

IC 16-28-9

Chapter 9. Penalties

IC 16-28-9-1

Investigations and reports

Sec. 1. The division shall investigate a report of an unlicensed health facility operation and report the division's findings to the attorney general.

As added by P.L.2-1993, SEC.11.

IC 16-28-9-2

Penalty options

Sec. 2. The attorney general may do any of the following:

- (1) Seek an injunction in the circuit or superior court of the county in which the unlicensed health facility is located or in the circuit or superior court of Marion County.
- (2) Seek relief under IC 4-21.5, including a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each day of unlicensed operation.
- (3) Seek criminal penalties as provided by section 5 of this chapter.

As added by P.L.2-1993, SEC.11.

IC 16-28-9-3

Interference with investigations; retaliation; failure to correct; interference with correction process

Sec. 3. (a) A person who intentionally:

- (1) prevents, interferes with, or attempts to impede the work of an employee of the state department in the investigation and enforcement of any provision of this article;
- (2) prevents or attempts to prevent an employee of the state department from examining any relevant records in the conduct of official duties under this article;
- (3) prevents or interferes with an employee of the state department in preserving evidence of the breach of any provision of this article;
- (4) retaliates or discriminates against a resident or an employee for:
 - (A) contacting or providing information to any state official;
or
 - (B) initiating, participating in, or testifying in an action under this article; or
- (5) fails to correct or interferes with the correction process within the correction period specified on the citation or approved plan of correction, unless an extension is granted by the director and the corrections are made before expiration of the extension;

commits a Class C misdemeanor.

(b) In addition to the criminal provisions for violations described in subsection (a), the commissioner may commence an action under

IC 4-21.5-3-6 or IC 4-21.5-4 for issuance of an order of compliance and a civil penalty not to exceed twenty-five thousand dollars (\$25,000).

As added by P.L.2-1993, SEC.11.

IC 16-28-9-4

Destruction or falsification of records

Sec. 4. A person who intentionally destroys or falsifies records of the breach of any provision of this article commits a Class D felony.

As added by P.L.2-1993, SEC.11.

IC 16-28-9-5

Unlicensed operation of facilities; advertisement of unlicensed facilities

Sec. 5. A person who:

(1) operates a health facility that is not licensed under this article; or

(2) advertises by any means the operation of a health facility that is not licensed under this article;

commits a Class A misdemeanor.

As added by P.L.2-1993, SEC.11.

IC 16-28-9-6

Imposition of fine

Sec. 6. The state department may impose a fine not to exceed five thousand dollars (\$5,000) for a violation of a provision of this chapter.

As added by P.L.108-1999, SEC.2.