

# HOUSE BILL No. 1036

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-7-2-98.2; IC 12-17.2-3.5; IC 16-38-5-3.

**Synopsis:** Child care and development fund eligibility. Specifies health, education, safety, and training requirements that a child care provider must meet as a condition of eligibility to receive a federal Child Care and Development Fund voucher payment. Provides for decertification of eligibility. Requires certain reporting related to safety of children. Allows the state department of health to release to certain child care providers information from the immunization data registry.

**Effective:** July 1, 2014.

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**Mahan, Smith M, Kubacki, Macer**

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January 7, 2014, read first time and referred to Committee on Family, Children and Human Affairs.

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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

# HOUSE BILL No. 1036

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

1 SECTION 1. IC 12-7-2-98.2 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2014]: **Sec. 98.2. "Group size", for purposes of IC 12-17.2-3.5,**  
4 **means the number of children who routinely work, learn, eat,**  
5 **sleep, and play together inside and outside a facility where a**  
6 **provider operates a child care program.**

7 SECTION 2. IC 12-17.2-3.5-5, AS AMENDED BY P.L.225-2013,  
8 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2014]: Sec. 5. (a) A provider shall have:

10 (1) working smoke detectors that meet the standards adopted by  
11 rule for smoke detectors in licensed child care homes; and  
12 (2) hot and cold running water;  
13 in the area of the facility where the provider operates a child care  
14 program.

15 (b) A provider shall meet sanitation standards for bathrooms and  
16 handwashing, as established by the division. **This subsection expires**



1 **June 30, 2015.**

2 **(c) Beginning July 1, 2015, a provider shall maintain compliance**  
 3 **with food, health, safety, and sanitation standards established in**  
 4 **rules adopted by the division.**

5 **(d) The standards described in subsection (c) must address all**  
 6 **the following:**

7 **(1) Bathroom and hand washing requirements.**

8 **(2) Safe conditions in the facility and on the grounds.**

9 **(3) Group size requirements.**

10 **(4) Nutrition.**

11 **(5) Daily activities.**

12 **(6) Safety of motor vehicles used to transport children.**

13 SECTION 3. IC 12-17.2-3.5-5.5, AS AMENDED BY P.L.225-2013,  
 14 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2014]: Sec. 5.5. (a) A provider shall ensure that a child in the  
 16 provider's care is continually supervised by a caregiver.

17 (b) A provider ~~who~~ **that** cares for children who are less than twelve  
 18 (12) months of age shall:

19 (1) complete the training course provided or approved by the  
 20 division under IC 12-17.2-2-1(10) concerning safe sleeping  
 21 practices; and

22 (2) ensure that all caregivers of children who are less than twelve  
 23 (12) months of age follow safe sleeping practices.

24 **(c) After June 30, 2015, a provider that cares for:**

25 **(1) not more than sixteen (16) children at a facility where the**  
 26 **provider operates a child care program shall maintain a ratio**  
 27 **of children to caregivers in the same proportions as the child**  
 28 **to staff ratios that are required for a child care home under**  
 29 **IC 12-17.2-5; and**

30 **(2) more than sixteen (16) children at a facility where the**  
 31 **provider operates a child care program shall maintain a ratio**  
 32 **of children to caregivers in the same proportions as the child**  
 33 **to staff ratios that are required for a child care center under**  
 34 **IC 12-17.2-4.**

35 **(d) After June 30, 2015, a provider shall have at least thirty-five**  
 36 **(35) square feet of floor space for each child in the care of the**  
 37 **provider in the area of a facility where the provider operates a**  
 38 **child care program.**

39 SECTION 4. IC 12-17.2-3.5-8, AS AMENDED BY P.L.225-2013,  
 40 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2014]: Sec. 8. (a) At least one (1) adult individual who  
 42 maintains annual certification in a course of cardiopulmonary



1 resuscitation applicable to all age groups of children cared for by a  
 2 provider shall be present at all times when a child is in the care of the  
 3 provider.

4 (b) The following apply to an individual who is employed or  
 5 volunteers as a caregiver at a facility where a provider operates a child  
 6 care program:

7 (1) The individual shall maintain current certification in first aid  
 8 applicable to all age groups of children cared for by the provider.

9 (2) If the individual is:

10 (A) at least eighteen (18) years of age, the individual may act  
 11 as a caregiver without supervision of another caregiver; or

12 (B) less than eighteen (18) years of age, the individual may act  
 13 as a caregiver only if the individual:

14 (i) is at least fourteen (14) years of age; and

15 (ii) is, at all times when child care is provided, directly  
 16 supervised by a caregiver who is at least eighteen (18) years  
 17 of age.

