



January 20, 2000

HOUSE BILL No. 1329

DIGEST OF HB 1329 (Updated January 19, 2000 2:56 PM - DI 77)

Citations Affected: IC 16-18; IC 16-25.

Synopsis: Hospice licensure. Exempts licensed hospice programs from the definition of health facility. Provides that laws governing hospice licensure apply to entities providing hospice services in Indiana. Provides that a hospice program includes inpatient services provided by a hospice in compliance with federal regulations.

Effective: Upon passage.

Kruzan, Goeglein

January 11, 2000, read first time and referred to Committee on Public Health.
January 19, 2000, amended, reported — Do Pass.

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HB 1329—LS 6963/DI 88+



January 20, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

HOUSE BILL No. 1329

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 16-18-2-167 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 167. (a) "Health
3 facility" means a building, a structure, an institution, or other place for
4 the reception, accommodation, board, care, or treatment extending
5 beyond a continuous twenty-four (24) hour period in a week of more
6 than four (4) individuals who need or desire such services because of
7 physical or mental illness, infirmity, or impairment.
8 (b) The term does not include the premises used for the reception,
9 accommodation, board, care, or treatment in a household or family, for
10 compensation, of a person related by blood to the head of the
11 household or family (or to the spouse of the head of the household or
12 family) within the degree of consanguinity of first cousins.
13 (c) The term does not include any of the following:
14 (1) Hotels, motels, or mobile homes when used as such.
15 (2) Hospitals or mental hospitals, except for that part of a hospital
16 that provides long term care services and functions as a health
17 facility, in which case that part of the hospital is licensed under IC

HB 1329—LS 6963/DI 88+



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- 1 16-21-2, but in all other respects is subject to IC 16-28.
 2 (3) **Hospices that furnish inpatient care and are licensed**
 3 **under IC 16-25-3.**
 4 (4) Institutions operated by the federal government.
 5 ~~(4)~~ (5) Foster family homes or day care centers.
 6 ~~(5)~~ (6) Schools for the deaf or blind.
 7 ~~(6)~~ (7) Day schools for the retarded.
 8 ~~(7)~~ (8) Day care centers.
 9 ~~(8)~~ (9) Children's homes and child placement agencies.
 10 ~~(9)~~ (10) Offices of practitioners of the healing arts.
 11 ~~(10)~~ (11) Any institution in which health care services and private
 12 duty nursing services are provided that is listed and certified by
 13 the Commission for Accreditation of Christian Science Nursing
 14 Organizations/Facilities, Inc.
 15 ~~(11)~~ (12) Industrial clinics providing only emergency medical
 16 services or first aid for employees.
 17 ~~(12)~~ (13) A residential facility (as defined in IC 12-7-2-165).
 18 ~~(13)~~ (14) Maternity homes.
 19 ~~(14)~~ (15) Offices of Christian Science practitioners.
 20 SECTION 2. IC 16-25-1.1-3, AS ADDED BY P.L.256-1999,
 21 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 3. "Hospice" means a person that owns or
 23 operates a hospice program **in Indiana.**
 24 SECTION 3. IC 16-25-1.1-4, AS ADDED BY P.L.256-1999,
 25 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 4. (a) "Hospice program" means a specialized
 27 form of interdisciplinary health care **provided in Indiana that is**
 28 designed to alleviate the physical, emotional, social, and spiritual
 29 discomforts of an individual who is experiencing the last phase of a
 30 terminal illness or disease and that:
 31 (1) uses an interdisciplinary team that is under the direction of a
 32 physician licensed under IC 25-22.5 to provide a program of
 33 planned and continual care for terminally ill patients and their
 34 families, including:
 35 (A) participation in the establishment of the plan of care;
 36 (B) provision or supervision of hospice services;
 37 (C) periodic review and updating of the plan of care for each
 38 hospice program patient; and
 39 (D) establishment of policies governing the day to day
 40 provision of hospice services;
 41 (2) must provide a continuum of care, including twenty-four (24)
 42 hour availability of:

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- 1 (A) nursing services, physician services, drugs, and
 2 biologicals;
 3 (B) other services necessary for care that is reasonable and
 4 necessary for palliation and management of terminal illnesses
 5 and related conditions; and
 6 (C) bereavement counseling;
 7 in a manner consistent with accepted standards of practice; and
 8 (3) meets the minimum standards for certification under the
 9 Medicare program (42 U.S.C. 1395 et seq.) and complies with the
 10 regulations for hospices under 42 CFR 418.1 et seq.

11 (b) **The term includes inpatient services provided by a hospice**
 12 **in compliance with 42 CFR 418.1 et seq.**

13 (c) The term does not include services provided by a hospital, a
 14 health facility, an ambulatory outpatient surgical center, or a home
 15 health agency unless the entity has a distinct hospice program.

16 SECTION 4. IC 16-25-1.1-8, AS ADDED BY P.L.256-1999,
 17 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 8. "Person" means an individual, a
 19 corporation, a limited liability company, a partnership, or other legal
 20 entity **that does business in Indiana.**

21 SECTION 5. IC 16-25-3-1, AS ADDED BY P.L.256-1999,
 22 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 1. (a) For purposes of this chapter, a:

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

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

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

33 SECTION 6. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1329, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 5 with "[EFFECTIVE UPON PASSAGE]".

Page 2, line 2, after "Hospices" insert "**that furnish inpatient care and are**".

Page 3, after line 31, begin a new paragraph and insert:
"SECTION 6. **An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to HB 1329 as introduced.)

BROWN C, Chair

Committee Vote: yeas 14, nays 0.

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