



March 18, 2021

ENGROSSED SENATE BILL No. 169

DIGEST OF SB 169 (Updated March 17, 2021 2:08 pm - DI 133)

Citations Affected: IC 12-7; IC 12-10.

Synopsis: Housing with services establishment disclosures. Requires housing with services establishments to make certain disclosures concerning Alzheimer's and dementia special care and file the disclosure with the division of aging. Requires the division of aging to publish the disclosures.

Effective: July 1, 2021.

**Ford J.D., Charbonneau, Becker,
Yoder, Qaddoura**

(HOUSE SPONSORS — VERMILION, PORTER, JOHNSON, SCHAIBLEY)

January 5, 2021, read first time and referred to Committee on Health and Provider Services.

February 4, 2021, amended, reported favorably — Do Pass.

February 8, 2021, read second time, ordered engrossed. Engrossed.

February 18, 2021, read third time, passed. Yeas 48, nays 1.

HOUSE ACTION

March 4, 2021, read first time and referred to Committee on Public Health.

March 18, 2021, reported — Do Pass.

ES 169—LS 6904/DI 104



March 18, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 169

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

1 SECTION 1. IC 12-7-2-110.7, AS AMENDED BY P.L.173-2018,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 110.7. "Housing with services establishment", for
4 purposes of **IC 12-10-5.5**, IC 12-10-11.5, and IC 12-10-15, has the
5 meaning set forth in IC 12-10-15-3.

6 SECTION 2. IC 12-10-5.5-1 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. As used in this
8 chapter, "Alzheimer's and dementia special care" means care provided
9 to a person diagnosed with Alzheimer's disease, a related disorder, or
10 dementia who resides in a health facility **or a housing with services**
11 **establishment** that:

- 12 (1) locks, secures, segregates, or provides a special program or
13 special unit for residents with Alzheimer's disease, related
14 disorders, or dementia; and
15 (2) advertises, markets, or promotes the health facility as
16 providing Alzheimer's care services, dementia care services, or
17 both.

ES 169—LS 6904/DI 104



1 SECTION 3. IC 12-10-5.5-2.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2021]: **Sec. 2.5. As used in this chapter,**
4 **"housing with services establishment" has the meaning set forth in**
5 **IC 12-10-15-3.**

6 SECTION 4. IC 12-10-5.5-3 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. A health facility **and**
8 **a housing with services establishment** that provides or offers
9 Alzheimer's and dementia special care **or programing** shall prepare a
10 written disclosure in a form provided by the division that has been
11 developed in conjunction with the long term care ombudsman's office
12 and that contains the following information:

13 (1) The health facility's **or housing with services**
14 **establishment's** mission or philosophy statement concerning the
15 needs of residents with Alzheimer's disease, a related disorder, or
16 dementia.

17 (2) The process and criteria the health facility **or housing with**
18 **services establishment** uses to determine placement, transfer, or
19 discharge from Alzheimer's and dementia special care.

20 (3) The process for the assessment, establishment, and
21 implementation of a plan of Alzheimer's and dementia special
22 care, including how and when changes are made to a plan of care.

23 (4) The following information concerning the staff of the
24 Alzheimer's and dementia special care unit:

25 (A) The staff-to-patient ratio for each shift.

26 (B) The positions and classifications of staff.

27 (C) The initial training or special education requirements of
28 the staff.

29 (D) The qualities and amount of continuing education and
30 in-service training required for staff.

31 (5) A description of the Alzheimer's and dementia special care
32 unit and the unit's design features.

33 (6) The frequency and types of activities for the residents of the
34 **health facility or housing with services establishment** who have
35 Alzheimer's disease, a related disorder, or dementia.

36 (7) The extent that the health facility's Alzheimer's and dementia
37 special care unit and program **or housing with services**
38 **establishment's program** offers family support programs and
39 solicits input from family members.

40 (8) Guidelines for using physical and chemical restraints in
41 providing Alzheimer's and dementia special care.

42 (9) An itemization of the health facility's **or housing with**



- 1 **services establishment's** charges and fees for Alzheimer's and
2 dementia special care and related services.
- 3 (10) Any other features, services, or characteristics that the health
4 facility **or housing with services establishment** believes
5 distinguishes the health facility **or housing with services**
6 **establishment** from Alzheimer's and dementia special care
7 offered by other facilities **and establishments**.
- 8 SECTION 5. IC 12-10-5.5-4 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. A health facility **and**
10 **a housing with services establishment** shall do the following with the
11 disclosure form required under section 3 of this chapter:
- 12 (1) Submit the form to the division in December of each year.
- 13 (2) Make the form available to any individual seeking information
14 on services for an individual with Alzheimer's disease or a related
15 disorder.
- 16 SECTION 6. IC 12-10-5.5-5 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. The division shall do
18 the following with the disclosure form received from each health
19 facility **and housing with services establishment** under section 4 of
20 this chapter:
- 21 (1) Make the form available to any individual upon request.
- 22 (2) Publish all the disclosure forms before February of each year
23 in a single publication to disseminate to the public upon request.



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 169, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 2. IC 12-10-5.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. As used in this chapter, "Alzheimer's and dementia special care" means care provided to a person diagnosed with Alzheimer's disease, a related disorder, or dementia who resides in a health facility **or a housing with services establishment** that:

- (1) locks, secures, segregates, or provides a special program or special unit for residents with Alzheimer's disease, related disorders, or dementia; and
- (2) advertises, markets, or promotes the health facility as providing Alzheimer's care services, dementia care services, or both."

Page 2, line 11, delete "For a health facility, the" and insert "The".

Page 2, line 19, delete "For a health facility, a" and insert "A".

Page 2, line 28, delete "For a health facility, guidelines" and insert "Guidelines".

Page 2, delete lines 39 through 42.

Page 3, delete lines 1 through 4.

Page 3, delete lines 21 through 29.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 169 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 11, Nays 0.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 169 as printed February 5, 2021.)

BARRETT

Committee Vote: Yeas 11, Nays 0

