



February 16, 2011

SENATE BILL No. 366

DIGEST OF SB 366 (Updated February 15, 2011 10:57 am - DI 73)

Citations Affected: IC 4-4; IC 6-1.1; IC 11-10; IC 11-11; IC 16-18; IC 16-19; IC 16-21; IC 16-25; IC 16-27; IC 16-28; IC 16-29; IC 16-35; IC 16-37; IC 16-41; IC 25-19; IC 31-26.

Synopsis: State department of health matters. Transfers responsibilities from administering specified federal food and nutrition program funds from the office of the lieutenant governor to the state department of health (state department). Requires the state department to annually inspect certain department of corrections facilities only if the facility is not accredited by a national accrediting organization. Creates the health care facility advisory council within the state department. Requires, beginning October 1, 2013, hospitals to record external cause-of-injury code for each individual who receives care in the emergency department of the hospital. Requires certain certified nurse aides to be certified by the state department and requires the state department to: (1) establish a program; (2) prescribe education and training programs; (3) determine specified standards; and (4) establish annual certification fees; for certified nurse aides who work in health facilities. Requires the state department to maintain a registry for certified nurse aides and registered home health aides. Removes the requirements that a candidate must meet to be appointed director of the program for children with special health care needs. Authorizes a physician last in attendance of a deceased to initiate the document
(Continued next page)

Effective: Upon passage; December 31, 2010 (retroactive); July 1, 2011.

Miller, Lawson C, Simpson

January 11, 2011, read first time and referred to Committee on Health and Provider Services.

January 27, 2011, amended, reported favorably — Do Pass; reassigned to Committee on Tax and Fiscal Policy.

February 15, 2011, amended, reported favorably — Do Pass.

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SB 366—LS 6710/DI 104+



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process for the death record and defines physician to include individuals with specified physician permits. Specifies that certain licensed professionals are subject to discipline under the person's license instead of committing a Class B misdemeanor for violating the statutes concerning vital statistics and specifies that the state department may not start sanctioning providers for certain violations until January 1, 2012. Establishes the lead-based paint poisoning prevention program. Permits money in the lead trust fund to be used to administer the lead-based paint poisoning prevention program. Repeals: (1) provisions establishing the hospital council, the home health care services and hospice services council, and the Indiana health facilities council; and (2) the requirement that the state department design, promote, and sell heirloom birth certificates.

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February 16, 2011

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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SENATE BILL No. 366

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 4-4-33-1, AS ADDED BY P.L.181-2006,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 1. The lieutenant governor shall administer the
4 following:
5 (1) The Housing Assistance Act of 1937 (42 U.S.C. 1437).
6 (2) Community services programs, including the Community
7 Services Block Grant under 42 U.S.C. 9901 et seq.
8 (3) Home energy assistance programs, including the Low Income
9 Home Energy Assistance Block Grant under 42 U.S.C. 8621 et
10 seq.
11 (4) Weatherization programs, including weatherization programs
12 and money received under 42 U.S.C. 6851 et seq.
13 (5) Food and nutrition programs, including food and nutrition
14 programs and money received under 7 U.S.C. 612, 7 U.S.C. 7501
15 et seq., and 42 U.S.C. 9922 et seq. (6)

SB 366—LS 6710/DI 104+



1 (5) Migrant and farm worker programs and money under 20
2 U.S.C. 6391 et seq., 29 U.S.C. 49 et seq., and 42 U.S.C. 1397 et
3 seq.
4 ~~(7)~~ (6) Emergency shelter grant programs and money under 42
5 U.S.C. 11371 et seq.
6 ~~(8)~~ (7) Shelter plus care programs and money under 42 U.S.C.
7 11403 et seq.
8 SECTION 2. IC 6-1.1-10-16, AS AMENDED BY P.L.196-2007,
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2011]: Sec. 16. (a) All or part of a building is exempt from
11 property taxation if it is owned, occupied, and used by a person for
12 educational, literary, scientific, religious, or charitable purposes.
13 (b) A building is exempt from property taxation if it is owned,
14 occupied, and used by a town, city, township, or county for educational,
15 literary, scientific, fraternal, or charitable purposes.
16 (c) A tract of land, including the campus and athletic grounds of an
17 educational institution, is exempt from property taxation if:
18 (1) a building that is exempt under subsection (a) or (b) is situated
19 on it;
20 (2) a parking lot or structure that serves a building referred to in
21 subdivision (1) is situated on it; or
22 (3) the tract:
23 (A) is owned by a nonprofit entity established for the purpose
24 of retaining and preserving land and water for their natural
25 characteristics;
26 (B) does not exceed five hundred (500) acres; and
27 (C) is not used by the nonprofit entity to make a profit.
28 (d) A tract of land is exempt from property taxation if:
29 (1) it is purchased for the purpose of erecting a building that is to
30 be owned, occupied, and used in such a manner that the building
31 will be exempt under subsection (a) or (b); and
32 (2) not more than four (4) years after the property is purchased,
33 and for each year after the four (4) year period, the owner
34 demonstrates substantial progress and active pursuit towards the
35 erection of the intended building and use of the tract for the
36 exempt purpose. To establish substantial progress and active
37 pursuit under this subdivision, the owner must prove the existence
38 of factors such as the following:
39 (A) Organization of and activity by a building committee or
40 other oversight group.
41 (B) Completion and filing of building plans with the
42 appropriate local government authority.

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- 1 (C) Cash reserves dedicated to the project of a sufficient
- 2 amount to lead a reasonable individual to believe the actual
- 3 construction can and will begin within four (4) years.
- 4 (D) The breaking of ground and the beginning of actual
- 5 construction.
- 6 (E) Any other factor that would lead a reasonable individual to
- 7 believe that construction of the building is an active plan and
- 8 that the building is capable of being completed within eight (8)
- 9 years considering the circumstances of the owner.

10 If the owner of the property sells, leases, or otherwise transfers a tract
 11 of land that is exempt under this subsection, the owner is liable for the
 12 property taxes that were not imposed upon the tract of land during the
 13 period beginning January 1 of the fourth year following the purchase
 14 of the property and ending on December 31 of the year of the sale,
 15 lease, or transfer. The county auditor of the county in which the tract
 16 of land is located may establish an installment plan for the repayment
 17 of taxes due under this subsection. The plan established by the county
 18 auditor may allow the repayment of the taxes over a period of years
 19 equal to the number of years for which property taxes must be repaid
 20 under this subsection.

21 (e) Personal property is exempt from property taxation if it is owned
 22 and used in such a manner that it would be exempt under subsection (a)
 23 or (b) if it were a building.

24 (f) A hospital's property that is exempt from property taxation under
 25 subsection (a), (b), or (e) shall remain exempt from property taxation
 26 even if the property is used in part to furnish goods or services to
 27 another hospital whose property qualifies for exemption under this
 28 section.

29 (g) Property owned by a shared hospital services organization that
 30 is exempt from federal income taxation under Section 501(c)(3) or
 31 501(e) of the Internal Revenue Code is exempt from property taxation
 32 if it is owned, occupied, and used exclusively to furnish goods or
 33 services to a hospital whose property is exempt from property taxation
 34 under subsection (a), (b), or (e).

