

IC 16-28-12

Chapter 12. Federally Required Enforcement Process

IC 16-28-12-1

Adoption of rules

Sec. 1. The state department shall, as the state agency utilized under 42 U.S.C. 1395aa(a) and authorized to perform the duties of the state survey agency under 42 U.S.C. 1396, adopt rules under IC 4-22-2 to satisfy the requirements of 42 U.S.C. 1396r(h).

As added by P.L.2-1993, SEC.11.

IC 16-28-12-2

1396r(h) fund; investment; use of principal and interest

Sec. 2. (a) The 1396r(h) fund is established to receive money collected under this chapter. The state department shall administer the fund.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) The state department shall use the principal and interest in the fund in accordance with 42 U.S.C. 1396r(h)(2)(A)(ii).

As added by P.L.2-1993, SEC.11.

IC 16-28-12-3

Department actions; procedure

Sec. 3. The procedure governing an action taken by the state department under this chapter must be in accordance with:

(1) IC 4-21.5-3-6; or

(2) IC 4-21.5-4.

As added by P.L.2-1993, SEC.11.

IC 16-28-12-4

Review; procedure; filing period

Sec. 4. (a) A person adversely affected by action of the state department under this chapter may request review under IC 4-21.5-3-7.

(b) The procedure governing appeals under this chapter must be in accordance with IC 16-28-10.

(c) If a request for a hearing is not filed within the fifteen (15) day period specified in IC 4-21.5-3-7, the determination of the executive board is final.

As added by P.L.2-1993, SEC.11.