

IC 16-21-9

Chapter 9. Provision of Charitable Care by Nonprofit Hospitals

IC 16-21-9-1

"Community benefits" defined

Sec. 1. As used in this chapter, "community benefits" means the unreimbursed cost to a hospital of providing charity care, government sponsored indigent health care, donations, education, government sponsored program services, research, and subsidized health services. The term does not include the cost to the hospital of paying any taxes or other governmental assessments.

As added by P.L.94-1994, SEC.17.

IC 16-21-9-2

"Government sponsored indigent health care" defined

Sec. 2. As used in this chapter, "government sponsored indigent health care" means the unreimbursed cost to a hospital of Medicare, providing health care services to recipients of Medicaid, and other federal, state, or local indigent health care programs, eligibility for which is based on financial need.

As added by P.L.94-1994, SEC.17.

IC 16-21-9-3

"Nonprofit hospital" defined

Sec. 3. As used in this chapter, "nonprofit hospital" means a hospital that is organized as a nonprofit corporation or a charitable trust under Indiana law or the laws of any other state or country and that is:

- (1) eligible for tax exempt bond financing; or
- (2) exempt from state or local taxes.

As added by P.L.94-1994, SEC.17.

IC 16-21-9-4

Organizational mission statement; community benefits plan

Sec. 4. A nonprofit hospital shall develop:

- (1) an organizational mission statement that identifies the hospital's commitment to serving the health care needs of the community; and
- (2) a community benefits plan defined as an operational plan for serving the community's health care needs that:
 - (A) sets out goals and objectives for providing community benefits that include charity care and government sponsored indigent health care; and
 - (B) identifies the populations and communities served by the hospital.

As added by P.L.94-1994, SEC.17.

IC 16-21-9-5**Health care needs of community**

Sec. 5. When developing the community benefits plan, the hospital shall consider the health care needs of the community as determined by communitywide needs assessments.

As added by P.L.94-1994, SEC.17.

IC 16-21-9-6**Elements of community benefits plan**

Sec. 6. The hospital shall include at least the following elements in the community benefits plan:

- (1) Mechanisms to evaluate the plan's effectiveness, including a method for soliciting the views of the communities served by the hospital.
- (2) Measurable objectives to be achieved within a specified time frame.
- (3) A budget for the plan.

As added by P.L.94-1994, SEC.17.

IC 16-21-9-7**Annual report for community benefits plan**

Sec. 7. (a) Each nonprofit hospital shall prepare an annual report of the community benefits plan. The report must include, in addition to the community benefits plan itself, the following background information:

- (1) The hospital's mission statement.
- (2) A disclosure of the health care needs of the community that were considered in developing the hospital's community benefits plan.
- (3) A disclosure of the amount and types of community benefits actually provided, including charity care. Charity care must be reported as a separate item from other community benefits.

(b) Each nonprofit hospital shall annually file a report of the community benefits plan with the state department. For a hospital's fiscal year that ends before July 1, 2011, the report must be filed not later than one hundred twenty (120) days after the close of the hospital's fiscal year. For a hospital's fiscal year that ends after June 30, 2011, the report must be filed at the same time the nonprofit hospital files its annual return described under Section 6033 of the Internal Revenue Code that is timely filed under Section 6072(e) of the Internal Revenue Code, including any applicable extension authorized under Section 6081 of the Internal Revenue Code.

(c) Each nonprofit hospital shall prepare a statement that notifies the public that the annual report of the community benefits plan is:

- (1) public information;
- (2) filed with the state department; and
- (3) available to the public on request from the state department.

This statement shall be posted in prominent places throughout the hospital, including the emergency room waiting area and the

admissions office waiting area. The statement shall also be printed in the hospital patient guide or other material that provides the patient with information about the admissions criteria of the hospital.

(d) Each nonprofit hospital shall develop a written notice about any charity care program operated by the hospital and how to apply for charity care. The notice must be in appropriate languages if possible. The notice must also be conspicuously posted in the following areas:

- (1) The general waiting area.
- (2) The waiting area for emergency services.
- (3) The business office.
- (4) Any other area that the hospital considers an appropriate area in which to provide notice of a charity care program.

As added by P.L.94-1994, SEC.17. Amended by P.L.156-2011, SEC.18; P.L.172-2011, SEC.115; P.L.6-2012, SEC.115.

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Failure to file annual report

Sec. 8. The state department may assess a civil penalty against a nonprofit hospital that fails to make a report of the community benefits plan as required under this chapter. The penalty may not exceed one thousand dollars (\$1,000) for each day a report is delinquent after the date on which the report is due. No penalty may be assessed against a hospital under this section until thirty (30) business days have elapsed after written notification to the hospital of its failure to file a report.

As added by P.L.94-1994, SEC.17.

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Other rights and remedies retained

Sec. 9. The rights and remedies provided for in this chapter are in addition to other statutory or common law rights or remedies available to the state or a nonprofit hospital.

As added by P.L.94-1994, SEC.17.