35 (h) This section does not exempt from property tax an office or a
 36 practice of a physician or group of physicians that is owned by a
 37 hospital licensed under ~~IC 16-21-1~~ **IC 16-21-2** or other property that
 38 is not substantially related to or supportive of the inpatient facility of
 39 the hospital unless the office, practice, or other property:

- 40 (1) provides or supports the provision of charity care (as defined
- 41 in IC 16-18-2-52.5), including providing funds or other financial
- 42 support for health care services for individuals who are indigent

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1 (as defined in IC 16-18-2-52.5(b) and IC 16-18-2-52.5(c)); or
2 (2) provides or supports the provision of community benefits (as
3 defined in IC 16-21-9-1), including research, education, or
4 government sponsored indigent health care (as defined in
5 IC 16-21-9-2).

6 However, participation in the Medicaid or Medicare program alone
7 does not entitle an office, practice, or other property described in this
8 subsection to an exemption under this section.

9 (i) A tract of land or a tract of land plus all or part of a structure on
10 the land is exempt from property taxation if:

11 (1) the tract is acquired for the purpose of erecting, renovating, or
12 improving a single family residential structure that is to be given
13 away or sold:

- 14 (A) in a charitable manner;
- 15 (B) by a nonprofit organization; and
- 16 (C) to low income individuals who will:
 - 17 (i) use the land as a family residence; and
 - 18 (ii) not have an exemption for the land under this section;

19 (2) the tract does not exceed three (3) acres;

20 (3) the tract of land or the tract of land plus all or part of a
21 structure on the land is not used for profit while exempt under this
22 section; and

23 (4) not more than four (4) years after the property is acquired for
24 the purpose described in subdivision (1), and for each year after
25 the four (4) year period, the owner demonstrates substantial
26 progress and active pursuit towards the erection, renovation, or
27 improvement of the intended structure. To establish substantial
28 progress and active pursuit under this subdivision, the owner must
29 prove the existence of factors such as the following:

30 (A) Organization of and activity by a building committee or
31 other oversight group.

32 (B) Completion and filing of building plans with the
33 appropriate local government authority.

34 (C) Cash reserves dedicated to the project of a sufficient
35 amount to lead a reasonable individual to believe the actual
36 construction can and will begin within five (5) years of the
37 initial exemption received under this subsection.

38 (D) The breaking of ground and the beginning of actual
39 construction.

40 (E) Any other factor that would lead a reasonable individual to
41 believe that construction of the structure is an active plan and
42 that the structure is capable of being:

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1 (i) completed; and
 2 (ii) transferred to a low income individual who does not
 3 receive an exemption under this section;
 4 within eight (8) years considering the circumstances of the
 5 owner.

6 (j) An exemption under subsection (i) terminates when the property
 7 is conveyed by the nonprofit organization to another owner. When the
 8 property is conveyed to another owner, the nonprofit organization
 9 receiving the exemption must file a certified statement with the auditor
 10 of the county, notifying the auditor of the change not later than sixty
 11 (60) days after the date of the conveyance. The county auditor shall
 12 immediately forward a copy of the certified statement to the county
 13 assessor. A nonprofit organization that fails to file the statement
 14 required by this subsection is liable for the amount of property taxes
 15 due on the property conveyed if it were not for the exemption allowed
 16 under this chapter.

17 (k) If property is granted an exemption in any year under subsection
 18 (i) and the owner:

19 (1) ceases to be eligible for the exemption under subsection (i)(4);
 20 (2) fails to transfer the tangible property within eight (8) years
 21 after the assessment date for which the exemption is initially
 22 granted; or

23 (3) transfers the tangible property to a person who:
 24 (A) is not a low income individual; or
 25 (B) does not use the transferred property as a residence for at
 26 least one (1) year after the property is transferred;

27 the person receiving the exemption shall notify the county recorder and
 28 the county auditor of the county in which the property is located not
 29 later than sixty (60) days after the event described in subdivision (1),
 30 (2), or (3) occurs. The county auditor shall immediately inform the
 31 county assessor of a notification received under this subsection.

32 (l) If subsection (k)(1), (k)(2), or (k)(3) applies, the owner shall pay,
 33 not later than the date that the next installment of property taxes is due,
 34 an amount equal to the sum of the following:

35 (1) The total property taxes that, if it were not for the exemption
 36 under subsection (i), would have been levied on the property in
 37 each year in which an exemption was allowed.

38 (2) Interest on the property taxes at the rate of ten percent (10%)
 39 per year.

40 (m) The liability imposed by subsection (l) is a lien upon the
 41 property receiving the exemption under subsection (i). An amount
 42 collected under subsection (l) shall be collected as an excess levy. If

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1 the amount is not paid, it shall be collected in the same manner that
2 delinquent taxes on real property are collected.

3 (n) Property referred to in this section shall be assessed to the extent
4 required under IC 6-1.1-11-9.

5 SECTION 3. IC 6-1.1-10-18.5 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 18.5. (a) This section
7 does not exempt from property tax an office or a practice of a physician
8 or group of physicians that is owned by a hospital licensed under
9 ~~IC 16-21-1~~ IC 16-21-2 or other property that is not substantially related
10 to or supportive of the inpatient facility of the hospital unless the office,
11 practice, or other property:

12 (1) provides or supports the provision of charity care (as defined
13 in IC 16-18-2-52.5), including funds or other financial support for
14 health care services for individuals who are indigent (as defined
15 in IC 16-18-2-52.5(b) and IC 16-18-2-52.5(c)); or

16 (2) provides or supports the provision of community benefits (as
17 defined in IC 16-21-9-1), including research, education, or
18 government sponsored indigent health care (as defined in
19 IC 16-21-9-2).

20 However, participation in the Medicaid or Medicare program, alone,
21 does not entitle an office, a practice, or other property described in this
22 subsection to an exemption under this section.

23 (b) Tangible property is exempt from property taxation if it is:

- 24 (1) owned by an Indiana nonprofit corporation; and
- 25 (2) used by that corporation in the operation of a hospital licensed
26 under IC 16-21, a health facility licensed under IC 16-28, or in the
27 operation of a residential facility for the aged and licensed under
28 IC 16-28, or in the operation of a Christian Science home or
29 sanatorium.

30 (c) Property referred to in this section shall be assessed to the extent
31 required under IC 6-1.1-11-9.

32 SECTION 4. IC 11-10-3-4 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The department
34 shall establish directives governing:

- 35 (1) medical care to be provided to committed individuals,
36 including treatment for mental retardation, alcoholism, and drug
37 addiction;
- 38 (2) administration of medical facilities and health centers
39 operated by the department;
- 40 (3) medical equipment, supplies, and devices to be available for
41 medical care;
- 42 (4) provision of special diets to committed individuals;

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- 1 (5) acquisition, storage, handling, distribution, and dispensing of
- 2 all medication and drugs;
- 3 (6) training programs and first aid emergency care for committed
- 4 individuals and department personnel;
- 5 (7) medical records of committed individuals; and
- 6 (8) professional staffing requirements for medical care.

