

Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 301

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 12-10-17.1-12, AS ADDED BY P.L.141-2006, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. (a) The division shall register an individual who provides the following:

- (1) A personal resume containing information concerning the individual's qualifications, work experience, and any credentials the individual may hold. The individual must certify that the information contained in the resume is true and accurate.
- (2) The individual's:
 - (A) limited criminal history check from the Indiana central repository for criminal history information under IC 10-13-3;
 - (B) **expanded criminal history check under IC 20-26-2-1.5;**
 - or
 - (C) **criminal history check from** another source allowed by law.
- (3) If applicable, the individual's state nurse aide registry report from the state department of health. This subdivision does not require an individual to be a nurse aide.
- (4) Three (3) letters of reference.
- (5) A registration fee. The division shall establish the amount of the registration fee.
- (6) Proof that the individual is at least eighteen (18) years of age.

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(7) Any other information required by the division.

(b) A registration is valid for two (2) years. A personal services attendant may renew the personal services attendant's registration by updating any information in the file that has changed and by paying the fee required under subsection (a)(5). The limited criminal history check and report required under subsection (a)(2) and (a)(3) must be updated every two (2) years.

(c) The division and any organization designated under section 11 of this chapter shall maintain a file for each personal services attendant that contains:

(1) comments related to the provision of attendant care services submitted by an individual in need of self-directed in-home care who has employed the personal services attendant; and

(2) the items described in subsection (a)(1) through (a)(4).

(d) Upon request, the division shall provide to an individual in need of self-directed in-home care the following:

(1) Without charge, a list of personal services attendants who are registered with the division and available within the requested geographic area.

(2) A copy of the information of a specified personal services attendant who is on file with the division under subsection (c). The division may charge a fee for shipping, handling, and copying expenses.

(e) The limited criminal history check requirement described in subsection (a)(2) may be satisfied by fulfilling the components of an expanded criminal history check under IC 20-26-2-1.5 and is subject to the conditions described in IC 16-27-2-4(c).

SECTION 2. IC 12-10-19-3, AS ADDED BY P.L.224-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. **(a)** The division may adopt rules under IC 4-22-2 necessary to implement the plan and this chapter.

(b) Notwithstanding any other rule adopted by the division, a person who has completed an expanded criminal history check (as defined by IC 20-26-2-1.5) satisfies the criminal history check requirements required by the division under this chapter. However, a person's expanded criminal history check may not include:

(1) a person's information when the person was less than eighteen (18) years of age; or

(2) information that is restricted by a state where the person previously resided.

SECTION 3. IC 16-27-2-4, AS AMENDED BY P.L.51-2016,



SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) A person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 shall apply, not more than three (3) business days after the date that an employee begins to provide services in a patient's temporary or permanent residence, for a copy of the employee's national criminal history background check or expanded criminal history check.

(b) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than three (3) business days without applying for a national criminal history background check or an expanded criminal history check.

(c) A person's expanded criminal history check may not include:

- (1) a person's information when the person was less than eighteen (18) years of age; or**
- (2) information that is restricted by a state where the person previously resided.**

SECTION 4. IC 22-1-5-13, AS ADDED BY P.L.212-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. (a) A placement agency:

- (1) must provide a consumer with a consumer notice each time a home care services worker is placed in the home of the consumer; and
- (2) is not required to provide a consumer notice when a new or different home care services worker is substituting for the regular home care services worker placed with the consumer.

(b) Before a placement agency places a home care services worker with a consumer, the home care services worker must provide the placement agency with a copy of the individual's:

- (1) limited criminal history from the central repository for criminal history information under IC 10-13-3; or**
- (2) expanded criminal history check, as defined in IC 20-26-2-1.5, subject to the conditions described in IC 16-27-2-4(c).**

The home care services worker is responsible for the fees required under IC 10-13-3-30 **or the cost of an expanded criminal history check** and must annually obtain an updated limited criminal history **or expanded criminal history check**. A copy of the home care services worker's limited criminal history **or expanded criminal history check** must be made available to the consumer.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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