

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6939**

**BILL NUMBER:** SB 202

**NOTE PREPARED:** Feb 11, 2021

**BILL AMENDED:** Feb 4, 2021

**SUBJECT:** Health Facility Visitation.

**FIRST AUTHOR:** Sen. Rogers

**FIRST SPONSOR:** Rep. Barrett

**BILL STATUS:** As Passed Senate

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
 **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** *Visitation:* The bill requires health facilities and residential care facilities (facilities) to allow visitation of a resident in a compassionate care situation. The bill allows for the designation of an essential family caregiver for a resident of a facility and allows for visitation during restricted visitation at the facility. It also specifies requirements for an individual to be designated as an essential family caregiver and allows for the reconsideration and reporting of a denial of a request for designation.

*Indiana State Department of Health (ISDH):* It requires the ISDH to adopt standards and guidelines concerning the essential family caregiver program during a declared emergency, a public health emergency, or similar crisis, and requires facilities to participate in the program. The bill allows the ISDH to adopt certain rules concerning the program.

*Immunity:* The bill also allows for immunity of a facility participating in the program unless there is gross negligence or willful or wanton misconduct.

**Effective Date:** Upon passage.

**Explanation of State Expenditures:** *Indiana State Department of Health (ISDH):* The ISDH will have additional workload to adopt an essential family caregiver program during a declared emergency. In certain circumstances, the ISDH or the Long Term Care Ombudsman may receive complaints if essential family caregiver status is denied or other protocols are not followed. The overall impact will depend on the number of complaints received during the period the program is in effect (limited applicability to a declared public health emergency).

Additional Information - The ISDH is to adopt standards and guidelines. Violations that may result from the complaint process are curable with the health facility writing and implementing plans of correction, or through other penalties enacted in rules by the ISDH. The ISDH is the state survey agency for federal requirements on long-term care facilities with an appropriation from the state General Fund of \$5.1 M in each of FY 2020 and FY 2021.

**Explanation of State Revenues:** If violations are found through the complaint process, the ISDH could potentially take an action that could impact General Fund revenue. If the violator has a license denied or revoked, there would be a decrease in fee revenue to the General Fund. Annual license fees is \$200 for the first 50 beds and \$10 for each additional bed. ISDH may also impose a civil penalty of up to \$10,000 for violations, which would be deposited in the General Fund.

**Explanation of Local Expenditures:** Locally owned health facilities will incur additional workload to develop and implement visitation protocols, including providing written notices.

**Explanation of Local Revenues:**

**State Agencies Affected:** ISDH.

**Local Agencies Affected:** Locally owned health facilities.

**Information Sources:**

**Fiscal Analyst:** Karen Rossen, 317-234-2106.