

**IC 16-25**

**ARTICLE 25. HOSPICE PROGRAMS**

**IC 16-25-1**

**Repealed**

*(Repealed by P.L.256-1999, SEC.19.)*

**IC 16-25-1.1**  
**Chapter 1.1. Definitions**

**IC 16-25-1.1-1**

**Applicability**

Sec. 1. The definitions in this chapter apply throughout this article.

*As added by P.L.256-1999, SEC.12.*

**IC 16-25-1.1-2**

**"Applicant"**

Sec. 2. "Applicant" means a person that applies for a license or an approval for a hospice program under IC 16-25-3.

*As added by P.L.256-1999, SEC.12.*

**IC 16-25-1.1-3**

**"Hospice"**

Sec. 3. "Hospice" means a person that owns or operates a hospice program in Indiana.

*As added by P.L.256-1999, SEC.12. Amended by P.L.58-2000, SEC.2.*

**IC 16-25-1.1-4**

**"Hospice program"**

Sec. 4. (a) "Hospice program" means a specialized form of interdisciplinary health care provided in Indiana that is designed to alleviate the physical, emotional, social, and spiritual discomforts of an individual who is experiencing the last phase of a terminal illness or disease and that:

(1) uses an interdisciplinary team that is under the direction of a physician licensed under IC 25-22.5 to provide a program of planned and continual care for terminally ill patients and their families, including:

- (A) participation in the establishment of the plan of care;
- (B) provision or supervision of hospice services;
- (C) periodic review and updating of the plan of care for each hospice program patient; and
- (D) establishment of policies governing the day to day provision of hospice services;

(2) must provide a continuum of care, including twenty-four (24) hour availability of:

- (A) nursing services, physician services, drugs, and biologicals;
- (B) other services necessary for care that is reasonable and necessary for palliation and management of terminal illnesses and related conditions; and
- (C) bereavement counseling;

in a manner consistent with accepted standards of practice; and

(3) meets the minimum standards for certification under the Medicare program (42 U.S.C. 1395 et seq.) and complies with the regulations for hospices under 42 CFR 418.1 et seq.

(b) The term includes inpatient services provided by a hospice in compliance with 42 CFR 418.1 et seq.

(c) The term does not include services provided by a hospital, a health facility, an ambulatory outpatient surgical center, or a home health agency unless the entity has a distinct hospice program.

*As added by P.L.256-1999, SEC.12. Amended by P.L.58-2000, SEC.3.*

#### **IC 16-25-1.1-5**

##### **"Hospice program patient"**

Sec. 5. "Hospice program patient" means a patient who:

- (1) has been diagnosed by a licensed physician as having a terminal illness;
- (2) has a prognosis for a life expectancy in accordance with 42 CFR 418.3; and
- (3) receives hospice services from a hospice program.

*As added by P.L.256-1999, SEC.12.*

#### **IC 16-25-1.1-6**

##### **"Hospice services"**

Sec. 6. "Hospice services" means:

- (1) palliative care for the physical, psychological, social, spiritual, and other special needs of a hospice program patient during the final stages of a hospice program patient's terminal illness; and
- (2) care for the psychological, social, spiritual, and other needs of the hospice program patient's family before and after the hospice program patient's death;

that is directed by an interdisciplinary team.

*As added by P.L.256-1999, SEC.12.*

#### **IC 16-25-1.1-7**

##### **"Interdisciplinary team"**

Sec. 7. "Interdisciplinary team" means a group of individuals who provide or supervise the care and services offered by the hospice program that includes at least a licensed physician, a registered nurse, a social worker, and a pastoral or other counselor, all of whom must be employees or volunteers of the hospice program.

*As added by P.L.256-1999, SEC.12.*

#### **IC 16-25-1.1-8**

##### **"Person"**

Sec. 8. "Person" means an individual, a corporation, a limited liability company, a partnership, or other legal entity that does business in Indiana.

*As added by P.L.256-1999, SEC.12. Amended by P.L.58-2000, SEC.4.*

**IC 16-25-1.1-9**

**"Terminal illness"**

Sec. 9. "Terminal illness" means a life threatening illness with a limited prognosis.