7 (b) The state department of health shall make an annual inspection
 8 of every health facility, health center, or hospital:

- 9 (1) operated by the department; **and**
- 10 (2) **not accredited by a nationally recognized accrediting**
- 11 **organization;**

12 and report to the commissioner whether that facility, center, or hospital
 13 meets the requirements established by the state department of health.
 14 Any noncompliance with those requirements must be stated in writing
 15 to the commissioner, with a copy to the governor.

16 (c) For purposes of IC 4-22-2, the term "directive" as used in this
 17 section relates solely to internal policy and procedure not having the
 18 force of law.

19 SECTION 5. IC 11-11-6-2 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The facilities of
 21 the department must comply with federal and state health, sanitation,
 22 safety, and fire laws applicable to dwellings, food establishments,
 23 eating facilities, and public buildings.

24 (b) Each department facility shall be inspected at least annually by:

- 25 (1) the state department of health **if the facility is not accredited**
- 26 **by a nationally recognized accrediting organization;** and
- 27 (2) the state fire marshal;

28 who shall, within fifteen (15) days of the inspection, file a written
 29 report with the commissioner listing all unsafe, unsanitary, or
 30 unhealthy conditions within a facility that constitute a menace to the
 31 health, safety, and welfare of committed persons or department
 32 employees. In determining whether conditions are unsafe, unsanitary,
 33 or unhealthy, the state department of health and the state fire marshal
 34 shall consider the degree of overcrowding, the light, air, and space
 35 available to offenders within a facility, the size and arrangement of
 36 rooms and cells, the sanitary facilities, and the extent to which
 37 conditions in a facility endanger life or property.

38 (c) The commissioner shall correct all unsafe, unsanitary, or
 39 unhealthy conditions reported by the state department of health or the
 40 state fire marshal with reasonable promptness. Failure by the
 41 department to initiate and continue action to correct unsafe, unsanitary,
 42 or unhealthy conditions within thirty (30) days of receiving a report of

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1 those conditions from the state department of health or the state fire
2 marshal constitutes noncompliance with this subsection. Upon such
3 noncompliance, the commissioner shall submit to the reporting agency
4 and the governor a written statement explaining:

- 5 (1) why the reported condition or conditions have not been
6 remedied;
- 7 (2) what the estimated cost of remedying the reported condition
8 or conditions would be in terms of construction, renovation,
9 manpower, space, and equipment;
- 10 (3) whether the reported condition or conditions can be corrected
11 by using facilities of other governmental entities;
- 12 (4) whether additional state financing is required and, if so, the
13 estimated amount needed; and
- 14 (5) the probable consequences of not remedying each reported
15 unsafe, unsanitary, or unhealthy condition.

16 (d) Notwithstanding other provisions of this section, the state
17 department of health and state fire marshal retain authority to correct
18 unhealthy, unsanitary, or unsafe conditions within a facility as provided
19 by law.

20 SECTION 6. IC 16-18-2-84 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 84. "Council" refers to
22 the following:

- 23 (1) For purposes of IC 16-21, **IC 16-25, IC 16-27, IC 16-28, and**
24 **IC 16-29**, the ~~hospital~~ **health care facility advisory** council.
- 25 (2) For purposes of ~~IC 16-25 and IC 16-27~~, the ~~home health care~~
26 ~~services and hospice services~~ council.
- 27 (3) For purposes of ~~IC 16-28 and IC 16-29~~, the ~~Indiana health~~
28 ~~facilities~~ council.
- 29 (4) ~~(2)~~ **(2)** For purposes of IC 16-46-6, the interagency state council
30 on black and minority health.

31 SECTION 7. IC 16-18-2-150, AS AMENDED BY P.L.152-2005,
32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2011]: Sec. 150. (a) "Governing body", for purposes of
34 IC 16-22-7, has the meaning set forth in IC 16-22-7-2.

35 (b) "Governing body", for purposes of ~~IC 16-27-0.5~~, has the
36 meaning set forth in ~~IC 16-27-0.5-0.5~~.

37 (c) ~~(b)~~ **(b)** "Governing body", for purposes of IC 16-41-22, has the
38 meaning set forth in IC 16-41-22-3.

39 SECTION 8. IC 16-18-2-282 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 282. (a) "Physician",
41 except as provided in ~~subsection~~ **subsections (b) and (c)**, means a
42 licensed physician (as defined in section 202 of this chapter).

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1 (b) "Physician", for purposes of IC 16-41-12, has the meaning set
2 forth in IC 16-41-12-7.

3 (c) "Physician", for purposes of IC 16-37-1-3.1 and
4 IC 16-37-3-5, means an individual who:

5 (1) was the physician last in attendance (as defined in section
6 282.2 of this chapter); or

7 (2) meets the requirements set forth in at least one (1) of the
8 following:

9 (A) IC 25-22.5-5-1.

10 (B) IC 25-22.5-5-2.

11 (C) IC 25-22.5-5-4.

12 SECTION 9. IC 16-18-2-282.2 IS ADDED TO THE INDIANA
13 CODE AS A NEW SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2011]: **Sec. 282.2. (a) "Physician last in
15 attendance" means the individual who pronounced the time of
16 death for a deceased individual.**

17 (b) For purposes of IC 16-37-3, the term includes an individual
18 who holds any medical license issued under IC 25-22.5.

19 SECTION 10. IC 16-19-3-24.5 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2011]: **Sec. 24.5. The state department shall
22 administer food and nutrition programs and money received under
23 7 U.S.C. 612, 7 U.S.C. 7501 et seq., and 42 U.S.C. 9922 et seq.**

24 SECTION 11. IC 16-19-15 IS ADDED TO THE INDIANA CODE
25 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2011]:

27 **Chapter 15. Health Care Facility Advisory Council**

28 **Sec. 1. The health care facility advisory council is created.**

29 **Sec. 2. (a) The council consists of eighteen (18) members as
30 follows:**

31 (1) The commissioner or the commissioner's designee.

32 (2) The secretary of family and social services or the
33 secretary's designee.

34 (3) The following members appointed by the governor:

35 (A) One (1) physician licensed under IC 25-22.5 who
36 primarily practices in acute care.

37 (B) One (1) physician licensed under IC 25-22.5 who
38 primarily practices in long term care.

39 (C) One (1) registered nurse licensed under IC 25-23 who
40 is employed in an acute care facility.

41 (D) One (1) registered nurse licensed under IC 25-23 who
42 is employed in a long term care facility.

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(E) One (1) registered nurse licensed under IC 25-23 who is employed by a home health agency.

(F) One (1) residential care administrator.

(G) Two (2) individuals who are employed as hospital administrators, as follows:

(i) One (1) individual employed at a for profit facility.

(ii) One (1) individual employed at a nonprofit facility.

(H) One (1) individual who is employed as an administrator of a freestanding ambulatory outpatient surgical center.

(I) One (1) individual who is employed as a long term care facility administrator.

(J) One (1) individual who is employed by a home health or hospice agency as:

(i) an administrator; or

(ii) a director of nursing.

(K) One (1) individual who:

(i) represents the interests of senior citizens; and

(ii) has experience as a health care advocate for senior citizens and may represent a statewide organization.

(L) One (1) individual who:

(i) represents the interests of people with disabilities; and

(ii) has experience as a health care advocate for people with disabilities and may represent a statewide organization.

