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**PRELIMINARY DRAFT**  
**No. 3512**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2004 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 16-18-2; IC 16-25-3-2.5; IC 16-27-0.5.

**Synopsis:** Indiana home health agency and hospice council. Creates the Indiana home health agency and hospice council. Provides that the state department of health shall pay the council's expenses. Allows the council to propose rules and act as an advisory body.

**Effective:** July 1, 2004.



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 16-18-2-84 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 84. "Council" refers to  
3 the following:

4 (1) For purposes of IC 16-21, the hospital council.

5 **(2) For purposes of IC 16-25 and IC 16-27, the Indiana home  
6 health and hospice council.**

7 ~~(2)~~ (3) For purposes of IC 16-28 and IC 16-29, the Indiana health  
8 facilities council.

9 ~~(3)~~ (4) For purposes of IC 16-46-6, the interagency state council  
10 on black and minority health.

11 SECTION 2. IC 16-18-2-96, AS AMENDED BY P.L.2-2003,  
12 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2004]: Sec. 96. (a) "Director", for purposes of IC 16-19-13,  
14 refers to the director of the office of women's health established by  
15 IC 16-19-13.

16 **(b) "Director", for purposes of IC 16-27, means the individual  
17 acting under the authority of and assigned the responsibility by the  
18 state health commissioner to implement IC 16-27.**

19 ~~(b)~~ (c) "Director", for purposes of IC 16-28, IC 16-29, and IC 16-30,  
20 means the individual acting under the authority of and assigned the  
21 responsibility by the state health commissioner to implement IC 16-28,  
22 IC 16-29, and IC 16-30.

23 ~~(c)~~ (d) "Director", for purposes of IC 16-31, refers to the director of  
24 the state emergency management agency established under  
25 IC 10-14-2-1.

26 ~~(d)~~ (e) "Director", for purposes of IC 16-35-2, refers to the director  
27 of the program for children with special health care needs.

28 SECTION 3. IC 16-18-2-97 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 97. "Division" means  
30 the following:

31 (1) For purposes of IC 16-22-8, the meaning set forth in



1 IC 16-22-8-3.

2 **(2) For purposes of IC 16-27, a group of individuals under the**  
 3 **supervision of the director within the state department**  
 4 **assigned the responsibility of implementing IC 16-27.**

5 ~~(3)~~ **(3)** For purposes of IC 16-28, a group of individuals under the  
 6 supervision of the director within the state department assigned  
 7 the responsibility of implementing IC 16-28.

8 ~~(4)~~ **(4)** For purposes of IC 16-41-40, the meaning set forth in  
 9 IC 16-41-40-1.

10 SECTION 4. IC 16-25-3-2.5 IS ADDED TO THE INDIANA CODE  
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 12 1, 2004]: **Sec. 2.5. The state department shall administer this**  
 13 **chapter with the advice of the council established by IC 16-27-0.5.**

14 SECTION 5. IC 16-27-0.5 IS ADDED TO THE INDIANA CODE  
 15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2004]:

17 **Chapter 0.5. Home Health Agency and Hospice Council**

18 **Sec. 1. (a) The Indiana home health agency and hospice council**  
 19 **is created.**

20 **(b) The council consists of fourteen (14) members as follows:**

21 **(1) One (1) licensed physician.**

22 **(2) Six (6) individuals, one (1) individual engaged in the**  
 23 **administration of each of the following:**

24 **(A) A for profit home health agency.**

25 **(B) A nonprofit home health agency.**

26 **(C) A hospital based home health agency.**

27 **(D) A for profit hospice.**

28 **(E) A nonprofit hospice.**

29 **(F) A hospital based hospice.**

30 **(3) One (1) registered nurse licensed under IC 25-23.**

31 **(4) One (1):**

32 **(A) physical therapist licensed under IC 25-27;**

33 **(B) occupational therapist certified under IC 25-23.5; or**

34 **(C) speech-language pathologist licensed under IC 25-35.6;**  
 35 **experienced in home health or hospice care.**