*As added by P.L.256-1999, SEC.12.*

## **IC 16-25-2**

### **Chapter 2. Possession of Certain Drugs and Other Health Care Items**

#### **IC 16-25-2-1**

##### **Sterile water or saline**

Sec. 1. An employee of a hospice who is a licensed pharmacist, registered nurse, or licensed practical nurse may purchase, store, or transport for administering to a hospice patient or home health patient under the order of a licensed physician the following:

- (1) Sterile water for injection and irrigation.
- (2) Sterile saline for injection and irrigation.

*As added by P.L.105-1998, SEC.1.*

#### **IC 16-25-2-2**

##### **Vaccines**

Sec. 2. (a) An employee of a hospice who is a licensed pharmacist, registered nurse, or licensed practical nurse may purchase, store, or transport a vaccine in order to administer the vaccine to:

- (1) the hospice's employees or a hospice patient or home health patient; or
  - (2) family members of a patient;
- under the order of a licensed physician.

(b) An employee described in subsection (a) who purchases, stores, or transports a vaccine under this section must ensure that a standing order for the vaccine:

- (1) is signed and dated by a licensed physician;
- (2) identifies the vaccine covered by the order;
- (3) indicates that appropriate procedures are established for responding to any adverse reaction to the vaccine; and
- (4) directs that a specific medication or category of medication be administered if a recipient has an adverse reaction to the vaccine.

*As added by P.L.105-1998, SEC.1.*

#### **IC 16-25-2-3**

##### **Other drugs**

Sec. 3. An employee of a hospice who is a licensed pharmacist, registered nurse, or licensed practical nurse may purchase, store, or transport the following drugs in order to administer to a hospice patient or home health patient, in accordance with section 5 of this chapter:

- (1) Any of the following items in a sealed portable container in a size determined by the dispensing pharmacist:
  - (A) Up to one thousand (1,000) milliliters of nine-tenths of one percent (0.9%) sodium chloride intravenous infusion.
  - (B) Up to one thousand (1,000) milliliters of five percent

- (5%) dextrose in water injection.
- (2) Not more than five (5) dosage units of each of the following items, each in an individually sealed, unused container:
- (A) Heparin sodium lock flush in a concentration of ten (10) units per milliliter, one hundred (100) units per milliliter, or one thousand (1,000) units per milliliter.
  - (B) Epinephrine HCl solution in a concentration of one (1) to one thousand (1,000).
  - (C) Diphenhydramine HCl solution in a concentration of fifty (50) milligrams per milliliter.
  - (D) Methylprednisolone in a concentration of one hundred twenty-five (125) milligrams per two (2) milliliters.
  - (E) Naloxone in a concentration of up to one (1) milligram per milliliter in a two (2) milliliter vial.
  - (F) Glucagon in a concentration of one (1) milligram per milliliter.
  - (G) Furosemide in a concentration of ten (10) milligrams per milliliter.
  - (H) Lidocaine two and one-half percent (2.5%) and prilocaine two and one-half percent (2.5%) cream in a five (5) gram tube.
  - (I) Lidocaine HCl solution in a concentration of one percent (1%) in a two (2) milliliter vial.
  - (J) Urokinase five thousand (5,000) units per a one (1) milliliter vial.

*As added by P.L.105-1998, SEC.1.*

#### **IC 16-25-2-4**

##### **Transportation of drugs in sealed portable containers by pharmacist or nurse**

Sec. 4. An employee of a hospice who is a licensed pharmacist, registered nurse, or licensed practical nurse may purchase, store, or transport drugs in a sealed portable container under this chapter only if the hospice has established written policies and procedures to ensure the following:

- (1) That the container is handled properly with respect to storage, transportation, and temperature stability.
- (2) That a drug is removed from the container only on the written or oral order of a licensed physician.
- (3) That the administration of a drug in the container is performed in accordance with a specific treatment protocol.
- (4) That the hospice maintains a written record of the dates and times the container is in the possession of a licensed pharmacist, registered nurse, or licensed practical nurse.
- (5) That the hospice require an employee who possesses the container to submit a daily accounting of all drugs and devices in the container to the hospice in writing.

*As added by P.L.105-1998, SEC.1.*

**IC 16-25-2-5****Administering drugs by pharmacist or nurse**

Sec. 5. An employee of a hospice who:

- (1) is a licensed pharmacist, registered nurse, or licensed practical nurse; and
- (2) administers a drug listed in section 3 of this chapter;

may administer the drug only in the residence of a hospice patient or home health patient under the order of a licensed physician in connection with the provision of emergency treatment or the adjustment of parenteral drug therapy or vaccine administration.