(M) One (1) individual who:

(i) represents the interests of people with chronic or acute health care needs; and

(ii) has experience as a health care advocate for people with chronic or acute health care needs and may represent a statewide organization.

(N) Two (2) individuals employed by any one (1) of the following:

(i) A school of public health.

(ii) A school of nursing.

(iii) A school of medicine.

(iv) A school of allied health.

(v) A health care research organization.

(vi) A quality improvement organization.

The governor shall appoint one (1) member under this subsection as chairperson and one (1) member as vice chairperson of the council.

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1 (b) The commissioner or the commissioner's designee shall serve
2 as secretary of the council.

3 (c) Except for an individual appointed under subsection
4 (a)(3)(C) through (a)(3)(J), a member of the council may not:

- 5 (1) have a pecuniary interest in the operation of;
- 6 (2) have an ownership interest in;
- 7 (3) serve as a voting member of the governing body of; or
- 8 (4) provide professional services through employment or
9 under contract to;

10 an institution, facility, or agency licensed by the state department.

11 (d) The governor shall make the initial appointments under
12 subsection (a)(3) to the council with the terms of office beginning
13 July 1, 2011, and serving terms as follows:

- 14 (1) Eight (8) members shall be appointed for a term of four (4)
15 years.
- 16 (2) Eight (8) members shall be appointed for a term of two (2)
17 years.

18 After the initial term of office for the council, a member shall be
19 appointed for a term of four (4) years.

20 (e) Any vacancy on the council shall be filled by the governor for
21 the remainder of the unexpired term in the same manner as the
22 original appointment.

23 Sec. 3. (a) A member of the council who is not a state employee
24 is entitled to the minimum salary per diem provided by
25 IC 4-10-11-2.1(b).

26 (b) A member of the council is entitled to reimbursement for
27 traveling expenses as provided in IC 4-13-1-4 and other expenses
28 actually incurred in connection with the member's duties, as
29 provided in the state policies and procedures established by the
30 Indiana department of administration and approved by the budget
31 agency.

32 Sec. 4. (a) The chairperson shall call the first meeting of the
33 council not more than sixty (60) days after the appointment of all
34 the members to the council. The council shall meet at least three (3)
35 times each year on dates fixed by the council.

36 (b) The chairperson may call a special meeting of the council at
37 the commissioner's request or upon the written request of at least
38 four (4) members of the council.

39 (c) Ten (10) members of the council constitute a quorum for the
40 transaction of business. The affirmative votes of a majority of the
41 members are required for the council to take action on any
42 measure.

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1 (d) The chairperson may approve the creation of a
2 subcommittee at the request of a majority of the council members.
3 A subcommittee member:
4 (1) serves at the pleasure of the council; and
5 (2) does not receive travel reimbursement or per diem.
6 Sec. 5. (a) The council shall serve as an advisory body to the
7 state department regarding facilities and entities licensed under the
8 following:
9 (1) IC 16-21.
10 (2) IC 16-25.
11 (3) IC 16-27.
12 (4) IC 16-28.
13 (b) The council may do the following:
14 (1) Propose rules to the executive board.
15 (2) Recommend issuance of interpretative guidelines when
16 necessary to assist a facility or entity in meeting the
17 requirements of a rule adopted under:
18 (A) IC16-21-1;
19 (B) IC 16-27-0.5; or
20 (C) IC 16-28-1.
21 An interpretative guideline is not a rule and may not be used
22 to contravene a rule.
23 (c) The council shall do the following:
24 (1) Propose rules as set forth in the following:
25 (A) IC 16-21-1-7.
26 (B) IC 16-21-2-14.
27 (C) IC 16-27-0.5-9.
28 (D) IC 16-28-1-7.
29 (E) IC 16-28-1-11.
30 (F) IC 16-28-6-2.
31 (2) Advise the state department as set forth in the following:
32 (A) IC 16-27-0.5.
33 (B) IC 16-28-1-7(4).
34 (3) Make recommendations to the fire prevention and
35 building safety commission as set forth in IC 16-28-1-7(2).
36 (4) Classify health facilities in health care categories as
37 required in IC 16-28-1-7.
38 Sec. 6. Beginning July 1, 2011, the liabilities, property, records,
39 and other assets that belonged to the following councils are
40 transferred to the health care facility advisory council:
41 (1) The hospital council (established by IC 16-21-1-1, before
42 its repeal).

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1 **(2) The home health care services and hospice services council**
2 **(established by IC 16-27-0.5-1, before its repeal).**

3 **(3) The health facilities council (established by IC 16-28-1-1,**
4 **before its repeal).**

5 SECTION 12. IC 16-21-1-9 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) ~~Except as~~
7 ~~provided in IC 16-29-1-11,~~ The ~~executive board~~ **state health**
8 **commissioner** may, ~~upon recommendation by the state health~~
9 ~~commissioner and~~ for good cause **shown**, waive a rule:

- 10 (1) adopted under this chapter; or
- 11 (2) that may be waived under IC 16-28 for a specified time for a
- 12 hospital based health facility or a hospital licensed under this
- 13 article.

14 ~~(b) Disapproval of waiver requests requires executive board action.~~

15 ~~(c)~~ **(b)** A waiver may not adversely affect the health, safety, and
16 welfare of the residents or patients.

17 SECTION 13. IC 16-21-2-3 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The ~~council~~ **state**
19 **department** may determine if an institution or agency is covered by
20 this chapter. A decision of the ~~council~~ **state department** under this
21 section is subject to review under IC 4-21.5.

22 SECTION 14. IC 16-21-2-12 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. An application
24 must be accompanied by a licensing fee at the rate adopted by the
25 ~~council~~ **state department** under IC 4-22-2.

26 SECTION 15. IC 16-21-2-14, AS AMENDED BY P.L.96-2005,
27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2011]: Sec. 14. A license to operate a hospital, an ambulatory
29 outpatient surgical center, an abortion clinic, or a birthing center:

- 30 (1) expires one (1) year after the date of issuance;
- 31 (2) is not assignable or transferable;
- 32 (3) is issued only for the premises named in the application;
- 33 (4) must be posted in a conspicuous place in the facility; and
- 34 (5) may be renewed each year upon the payment of a renewal fee
- 35 at the rate adopted by the ~~council~~ **state department** under
- 36 IC 4-22-2.

37 SECTION 16. IC 16-21-3-2 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The state health
39 commissioner may take action under section 1 of this chapter on any of
40 the following grounds:

- 41 (1) Violation of any of the provisions of this chapter or of the
- 42 rules adopted under this chapter.

