

IC 16-29-2

Chapter 2. Specialized Services

IC 16-29-2-1

"Comprehensive care bed" defined

Sec. 1. As used in this chapter, "comprehensive care bed" means a comprehensive care bed that is used solely for a patient who has been diagnosed as having one (1) of the following conditions:

- (1) Medically stable twelve (12) to twenty-four (24) hours each day and ventilator dependent.
- (2) Medically stable brain and high spinal cord traumatized or has a major progressive neuromuscular disease.
- (3) Infected by the human immunodeficiency virus (HIV).

As added by P.L.2-1993, SEC.12.

IC 16-29-2-2

Application for specialized services comprehensive care beds

Sec. 2. An applicant may file an application with the state department for the addition or conversion of beds to comprehensive care beds to be used solely for providing specialized services to patients who have a diagnosis described in section 1 of this chapter.

As added by P.L.2-1993, SEC.12.

IC 16-29-2-3

Review of applications for beds to be certified for participation in state or federal reimbursement program

Sec. 3. The state department shall review all applications for a certificate of need for comprehensive care beds under this chapter that are to be certified for participation in a state or federal reimbursement program, including programs under Title XVIII or Title XIX of the Social Security Act (42 U.S.C. 1395 et seq. or 42 U.S.C. 1396 et seq.).

As added by P.L.2-1993, SEC.12.

IC 16-29-2-4

Findings and recommendations

Sec. 4. (a) The state department shall make a finding based on information prepared by the state department in accordance with IC 16-30 and any other relevant information about the need for the comprehensive care beds under this chapter or the certification of comprehensive care beds as requested in the application.

(b) The state department shall recommend and approve a certificate of need for additional comprehensive care beds or the certification of comprehensive care beds only after finding that the certification or addition of comprehensive care beds in the county is necessary and that the applicant for a certificate of need has illustrated or documented the applicant's experience or capacity to provide quality, effective, and efficient care that includes a description of any past or current adverse licensure action against any facility owned, operated, or managed by the applicant.

As added by P.L.2-1993, SEC.12.

IC 16-29-2-5

Review and approval requirement under certain circumstances

Sec. 5. (a) Comprehensive care beds may not be constructed or added and beds may not be converted to comprehensive care beds without the review and approval required in this chapter.

(b) Comprehensive care beds that are not certified for participation in a state or federal reimbursement program, including programs under Title XVIII or Title XIX of the federal Social Security Act (42 U.S.C. 1395 et seq. or 42 U.S.C. 1396 et seq.), shall not be certified without the review and approval required in this chapter.

(c) The review and approval required in this chapter is a condition to the licensure of the facility.

As added by P.L.2-1993, SEC.12.

IC 16-29-2-6

Certificate of need voidable; conditions

Sec. 6. A certificate of need for a project to construct, add, or convert beds that receives final approval of the state department under this chapter or IC 16-10-4 (before its repeal) becomes void eighteen (18) months after the determination becomes final unless the following conditions are met:

(1) Construction plans for the project are approved by the state department and the department of fire and building safety.

(2) The applicant has completed construction of the project's foundation in conformity with the approved plans as certified by an independent architect licensed under IC 25-4 or an independent professional engineer licensed under IC 25-31.

(3) Construction work on the project is continuous and in conformity with the approved plans.

As added by P.L.2-1993, SEC.12. Amended by P.L.1-1993, SEC.170.

IC 16-29-2-7

Ownership interest in certificates of need; transfer or alienation

Sec. 7. The individual, partnership, corporation, or other legal entity to whom a certificate of need has been granted after the review and approval required by this chapter is the owner of the certificate of need until the individual or legal entity transfers or alienates that ownership interest in the certificate. Unless the certificate of need expires or is voided, the issued certificate of need is the personal property of the owner and is freely transferable or alienable, except that the certificate of need may not be used outside of the county with respect to which the certificate was issued.

As added by P.L.2-1993, SEC.12.

IC 16-29-2-8

Rules; fees

Sec. 8. (a) The state department shall adopt rules under IC 4-22-2

to implement this chapter and to establish a reasonable fee for filing and review of an application under this chapter. Notwithstanding IC 16-21-1-9 or IC 16-21-1-10, a rule adopted under this chapter may not be waived.

(b) Fees imposed in connection with the certificate of need review under this article are payable to the state department for use in administration of the certificate of need program created by this chapter.

As added by P.L.2-1993, SEC.12. Amended by P.L.156-2011, SEC.28.