

Rule 5. Sanitary Operation of Tattoo Parlors

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410 IAC 1-5-1 Applicability

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 1. The definitions in this rule apply throughout this rule.

(Indiana Department of Health; [410 IAC 1-5-1](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3815; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-2 "Blood" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 2. "Blood" means human blood.

(Indiana Department of Health; [410 IAC 1-5-2](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3815; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-3 "Bloodborne pathogens" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 3. "Bloodborne pathogens" means pathogenic micro-organisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, the following:

- (1) HBV.
- (2) HCV.
- (3) HIV.

(Indiana Department of Health; [410 IAC 1-5-3](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3815; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-3.5 "Body piercer" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 3.5. "Body piercer" means any person who performs body piercing on an individual.
(Indiana Department of Health; [410 IAC 1-5-3.5](#); filed Jun 30, 2000, 4:10 p.m.: 23 IR 2710; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-3.6 "Body piercing" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 3.6. "Body piercing" means the perforation of any human body part other than ear lobe for the purpose of inserting jewelry or other decoration or for some other nonmedical purpose.
(Indiana Department of Health; [410 IAC 1-5-3.6](#); filed Jun 30, 2000, 4:10 p.m.: 23 IR 2710; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-4 "Cleaned" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 4. "Cleaned" means removal of all visible dust, soil, or any other foreign material.
(Indiana Department of Health; [410 IAC 1-5-4](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3815; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-](#)

[410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-5 "Contaminated" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 5. "Contaminated" means the presence or reasonably anticipated presence of blood or OPIM on an item or surface.

(Indiana Department of Health; [410 IAC 1-5-5](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3815; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-6 "Decontaminated" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 6. "Decontaminated" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item which does not require sterilization to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

(Indiana Department of Health; [410 IAC 1-5-6](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3815; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-7 "Department" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 7. "Department" means the Indiana department of health.

(Indiana Department of Health; [410 IAC 1-5-7](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3815; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-](#)

[410160371RFA](#); errata filed Jul 28, 2021, 8:23 a.m.: [20210811-IR-410210305ACA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-7.5 "Facility" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 7.5. "Facility" means a tattoo parlor or a body piercing facility, or both, which is any room or space where tattooing or body piercing, or both, is provided or where the business of tattooing or body piercing, or both, is conducted.

(Indiana Department of Health; [410 IAC 1-5-7.5](#); filed Jun 30, 2000, 4:10 p.m.: 23 IR 2710; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-8 "HBV" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 8. "HBV" means the hepatitis B virus.

(Indiana Department of Health; [410 IAC 1-5-8](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3816; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-9 "HCV" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 9. "HCV" means the hepatitis C virus.

(Indiana Department of Health; [410 IAC 1-5-9](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3816; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-9.5 "High level disinfection" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 9.5. "High level disinfection" means a process that destroys all micro-organisms, with the exception of high numbers of bacterial spores.

(Indiana Department of Health; [410 IAC 1-5-9.5](#); filed Jun 30, 2000, 4:10 p.m.: 23 IR 2710; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-10 "HIV" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 10. "HIV" means the human immunodeficiency virus.

(Indiana Department of Health; [410 IAC 1-5-10](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3816; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-11 "Infectious waste" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 11. "Infectious waste" means waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease. Infectious waste includes, but is not limited to, the following:

- (1) Contaminated sharps or contaminated objects that could potentially become contaminated sharps.
- (2) Infectious biological cultures, infectious associated biologicals, and infectious agent stock.

- (3) Pathological waste.
 - (4) Blood and blood products in liquid and semiliquid form.
 - (5) Carcasses, body parts, blood and body fluids in liquid and semiliquid form, and bedding of laboratory animals.
 - (6) Other waste that has been intermingled with infectious waste.
- (Indiana Department of Health; [410 IAC 1-5-11](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3816; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))*

410 IAC 1-5-11.2 "Intermediate level disinfection" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 11.2. "Intermediate level disinfection" means a process that inactivates:

- (1) Mycobacterium tuberculosis;
- (2) vegetative bacteria;
- (3) most viruses; and
- (4) most fungi;

but does not necessarily kill bacterial spores.

(Indiana Department of Health; [410 IAC 1-5-11.2](#); filed Jun 30, 2000, 4:10 p.m.: 23 IR 2710; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-11.5 "Operator" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 11.5. "Operator" means any person who controls, operates, manages, or owns any facility.

(Indiana Department of Health; [410 IAC 1-5-11.5](#); filed Jun 30, 2000, 4:10 p.m.: 23 IR 2711; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-12 "Other potentially infectious materials" or "OPIM" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 12. "Other potentially infectious materials" or "OPIM" means the following:

(1) Human body fluids as follows:

(A) Semen.

(B) Vaginal secretions.

(C) Cerebrospinal fluid.

(D) Synovial fluid.

(E) Pleural fluid.

(F) Pericardial fluid.

(G) Peritoneal fluid.

(H) Amniotic fluid.

(I) Saliva in dental procedures.

(J) Any body fluid that is visibly contaminated with blood.

(K) All body fluids where it is difficult or impossible to differentiate between body fluids.

(2) Any unfixed tissue or organ, other than intact skin, from a human, living or dead.

(3) HIV-containing cell or tissue cultures, and HIV or HBV-containing culture medium or other solutions, and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

(Indiana Department of Health; [410 IAC 1-5-12](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3816; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-13 "Parenteral" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 13. "Parenteral" means piercing the mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, or abrasions.

(Indiana Department of Health; [410 IAC 1-5-13](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3816; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-14 "Personal protective equipment" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 14. "Personal protective equipment" means specialized clothing or equipment worn for protection against contact with blood or OPIM.

(Indiana Department of Health; [410 IAC 1-5-14](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3816; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-15 "Secure area" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 15. "Secure area" means an area that is designated and maintained to prevent the entry of unauthorized persons.

(Indiana Department of Health; [410 IAC 1-5-15](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3816; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-16 "Semiliquid blood, blood products" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 16. "Semiliquid blood, blood products" means blood, blood products that have intermediate fluid properties and are capable of flowing in a manner similar to liquid.

(Indiana Department of Health; [410 IAC 1-5-16](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3816; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-17 "Sterilize" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 17. "Sterilize" means the use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

(Indiana Department of Health; [410 IAC 1-5-17](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3817; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-18 "Store" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 18. "Store" means the containment of infectious waste in such a manner as not to constitute collection, treatment, transport, or disposal.

(Indiana Department of Health; [410 IAC 1-5-18](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3817; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-19 "Tattoo" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 19. "Tattoo" means:

- (1) any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or
- (2) any design, letter, scroll, figure, or symbol done by scarring; upon or under the skin.

(Indiana Department of Health; [410 IAC 1-5-19](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3817; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.:

[20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-20 "Tattoo artist" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 20. "Tattoo artist" means any person who provides a tattoo to an individual.
(Indiana Department of Health; [410 IAC 1-5-20](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3817; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-21 "Tattoo operator" defined (Repealed)

(Repealed by Indiana Department of Health; filed Jun 30, 2000, 4:10 p.m.: 23 IR 2714)

410 IAC 1-5-22 "Tattoo parlor" defined (Repealed)

(Repealed by Indiana Department of Health; filed Jun 30, 2000, 4:10 p.m.: 23 IR 2714)

410 IAC 1-5-23 "Universal precautions" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 23. "Universal precautions" means an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV, and other bloodborne pathogens.

(Indiana Department of Health; [410 IAC 1-5-23](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3817; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-24 Operator training responsibilities

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 24. An individual or entity that is an operator shall comply with the following training responsibilities:

(1) Ensure that the training described in the Indiana occupational safety and health administration's bloodborne pathogens standard (as found in 29 CFR 1910.1030) is provided to all tattoo artists and body piercers, anyone employed by the facility or anyone acting on behalf of the facility, who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

(2) Ensure that training on the handling of infectious waste is provided to all tattoo artists and body piercers, or anyone employed by the facility or anyone acting on behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

(3) Ensure that a record of training described in subdivision (1) is maintained, as required under the Indiana occupational safety and health administration's bloodborne pathogens standard (as found in 29 CFR 1910.1030) of an individual's participation in the training that is provided. The record shall be made available to the department for inspection upon request.

(4) Ensure that a record of training described in subdivision (2) is maintained.

(Indiana Department of Health; [410 IAC 1-5-24](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3817; filed Jun 30, 2000, 4:10 p.m.: 23 IR 2711; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-25 Operator responsibilities

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 25. (a) The operator shall ensure that tattoo artists, body piercers, or anyone employed by the facility or anyone acting on behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood have and use personal protective equipment and expendables needed to implement the precautions required by this rule and the Indiana occupational safety and health administration's bloodborne pathogens standard (as found in 29 CFR 1910.1030).

(b) The operator shall require tattoo artists and body piercers, anyone employed by the facility, or anyone acting on behalf of the facility who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood to provide evidence of compliance with the universal precautions education requirements contained in section 27 of this rule.

(c) The operator shall display a description of compliance with the requirements contained in subsection (d).

(d) The operator shall display written materials prepared or approved by the department explaining universal precautions and patrons' rights under this rule. These materials shall include information on how to report violations of universal precautions and shall include information regarding the department's duties to investigate.

(Indiana Department of Health; [410 IAC 1-5-25](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3817; errata filed Aug 31, 1998, 1:08 p.m.: 22 IR 127; filed Jun 30, 2000, 4:10 p.m.: 23 IR 2711; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-26 Operator policies

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 26. The operator shall develop a written policy in compliance with this rule and the requirements of the Indiana occupational safety and health administration's bloodborne pathogen standard (as found in 29 CFR 1910.1030) that:

(1) requires the use of universal precautions when performing tattooing or body piercing and any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM;

(2) requires disinfection or sterilization of contaminated reusable items;

(3) includes the safe handling of infectious waste; and

(4) provides sanctions, including discipline and dismissal, if warranted, for failure to use universal precautions or handle infectious waste safely, or both.

(Indiana Department of Health; [410 IAC 1-5-26](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3818; filed Jun 30, 2000, 4:10 p.m.: 23 IR 2711; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-27 Tattoo artist and body piercer minimum training and certification requirements

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 27. (a) All tattoo artists, body piercers, anyone employed by the facility, and anyone acting on behalf of the facility, who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM shall complete the training program that is required under the requirements of the Indiana occupational safety and health administration's bloodborne pathogen standard (as found in 29 CFR 1910.1030). The programs under this section shall be as follows:

(1) A bloodborne pathogen training session provided by the operator meeting the requirements under the Indiana occupational safety and health administration's bloodborne pathogens standard (as found in 29 CFR 1910.1030).

(2) Any bloodborne pathogen continuing education program provided by a health care agency.

(b) All tattoo artists, body piercers, anyone employed by the facility, and anyone acting on behalf of the facility, who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM must be trained in the facility's policies on the handling of infectious waste.

(Indiana Department of Health; [410 IAC 1-5-27](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3818; filed Jun 30, 2000, 4:10 p.m.: 23 IR 2712; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-28 Patron records

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 28. Records of each patron shall be maintained by the operator for two (2) years. The record shall include the following, but not be limited to:

(1) Patron's name.

(2) Address.

- (3) Age.
- (4) Date tattooed or body pierced.
- (5) Design of the tattoo.
- (6) Location of the tattoo or body piercing on the patron's body.
- (7) The name of the tattoo artist or body piercer who performed the work.
- (8) Jewelry or other decoration used.

(Indiana Department of Health; [410 IAC 1-5-28](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3818; filed Jun 30, 2000, 4:10 p.m.: 23 IR 2712; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-29 Illness

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 29. Tattoo artists or body piercers who are experiencing symptoms of acute disease that include, but are not limited to:

- (1) diarrhea;
- (2) vomiting;
- (3) fever;
- (4) rash;
- (5) productive cough;
- (6) jaundice; or
- (7) draining (or open) skin infections, boils, impetigo, or scabies;

shall refrain from providing tattoos or body piercing.

(Indiana Department of Health; [410 IAC 1-5-29](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3818; filed Jun 30, 2000, 4:10 p.m.: 23 IR 2712; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-30 Handwashing

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 30. (a) Handwashing facilities shall be readily accessible where tattooing or body piercing, or both, is provided.

(b) Hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment.

(c) Only single-use towels shall be used.

(Indiana Department of Health; [410 IAC 1-5-30](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3818; filed Jun 30, 2000, 4:10 p.m.: 23 IR 2712; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-31 Personal protective equipment

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 31. Appropriate personal protective equipment shall be worn as follows:

(1) A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or OPIM.

(2) Masks in combination with eye protection devices, such as goggles or glasses with solid side shield, or chin length face shield, shall be worn whenever splashes, spray, splatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

(3) Disposable gloves, such as surgical or examination type, shall be worn during the tattooing or body piercing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo or body piercing, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised. Disposable gloves shall not be reused.

(4) Gloves shall be worn when decontaminating environmental surfaces and equipment.

(Indiana Department of Health; [410 IAC 1-5-31](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3818; filed Jun 30, 2000, 4:10 p.m.: 23 IR 2712; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-32 Tattooing equipment

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 32. (a) Only single-use razors shall be used to shave the area to be tattooed.
(b) All stencils shall be properly disposed of after a single use.
(c) If the design is drawn directly onto the skin, it shall be applied with a single-use article only.
(Indiana Department of Health; [410 IAC 1-5-32](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3819; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-33 Needles

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 33. (a) Needles shall be individually packaged and sterilized prior to use.
(b) Needles shall be single-use only.
(c) Needles shall be discarded in sharps containers immediately after use.
(d) Contaminated needles shall not be bent or broken or otherwise manipulated by hand.
(Indiana Department of Health; [410 IAC 1-5-33](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3819; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-34 Reusable equipment

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 34. (a) Heating procedures capable of sterilization must be used when heat stable, nondisposable equipment is sterilized.
(b) Equipment that is to be sterilized shall be put in single-use packaging.
(c) Records must be maintained to document the following:
(1) Duration of sterilization technique.
(2) Determination of effective sterility, such as use of a biological indicator, is performed monthly.
(3) Equipment is maintained as recommended by the owner's manual, and proof is available that the owner's manual recommendations are reviewed monthly.
(d) Reusable contaminated equipment shall not be stored or processed in a manner that requires any person to reach by hand into the containers where these sharp items have been placed.
(e) Reusable contaminated equipment shall be:
(1) placed in puncture-resistant containers;

- (2) labeled with the biohazard symbol;
- (3) leakproof on both sides and bottom; and
- (4) stored in a manner that does not require reaching by hand into the container where the equipment is stored until cleaning prior to sterilization.
- (f) Reusable contaminated equipment shall be effectively cleaned prior to sterilization or disinfection.
- (g) Any reusable contaminated equipment that comes into direct contact, or is likely to come into direct contact, with an instrument that penetrates the skin other than a piercing gun shall be effectively cleaned and sterilized prior to use.
- (h) All sterilized equipment shall not be removed from wrappers or sterilizer packaging until immediately prior to use.
- (i) Any reusable equipment that comes into contact with mucus [*sic.*, *mucous*] membranes shall be effectively cleaned and sterilized prior to use.
- (j) Piercing guns shall be cleaned and undergo, at a minimum, high level disinfection after each use and whenever visibly contaminated.
- (k) All reusable equipment that has contact with intact skin shall undergo, at a minimum, intermediate level disinfection.
- (l) All other equipment used during the tattooing or body piercing procedure shall be single use, including corks.
- (m) All body piercers and tattoo artists shall comply with all other equipment manufacturer's recommendations.

(Indiana Department of Health; [410 IAC 1-5-34](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3819; filed Jun 30, 2000, 4:10 p.m.: 23 IR 2713; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-35 Dyes or pigments or other objects placed under the skin

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

- Sec. 35. (a) All dyes or pigments used in tattooing shall be from professional suppliers specifically providing dyes or pigments for the tattooing of human skin.
- (b) In preparing dyes or pigments to be used by tattoo artists, only nontoxic, sterile materials shall be used. Single-use or individual portions of dyes or pigments in clean, single-use containers shall be used for each patron.
 - (c) After tattooing, the remaining unused dye or pigment in single-use or individual containers shall be discarded along with the container.
 - (d) Any object placed under the skin shall be sterile.

(Indiana Department of Health; [410 IAC 1-5-35](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3819; filed Jun 30, 2000, 4:10 p.m.: 23 IR 2713; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-36 Work environment

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 36. (a) No tattooing or body piercing shall be conducted in any room used as living quarters or in any room that opens directly into living or sleeping quarters.

(b) Live animals shall be excluded from areas where tattooing or body piercing is being conducted. This exclusion does not apply to the following:

(1) Patrol dogs accompanying security or police officers.

(2) Guide dogs accompanying the following:

(A) Blind persons.

(B) Partially blind persons.

(C) Physically disabled persons.

(D) Guide dog trainers.

(E) Persons with impaired hearing.

(c) Eating, drinking, smoking, applying cosmetics, or handling contact lenses shall not be allowed in work areas where there is a likelihood of exposure to blood or OPIM.

(d) Food and drink shall not be kept in areas where there is a reasonably anticipated risk of exposure to blood or OPIM.

(e) All equipment and environmental surfaces shall be cleaned and disinfected after contact with blood or OPIM.

(f) Environmental surfaces and equipment not requiring sterilization that have been contaminated by blood shall be cleaned and disinfected.

(g) All work surfaces shall be:

(1) nonabsorbent;

(2) easily cleanable;

(3) smooth; and

(4) free of:

(A) breaks;

(B) open seams;

(C) cracks;

(D) chips;

(E) pits; and

(F) similar imperfections.

(h) Disinfectant solutions shall be:

(1) a hospital grade, tuberculocidal Environmental Protection Agency (EPA) registered disinfectant; or
(2) sodium hypochlorite, five-tenths percent (0.5%) concentration, by volume (common household bleach in ten percent (10%) concentration in water); the solution shall be dated and shall not be used if it is more than twenty-four (24) hours old.
(Indiana Department of Health; [410 IAC 1-5-36](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3821; errata filed Aug 31, 1998, 1:08 p.m.: 22 IR 127; filed Jun 30, 2000, 4:10 p.m.: 23 IR 2713; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-37 Infectious waste containment

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3-4](#)

Sec. 37. (a) Contaminated disposable needles or instruments shall be:

- (1) stored in:
 - (A) leak-resistant; and
 - (B) puncture-resistant;
- containers;
- (2) tightly sealed to prevent expulsion;
- (3) labeled with the biohazard symbol; and
- (4) effectively treated in accordance with this rule prior to being stored in an unsecured area and sent for final disposal.

(b) Infectious wastes that are not contaminated sharps or objects that could potentially become contaminated sharps shall be placed in containers that meet the following requirements:

- (1) Impervious to moisture.
- (2) Sufficient strength and thickness to prevent expulsion.
- (3) Secured to prevent leakage expulsion.
- (4) Labeled with the biohazard symbol.
- (5) Effectively treated in accordance with this rule prior to being placed in an unsecured area and sent for final disposal.

(c) If infectious waste is stored prior to final disposal, all persons subject to this rule shall store infectious waste in a secure area that:

- (1) is locked or otherwise secured to eliminate access by or exposure to the general public;
- (2) affords protection from adverse environmental conditions and vermin; and
- (3) has a prominently displayed biohazard symbol.

(d) Infectious waste shall be stored in a manner that preserves the integrity of the container and is not conducive to rapid microbial growth and putrefaction.

(e) Disinfect reusable containers for infectious waste each time that they are emptied unless the surfaces of the reusable containers have been protected from contamination by disposable liners, bags, or other devices that are removed with the infectious waste.

(Indiana Department of Health; [410 IAC 1-5-37](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3820; errata filed Aug 31, 1998, 1:08 p.m.: 22 IR 127; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-5-38 Treatment and transport of infectious waste

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 38. (a) All operators shall ensure that infectious waste is either treated on-site in accordance with this rule or transported off-site for treatment in accordance with this rule.

(b) A treatment is effective if it reduces the pathogenic qualities of infectious waste for safe handling, is designed for the specific waste involved, and is carried out in a manner consistent with this rule. Effective treatment may include:

- (1) incineration in an incinerator designed to accommodate infectious waste;
- (2) steam sterilization;
- (3) chemical disinfection under circumstances where safe handling of the waste is assured;
- (4) thermal inactivation;
- (5) irradiation; or
- (6) discharge in a sanitary sewer or septic system that is properly installed and operating in accordance with state and local laws.

(c) All persons subject to this rule shall:

- (1) transport infectious waste in a manner that reasonably protects waste haulers and the public from contracting a dangerous communicable disease; and
- (2) effectively treat infectious waste in accordance with this rule before it is compacted.

(d) The operator shall ensure that infectious waste, effectively treated or not is transported off-site in compliance with [410 IAC 1-3](#).