18 ~~(3) The provider must verify that an employee or a volunteer has  
 19 received training concerning child abuse detection and  
 20 prevention.~~

21 ~~(4) (3) Before beginning employment or volunteer duties, the  
 22 individual must receive a formal orientation to the facility and the  
 23 child care program.~~

24 **(4) Beginning July 1, 2015, unless the provider is a parent,  
 25 stepparent, guardian, custodian, or other relative to each  
 26 child in the care of the provider, the individual annually must  
 27 receive at least twelve (12) hours of continuing education  
 28 approved by the division and related to the age appropriate  
 29 educational development, care, and safety of children.**

30 **(5) Not more than three (3) months after the individual begins  
 31 employment or volunteer duties, the individual must receive  
 32 training approved by the division concerning child abuse  
 33 detection and prevention.**

34 (c) A provider shall:

35 (1) maintain at the facility where the provider operates a child  
 36 care program documentation of all training required by this  
 37 section; and

38 (2) make the documentation available to the division upon  
 39 request.

40 SECTION 5. IC 12-17.2-3.5-9 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. **(a)** A provider shall  
 42 have at least one (1) working ~~telephone~~ **communication device** in each



1 facility where the provider operates a child care program.

2 **(b) The communication device required by subsection (a) must**  
3 **be:**

4 **(1) approved by the division; and**

5 **(2) compatible with an automated time and attendance**  
6 **tracking system approved by the division.**

7 SECTION 6. IC 12-17.2-3.5-16, AS ADDED BY P.L.225-2013,  
8 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2014]: Sec. 16. **(a) The division may decertify a provider**  
10 **for any of the following reasons:**

11 **(1) The provider fails to comply with this chapter.**

12 **(2) The provider refuses to allow, during normal business**  
13 **hours, the division or an agent of the division to inspect the**  
14 **facility where the provider operates a child care program.**

15 **(3) The provider fails to correct a problem identified by the**  
16 **division within the period required by the division.**

17 **(b) A provider is ineligible, and the division may revoke for a period**  
18 **of not less than two (2) years from the date on which a final**  
19 **determination is made under IC 4-21.5 a provider's eligibility, to**  
20 **receive a voucher payment under this chapter for any of the following**  
21 **reasons:**

22 **(1) The provider is determined by the division to have made false**  
23 **statements in the provider's:**

24 **(A) application for eligibility to receive a voucher payment; or**

25 **(B) records required by the division;**

26 **under this chapter.**

27 **(2) Credible allegations of fraud have been made against the**  
28 **provider, as determined by the division.**

29 **(3) Criminal charges of welfare fraud have been filed against the**  
30 **provider.**

31 **(4) Allegations of welfare fraud committed by the provider have**  
32 **been substantiated by the division.**

33 **(5) Any unresolved reasons for decertification described in**  
34 **subsection (a).**

35 SECTION 7. IC 12-17.2-3.5-19 IS ADDED TO THE INDIANA  
36 CODE AS A NEW SECTION TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2014]: Sec. 19. **(a) An employee or a**  
38 **volunteer immediately shall report to child protective services, the**  
39 **division, and local law enforcement authorities the employee's or**  
40 **volunteer's suspicion of physical abuse, sexual abuse, child neglect,**  
41 **or child exploitation of a child in the provider's care.**

42 **(b) A provider immediately shall notify the division and the**



1 **parent or legal guardian of a child in the care of the provider**  
 2 **concerning:**

- 3 **(1) an injury of the child that requires the attention of a**  
 4 **licensed medical professional;**  
 5 **(2) the death of the child; or**  
 6 **(3) an emergency event involving the child.**

7 SECTION 8. IC 16-38-5-3, AS AMENDED BY P.L.122-2012,  
 8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2014]: Sec. 3. (a) Records maintained as part of the  
 10 immunization data registry are confidential.

11 (b) The state department may release information from the  
 12 immunization data registry to the individual or to the individual's  
 13 parent or guardian if the individual is less than eighteen (18) years of  
 14 age.

15 (c) Subject to subsection (d), the state department may release  
 16 information in the immunization data registry concerning an individual  
 17 to the following persons or entities:

- 18 (1) The immunization data registry of another state.  
 19 (2) A provider or a provider's designee.  
 20 (3) A local health department.  
 21 (4) An elementary or secondary school that is attended by the  
 22 individual.  
 23 (5) A child care center that is licensed under IC 12-17.2-4 in  
 24 which the individual is enrolled.  
 25 **(6) A child care home that is licensed under IC 12-17.2-5 in**  
 26 **which the individual is enrolled.**  
 27 **(7) A child care ministry that is registered under IC 12-17.2-6**  
 28 **in which the individual is enrolled.**  
 29 ~~(6)~~ **(8)** The office of Medicaid policy and planning or a contractor  
 30 of the office of Medicaid policy and planning.  
 31 ~~(7)~~ **(9)** A child placing agency licensed under IC 31-27.  
 32 ~~(8)~~ **(10)** A college or university (as defined in IC 21-7-13-10) that  
 33 is attended by the individual.

34 (d) Before immunization data may be released to a person or an  
 35 entity, the person or entity must enter into a data use agreement with  
 36 the state department that provides that information that identifies a  
 37 patient will not be released to any other person or entity without the  
 38 written consent of the patient unless the release is to a person or entity  
 39 described in subsection (c).

40 (e) The state department may release summary statistics regarding  
 41 information in the immunization data registry to a person or entity that  
 42 has entered into a data use agreement with the state department.