*As added by P.L.105-1998, SEC.1.*

**IC 16-25-2-6****Physician's orders to pharmacist or nurse to administer drugs**

Sec. 6. (a) If an employee of a hospice who is a licensed pharmacist, registered nurse, or licensed practical nurse administers a drug listed in section 3 of this chapter under the oral order of a licensed physician, the physician shall promptly send a signed copy of the order to the hospice.

(b) Not more than twenty (20) days after receiving an order under subsection (a), the hospice shall send a copy of the order, as signed by and received from the physician, to the dispensing pharmacy.

*As added by P.L.105-1998, SEC.1.*

**IC 16-25-2-7****Duties of pharmacist regarding drug containers**

Sec. 7. A pharmacist who dispenses a sealed portable container under this chapter shall ensure that the container:

- (1) is designed to allow access to the contents of the container only if a tamperproof seal is broken;
- (2) bears a label that lists the drugs in the container and provides notice of the container's expiration date; and
- (3) remains in the pharmacy or under the control of a licensed pharmacist, registered nurse, or licensed practical nurse.

*As added by P.L.105-1998, SEC.1.*

**IC 16-25-2-8****Honoring nurse's orders**

Sec. 8. If a home health agency or hospice patient's care or treatment is being managed, directed, or provided by an advanced practice nurse licensed under IC 25-23, that nurses's orders will be honored, unless it will cause the home health agency or hospice to be unreimbursed for their service.

*As added by P.L.105-1998, SEC.1.*

## **IC 16-25-3**

### **Chapter 3. Licensure of Hospices**

#### **IC 16-25-3-1**

##### **License required for facilities**

Sec. 1. (a) For purposes of this chapter, a:

- (1) hospital licensed under IC 16-21-2;
- (2) health facility licensed under IC 16-28-2; or
- (3) home health agency licensed under IC 16-27-1;

that operates a hospice program in Indiana must be approved by the state department under this chapter but is not required to have a hospice license.

(b) A person not described in subsection (a) who provides hospice services in Indiana must be licensed by the state department under this chapter.

*As added by P.L.256-1999, SEC.13. Amended by P.L.58-2000, SEC.5.*

#### **IC 16-25-3-2**

##### **Licensee permitted to provide hospice services**

Sec. 2. A license issued or approval granted under this chapter authorizes the owner or operator of a hospice program to provide hospice services.

*As added by P.L.256-1999, SEC.13.*

#### **IC 16-25-3-2.5**

##### **Repealed**

*(As added by P.L.12-2004, SEC.4. Amended by P.L.156-2011, SEC.19; P.L.197-2011, SEC.62; P.L.6-2012, SEC.116. Repealed by P.L.141-2014, SEC.7.)*

#### **IC 16-25-3-3**

##### **Application**

Sec. 3. (a) An applicant shall submit an application for a hospice license or for approval of a hospice program on a form prescribed by the state department.

(b) The applicant shall attach to the application evidence of the applicant's ability to comply with the minimum standards established for licensure under this article.

(c) The application must contain the following information:

- (1) The applicant's name.
- (2) The type of hospice program the applicant will own or operate.
- (3) The location of the hospice program owned or operated by the applicant.
- (4) The name of the individual or individuals responsible for the day to day operation of the hospice program owned or operated by the applicant.

*As added by P.L.256-1999, SEC.13.*

#### **IC 16-25-3-4**

##### **Requirements for license or approval; tax warrant list**

Sec. 4. (a) To obtain a license or approval under this chapter, the hospice program owned or operated by the applicant must:

- (1) meet the minimum standards for certification under the Medicare program (42 U.S.C. 1395 et seq.) and comply with the regulations for hospices under 42 CFR 418.1 et seq.; or
- (2) be certified by the Medicare program.

(b) If the department of state revenue notifies the department that a person is on the most recent tax warrant list, the department shall not issue or renew the person's license until:

- (1) the person provides to the department a statement from the department of state revenue indicating that the person's tax warrant has been satisfied; or
- (2) the department receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

*As added by P.L.256-1999, SEC.13. Amended by P.L.172-2011, SEC.116.*

#### **IC 16-25-3-5**

##### **Provisional license**

Sec. 5. The state department:

- (1) may issue a provisional license or approval to an applicant that is operating a hospice program before September 1, 1999, if the hospice program is certified by:
  - (A) the Medicare program; or
  - (B) the state under IC 16-25-1 (before its repeal); and
- (2) may not issue a license or grant approval to an applicant that is not operating a hospice program before September 1, 1999, unless the state department:
  - (A) surveys the hospice program; and
  - (B) finds that the hospice program complies with section 6(a) of this chapter.

