

## **IC 16-19-6**

### **Chapter 6. Administrative Unit for Special Institutions**

#### **IC 16-19-6-1**

##### **Administrative unit defined**

Sec. 1. As used in this chapter, "administrative unit" refers to the administrative unit for special institutions.

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

#### **IC 16-19-6-2**

##### **Commission defined**

Sec. 2. As used in this chapter, "commission" refers to the commission for special institutions.

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

#### **IC 16-19-6-3**

##### **Creation of unit**

Sec. 3. The administrative unit for special institutions is created within the state department.

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

#### **IC 16-19-6-4**

##### **Administrative head; duties**

Sec. 4. The state health commissioner is the administrative head of the administrative unit and shall do the following:

- (1) Exercise general supervision and control of the administrative unit.
- (2) Direct the medical and physical care, education, and rehabilitation of persons in the institutions that are under the control and supervision of the administrative unit.
- (3) Employ the personnel necessary to perform the duties imposed upon the administrative unit and the state health commissioner by this chapter.

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

#### **IC 16-19-6-5**

##### **Institutions under administrative control of commissioner**

Sec. 5. The state health commissioner has complete administrative control and responsibility for the following special institutions:

- (1) Silvercrest Children's Development Center.
- (2) Indiana Soldiers' and Sailors' Children's Home.
- (3) Indiana Veterans' Home.

*As added by P.L.2-1993, SEC.2. Amended by P.L.69-1999, SEC.3.*

#### **IC 16-19-6-6**

##### **Institutions; superintendents; powers and duties; appointment; removal**

Sec. 6. (a) Each of the institutions named in section 5 of this chapter is under the administrative control of a superintendent who has the powers, duties, and qualifications provided by law for each

of the respective superintendents or as may be otherwise prescribed or delegated by the state health commissioner (including the authority to execute contracts for a special institution named in section 5 of this chapter) insofar as the powers, duties, and qualifications are not in conflict with this chapter.

(b) Each of the superintendents shall be appointed by the state health commissioner. A superintendent may be removed only by the state health commissioner. The superintendent of any of the special institutions listed in section 5 of this chapter shall be administratively responsible to the state health commissioner.

*As added by P.L.2-1993, SEC.2. Amended by P.L.142-1995, SEC.6.*

#### **IC 16-19-6-7**

##### **Institutions; salary schedules; teacher contracts**

Sec. 7. (a) The state health commissioner shall annually review the salary schedules of the largest school corporation of the county in which each special institution placed under the control of the administrative unit is located to determine the salary schedule of that school corporation.

(b) Except as provided in subsection (e), the state health commissioner shall, following the annual review in subsection (a), prescribe, subject to approval by the state personnel department and the budget agency, a salary schedule for each special institution described in subsection (a), using a daily rate of pay for each teacher, which must be equal to that of the largest school corporation in the county in which the institution is located.

(c) The state health commissioner shall prescribe the terms of the annual contract awarded to licensed teachers qualifying for payment under this schedule.

(d) The state health commissioner shall advise the budget agency and the governor of the state health commissioner's action under this section. Hours of work for all teachers shall be set in accordance with IC 4-15-2.

(e) If the school corporation in which the special institution is located becomes the largest school corporation in the county in which the special institution is located, the daily rate of pay for each teacher must be equal to that of the school corporation in which the special institution is located, without regard to whether the school corporation in which the special institution is located remains the largest school corporation in the county.

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

#### **IC 16-19-6-8**

##### **Institutions; superintendents; salary**

Sec. 8. The superintendent of a special institution named in section 5 of this chapter is entitled to receive a salary in an amount to be fixed by the state health commissioner subject to the approval of the governor and the budget agency.

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

## **IC 16-19-6-9**

### **Advisory committees**

Sec. 9. (a) There is created an advisory committee for each special institution designated in section 5 of this chapter.

(b) The members of the following advisory committees shall be appointed by the governor as follows:

(1) The Silvercrest Children's Development Center advisory committee consists of seven (7) members, one (1) of whom must be a licensed physician and one (1) of whom must be a state legislator from the district in which the center is located.

(2) The Indiana Soldiers' and Sailors' Children's Home advisory committee consists of eight (8) members, one (1) of whom must be a licensed physician, one (1) of whom must be a state legislator from the district in which the home is located, and one (1) of whom is the director of veterans' affairs or the director's designee.

(3) The Indiana Veterans' Home advisory committee consists of eight (8) members, one (1) of whom must be a licensed physician, one (1) of whom must be a state legislator from the district in which the home is located, and one (1) of whom is the director of veterans' affairs or the director's designee.

(c) Except for a member who is a state legislator, the term of the members is four (4) years. A state legislator appointed under this section serves until the end of the legislator's current legislative term. A member of an advisory committee may be removed by the governor for cause, and a vacancy in the membership of an advisory committee shall be filled by the governor for the unexpired term of the vacating member.

(d) The advisory committee shall hold at least one (1) regular meeting in each quarter of the calendar year and may hold special meetings considered necessary and expedient by the superintendent of each advisory committee's respective institutions.

(e) At the first meeting of an advisory committee, which shall be called by the superintendent within ten (10) days after the appointment of the advisory committee members, and annually within the same time thereafter, the advisory committee shall meet and organize by electing a chairman and a secretary from the membership of the committee.

(f) Each member of the advisory committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) Each member of the advisory committee who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and

procedures established by the Indiana department of administration and approved by the budget agency.

