



January 24, 2014

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## HOUSE BILL No. 1036

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DIGEST OF HB 1036 (Updated January 22, 2014 12:17 pm - DI 110)

**Citations Affected:** IC 12-7; IC 12-17.2; IC 16-38.

**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. Requires certain information to be prepared and distributed concerning the duty to report known or suspected child abuse or neglect. 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, Kubacki, Smith M, Macer,  
Bacon, Ziemke, Summers**

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January 7, 2014, read first time and referred to Committee on Family, Children and Human Affairs.  
January 23, 2014, amended, reported — Do Pass.

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HB 1036—LS 6585/DI 97





January 24, 2014

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

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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**

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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):**

6 **(1) must address:**

7 **(A) bathroom and handwashing requirements;**

8 **(B) safe conditions in the facility and on the grounds;**

9 **(C) group size requirements;**

10 **(D) nutrition;**

11 **(E) daily activities; and**

12 **(F) safety of motor vehicles used to transport children; and**

13 **(2) may not address religious instruction or activities.**

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

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

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

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

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

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

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

36 SECTION 4. IC 12-17.2-3.5-8, AS AMENDED BY P.L.225-2013,  
 37 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2014]: Sec. 8. (a) At least one (1) adult individual who  
 39 maintains annual certification in a course of cardiopulmonary  
 40 resuscitation applicable to all age groups of children cared for by a  
 41 provider shall be present at all times when a child is in the care of the  
 42 provider.



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

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

6 (2) If the individual is:

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

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

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

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

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

18 ~~(4) (3)~~ Before beginning employment or volunteer duties, the  
 19 individual must receive a formal orientation to the facility and the  
 20 child care program.

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

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

31 (c) A provider shall:

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

35 (2) make the documentation available to the division upon  
 36 request.

37 SECTION 5. IC 12-17.2-3.5-8.5 IS ADDED TO THE INDIANA  
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2014]: **Sec. 8.5. (a) A provider shall provide**  
 40 **to all employees and volunteers of the provider the written**  
 41 **material prepared and made available by the division under**  
 42 **subsection (c).**



1           **(b) An employee or a volunteer of a provider who has reason to**  
 2 **believe that a child in the provider's care is a victim of child abuse**  
 3 **or neglect shall make a report as required under IC 31-33-5.**

4           **(c) The division shall do the following:**

5           **(1) Prepare written material specifying the following:**

6           **(A) The duty to report known or suspected child abuse or**  
 7 **neglect under IC 31-33-5.**

8           **(B) That knowing failure to make a report required by:**

9           **(i) IC 31-33-5-1; or**

10           **(ii) IC 31-33-5-2;**

11           **is a Class B misdemeanor under IC 31-33-22-1.**

12           **(2) Make the written material under subdivision (1) available**  
 13 **to providers.**

14           SECTION 6. IC 12-17.2-3.5-9 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. **(a) A provider shall**  
 16 **have at least one (1) working telephone communication device in each**  
 17 **facility where the provider operates a child care program.**

18           **(b) The communication device required by subsection (a) must**  
 19 **be:**

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

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

23           SECTION 7. IC 12-17.2-3.5-16, AS ADDED BY P.L.225-2013,  
 24 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2014]: Sec. 16. **(a) The division may, according to rules**  
 26 **adopted under IC 4-22-2, decertify a provider for any of the**  
 27 **following reasons:**

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

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

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

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

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

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

41           **under this chapter.**

42           **(2) Credible allegations of fraud have been made against the**



1 provider, as determined by the division.

2 (3) Criminal charges of welfare fraud have been filed against the  
3 provider.

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

6 SECTION 8. IC 12-17.2-3.5-19 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2014]: **Sec. 19. (a) A provider shall**  
9 **immediately notify the parent or legal guardian of a child in the**  
10 **care of the provider concerning any of the following that occur**  
11 **during the hours that the child is in the care of the provider:**

12 (1) **An injury of the child that requires the attention of a**  
13 **licensed medical professional.**

14 (2) **The death of the child.**

15 (b) **A provider shall, not more than twenty-four (24) hours after**  
16 **the occurrence of an incident described in subsection (a), notify the**  
17 **division of the occurrence of the incident.**

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

22 (b) The state department may release information from the  
23 immunization data registry to the individual or to the individual's  
24 parent or guardian if the individual is less than eighteen (18) years of  
25 age.