*As added by P.L.256-1999, SEC.13.*

#### **IC 16-25-3-6**

##### **Initial survey of program; issuance or nonissuance of license**

Sec. 6. (a) If, after conducting an initial survey of a hospice program, the state department finds that the hospice program owned or operated by the applicant complies with this article, the state department shall:

- (1) approve the application; and
- (2) issue a hospice license or grant approval to the applicant.

(b) If, after conducting an initial survey of a hospice program, the state department finds that the hospice program owned or operated by the applicant does not comply with this article, the state

department shall:

- (1) deny the application; and
- (2) notify the applicant in writing of the denial and the specific reasons for denying the application.

*As added by P.L.256-1999, SEC.13.*

### **IC 16-25-3-7**

#### **Expiration of license**

Sec. 7. (a) A license issued or approval granted under this chapter expires one (1) year after the date of issuance.

(b) A hospice program may renew its license or approval under procedures approved by the state department.

*As added by P.L.256-1999, SEC.13.*

### **IC 16-25-3-8**

#### **Employees of hospice**

Sec. 8. An employee of a hospice licensed or approved under this chapter who:

- (1) provides hospice services only as an employee of the hospice; and
- (2) does not receive compensation for providing the services, other than wages from the hospice;

is not required to obtain a hospice license or approval under this chapter.

*As added by P.L.256-1999, SEC.13.*

### **IC 16-25-3-9**

#### **License required for persons providing services**

Sec. 9. A person may not:

- (1) provide hospice services; or
- (2) represent to the public that the person provides hospice services;

unless the person holds a license issued or approval granted by the state department under this chapter.

*As added by P.L.256-1999, SEC.13.*

### **IC 16-25-3-10**

#### **Unlicensed persons not permitted to use "hospice" to describe services**

Sec. 10. A person that is not licensed or approved to own or operate a hospice program under this chapter may not use:

- (1) the word "hospice" in a title or description of a facility, an organization, a program, a service provider, or a service; or
- (2) any words, letters, abbreviations, or insignia indicating or implying that the person holds a license or has approval to provide hospice services.

*As added by P.L.256-1999, SEC.13.*

**IC 16-25-3-11**

**Third party billing notice**

Sec. 11. A hospice that provides to a hospice program patient notice concerning a third party billing for a hospice service provided to the hospice program patient shall ensure that the notice:

- (1) conspicuously states that the notice is not a bill;
- (2) does not include a tear-off portion; and
- (3) is not accompanied by a return mailing envelope.

*As added by P.L.178-2003, SEC.5.*

**IC 16-25-4**

**Chapter 4. Hospice License Fees**

**IC 16-25-4-1**

**Annual fee**

Sec. 1. The state department shall charge an annual hospice fee of one hundred dollars (\$100) for each hospice program licensed or approved under IC 16-25-3.

*As added by P.L.256-1999, SEC.14.*

**IC 16-25-4-2**

**Administrative costs**

Sec. 2. The fees collected by the state department under section 1 of this chapter shall be used by the state department to pay the administrative costs of the hospice licensing and approval program under this article.

*As added by P.L.256-1999, SEC.14.*

## **IC 16-25-4.5**

### **Chapter 4.5. Perinatal Hospice**

#### **IC 16-25-4.5-1**

##### **Purpose**

Sec. 1. The purpose of this chapter is to ensure that:

- (1) women considering abortion after receiving a diagnosis of a lethal fetal anomaly are informed of the availability of perinatal hospice care; and
- (2) women choosing abortion after receiving a diagnosis of a lethal fetal anomaly are making a fully informed decision.

*As added by P.L.213-2016, SEC.12.*

#### **IC 16-25-4.5-2**

##### **"Lethal fetal anomaly"**

Sec. 2. As used in this chapter, "lethal fetal anomaly" means a fetal condition diagnosed before birth that, if the pregnancy results in a live birth, will with reasonable certainty result in the death of the child not more than three (3) months after the child's birth.