(Indiana Department of Health; [410 IAC 1-5-38](#); filed May 12, 1998, 10:00 a.m.: 21 IR 3821; errata filed Aug 31, 1998, 1:08 p.m.: 22 IR 127; filed Jun 30, 2000, 4:10 p.m.: 23 IR 2714; readopted filed Jul 21, 2004, 5:00 p.m.: 27 IR 4140; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

Rule 7. HIV Counseling and Testing of Pregnant Patients

1. [410 IAC 1-7-1](#) Applicability

2. [410 IAC 1-7-2](#)"AIDS" defined
3. [410 IAC 1-7-3](#)"Department" defined
4. [410 IAC 1-7-4](#)"HIV" defined
5. [410 IAC 1-7-5](#)"HIV medical services program" defined
6. [410 IAC 1-7-6](#)"Provider" defined
7. [410 IAC 1-7-7](#)Provider's responsibilities to pregnant patient who has been tested for HIV
8. [410 IAC 1-7-8](#)Pregnant patient on a waiting list for HIV medical services
9. [410 IAC 1-7-9](#)Appeal of placement on a waiting list
10. [410 IAC 1-7-10](#)Information to the HIV-positive pregnant patient
11. [410 IAC 1-7-11](#)Notification to the pregnant woman (Repealed)
12. [410 IAC 1-7-12](#)Obtaining consent
13. [410 IAC 1-7-13](#)Post-test counseling procedures
14. [410 IAC 1-7-14](#)Referral procedures
15. [410 IAC 1-7-15](#)Importance of immediate HIV medical care
16. [410 IAC 1-7-16](#)Explanation of decreasing transmission of HIV during pregnancy
17. [410 IAC 1-7-17](#)Incorporation by reference

410 IAC 1-7-1 Applicability

Authority: [IC 16-41-6-11](#)

Affected: [IC 16-41-6](#)

Sec. 1. The definitions in this rule apply throughout this rule.

(Indiana Department of Health; [410 IAC 1-7-1](#); filed Jun 25, 2004, 11:05 a.m.: 27 IR 3496; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-7-2 "AIDS" defined

Authority: [IC 16-41-6-11](#)

Affected: [IC 16-41-6](#)

Sec. 2. "AIDS" means acquired immune deficiency syndrome.

(Indiana Department of Health; [410 IAC 1-7-2](#); filed Jun 25, 2004, 11:05 a.m.: 27 IR 3496; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-7-3 "Department" defined

Authority: [IC 16-41-6-11](#)

Affected: [IC 16-41-6](#)

Sec. 3. "Department" means the Indiana department of health.

(Indiana Department of Health; [410 IAC 1-7-3](#); filed Jun 25, 2004, 11:05 a.m.: 27 IR 3496; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); errata filed Jul 28, 2021, 8:23 a.m.: [20210811-IR-410210305ACA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-7-4 "HIV" defined

Authority: [IC 16-41-6-11](#)

Affected: [IC 16-41-6](#)

Sec. 4. "HIV" means human immunodeficiency virus.

(Indiana Department of Health; [410 IAC 1-7-4](#); filed Jun 25, 2004, 11:05 a.m.: 27 IR 3496; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-7-5 "HIV medical services program" defined

Authority: [IC 16-41-6-11](#)

Affected: [IC 16-41-6](#)

Sec. 5. "HIV medical services program" means those medical and pharmaceutical services available to eligible HIV positive persons provided by the department through the support of state and federal funding.

(Indiana Department of Health; [410 IAC 1-7-5](#); filed Jun 25, 2004, 11:05 a.m.: 27 IR 3496; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-7-6 "Provider" defined

Authority: [IC 16-41-6-11](#)

Affected: [IC 16-18-2-295](#); [IC 16-41-6](#)

Sec. 6. "Provider" has the meaning indicated in [IC 16-18-2-295](#).

(Indiana Department of Health; [410 IAC 1-7-6](#); filed Jun 25, 2004, 11:05 a.m.: 27 IR 3496; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-7-7 Provider's responsibilities to pregnant patient who has been tested for HIV

Authority: [IC 16-41-6-11](#)

Affected: [IC 16-41-6](#)

Sec. 7. (a) A provider, or provider's designee, must deliver the test results for HIV infected and HIV uninfected pregnant patients as follows:

- (1) In a direct, straightforward, and confidential manner.
- (2) At the earliest possible encounter after testing.
- (3) Face-to-face for HIV infected pregnant patients.

(b) If the test results positive, the treating provider, or provider's designee, must do the following:

- (1) Explain the side effects of any treatment for HIV in a direct, straightforward, confidential manner.
- (2) Discuss pros and cons of initiation of drug therapy, including reducing the risk of perinatal transmission significantly.
- (3) Discuss treatment recommendations based on the U.S. Public Health Service Task Force recommendation for use of antiretroviral drugs in pregnant HIV-1-infected women for maternal health and interventions to reduce perinatal HIV-1 transmission in the United States in MMWR 51, RR-18.
- (4) Comply with reporting requirements to the local health officer under [410 IAC 1-2.3-47](#) regarding an HIV-infected pregnant woman or perinatally exposed infant.

(Indiana Department of Health; [410 IAC 1-7-7](#); filed Jun 25, 2004, 11:05 a.m.: 27 IR 3496; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); filed May 4, 2012, 10:17 a.m.: [20120530-IR-410110458RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-7-8 Pregnant patient on a waiting list for HIV medical services

Authority: [IC 16-41-6-11](#)

Affected: [IC 16-41-6-5](#); [IC 16-41-6-6](#)

Sec. 8. (a) A pregnant patient must have a complete application for the HIV medical services program on file with the department.

(b) A pregnant patient who meets all the qualifications to participate in the HIV medical services program and tests positive under [IC 16-41-6-5](#) or [IC 16-41-6-6](#) shall be given first priority on a waiting list for the program if a waiting list exists for the HIV medical services program.

(c) A pregnant patient who tests positive under [IC 16-41-6-5](#) or [IC 16-41-6-6](#) may appeal her placement on a waiting list for HIV medical services by filing a written appeal with the department.

(d) The appeal shall be filed within fifteen (15) days of receipt of the notification of placement on a waiting list.

(e) The appeal will be reviewed by the state health commissioner, or the commissioner's designee, who will also make the determination in the case within seventy-two (72) hours of receipt of all requested medical information and other pertinent documentation, as detailed by section 9 of this rule, necessary to determine the applicant's eligibility for services.

(f) The appeal must include name, date of birth, and mailing address of the pregnant patient. (*Indiana Department of Health; [410 IAC 1-7-8](#); filed Jun 25, 2004, 11:05 a.m.: 27 IR 3496; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); filed May 4, 2012, 10:17 a.m.: [20120530-IR-410110458RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#)*)

410 IAC 1-7-9 Appeal of placement on a waiting list

Authority: [IC 16-41-6-11](#)

Affected: [IC 16-41-6](#)

Sec. 9. Applicants that appeal their placement on a waiting list for the HIV medical services program shall provide the following:

(1) A signed physician's statement confirming the pregnancy.

(2) A signed physician's statement confirming a HIV treatment regimen.

(*Indiana Department of Health; [410 IAC 1-7-9](#); filed Jun 25, 2004, 11:05 a.m.: 27 IR 3497; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#)*)

410 IAC 1-7-10 Information to the HIV-positive pregnant patient

Authority: [IC 16-41-6-11](#)

Affected: [IC 16-41-6](#)

Sec. 10. (a) A provider, or provider's designee, shall provide the following to a pregnant patient at the appropriate times, which could include before delivery, at delivery, and after delivery:

(1) An explanation of the nature of AIDS and HIV, which is consistent with MMWR 41, RR-17, and MMWR 43, RR12.

(2) Information that it is unlawful to discriminate against persons living with HIV in areas of employment, housing, and provision of health care services. If the patients believe that they have been discriminated against, they may contact the Indiana civil rights commission.

(3) Information that patients who have tested positive for HIV or who have been diagnosed with AIDS are not to engage in high-risk activity (including sexual or needle-sharing contact, which has been demonstrated to transmit a dangerous communicable disease) without warning past, present, or future sexual or needle-sharing partners before engaging in that high-risk activity. Carriers who know of their status as a carrier of HIV or AIDS have a duty to warn or cause to be warned by a third party a person at risk, including a spouse of the last ten (10) years, of the following:

(A) The carrier's disease status.

(B) The need to seek health care, such as counseling and testing.

(4) Information about risk behaviors for HIV transmission that is consistent with MMWR 50, RR19. It must include the following:

(A) High-risk activities refer to sexual or needle-sharing contact, which has been demonstrated to transmit HIV.

(B) HIV is known to be transmitted through the following:

(i) Blood.

(ii) Semen.

(iii) Vaginal secretions.

(iv) Breast milk.

(5) Information about the risk of transmission through breastfeeding that is consistent with MMWR 50, RR19, including that breastfeeding by an HIV positive patient carries a risk for transmission of the virus from mother to infant.

(6) Referral information to other HIV prevention testing and psychosocial services, if appropriate.

(b) The department will continue to be a resource for educational information and referral sources.

(Indiana Department of Health; [410 IAC 1-7-10](#); filed Jun 25, 2004, 11:05 a.m.: 27 IR 3497; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); filed May 4, 2012, 10:17 a.m.: [20120530-IR-410110458FRA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-](#)

[IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-7-11 Notification to the pregnant woman *(Repealed)*

(Repealed by Indiana Department of Health; filed May 4, 2012, 10:17 a.m.: [20120530-IR-410110458FRA](#))

410 IAC 1-7-12 Obtaining consent

Authority: [IC 16-41-6-11](#)

Affected: [IC 16-41-6-7](#); [IC 16-41-6-8](#)

Sec. 12. The provider shall do the following:

(1) Follow the procedures for obtaining consent of the pregnant patient as detailed in [IC 16-41-6-8](#).

(2) Inform the pregnant patient of her options under [IC 16-41-6-7](#).

(Indiana Department of Health; [410 IAC 1-7-12](#); filed Jun 25, 2004, 11:05 a.m.: 27 IR 3497; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); filed May 4, 2012, 10:17 a.m.: [20120530-IR-410110458FRA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-7-13 Post-test counseling procedures

Authority: [IC 16-41-6-11](#)

Affected: [IC 16-41-6](#)

Sec. 13. Post-test counseling will be conducted in a direct, straightforward, confidential manner by the provider or the provider's designee.

(Indiana Department of Health; [410 IAC 1-7-13](#); filed Jun 25, 2004, 11:05 a.m.: 27 IR 3498; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); filed May 4, 2012, 10:17 a.m.: [20120530-IR-410110458FRA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-7-14 Referral procedures

Authority: [IC 16-41-6-11](#)

Affected: [IC 16-41-6](#)

Sec. 14. The provider shall assess the pregnant patient's level of need and provide referrals to the appropriate services, which may include HIV-specific case management services.

(Indiana Department of Health; [410 IAC 1-7-14](#); filed Jun 25, 2004, 11:05 a.m.: 27 IR 3498; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); filed May 4, 2012, 10:17 a.m.: [20120530-IR-410110458FRA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-7-15 Importance of immediate HIV medical care

Authority: [IC 16-41-6-11](#)

Affected: [IC 16-41-6](#)

Sec. 15. Providers, or their designees, shall counsel the pregnant patient regarding the importance of immediate entry into medical care for the duration of the pregnancy.

(Indiana Department of Health; [410 IAC 1-7-15](#); filed Jun 25, 2004, 11:05 a.m.: 27 IR 3498; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); filed May 4, 2012, 10:17 a.m.: [20120530-IR-410110458FRA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-7-16 Explanation of decreasing transmission of HIV during pregnancy

Authority: [IC 16-41-6-11](#)

Affected: [IC 16-41-6](#)

Sec. 16. (a) Providers shall counsel that HIV can be transmitted to the fetus during pregnancy and treatment can significantly decrease that transmission.

(b) Providers shall counsel, prior to delivery, that giving birth by cesarean section may decrease transmission of HIV to the child, especially when done in combination with medications, if the HIV test results are positive.

(c) Counseling on this matter shall be conducted in a direct, straightforward, confidential manner by the provider or the provider's designee.

(Indiana Department of Health; [410 IAC 1-7-16](#); filed Jun 25, 2004, 11:05 a.m.: 27 IR 3498; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); filed May 4, 2012, 10:17 a.m.: [20120530-IR-410110458RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 1-7-17 Incorporation by reference

Authority: [IC 16-41-6-11](#)

Affected: [IC 16-41-6](#)

Sec. 17. (a) The following documents are hereby incorporated by reference:

(1) Centers for Disease Control and Prevention publication: MMWR 2001 Revised Guidelines for HIV Counseling, Testing, and Referral and Revised Recommendations for HIV Screening of Pregnant Women – United States, 2001, November 9, 2001, Volume 50, No. RR 19.

(2) Centers for Disease Control and Prevention publication: 1994 Revised Classification System for Human Immunodeficiency Virus Infection in Children Less Than 13 Years of Age, September 30, 1994, Volume 43(RR-12).

(3) Centers for Disease Control and Prevention publication: MMWR 2002 U.S. Public Health Service Task Force Recommendations for Use of Antiretroviral Drugs in Pregnant HIV-1-Infected Women for Maternal Health and Interventions to Reduce Perinatal HIV-1 Transmission in the United States, November 22, 2002, Volume 51/RR18.

(4) Centers for Disease Control and Prevention publication: 1993 Revised Classification System for HIV Infection and Expanded Surveillance Case Definition for AIDS Among Adolescents and Adults, December 18, 1992, Volume 41(RR-17).

(b) All incorporated material is available for public review at the department.

(c) Copies of MMWR publications may be obtained from Centers for Disease Control and Prevention, MMWR Series, Mail Stop C-08, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

(Indiana Department of Health; [410 IAC 1-7-17](#); filed Jun 25, 2004, 11:05 a.m.: 27 IR 3498; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

Rule 8. Operation of Facilities where Eyelash Extensions are Applied

1. [410 IAC 1-8-1](#) Applicability

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20. [410 IAC 1-8-20](#)Personal protective equipment
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30. [410 IAC 1-8-30](#)Reusable equipment
31. [410 IAC 1-8-31](#)Manufacturers' instructions

410 IAC 1-8-1 Applicability

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 1. The definitions in this rule apply throughout this rule.

(Indiana Department of Health; [410 IAC 1-8-1](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-2 "Cleaned" defined

Authority: [IC 16-19-3-4.5](#)
Affected: [IC 16-19-3-4.5](#)

Sec. 2. "Cleaned" means removal of all visible dust, soil, or any other foreign material.
(Indiana Department of Health; [410 IAC 1-8-2](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-3 "Contaminated" defined

Authority: [IC 16-19-3-4.5](#)
Affected: [IC 16-19-3-4.5](#)

Sec. 3. "Contaminated" means the presence or reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.
(Indiana Department of Health; [410 IAC 1-8-3](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-4 "Department" defined

Authority: [IC 16-19-3-4.5](#)
Affected: [IC 16-19-3-4.5](#)

Sec. 4. "Department" means the Indiana department of health.
(Indiana Department of Health; [410 IAC 1-8-4](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-5 "Eyelash extensions" defined

Authority: [IC 16-19-3-4.5](#)
Affected: [IC 16-19-3-4.5](#)

Sec. 5. "Eyelash extensions" has the meaning set forth in [IC 16-19-3-4.5\(a\)](#).
(Indiana Department of Health; [410 IAC 1-8-5](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-6 "Facility" defined

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 6. "Facility" means any room, space, or business where eyelash extensions are applied to members of the public.

(Indiana Department of Health; [410 IAC 1-8-6](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-7 "High level disinfection" defined

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 7. "High level disinfection" means a process that destroys all microorganisms but does not necessarily kill bacterial spores.

(Indiana Department of Health; [410 IAC 1-8-7](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-8 "Personal protective equipment" defined

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 8. "Personal protective equipment" means specialized clothing or equipment worn for protection against contact with blood or other potentially infectious materials.

(Indiana Department of Health; [410 IAC 1-8-8](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-9 "Sterilize" or "sterilization" defined

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 9. "Sterilize" or "sterilization" means the use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

(Indiana Department of Health; [410 IAC 1-8-9](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-10 "Work unit" defined

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 10. "Work unit" means an individual area, including, but not limited to, chairs, tables, booths, or beds, where eyelash extensions are applied in the facility.

(Indiana Department of Health; [410 IAC 1-8-10](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-11 Scope and purpose

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 11. (a) This rule establishes standards of operation for facilities that are not currently licensed as beauty culture salons where eyelash extensions are applied to members of the public.

(b) Requirements in this rule are applicable to all individuals who are not currently licensed estheticians or currently licensed cosmetologists who wish to practice the application of eyelash extensions for members of the public.

(c) The purpose of this rule is to protect the public from the hazards of unsanitary or unskilled eyelash extension services, including, but not limited to, trauma to or infection of the eyelid or cornea, an allergic reaction to the adhesive, and permanent or temporary loss of eyelashes.

(Indiana Department of Health; [410 IAC 1-8-11](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-12 Certification and training

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 4-21.5](#); [IC 16-19-3-4.5](#)

Sec. 12. (a) All individuals who are not currently licensed estheticians or currently licensed cosmetologists and who wish to practice the application of eyelash extensions for the public must obtain a certification from a program recognized by the department.

(b) Programs shall maintain and submit the following documentation to the department to be recognized as a certified program:

(1) Course curriculum that incorporates the standards in this section and section 13 of this rule into its course objectives with an evaluation method to ensure competency of learning program objectives.

(2) Evaluation method that consists of a practicum and written examination as follows:

(A) The individual shall perform an eyelash extension service on a model with an instructor present to ensure the following criteria are met:

(i) The ability to create a map or blueprint to plan out the application procedure.

(ii) The ability to apply one (1) eyelash extension to one (1) natural eyelash.

(iii) The ability to apply the eyelash extension and the adhesive without making contact with the client's skin.

(iv) The ability to apply the appropriate amount of eyelash extensions, in total, on a client.

(v) The ability to complete the service of applying eyelash extensions from start to finish in the appropriate amount of time. The time frame shall depend on the lash manufacturer's and adhesive manufacturer's recommendations.

(vi) The ability to appropriately utilize tape during an eyelash extension service.

(B) The practicum shall be evaluated on a pass-fail basis. The inability to demonstrate all techniques in clause (A) shall constitute a failure.

(C) The written portion of the test shall be designed to incorporate all topics listed in this section. Individuals must obtain a score of eighty percent eighty percent 80% or higher on the written examination to pass.

(D) Failure of any portion of the certification examination shall result in a remediation activity consisting of ten (10) hours of additional education before the student reattempts the certification examination. Remediations shall cover gaps in education indicated by the failed certification examination.

(E) Certification examinations shall not be offered to individuals until all forty-five (45) hours of training are completed.

(3) Attendance and make-up policy to ensure that an individual has attained the appropriate number of hours of training.

(4) Hiring policy that ensures all instructors hired have at least two (2) years of practical experience in applying eyelash extensions. All certification program instructors must present evidence of eyelash extension training that complies with this rule. Evidence of eyelash extension training shall include the submission of applicable licenses or certifications with the related curriculum or transcript to display eyelash extension specific subject matter.

(c) Certification programs must provide in-person training that includes the following:

Theory and Demonstration

15 hours

Actual Practice

30 hours

Total

45 hours

(d) Certification programs must include training on the following topics:

(1) Proper application techniques for eyelash extensions.

(2) Methods and procedures related to the application of eyelash extensions.

(3) Appropriate sanitization and disinfection.

(4) Prevention of cross-contamination.

(5) Adhesives (including ingredients and contraindications).

(6) Consultation processes for potential clients. All individuals obtaining a certificate to perform the service of eyelash extensions must be familiar with all conditions listed in section 13 of this rule.

(7) Proper safety practices.

(e) A document attesting to the individual's certification must be displayed in a prominent location within the facility.

(f) Program recognition shall be renewed every four (4) years by submitting documentation demonstrating that the program continues to meet the requirements in this rule.

(g) The department may conduct an investigation if it receives information that a program no longer meets the requirements for recognition in this rule. Programs must provide updated information demonstrating compliance to the department upon request.

(h) If after investigation the department finds the program no longer meets the requirements for recognition in this rule, or if the program fails to provide the requested information, the department may remove recognition of the program. Programs may appeal decisions to remove recognition under [IC 4-21.5](#).

(i) In order to continue to be recognized by the department, certification programs approved prior to the effective date of this rule must submit documentation attesting that the certification program meets all requirements in this rule.

(Indiana Department of Health; [410 IAC 1-8-12](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#); errata filed Nov 22, 2022, 12:55 p.m.: [20221130-IR-410220352ACA](#))

410 IAC 1-8-13 Client consultation

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 13. (a) To protect clients from potential risks, including, but not limited to, trauma to or infection of the eyelid or cornea, an allergic reaction to the adhesive, and permanent or temporary loss of eyelashes, all potential clients must receive a consultation prior to service. All consultations must include both a verbal or written confirmation and a physical observation of the client, using the conditions listed in subsection (b). Any client suspected to have a condition listed in subsection (b) shall be directed to seek consultation with a physician prior to the application of eyelash extensions.

(b) Clients with the following conditions shall be advised to seek consultation with a physician prior to the application of eyelash extensions:

- (1) Lack of natural lash hair or very sparse natural lash hairs.
- (2) Alopecia areata (a condition that causes full or partial hair loss that can impact eyelashes and eyebrows).
- (3) Chemotherapy hair loss.
- (4) Mechanically damaged lashes.
- (5) Trichotillomania (stress or anxiety-induced urge to pull out one's hair, including eyelashes).
- (6) Poor lash health, including short, thin, or fragile lashes.
- (7) Allergies to adhesive or adhesive ingredients.
- (8) Eye infection.
- (9) Recent eye procedure or surgery.

