

IC 16-19-15

Chapter 15. Health Care Facility Advisory Council

IC 16-19-15-1

Created

Sec. 1. The health care facility advisory council is created.
As added by P.L.156-2011, SEC.11; P.L.197-2011, SEC.56.

IC 16-19-15-2

Members

Sec. 2. (a) The council consists of twenty (20) members as follows:

- (1) The commissioner or the commissioner's designee.
- (2) The secretary of family and social services or the secretary's designee.
- (3) The following members appointed by the governor:
 - (A) One (1) physician licensed under IC 25-22.5 who primarily practices in acute care.
 - (B) One (1) physician licensed under IC 25-22.5 who primarily practices in long term care.
 - (C) One (1) registered nurse licensed under IC 25-23 who is employed in an acute care facility.
 - (D) One (1) registered nurse licensed under IC 25-23 who is employed in a long term care facility.
 - (E) One (1) registered nurse licensed under IC 25-23 who is employed by a home health agency.
 - (F) One (1) residential care administrator.
 - (G) Two (2) individuals who are employed as hospital administrators.
 - (H) One (1) individual who is employed as an administrator of a freestanding ambulatory outpatient surgical center.
 - (I) Two (2) individuals who are employed as long term care facility administrators, as follows:
 - (i) One (1) individual who is employed at a for-profit facility.
 - (ii) One (1) individual who is employed at a nonprofit facility.
 - (J) One (1) individual who is employed by a home health agency as:
 - (i) an administrator; or
 - (ii) a director of nursing.
 - (K) One (1) individual who:
 - (i) represents the interests of senior citizens; and
 - (ii) has experience as a health care advocate for senior citizens and may represent a statewide organization.
 - (L) One (1) individual who:
 - (i) represents the interests of people with disabilities; and
 - (ii) has experience as a health care advocate for people with disabilities and may represent a statewide organization.

- (M) One (1) individual who:
 - (i) represents the interests of people with chronic or acute health care needs; and
 - (ii) has experience as a health care advocate for people with chronic or acute health care needs and may represent a statewide organization.
- (N) Two (2) individuals employed by any one (1) of the following:
 - (i) A school of public health.
 - (ii) A school of nursing.
 - (iii) A school of medicine.
 - (iv) A school of allied health.
 - (v) A health care research organization.
 - (vi) A quality improvement organization.
- (O) One (1) individual who is employed by a hospice agency as:
 - (i) an administrator; or
 - (ii) a director of nursing.

The governor shall appoint one (1) member under this subsection as chairperson and one (1) member as vice chairperson of the council.

(b) The commissioner or the commissioner's designee shall serve as secretary of the council.

(c) Except for an individual appointed under subsection (a)(3)(C) through (a)(3)(J), a member of the council may not:

- (1) have a pecuniary interest in the operation of;
- (2) have an ownership interest in;
- (3) serve as a voting member of the governing body of; or
- (4) provide professional services through employment or under contract to;

an institution, facility, or agency licensed by the state department.

(d) The governor shall make the initial appointments under subsection (a)(3) to the council with the terms of office beginning July 1, 2011, and serving terms as follows:

- (1) Eight (8) members shall be appointed for a term of four (4) years.
- (2) Eight (8) members shall be appointed for a term of two (2) years.

After the initial term of office for the council, a member shall be appointed for a term of four (4) years.

(e) Any vacancy on the council shall be filled by the governor for the remainder of the unexpired term in the same manner as the original appointment.

As added by P.L.156-2011, SEC.11; P.L.197-2011, SEC.56.

IC 16-19-15-3

Per diem

Sec. 3. (a) A member of the council who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).

(b) A member of the council is entitled to reimbursement for

traveling expenses as provided in IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency. *As added by P.L.156-2011, SEC.11; P.L.197-2011, SEC.56.*

IC 16-19-15-4

Meetings

Sec. 4. (a) The chairperson shall call the first meeting of the council not more than sixty (60) days after the appointment of all the members to the council. The council shall meet at least three (3) times each year on dates fixed by the council.

(b) The chairperson may call a special meeting of the council at the commissioner's request or upon the written request of at least four (4) members of the council.

(c) Ten (10) members of the council constitute a quorum for the transaction of business. The affirmative votes of a majority of the members are required for the council to take action on any measure.

(d) The chairperson may approve the creation of a subcommittee at the request of a majority of the council members. A subcommittee member:

- (1) serves at the pleasure of the council; and
- (2) does not receive travel reimbursement or per diem.

As added by P.L.156-2011, SEC.11; P.L.197-2011, SEC.56.

IC 16-19-15-5

Duties

Sec. 5. (a) The council shall serve as an advisory body to the state department regarding facilities and entities licensed under the following:

- (1) IC 16-21.
- (2) IC 16-25.
- (3) IC 16-27.
- (4) IC 16-28.

(b) The council may do the following:

- (1) Propose rules to the executive board.
- (2) Recommend issuance of interpretative guidelines when necessary to assist a facility or entity in meeting the requirements of a rule adopted under:
 - (A) IC 16-21-1;
 - (B) IC 16-27-0.5; or
 - (C) IC 16-28-1.

An interpretative guideline is not a rule and may not be used to contravene a rule.

(c) The council shall do the following:

- (1) Propose rules as set forth in the following:
 - (A) IC 16-21-1-7.
 - (B) IC 16-21-2-14.
 - (C) IC 16-27-0.5-9.
 - (D) IC 16-28-1-7.

- (E) IC 16-28-1-11.
- (F) IC 16-28-6-2.
- (2) Advise the state department as set forth in the following:
 - (A) IC 16-27-0.5.
 - (B) IC 16-28-1-7(4).
- (3) Make recommendations to the fire prevention and building safety commission as set forth in IC 16-28-1-7(2).
- (4) Classify health facilities in health care categories as required in IC 16-28-1-7.

As added by P.L.156-2011, SEC.11; P.L.197-2011, SEC.56.

IC 16-19-15-6

Transfer of liabilities, property, records, and other assets

Sec. 6. Beginning July 1, 2011, the liabilities, property, records, and other assets that belonged to the following councils are transferred to the health care facility advisory council:

- (1) The hospital council (established by IC 16-21-1-1, before its repeal).
- (2) The home health care services and hospice services council (established by IC 16-27-0.5-1, before its repeal).
- (3) The health facilities council (established by IC 16-28-1-1, before its repeal).

As added by P.L.156-2011, SEC.11; P.L.197-2011, SEC.56.