*As added by P.L.213-2016, SEC.12.*

#### **IC 16-25-4.5-3**

##### **"Perinatal hospice"**

Sec. 3. As used in this chapter, "perinatal hospice" means the provision of comprehensive, supportive care to a pregnant woman and her family beginning with the diagnosis of a lethal fetal anomaly and continuing through the live birth and death of the woman's child as a result of the lethal fetal anomaly. The term includes counseling and medical care provided by maternal-fetal medical specialists, obstetricians, neonatologists, anesthesia specialists, specialty nurses, clergy, social workers, and others that are focused on alleviating fear and ensuring that the woman and her family experience the life and death of the child in a comfortable and supportive environment.

*As added by P.L.213-2016, SEC.12.*

#### **IC 16-25-4.5-4**

##### **Perinatal hospice brochure**

Sec. 4. (a) The state department shall develop a perinatal hospice brochure and post the perinatal hospice brochure on the state department's Internet web site.

(b) The perinatal brochure developed under this section must include the following:

- (1) A description of the health care and other services available from perinatal hospice.
- (2) Information that medical assistance benefits may be available for prenatal care, childbirth, and perinatal hospice.
- (3) Information regarding telephone 211 dialing code services for accessing grief counseling and other human services as

described in IC 8-1-19.5, and the types of services that are available through this service.  
*As added by P.L.213-2016, SEC.12.*

#### **IC 16-25-4.5-5**

##### **Perinatal hospice provider list**

Sec. 5. The state department shall develop and regularly update a list of all perinatal hospice providers and programs in Indiana. The state department may include on the list perinatal hospice providers and programs in other states that provide care to Indiana residents. The state department shall post the list of perinatal hospice providers and programs on the state department's Internet web site.

*As added by P.L.213-2016, SEC.12.*

#### **IC 16-25-4.5-6**

##### **Provider duty to provide perinatal hospice brochure, perinatal hospice provider list, and certification form**

Sec. 6. (a) The state department shall develop a form on which a pregnant woman certifies, at the time of receiving a diagnosis that the pregnant woman's unborn child has a lethal fetal anomaly, that the pregnant woman has received the following:

(1) A copy of the perinatal hospice brochure developed under this chapter.

(2) A list of the perinatal hospice providers and programs developed under section 5 of this chapter.

(b) The provider diagnosing the pregnant woman's unborn child with the lethal fetal anomaly shall, at the time of diagnosis:

(1) provide the pregnant woman with a written copy of:

(A) the perinatal brochure developed under this chapter; and

(B) the certification form developed by the state department under subsection (a); and

(2) have the pregnant woman complete the certification form.

*As added by P.L.213-2016, SEC.12.*

#### **IC 16-25-4.5-7**

##### **Severability**

Sec. 7. This chapter is severable as specified in IC 1-1-1-8.

*As added by P.L.213-2016, SEC.12.*

## **IC 16-25-5**

### **Chapter 5. Penalties, Enforcement Actions, and Grievance Procedures**

#### **IC 16-25-5-1**

##### **Repealed**

*(As added by P.L.256-1999, SEC.15. Repealed by P.L.1-2001, SEC.51.)*

#### **IC 16-25-5-2**

##### **Other surveys or inspections required**

Sec. 2. If a hospice program licensed or approved under IC 16-25-3 is also subject to state department licensure surveys or inspections under Medicare law, the state department shall use its best efforts to:

- (1) conduct all surveys or inspections simultaneously;
- (2) coordinate with the office of Medicaid policy and planning all hospice program surveys; and
- (3) forward a copy of each hospice program survey to the office of Medicaid policy and planning.

*As added by P.L.256-1999, SEC.15.*

#### **IC 16-25-5-2.5**

##### **Rules; establishing guidelines**

Sec. 2.5. (a) The state department shall adopt rules under IC 4-22-2 to establish guidelines that require the state department to conduct a survey of a hospice program licensed or approved under IC 16-25-3 at least once every one (1) to three (3) years.

(b) In establishing the guidelines required under subsection (a), the state department shall consider the following:

- (1) A change in ownership of a hospice program.
- (2) A change in management of a hospice program.
- (3) A finding that a hospice program violated a federal condition of participation for hospice licensure.

