

## **IC 16-28-4**

### **Chapter 4. Allegations of Breaches**

#### **IC 16-28-4-1**

##### **Filing of allegations; form**

Sec. 1. A person who believes that this article or rules adopted under this article have been breached may file an allegation of breach with the state department. The allegation must be in writing unless the breach complained of is an offense or a deficiency. An oral allegation of breach shall be reduced to writing by the state department.

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

#### **IC 16-28-4-2**

##### **Investigations**

Sec. 2. The division shall promptly investigate the following:

- (1) A written allegation of breach received under this chapter.
- (2) An oral allegation of breach that the director, in the director's discretion, believes to have merit.

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

#### **IC 16-28-4-3**

##### **Referral to licensing boards**

Sec. 3. The state department shall refer an allegation of breach received about licensed personnel at a health facility to the appropriate licensing board for review and possible disciplinary action.

*As added by P.L.2-1993, SEC.11. Amended by P.L.156-2011, SEC.25; P.L.197-2011, SEC.67.*

#### **IC 16-28-4-4**

##### **Reporting to state department**

Sec. 4. A governmental unit that:

- (1) receives an allegation of breach alleging breach of this article or rules adopted under this article; or
- (2) has knowledge of facts constituting breach of this article or rules adopted under this article;

shall report that allegation of breach or knowledge in writing to the state department while protecting the confidentiality of the alleging party and the patient.

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

#### **IC 16-28-4-5**

##### **Confidentiality**

Sec. 5. (a) An allegation of breach filed with the state department under this article that is subsequently released to the health facility complained of or any member of the public shall not disclose the name or identifying characteristics of the alleging party or the patient

who is the subject of the allegation of breach unless:

- (1) the alleging party or patient consents in writing to the disclosure; or
- (2) the investigation results in a judicial proceeding and disclosure is ordered by the court.

(b) If disclosure is essential to the investigation, the alleging party shall be given the opportunity to withdraw the allegation of breach before disclosure.

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

#### **IC 16-28-4-6**

##### **Relicensure considerations**

Sec. 6. The report of a substantiated allegation of breach investigation, together with the response of the health facility and any enforcement action taken, shall be made a part of the health facility's record and shall be considered, together with the survey report, by the director at the time of relicensure of the facility.

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

#### **IC 16-28-4-7**

##### **Reporting of investigation results and actions taken**

Sec. 7. Upon request of the alleging party the director shall report to the alleging party or the alleging party's designated relative, friend, or legal representative concerning the results of the investigation and the action taken.

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