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

29 (1) The immunization data registry of another state.

30 (2) A provider or a provider's designee.

31 (3) A local health department.

32 (4) An elementary or secondary school that is attended by the  
33 individual.

34 (5) A child care center that is licensed under IC 12-17.2-4 in  
35 which the individual is enrolled.

36 (6) **A child care home that is licensed under IC 12-17.2-5 in**  
37 **which the individual is enrolled.**

38 (7) **A child care ministry that is registered under IC 12-17.2-6**  
39 **in which the individual is enrolled.**

40 ~~(8)~~ (8) The office of Medicaid policy and planning or a contractor  
41 of the office of Medicaid policy and planning.

42 ~~(9)~~ (9) A child placing agency licensed under IC 31-27.



1           ~~(8)~~ **(10)** A college or university (as defined in IC 21-7-13-10) that  
2           is attended by the individual.  
3           (d) Before immunization data may be released to a person or an  
4           entity, the person or entity must enter into a data use agreement with  
5           the state department that provides that information that identifies a  
6           patient will not be released to any other person or entity without the  
7           written consent of the patient unless the release is to a person or entity  
8           described in subsection (c).  
9           (e) The state department may release summary statistics regarding  
10          information in the immunization data registry to a person or entity that  
11          has entered into a data use agreement with the state department.





## COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1036, 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:

Page 2, delete lines 5 through 12, begin a new paragraph and insert:

**"(d) The standards described in subsection (c):**

**(1) must address:**

**(A) bathroom and handwashing requirements;**

**(B) safe conditions in the facility and on the grounds;**

**(C) group size requirements;**

**(D) nutrition;**

**(E) daily activities; and**

**(F) safety of motor vehicles used to transport children; and**

**(2) may not address religious instruction or activities."**

Page 2, delete lines 35 through 38.

Page 3, between lines 39 and 40, begin a new paragraph and insert:

**"SECTION 5. IC 12-17.2-3.5-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8.5. (a) A provider shall provide to all employees and volunteers of the provider the written material prepared and made available by the division under subsection (c).**

**(b) An employee or a volunteer of a provider who has reason to believe that a child in the provider's care is a victim of child abuse or neglect shall make a report as required under IC 31-33-5.**

**(c) The division shall do the following:**

**(1) Prepare written material specifying the following:**

**(A) The duty to report known or suspected child abuse or neglect under IC 31-33-5.**

**(B) That knowing failure to make a report required by:**

**(i) IC 31-33-5-1; or**

**(ii) IC 31-33-5-2;**

**is a Class B misdemeanor under IC 31-33-22-1.**

**(2) Make the written material under subdivision (1) available to providers."**

Page 4, line 9, after "may" insert ", according to rules adopted under IC 4-22-2,".

Page 4, delete lines 15 through 16.

Page 4, delete lines 33 through 34.

Page 4, line 37, delete "(a) An employee or a".

Page 4, delete lines 38 through 41.

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Page 4, line 42, delete "(b)" and insert "(a)".

Page 4, line 42, delete "immediately".

Page 4, line 42, after "shall" insert "**immediately**".

Page 4, line 42, delete "the division and".

Page 4, run in lines 37 through 42.

Page 5, line 2, delete ":" and insert "**any of the following that occur during the hours that the child is in the care of the provider:**

**(1) An injury of the child that requires the attention of a licensed medical professional.**

**(2) The death of the child.**

**(b) A provider shall, not more than twenty-four (24) hours after the occurrence of an incident described in subsection (a), notify the division of the occurrence of the incident."**

Page 5, delete lines 3 through 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1036 as introduced.)

KUBACKI, Chair

Committee Vote: yeas 9, nays 3.