*As added by P.L.142-2001, SEC.1.*

#### **IC 16-25-5-3**

##### **Actions that may be taken; grounds**

Sec. 3. (a) The state department may take any of the following actions against the owner or operator of a licensed or approved hospice program on any of the grounds listed in subsection (b):

- (1) Issue a letter of correction.
- (2) Issue a probationary license.
- (3) Conduct a resurvey.
- (4) Deny renewal of a license.
- (5) Suspend a license.
- (6) Revoke a license.
- (7) Impose a civil penalty in an amount not to exceed ten

thousand dollars (\$10,000).

(b) The state department may take any action listed under subsection (a) against a hospice on any of the following grounds:

(1) A material violation by the hospice program of a provision of this article.

(2) Authorizing, aiding, or abetting the commission of a violation of law by the hospice program.

(3) Conduct or practice by the hospice program that the state department finds detrimental to the welfare of the hospice program's patients.

*As added by P.L.256-1999, SEC.15.*

#### **IC 16-25-5-4**

##### **Complaints; investigations**

Sec. 4. (a) The state department shall investigate any hospice program about which the state department receives a complaint from a hospice program patient or a member of a hospice program patient's family.

(b) The state department shall establish and maintain a statewide, toll free telephone line continuously open to receive reports of problems regarding hospice programs.

*As added by P.L.256-1999, SEC.15.*

#### **IC 16-25-5-5**

##### **Reports to attorney general**

Sec. 5. (a) The state department shall investigate a report of an unlicensed hospice or unapproved hospice program and report the state department's findings to the attorney general.

(b) The attorney general, upon receiving a report of an unlicensed hospice or unapproved hospice program, may do any of the following:

(1) Seek an injunction in the circuit or superior court of the county in which the unlicensed hospice or unapproved hospice program is located or in the circuit or superior court of Marion County.

(2) Seek relief under IC 4-21.5, including a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each day of unlicensed or unapproved operation.

(3) Seek criminal penalties as provided by section 8 of this chapter.

*As added by P.L.256-1999, SEC.15.*

#### **IC 16-25-5-6**

##### **Appeals**

Sec. 6. A person aggrieved by an action of the state department under this article may appeal the action under IC 4-21.5-5.

*As added by P.L.256-1999, SEC.15.*

### **IC 16-25-5-7**

#### **Appeals panel**

Sec. 7. (a) For an appeal under section 6 of this chapter, the executive board shall appoint an appeals panel consisting of three (3) members as follows:

- (1) One (1) member of the executive board.
- (2) One (1) attorney admitted to the practice of law in Indiana.
- (3) One (1) individual with qualifications determined by the executive board.

(b) An employee of the state department may not be a member of the appeals panel.

(c) The appeals panel shall conduct proceedings for review of an order issued by an administrative law judge under this chapter. The appeals panel is the ultimate authority under IC 4-21.5.

(d) The costs of the proceedings, including the fees of the appeals panel, shall be paid as follows:

- (1) By the hospice, if the appeals panel finds in favor of the state department.
- (2) By the state department, if the appeals panel finds in favor of the hospice.

*As added by P.L.256-1999, SEC.15.*

### **IC 16-25-5-8**

#### **Offering hospice services without license a misdemeanor**

Sec. 8. A person who knowingly or intentionally:

- (1) represents to the public that the person offers hospice services; or
- (2) owns or operates a hospice program;

without a license issued or approval granted under this article commits a Class A misdemeanor.

*As added by P.L.256-1999, SEC.15.*

## **IC 16-25-6**

### **Chapter 6. Criminal History of Hospice Owners, Operators, Employees, and Volunteers**

#### **IC 16-25-6-1**

##### **Persons prohibited from owning or operating hospice program**

Sec. 1. (a) A person may not own or operate a hospice program if the person has:

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

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

*As added by P.L.256-1999, SEC.16. Amended by P.L.158-2013, SEC.229; P.L.214-2013, SEC.16.*

#### **IC 16-25-6-2**

##### **Employee's or volunteer's criminal history**

Sec. 2. (a) A person who owns or operates a hospice program shall apply, not more than three (3) business days after the date that an employee or a volunteer begins to provide hospice services, for a copy of the employee's or volunteer's limited criminal history from the Indiana central repository for criminal history information under IC 10-13-3.