(Indiana Department of Health; [410 IAC 1-8-13](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-14 Responsibilities

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 14. Any individual employed by the facility, or anyone acting on behalf of the facility, who has a reasonably anticipated risk for skin, eye, or mucous membrane contact shall have and use personal protective equipment as required by this rule.

(Indiana Department of Health; [410 IAC 1-8-14](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-15 Policies

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 15. Facility operators shall develop a written policy in compliance with this rule that:

- (1) requires the use of gloves when performing the application of eyelash extensions or any other activity or duty that includes any reasonably anticipated skin, eye, or mucous membrane contact;
- (2) requires disinfection or sterilization of contaminated reusable items; and
- (3) provides sanctions, including discipline and dismissal, if warranted, for failure to adhere to the provided policy.

(Indiana Department of Health; [410 IAC 1-8-15](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-16 Illness

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 16. Individuals practicing the application of eyelash extensions shall refrain from the practice of eyelash extension application if they are experiencing symptoms of acute disease, including, but not limited to, the following:

- (1) Diarrhea.
- (2) Vomiting.
- (3) Fever.
- (4) Rash.
- (5) Productive cough.
- (6) Jaundice.
- (7) Draining (or open) skin infections, boils, impetigo, or scabies.

(Indiana Department of Health; [410 IAC 1-8-16](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-17 Single use equipment

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 17. (a) All single use equipment used by an eyelash extension practitioner or present in the work area during the application of eyelash extensions including, but not limited to:

- (1) microfiber swabs;
- (2) eyelash or mascara wands, or both;
- (3) lashes;
- (4) adhesive; and
- (5) tape;

shall be disposed of after serving each client. Single use items shall not be kept and reused on subsequent clients.

(b) Eyelash extension specialists shall prepare single use quantities of the items in this section in a separate, clean area away from the work unit.

(Indiana Department of Health; [410 IAC 1-8-17](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-18 Water supply

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 18. (a) Hot and cold running water shall be supplied to the facility.

(b) The water supply required in subsection (a) shall be connected with a pressure supply whenever it is available.

(Indiana Department of Health; [410 IAC 1-8-18](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-19 Handwashing and alcohol-based hand rub

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 19. (a) Handwashing facilities and alcohol-based hand rub shall be readily accessible where eyelash extension application is provided.

(b) Hands shall be cleaned immediately before putting on gloves and after removal of gloves or other personal protective equipment. Only single use towels shall be used.

(c) Handwashing shall be conducted with soap and running water when hands are visibly soiled.

(Indiana Department of Health; [410 IAC 1-8-19](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-20 Personal protective equipment

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 20. (a) Disposable gloves, such as surgical or examination type, shall be worn during the eyelash extension application process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the eyelash extensions, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised. Disposable gloves shall not be reused.

(b) Gloves shall be worn when performing equipment sterilization.

(Indiana Department of Health; [410 IAC 1-8-20](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-21 Clean uniforms

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 21. All individuals performing the application of eyelash extensions shall, at all times while serving clients, wear a clean, washable outer garment.

(Indiana Department of Health; [410 IAC 1-8-21](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-22 Floors; walls; furniture

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 22. Floors, walls, and furniture shall be kept clean and sanitary at all times.

(Indiana Department of Health; [410 IAC 1-8-22](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-23 Towels; linens; headbands

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 23. (a) All towels, linens, and headbands that may be used for the application of eyelash extensions shall be clean and stored in a clean and closed cabinet or drawer until use.

(b) Soiled towels, linens, and headbands shall be stored in a covered hamper, and shall not be used for other customers prior to laundering.

(Indiana Department of Health; [410 IAC 1-8-23](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-24 Covered waste receptacle

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 24. There shall be at least one (1) covered waste receptacle located in every work unit.
(Indiana Department of Health; [410 IAC 1-8-24](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-25 Separate room

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 25. (a) Facilities where eyelash extension services are provided shall maintain a separate room for those services. Multiple other services may be provided in the room if eyelash extension application services are not being provided at the same time.

(b) The room required under subsection (a) shall be surrounded by ceiling to floor walls and accessed only by doors that shall remain closed when eyelash extension services are being performed.

(c) The room required under subsection (a) can be utilized to perform services on multiple clients at the same time, provided that adequate work units are in place.

(Indiana Department of Health; [410 IAC 1-8-25](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-26 Seat

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 26. (a) There shall be at least one (1) seat available for each individual performing the application of eyelash extensions on the premises.

(b) There shall be at least one (1) seat or bed for each client receiving eyelash extension services on the premises.

(Indiana Department of Health; [410 IAC 1-8-26](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-27 Utility table

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 27. (a) There shall be at least one (1) utility table for each facility treatment chair or bed on the premises.

(b) As an alternative to the requirement in subsection (a), one (1) continuous countertop may be used.

(Indiana Department of Health; [410 IAC 1-8-27](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-28 Work environment

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 28. (a) No eyelash extension application shall be conducted in any room used as living quarters or in any room that opens directly into living or sleeping quarters.

(b) Live animals shall be excluded from areas where eyelash extensions are being applied. This exclusion does not apply to the following:

(1) Patrol dogs accompanying security or police officers.

(2) In compliance with the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), animals classified as service animals under 28 CFR 36.104* (7-1-2021 edition).

(c) Eating, drinking, and smoking shall not be allowed in work areas.

(d) Food and drink shall not be kept in work areas.

(e) All equipment and environmental surfaces shall be cleaned and disinfected between clients.

(f) All work surfaces shall be:

(1) nonabsorbent;

(2) easily cleanable;

(3) smooth; and

(4) free of breaks, open seams, cracks, chips, pits, or similar imperfections.

*This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, online at <https://www.ecfr.gov/>, or are available for review and copying at the Indiana Department of Health, 2 North Meridian Street, Indianapolis, Indiana 46204.

(Indiana Department of Health; [410 IAC 1-8-28](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#); errata filed Nov 22, 2022, 12:55 p.m.: [20221130-IR-410220352ACA](#))

410 IAC 1-8-29 Sanitizers; disinfectants

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 29. (a) There must be at least one (1) wet Environmental Protection Agency registered bactericide, viricide, and fungicide disinfectant and one (1) dry sanitizer on the premises.

(b) Each work unit must have at least one (1) wet sanitizer or disinfectant or one (1) dry sanitizer.

(c) Disinfectant solutions shall be:

(1) hospital grade, tuberculocidal Environmental Protection Agency registered disinfectant; or

(2) sodium hypochlorite, five-tenths percent (0.5%) concentration, by volume (common household bleach in ten percent (10%) concentration in water). This solution shall be dated and shall not be used if it is more than twenty-four (24) hours old.

(Indiana Department of Health; [410 IAC 1-8-29](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

410 IAC 1-8-30 Reusable equipment

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 30. (a) This section applies to reusable equipment.

(b) All reusable instruments utilized to apply eyelash extensions, including tweezers, at a minimum shall undergo a high level disinfection prior to use on a client. Instruments shall be:

(1) washed in a low residue detergent and rinsed to clean off all visible debris prior to disinfection; and

(2) disinfected using a Food and Drug Administration approved high level disinfectant.

(c) Sterilization may be used when heat stable, reusable equipment is utilized.

(d) Equipment that is to be sterilized shall be put in single use packaging.

(e) Records must be maintained to document the following:

(1) Duration of sterilization technique.

(2) Determination of effective sterility, such as use of a biological indicator, is performed monthly.

(3) Equipment is maintained as recommended by the owner's manual.

(f) Reusable contaminated equipment shall be:

(1) placed in puncture-resistant containers;

(2) labeled with the biohazard symbol;

(3) leakproof on both sides and bottom; and

(4) stored in a manner that does not require reaching by hand into the container where the equipment is stored until cleaning prior to sterilization.

(g) Sterilized equipment shall not be removed from wrappers or sterilizer packaging until immediately prior to use.

(h) All individuals practicing the application of eyelash extensions shall comply with all equipment manufacturers' recommendations related to sterilization and disinfection.

(Indiana Department of Health; [410 IAC 1-8-30](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#); errata filed Nov 22, 2022, 12:55 p.m.: [20221130-IR-410220352ACA](#))

410 IAC 1-8-31 Manufacturers' instructions

Authority: [IC 16-19-3-4.5](#)

Affected: [IC 16-19-3-4.5](#)

Sec. 31. All equipment and supplies, including, but not limited to, adhesives, used in the application of eyelash extensions, shall be used according to manufacturers' instructions.

(Indiana Department of Health; [410 IAC 1-8-31](#); filed Sep 7, 2022, 8:53 a.m.: [20221005-IR-410220042FRA](#))

Rule 7.1. Campgrounds

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410 IAC 6-7.1-1 Definitions

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 1. The definitions in this rule apply throughout this rule.

(Indiana Department of Health; [410 IAC 6-7.1-1](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-2 "Bathing beach" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 2. "Bathing beach" means a body of water not contained within a structure, chamber, or tank and used for swimming, diving, or recreational bathing.

(Indiana Department of Health; [410 IAC 6-7.1-2](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-3 "Campground" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 3. "Campground" means an area or tract of land where campsites are leased or rented and where provisions are made for ten (10) or more tents, recreational vehicles, park models, or

vacation mobile homes. A campground is established, operated, and maintained for recreational, health, education, sectarian, business, or tourist activities away from established residences. The term, as used in this rule, does not include primitive campgrounds, youth camps, or tracts of land divided into individually deeded lots.

(Indiana Department of Health; [410 IAC 6-7.1-3](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-4 "Campsite" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 4. "Campsite" means an individual camping space set aside in a campground for a tent, recreational vehicle, or vacation mobile home.

(Indiana Department of Health; [410 IAC 6-7.1-4](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-5 "Department" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 5. "Department" means the Indiana department of health.

(Indiana Department of Health; [410 IAC 6-7.1-5](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#); errata filed Jul 28, 2021, 9:20 a.m.: [20210811-IR-410210312ACA](#))

410 IAC 6-7.1-6 "Dependent campsite" defined

Authority: [IC 16-19-3-4](#)
Affected: [IC 16-19-3](#)

Sec. 6. "Dependent campsite" means a campsite without an individual sewer connection.
(Indiana Department of Health; [410 IAC 6-7.1-6](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743;
readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10,
2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.:
[20201007-IR-410200404RFA](#))

410 IAC 6-7.1-7 "Gray water" defined

Authority: [IC 16-19-3-4](#)
Affected: [IC 16-19-3](#)

Sec. 7. "Gray water" means wastewater originating from dish washing, hand washing, laundering, showers, or sinks.
(Indiana Department of Health; [410 IAC 6-7.1-7](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743;
readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10,
2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.:
[20201007-IR-410200404RFA](#))

410 IAC 6-7.1-8 "Independent campsite" defined

Authority: [IC 16-19-3-4](#)
Affected: [IC 16-19-3](#)

Sec. 8. "Independent campsite" means a campsite with individual water and sewer connections.
(Indiana Department of Health; [410 IAC 6-7.1-8](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743;
readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10,
2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.:
[20201007-IR-410200404RFA](#))

410 IAC 6-7.1-9 "Local health officer" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 9. "Local health officer" means the health officer of any local health department or their authorized representative.

(Indiana Department of Health; [410 IAC 6-7.1-9](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-10 "Person" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 10. "Person" means any individual, firm, partnership, company, corporation, trustee, association, municipality, county, authority, estate, or public or private entity owning, conducting, controlling, managing, or operating a campground.

(Indiana Department of Health; [410 IAC 6-7.1-10](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3743; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-11 "Primitive campground" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 11. "Primitive campground" means an area or tract of land without water supply systems, electricity, or toilets and having no vehicular access.

(Indiana Department of Health; [410 IAC 6-7.1-11](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-12 "Public sewer" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 12. "Public sewer" means a sewage disposal facility provided by a utility, municipality, conservancy district, or regional sewer district.

(Indiana Department of Health; [410 IAC 6-7.1-12](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-13 "Public water supply" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 13. "Public water supply" means water supplied by a utility, municipality, conservancy district, regional water district, rural water corporation, or not-for-profit water corporation.

(Indiana Department of Health; [410 IAC 6-7.1-13](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-14 "Recreational vehicle" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 14. "Recreational vehicle" means a travel trailer, park model, collapsible trailer, truck-mounted camper, or motor home.

(Indiana Department of Health; [410 IAC 6-7.1-14](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-15 "Sanitary dumping station" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 15. "Sanitary dumping station" means a sewage inlet with cover surrounded by a concrete apron sloped to a drain, and a water outlet. The sanitary dumping station is for disposal of recreational vehicle holding tank waste.

(Indiana Department of Health; [410 IAC 6-7.1-15](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-16 "Temporary campground" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 16. "Temporary campground" means a campground operated not more than ten (10) consecutive days per event and not more than thirty (30) days a calendar year. Temporary campgrounds are under the jurisdiction of local health officers.

(Indiana Department of Health; [410 IAC 6-7.1-16](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-17 "Tent" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 17. "Tent" means a shelter with twenty-five percent (25%) or more of its walls or roof, or both, made of fabric.

(Indiana Department of Health; [410 IAC 6-7.1-17](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-18 "Vacation mobile home" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 18. "Vacation mobile home" means a manufactured housing unit not on a permanent foundation used for recreational living on a temporary basis and not occupied as a principal residence.

(Indiana Department of Health; [410 IAC 6-7.1-18](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-19 "Water station" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 19. "Water station" means a facility for filling water storage containers with potable water from an approved water system.

(Indiana Department of Health; [410 IAC 6-7.1-19](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-20 Construction permit requirement

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 20. (a) Any person or persons planning the construction, addition to, or significant change in the construction of any campground shall, at least ninety (90) days prior to the initiation of any such construction, submit plans, drawn to scale, for review and approval by the department.

These plans must be certified by a registered engineer or architect licensed to practice in Indiana.

(b) The department may waive the requirement for plan review for any project that it deems to be a minor alteration.

(Indiana Department of Health; [410 IAC 6-7.1-20](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744;

errata filed Jul 8, 2002, 1:47 p.m.: 25 IR 3769; readopted filed Jul 14, 2008, 2:14 p.m.:

[20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-21 Campgrounds and campsites

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 21. (a) Campgrounds shall have designated campsites, and each site shall be plainly marked with a different number.

(b) No more than one (1) recreational vehicle or one (1) vacation mobile home shall be allowed on a designated campsite at the same time.

(c) The campground owner or operator shall have a plan of the campground. The plan must show the location of each designated campsite with the number assigned to it, and the location of any community buildings, wells, sanitary dumping stations, swimming pools, or sewage disposal systems.

(Indiana Department of Health; [410 IAC 6-7.1-21](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3744;

readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10,

2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.:

[20201007-IR-410200404RFA](#))

410 IAC 6-7.1-22 Conditions for health and safety

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 22. No condition, situation, or installation shall be created, installed, or maintained that:

(1) may cause or result in a health or safety hazard; or

(2) may cause or transmit disease or harbor rodents or other vermin.

(Indiana Department of Health; [410 IAC 6-7.1-22](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3745; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-23 Campground water supplies

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 23. (a) Campgrounds shall be provided with an adequate and convenient supply of potable water that meets [327 IAC 8](#). Potable water shall always be available for culinary, drinking, laundry, and bathing purposes.

(b) Wells shall be constructed, installed, and located in accordance [327 IAC 8](#) and [312 IAC 13](#). The construction and location of all campground wells with less than fifteen (15) service connections or serving less than twenty-five (25) people shall comply with all the requirements of this rule.

(c) A campground shall exclusively use a public water supply if public water is available within a reasonable distance. If a public water supply is not available, a campground shall have water supplied from a well that complies with the requirements of [327 IAC 8](#).

(d) Campground water supply and distribution systems shall have the capacity to deliver a minimum water pressure of twenty (20) pounds per square inch to all water stations and connections during periods of peak water usage. The water supply shall have capacity to meet total daily water demands. If a well or pump cannot meet peak or daily water demand, campgrounds shall be provided with sufficient usable storage capacity to meet the demand.

(e) The casing pipe of a well shall project not less than:

(1) twenty-four (24) inches above floor level or finished grade; or

(2) thirty-six (36) inches above the regulatory flood elevation if located in a designated flood hazard area identified by the Federal Emergency Management Agency.

(f) Water supplies shall have no well head, well casing, pump, pumping machinery, exposed pressure tanks, or suction piping located in any pit, room, or space, walled in or enclosed so it does not have free drainage by gravity to the ground surface at all times.

(g) Each campground shall provide one (1) or more accessible water stations of an approved design and located so no campsite is more than two hundred (200) feet from a water station.

Water stations and sanitary dumping stations shall be a minimum of fifty (50) feet apart. A water station having an inside or outside threaded faucet shall have a pressure vacuum breaker installed to protect against back-flow.

- (h) In lieu of water stations, individual water riser pipes may be installed at each campsite.
 - (i) Water riser pipes shall be located and constructed to protect against damage from parking of recreational vehicles.
 - (j) Water riser pipes shall:
 - (1) be at least one-half (1/2) inch in diameter;
 - (2) extend at least four (4) inches above ground; and
 - (3) be separated from sewer risers by not less than five (5) feet horizontally.
 - (k) Stop-and-waste valves or yard hydrants that would allow aspiration or backflow of contaminated water into the potable water system shall not be used.
 - (l) Wells and potable water distribution systems shall be disinfected after construction and after each repair. The water supply shall be tested and be bacteriologically acceptable in at least two (2) consecutive samples collected at least twenty-four (24) hours apart before it can be used. Each camper shall be advised to boil potable water until sample results reveal a safe water supply.
 - (m) There shall be no direct physical connection between the campground potable water supply system and any nonpotable water supply system.
- (Indiana Department of Health; [410 IAC 6-7.1-23](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3745; errata filed Aug 19, 2002, 1:57 p.m.: 26 IR 36; errata filed Aug 22, 2007, 9:18 a.m.: [20070829-IR-410070546ACA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))*

410 IAC 6-7.1-24 Campground sewage disposal

Authority: [IC 16-19-3-4](#)
Affected: [IC 13-18-12](#); [IC 16-19-3](#)

- Sec. 24. (a) All sewage generated by a campground, including gray water, shall be disposed of via a connection to a public sewer if available within a reasonable distance from the campground. If a public sewer is not available within a reasonable distance, sewage disposal must comply with [410 IAC 6-12](#), [410 IAC 6-10](#), Bulletin S.E. 11, Bulletin S.E. 13, or applicable rules of the Indiana department of environmental management.
- (b) If individual sewer connections are provided for recreational vehicles, these connections shall meet the following minimum requirements:
- (1) Each individual sewer riser shall be at least four (4) inches in diameter.
 - (2) Each individual sewer connection shall be tightly capped when a recreational vehicle is not connected.
 - (3) The rim of the riser pipe shall extend four (4) inches above the ground, and surface drainage shall be diverted away from the riser.

(c) Only wastewater management businesses licensed pursuant to [IC 13-18-12](#) shall clean campground privies and portable toilets of waste. Privies must be pumped when the accumulated waste is within eighteen (18) inches of the privy floor.

(Indiana Department of Health; [410 IAC 6-7.1-24](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3745; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-25 Sanitary dumping station

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 25. (a) All campgrounds, except those having only independent campsites, shall have at least one (1) sanitary dumping station for each two hundred fifty (250) dependent campsites or fraction thereof.

(b) Each sanitary dumping station must be equipped with the following:

- (1) A four (4) inch sewer riser pipe with a self-closing hinged cover or other tight-fitting closure.
- (2) A concrete apron at least three (3) feet in diameter and sloped to drain the area surrounding the inlet of the riser pipe.
- (3) A water outlet for sanitary maintenance of the station.
- (4) A sign located at the water outlet which states that the water is not for drinking, but for flushing and cleaning holding tanks and the dump station area.
- (5) A vacuum breaker installed downstream of the last shut-off valve that meets the requirements of [675 IAC 16](#).

(c) Sanitary dumping stations shall be capable of receiving a sewage flow of at least twenty (20) gallons per day for each dependent campsite served.

(d) Sanitary dumping stations utilizing holding tanks shall be capable of receiving a sewage flow of at least sixty (60) gallons per day for each dependent campsite served.

(Indiana Department of Health; [410 IAC 6-7.1-25](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3746; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-26 Campground sanitary facilities

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 26. (a) A campground with dependent campsites shall have flush toilets, sanitary vault privies, or portable toilets, in the following ratios:

Number of Dependent Campsites	Toilet Facilities		Urinals*	
	Men	Women	Men	Women
1–15	1	1	0	0
16–30	1	2	1	1
31–45	2	3	1	1
46–60	2	4	2	2
61–100	3	5	2	2

*Toilets may be substituted for the required number of urinals on a one-for-one basis.

(b) Campgrounds with more than one hundred (100) dependent campsites shall be provided with one (1) flush toilet, sanitary vault privy, or portable toilet for each sex in the ratio of one (1) per thirty (30) dependent campsites and one (1) urinal for each one hundred (100) additional campsites.

(c) The entrance to a sanitary facility shall have a sign to designate which sex may use the facility. Solid walls extending from floor to ceiling shall separate facilities for each sex located in the same building.

(d) For all common use rooms that contain sanitary or laundry facilities, excluding sanitary vault privies and portable toilets, the following minimum requirements shall apply:

(1) Floors, walls, and partitions around showers, lavatories, and other plumbing fixtures shall be smooth, nonabsorbent, and easily cleanable.