36 **(5) One (1) citizen having knowledge of or experience in**  
 37 **hospice care.**

38 **(6) One (1) citizen having knowledge of or experience in home**  
 39 **health agency care.**

40 **(7) One (1) registered pharmacist licensed under IC 25-26.**

41 **(8) The commissioner or the commissioner's designee.**

42 **(9) The director of the division of disability, aging, and**  
 43 **rehabilitative services or the director's designee.**

44 **(c) The members of the council designated by subsection (b)(1)**  
 45 **through (b)(7) shall be appointed by the governor.**

46 **(d) Except for the members of the council designated by**



1 subsection (b)(8) and (b)(9), all appointments are for four (4) years.  
 2 If a vacancy occurs, the appointee serves for the remainder of the  
 3 unexpired term. A vacancy is filled from the same group that was  
 4 represented by the outgoing member.

5 (e) Except for the members of the council designated by  
 6 subsection (b)(2), a member of the council may not have a  
 7 pecuniary interest in the operation of or provide professional  
 8 services through employment or under contract to a home health  
 9 agency licensed under this article or a hospice licensed under  
 10 IC 16-25.

11 Sec. 2. (a) The state department shall pay the expenses of the  
 12 council.

13 (b) A member of the council who is not a state employee is  
 14 entitled to the minimum salary per diem provided by  
 15 IC 4-10-11-2.1(b). A member is entitled to reimbursement for  
 16 traveling expenses as provided under IC 4-13-1-4 and other  
 17 expenses actually incurred in connection with the member's duties,  
 18 as provided in the state policies and procedures established by the  
 19 Indiana department of administration and approved by the budget  
 20 agency.

21 (c) Each member of the council who is a state employee is  
 22 entitled to reimbursement for traveling expenses as provided under  
 23 IC 4-13-1-4 and other expenses actually incurred in connection  
 24 with the member's duties as provided in the state policies and  
 25 procedures established by the Indiana department of  
 26 administration and approved by the budget agency.

27 Sec. 3. Each year the council shall elect from among council  
 28 members a chair and a vice chair.

29 Sec. 4. The director serves as secretary to the council.

30 Sec. 5. (a) The council shall meet at least six (6) times a year.

31 (b) Special meetings of the council shall be called by the chair  
 32 upon the written request of four (4) members of the council.

33 Sec. 6. (a) Eight (8) members of the council constitute a quorum  
 34 for the transaction of all business of the council.

35 (b) The council shall establish procedures to govern the  
 36 council's deliberations.

37 Sec. 7. The council shall do the following:

38 (1) Propose the adoption of rules by the state department  
 39 under IC 4-22-2 governing the following:

40 (A) Health and sanitation standards necessary to protect  
 41 the health, safety, security, rights, and welfare of home  
 42 health care patients and hospice patients.

43 (B) Qualifications of applicants for licenses issued under  
 44 IC 16-25 and IC 16-27.

45 (2) Recommend to other state agencies or governing bodies  
 46 rules necessary to protect the health, safety, security, rights,



1           **and welfare of home health care patients and hospice patients.**  
2           **(3) Act as an advisory body for the division, state health**  
3           **commissioner, and state department.**

4           **Sec. 8. The council may recommend interpretive guidelines**  
5           **when necessary to assist a home health agency or hospice in**  
6           **meeting the requirements of a rule.**

7           **Sec. 9. (a) The state department may request the council to**  
8           **propose a new rule or an amendment to a rule necessary to protect**  
9           **the health, safety, rights, and welfare of the home health care**  
10           **patients and hospice patients. If the council does not propose a rule**  
11           **not more than ninety (90) days after the state department's**  
12           **request, the state department may propose the rule.**

13           **(b) The executive board shall consider rules proposed by the**  
14           **council under this section and section 1 of this chapter. The**  
15           **executive board may adopt, modify, remand, or reject specific**  
16           **rules or parts of rules proposed by the council.**

17           **(c) To become effective, all rules proposed by the council under**  
18           **this chapter must be adopted by the executive board in accordance**  
19           **with IC 4-22-2.**