(b) A hospice program may not employ an individual or allow a volunteer to provide hospice services for more than three (3) business days without applying for that individual's or volunteer's limited criminal history as required by subsection (a).

*As added by P.L.256-1999, SEC.16. Amended by P.L.2-2003, SEC.45.*

#### **IC 16-25-6-3**

##### **Employment of certain individuals prohibited**

Sec. 3. (a) Except as provided in subsection (b), a person who owns or operates a hospice program may not employ an individual or allow a volunteer to provide hospice services if that individual's or volunteer's limited criminal history indicates that the individual or volunteer has:

- (1) been convicted of rape (IC 35-42-4-1);

- (2) been convicted of criminal deviate conduct (IC 35-42-4-2) (repealed);
- (3) been convicted of exploitation of an endangered adult (IC 35-46-1-12);
- (4) had a judgment entered against the individual for failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13); or
- (5) been convicted of theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the individual's employment application date.

(b) A hospice program may not employ an individual or allow a volunteer to provide hospice services for more than twenty-one (21) calendar days without receipt of that individual's or volunteer's limited criminal history required by section 2 of this chapter, unless the Indiana central repository for criminal history information under IC 10-13-3 is solely responsible for failing to provide the individual's or volunteer's limited criminal history to the hospice program within the time required under this subsection.

*As added by P.L.256-1999, SEC.16. Amended by P.L.2-2003, SEC.46; P.L.158-2013, SEC.230; P.L.214-2013, SEC.17.*

#### **IC 16-25-6-4**

##### **Fees**

Sec. 4. (a) A person who owns or operates a hospice program is responsible for the payment of fees under IC 10-13-3-30 and other fees required under section 2 of this chapter.

(b) This subsection does not apply to a hospice program volunteer. A hospice program may require an individual who applies to the hospice program for employment to provide hospice services:

- (1) to pay the fees described in subsection (a) to the hospice program at the time the individual submits an application for employment; or
- (2) to reimburse the hospice program for the payment of the fees described in subsection (a).

*As added by P.L.256-1999, SEC.16. Amended by P.L.2-2003, SEC.47.*

#### **IC 16-25-6-5**

##### **Violations**

Sec. 5. A person who:

- (1) owns or operates a hospice program; and
- (2) violates section 2 or 3 of this chapter;

commits a Class A infraction.

*As added by P.L.256-1999, SEC.16.*

## **IC 16-25-7**

### **Chapter 7. Disclosure Requirements**

#### **IC 16-25-7-1**

##### **Disclosure document presented to potential patients**

Sec. 1. Each hospice program licensed or approved under this article shall prepare and update as necessary a disclosure document to be presented to each potential patient of the hospice program.

*As added by P.L.256-1999, SEC.17.*

#### **IC 16-25-7-2**

##### **Contents of disclosure document**

Sec. 2. The disclosure document required under section 1 of this chapter must contain at least the following:

(1) A description of all hospice services provided by the hospice program, including the:

(A) types of nursing services;

(B) other services;

(C) specific services available during the progressive stages of the terminal illness and thereafter; and

(D) a statement that the extent of hospice services and supplies are dispensed based on the hospice program patient's individual needs as determined by the interdisciplinary team.

(2) An explanation of the hospice program's internal complaint resolution process.

(3) A statement that the hospice program patient has the right to participate in the planning of the patient's care.

(4) A statement that a hospice program patient may refuse any component of hospice services offered by the hospice program.

(5) A statement that a hospice employee may provide supplies to a:

(A) hospice program patient; or

(B) hospice program patient's family;

in addition to the supplies provided by the hospice program, but the employee may only be reimbursed for the supplies by providing a written receipt to the hospice program patient or the hospice program patient's family.

(6) A statement that the hospice program patient may request the hospice program to provide, on a monthly basis, an itemized statement of services and supplies delivered to the patient, as submitted to the patient's payor.

(7) The toll free number established by the state department under IC 16-25-5-4 to receive complaints from hospice program patients and the family members of hospice program patients regarding the hospice program.

*As added by P.L.256-1999, SEC.17.*

**IC 16-25-7-3**

**Plan of care**

Sec. 3. The hospice program must:

- (1) include in the plan of care the professional disciplines that will furnish the care to the patient and the frequency of visits proposed to be furnished; and
- (2) advise the hospice program patient of any change in the plan of care.

*As added by P.L.256-1999, SEC.17.*