(2) Bathing and hand washing facilities shall have hot and cold water under pressure. Bathing facilities shall have an approved, properly operating automatic temperature control valve. The valve must control the water temperature at the point of use so it will not exceed one hundred twenty (120) degrees Fahrenheit.

(3) An operating mechanical exhaust device is required and must replace the air in the facility at least six (6) times per hour.

(4) Exterior openings shall be screened utilizing screening of not less than sixteen (16) mesh.

(5) Entrances to toilet and bathing facilities shall have self-closing doors.

(6) Toilet and bathing facilities shall be configured to prevent viewing of the interior through the entrance door.

(7) Light fixtures shall have guards or shields to prevent shattering.

(8) At least twenty (20) foot-candles of light measured thirty (30) inches above the floor must be provided throughout the interior of any permanent facility within a campground.

(e) Campground plumbing fixtures shall comply with [675 IAC 16](#).

(f) Privies shall be constructed and maintained in compliance with Bulletin S.E. 11.

(g) Where electricity is available, campground privy interiors must have artificial illumination. Where electricity is not available, privies must be configured to allow natural light to enter for illumination.

(h) Campground sanitary facilities shall be:

(1) maintained in a clean condition and in good repair;

(2) properly lighted; and

(3) ventilated.

(Indiana Department of Health; [410 IAC 6-7.1-26](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3746; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10,

410 IAC 6-7.1-27 Swimming pools and bathing beaches

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 27. (a) Swimming pools shall comply with [410 IAC 6-2](#) and [675 IAC 20](#).

(b) Bathing beaches shall comply with the following:

- (1) Campground bathing beaches shall have a water surface area of at least one (1) acre.
- (2) A minimum of twenty-five (25) square feet of water surface per bather shall be provided in areas having a water depth less than four (4) feet.
- (3) At least seventy-five (75) square feet of water surface per bather shall be provided in areas over four (4) feet deep.
- (4) A minimum of thirty-five (35) square feet of land area shall be provided per bather.
- (5) The campground bathing beach, from the shoreline out to a water depth of six (6) feet, shall consist of sand or pea gravel or other material to minimize turbidity.
- (6) Floating marker lines securely anchored with buoys, spaced at intervals of no more than twenty-five (25) feet, shall be provided to designate the perimeter of the bathing area. Marker lines shall delineate the separation between the shallow (less than five (5) feet), deep, and diving areas. Depth markers shall be provided at diving areas.
- (7) Toilet facilities shall be provided within five hundred (500) feet of the campground bathing beach, in the ratio of one (1) toilet for each fifty (50) bathers. Where flush toilets are provided, lavatories shall be provided in the ratio of one (1) lavatory for each fifty (50) bathers.
- (8) Water samples shall be collected at the campground bathing beach for bacteriological examination and submitted to an approved laboratory for analysis. Samples shall be submitted in accordance with the following:
 - (A) One (1) sample at least two (2) weeks prior to opening.
 - (B) One (1) sample each week the bathing beach is open thereafter.
 - (C) One (1) sample after a heavy rainfall of at least one-half (1/2) inch.
- (9) Bathing beach samples shall be collected within one (1) foot of the surface, in water having a depth of at least three (3) feet, but no more than six (6) feet and at least twenty (20) feet from swimmers and animals.
- (10) The bathing beach must be closed if the beach water quality does not meet the following water quality standards:
 - (A) Escherichia coliform bacteria, using the membrane filter count, exceeds one hundred twenty-five (125) colonies per one hundred (100) milliliters as a geometric mean based on no less than five (5) samples equally spaced over a thirty (30) day period.

(B) Escherichia coliform bacteria using the membrane filter count exceeds two hundred thirty-five (235) colonies per one hundred (100) milliliters in any one (1) sample in a thirty (30) day period.

(C) The water has aquatic vegetation, deposits, growths, oil, grease, chemicals, or other substances capable of creating toxic reactions, skin, or membrane irritations, or a health or safety hazard.

(11) Results of each camp bathing beach water sample analysis must be reported to the department.

(12) The minimum safety equipment required at all bathing beaches shall include:

(A) a rescue tube; and

(B) a ring buoy with an attached rope at least forty-five (45) feet in length.

(13) Safety equipment shall be kept clean, in good repair, and ready for use.

(Indiana Department of Health; [410 IAC 6-7.1-27](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3747; errata filed Aug 19, 2002, 1:57 p.m.: 26 IR 36; readopted filed Jul 14, 2008, 2:14 p.m.:

[20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-28 Refuse collection and disposal

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 28. (a) Refuse, including garbage, shall be collected, stored, and disposed of properly so the campground is clean and litter free. Refuse shall not accumulate in a manner that could:

(1) result in rodent harborage or promote insect breeding; or

(2) cause a fire, safety, or health hazard.

(b) Each garbage can and dumpster in a campground shall be covered with a tight-fitting lid.

(c) Garbage and refuse collection and disposal shall occur at least once a week or more often when necessary.

(d) Community dumpsters shall be at least twenty-five (25) feet from any campsite.

(Indiana Department of Health; [410 IAC 6-7.1-28](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3747; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10,

2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-29 Electrical distribution system

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 29. (a) After the effective date of this rule, all new wiring, lighting, and electrical hook-ups shall be installed in compliance with [675 IAC 17](#). Existing wiring, lighting, and electrical hook-ups shall be installed and maintained in a safe condition.

(b) Fifteen (15) and twenty (20) ampere, one hundred twenty-five (125) volt receptacles at sanitary facilities shall have approved ground fault circuit interrupter protection.

(c) Electrical receptacles shall have wiring and circuit breakers or fuses sized to conform to the amperage of the receptacle they supply.

(d) Switches, circuit breakers, receptacles, control equipment, and metering devices located in wet places or outside a building shall be weatherproof.

(e) Splices in electrical wires in accessible locations shall be made in approved junction boxes.

(f) When underground conductors enter or leave a building or a trench, they shall have mechanical protection from physical damage. The protection must be rigid conduit, intermediate metal conduit, rigid nonmetallic conduit, schedule 80 electrical plastic tubing, or other mechanical means. Underground conductors in conduit shall be a minimum of eighteen (18) inches below finished grade. Underground conductors not in conduit shall be a minimum of twenty-four (24) inches below finished grade.

(g) Electrical equipment and conductors shall not be attached to trees.

(Indiana Department of Health; [410 IAC 6-7.1-29](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3748; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-30 Emergency equipment and services

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 30. Telephone service shall be made available to all campers, and access shall be provided at all times to such service for emergency use.

(Indiana Department of Health; [410 IAC 6-7.1-30](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3748; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-31 Registration

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 31. A register containing the name and home address of the campsite occupant and the dates of arrival and departure must be maintained and available for inspection by the department or the local health officer.

(Indiana Department of Health; [410 IAC 6-7.1-31](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3748; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-32 Right of entry

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 32. The department or the local health officer may enter public or private property at reasonable times and, upon presentation of credentials, to do any of the following:

- (1) Inspect facilities, equipment, or records.
- (2) Investigate allegations, conduct tests, or collect samples.
- (3) Obtain information necessary to the issuance of a permit pursuant to this rule.
- (4) Determine whether any person is subject to, or in violation of, this rule or a permit issued pursuant to this rule.

(Indiana Department of Health; [410 IAC 6-7.1-32](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3748; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-33 Local authorities

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 33. Local health officers may enforce the rules of the department. County and municipal authorities within their respective jurisdictions have jurisdiction over zoning, building codes, and ordinances pertaining to campgrounds.

(Indiana Department of Health; [410 IAC 6-7.1-33](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3748; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-34 Incorporation by reference

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 34. Bulletin S.E. 11 and Bulletin S.E. 13 are incorporated by reference as part of this rule. Copies of these bulletins may be obtained by request to the department.

(Indiana Department of Health; [410 IAC 6-7.1-34](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3748; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.1-35 Enforcement

Authority: [IC 16-19-3-4](#)

Affected: [IC 4-21.5-3-6](#); [IC 4-21.5-3-8](#); [IC 16-19-3](#)

Sec. 35. The department may commence an action under [IC 16-19-3-4](#), [IC 16-19-3-5](#) [[IC 16-19-3-5](#) was repealed by P.L.143-2022, SECTION 17, effective July 1, 2022.], and [IC 4-21.5-3-6](#), or [IC 4-21.5-3-8](#) against a campground operator who:

- (1) fails to comply with this rule; or
- (2) interferes with or obstructs the department or its designated agent in the performance of duties pursuant to this rule.

(Indiana Department of Health; [410 IAC 6-7.1-35](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3748; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

Rule 7.2. Youth Camps

1. [410 IAC 6-7.2-1](#)Definitions
2. [410 IAC 6-7.2-2](#)"Bathing beach" defined
3. [410 IAC 6-7.2-3](#)"Camp" defined
4. [410 IAC 6-7.2-4](#)"Department" defined
5. [410 IAC 6-7.2-5](#)"Designated adult" defined
6. [410 IAC 6-7.2-6](#)"Gray water" defined
7. [410 IAC 6-7.2-7](#)"Local health officer" defined
8. [410 IAC 6-7.2-8](#)"Person" defined

9. [410 IAC 6-7.2-9](#)"Primitive camp" defined
10. [410 IAC 6-7.2-10](#)"Public sewer" defined
11. [410 IAC 6-7.2-11](#)"Public water supply" defined
12. [410 IAC 6-7.2-12](#)"Tent" defined
13. [410 IAC 6-7.2-13](#)"Water station" defined
14. [410 IAC 6-7.2-14](#)"Youth camp" defined
15. [410 IAC 6-7.2-15](#)Construction permit requirement
16. [410 IAC 6-7.2-16](#)General supervision
17. [410 IAC 6-7.2-17](#)General health
18. [410 IAC 6-7.2-18](#)Infirmery
19. [410 IAC 6-7.2-19](#)First aid kits
20. [410 IAC 6-7.2-20](#)Records
21. [410 IAC 6-7.2-21](#)Campsites and safety
22. [410 IAC 6-7.2-22](#)Emergency equipment and procedures
23. [410 IAC 6-7.2-23](#)Fire and building safety
24. [410 IAC 6-7.2-24](#)Electrical safety
25. [410 IAC 6-7.2-25](#)Water supplies
26. [410 IAC 6-7.2-26](#)Sewage disposal
27. [410 IAC 6-7.2-27](#)Sanitary facilities
28. [410 IAC 6-7.2-28](#)Cooking and eating facilities
29. [410 IAC 6-7.2-29](#)Buildings and sleeping shelters
30. [410 IAC 6-7.2-30](#)Water recreation
31. [410 IAC 6-7.2-31](#)Refuse collection
32. [410 IAC 6-7.2-32](#)Animal and pest control
33. [410 IAC 6-7.2-33](#)Right of entry
34. [410 IAC 6-7.2-34](#)Incorporation by reference
35. [410 IAC 6-7.2-35](#)Local authorities
36. [410 IAC 6-7.2-36](#)Enforcement

410 IAC 6-7.2-1 Definitions

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 1. The definitions in this rule apply throughout this rule.

(Indiana Department of Health; [410 IAC 6-7.2-1](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-2 "Bathing beach" defined

Authority: [IC 16-19-3-4](#)
Affected: [IC 16-19-3](#)

Sec. 2. "Bathing beach" means a body of water not contained within a structure, chamber, or tank and used for swimming, diving, or recreational bathing.

(Indiana Department of Health; [410 IAC 6-7.2-2](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-3 "Camp" defined

Authority: [IC 16-19-3-4](#)
Affected: [IC 16-19-3](#)

Sec. 3. "Camp" means a youth camp.

(Indiana Department of Health; [410 IAC 6-7.2-3](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-4 "Department" defined

Authority: [IC 16-19-3-4](#)
Affected: [IC 16-19-3](#)

Sec. 4. "Department" means the Indiana department of health.

(Indiana Department of Health; [410 IAC 6-7.2-4](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#); errata filed Jul 28, 2021, 9:20 a.m.: [20210811-IR-410210312ACA](#))

410 IAC 6-7.2-5 "Designated adult" defined

Authority: [IC 16-19-3-4](#)
Affected: [IC 16-19-3](#)

Sec. 5. "Designated adult" means the individual with the primary responsibility for health matters, food, staff supervision, the administration of program operations, and business and transportation services.

(Indiana Department of Health; [410 IAC 6-7.2-5](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-6 "Gray water" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 6. "Gray water" means wastewater originating from dish washing, hand washing, laundering, showers, or sinks.

(Indiana Department of Health; [410 IAC 6-7.2-6](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-7 "Local health officer" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 7. "Local health officer" means the health officer of any local health department or their authorized representative.

(Indiana Department of Health; [410 IAC 6-7.2-7](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-8 "Person" defined

Authority: [IC 16-19-3-4](#)
Affected: [IC 16-19-3](#)

Sec. 8. "Person" means any individual, firm, partnership, company, corporation, trustee, association, municipality, county, authority, estate, or public or private entity owning, conducting, controlling, managing, or operating a camp.
(Indiana Department of Health; [410 IAC 6-7.2-8](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-9 "Primitive camp" defined

Authority: [IC 16-19-3-4](#)
Affected: [IC 16-19-3](#)

Sec. 9. "Primitive camp" means a youth camp that operates at a site having only tents.
(Indiana Department of Health; [410 IAC 6-7.2-9](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-10 "Public sewer" defined

Authority: [IC 16-19-3-4](#)
Affected: [IC 16-19-3](#)

Sec. 10. "Public sewer" means a sewage disposal facility provided by a utility, municipality, conservancy district, or regional sewer district.
(Indiana Department of Health; [410 IAC 6-7.2-10](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-11 "Public water supply" defined

Authority: [IC 16-19-3-4](#)
Affected: [IC 16-19-3](#)

Sec. 11. "Public water supply" means water supplied by a utility, municipality, conservancy district, regional water district, rural water corporation, or not-for-profit water corporation. (Indiana Department of Health; [410 IAC 6-7.2-11](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-12 "Tent" defined

Authority: [IC 16-19-3-4](#)
Affected: [IC 16-19-3](#)

Sec. 12. "Tent" means a shelter having twenty-five percent (25%) or more of its walls or roof, or both, covered by fabric material. (Indiana Department of Health; [410 IAC 6-7.2-12](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3749; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-13 "Water station" defined

Authority: [IC 16-19-3-4](#)
Affected: [IC 16-19-3](#)

Sec. 13. "Water station" means a facility for filling water storage containers with potable water from an approved water system. (Indiana Department of Health; [410 IAC 6-7.2-13](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3750; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-14 "Youth camp" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 14. "Youth camp" means any area or tract of land established, operated, or maintained to provide more than seventy-two (72) continuous hours of outdoor group living experiences away from established residences for educational, recreational, sectarian, or health purposes to ten (10) or more children who are under eighteen (18) years of age and not accompanied by a parent or guardian.

(Indiana Department of Health; [410 IAC 6-7.2-14](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3750; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-15 Construction permit requirement

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 15. Any person planning the construction, addition to, or significant change in the construction of any youth camp shall, at least ninety (90) days prior to the initiation of any such construction, submit plans, drawn to scale, for review and approval by the department. These plans must be certified by a registered engineer or architect licensed to practice in Indiana.

(Indiana Department of Health; [410 IAC 6-7.2-15](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3750; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-16 General supervision

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 16. When a youth camp is in session, there shall be a designated adult on the premises who is responsible for compliance with this rule.

(Indiana Department of Health; [410 IAC 6-7.2-16](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3750; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-17 General health

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 17. (a) When a youth camp is in session, there shall be an individual present who is designated as the health supervisor and who has completed at least the Red Cross Standard First Aid Course or its equivalent.

(b) A member of the camp health staff shall conduct a health screening of each camper to identify any illness or communicable disease. The screening shall:

(1) occur not more than twelve (12) hours after arrival at camp; and

(2) include a check of medications in use by each camper.

(c) Youth camps owners shall possess an original or a copy of an up to date medical log. The medical log shall be in permanent ink and be a record of the dates, times, patient names, ailments, treatments, names of attending staff, and signature of the person who made the entries into the log.

(d) Medication prescribed for campers or staff members shall be dispensed from original containers.

(e) Medications, except those a physician prescribed for self-administration, shall be locked in a cabinet, box, or drawer or stored in a safe place inaccessible to children.

(f) Whenever there is an injury or illness to a camper that results in hospitalization, a positive x-ray or laboratory analysis, or the camper is being sent home, a report shall be sent to the department. This report shall be:

(1) made on a form acceptable to the department; and

(2) filed with the department within ten (10) days of an incident.

(g) Whenever there is an injury or illness that results in the death of a camper or staff member, a report of the incident and death shall be filed with the department within twenty-four (24) hours of the death.

(h) The use of tobacco products is prohibited in buildings used by children. The use of tobacco products or alcoholic beverages is prohibited in a youth camp while it is in operation.

(Indiana Department of Health; [410 IAC 6-7.2-17](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3750; filed Aug 29, 2003, 10:30 a.m.: 27 IR 98; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-18 Infirmary

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 18. (a) Youth camps constructed after the effective date of this rule shall include a separate room with toilet and lavatory facilities to be used as an infirmary and isolation area.

(b) The separate room described in subsection (a) shall have the following:

(1) Ventilation to keep it free of excessive heat, condensation, vapors, noxious odors, and fumes.

(2) Heating equipment capable of maintaining a temperature of at least sixty-eight (68) degrees Fahrenheit.

(3) At least one (1) cot per one hundred (100) campers and staff, with a minimum of two (2) cots.

(4) At least one (1) adult shall be present when campers are in the infirmary.

(5) At least seventy (70) foot-candles of light measured thirty (30) inches from the floor.

(Indiana Department of Health; [410 IAC 6-7.2-18](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3750; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-19 First aid kits

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 19. (a) First aid kits shall be available to camp staff at food service operations, beaches, the infirmary, the camp office, primitive camps, and readily available in a timely manner to all program areas. First aid may be administered only by properly trained staff.

(b) As a minimum, each first aid kit must include the following:

(1) One (1) watertight medication canister.

(2) Thirty (30) adhesive bandages, each measuring one (1) inch by three (3) inches.

(3) One (1) roll of adhesive tape measuring one-half (1/2) inch by ten (10) yards.

(4) Nine (9) antiseptic towelettes.

(5) Two (2) disposable gloves, such as surgical or examination type.

(6) One (1) triangular bandage.

(7) Six (6) sponge dressing pads, each measuring two (2) inches by two (2) inches.

(8) Four (4) sponge dressing pads, each measuring three (3) inches by three (3) inches.

(9) Two (2) sponge dressing pads, each measuring four (4) inches by four (4) inches.

(10) One (1) instant ice compress measuring at least six (6) inches by four (4) inches.

(11) Two (2) large fabric fingertip bandages.

(12) Two (2) large fabric knuckle bandages.

(13) Two (2) island bandages each measuring two (2) inches by three (3) inches.

(14) Two (2) adhesive Telfa bandages each measuring two (2) inches by two (2) inches.

(15) One (1) eye pad.

(16) Three (3) providone-iodine pads.

(17) Six (6) alcohol cleansing pads.

(18) Three (3) tubes of triple-antibacterial cream.

(19) One (1) conform bandage roll measuring two (2) inches by five (5) yards.

(20) One (1) pair of scissors.

(21) One (1) pair of tweezers.

(22) One (1) emergency blanket.

(23) One (1) refillable plastic case.

(c) First aid materials shall be wrapped and stored so they do not become contaminated.

(Indiana Department of Health; [410 IAC 6-7.2-19](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3751; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-20 Records

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 20. (a) A record for each camper must be maintained by the designated adult operating a camp and shall contain the following:

(1) The camper's name and address.

(2) The name, address, and telephone number of the camper's parent, legal guardian, or designated adult emergency contact.

(3) Authorization from the parent or guardian for emergency medical care.

(4) A list of relevant health conditions that camp personnel may encounter.

(b) Records required by this rule shall be kept on file by the designated adult for a period of at least two (2) years.

(Indiana Department of Health; [410 IAC 6-7.2-20](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3751; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-21 Campsites and safety

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 21. (a) No condition, situation, or installation shall be created, installed, or maintained that:

(1) may cause or result in a health or safety hazard; or

(2) cause or transmit disease or harbor rodents or other vermin.

(b) An accurate plat of the camp shall be maintained that shows the location of buildings, wells, privies, sewage disposal systems, sanitary facilities, swimming areas, and water and sewer lines.