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1 (2) Permitting, aiding, or abetting the commission of any illegal
 2 act in an institution.
 3 (3) Knowingly collecting or attempting to collect from a
 4 subscriber (as defined in IC 27-13-1-32) or an enrollee (as defined
 5 in IC 27-13-1-12) of a health maintenance organization (as
 6 defined in IC 27-13-1-19) any amounts that are owed by the
 7 health maintenance organization.
 8 (4) Conduct or practice found by the ~~council~~ **state department** to
 9 be detrimental to the welfare of the patients of an institution.
 10 SECTION 17. IC 16-21-6-6 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. In addition to the
 12 report filed under section 3 of this chapter, each hospital shall, not
 13 more than one hundred twenty (120) days after the end of each
 14 calendar quarter, file with the state department, or the state
 15 department's designated contractor, inpatient and outpatient discharge
 16 information at the patient level, in a format prescribed by the state
 17 health commissioner, including the following:
 18 (1) The patient's:
 19 (A) length of stay;
 20 (B) diagnoses and surgical procedures performed during the
 21 patient's stay;
 22 (C) date of:
 23 (i) admission;
 24 (ii) discharge; and
 25 (iii) birth;
 26 (D) type of admission;
 27 (E) admission source;
 28 (F) gender;
 29 (G) race;
 30 (H) discharge disposition; and
 31 (I) payor, including:
 32 (i) Medicare;
 33 (ii) Medicaid;
 34 (iii) a local government program;
 35 (iv) commercial insurance;
 36 (v) self-pay; and
 37 (vi) charity care.
 38 (2) The total charge for the patient's stay.
 39 (3) The ZIP code of the patient's residence.
 40 (4) **Beginning October 1, 2013, all diagnosed external causes**
 41 **of injury codes.**
 42 SECTION 18. IC 16-25-3-2.5 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.5. The state
2 department shall administer this chapter with the advice of the ~~home~~
3 ~~health care services and hospice services~~ **health care facility advisory**
4 council established by ~~IC 16-27-0.5-1~~ **IC 16-19-15-1**.

5 SECTION 19. IC 16-27-0.5-9 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) The state
7 department may request the council to propose a new rule or an
8 amendment to a rule necessary to protect the health, safety, rights, and
9 welfare of the home health care patients and hospice patients. If the
10 council does not propose a rule within ninety (90) days after the state
11 department's request, the state department may propose the rule.

12 (b) The executive board shall consider rules proposed by the council
13 under this section. ~~and section 7 of this chapter~~. The executive board
14 may adopt, modify, remand, or reject specific rules or parts of rules
15 proposed by the council.

16 (c) To become effective, all rules proposed by the council under this
17 chapter must be adopted by the executive board in accordance with
18 IC 4-22-2.

19 SECTION 20. IC 16-28-1-7, AS AMENDED BY P.L.145-2006,
20 SECTION 135, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2011]: Sec. 7. The council shall do the
22 following:

23 (1) Propose the adoption of rules by the department under
24 IC 4-22-2 governing the following:

25 (A) Health and sanitation standards necessary to protect the
26 health, safety, security, rights, and welfare of patients.

27 (B) Qualifications of applicants for licenses issued under this
28 article to assure the proper care of patients.

29 (C) Operation, maintenance, management, equipment, and
30 construction of facilities required to be licensed under this
31 article if jurisdiction is not vested in any other state agency.

32 (D) Manner, form, and content of the license, including rules
33 governing disclosure of ownership interests.

34 (E) Levels of medical staffing and medical services in
35 cooperation with the office of Medicaid policy and planning,
36 division of family resources, and other agencies authorized to
37 pay for the services.

38 (2) Recommend to the fire prevention and building safety
39 commission fire safety rules necessary to protect the health,
40 safety, security, rights, and welfare of patients.

41 (3) Classify health facilities in health care categories.

42 ~~(4) Encourage the development of social and habilitative~~

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1 programs in health facilities, as recommended by the community
 2 residential facilities council.
 3 ~~(5)~~ (4) Act as an advisory body for the division, commissioner,
 4 and state department.
 5 ~~(6) Adopt rules under IC 4-22-2.~~
 6 SECTION 21. IC 16-28-1-10 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) ~~Except as~~
 8 ~~specifically provided, the executive board~~ **The state health**
 9 **commissioner** may, upon recommendation by the commissioner and
 10 for good cause shown, waive for a specified time any rule that may be
 11 waived under the following for a health facility:
 12 (1) This article.
 13 (2) IC 16-29.
 14 (3) IC 16-30.
 15 (b) ~~Disapproval of a waiver request requires executive board action.~~
 16 ~~However,~~ The granting of a waiver may not adversely affect the health,
 17 safety, and welfare of the patients or residents.
 18 SECTION 22. IC 16-28-1-11 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) Unless an
 20 individual is certified under this section:
 21 (1) the individual may not practice as a qualified medication aide
 22 **or a certified nurse aide;** and
 23 (2) a facility may not employ the individual as a qualified
 24 medication aide **or a certified nurse aide.**
 25 (b) The ~~council~~ **state department** shall do the following:
 26 (1) Establish a program for the certification of qualified
 27 medication aides **and certified nurse aides** who work in facilities
 28 licensed under this article.
 29 (2) Prescribe education and training programs for qualified
 30 medication aides **and certified nurse aides**, including course and
 31 inservice requirements. The training program must include a
 32 competency test that the individual must pass before being
 33 granted an initial certification.
 34 (3) Determine the standards concerning the functions that may be
 35 performed by a qualified medication aide **and a certified nurse**
 36 **aide.**
 37 (4) Establish annual certification fees for qualified medication
 38 aides.
 39 (5) Adopt rules under IC 4-22-2 necessary to implement and
 40 enforce this section.
 41 (c) The **state** department shall maintain a registry of each individual
 42 who is:

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- 1 (1) certified as a:
- 2 (A) qualified medication aide; or
- 3 (B) certified nurse aide; or
- 4 (2) registered as a home health aide under rules adopted
- 5 under IC 16-27-1-7.

6 (d) The department may conduct hearings for violations of this
7 section under IC 4-21.5.

8 SECTION 23. IC 16-28-1-12 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) The department
10 may request the council to propose a new rule or an amendment to a
11 rule necessary to protect the health, safety, rights, and welfare of
12 patients. If the council does not propose a rule not more than ninety
13 (90) days after the department's request, the department may propose
14 its own rule.

15 (b) ~~The executive board shall consider rules proposed by the council~~
16 ~~under this section and section † of this chapter.~~ The executive board
17 may adopt, modify, remand, or reject specific rules or parts of rules
18 proposed by the council.

19 (c) To become effective, all rules adopted under this chapter must
20 be adopted by the executive board in accordance with IC 4-22-2. The
21 rules adopted under this chapter are the only rules governing the
22 licensing and operation of health facilities.

23 SECTION 24. IC 16-28-4-3 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The ~~council state~~
25 **department** shall refer an allegation of breach received about licensed
26 personnel at a health facility to the appropriate licensing board for
27 review and possible disciplinary action.

28 SECTION 25. IC 16-28-6-2 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The ~~council state~~
30 **department** shall adopt rules governing the emergency relocation of
31 patients that provide for the following:

32 (1) Notice to the patient, the patient's next of kin, guardian, and
33 physician of the emergency transfer and the reasons for the
34 relocation.

35 (2) Protections designed to ensure the welfare and desires of the
36 patient.

37 SECTION 26. IC 16-28-8-1 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The director may,
39 after consultation with the commissioner, ~~and the chairman of the~~
40 ~~council~~, request the attorney general to petition the circuit or superior
41 court of the county in which a health facility is located to place the
42 facility in receivership to protect the patients in the facility.

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1 SECTION 27. IC 16-29-2-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) The state
3 department shall adopt rules under IC 4-22-2 to implement this chapter
4 and to establish a reasonable fee for filing and review of an application
5 under this chapter. Notwithstanding ~~IC 16-21-1-8~~, IC 16-21-1-9 or
6 IC 16-21-1-10, a rule adopted under this chapter may not be waived.

