

TITLE 412 INDIANA HEALTH FACILITIES COUNCIL

ARTICLE 1. HEALTH FACILITIES

NOTE: The statutory authority to adopt rules under IC 16-28-6-2 was transferred from the Indiana Health Facilities Council to the Indiana State Department of Health by P.L.156-2011, SECTION 26, and P.L.197-2011, SECTION 68, effective July 1, 2011.

Rule 1. Emergency Relocation of Residents

412 IAC 1-1-1 Applicability

Authority: IC 16-28-6-2

Affected: IC 16-28

Sec. 1. The definitions in this rule apply throughout this article. (*Indiana Health Facilities Council; 412 IAC 1-1-1; filed Apr 29, 2000, 4:40 p.m.: 23 IR 3083; readopted filed Sep 20, 2006, 2:01 p.m.: 20061004-IR-412060167RFA*)

412 IAC 1-1-2 "Department" defined

Authority: IC 16-28-6-2

Affected: IC 16-28

Sec. 2. "Department" means the Indiana state department of health. (*Indiana Health Facilities Council; 412 IAC 1-1-2; filed Apr 29, 2000, 4:40 p.m.: 23 IR 3083; readopted filed Sep 20, 2006, 2:01 p.m.: 20061004-IR-412060167RFA*)

412 IAC 1-1-3 "Discharge plan" defined

Authority: IC 16-28-6-2

Affected: IC 16-28

Sec. 3. "Discharge plan" means a plan that originates upon a resident's admission to a facility and identifies specific resident needs that are to be addressed when the resident is discharged from the facility. (*Indiana Health Facilities Council; 412 IAC 1-1-3; filed Apr 29, 2000, 4:40 p.m.: 23 IR 3083; readopted filed Sep 20, 2006, 2:01 p.m.: 20061004-IR-412060167RFA*)

412 IAC 1-1-4 "Emergency" defined

Authority: IC 16-28-6-2

Affected: IC 16-28

Sec. 4. "Emergency" means a situation or physical condition that presents imminent danger of death or serious physical or mental harm to one (1) or more residents of a facility. (*Indiana Health Facilities Council; 412 IAC 1-1-4; filed Apr 29, 2000, 4:40 p.m.: 23 IR 3084; readopted filed Sep 20, 2006, 2:01 p.m.: 20061004-IR-412060167RFA*)

Rule 2. Relocation Provisions

412 IAC 1-2-1 Emergency relocation

Authority: IC 16-28-6-2

Affected: IC 4-21.5-4; IC 16-28-5-1

Sec. 1. (a) The department may, with the approval of the commissioner, order the relocation of a resident from a health facility under IC 4-21.5-4 when any of the following conditions exist:

- (1) The facility is operating without a license.
- (2) The department has revoked the license of the facility.
- (3) The department initiated revocation procedures and has determined that the health, safety, security, rights, or welfare of the resident cannot be assured pending the outcome of administrative action.
- (4) The department determines that an emergency exists which requires immediate removal of the residents.
- (b) The department's decision to relocate a resident from a facility shall be based on the potential for imminent harm to the

health, safety, security, rights, or welfare of the resident.

(c) In an emergency relocation, the department shall notify the facility of the resident to be relocated.

(d) The facility shall notify the following of the emergency relocation and the reasons for the relocation as soon as practicable or in no event later than twenty-four (24) hours after notified by the department under subsection (c):

(1) The resident.

(2) A family member of the resident, if known.

(3) The resident's legal representative, if known.

(4) The local long term care ombudsman program.

(5) The person or agency responsible for the resident's placement, maintenance, and care in the facility.

(6) In situations where the resident is developmentally disabled, the regional office of the division of disability, aging, and rehabilitative services, who may assist with placement decisions.

(7) The resident's physician.

(e) The department shall oversee the emergency relocation of the resident with assistance from the facility and the ombudsman.

(f) The resident and, when practicable, their next of kin or guardian, shall be:

(1) involved in their discharge plan;

(2) given the opportunity to select alternative placements; and

(3) given every practicable assistance by the facility in accomplishing the emergency relocation.

(g) For purposes of IC 16-28-5-1, a breach of subsection (d) or (f) is a deficiency. (*Indiana Health Facilities Council; 412 IAC 1-2-1; filed Apr 29, 2000, 4:40 p.m.: 23 IR 3084; readopted filed Sep 20, 2006, 2:01 p.m.: 20061004-IR-412060167RFA*)

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