

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 ENROLLED ACT No. 1329

AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-18-2-167 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 167. (a) "Health facility" means a building, a structure, an institution, or other place for the reception, accommodation, board, care, or treatment extending beyond a continuous twenty-four (24) hour period in a week of more than four (4) individuals who need or desire such services because of physical or mental illness, infirmity, or impairment.

(b) The term does not include the premises used for the reception, accommodation, board, care, or treatment in a household or family, for compensation, of a person related by blood to the head of the household or family (or to the spouse of the head of the household or family) within the degree of consanguinity of first cousins.

(c) The term does not include any of the following:

- (1) Hotels, motels, or mobile homes when used as such.
- (2) Hospitals or mental hospitals, except for that part of a hospital that provides long term care services and functions as a health facility, in which case that part of the hospital is licensed under IC 16-21-2, but in all other respects is subject to IC 16-28.
- (3) **Hospices that furnish inpatient care and are licensed under IC 16-25-3.**
- (4) Institutions operated by the federal government.
- ~~(5)~~ (5) Foster family homes or day care centers.

HEA 1329+



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- (5) (6) Schools for the deaf or blind.
- (6) (7) Day schools for the retarded.
- (7) (8) Day care centers.
- (8) (9) Children's homes and child placement agencies.
- (9) (10) Offices of practitioners of the healing arts.
- (10) (11) Any institution in which health care services and private duty nursing services are provided that is listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc.
- (11) (12) Industrial clinics providing only emergency medical services or first aid for employees.
- (12) (13) A residential facility (as defined in IC 12-7-2-165).
- (13) (14) Maternity homes.
- (14) (15) Offices of Christian Science practitioners.

SECTION 2. IC 16-25-1.1-3, AS ADDED BY P.L.256-1999, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. "Hospice" means a person that owns or operates a hospice program **in Indiana**.

SECTION 3. IC 16-25-1.1-4, AS ADDED BY P.L.256-1999, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) "Hospice program" means a specialized form of interdisciplinary health care **provided in Indiana that is** designed to alleviate the physical, emotional, social, and spiritual discomforts of an individual who is experiencing the last phase of a terminal illness or disease and that:

- (1) uses an interdisciplinary team that is under the direction of a physician licensed under IC 25-22.5 to provide a program of planned and continual care for terminally ill patients and their families, including:
 - (A) participation in the establishment of the plan of care;
 - (B) provision or supervision of hospice services;
 - (C) periodic review and updating of the plan of care for each hospice program patient; and
 - (D) establishment of policies governing the day to day provision of hospice services;
- (2) must provide a continuum of care, including twenty-four (24) hour availability of:
 - (A) nursing services, physician services, drugs, and biologicals;
 - (B) other services necessary for care that is reasonable and necessary for palliation and management of terminal illnesses and related conditions; and

HEA 1329+



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(C) bereavement counseling;

in a manner consistent with accepted standards of practice; and
(3) meets the minimum standards for certification under the Medicare program (42 U.S.C. 1395 et seq.) and complies with the regulations for hospices under 42 CFR 418.1 et seq.

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

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

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

SECTION 5. IC 16-25-3-1, AS ADDED BY P.L.256-1999, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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.

SECTION 6. An emergency is declared for this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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HEA 1329+

