

Adopted Rejected

COMMITTEE REPORT

YES:	13
NO:	0

MR. SPEAKER:

*Your Committee on Public Health, to which was referred House Bill 1124, 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:*

- 1 Page 3, delete lines 4 through 42, begin a new paragraph and insert:
- 2 "SECTION 7. IC 16-28-5-4 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE SEPTEMBER 1, 2000]: Sec. 4. (a) The
- 4 commissioner shall impose the following remedies for breaches of this
- 5 article or a rule adopted under this article:
- 6 (1) For ~~an offense~~, **a Level 4 breach**, the remedies specified in
- 7 subsection (b)(1) through (b)(2). The commissioner may also
- 8 impose the remedy specified in subsection (b)(3).
- 9 (2) For a ~~deficiency~~, **Level 3 breach**, the ~~remedies~~ **remedy**
- 10 specified in subsection (b)(1). The commissioner may also impose
- 11 the remedies specified in subsection (b)(4).
- 12 (3) For a breach that is a repeat of the same ~~deficiency~~ **Level 3**
- 13 **breach** within a fifteen (15) month period, the remedies specified
- 14 in subsection (b)(1) through (b)(2). The commissioner may also
- 15 impose the remedy specified in subsection (b)(3).

- 1 (4) For a ~~noncompliance~~, **Level 2 breach**, the remedies specified
 2 in subsection (b)(5) through (b)(6).
- 3 (5) For a breach that is a repeat of the same ~~noncompliance~~ **Level**
 4 **2 breach** within a fifteen (15) month period, the ~~remedies~~
 5 **remedy** specified in subsection (b)(1). The commissioner may
 6 also impose the remedies specified in subsection (b)(4).
- 7 (6) For a ~~nonconformance~~, **Level 1 breach**, the ~~remedies~~ **remedy**
 8 specified in subsection (b)(5).
- 9 (7) For a breach that is a repeat of the same ~~nonconformance~~
 10 **Level 1 breach** within a fifteen (15) month period, the remedies
 11 specified in subsection (b)(5) through (b)(6).
- 12 (b) The remedies for breaches of this article or rules adopted under
 13 this article are as follows:
- 14 (1) Issuance of an order for immediate correction of the breach.
- 15 (2) Imposition of a fine not to exceed ten thousand dollars
 16 (\$10,000) or suspension of new admissions to the health facility
 17 for a period not to exceed forty-five (45) days, or both.
- 18 (3) Revocation by the director of the health facility's license or
 19 issuance of a probationary license.
- 20 (4) Imposition of a fine not to exceed five thousand dollars
 21 (\$5,000) or suspension of new admissions to the health facility for
 22 a period not to exceed thirty (30) days, or both.
- 23 (5) A requirement that the health facility comply with any plan of
 24 correction approved or directed under section 7 of this chapter.
- 25 (6) If the health facility is found to have a pattern of breach, the
 26 commissioner may suspend new admissions to the health facility
 27 for a period not to exceed fifteen (15) days or impose a fine not to
 28 exceed one thousand dollars (\$1,000), or both.
- 29 (c) If a breach is immediately corrected and the commissioner has
 30 imposed remedies under subsection (b)(2), the commissioner may
 31 waive not more than fifty percent (50%) of the fine imposed and reduce
 32 the number of days for suspension of new admissions by one-half (1/2).
- 33 (d) The commissioner may, with the concurrence of a licensed
 34 physician, impose the following:
- 35 (1) For an omission of care or an act that does not fall within a
 36 classification of a ~~rule~~ **breach** under this section and that the
 37 facility should reasonably have known would present a substantial
 38 probability that death or a life threatening condition will result,

- 1 one (1) or any combination of the remedies specified in
- 2 subsection (b)(1) through (b)(3).
- 3 (2) For an omission of care or an act that:
- 4 (A) does not fall within a classification of a **rule breach** under
- 5 this section; and
- 6 (B) the facility should reasonably have known would result in
- 7 an immediate or a direct, serious adverse effect on the health,
- 8 safety, security, rights, or welfare of a patient;
- 9 the remedies specified in subsection (b)(1) or (b)(4), or both."
- 10 Delete page 4.
- 11 Page 5, delete lines 1 through 19.
- 12 Page 6, line 10, after "conducted" insert "**or approved**".
- 13 Page 6, line 10, delete ":" and insert "**the state department of**
- 14 **health**".
- 15 Page 6, delete lines 11 through 12.
- 16 Page 6, delete lines 17 through 42.
- 17 Delete pages 7 through 9.
- 18 Renumber all SECTIONS consecutively.
- (Reference is to HB 1124 as introduced.)

and when so amended that said bill do pass.

Representative Brown C