

## **IC 16-25-6**

### **Chapter 6. Criminal History of Hospice Owners, Operators, Employees, and Volunteers**

#### **IC 16-25-6-1 Version a**

##### **Persons prohibited from owning or operating hospice program**

*Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.*

Sec. 1. (a) A person may not own or operate a hospice program if the person has:

- (1) been convicted of rape (IC 35-42-4-1);
- (2) been convicted of criminal deviate conduct (IC 35-42-4-2);
- (3) been convicted of exploitation of a dependent or an endangered adult (IC 35-46-1-12);
- (4) had a judgment entered against the person for failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13); or
- (5) been convicted of theft (IC 35-43-4), if the person's conviction for theft occurred less than ten (10) years before the date of submission by the person of an application for licensure or approval as a hospice program under IC 16-25-3.

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

*As added by P.L.256-1999, SEC.16.*

#### **IC 16-25-6-1 Version b**

##### **Persons prohibited from owning or operating hospice program**

*Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.*

Sec. 1. (a) A person may not own or operate a hospice program if the person has:

- (1) been convicted of rape (IC 35-42-4-1);
- (2) been convicted of criminal deviate conduct (IC 35-42-4-2) (repealed);
- (3) been convicted of exploitation of a dependent or an endangered adult (IC 35-46-1-12);
- (4) had a judgment entered against the person for failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13); or
- (5) been convicted of theft (IC 35-43-4), if the person's conviction for theft occurred less than ten (10) years before the date of submission by the person of an application for licensure or approval as a hospice program under IC 16-25-3.

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

*As added by P.L.256-1999, SEC.16. Amended by P.L.158-2013, SEC.229; P.L.214-2013, SEC.16.*

#### **IC 16-25-6-2**

##### **Employee's or volunteer's criminal history**

Sec. 2. (a) A person who owns or operates a hospice program shall apply, not more than three (3) business days after the date that an employee or a volunteer begins to provide hospice services, for a copy of the employee's or volunteer's limited criminal history from the Indiana central repository for criminal history information under IC 10-13-3.

(b) A hospice program may not employ an individual or allow a volunteer to provide hospice services for more than three (3) business days without applying for that individual's or volunteer's limited criminal history as required by subsection (a).

*As added by P.L.256-1999, SEC.16. Amended by P.L.2-2003, SEC.45.*

#### **IC 16-25-6-3 Version a**

##### **Employment of certain individuals prohibited**

*Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.*

Sec. 3. (a) Except as provided in subsection (b), a person who owns or operates a hospice program may not employ an individual or allow a volunteer to provide hospice services if that individual's or volunteer's limited criminal history indicates that the individual or volunteer has:

- (1) been convicted of rape (IC 35-42-4-1);
- (2) been convicted of criminal deviate conduct (IC 35-42-4-2);
- (3) been convicted of exploitation of an endangered adult (IC 35-46-1-12);
- (4) had a judgment entered against the individual for failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13); or
- (5) been convicted of theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the individual's employment application date.

(b) A hospice program may not employ an individual or allow a volunteer to provide hospice services for more than twenty-one (21) calendar days without receipt of that individual's or volunteer's limited criminal history required by section 2 of this chapter, unless the Indiana central repository for criminal history information under IC 10-13-3 is solely responsible for failing to provide the individual's or volunteer's limited criminal history to the hospice program within the time required under this subsection.

*As added by P.L.256-1999, SEC.16. Amended by P.L.2-2003, SEC.46.*

#### **IC 16-25-6-3 Version b**

##### **Employment of certain individuals prohibited**

*Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.*

Sec. 3. (a) Except as provided in subsection (b), a person who owns or operates a hospice program may not employ an individual or allow a volunteer to provide hospice services if that individual's

or volunteer's limited criminal history indicates that the individual or volunteer has:

- (1) been convicted of rape (IC 35-42-4-1);
- (2) been convicted of criminal deviate conduct (IC 35-42-4-2) (repealed);
- (3) been convicted of exploitation of an endangered adult (IC 35-46-1-12);
- (4) had a judgment entered against the individual for failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13); or
- (5) been convicted of theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the individual's employment application date.

(b) A hospice program may not employ an individual or allow a volunteer to provide hospice services for more than twenty-one (21) calendar days without receipt of that individual's or volunteer's limited criminal history required by section 2 of this chapter, unless the Indiana central repository for criminal history information under IC 10-13-3 is solely responsible for failing to provide the individual's or volunteer's limited criminal history to the hospice program within the time required under this subsection.

*As added by P.L.256-1999, SEC.16. Amended by P.L.2-2003, SEC.46; P.L.158-2013, SEC.230; P.L.214-2013, SEC.17.*

#### **IC 16-25-6-4**

##### **Fees**

Sec. 4. (a) A person who owns or operates a hospice program is responsible for the payment of fees under IC 10-13-3-30 and other fees required under section 2 of this chapter.

(b) This subsection does not apply to a hospice program volunteer. A hospice program may require an individual who applies to the hospice program for employment to provide hospice services:

- (1) to pay the fees described in subsection (a) to the hospice program at the time the individual submits an application for employment; or
- (2) to reimburse the hospice program for the payment of the fees described in subsection (a).

*As added by P.L.256-1999, SEC.16. Amended by P.L.2-2003, SEC.47.*

#### **IC 16-25-6-5**

##### **Violations**

Sec. 5. A person who:

- (1) owns or operates a hospice program; and
- (2) violates section 2 or 3 of this chapter;

commits a Class A infraction.

*As added by P.L.256-1999, SEC.16.*