

SENATE BILL No. 429

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-28.

Synopsis: Health facility nursing staff requirements. Requires a health facility to comply with the following: (1) Have a registered nurse present at the health facility at all times when a resident is in the care of the health facility. (2) Require a registered nurse to delegate certain duties. (3) Provide that there is not less than 4 1/10 hours per resident day of direct nursing care, with not less than 30% of the direct nursing care being provided by licensed nurses. (4) Employ a director of nursing who has obtained certain education or certification.

Effective: July 1, 2019.

Head

January 14, 2019, read first time and referred to Committee on Health and Provider Services.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 429

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 16-28-1-7, AS AMENDED BY P.L.141-2014,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 7. The state department shall do the following:
4 (1) Adopt rules under IC 4-22-2 governing the following:
5 (A) Health and sanitation standards necessary to protect the
6 health, safety, security, rights, and welfare of patients.
7 (B) Qualifications of applicants for licenses issued under this
8 article to assure the proper care of patients.
9 (C) Operation, maintenance, management, equipment, and
10 construction of facilities required to be licensed under this
11 article if jurisdiction is not vested in any other state agency.
12 (D) Manner, form, and content of the license, including rules
13 governing disclosure of ownership interests.
14 (E) Levels of medical staffing and medical services in
15 cooperation with the office of Medicaid policy and planning,
16 division of family resources, and other agencies authorized to
17 pay for the services.



1 **(F) Subject to IC 16-28-2-12, the minimum daily health**
 2 **facility staffing levels of:**

3 **(i) registered nurses; and**

4 **(ii) direct nursing care for each resident.**

5 (2) Recommend to the fire prevention and building safety
 6 commission fire safety rules necessary to protect the health,
 7 safety, security, rights, and welfare of patients.

8 (3) Classify health facilities in health care categories.

9 SECTION 2. IC 16-28-2-12 IS ADDED TO THE INDIANA CODE
 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 11 1, 2019]: **Sec. 12. (a) A nursing facility shall comply with the**
 12 **following requirements:**

13 **(1) Require a registered nurse to be present at the health**
 14 **facility at all times when a resident is in the care of the health**
 15 **facility.**

16 **(2) Delegate to a registered nurse the following duties:**

17 **(A) Oversight of resident care and assessment.**

18 **(B) Supervision of the nursing staff.**

19 **(C) Delegation of responsibilities to certified nurse aides**
 20 **and qualified medication aides.**

21 **(3) Subject to subsections (b) and (c), provide that the number**
 22 **of hours of direct nursing care is not less than four and**
 23 **one-tenth (4 1/10) hours per resident day, with not less than**
 24 **thirty percent (30%) of the direct nursing care being provided**
 25 **by nurses licensed under IC 25-23.**

26 **(4) Employ a director of nursing who has obtained one (1) of**
 27 **the following:**

28 **(A) At least a bachelor's degree from an accredited college**
 29 **or university in nursing administration.**

30 **(B) A certificate in nursing administration issued or**
 31 **endorsed by any of the following:**

32 **(i) The Coalition of Geriatric Nursing Organizations or**
 33 **its successor organization.**

34 **(ii) The American Nurses Association or its successor**
 35 **organization.**

36 **(iii) An organization or association approved by the state**
 37 **department.**

38 **(b) When calculating the number of hours of direct nursing care**
 39 **under subsection (a)(3), the health facility may not include the**
 40 **hours of nurses who are employed in administrative positions,**
 41 **including the director and assistant director of nursing.**

42 **(c) The daily minimum number of hours of direct nursing care**



1 **at a health facility may not be less than is necessary for the clinical**
2 **acuity of the residents of the health facility.**

