

# SENATE BILL No. 301

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-10-17.1-12; IC 16-27-2-4; IC 22-1-5-13.

**Synopsis:** Criminal history checks for home health workers. Provides that an expanded criminal history check may be used instead of certain background checks and criminal history checks for home health care workers. Prohibits an expanded criminal history check to include certain criminal history information.

**Effective:** July 1, 2018.

---

---

## Raatz

---

---

January 4, 2018, read first time and referred to Committee on Commerce and Technology.

---

---



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 BILL No. 301

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 12-10-17.1-12, AS ADDED BY P.L.141-2006,  
2 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2018]: Sec. 12. (a) The division shall register an individual  
4 who provides the following:  
5 (1) A personal resume containing information concerning the  
6 individual's qualifications, work experience, and any credentials  
7 the individual may hold. The individual must certify that the  
8 information contained in the resume is true and accurate.  
9 (2) The individual's:  
10 (A) limited criminal history check from the Indiana central  
11 repository for criminal history information under IC 10-13-3;  
12 (B) **expanded criminal history check under IC 20-26-2-1.5;**  
13 or  
14 (C) **criminal history check from** another source allowed by  
15 law.  
16 (3) If applicable, the individual's state nurse aide registry report  
17 from the state department of health. This subdivision does not



- 1 require an individual to be a nurse aide.  
 2 (4) Three (3) letters of reference.  
 3 (5) A registration fee. The division shall establish the amount of  
 4 the registration fee.  
 5 (6) Proof that the individual is at least eighteen (18) years of age.  
 6 (7) Any other information required by the division.  
 7 (b) A registration is valid for two (2) years. A personal services  
 8 attendant may renew the personal services attendant's registration by  
 9 updating any information in the file that has changed and by paying the  
 10 fee required under subsection (a)(5). The limited criminal history check  
 11 and report required under subsection (a)(2) and (a)(3) must be updated  
 12 every two (2) years.  
 13 (c) The division and any organization designated under section 11  
 14 of this chapter shall maintain a file for each personal services attendant  
 15 that contains:  
 16 (1) comments related to the provision of attendant care services  
 17 submitted by an individual in need of self-directed in-home care  
 18 who has employed the personal services attendant; and  
 19 (2) the items described in subsection (a)(1) through (a)(4).  
 20 (d) Upon request, the division shall provide to an individual in need  
 21 of self-directed in-home care the following:  
 22 (1) Without charge, a list of personal services attendants who are  
 23 registered with the division and available within the requested  
 24 geographic area.  
 25 (2) A copy of the information of a specified personal services  
 26 attendant who is on file with the division under subsection (c).  
 27 The division may charge a fee for shipping, handling, and copying  
 28 expenses.  
 29 **(e) The limited criminal history check requirement described in**  
 30 **subsection (a)(2) may be satisfied by fulfilling the components of an**  
 31 **expanded criminal history check under IC 20-26-2-1.5 and is**  
 32 **subject to the conditions described in IC 16-27-2-4(c).**  
 33 SECTION 2. IC 16-27-2-4, AS AMENDED BY P.L.51-2016,  
 34 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2018]: Sec. 4. (a) A person who operates a home health  
 36 agency under IC 16-27-1 or a personal services agency under  
 37 IC 16-27-4 shall apply, not more than three (3) business days after the  
 38 date that an employee begins to provide services in a patient's  
 39 temporary or permanent residence, for a copy of the employee's  
 40 national criminal history background check or expanded criminal  
 41 history check.  
 42 (b) A home health agency or personal services agency may not



1 employ a person to provide services in a patient's or client's temporary  
 2 or permanent residence for more than three (3) business days without  
 3 applying for a national criminal history background check or an  
 4 expanded criminal history check.

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

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

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

10 SECTION 3. IC 22-1-5-13, AS ADDED BY P.L.212-2005,  
 11 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2018]: Sec. 13. (a) A placement agency:

13 (1) must provide a consumer with a consumer notice each time a  
 14 home care services worker is placed in the home of the consumer;  
 15 and

16 (2) is not required to provide a consumer notice when a new or  
 17 different home care services worker is substituting for the regular  
 18 home care services worker placed with the consumer.

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

22 **(1) limited criminal history from the central repository for**  
 23 **criminal history information under IC 10-13-3; or**

24 **(2) expanded criminal history check, as defined in**  
 25 **IC 20-26-2-1.5, subject to the conditions described in**  
 26 **IC 16-27-2-4(c).**

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