7 (b) Fees imposed in connection with the certificate of need review
8 under this article are payable to the state department for use in
9 administration of the certificate of need program created by this
10 chapter.

11 SECTION 28. IC 16-29-3-3 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. A decision of the
13 ~~council~~ **state department** under this chapter is subject to review under
14 IC 4-21.5. IC 16-28-10 applies to review hearings and appeals.

15 SECTION 29. IC 16-29-4-3 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The ~~Indiana health~~
17 ~~facilities~~ **health care facility advisory** council may recommend,
18 before the conversion of existing health facility beds to ICF/MR beds
19 or the construction of a new ICF/MR facility, that the state department
20 issue a preliminary approval of the proposed project, but only if the
21 council determines that there is an insufficient number of available
22 beds to care for all the persons who are determined under IC 12-11-2.1
23 to be appropriate for placement in an ICF/MR facility.

24 SECTION 30. IC 16-29-4-4 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. A proposed project
26 that receives preliminary approval under this chapter may not add more
27 beds than the number determined by the ~~Indiana health facilities~~ **health**
28 **care facility advisory** council to be necessary to provide an available
29 bed for each person determined under IC 12-11-2.1 to be appropriate
30 for placement in an ICF/MR facility. Upon completion of the proposed
31 project and compliance with the other requirements for licensure under
32 IC 16-28, the state department shall issue a license to the facility.

33 SECTION 31. IC 16-35-2-3 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The state health
35 commissioner shall appoint ~~as~~ a director of the program for children
36 with special health care needs.

- 37 (1) a physician; or
38 (2) a person with a graduate degree;
39 who has expertise in the health care system as the system relates to the
40 needs of a child with special health care needs and the child's family.

41 SECTION 32. IC 16-37-1-3.1, AS ADDED BY P.L.61-2009,
42 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 DECEMBER 31, 2010 (RETROACTIVE)]: Sec. 3.1. (a) Beginning
 2 January 1, 2011, the state department shall establish the Indiana birth
 3 registration system (IBRS) for recording in an electronic format live
 4 births in Indiana.

5 (b) Beginning January 1, 2011, the state department shall establish
 6 the Indiana death registration system (IDRS) for recording in an
 7 electronic format deaths in Indiana.

8 (c) Submission of records on births and deaths shall be entered by:

- 9 (1) funeral directors;
 10 (2) physicians;
 11 (3) coroners;
 12 (4) medical examiners;
 13 (5) persons in attendance at birth; and
 14 (6) local health departments;

15 using the electronic system created by the state department under this
 16 section.

17 (d) A person in attendance at a live birth shall report a birth to the
 18 local health officer in accordance with IC 16-37-2-2.

19 (e) Death records shall be submitted as follows, using the Indiana
 20 death registration system:

21 (1) The:

22 (A) **physician last in attendance upon the deceased; or**

23 (B) **person in charge of interment;**

24 shall initiate the document process. ~~and~~ **If the person in charge**
 25 **of interment initiates the process, the person in charge of**
 26 **interment shall** electronically submit the certificate required
 27 under IC 16-37-3-5 to the physician last in attendance upon the
 28 deceased not later than five (5) days after the death.

29 (2) The physician last in attendance upon the deceased shall
 30 electronically certify to the local health department the cause of
 31 death on the certificate of death not later than five (5) days after:

32 (A) **initiating the document process; or**

33 (B) **receiving under IC 16-37-3-5 the electronic notification**
 34 **from the person in charge of interment.**

35 (3) The local health officer shall submit the reports required under
 36 IC 16-37-1-5 to the state department not later than five (5) days
 37 after electronically receiving under IC 16-37-3-5 the completed
 38 certificate of death from the physician last in attendance.

39 SECTION 33. IC 16-37-1-13 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Except as
 41 **provided in subsection (c) or (d) or as** otherwise provided, a person
 42 who recklessly violates or fails to comply with this chapter commits a

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- 1 Class B misdemeanor.
- 2 (b) Each day a violation continues constitutes a separate offense.
- 3 (c) **A person who:**
- 4 (1) **is licensed under IC 25 in a profession listed in section**
- 5 **3.1(c) of this chapter; and**
- 6 (2) **recklessly violates or fails to comply with this chapter;**
- 7 **is subject only to sanctions under IC 25-1-9-4(3).**
- 8 (d) **The state department may not begin sanctioning a person for**
- 9 **failing to submit a document in electronic format as required in**
- 10 **section 3.1 of this chapter until January 1, 2012.**
- 11 SECTION 34. IC 16-37-3-3, AS AMENDED BY P.L.61-2009,
- 12 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2011]: Sec. 3. (a) **The physician last in attendance upon the**
- 14 **deceased or the** person in charge of interment shall file a certificate of
- 15 death or of stillbirth with the local health officer of the jurisdiction in
- 16 which the death or stillbirth occurred.
- 17 (b) Notwithstanding subsection (a), beginning January 1, 2011, **the**
- 18 **physician last in attendance upon the deceased or** the person in
- 19 charge of interment shall use the Indiana death registration system
- 20 established under IC 16-37-1-3.1 to file a certificate of death with the
- 21 local health officer of the jurisdiction in which the death occurred. The
- 22 local health officer shall retain a copy of the certificate of death.
- 23 SECTION 35. IC 16-37-3-4 IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. **The physician last**
- 25 **in attendance upon the deceased or the** person in charge of interment
- 26 shall secure the personal data required by the state department by rules
- 27 adopted under IC 4-22-2 for preparation of the certificate of death or
- 28 of stillbirth from the persons best qualified to give the information.
- 29 SECTION 36. IC 16-37-3-5, AS AMENDED BY P.L.61-2009,
- 30 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2011]: Sec. 5. (a) **If the person in charge of interment initiates**
- 32 **the process, the person in charge of interment** shall present a
- 33 certificate of death to the physician last in attendance upon the
- 34 deceased, who shall certify the cause of death upon the certificate of
- 35 death or of stillbirth.
- 36 (b) Notwithstanding subsection (a), beginning January 1, 2011,
- 37 using the Indiana death registration system established under
- 38 IC 16-37-1-3.1, **if the person in charge of interment initiates the**
- 39 **process, the person in charge of interment** shall electronically
- 40 provide a certificate of death to the physician last in attendance upon
- 41 the deceased. The physician last in attendance upon the deceased shall
- 42 electronically certify to the local health department the cause of death

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1 on the certificate of death, using the Indiana death registration system.

2 SECTION 37. IC 16-41-39.2 IS ADDED TO THE INDIANA
3 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]:

5 **Chapter 39.2. Lead-Based Paint Poisoning Prevention Program**

6 **Sec. 1. (a) The state department shall establish a lead-based**
7 **paint poisoning prevention program under the federal Toxic**
8 **Substances Control Act (15 U.S.C. 2682 et seq.) concerning**
9 **prerenovation education and renovation activities performed for**
10 **compensation in target housing and child occupied facilities to**
11 **ensure the following:**

- 12 (1) Individuals engaged in these activities are properly
- 13 trained.
- 14 (2) Training programs are accredited.
- 15 (3) Contractors engaged in these activities are certified.

