

IC 16-25-3

Chapter 3. Licensure of Hospices

IC 16-25-3-1

License required for facilities

Sec. 1. (a) For purposes of this chapter, a:

- (1) hospital licensed under IC 16-21-2;
- (2) health facility licensed under IC 16-28-2; or
- (3) home health agency licensed under IC 16-27-1;

that operates a hospice program in Indiana must be approved by the state department under this chapter but is not required to have a hospice license.

(b) A person not described in subsection (a) who provides hospice services in Indiana must be licensed by the state department under this chapter.

As added by P.L.256-1999, SEC.13. Amended by P.L.58-2000, SEC.5.

IC 16-25-3-2

Licensee permitted to provide hospice services

Sec. 2. A license issued or approval granted under this chapter authorizes the owner or operator of a hospice program to provide hospice services.

As added by P.L.256-1999, SEC.13.

IC 16-25-3-2.5 Version a

Administration; advice of council

Note: This version of section amended by P.L.156-2011, SEC.19. See also following version of this section amended by P.L.197-2011, SEC.62.

Sec. 2.5. The state department shall administer this chapter with the advice of the health care facility advisory council established by IC 16-19-15-1.

As added by P.L.12-2004, SEC.4. Amended by P.L.156-2011, SEC.19.

IC 16-25-3-2.5 Version b

Administration; Indiana health care facility advisory council

Note: This version of section amended by P.L.197-2011, SEC.62. See also preceding version of this section amended by P.L.156-2011, SEC.19.

Sec. 2.5. The state department shall administer this chapter with the advice of the Indiana health care facility advisory council established by IC 16-19-15-1.

As added by P.L.12-2004, SEC.4. Amended by P.L.197-2011, SEC.62.

IC 16-25-3-3

Application

Sec. 3. (a) An applicant shall submit an application for a hospice

license or for approval of a hospice program on a form prescribed by the state department.

(b) The applicant shall attach to the application evidence of the applicant's ability to comply with the minimum standards established for licensure under this article.

(c) The application must contain the following information:

- (1) The applicant's name.
- (2) The type of hospice program the applicant will own or operate.
- (3) The location of the hospice program owned or operated by the applicant.
- (4) The name of the individual or individuals responsible for the day to day operation of the hospice program owned or operated by the applicant.

As added by P.L.256-1999, SEC.13.

IC 16-25-3-4 Version a

Requirements

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 4. To obtain a license or approval under this chapter, the hospice program owned or operated by the applicant must:

- (1) meet the minimum standards for certification under the Medicare program (42 U.S.C. 1395 et seq.) and comply with the regulations for hospices under 42 CFR 418.1 et seq.; or
- (2) be certified by the Medicare program.

As added by P.L.256-1999, SEC.13.

IC 16-25-3-4 Version b

Requirements for license or approval; tax warrant list

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 4. (a) To obtain a license or approval under this chapter, the hospice program owned or operated by the applicant must:

- (1) meet the minimum standards for certification under the Medicare program (42 U.S.C. 1395 et seq.) and comply with the regulations for hospices under 42 CFR 418.1 et seq.; or
- (2) be certified by the Medicare program.

(b) If the department of state revenue notifies the department that a person is on the most recent tax warrant list, the department shall not issue or renew the person's license until:

- (1) the person provides to the department a statement from the department of state revenue indicating that the person's tax warrant has been satisfied; or
- (2) the department receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

As added by P.L.256-1999, SEC.13. Amended by P.L.172-2011, SEC.116.

IC 16-25-3-5

Provisional license

Sec. 5. The state department:

(1) may issue a provisional license or approval to an applicant that is operating a hospice program before September 1, 1999, if the hospice program is certified by:

(A) the Medicare program; or

(B) the state under IC 16-25-1 (before its repeal); and

(2) may not issue a license or grant approval to an applicant that is not operating a hospice program before September 1, 1999, unless the state department:

(A) surveys the hospice program; and

(B) finds that the hospice program complies with section 6(a) of this chapter.

As added by P.L.256-1999, SEC.13.

IC 16-25-3-6

Initial survey of program; issuance or nonissuance of license

Sec. 6. (a) If, after conducting an initial survey of a hospice program, the state department finds that the hospice program owned or operated by the applicant complies with this article, the state department shall:

(1) approve the application; and

(2) issue a hospice license or grant approval to the applicant.

(b) If, after conducting an initial survey of a hospice program, the state department finds that the hospice program owned or operated by the applicant does not comply with this article, the state department shall:

(1) deny the application; and

(2) notify the applicant in writing of the denial and the specific reasons for denying the application.

As added by P.L.256-1999, SEC.13.

IC 16-25-3-7

Expiration of license

Sec. 7. (a) A license issued or approval granted under this chapter expires one (1) year after the date of issuance.

(b) A hospice program may renew its license or approval under procedures approved by the state department.

As added by P.L.256-1999, SEC.13.

IC 16-25-3-8

Employees of hospice

Sec. 8. An employee of a hospice licensed or approved under this chapter who:

(1) provides hospice services only as an employee of the hospice; and

(2) does not receive compensation for providing the services, other than wages from the hospice;

is not required to obtain a hospice license or approval under this chapter.

As added by P.L.256-1999, SEC.13.

IC 16-25-3-9

License required for persons providing services

Sec. 9. A person may not:

- (1) provide hospice services; or
- (2) represent to the public that the person provides hospice services;

unless the person holds a license issued or approval granted by the state department under this chapter.

As added by P.L.256-1999, SEC.13.

IC 16-25-3-10

Unlicensed persons not permitted to use "hospice" to describe services

Sec. 10. A person that is not licensed or approved to own or operate a hospice program under this chapter may not use:

- (1) the word "hospice" in a title or description of a facility, an organization, a program, a service provider, or a service; or
- (2) any words, letters, abbreviations, or insignia indicating or implying that the person holds a license or has approval to provide hospice services.

As added by P.L.256-1999, SEC.13.

IC 16-25-3-11

Third party billing notice

Sec. 11. A hospice that provides to a hospice program patient notice concerning a third party billing for a hospice service provided to the hospice program patient shall ensure that the notice:

- (1) conspicuously states that the notice is not a bill;
- (2) does not include a tear-off portion; and
- (3) is not accompanied by a return mailing envelope.

As added by P.L.178-2003, SEC.5.