

HOUSE BILL No. 1387

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-10-17.1-10; IC 16-25-6; IC 16-27-2.

Synopsis: Prevention of elder abuse. Precludes certain individuals who have been convicted of a battery offense or neglect of a dependent from providing certain types of in-home care for compensation.

Effective: July 1, 2022.

Lauer

January 13, 2022, read first time and referred to Committee on Public Health.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1387

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 12-10-17.1-10, AS ADDED BY P.L.141-2006,
2 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 10. (a) An individual may not provide attendant
4 care services for compensation from Medicaid or the community and
5 home options to institutional care for the elderly and disabled program
6 for an individual in need of self-directed in-home care services unless
7 the individual is registered under section 12 of this chapter.

8 (b) An individual who is a legally responsible relative of an
9 individual in need of self-directed in-home care, including a parent of
10 a minor individual and a spouse, is precluded from providing attendant
11 care services for compensation under this chapter.

12 (c) **An individual who has been convicted of a battery offense**
13 **under IC 35-42-2 or neglect of a dependent under IC 35-46-1-4 is**
14 **precluded from providing attendant care services for**
15 **compensation under this chapter.**

16 SECTION 2. IC 16-25-6-1, AS AMENDED BY P.L.214-2013,
17 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 1. (a) A person may not own or operate a hospice
2 program if the person has:

- 3 (1) been convicted of rape (IC 35-42-4-1);
4 (2) been convicted of criminal deviate conduct (IC 35-42-4-2)
5 (repealed);
6 (3) been convicted of exploitation of a dependent or an
7 endangered adult (IC 35-46-1-12);
8 (4) had a judgment entered against the person for failure to report
9 battery, neglect, or exploitation of an endangered adult (IC
10 35-46-1-13); **or**
11 (5) been convicted of theft (IC 35-43-4), if the person's conviction
12 for theft occurred less than ten (10) years before the date of
13 submission by the person of an application for licensure or
14 approval as a hospice program under IC 16-25-3;
15 **(6) been convicted of a battery offense under IC 35-42-2; or**
16 **(7) been convicted of neglect of a dependent under**
17 **IC 35-46-1-4.**

18 (b) A person who knowingly or intentionally violates this section
19 commits a Class A misdemeanor.

20 SECTION 3. IC 16-25-6-3, AS AMENDED BY P.L.214-2013,
21 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (b), a
23 person who owns or operates a hospice program may not employ an
24 individual or allow a volunteer to provide hospice services if that
25 individual's or volunteer's limited criminal history indicates that the
26 individual or volunteer has:

- 27 (1) been convicted of rape (IC 35-42-4-1);
28 (2) been convicted of criminal deviate conduct (IC 35-42-4-2)
29 (repealed);
30 (3) been convicted of exploitation of an endangered adult (IC
31 35-46-1-12);
32 (4) had a judgment entered against the individual for failure to
33 report battery, neglect, or exploitation of an endangered adult (IC
34 35-46-1-13); **or**
35 (5) been convicted of theft (IC 35-43-4), if the conviction for theft
36 occurred less than ten (10) years before the individual's
37 employment application date;
38 **(6) been convicted of a battery offense under IC 35-42-2; or**
39 **(7) been convicted of neglect of a dependent under**
40 **IC 35-46-1-4.**

41 (b) A hospice program may not employ an individual or allow a
42 volunteer to provide hospice services for more than twenty-one (21)



1 calendar days without receipt of that individual's or volunteer's limited
 2 criminal history required by section 2 of this chapter, unless the Indiana
 3 central repository for criminal history information under IC 10-13-3 is
 4 solely responsible for failing to provide the individual's or volunteer's
 5 limited criminal history to the hospice program within the time
 6 required under this subsection.

7 SECTION 4. IC 16-27-2-3, AS AMENDED BY P.L.214-2013,
 8 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2022]: Sec. 3. (a) A person may not operate a home health
 10 agency or a personal services agency if the person has been convicted
 11 of any of the following:

- 12 (1) Rape (IC 35-42-4-1).
- 13 (2) Criminal deviate conduct (IC 35-42-4-2) (repealed).
- 14 (3) Exploitation of an endangered adult (IC 35-46-1-12).
- 15 (4) Failure to report battery, neglect, or exploitation of an
 16 endangered adult (IC 35-46-1-13).
- 17 (5) Theft (IC 35-43-4), if the person's conviction for theft
 18 occurred less than ten (10) years before the date of submission by
 19 the person of an application for licensure as a home health agency
 20 under IC 16-27-1 or as a personal services agency under
 21 IC 16-27-4.

22 **(6) A battery offense under IC 35-42-2.**

23 **(7) Neglect of a dependent under IC 35-46-1-4.**

24 (b) A person who knowingly or intentionally violates this section
 25 commits a Class A misdemeanor.

26 SECTION 5. IC 16-27-2-5, AS AMENDED BY P.L.142-2020,
 27 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2022]: Sec. 5. (a) Except as provided in subsection (b), a
 29 person who operates a home health agency under IC 16-27-1 or a
 30 personal services agency under IC 16-27-4 may not employ a person to
 31 provide services in a patient's or client's temporary or permanent
 32 residence if that person's national criminal history background check
 33 or expanded criminal history check indicates that the person has been
 34 convicted of any of the following:

- 35 (1) Rape (IC 35-42-4-1).
- 36 (2) Criminal deviate conduct (IC 35-42-4-2) (repealed).
- 37 (3) Exploitation of an endangered adult (IC 35-46-1-12).
- 38 (4) Failure to report battery, neglect, or exploitation of an
 39 endangered adult (IC 35-46-1-13).
- 40 (5) Theft (IC 35-43-4), if the conviction for theft occurred less
 41 than ten (10) years before the person's employment application
 42 date.



1 **(6) A battery offense under in IC 35-42-2.**

2 **(7) Neglect of a dependent under IC 35-46-1-4.**

3 (b) A home health agency or personal services agency may not
4 employ a person to provide services in a patient's or client's temporary
5 or permanent residence for more than twenty-one (21) calendar days
6 without receipt of that person's national criminal history background
7 check or expanded criminal history check required by section 4 of this
8 chapter, unless the state police department, the Federal Bureau of
9 Investigation under IC 10-13-3-39, or the private agency providing the
10 expanded criminal history check is responsible for failing to provide
11 the person's national criminal history background check or expanded
12 criminal history check to the home health agency or personal services
13 agency within the time required under this subsection.