(h) Each member of the advisory committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

(i) The advisory committees shall act in an advisory capacity to the superintendents of each advisory committee's respective institutions and to the state health commissioner in the state health commissioner's capacity as administrative head of the administrative unit for special institutions concerning ways and means of improving the special institutions and the care of the residents in the special institutions.

(j) Each advisory committee shall select one (1) of its members to serve as a member of the commission for special institutions. The name of the person selected shall be submitted to the governor and to the commission for special institutions.

(k) Whenever the term of any member selected by an advisory committee to serve on the commission for special institutions expires or a vacancy occurs for any reason, the advisory committee shall select a member of the committee to fill the vacancy. The name of that person shall be submitted to the governor and to the administrative unit for special institutions.

*As added by P.L.2-1993, SEC.2. Amended by P.L.142-1995, SEC.7; P.L.69-1999, SEC.4.*

### **IC 16-19-6-10**

#### **Application of IC 4-13-2**

Sec. 10. IC 4-13-2 applies to the following:

- (1) The administrative unit.
- (2) The state health commissioner in the state health commissioner's capacity as administrative head of the administrative unit.
- (3) All agencies, officers, or institutions subject to the jurisdiction or the supervision of the administrative unit or the state health commissioner.

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

### **IC 16-19-6-11**

#### **Employee bonds and crime policies**

Sec. 11. (a) The following persons shall furnish an individual public official bond, if the state health commissioner requires, in an amount determined by the state health commissioner, payable to the state and conditioned upon the faithful performance of that person's duties:

- (1) Each superintendent of an institution subject to the jurisdiction or the supervision of the administrative unit.
- (2) An officer or employee of the administrative unit or of any agency or institution.

(b) A bond required under this section is subject to the approval of the insurance commissioner, and shall be filed in the office of the secretary of state.

(c) The premiums for the bonds shall be payable from the funds of the administrative unit.

(d) The state health commissioner, at the state health commissioner's election, may secure a standard form blanket bond or crime insurance policy endorsed to include faithful performance covering all or any part of the officers and employees of the state department. However, the blanket bond or crime insurance policy must be in an amount of not less than fifty thousand dollars (\$50,000).

(e) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

*As added by P.L.2-1993, SEC.2. Amended by P.L.49-1995, SEC.10.*

### **IC 16-19-6-12**

#### **Notice regarding requests for names of nursing personnel or direct care staff**

Sec. 12. (a) Each special institution designated under section 5 of this chapter shall post a notice that a resident, the legal representative of the resident, or another individual designated by the resident may request from the individual in charge of each shift information that designates the names of all nursing personnel or direct care staff on duty by job classification for the:

- (1) wing;
- (2) unit; or
- (3) other area as routinely designated by the special institution;

where the resident resides.

(b) The notice required under subsection (a) must meet the following conditions:

- (1) Be posted in a conspicuous place that is readily accessible to residents and the public.
- (2) Be at least 24 point font size on a poster that is at least eleven (11) inches wide and seventeen (17) inches long.
- (3) Contain the:
  - (A) business telephone number of the superintendent of the special institution; and
  - (B) toll free telephone number for filing complaints with the state department.

(4) State that if a resident, the legal representative of the resident, or another individual designated by the resident is unable to obtain the information described in subsection (a) from the individual in charge of each shift, the resident, the legal representative of the resident, or other individual designated by the resident may do any of the following:

- (A) Contact the superintendent of the special institution.
- (B) File a complaint with the state department by using the state department's toll free telephone number.

(c) The state department may adopt rules under IC 4-22-2 to carry

out this section.  
*As added by P.L.108-2000, SEC.3.*

### **IC 16-19-6-13**

#### **Semiannual statistical reports**

Sec. 13. (a) The state health commissioner shall produce a statistical report semiannually for each special institution designated in section 5 of this chapter. The statistical report must list the following information:

- (1) The number of total hours worked in the special institution by each classification of personnel for which the state health commissioner maintains data.
- (2) The resident census of the special institution for which the state health commissioner maintains data.

(b) The state health commissioner shall provide a compilation of the statistical reports prepared under subsection (a) to the following:

- (1) Each special institution designated in section 5 of this chapter.
- (2) The state department.
- (3) The state ombudsman.

(c) Each special institution designated in section 5 of this chapter shall:

- (1) make available in a place that is readily accessible to residents and the public a copy of the compilation of statistical reports provided under this section; and
- (2) post a notice that a copy of the compilation of statistical reports may be requested from the individual in charge of each shift.

(d) The notice required under subsection (c)(2) must meet the following conditions:

- (1) Be posted in a conspicuous place that is readily accessible to residents and the public.
- (2) Be at least 24 point font size on a poster that is at least eleven (11) inches wide and seventeen (17) inches long.
- (3) Contain the:
  - (A) business telephone number of the superintendent of the special institution; and
  - (B) toll free telephone number for filing complaints with the state department.

(4) State that if a resident, the legal representative of the resident, or another individual designated by the resident is unable to obtain the compilation of statistical reports from the individual in charge of each shift, the resident, the legal representative of the resident, or other individual designated by the resident may do any of the following:

- (A) Contact the superintendent of the special institution.
- (B) File a complaint with the state department by using the state department's toll free telephone number.

(e) The state department may adopt rules under IC 4-22-2 to carry out this section.

*As added by P.L.108-2000, SEC.4.*