation and
- 6 enforcement of any provision of this article;
- 7 (2) prevents or attempts to prevent an employee of the state
- 8 department from examining any relevant records in the conduct
- 9 of official duties under this article;
- 10 (3) prevents or interferes with an employee of the state
- 11 department in preserving evidence of the breach of any provision
- 12 of this article;
- 13 (4) retaliates or discriminates against a resident or an employee
- 14 for:
- 15 (A) contacting or providing information to any state official **or**
- 16 **supervisor;**
- 17 (B) **in good faith, contacting or providing information**



1                   **concerning a resident's health or safety to any:**  
 2                   **(i) state official;**  
 3                   **(ii) supervisor;**  
 4                   **(iii) health care professional who is employed by or**  
 5                   **under contract with the health facility or resident; or**  
 6                   **(iv) spouse or other individual who is authorized to give**  
 7                   **health care consent for the resident; or**  
 8                   ~~(B)~~ **(C) initiating, participating in, or testifying in an action**  
 9                   under this article; or  
 10                   (5) fails to correct or interferes with the correction process within  
 11                   the correction period specified on the citation or approved plan of  
 12                   correction, unless an extension is granted by the director and the  
 13                   corrections are made before expiration of the extension;  
 14                   commits a Class C misdemeanor.  
 15                   (b) In addition to the criminal provisions for violations described in  
 16                   subsection (a), the commissioner may commence an action under  
 17                   IC 4-21.5-3-6 or IC 4-21.5-4 for issuance of an order of compliance and  
 18                   a civil penalty not to exceed twenty-five thousand dollars (\$25,000).

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