- (c) The central camp areas, primitive camps, and program areas shall be maintained to minimize the growth of poison ivy, poison oak, poison sumac, and other noxious plants.
 - (d) The camp shall be free of debris or other hazards.
 - (e) Building stairways over four (4) steps in height shall have handrails.
 - (f) Equipment and facilities in camps shall be designed, installed and maintained in a safe condition. Playground equipment shall be securely anchored.
 - (g) When not in use, archery equipment, firearms, and ammunition shall be locked in a cabinet or building.
 - (h) Poisonous substances, pool chemicals, pesticides, and toxic chemicals shall be clearly marked and stored in locked cabinets or enclosures.
- (Indiana Department of Health; [410 IAC 6-7.2-21](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3751; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))*

410 IAC 6-7.2-22 Emergency equipment and procedures

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 22. (a) Telephone service shall be provided to each youth camp as follows:

- (1) Telephone service shall always be accessible at youth camps.
 - (2) The telephone number of the nearest fire department, police department, poison control center, and emergency medical service shall be posted next to each telephone. Where 911 service is available, only the poison control center telephone number must be posted.
 - (b) A written emergency plan for dealing with natural disasters, lost campers, and other emergencies must be developed and maintained. At a minimum, the plan shall include procedures for evacuation and transportation to emergency facilities. Camp staff shall be trained on the plan and a record of the training shall be kept by a responsible adult. Campers shall be advised of their responsibilities in following the plan.
 - (c) Camps offering aquatic activities must have an emergency plan that includes procedures for rescues, accounting for each camper, evacuations, and the method for notification of emergency services. Weekly orientation in using the aquatic emergency plan must be conducted.
- (Indiana Department of Health; [410 IAC 6-7.2-22](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3752; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))*

410 IAC 6-7.2-23 Fire and building safety

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 23. (a) Each youth camp shall be equipped with a minimum of a 4-A, 60-B:C, ten (10) pound, multipurpose, dry chemical, pressure fire extinguisher within one hundred (100) feet of each kitchen, furnace room, and sleeping facilities.

(b) Fire extinguishers must be readily accessible and maintained in an operable condition.

(c) Exits from structures must be maintained free of obstructions and have exit signs clearly posted.

(d) Buildings with occupancy of more than ten (10) persons shall have at least two (2) separate and independent exits. Exits shall not be closer to each other than fifty percent (50%) of the longest exterior dimension of the building.

(e) Buildings with occupancy above the first floor shall have two (2) separate and independent exits. At least one (1) exit shall lead directly to the outside.

(f) A one-room building used for sleeping shall be equipped with a smoke detector.

(g) Buildings with two (2) or more compartmentalized sleeping rooms shall have hard-wired interconnected smoke detectors.

(h) All required smoke detectors shall be UL listed.

(i) All required smoke detectors shall be kept clean and tested monthly.

(j) Fire drills shall be held within twenty-four (24) hours of the beginning of each camping session and weekly thereafter.

(k) Gasoline and other flammable fluids shall be marked and stored in locked containers or in locked buildings not occupied by campers.

(l) Gasoline and other flammable fluids shall be stored at least fifty (50) feet from sleeping quarters.

(Indiana Department of Health; [410 IAC 6-7.2-23](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3752; errata filed Aug 19, 2002, 1:57 p.m.: 26 IR 36; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-24 Electrical safety

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 24. (a) Wiring, lighting, and electrical receptacles shall be installed and maintained in a safe condition.

(b) Fifteen (15) and twenty (20) ampere, one hundred twenty-five (125) volt receptacles in sanitary facilities, bathrooms, garages, or maintenance buildings or located outside of buildings shall be equipped with ground-fault circuit interrupter protection.

- (c) Electrical receptacles shall have wiring and circuit breakers or fuses sized to conform to the amperage of the receptacles they supply.
- (d) Electrical switches, circuit breakers, receptacles, control equipment, and metering devices located in wet places or outside of a building shall be weatherproof.
- (e) Splices to electrical wires at accessible locations shall be made utilizing approved junction boxes.
- (f) In areas subject to vehicle movement, service drop conductors of not over six hundred (600) volts nominal, shall be at least eighteen (18) feet above the ground surface. In other areas, the minimum clearance shall be ten (10) feet above the ground surface.
- (g) Electrical equipment and conductors shall not be attached to trees.
- (h) Electrical receptacles shall be grounded and shall not have an open neutral, open hot conductor, or reverse polarity.
- (i) Loose electrical equipment shall be secured. Face plates and panel fronts shall be in place to prevent accidental contact.

(Indiana Department of Health; [410 IAC 6-7.2-24](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3752; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-25 Water supplies

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 25. (a) Camps shall be provided with an adequate and convenient supply of potable water that meets the Indiana department of environmental management public water supply drinking water quality standard found in [327 IAC 8](#). Potable water shall always be available for culinary, drinking, laundry, and bathing purposes.

(b) Wells shall be constructed, installed, and located in accordance with [327 IAC 8](#) and [312 IAC 13](#).

(c) A camp shall exclusively use a public water supply if public water is available within a reasonable distance. If a public water supply is not available, a camp shall have water supplied from a well that complies with [327 IAC 8](#).

(d) The construction and location of all camp wells with less than fifteen (15) service connections or serving less than twenty-five (25) people shall comply with all the requirements of this rule.

(e) Camp water supply and distribution systems shall have the capacity to deliver a minimum water pressure of twenty (20) pounds per square inch to all water stations and connections during periods of peak water usage. The water supply shall have capacity to meet total daily water demands. If a well or pump cannot meet peak or daily water demand, camps shall be provided with sufficient usable storage capacity to meet the demand.

(f) The casing pipe of a well shall project not less than:

- (1) twenty-four (24) inches above floor level or finished grade; or

- (2) thirty-six (36) inches above the regulatory flood elevation if located in a designated flood hazard area identified by the Federal Emergency Management Agency.
- (g) Water supplies shall have no well head, well casing, pump, pumping machinery, exposed pressure tanks, or suction piping located in any pit, room, or enclosed space that does not have free drainage, by gravity, to the ground surface at all times.
- (h) Wells and potable water distribution systems shall be disinfected after construction and after a repair. The water shall be tested and be bacteriologically acceptable in at least two (2) consecutive samples collected at least twenty-four (24) hours apart before the potable water system can be used.
- (i) There shall be no direct physical connection between the camp potable water supply system and any nonpotable water supply system.
- (j) Stop-and-waste valves or yard hydrants that would allow aspiration or back flow of contaminated water into the potable water system shall not be used.
- (k) Common drinking cups are not permitted.
- (l) When potable water is transported, it shall be in closed, disinfected containers used for no other purpose.
- (m) Plumbing fixtures shall comply with [675 IAC 16](#).
(Indiana Department of Health; [410 IAC 6-7.2-25](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3753; errata filed Aug 19, 2002, 1:57 p.m.: 26 IR 36; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); errata filed Aug 12, 2008, 9:42 a.m.: [20080903-IR-410080671ACA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-26 Sewage disposal

Authority: [IC 16-19-3-4](#)

Affected: [IC 13-18-12](#); [IC 16-19-3](#)

Sec. 26. (a) Sewage shall be disposed of by a connection to a public sewer, if available within a reasonable distance from the camp. If a public sewer is not available within a reasonable distance from the camp, sewage disposal must comply with [410 IAC 6-12](#), [410 IAC 6-10](#), Bulletin S.E. 11, Bulletin S.E. 13, or applicable rules of the Indiana department of environmental management for sewage disposal facilities other than sanitary vault privies or septic tank soil-absorption systems.

(b) Only wastewater management businesses licensed pursuant to [IC 13-18-12](#) shall clean camp privies and portable toilets of waste. Privies must be pumped when the accumulated waste is within eighteen (18) inches of the privy floor.

(Indiana Department of Health; [410 IAC 6-7.2-26](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3753; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-27 Sanitary facilities

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 27. (a) The entrance to a sanitary facility shall have a sign to designate which sex may use the facility. Solid walls extending from floor to ceiling shall separate facilities for each sex located in the same building.

(b) Toilets, urinals, hand washing, and bathing facilities shall be provided as follows:

Males

Individuals to be served	Showers	Lavatories	Toilets	Urinals*
1–10	1	2	1	1
11–20	2	2	1	1
21–30	2	3	2	1
31–40	3	4	2	2
41–50	4	5	3	2
51–60	5	6	3	3
61–70	6	7	4	3

*Toilets may be substituted for the appropriate number of urinals.

Females

Individuals to be served	Showers	Lavatories	Toilets
1–10	1	2	2
11–20	2	2	2
21–30	2	3	3
31–40	3	4	4
41–50	4	5	5
51–60	5	6	6
61–70	6	7	7

(c) Camps serving more than seventy (70) campers shall have sanitary facilities for each sex in the ratio of one (1) shower, lavatory, and toilet or urinal for each fifteen (15) additional campers.

(d) Showers or lavatories are not required at primitive camps.

(e) For all common use rooms that contain sanitary or laundry facilities, excluding sanitary vault privies and portable toilets, the following minimum requirements shall apply:

(1) Floors, walls, and partitions around showers, lavatories, and other plumbing fixtures shall be smooth, nonabsorbent, and easily cleanable. Floors in hand washing and shower rooms shall have a nonskid finish and trapped floor drains.

(2) Bathing and hand washing facilities shall have hot and cold water under pressure. Bathing facilities shall have an approved properly operating, approved automatic hot water temperature control valve. The valve must control the water temperature at the point of use so it will not exceed one hundred twenty (120) degrees Fahrenheit.

(3) An operating mechanical exhaust device must replace the air in the facility at least six (6) times per hour.

- (4) Exterior openings shall be screened with at least sixteen (16) mesh screen to prevent the entrance of insects.
 - (5) Entrances to toilets and bathing facilities shall have self-closing doors.
 - (6) Toilet and bathing facilities shall be configured to prevent viewing of the interior through the entrance door.
 - (7) Light fixtures shall have guards or shields to prevent shattering.
 - (8) At least twenty (20) foot-candles of light measured thirty (30) inches above the floor must be provided throughout the interior of the facility.
 - (9) Lavatories shall have mixing or combination faucets. Self-closing, slow closing, or metering faucets shall provide a flow of water for at least fifteen (15) seconds.
 - (10) Lavatories and hand washing facilities shall be located within twenty-five (25) feet of toilets. Water, soap, and paper towels or a mechanical hand drying device shall be provided at hand washing facilities that are available to all campers. Common towels are prohibited.
 - (11) Sanitary facilities must have a roof with an overhang to prevent drainage into the structure.
 - (12) Sanitary facilities shall be maintained in a clean condition and in good repair.
 - (f) Toilet paper shall be available at all times in toilets and privies.
 - (g) Privies shall be constructed and maintained in compliance with Bulletin S.E. 11.
 - (h) Where electricity is available, the privy interior must have artificial illumination. Where electricity is not available, the privy must allow natural light to enter for illumination.
 - (i) Hand washing facilities, or a dispenser with moistened disposable towelettes, shall be located within twenty-five (25) feet of a privy.
 - (j) Toilet facilities shall be located within five hundred (500) feet of each sleeping area.
- (Indiana Department of Health; [410 IAC 6-7.2-27](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3753; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))*

410 IAC 6-7.2-28 Cooking and eating facilities

Authority: [IC 16-19-3-4](#)
Affected: [IC 16-19-3](#)

- Sec. 28. (a) Central kitchen and dining halls shall comply with [410 IAC 7-24](#).
- (b) Kitchens separate from the central dining hall and used for individual campers to prepare meals shall meet the following requirements:
- (1) Provide a refrigerator and a range with a ventilation hood.
 - (2) Provide a three (3) compartment sink or a two (2) compartment sink and a dishwasher or use only single service dishes and utensils.
 - (3) Provide a numerically scaled indicating thermometer in each refrigerator accurate to plus or minus three (3) degrees Fahrenheit, located as to be easily readable.

- (4) Provide shielded or guarded light fixtures providing at least seventy (70) foot-candles of light on all food preparation surfaces and at equipment or utensil washing areas.
- (5) Provide a hand washing lavatory having hot and cold water and a combination faucet.
- (6) Provide the hand washing lavatory with a supply of hand cleansing soap and a supply of sanitary towels or a hand drying device. Sinks used for food preparation or food washing equipment shall not be used for hand washing.
- (7) Common towels are prohibited.
- (8) Provide a mop sink for use and disposal of mop water. Food preparation sinks shall not be used for this purpose.

(Indiana Department of Health; [410 IAC 6-7.2-28](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3754; errata filed Jul 8, 2002, 1:47 p.m.: 25 IR 3769; errata filed Jan 21, 2005, 10:32 a.m.: 28 IR 1695; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-29 Buildings and sleeping shelters

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

- Sec. 29. (a) Buildings, structures, tents, and cabins shall be kept in good repair and maintained in a safe and sanitary condition.
- (b) Floors and floor coverings in buildings used for sleeping or camp activities shall be in good repair and easily cleanable.
 - (c) Buildings used for sleeping shall have screened openable windows or mechanical ventilation as required by [675 IAC 14-4.3-1](#).
 - (d) Outside openings shall be screened with at least sixteen (16) mesh screen to prevent the entrance of insects.
 - (e) Screened doors shall be tight-fitting, in good repair, and self-closing.
 - (f) At least thirty (30) square feet of floor space per camper must be provided in rooms used for sleeping.
 - (g) Beds shall be arranged so the heads of the sleepers are at least six (6) feet apart and there is at least thirty (30) inches between the sides of the beds. Beds are not required to be permanently affixed to the floor.
 - (h) Sleeping rooms shall have a minimum ceiling height of seven (7) feet.
 - (i) Bedding provided by the camp operator shall be clean and washed before use by a new camper.
 - (j) Foam bed mattresses shall be provided with easily cleanable mattress covers.
 - (k) Vertical separation between the top of the lower mattress of a double deck bunk and the upper bunk shall be a minimum of twenty-seven (27) inches. The vertical separation from the top of the upper mattress to the ceiling shall be a minimum of thirty-six (36) inches.

(l) Bunk beds used by campers shall be equipped with guardrails on the upper bunk. Guardrails are required on any side of a bunk not placed tightly against a wall.

(m) At least twenty (20) foot-candles of light shall be provided throughout buildings used for sleeping.

(n) Tent material shall be flame-retardant.

(Indiana Department of Health; [410 IAC 6-7.2-29](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3755; filed Aug 29, 2003, 10:30 a.m.: 27 IR 99; errata filed Mar 21, 2005, 10:40 a.m.: 28 IR 2391; errata filed Aug 22, 2007, 9:18 a.m.: [20070829-IR-410070546ACA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-30 Water recreation

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 30. (a) An individual currently certified as a lifeguard and having a current cardiopulmonary resuscitation (CPR) certification must direct swimming, boating, canoeing, watercraft, water skiing, and other aquatic activities.

(b) A minimum of one (1) counselor for each fifteen (15) campers shall supervise watercraft and swimming activities.

(c) At each aquatic site, a minimum of one (1) currently certified lifeguard for each thirty (30) campers must be provided.

(d) Swimming pools shall comply with [410 IAC 6-2](#) and [675 IAC 20](#).

(e) In addition to the requirements of [410 IAC 6-2](#) and [675 IAC 20](#), swimming pools less than two thousand (2,000) square feet shall have one (1) or more qualified lifeguards on duty when the pool is in use by campers.

(f) Watercraft activity participants must wear a Type II or Type III U.S. Coast Guard approved personal flotation device.

(g) Bathing beaches shall comply with the following:

(1) Camp bathing beaches shall have a water surface area of at least one (1) acre.

(2) A minimum of twenty-five (25) square feet of water surface per bather shall be provided in areas having a water depth less than four (4) feet.

(3) At least seventy-five (75) square feet of water surface per bather shall be provided in areas over four (4) feet deep.

(4) A minimum of thirty-five (35) square feet of land area shall be provided per bather.

(5) The camp bathing beach, from the shoreline out to a water depth of six (6) feet, shall consist of pea gravel or other material approved by the department of natural resources to minimize turbidity.

(6) Floating marker lines securely anchored with buoys, spaced at intervals of no more than twenty-five (25) feet, shall be provided to designate the perimeter of the bathing area. Marker

lines shall delineate the separation between the shallow (less than five (5) feet), deep, and diving areas. Depth markers shall be provided at diving areas.

(7) Toilet facilities shall be provided within five hundred (500) feet of camp bathing beaches, in the ratio of one (1) toilet for each fifty (50) bathers. Where flush toilets are provided lavatories shall be provided in the ratio of one (1) lavatory for each fifty (50) bathers.

(8) Water samples shall be collected at the camp bathing beach for bacteriological examination and submitted to an approved laboratory for analysis. Samples shall be submitted in accordance with the following:

(A) One (1) sample at least two (2) weeks prior to opening.

(B) One (1) sample each week the bathing beach is open thereafter.

(C) One (1) sample after a heavy rainfall of at least one-half (1/2) inch.

(9) Bathing beach samples shall be collected within one (1) foot of the surface, in water having a depth of at least three (3) feet, but no more than six (6) feet and at least twenty (20) feet from swimmers and animals.

(10) The bathing beach must be closed if the beach water quality does not meet the following water quality standards:

(A) Escherichia coliform bacteria, using the membrane filter count, exceeds one hundred twenty-five (125) colonies per one hundred (100) milliliters as a geometric mean based on no less than five (5) samples equally spaced over a thirty (30) day period.

(B) Escherichia coliform bacteria using the membrane filter count exceeds two hundred thirty-five (235) colonies per one hundred (100) milliliters in any one (1) sample in a thirty (30) day period.

(C) The water has aquatic vegetation, deposits, growths, oil, grease, chemicals, or other substances capable of creating toxic reactions, skin or membrane irritations, or a health or safety hazard.

(11) Results of each camp bathing beach water sample analysis must be reported to the department.

(12) At least one (1) qualified lifeguard shall be on duty when the bathing beach is open to swimmers.

(13) A lifeguard shall be stationed at each diving area.

(14) Each lifeguard station shall have a clear and unobstructed view of the lifeguard's area of responsibility and at least one (1) lifeguard station at the diving area and on shore shall be an elevated stand.

(15) Land based lifeguard stations shall be located within thirty (30) feet of the shoreline.

(16) Lifeguard stations shall be equipped with a whistle or megaphone and sunglasses.

(17) When performing as a lifeguard, lifeguards shall not perform any other tasks and shall not be in the water except in the line of duty.

(18) A spine board equipped with ties or straps and a head immobilization device shall be provided at each aquatic location.

(19) A rescue tube shall be provided at each lifeguard station.

(20) Required safety equipment shall be kept clean, in good repair, and ready for use.

(Indiana Department of Health; [410 IAC 6-7.2-30](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3755; filed Aug 29, 2003, 10:30 a.m.: 27 IR 99; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-31 Refuse collection

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 31. (a) Refuse, including garbage, shall be collected, stored, and disposed of properly so the camp is clean and litter free. Refuse shall not accumulate in a manner that could:

- (1) result in rodent harborage or promote insect breeding; or
- (2) cause a fire, safety, or health hazard.

(b) Each garbage can and dumpster in a camp shall be covered with a tight-fitting lid at all times except during use.

(c) Garbage and refuse shall be collected at least once per week or more often when necessary.

(d) Burning of garbage and refuse is not permitted.

(e) Garbage and refuse shall be stored in watertight, rodent proof, fly proof containers. Unless plastic liners are used, garbage containers shall be cleaned when emptied.

(f) Dumpsters shall be located at least fifty (50) feet from sleeping areas.

(Indiana Department of Health; [410 IAC 6-7.2-31](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3756; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-32 Animal and pest control

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 32. (a) Animal shelters, corrals, tie rails, or hitching posts shall not be located within two hundred (200) feet of a dining hall, kitchen, or other place where food is prepared, cooked, or served.

(b) Buildings, grounds, and storage areas shall be kept free of insect and rodent infestations and free of refuse that could harbor rodents, mosquitoes, flies, and other pests.

(c) Lumber, pipe, and other building materials shall be stored at least four (4) inches above the ground.

(Indiana Department of Health; [410 IAC 6-7.2-32](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3756; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-33 Right of entry

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 33. The department or the local health officer may enter public or private property at reasonable times and, upon presentation of credentials, to do any of the following:

- (1) Inspect facilities, equipment, or records.
- (2) Investigate allegations, conduct tests, or collect samples.
- (3) Obtain information necessary to the issuance of a permit pursuant to this rule.
- (4) Determine whether any person is subject to, or in violation of, this rule or a permit issued pursuant to this rule.

(Indiana Department of Health; [410 IAC 6-7.2-33](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3757; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-34 Incorporation by reference

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 34. Bulletin S.E. 11 and Bulletin S.E. 13 are incorporated by reference as part of this rule. Copies of these bulletins may be obtained free of charge by mailing a request to the department.

(Indiana Department of Health; [410 IAC 6-7.2-34](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3757; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-35 Local authorities

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19-3](#)

Sec. 35. Local health officers may enforce the rules of the department. County and municipal authorities within their respective jurisdictions have jurisdiction over zoning, building codes, and ordinances pertaining to camps.

(Indiana Department of Health; [410 IAC 6-7.2-35](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3757; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10,

2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-7.2-36 Enforcement

Authority: [IC 16-19-3-4](#)

Affected: [IC 4-21.5-3-6](#); [IC 4-21.5-3-8](#)

Sec. 36. The department may commence an action under [IC 16-19-3-4](#), [IC 16-19-3-5](#) [[IC 16-19-3-5](#) was repealed by P.L.143-2022, SECTION 17, effective July 1, 2022.], and [IC 4-21.5-3-6](#), or [IC 4-21.5-3-8](#) against a camp operator who:

- (1) fails to comply with this rule; or
- (2) interferes with or obstructs the department or its designated agent in the performance of duties pursuant to this rule.