16 (b) The state department shall include the following in the
17 program:

- 18 (1) Standards for performing renovations, including:
 - 19 (A) reliability;
 - 20 (B) effectiveness; and
 - 21 (C) safety.
- 22 (2) A requirement that all renovation activities performed for
- 23 compensation in target housing and child occupied facilities
- 24 be done by or overseen by certified individuals.
- 25 (3) Rules governing education requirements that must be
- 26 completed by an individual before the renovation activities for
- 27 compensation may occur.

28 **Sec. 2. The state department's program must:**

- 29 (1) be as protective as, but not more protective than, the
- 30 federal regulations under 40 CFR Part 745, Subparts E and
- 31 L; and
- 32 (2) provide for adequate enforcement.

33 **Sec. 3. The state department shall adopt rules under IC 4-22-2**
34 **necessary to implement this chapter.**

35 **Sec. 4. An individual who is certified under federal or state law**
36 **to perform activities described in this chapter is not required to**
37 **obtain another certification under this chapter.**

38 **Sec. 5. Any fees imposed under this chapter shall be deposited**
39 **in the lead trust fund established by IC 16-41-39.8-7.**

40 SECTION 38. IC 16-41-39.8-7, AS ADDED BY P.L.57-2009,
41 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2011]: Sec. 7. (a) The lead trust fund established by

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1 IC 13-17-14-6 (repealed) is reestablished to provide a source of money
 2 for the purposes set forth in subsection (f).
 3 (b) The expenses of administering the fund shall be paid from the
 4 money in the fund.
 5 (c) The treasurer of state shall invest the money in the fund not
 6 currently needed to meet the obligations of the fund in the same
 7 manner as other public money may be invested. Interest that accrues
 8 from these investments shall be deposited in the fund.
 9 (d) Money in the fund at the end of a state fiscal year does not revert
 10 to the state general fund.
 11 (e) The sources of money for the fund are the following:
 12 (1) License fees established under section 6 of this chapter.
 13 (2) Appropriations made by the general assembly, gifts, and
 14 donations intended for deposit in the fund.
 15 (3) Penalties imposed under sections 14 and 15 of this chapter for
 16 violations of this chapter and rules adopted under this chapter
 17 concerning lead-based paint activities.
 18 **(4) Any fees imposed under the lead-based paint poisoning**
 19 **prevention program under IC 16-41-39.2.**
 20 **(5) Any gifts and grants to the fund.**
 21 (f) The state department may use money in the fund to do the
 22 following:
 23 (1) Pay the expenses of administering this chapter.
 24 (2) Cover other costs related to implementation of 40 CFR 745 for
 25 lead-based paint activities in target housing and child occupied
 26 facilities.
 27 **(3) Administer the lead-based paint poisoning prevention**
 28 **program set forth in IC 16-41-39.2.**
 29 SECTION 39. IC 25-19-1-5, AS AMENDED BY P.L.54-2007,
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2011]: Sec. 5. (a) The ~~Indiana health facilities council, state~~
 32 **department of health**, pursuant to authority provided by IC 16-28, has,
 33 by rule duly promulgated, classified health facilities into
 34 comprehensive health facilities and residential health facilities. The fee
 35 for a health facility administrator's license in either classification shall
 36 be set by the board under section 8 of this chapter.
 37 (b) ~~Such~~ **The** fee and application shall be submitted to the board,
 38 and the board shall transmit all ~~such the~~ **such the** funds ~~so~~ received to the
 39 treasurer of state to be deposited by ~~him~~ **the treasurer** in the general
 40 fund of the state. All expenses incurred in the administration of this
 41 chapter shall be paid from the general fund upon appropriation being
 42 made ~~therefor~~ in the manner provided by law for making ~~such~~

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appropriations.

(c) The administrator of a comprehensive care facility must have a comprehensive care facility administrator license issued by the board in accordance with rules adopted under section 8 of this chapter.

(d) The administrator of a residential care facility must have one (1) of the following licenses issued by the board under rules adopted under section 8 of this chapter:

- (1) A comprehensive care facility administrator license.
- (2) A residential care facility administrator license.

SECTION 40. IC 31-26-4-14, AS ADDED BY P.L.145-2006, SECTION 272, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) The infant mortality account is established within the fund for the purpose of providing money for education and programs approved by the board under section 5(b) of this chapter to reduce infant mortality in Indiana. The account shall be administered by the treasurer of state.

(b) Expenses of administering the account shall be paid from money in the account. The account consists of the following:

- ~~(1) Fees from certificates of birth issued under IC 16-37-1-11.7.~~
- ~~(2) (1) Appropriations to the account.~~
- ~~(3) (2) Money donated to the account.~~

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(d) Money in the account at the end of a state fiscal year does not revert to the state general fund.

SECTION 41. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2011]: IC 16-18-2-298; IC 16-18-2-318.1; IC 16-18-2-332; IC 16-21-1-1; IC 16-21-1-2; IC 16-21-1-3; IC 16-21-1-4; IC 16-21-1-5; IC 16-21-1-6; IC 16-21-1-8; IC 16-27-0.5-0.5; IC 16-27-0.5-1; IC 16-27-0.5-2; IC 16-27-0.5-3; IC 16-27-0.5-4; IC 16-27-0.5-5; IC 16-27-0.5-6; IC 16-27-0.5-7; IC 16-27-0.5-8; IC 16-28-1-1; IC 16-28-1-2; IC 16-28-1-3; IC 16-28-1-4; IC 16-28-1-5; IC 16-28-1-6; IC 16-28-1-8; IC 16-37-1-11.7; IC 16-41-37-1; IC 16-41-37-2; IC 16-41-37-3; IC 16-41-37-3.1; IC 16-41-37-5; IC 16-41-37-6; IC 16-41-37-7; IC 16-41-37-8.

SECTION 42. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 366, 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 9, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 9. IC 16-18-2-282 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 282. (a) "Physician", except as provided in ~~subsection~~ **subsections (b) and (c)**, means a licensed physician (as defined in section 202 of this chapter).

(b) "Physician", for purposes of IC 16-41-12, has the meaning set forth in IC 16-41-12-7.

(c) "Physician", for purposes of IC 16-37-1-3.1 and IC 16-37-3-5, means an individual who:

(1) was the physician last in attendance (as defined in section 282.2 of this chapter); or

(2) meets the requirements set forth in at least one (1) of the following:

(A) IC 25-22.5-5-1.

(B) IC 25-22.5-5-2.

(C) IC 25-22.5-5-4.

SECTION 10. IC 16-18-2-282.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 282.2. (a) "Physician last in attendance", means the individual who pronounced the time of death for a deceased individual.**

(b) For purposes of IC 16-37-3, the term includes an individual who holds any medical license issued under IC 25-22.5."

Page 9, line 19, delete "fifteen (15)" and insert "**eighteen (18)**".

Page 9, line 32, delete "facility or by a home health" and insert "**facility.**".

Page 9, delete line 33, begin a new line double block indented and insert:

"(E) One (1) registered nurse licensed under IC 25-23 who is employed by a home health agency.

(F) One (1) residential care administrator."

