



Mike Braun
Governor

Lindsay M. Weaver, MD, FACEP
State Health Commissioner

DATE: April 23, 2025

TO: Executive Board
Indiana Department of Health

FROM: Amy Kent
Chief of Staff

RE: Proposed Civil Penalties Administrative Rule

The Indiana Department of Health (IDOH) is presenting the Civil Penalties Rule to Executive Board for discussion. IDOH is proposing to add language that will clarify the factors the agency will utilize to set a specific dollar amount in an individual case with sufficient certainty. These factors are being added to 410 IAC 15-1.3-3 for hospitals, 410 IAC 16.2-3.1-2 for comprehensive care facilities, and 410 IAC 16.2-5-1.1 for residential care facilities. All three of these rules already contain a "not to exceed" amount for civil penalties that the department may assess, but the addition of the factors will help these entities better understand the factors taken into account for any future penalties. This change is intended to address a state statutory requirement outlined in IC 4-22-2-19.6 for fines, fees, and penalties.

The four factors being added are: (1) potential for harm or imminent threat to patient health, (2) extent of deviation from statutory or regulatory requirements, (3) degree of willfulness, and (4) history of noncompliance.

IDOH is also proposing to remove subsections (d) through (h) of the current rule 410 IAC 15-1.3-3. Because the section of code IC 4-21.5 applies to this section, IDOH has no need to convene a panel to review an order issued by an administrative law judge. This will conform the rule to the operational procedures of IDOH.

IDOH is submitting this rule for first Executive Board review on May 14, 2025.

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