(Indiana Department of Health; [410 IAC 6-7.2-36](#); filed Jun 27, 2002, 1:30 p.m.: 25 IR 3757; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

Rule 12. Plan Review, Construction Permits, and Fees for Services

1. [410 IAC 6-12-0.5](#)Applicability
2. [410 IAC 6-12-1](#)"Absorption field" defined
3. [410 IAC 6-12-2](#)"Board" defined (Repealed)
4. [410 IAC 6-12-3](#)"Commissioner" defined
5. [410 IAC 6-12-3.1](#)"Community wastewater disposal facility" defined
6. [410 IAC 6-12-3.2](#)"Department" defined
7. [410 IAC 6-12-4](#)"Person" defined
8. [410 IAC 6-12-5](#)"Site evaluation" defined (Repealed)
9. [410 IAC 6-12-6](#)"Soil profile analysis" defined (Repealed)
10. [410 IAC 6-12-7](#)Permit requirement
11. [410 IAC 6-12-8](#)Application for construction permit
12. [410 IAC 6-12-9](#)Right of entry
13. [410 IAC 6-12-10](#)Official's signature; effective date
14. [410 IAC 6-12-11](#)Permit conditions
15. [410 IAC 6-12-12](#)Standards for issuance
16. [410 IAC 6-12-13](#)Construction permit revocations and modifications
17. [410 IAC 6-12-14](#)Denial of an application for construction permit
18. [410 IAC 6-12-15](#)Petitions for review (Repealed)
19. [410 IAC 6-12-16](#)Fees (Repealed)

410 IAC 6-12-0.5 Applicability

Authority: [IC 16-19-3-4](#); [IC 16-19-5-1](#)

Affected: [IC 16-19](#)

Sec. 0.5. The definitions in this rule apply throughout this rule.

(Indiana Department of Health; [410 IAC 6-12-0.5](#); filed Oct 18, 2004, 1:15 p.m.: 28 IR 818; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 6-12-1 "Absorption field" defined

Authority: [IC 16-19-3-4](#); [IC 16-19-5-1](#)

Affected: [IC 16-19](#)

Sec. 1. "Absorption field" means a:

- (1) system of open-jointed tiles or perforated pipes laid in soil;
- (2) series of trenches; or
- (3) bed of sand, gravel, and soil;

into which the effluent from a septic tank or other sewage treatment devices is pumped or flows by gravity for absorption into the soil.

(Indiana Department of Health; [410 IAC 6-12-1](#); filed Jul 12, 1991, 5:00 p.m.: 14 IR 2219; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 818; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 6-12-2 "Board" defined *(Repealed)*

(Repealed by Indiana Department of Health; filed Oct 18, 2004, 1:15 p.m.: 28 IR 821)

410 IAC 6-12-3 "Commissioner" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19](#)

Sec. 3. "Commissioner" means the commissioner of the department or his or her duly authorized representative.

(Indiana Department of Health; [410 IAC 6-12-3](#); filed Jul 12, 1991, 5:00 p.m.: 14 IR 2219; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 818; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 6-12-3.1 "Community wastewater disposal facility" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19](#)

Sec. 3.1. "Community wastewater disposal facility" means a commercial on-site wastewater disposal facility that will serve two (2) or more properties.

(Indiana Department of Health; [410 IAC 6-12-3.1](#); filed Oct 18, 2004, 1:15 p.m.: 28 IR 818; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 6-12-3.2 "Department" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19](#)

Sec. 3.2. "Department" means the Indiana department of health or its authorized representative.

(Indiana Department of Health; [410 IAC 6-12-3.2](#); filed Oct 18, 2004, 1:15 p.m.: 28 IR 818; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); errata filed Jul 28, 2021, 9:20 a.m.: [20210811-IR-410210312ACA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 6-12-4 "Person" defined

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19](#)

Sec. 4. "Person" means any of the following:

- (1) An individual.
- (2) A partnership.
- (3) A copartnership.
- (4) A corporation.
- (5) A firm.
- (6) A company.
- (7) An association.
- (8) A society.
- (9) A holding company.
- (10) A trustee.
- (11) A school corporation.
- (12) A school city.
- (13) A school town.
- (14) A school district.
- (15) Any unit of government.
- (16) Any other legal entity, its or their successors or assigns, or agent of the aforesaid.
(Indiana Department of Health; [410 IAC 6-12-4](#); filed Jul 12, 1991, 5:00 p.m.: 14 IR 2220; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 818; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 6-12-5 "Site evaluation" defined ***(Repealed)***

(Repealed by Indiana Department of Health; filed Oct 18, 2004, 1:15 p.m.: 28 IR 821)

410 IAC 6-12-6 "Soil profile analysis" defined ***(Repealed)***

(Repealed by Indiana Department of Health; filed Oct 18, 2004, 1:15 p.m.: 28 IR 821)

410 IAC 6-12-7 Permit requirement

Authority: [IC 16-19-3-4](#)

Affected: [IC 12-17.2](#); [IC 16-19](#); [IC 16-41](#)

Sec. 7. No person shall cause or allow the construction, installation, or modification of any facility described hereafter, without having a valid construction permit issued in accordance with this rule. Construction permits are required for the following:

- (1) Agricultural labor camps subject to [IC 16-41-26](#).
- (2) Child caring institutions, day nurseries, and children's group homes subject to [IC 12-17.2](#).
- (3) Mobile home parks subject to [IC 16-41-27](#).

(4) Recreational vehicle campgrounds subject to [IC 16-19-3-4](#) and [410 IAC 6-7.1](#).

(5) Schools subject to [IC 16-41-21](#) [*IC 16-41-21 was repealed by P.L.86-2015, SECTION 1, effective July 1, 2015.*].

(6) Youth camps subject to [IC 16-19-3-4](#) and [410 IAC 6-7.2](#).

(Indiana Department of Health; 410 IAC 6-12-7; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2220; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 818; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 6-12-8 Application for construction permit

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19](#); [IC 25-21.5-9-4](#)

Sec. 8. (a) An application for a permit to construct any facility subject to section 7 of this rule shall be made to the department on forms provided by the department. Application for a construction permit shall be made at least ninety (90) days before the date construction of the facility is to commence. An application shall be considered complete only when the form is completed in its entirety, including all supplemental information required or requested by the department. An application for a permit shall, at a minimum, include the following:

- (1) The signature of the applicant or his or her designated agent.
- (2) The name, business address, and business telephone number of the owner. For corporate owners, the name of the corporation, the name of its designated agent, and that agent's business address and business telephone number shall suffice.
- (3) One (1) set of detailed construction plans and specifications certified and sealed by an engineer or architect currently registered in Indiana, drawn to scale, and having sufficient clarity to be reproduced to create legible microfilm. As provided in [IC 25-21.5-9-4](#), registered land

surveyors may only certify and seal plans for gravity sanitary sewers, storm sewers, and tile drains.

(4) A map or other documentation showing the location of the property involved.

(5) A plot plan, drawn to scale, showing the following:

(A) The location of the proposed facility with respect to property lines.

(B) The existing and proposed:

(i) structures;

(ii) roads;

(iii) parking lots;

(iv) sewers;

(v) sewage disposal systems;

(vi) water wells; and

(vii) water lines;

on the property.

For those facilities that will be served by a commercial on-site wastewater disposal system that includes an absorption field, the plot plan shall also show site topography with contours established at intervals of two (2) feet or less.

(6) The fee for plan review required by section 17 of this rule.

(7) The name, business address, and business telephone number, in writing, of the registered engineer or architect who certified and sealed the construction plans and specifications required by subdivision (3).

(8) For those facilities that will be served by a commercial on-site wastewater disposal system that includes an absorption field, a soil profile analysis conducted by a soil scientist currently registered in Indiana for the soils observed in the area of the proposed absorption field. Said analysis shall include all information required by [410 IAC 6-10](#).

(9) Wastewater characteristics and calculations used to estimate wastewater flow on the peak day, in gallons, to be disposed of. If more than one (1) type of facility is involved in the project, wastewater characteristics and calculations used to estimate wastewater flow, in gallons, from each facility on the peak day must be submitted.

(10) A summary delineating, for each diameter of pipe utilized, the estimated total length of water line, sanitary sewer, and sewage force main to be installed.

(11) All additional information requested by the department to substantiate that the proposed facility can reasonably be expected to conform to the requirements of laws and rules applicable to the facility, without causing a:

(A) health or safety hazard;

(B) nuisance;

(C) surface water pollution; or

(D) ground water pollution.

(b) Requests for additional substantiating information made under subsection (a)(11) shall be addressed to the registered engineer or architect who certified and sealed the construction plans and specifications in compliance with subsection (a)(3).

(Indiana Department of Health; [410 IAC 6-12-8](#); filed Jul 12, 1991, 5:00 p.m.: 14 IR 2220; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 819; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 6-12-9 Right of entry

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19](#)

Sec. 9. The department or the local health department's authorized representative may enter upon public or private property at reasonable times and upon presentation of credentials to:

- (1) inspect facilities, equipment, or records;
- (2) investigate allegations;
- (3) determine topography, elevations, or soil characteristics;
- (4) conduct tests or collect samples for the purpose of obtaining information necessary to the issuance of a permit under this rule; or
- (5) determine whether any person is subject to, or in violation of, this rule or any permit or order issued under this rule.

(Indiana Department of Health; [410 IAC 6-12-9](#); filed Jul 12, 1991, 5:00 p.m.: 14 IR 2221; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 820; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 6-12-10 Official's signature; effective date

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19](#)

Sec. 10. Construction permits shall be:

- (1) signed by the commissioner on behalf of the department; and
- (2) considered issued as of the date of mailing.

(Indiana Department of Health; [410 IAC 6-12-10](#); filed Jul 12, 1991, 5:00 p.m.: 14 IR 2221; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 820; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 6-12-11 Permit conditions

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19](#)

Sec. 11. The department may specify in its construction permits any limitations, terms, or conditions necessary to provide a functional, easily operated, enduring facility or to prevent a health or safety hazard, nuisance, surface water pollution, or ground water pollution. In addition, all construction permits shall contain the following requirements, not necessarily verbatim:

- (1) The permit shall expire on the last day of the twelfth month following the month of permit issuance, unless the applicant has started construction of the facility on or before the date of permit expiration.
- (2) That all necessary local permits and approvals shall be obtained before construction is begun.
- (3) That any proposed changes, alterations, or additions to the approved facilities be submitted to the department for review and approval prior to the start of construction that will effect the proposed changes, alterations, or additions.
- (4) That, if pollution, health hazards, or nuisance conditions occur that are attributable to the facility permitted, immediate corrective action shall be taken by the owner.
- (5) That the permittee notify the department and the local health department at least seven (7) days before construction of the approved facilities is to commence.

(Indiana Department of Health; [410 IAC 6-12-11](#); filed Jul 12, 1991, 5:00 p.m.: 14 IR 2221; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 820; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 6-12-12 Standards for issuance

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19](#)

Sec. 12. The department may reject an application for permit to construct a facility unless the applicant has submitted the following:

- (1) All documentation and fees required by sections 8(a) and 17 of this rule.
- (2) Evidence that the facility can be constructed, modified, or installed and operated in such a manner that it will not violate any law or rule applicable to the facility, or any other applicable sanitation, health, siting, or pollution control rules or ordinances existing at the time of application.

(Indiana Department of Health; [410 IAC 6-12-12](#); filed Jul 12, 1991, 5:00 p.m.: 14 IR 2222; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 820; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 6-12-13 Construction permit revocations and modifications

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19](#)

Sec. 13. A facility construction permit may be revoked or modified by the department for any of the following causes:

- (1) Violation of a law or rule applicable to the facility, or any other applicable sanitation, health, siting, or pollution control rules or ordinances existing at the time of application.
- (2) Violation of any limitation, term, or condition contained in the construction permit.
- (3) Failure to disclose all facts relevant to construction and use of the facility that might adversely impact health, surface water, or ground water.
- (4) Any misrepresentation made to obtain the construction permit.
- (5) Any other change, situation, or activity relating to use of the facility that, in the judgment of the department, is not consistent with the purposes of this rule or a law or rule applicable to the facility.

(Indiana Department of Health; [410 IAC 6-12-13](#); filed Jul 12, 1991, 5:00 p.m.: 14 IR 2222; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 820; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 6-12-14 Denial of an application for construction permit

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19](#)

Sec. 14. An application for facility construction permit may be denied by the department for any of the following causes:

- (1) Any misrepresentation made in the application.
- (2) Failure of the owner, or the engineer or architect who certified and sealed the construction plans and specifications, to respond to a request for revised plans and specifications or additional information made under section 8 of this rule, within six (6) months of receiving the request.
- (3) Failure to show that the facility can be:

- (A) constructed;
- (B) operated;
- (C) maintained; or
- (D) abandoned;

in compliance with any law or rule applicable to the facility.

(Indiana Department of Health; [410 IAC 6-12-14](#); filed Jul 12, 1991, 5:00 p.m.: 14 IR 2222; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 821; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

410 IAC 6-12-15 Petitions for review (Repealed)

(Repealed by Indiana Department of Health; filed Oct 18, 2004, 1:15 p.m.: 28 IR 821)

410 IAC 6-12-16 Fees (Repealed)

(Repealed by Indiana Department of Health; filed Apr 16, 1996, 4:10 p.m.: 19 IR 2285)

410 IAC 6-12-17 Fees

Authority: [IC 16-19-3-4](#)

Affected: [IC 16-19](#); [IC 16-21-2](#); [IC 16-28-1](#); [IC 16-41-27](#)

Sec. 17. Fees shall be assessed for plan review and related services rendered by the department, in accordance with the following:

(1) For each plan review conducted for the following, the schedule of fees is:

(A) A commercial on-site wastewater disposal facility under [410 IAC 6-10](#): two hundred dollars (\$200).

(B) A community wastewater disposal facility under [410 IAC 6-10](#): seven hundred dollars (\$700).

(C) *[Voided by P.L. 213-2025, SECTION 150, effective July 1, 2025.]*

(D) *[Voided by P.L. 213-2025, SECTION 150, effective July 1, 2025.]*

(E) *[Voided by P.L. 213-2025, SECTION 150, effective July 1, 2025.]*

(F) *[Voided by P.L. 213-2025, SECTION 150, effective July 1, 2025.]*

(G) A mobile home park or mobile home park addition under [IC 16-41-27](#) and this rule: three hundred dollars (\$300).

(2) For projects that include both a commercial on-site wastewater disposal facility and a facility subject to subdivision (1)(C) through (1)(F), the total fee for plan review shall be the larger of the two (2) fees applicable to that project under subdivision (1).

(3) No additional fee shall be assessed for review of revised plans for the same project.

(4) Before a service enumerated in subdivision (1) can proceed, the requisite fee must have been received. Only a check, a money order, or an electronic transfer of funds is acceptable. All checks or money orders shall be made payable to the "Indiana State Department of Health".

Electronic transfer of funds will be acceptable only when the department is capable of receiving such transfers. Only that portion of a payment made in excess of the requisite fee is refundable.

(Indiana Department of Health; [410 IAC 6-12-17](#); filed Oct 18, 2004, 1:15 p.m.: 28 IR 821; readopted filed Jul 15, 2010, 12:12 p.m.: [20100728-IR-410100261RFA](#); readopted filed Nov 10, 2016, 8:45 a.m.: [20161207-IR-410160371RFA](#); readopted filed Sep 15, 2022, 10:01 a.m.: [20221012-IR-410220206RFA](#))

Rule 14. Railroad Mobile Camps

1. [410 IAC 6-14-1](#)"Camp car" defined
2. [410 IAC 6-14-2](#)"Department" defined
3. [410 IAC 6-14-3](#)"Easily cleanable" defined
4. [410 IAC 6-14-4](#)"Food grade" defined
5. [410 IAC 6-14-5](#)"Health officer" defined
6. [410 IAC 6-14-6](#)"Mobile camp" defined
7. [410 IAC 6-14-7](#)"Refuse" defined
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9. [410 IAC 6-14-9](#)"Toilet" defined
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16. [410 IAC 6-14-16](#)Nonpotable water supply
17. [410 IAC 6-14-17](#)Sewage and excreta disposal
18. [410 IAC 6-14-18](#)Refuse disposal
19. [410 IAC 6-14-19](#)Electrical facilities
20. [410 IAC 6-14-20](#)Gas facilities
21. [410 IAC 6-14-21](#)Fire protection and safety
22. [410 IAC 6-14-22](#)Special hazards
23. [410 IAC 6-14-23](#)Departure
24. [410 IAC 6-14-24](#)Mobile camp inspections
25. [410 IAC 6-14-25](#)Incorporation by reference

410 IAC 6-14-1 "Camp car" defined

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10](#); [IC 16-19-3](#)

Sec. 1. As used in this rule, "camp car" means a railroad car, trailer, or other mobile shelter in a mobile camp that is inhabited by railroad maintenance of way employees, or contract employees, for the normal activities of daily living.

(Indiana Department of Health; [410 IAC 6-14-1](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-2 "Department" defined

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 16-19-3](#)

Sec. 2. As used in this rule, "department" means the means the Indiana department of health.

(Indiana Department of Health; [410 IAC 6-14-2](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#); errata filed Jul 28, 2021, 9:20 a.m.: [20210811-IR-410210312ACA](#))

410 IAC 6-14-3 "Easily cleanable" defined

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 16-19-3](#)

Sec. 3. As used in this rule, "easily cleanable" means:

- (1) readily accessible;
- (2) impervious; and
- (3) with exposed surfaces that are sufficiently smooth that residue can be effectively removed using normal cleaning methods.

(Indiana Department of Health; [410 IAC 6-14-3](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-4 "Food grade" defined

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 16-19-3](#)

Sec. 4. As used in this rule, "food grade" means constructed of materials that are as follows:

- (1) Smooth.
- (2) Nontoxic.
- (3) Nonabsorbent.
- (4) Easily cleanable.
- (5) Easily sanitized.
- (6) Heat-resistant.
- (7) Corrosion-resistant.
- (8) Impact-resistant.
- (9) Abrasion-resistant.

(Indiana Department of Health; [410 IAC 6-14-4](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-5 "Health officer" defined

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 16-19-3](#)

Sec. 5. As used in this rule, "health officer" means:

- (1) the health officer of a local health department; or
- (2) his or her authorized representative.

(Indiana Department of Health; [410 IAC 6-14-5](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-6 "Mobile camp" defined

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10-1](#); [IC 16-19-3](#)

Sec. 6. As used in this rule, "mobile camp" has the meaning set forth in [IC 8-9-10-1\(a\)](#).

(Indiana Department of Health; [410 IAC 6-14-6](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#);

readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-7 "Refuse" defined

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 16-19-3](#)

Sec. 7. As used in this rule, "refuse" means all solid wastes, including:

- (1) garbage;
- (2) rubbish; and
- (3) ashes;

but excluding body wastes.

(Indiana Department of Health; [410 IAC 6-14-7](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-8 "Sewage" defined

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 16-19-3](#)

Sec. 8. As used in this rule, "sewage" means all:

- (1) body waste; and
- (2) water-carried waste derived from ordinary living processes.

(Indiana Department of Health; [410 IAC 6-14-8](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-9 "Toilet" defined

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 16-19-3](#)

Sec. 9. As used in this rule, "toilet" means a device provided for individual convenience in the sanitary disposal of body wastes.

(Indiana Department of Health; [410 IAC 6-14-9](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#);

readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-10 Administration; required notifications; fees

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10](#); [IC 16-19-3](#); [IC 16-20-1-2](#); [IC 16-20-1-19](#); [IC 16-22-8-6](#); [IC 16-22-8-34](#)

Sec. 10. (a) This rule shall be enforced by local health officers under:

(1) [IC 16-20-1-19](#); and

(2) [IC 16-22-8-34](#)(a)(22).

(b) A railroad company that houses maintenance of way employees in a mobile camp shall:

(1) not later than two (2) business days after its employees arrive at a location, notify the local health department with jurisdiction in the area in which the mobile camp is located of the existence of the mobile camp; and

(2) request and permit inspection by an authorized representative of the local health department to ensure that the conditions of the camp cars are:

(A) safe;

(B) sanitary;

(C) healthful; and

(D) in compliance with this rule.

(c) An inspection fee necessary to cover all the expenses incurred in the process of conducting inspections of a mobile camp shall be paid by the railroad company operating the mobile camp.

The inspection fee shall be paid to the:

(1) local health department under [IC 16-20-1-2](#); or

(2) municipal corporation under [IC 16-22-8-6](#);

before initiation of the inspection

(d) The mobile camp owner or operator shall immediately notify the local health officer of any suspected communicable or contagious disease within the mobile camp.

(Indiana Department of Health; [410 IAC 6-14-10](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-11 Mobile camp sites

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10](#); [IC 16-19-3](#)

Sec. 11. (a) Mobile camps shall be located:

- (1) on well-drained sites;
- (2) in areas free from flooding or ponded water; and
- (3) in areas free of any other conditions that will cause or contribute to a health hazard.
- (b) Every camp car in a mobile camp used for sleeping shall:
 - (1) be equipped with lavatories and body washing facilities; and
 - (2) have a:
 - (A) potable water supply; and
 - (B) means of sewage or excreta collection and disposal;that comply with this rule.
- (c) Camp cars shall be located such that their floors are reasonably level.
(Indiana Department of Health; [410 IAC 6-14-11](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-12 Physical facilities

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10](#); [IC 16-19-3](#)

Sec. 12. (a) Camp cars shall be structurally sound, maintained in a clean, safe, and sanitary condition, and in good repair. In addition, camp car:

- (1) exterior walls must be free of cracks and holes;
- (2) interior walls must have easily cleanable, smooth, hard surfaces;
- (3) floors and floor coverings must be easily cleanable;
- (4) exterior doors, and any operable windows, shall be fly-proof and tight-fitting;
- (5) doors must have latches or doorknobs; and
- (6) ceilings must be a minimum of seven (7) feet from the floor.
- (b) Adequate arrangements for storing of clothing and personal effects for each occupant shall be provided.
- (c) Each habitable room of a camp car shall have at least one (1) window or skylight opening directly outdoors. The:
 - (1) aggregate glazed area of each habitable room's openings must be at least ten percent (10%) of the room's useable floor area; and
 - (2) total openable area shall be at least forty-five percent (45%) of the minimum required glazed area.