Page 9, line 34, delete "(E) One (1) individual who is" and insert "**(G) Two (2) individuals who are**".

Page 9, line 34, delete "a".

Page 9, line 35, delete "administrator." and insert "**administrators, as follows:**

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- (i) One (1) individual employed at a for profit facility.**
- (ii) One (1) individual employed at a nonprofit facility."**

Page 9, line 36, delete "(F)" and insert "**(H)**".

Page 9, line 38, delete "(G)" and insert "**(I)**".

Page 9, line 40, delete "(H)" and insert "**(J)**".

Page 10, line 2, delete "(I)" and insert "**(K)**".

Page 10, line 2, delete "who has knowledge or an interest in" and insert "**who:**

- (i) represents the interests of senior citizens; and**
- (ii) has experience as a health care advocate for senior citizens and may represent a statewide organization."**

Page 10, delete lines 3 through 4.

Page 10, line 5, delete "(J)" and insert "**(L)**".

Page 10, line 5, delete "who has knowledge or an interest in" and insert "**who:**

- (i) represents the interests of people with disabilities; and**
- (ii) has experience as a health care advocate for people with disabilities and may represent a statewide organization."**

Page 10, delete lines 6 through 7.

Page 10, line 8, delete "(K)" and insert "**(M)**".

Page 10, line 8, delete "who has knowledge or an interest in" and insert "**who:**

- (i) represents the interests of people with chronic or acute health care needs; and**
- (ii) has experience as a health care advocate for people with chronic or acute health care needs and may represent a statewide organization."**

Page 10, delete lines 9 through 10.

Page 10, line 11, delete "(L)" and insert "**(N)**".

Page 10, line 25, delete "(a)(3)(C), (a)(3)(D), (a)(3)(E), (a)(3)(F), (a)(3)(G), and (a)(3)(H)," and insert "**(a)(3)(C) through (a)(3)(J),"**

Page 10, line 36, delete "Seven (7)" and insert "**Eight (8)**".

Page 10, line 38, delete "Six (6)" and insert "**Eight (8)**".

Page 11, line 19, delete "Eight (8)" and insert "**Ten (10)**".

Page 11, between lines 22 and 23, begin a new paragraph and insert: "**(d) The chairperson may approve the creation of a subcommittee at the request of a majority of the council members.**

A subcommittee member:

- (1) serves at the pleasure of the council; and**
- (2) does not receive travel reimbursement or per diem."**

Page 12, delete lines 22 through 42.

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Page 14, line 36, delete "January 1, 2013," and insert "**October 1, 2013,**".

Page 15, line 6, reset in roman "within ninety (90) days after the state".

Page 15, line 7, reset in roman "department's request,".

Page 15, line 7, delete "after prior notice by the state department of".

Page 15, line 8, delete "the state department's proposed rule,".

Page 15, line 9, delete "rule to the executive board." and insert "rule.".

Page 17, line 10, reset in roman "not more than ninety".

Page 17, line 11, reset in roman "(90) days after the department's request,".

Page 17, line 11, delete "after prior notice by the".

Page 17, line 12, delete "state department of the state department's proposed rule,".

Page 17, line 13, reset in roman "its own rule.".

Page 17, line 13, delete "the rule to the executive board.".

Page 20, after line 42, begin a new paragraph and insert:

"SECTION 36. IC 16-41-39.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 39.2. Lead-Based Paint Poisoning Prevention Program

Sec. 1. (a) The state department shall establish a lead-based paint poisoning prevention program under the federal Toxic Substances Control Act (15 U.S.C. 2682 et seq.) concerning prerenovation education and renovation activities performed for compensation in target housing and child occupied facilities to ensure the following:

- (1) Individuals engaged in these activities are properly trained.**
- (2) Training programs are accredited.**
- (3) Contractors engaged in these activities are certified.**

(b) The state department shall include the following in the program:

- (1) Standards for performing renovations, including:**
 - (A) reliability;**
 - (B) effectiveness; and**
 - (C) safety.**
- (2) A requirement that all renovation activities performed for compensation in target housing and child occupied facilities be done by or overseen by certified individuals.**
- (3) Rules governing education requirements that must be**

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completed by an individual before the renovation activities for compensation may occur.

Sec. 2. The state department's program must:

(1) be as protective as, but not more protective than, the federal regulations under 40 CFR Part 745, Subparts E and L; and

(2) provide for adequate enforcement.

Sec. 3. The state department shall adopt rules under IC 4-22-2 necessary to implement this chapter.

Sec. 4. An individual who is certified under federal or state law to perform activities described in this chapter is not required to obtain another certification under this chapter.

Sec. 5. (a) The lead-based paint poisoning prevention program fund is established for the purpose of receiving fees and grant money and for the purpose of paying expenses related to administration of the lead-based paint poisoning prevention program established under this chapter. The fund shall be administered by the state department.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

Page 22, line 1, after ":" insert "IC 16-18-2-298; IC 16-18-2-318.1; IC 16-18-2-332;"

Page 22, line 7, delete "IC 16-37-1-11.7." and insert "IC 16-37-1-11.7; IC 16-41-37-1; IC 16-41-37-2; IC 16-41-37-3; IC 16-41-37-3.1; IC 16-41-37-5; IC 16-41-37-6; IC 16-41-37-7; IC 16-41-37-8."

Renumber all SECTIONS consecutively.

and when so amended that said bill be reassigned to the Senate Committee on Tax and Fiscal Policy.

(Reference is to SB 366 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 6, Nays 1.



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COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 366, 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 6, delete lines 32 through 42.

Page 7, delete line 1.

Page 9, line 27, after "attendance"" delete ",,".

Page 10, line 2, after "services" delete ",,".

Page 20, line 11, after "(c)" delete ",," and insert "**or**".

Page 20, line 11, after "(d)" delete ",,".

Page 20, line 11, after "or" insert "**as**".

Page 22, delete lines 8 through 20, begin a new paragraph and insert:

"Sec. 5. Any fees imposed under this chapter shall be deposited in the lead trust fund established by IC 16-41-39.8-7.

SECTION 39. IC 16-41-39.8-7, AS ADDED BY P.L.57-2009, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) The lead trust fund established by IC 13-17-14-6 (repealed) is reestablished to provide a source of money for the purposes set forth in subsection (f).

(b) The expenses of administering the fund shall be paid from the money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The sources of money for the fund are the following:

(1) License fees established under section 6 of this chapter.

(2) Appropriations made by the general assembly, gifts, and donations intended for deposit in the fund.

(3) Penalties imposed under sections 14 and 15 of this chapter for violations of this chapter and rules adopted under this chapter concerning lead-based paint activities.

(4) Any fees imposed under the lead-based paint poisoning prevention program under IC 16-41-39.2.

(5) Any gifts and grants to the fund.

(f) The state department may use money in the fund to do the following:

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- (1) Pay the expenses of administering this chapter.
- (2) Cover other costs related to implementation of 40 CFR 745 for lead-based paint activities in target housing and child occupied facilities.
- (3) Administer the lead-based paint poisoning prevention program set forth in IC 16-41-39.2."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 366 as printed January 28, 2011.)

HERSHMAN, Chairperson

Committee Vote: Yeas 10, Nays 0.

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