Windows and skylights shall fit tightly in their frames, and the operable portion must open easily and be fitted with a latching mechanism.

(d) Every camp car occupied between June 1 and September 30 must be provided with an air-conditioning system capable of maintaining a temperature of seventy-eight (78) degrees Fahrenheit or less.

(e) Camp car ventilation shall be sufficient to:

- (1) provide adequate oxygen; and
- (2) remove exhaled air and undesirable odors during periods of occupancy.

Every camp car must be provided with a mechanical ventilation capable of replacing the air at least six (6) times per hour. Any rooms or other area of a camp car where toxic gases or odors are produced shall be mechanically exhausted to the outside.

(f) An operating mechanical exhaust device is required in rooms that have toilet and body washing facilities, capable of replacing the air in the facility at least six (6) times per hour.

(g) Any camp car that is occupied between October 1 and May 30 shall have operable heating equipment of capacity adequate to maintain a temperature of at least sixty-eight (68) degrees Fahrenheit in each habitable room. A heating device provided for cooking does not satisfy this requirement.

(h) No portable heaters other than those operated by electricity may be utilized or provided. Unvented kerosene heaters and catalytic type heaters are prohibited.

(i) At least twenty (20) foot-candles of light must be provided throughout all habitable rooms of a camp car.

(j) Toilet and body washing facilities shall be:

(1) screened;

(2) partitioned; or

(3) otherwise configured;

to prevent viewing of the interior when the entrance door is open.

(k) Entrances to rooms that have toilet or bathing facilities shall be fitted with self-closing doors.

(l) Restrooms shall be equipped with lavatories or other hand washing facilities, or such equipment shall be installed in an adjacent room through which the users must pass upon egress from the restroom.

(m) An adequate supply of soap and individual sanitary towels in dispensers, or other approved hand drying devices, shall be provided convenient to all hand washing facilities. Common towels are not acceptable. If individual sanitary towels are provided, a suitable container for used towels shall also be provided.

(n) An adequate supply of water, under pressure, shall be provided at all hand washing facilities.

(o) The following shall be kept clean and in good repair:

(1) Lavatories.

(2) Soap dispensers.

(3) Hand drying devices.

(4) Toilets.

(5) Body washing facilities.

(6) All related fixtures.

(p) Body washing facilities shall be supplied with hot and cold water, under pressure. Hot water provided for body washing facilities shall be maintained at or between one hundred five (105) degrees Fahrenheit and one hundred twenty (120) degrees Fahrenheit. An automatic temperature control device, approved by the department, shall be provided to automatically control the temperature of hot water supplied to body washing facilities so that it cannot exceed one hundred twenty (120) degrees Fahrenheit. Either mixing type faucets or automatic mixing devices shall be utilized to control the mix of hot and cold water supplied to each body washing facility.

(q) Toilets shall:

(1) have open front seats;

(2) be made of impervious material;

(3) be partitioned as necessary to provide individual stalls.

Stall partitions shall extend to a height of not less than five and one-half (5 1/2) feet from the floor, and the bottom shall be not more than one (1) foot above the floor. Stall partitions shall be of smooth surface, impervious, easily cleanable material. Wood surfaces are not acceptable.

(r) An adequate supply of toilet paper shall be provided in a dispenser at each toilet.

(s) Covered disposal facilities shall be provided in those restrooms provided for use by female employees.

(t) Based upon the number of employees served, toilets, urinals, hand washing, and body washing facilities shall be provided as follows:

Number of Employees	Body Washing Facilities	Lavatories	Toilets	Urinals*
1–10	1	2	1	1
11–25	2	3	2	1
26–49	4	5	3	2
50–74	6	6	4	2
75–100	8	7	5	3
Over 100	**	***	****	*****

*A toilet may be substituted for a urinal.

**Two (2) additional body washing facilities for each twenty-five (25) employees, or fraction thereof.

***Two (2) additional lavatories for each twenty-five (25) employees, or fraction thereof.

****One (1) additional toilet for each twenty-five (25) employees, or fraction thereof.

*****One (1) additional urinal for each fifty (50) employees, or fraction thereof.

(Indiana Department of Health; [410 IAC 6-14-12](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-13 Cooking facilities

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10](#); [IC 16-19-3](#); [IC 16-42](#)

Sec. 13. Mobile camps, and the camp cars therein, shall comply with [IC 16-42-1](#), [IC 16-42-2](#), [IC 16-42-5](#), and [410 IAC 7-24](#), where applicable.

(Indiana Department of Health; [410 IAC 6-14-13](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-14 Sleeping facilities

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10](#); [IC 16-19-3](#)

Sec. 14. (a) At least eighty (80) square feet of floor space per occupant must be provided in rooms used for sleeping. There shall be not more than four (4) persons housed in a camp car at one (1) time.

(b) If bedding is provided by the mobile camp owner or operator, it shall be clean and washed before use by a new occupant.

(c) Foam bed mattresses shall be provided with easily cleanable mattress covers.

(d) Beds shall be arranged so:

(1) the heads of the sleepers are at least six (6) feet apart; and

(2) there are at least thirty (30) inches between the sides of the beds.

(e) Vertical separation between the top of the lower mattress of a double-deck bunk and the upper bunk shall be a minimum of twenty-seven (27) inches. The vertical separation between the top of the upper mattress and the ceiling shall be a minimum of thirty-six (36) inches.

(f) Triple-deck and quadruple-deck bunk beds are prohibited.

(g) Each camp car used for sleeping at a mobile camp must be equipped with a functioning weather radio that meets standard CEA-2009, "Receiver Performance Specification for Public Alert Receivers", with the following features:

(1) Tone alarm activation.

(2) Specific alert message encoding or similar technology.

(Indiana Department of Health; [410 IAC 6-14-14](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-15 Potable water supply

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10](#); [IC 16-19-3](#)

Sec. 15. (a) Potable water shall always be available for culinary and drinking purposes.

(b) A source of drinking water shall be located in, or within two hundred (200) feet of, each camp car. An adequate supply of potable bottled water will meet this requirement.

(c) There shall be no direct physical connection between:

(1) a mobile camp water supply; and

(2) any source of pollution through which the camp water supply might become contaminated.

(d) If single-use drinking cups are provided, an adequate supply shall be maintained at each potable water dispenser.

(e) Common drinking cups are not permitted.

(f) Drinking water facilities shall be:

(1) constructed of impervious, easily cleanable materials; and

(2) kept clean and in a good state of repair.

(g) Devices shall be installed to protect against backflow and back-siphonage at all fixtures and equipment where an air gap at least twice the diameter of the water supply inlet is not provided

between the water supply inlet and the fixture's flood level rim. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

(Indiana Department of Health; [410 IAC 6-14-15](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-16 Nonpotable water supply

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10](#); [IC 16-19-3](#)

Sec. 16. (a) The water supply and distribution system must be capable of maintaining water pressure at not less than twenty (20) pounds per square inch (psi) during periods of peak water demand. The water supply shall have capacity to meet total daily water demands.

(b) There shall be no direct physical connection between:

- (1) a mobile camp water supply; and
- (2) any source of pollution through which the camp water supply might become contaminated.

(c) Water supply facilities shall be:

- (1) constructed of impervious, easily cleanable materials; and
- (2) kept clean and in a good state of repair.

(d) Devices shall be installed to protect against backflow and back-siphonage at all fixtures and equipment where an air gap at least twice the diameter of the water supply inlet is not provided between the water supply inlet and the fixture's flood level rim. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

(e) Hoses used to fill water tanks shall be:

- (1) constructed of food grade materials; and
- (2) capped at both ends when not in use.

(Indiana Department of Health; [410 IAC 6-14-16](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-17 Sewage and excreta disposal

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10-1](#); [IC 13-18-12](#); [IC 16-19-3](#)

Sec. 17. (a) Toilet facilities shall be located pursuant to [IC 8-9-10-1](#).

(b) No person shall:

- (1) throw;
- (2) run;

- (3) drain;
- (4) seep; or
- (5) otherwise dispose;
into any of the surface waters or ground waters of this state, or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into such waters, any organic or inorganic matter that would cause or contribute to a health hazard or water pollution.
- (c) All sewage or excreta generated, including gray water, shall be disposed of:
 - (1) via a public sewer; or
 - (2) by a wastewater management business licensed under [IC 13-18-12](#).
- (d) Sewage and excreta holding tanks must be pumped before the accumulated waste exceeds ninety percent (90%) of the tank's liquid holding capacity.
(Indiana Department of Health; [410 IAC 6-14-17](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-18 Refuse disposal

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10](#); [IC 16-19-3](#)

Sec. 18. (a) Refuse shall be stored in covered, fly-tight, watertight containers. Refuse can liners (also known as trash bags) constructed of plastic, paper, or similar material may not be stored outside a camp car.

- (b) All refuse containers must be kept in a sanitary condition.
- (c) Mobile camps and the camp cars shall be kept clean and free of litter.
- (d) Refuse shall be collected, stored, and disposed of in such a manner that it will not create:
 - (1) fly breeding;
 - (2) rodent harborage;
 - (3) an odor or smoke nuisance; or
 - (4) a health, fire, or safety hazard.
- (e) Refuse shall not be burned except at an approved disposal site.

(Indiana Department of Health; [410 IAC 6-14-18](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-19 Electrical facilities

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10](#); [IC 16-19-3](#)

Sec. 19. (a) All camp car electrical:

- (1) wiring;
- (2) switches; and
- (3) lighting fixtures;

shall be installed and maintained in a safe condition.

(b) Electrical receptacles shall have wiring and circuit breakers or fuses sized to conform to the amperage of the receptacle they supply.

(c) When located in wet places or outside a camp car, the following shall be weatherproof:

- (1) Electrical switches.
- (2) Circuit breakers.
- (3) Receptacles.
- (4) Control equipment.
- (5) Metering devices.

(d) Electrical receptacles shall:

- (1) be grounded; and
- (2) not have an open neutral, open hot conductor, or reverse polarity.

(e) Splices in electrical wires in accessible locations shall be made using approved junction boxes.

(f) All light fixtures shall be covered or shielded to protect against injury resulting from bulb breakage.

(g) All electrical receptacles and switches shall be shielded to prevent electric shock.

(h) Unshielded bare electrical wires:

- (1) are prohibited; and
- (2) shall be wrapped or otherwise covered to prevent electric shock.

(i) All restrooms and shower/locker room electrical receptacles provided for connection of personal grooming equipment shall be protected by ground fault circuit interrupters to prevent electric shock.

(Indiana Department of Health; [410 IAC 6-14-19](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-20 Gas facilities

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10](#); [IC 16-19-3](#)

Sec. 20. (a) When gas is used, a properly installed system of gas lines and appurtenances that provides gas service adequate for safe operation of appliances and equipment shall be provided.

(b) All gas outlet risers, regulators, meters, valves or other exposed equipment shall be protected by proper location or other means from mechanical damage by vehicles or other causes.

(Indiana Department of Health; [410 IAC 6-14-20](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-21 Fire protection and safety

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10](#); [IC 16-19-3](#)

Sec. 21. (a) Each camp car shall be equipped with a minimum of one (1) 4-A, 60-B:C, ten (10) pound, multipurpose, dry chemical, pressure fire extinguisher that is readily accessible and maintained in an operable condition.

(b) Camp car hallways and exits from camp cars must be maintained free of obstructions.

(c) Each camp car used for sleeping shall be equipped with a UL listed smoke detector that is kept clean and tested monthly.

(d) A first aid kit that meets the requirements of American National Standards Institute standard Z308.1-2003 shall be available at each mobile camp.

(Indiana Department of Health; [410 IAC 6-14-21](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-22 Special hazards

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10](#); [IC 16-19-3](#)

Sec. 22. (a) No condition shall be created in any camp car that is not conducive to health and safety.

(b) Camp cars shall be kept free of insect and rodent infestations.

(c) Neither employees nor visitors may use tobacco in any form in a camp car.

(d) No:

(1) flammable;

(2) explosive;

(3) toxic;

(4) volatile;

(5) acidic;

(6) caustic;

(7) radioactive; or

(8) otherwise hazardous;

liquid, gas, or chemical shall be used or stored in a camp car except small quantities needed for car maintenance, cleaning, sanitizing, or control of insects or rodents. Such materials shall be used and stored in full compliance with the manufacturer's recommendations as shown on the

container label. Additionally, such materials shall be stored in cabinets or in similarly enclosed devices used for no other purpose.

(e) Poisonous or toxic materials shall not be used in a way that contaminates:

- (1) food;
- (2) food service equipment; or
- (3) food utensils.

(Indiana Department of Health; [410 IAC 6-14-22](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-23 Departure

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10](#); [IC 16-19-3](#)

Sec. 23. Excepting new construction or installations, after departure the property upon which a mobile camp existed shall be restored to its original condition before the arrival of the mobile camp.

(Indiana Department of Health; [410 IAC 6-14-23](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-24 Mobile camp inspections

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10](#); [IC 16-19-3](#); [IC 16-22-8-6](#)

Sec. 24. (a) The department, the local health officer, or a municipal corporation under [IC 16-22-8-6](#) may enter a mobile camp or a camp car therein, at reasonable times and upon presentation of credentials, to do any of the following:

- (1) Inspect facilities, equipment, or records.
- (2) Investigate allegations, conduct tests, collect samples, or take photographs.
- (3) Obtain information necessary to the issuance of a permit under this rule.
- (4) Determine whether any person is subject to, or in violation of, this rule or a permit issued under this rule.

(b) The local health officer or a municipal corporation under [IC 16-22-8-6](#) may conduct either:

- (1) independent inspections of a mobile camp without the presence of a railroad company or union representative; or
- (2) joint inspections of a mobile camp with the presence of a railroad company and a union representative of each craft of employees working for the railroad company.

(c) A local health department shall submit a copy of its completed report of inspection for a railroad mobile camp to the railroad company.

(Indiana Department of Health; [410 IAC 6-14-24](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 6-14-25 Incorporation by reference

Authority: [IC 16-19-3-4.4](#)

Affected: [IC 8-9-10](#); [IC 16-19-3](#)

Sec. 25. The following are hereby incorporated by reference as a part of this rule:

(1) Standard CEA-2009, "Receiver Performance Specification for Public Alert Receivers", published by the Consumer Electronics Association. Two (2) copies of these standards are available for reference at the department. Copies may be obtained from the Consumer Electronics Association, 1919 South Eads Street, Arlington, VA 22202.

(2) Standard Z308.1-2003, "Minimum Requirements for Workplace First Aid Kits", published by the American National Standards Institute. Two (2) copies of these standards are available for reference at the department. Copies may be obtained from the International Safety Equipment Association, 1901 North Moore Street, Suite 808, Arlington, VA 22209.

(Indiana Department of Health; [410 IAC 6-14-25](#); filed Oct 30, 2008, 4:02 p.m.: [20081126-IR-410070490FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

TITLE 410 INDIANA DEPARTMENT OF HEALTH

ARTICLE 15.1. MOBILE HEALTH CARE ENTITY

1. [Rule 1](#). Mobile Health Care Entity Registration

Rule 1. Mobile Health Care Entity Registration

1. [410 IAC 15.1-1-1](#)"Department" defined
2. [410 IAC 15.1-1-2](#)"Health care entity" defined

3. [410 IAC 15.1-1-3](#)Provision of services by health care entity
4. [410 IAC 15.1-1-4](#)Registration
5. [410 IAC 15.1-1-5](#)Certificate of registration
6. [410 IAC 15.1-1-6](#)Renewal of registration
7. [410 IAC 15.1-1-7](#)Compliance with laws

410 IAC 15.1-1-1 "Department" defined

Authority: [IC 16-41-42.1-10](#)

Affected: [IC 16-41-42.1](#)

Sec. 1. As used in this article, "department" means the Indiana department of health.
(Indiana Department of Health; [410 IAC 15.1-1-1](#); filed Jul 31, 2008, 4:16 p.m.: [20080827-IR-410070489FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#); errata filed Jul 28, 2021, 10:00 a.m.: [20210811-IR-410210321ACA](#))

410 IAC 15.1-1-2 "Health care entity" defined

Authority: [IC 16-41-42.1-10](#)

Affected: [IC 16-41-42.1](#)

Sec. 2. As used in this article, "health care entity" means an entity that:
(1) is registered or licensed as a health care entity under the laws of:
(A) another state;
(B) a foreign country; or
(C) a province of a foreign country; and
(2) provides health care services, including the performance of health care tests, in a mobile facility or temporary location for a short period of time.

(Indiana Department of Health; [410 IAC 15.1-1-2](#); filed Jul 31, 2008, 4:16 p.m.: [20080827-IR-410070489FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 15.1-1-3 Provision of services by health care entity

Authority: [IC 16-41-42.1-10](#)

Affected: [IC 16-41-42.1](#)

Sec. 3. A health care entity may not provide services in Indiana until the health care entity is registered with the department.

(Indiana Department of Health; [410 IAC 15.1-1-3](#); filed Jul 31, 2008, 4:16 p.m.: [20080827-IR-410070489RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 15.1-1-4 Registration

Authority: [IC 16-41-42.1-10](#)

Affected: [IC 16-41-42.1](#)

Sec. 4. (a) To register, a health care entity shall submit a completed application to the department.

(b) A health care entity must disclose the following information on the department prescribed application:

(1) The types of health care services that the health care entity will provide in Indiana.

(2) The names of any employees, who are currently in good standing, licensed, certified, or registered in a health care profession in:

(A) Indiana; or

(B) any other state;

and a copy of the employee's license, certification, or registration.

(3) Any health care services that are to be provided under a contract between the health care entity and a person that is licensed, certified, or registered in Indiana to provide health care services.

(4) The types of:

(A) health care services;

(B) health care tests; and

(C) equipment;

that the health care entity will perform or use.

(5) The manner in which test results and recommendations for health care based on the results are disclosed to the patient.

(6) The:

(A) health care entity's:

(i) name;

(ii) address; and

(iii) telephone number; and

(B) name of any company that is affiliated with the health care entity.

(7) The name and address of the:

(A) state agency;

(B) foreign country agency; or

(C) province agency of a foreign country agency;
where the health care entity is registered or licensed.

(c) A health care entity that submits a completed application and meets the requirements of [IC 16-41-42](#) [[IC 16-41-42](#) was repealed by P.L.3-2008, SECTION 269, effective March 13, 2008. See [IC 16-41-42.1](#).] and this rule will be issued a certificate of registration.

(Indiana Department of Health; [410 IAC 15.1-1-4](#); filed Jul 31, 2008, 4:16 p.m.: [20080827-IR-410070489FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 15.1-1-5 Certificate of registration

Authority: [IC 16-41-42.1-10](#)

Affected: [IC 16-41-42.1](#)

Sec. 5. (a) A registered health care entity shall display the entity's certificate of registration in a conspicuous place in sight of a consumer of the health care entity.

(b) The certificate of registration expires one (1) calendar year after its issuance.

(Indiana Department of Health; [410 IAC 15.1-1-5](#); filed Jul 31, 2008, 4:16 p.m.: [20080827-IR-410070489FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 15.1-1-6 Renewal of registration

Authority: [IC 16-41-42.1-10](#)

Affected: [IC 16-41-42.1](#)

Sec. 6. (a) A registered health care entity shall submit a department prescribed application for renewal of its registration.

(b) A health care entity may not provide services if their registration is expired.

(Indiana Department of Health; [410 IAC 15.1-1-6](#); filed Jul 31, 2008, 4:16 p.m.: [20080827-IR-410070489FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 15.1-1-7 Compliance with laws

Authority: [IC 16-41-42.1-10](#)

Affected: [IC 16](#); [IC 25](#)

Sec. 7. Registration of a health care entity under this rule does not exempt a health care:

(1) professional from the:

(A) licensure;

(B) certification; and

(C) registration;

requirements of [IC 25](#); or

(2) service from applicable requirements of [IC 16](#) or [IC 25](#).

(Indiana Department of Health; [410 IAC 15.1-1-7](#); filed Jul 31, 2008, 4:16 p.m.: [20080827-IR-410070489FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

TITLE 410 INDIANA DEPARTMENT OF HEALTH

ARTICLE 17. HOME HEALTH AGENCIES

1. [Rule 1](#).Home Health Agencies' Licensure; General Regulations (Repealed)
2. [Rule 1.1](#).Definitions (Repealed)
3. [Rule 2](#).Home Health Licensure (Repealed)
4. [Rule 3](#).State Administrative Actions (Repealed)
5. [Rule 4](#).Home Health Administration and Management (Repealed)
6. [Rule 5](#).Home Health Patient Care (Repealed)
7. [Rule 6](#).Home Health Care Services (Repealed)
8. [Rule 7](#).Home Health Clinical Records (Repealed)
9. [Rule 8](#).Incorporation by Reference (Repealed)
10. [Rule 9](#).Definitions
11. [Rule 10](#).Home Health Licensure
12. [Rule 11](#).State Administrative Actions
13. [Rule 12](#).Home Health Administration and Management
14. [Rule 13](#).Home Health Patient Care
15. [Rule 14](#).Home Health Care Services
16. [Rule 15](#).Home Health Clinical Records
17. [Rule 16](#).Incorporation by Reference

Rule 1. Home Health Agencies' Licensure; General Regulations (*Repealed*)

(Repealed by Indiana Department of Health; filed Dec 5, 1991, 2:30 p.m.: 15 IR 487)

Rule 1.1. Definitions (*Repealed*)

(Repealed by Indiana Department of Health; filed Mar 18, 2002, 3:40 p.m.: 25 IR 2490)

Rule 2. Home Health Licensure (*Repealed*)

(Repealed by Indiana Department of Health; filed Mar 18, 2002, 3:40 p.m.: 25 IR 2490)

Rule 3. State Administrative Actions (*Repealed*)

(Repealed by Indiana Department of Health; filed Mar 18, 2002, 3:40 p.m.: 25 IR 2490)

Rule 4. Home Health Administration and Management (*Repealed*)

(Repealed by Indiana Department of Health; filed Mar 18, 2002, 3:40 p.m.: 25 IR 2490)

Rule 5. Home Health Patient Care (*Repealed*)

(Repealed by Indiana Department of Health; filed Mar 18, 2002, 3:40 p.m.: 25 IR 2490)

Rule 6. Home Health Care Services (*Repealed*)

(Repealed by Indiana Department of Health; filed Mar 18, 2002, 3:40 p.m.: 25 IR 2490)

Rule 7. Home Health Clinical Records (*Repealed*)

(Repealed by Indiana Department of Health; filed Mar 18, 2002, 3:40 p.m.: 25 IR 2490)

Rule 8. Incorporation by Reference (*Repealed*)

(Repealed by Indiana Department of Health; filed Mar 18, 2002, 3:40 p.m.: 25 IR 2490)

Rule 9. Definitions

1. [410 IAC 17-9-1](#)Applicability
2. [410 IAC 17-9-2](#)"Administrator" defined
3. [410 IAC 17-9-3](#)"Advance directive" defined
4. [410 IAC 17-9-4](#)"Attendant care services" defined
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30. [410 IAC 17-9-26](#)"Social work assistant" defined
31. [410 IAC 17-9-27](#)"Speech language pathologist" defined
32. [410 IAC 17-9-28](#)"Summary report" defined
33. [410 IAC 17-9-29](#)"Supervision" defined

[410 IAC 17-9-1](#) Applicability

Authority: [IC 16-27-1-7](#)
Affected: [IC 16-27-1](#)

Sec. 1. The definitions in this rule apply throughout this article.

(Indiana Department of Health; [410 IAC 17-9-1](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2477; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-2 "Administrator" defined

Authority: [IC 16-27-1-7](#)
Affected: [IC 16-27-1](#)

Sec. 2. "Administrator" means any health care professional who has at least one (1) year of supervisory or administrative experience in health service, or any other individual who has at least one (1) year of experience in health service administration or health service finance.

(Indiana Department of Health; [410 IAC 17-9-2](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2477; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-3 "Advance directive" defined

Authority: [IC 16-27-1-7](#)
Affected: [IC 16-27-1](#)

Sec. 3. "Advance directive" means a written instruction, such as a living will or durable power of attorney for health care, recognized under state law and relating to the provision of such care when the individual is incapacitated.

(Indiana Department of Health; [410 IAC 17-9-3](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2478; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-4 "Attendant care services" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-18-2-28.5](#); [IC 16-27-1](#)

Sec. 4. "Attendant care services" means services as defined in [IC 16-18-2-28.5](#).

(Indiana Department of Health; [410 IAC 17-9-4](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2478; filed Sep 26, 2006, 9:56 a.m.: [20061025-IR- 410050260RFA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-5 "Branch office" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 5. "Branch office" means a location or site from which a home health agency provides services for a portion of the total geographic area served by the parent home health agency. To be a branch office, the office must be part of the parent agency and share administration, supervision, and services with the parent agency. The parent agency and the branch office must be capable of sharing emergency functions, including services, on a daily basis. A branch office must be located within one hundred and [sic.] twenty (120) minutes driving time of the parent agency.

(Indiana Department of Health; [410 IAC 17-9-5](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2478; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR- 410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-6 "Bylaws" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 6. "Bylaws" means a written set of rules adopted by a home health agency for governing the agency's operation.

(Indiana Department of Health; [410 IAC 17-9-6](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2478; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10,

2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-7 "Clinical note" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 7. "Clinical note" means a notation written and dated by a member of the health team regarding his or her contact with a patient who is being treated under a medical plan of care. (Indiana Department of Health; [410 IAC 17-9-7](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2478; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-8 "Closed files" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 8. "Closed files" means those files which concern services provided prior to a patient's discharge. (Indiana Department of Health; [410 IAC 17-9-8](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2478; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-9 "Continuing education program" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 9. "Continuing education program means one (1) or more in-service training classes offered to home health aides for the purpose of satisfying the continuing education requirement.

(Indiana Department of Health; [410 IAC 17-9-9](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2478; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-10 "Current service files" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 10. "Current service files" means those files concerning a patient who is currently receiving services from the home health agency.

(Indiana Department of Health; [410 IAC 17-9-10](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2478; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-11 "Department" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 11. "Department" means the Indiana department of health.

(Indiana Department of Health; [410 IAC 17-9-11](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2478; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#); errata filed Jul 28, 2021, 9:47 a.m.: [20210811-IR-410210317ACA](#))

410 IAC 17-9-12 "Encounter" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 12. "Encounter" means a direct personal contact between a patient and the person authorized by the home health agency to furnish services to the patient.

(Indiana Department of Health; [410 IAC 17-9-12](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2479; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR- 410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-13 "Frequency of visits" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 13. "Frequency of visits" means the number of encounters in a given period between a patient and the person authorized by the home health agency to furnish services to the patient. "Frequency of visits" may be expressed as a number or a range. The number of encounters must be at least one (1).

(Indiana Department of Health; [410 IAC 17-9-13](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2479; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR- 410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-14 "Governing body" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 14. "Governing body" means person or group of persons who have the legal and financial responsibility for the home health agency's overall operation.

(Indiana Department of Health; [410 IAC 17-9-14](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2479; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR- 410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-15 "Health care professional" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#); [IC 25-10-1](#); [IC 25-14](#); [IC 25-22.5](#); [IC 25-23-1](#); [IC 25-23.5](#); [IC 25-23.6-6-2](#); [IC 25-24](#); [IC 25-26-13](#); [IC 25-27](#); [IC 25-29](#); [IC 25-35.6-1-2](#); [IC 25-35.6-3](#)

Sec. 15. "Health care professional" means any of the following:

- (1) A licensed physician.
- (2) A licensed dentist.
- (3) A licensed chiropractor.
- (4) A licensed podiatrist.
- (5) A licensed optometrist.
- (6) A nurse licensed under [IC 25-23-1](#).
- (7) A physical therapist licensed under [IC 25-27](#) or a physical therapy assistant certified under [IC 25-27](#).
- (8) A speech-language pathologist or an audiologist licensed under [IC 25-35.6-3](#).
- (9) A speech-language pathology aide or an audiology aide (as defined in [IC 25-35.6-1-2](#)).
- (10) An occupational therapist or an occupational therapist assistant certified under [IC 25-23.5](#).
- (11) A social worker licensed under [IC 25-23.6](#) or a social work assistant.
- (12) A pharmacist licensed under [IC 25-26-13](#).

(Indiana Department of Health; [410 IAC 17-9-15](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2479; errata filed Mar 28, 2002, 4:28 p.m.: 25 IR 2522; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-16 "Home health aide" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 16. "Home health aide" means an individual who provides home health aide services. The term does not include the following:

- (1) A health care professional.
- (2) A volunteer who provides home health aide services without compensation.
- (3) An immediate member of the patient's family.

(Indiana Department of Health; [410 IAC 17-9-16](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2479; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-17 "Home health aide services" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 17. "Home health aide services" means only those home health services that may be performed by a home health aide.

(Indiana Department of Health; [410 IAC 17-9-17](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2479; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-18 "Home health services" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1-5](#)

Sec. 18. (a) "Home health services" means services as defined in [IC 16-27-1-5](#).

(Indiana Department of Health; [410 IAC 17-9-18](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2479; filed Sep 26, 2006, 9:56 a.m.: [20061025-IR-410050260FRA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-19 "Medical plan of care" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 19. "Medical plan of care" means written instructions signed by the physician, dentist, chiropractor, podiatrist, or optometrist for the provision of care or treatment to be given by a

registered or practical nurse, physical or occupational therapist, speech-language pathologist, social worker, or a home health aide to a patient in the patient's place of residence.
(Indiana Department of Health; [410 IAC 17-9-19](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2480; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-20 "Medication assistance" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 20. "Medication assistance" means the provision of assistance:

(1) through providing reminders or cues to take medication, the opening of pre-set medication containers, and providing assistance in the handling or ingesting of medications, including controlled substances, prescription drugs, eye drops, herbs, supplements, and over-the-counter medications; and

(2) to an individual who is unable to accomplish the task due to an impairment and who is:

(A) competent and has directed the services; or

(B) incompetent and has the services directed by a competent individual who may consent to health care for the impaired individual.

(Indiana Department of Health; [410 IAC 17-9-20](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2480; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); filed Aug 30, 2016, 12:46 p.m.: [20160928-IR-410150386RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-21 "Member of the health team" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 21. "Member of the health team" means a health care professional or a home health aide.

(Indiana Department of Health; [410 IAC 17-9-21](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2480; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-21.4 "Occupational therapist" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#); [IC 25-23.5](#)

Sec. 21.4. "Occupational therapist" means an individual who is licensed as an occupational therapist pursuant to [IC 25-23.5](#).

(Indiana Department of Health; [410 IAC 17-9-21.4](#); filed Sep 26, 2006, 9:56 a.m.: [20061025-IR-410050260FRA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-21.5 "Occupational therapist assistant" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#); [IC 25-23.5](#)

Sec. 21.5. "Occupational therapist assistant" means an individual who is certified as an occupational therapist assistant pursuant to [IC 25-23.5](#).

(Indiana Department of Health; [410 IAC 17-9-21.5](#); filed Sep 26, 2006, 9:56 a.m.: [20061025-IR-410050260FRA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-22 "Parent home health agency" and "parent agency" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 22. "Parent home health agency" or "parent agency" means the home health agency that develops and maintains administrative and fiscal control over branch offices.
(Indiana Department of Health; [410 IAC 17-9-22](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2480; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-22.4 "Physical therapist" defined

Authority: [IC 16-27-1-7](#)
Affected: [IC 16-27-1](#); [IC 25-27](#)

Sec. 22.4. "Physical therapist" means an individual who is licensed as a physical therapist pursuant to [IC 25-27](#).
(Indiana Department of Health; [410 IAC 17-9-22.4](#); filed Sep 26, 2006, 9:56 a.m.: [20061025-IR-410050260FRA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-22.5 "Physical therapist assistant" defined

Authority: [IC 16-27-1-7](#)
Affected: [IC 16-27-1](#); [IC 25-27](#)

Sec. 22.5. "Physical therapist assistant" means an individual who is certified as a physical therapist assistant pursuant to [IC 25-27](#).
(Indiana Department of Health; [410 IAC 17-9-22.5](#); filed Sep 26, 2006, 9:56 a.m.: [20061025-IR-410050260FRA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-23 "Licensed practical nurse" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#); [IC 25-23](#)

Sec. 23. "Licensed practical nurse" means a person who is licensed as a practical nurse pursuant to [IC 25-23](#).

(Indiana Department of Health; [410 IAC 17-9-23](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2480; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-24 "Registered nurse" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#); [IC 25-23](#)

Sec. 24. "Registered nurse" means a nurse who is licensed as a registered nurse pursuant to [IC 25-23](#).

(Indiana Department of Health; [410 IAC 17-9-24](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2480; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-25 "Social worker" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#); [IC 25-23](#)

Sec. 25. "Social worker" means a person who has a master's degree from a school of social work accredited by the Council on Social Work Education, and who has one (1) year of social work experience in a health care setting.

(Indiana Department of Health; [410 IAC 17-9-25](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2480; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-26 "Social work assistant" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 26. "Social work assistant" means an individual who has a baccalaureate degree in psychology, sociology, or other field related to social work, and has had at least one (1) year of social work experience in a health care setting and is supervised by a social worker.

(Indiana Department of Health; [410 IAC 17-9-26](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2480; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-27 "Speech language pathologist" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#); [IC 25-35.6](#)

Sec. 27. "Speech language pathologist" means an individual who is licensed to practice speech language pathology pursuant to [IC 25- 35.6](#).

(Indiana Department of Health; [410 IAC 17-9-27](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2480; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-28 "Summary report" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 28. "Summary report" means a clinical synopsis of the pertinent factors from the clinical notes regarding a patient requiring a medical plan of care, which is submitted as a report to the physician.

(Indiana Department of Health; [410 IAC 17-9-28](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2481; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-9-29 "Supervision" defined

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 29. "Supervision" means guidance to a subordinate by a qualified health care professional for the accomplishment of a function or activity. Supervision shall be evidenced by documentation that demonstrates consistent, meaningful interaction and guidance between the qualified health care professional and his or her subordinate.

(Indiana Department of Health; [410 IAC 17-9-29](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2481; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

Rule 10. Home Health Licensure

1. [410 IAC 17-10-1](#)Licensure

410 IAC 17-10-1 Licensure

Authority: [IC 16-27-1-7](#)

Affected: [IC 10-13-3](#); [IC 16-20](#); [IC 16-22-8](#); [IC 16-27-1](#); [IC 25-22.5](#); [IC 27-8-27-1](#)

Sec. 1. (a) No home health agency shall:

- (1) be opened;
 - (2) be operated;
 - (3) be managed;
 - (4) be maintained; or
 - (5) otherwise conduct business;
- without a license issued by the department.

(b) A license is required for any home health agency providing care in Indiana where the parent agency is located in a state other than Indiana. The home health agency must:

- (1) be authorized by the secretary of state to conduct business in Indiana; and

- (2) have a branch office located in Indiana.
- (c) Application for a license to operate a home health agency shall be:
 - (1) made on a form provided by the department; and
 - (2) accompanied by a nonrefundable fee of two hundred fifty dollars (\$250).
- (d) Disclosure of ownership and management information must be made to the department at the time of the home health agency's initial request for licensure, for each survey, and at the time of any change in ownership or management. The disclosure must include the names and addresses of the following:
 - (1) All persons having at least five percent (5%) ownership or controlling interest in the home health agency.
 - (2) Each person who is:
 - (A) an officer;
 - (B) a director;
 - (C) a managing agent; or
 - (D) a managing employee;of the home health agency and evidence supporting the qualifications required by this article.
- (3) The corporation, association, or other company that is responsible for the management of the home health agency.
- (4) The chief executive officer and the chairman or equivalent position of the governing body of that corporation, association, or other legal entity responsible for the management of the home health agency.
- (e) After receiving a completed application, the nonrefundable fee required by subsection (c), and disclosure of ownership and management information, the department may issue a provisional license for a period of ninety (90) days pending an on-site inspection. In determining whether to issue the provisional license, the department shall consider the following factors:
 - (1) Whether the department has filed an action against an agency owned or operated by the applicant that resulted in any of the following:
 - (A) The revocation of a license.
 - (B) The denial or renewal of a license.
 - (C) The issuance or renewal of a probationary license.
 - (D) The payment of a civil penalty.
 - (2) Whether the department has issued an order against an agency owned or operated by the applicant.
 - (3) Whether an agency owned or operated by the applicant has surrendered its license to the department.
 - (4) Whether any injunction has been issued against an agency owned or operated by the applicant.
 - (5) Whether an agency owned or operated by the applicant has operated in substantial violation of:
 - (A) this rule; or
 - (B) any other law governing home health agencies;at any time within two (2) years immediately preceding the date that the applicant applied for a license.
- (f) After the opening of the agency and before the expiration of the provisional license the department may conduct a licensing survey or additional documentation will be requested prior to the end of the provisional period to ensure compliance with this article.

(g) If the agency is found to be in compliance with this article, the department will issue a full license to operate a home health agency. If the agency is not found to be in compliance with this article, the department may extend the provisional license for ninety (90) days. If the provisional license is extended, a revisit survey may be conducted or additional documentation will be requested before the end of the provisional period to ensure compliance with this article. If the agency is found to be in compliance with this article, the department will issue a full license to operate a home health agency. If the agency is not found to be in compliance with this article after the extended provisional period, the department may do any of the following:

- (1) Request additional information concerning the application.
- (2) Conduct a further investigation to determine whether a provisional license should be granted.
- (3) Deny the application.

(h) In determining whether to issue the initial license to operate a home health agency, the department may consider the following:

- (1) The factors described under subsection (e).
- (2) The results of the initial survey.
- (i) The full license shall relate back to and reflect the date of the first day of the first provisional license issued by the department.

(j) In determining whether to renew a license to operate a home health agency, the department may consider the following:

- (1) The factors described under subsection (e).
- (2) Any actions pending against the home health agency.
- (k) In conducting a survey, a surveyor shall receive copies of any and all documents necessary to make a determination of compliance. The surveyor may do either of the following:
 - (1) Make copies with the permission of the home health agency.
 - (2) Supervise any copying process to ensure that photocopies are true and accurate.

At the sole discretion of the department and for good cause shown, the home health agency may be granted up to twenty-four (24) hours to produce documents requested by the surveyor.

(l) A home health agency may apply to provide a service that was not listed in its application or renewal application by notifying the department in writing of the new service, the date the service is intended to be offered, and all supporting documentation that shows the home health agency is qualified to provide the additional service. This documentation includes, but is not limited to, the following:

- (1) Personnel qualifications and licensing.
- (2) Employee's national criminal history background check or expanded criminal history check.
- (3) Procedures for the supervision of personnel.
- (4) Contracts between the home health agency and any person offering the new service.
- (5) Records of physical exams showing that personnel are free of communicable disease.

In the event the initial information submitted is not sufficient for the department to determine the home health agency's compliance regarding the new service, the department will inform the home health agency of the additional documents required. A home health agency may not offer additional services until it has received approval from the department to do so.

(m) The following are not required to be licensed as a home health agency:

- (1) A physician licensed under [IC 25-22.5](#).
- (2) An individual:
 - (A) whose permanent residence is in the patient's residence; or
 - (B) who is a member of the patient's immediate family.

- (3) Incidental services provided by licensed health facilities to their patients.
- (4) An employee of a person holding a license under [IC 16-27-1](#) who provides home health services only as an employee of the licensed person.
- (5) A local health department established under [IC 16-20](#).
- (6) A health care professional who provides one (1) health service through a contract with a person licensed under [IC 16-27-1](#).
- (7) A durable medical equipment supply company that furnishes equipment but provides no home health services to persons in their homes.
- (8) A drugstore or wholesale medical supply company that furnishes no home health services to persons in their home.
- (9) A volunteer who provides home health aide services without compensation.
- (10) An individual health care professional who provides professional services to a patient in the temporary or permanent residence of the patient.
- (11) An entity does not need a home health license to provide early intervention services (as defined in [IC 27-8-27-1](#)) to a child pursuant to a state program funded by the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(n) Except as provided in [410 IAC 17-11-5](#), each license shall:

- (1) be for a term of one (1) year; and
- (2) expire one (1) year from the date of issuance.

The licensee shall notify the department in writing thirty (30) days in advance of closing or selling the home health agency.

(o) Each license shall:

- (1) be issued only for the home health agency named in the application; and
- (2) not be transferred or assigned.

Upon sale, assignment, lease, or other transfer, voluntary or involuntary, including those transfers that qualify as changes of ownership, a new owner or person in interest shall obtain a license from the department before maintaining, operating, or conducting a home health agency.

(p) The licensee shall submit an annual activity report to the department on a form provided by the department.

(q) The department may conduct, but is not limited to, the following:

- (1) Unannounced licensing surveys conducted annually for compliance.
- (2) Post survey revisits conducted:
 - (A) based on a home health agency's plan of correction; and
 - (B) for the purpose of determining compliance.
- (3) Patient care complaint surveys.

(r) In the years that a home health agency has an accreditation survey by a body recognized as a home health accrediting agency, the home health agency may submit the accreditation survey report to the department for review and action as follows:

- (1) If the department determines that the agency was found to substantially comply with the accreditation standards, the department will accept the report instead of a licensing survey.
- (2) If the department determines that the agency failed to significantly comply with the accreditation standards, the department may conduct a licensing survey.

(Indiana Department of Health; [410 IAC 17-10-1](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2481; filed Sep 26, 2006, 9:56 a.m.: [20061025-IR-410050260FRA](#); errata filed Nov 8, 2006, 1:55 p.m.: [20061122-IR-410050260ACA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); filed

Oct 16, 2018, 2:10 p.m.: [20181114-IR-410170483FRA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

Rule 11. State Administrative Actions

1. [410 IAC 17-11-1](#) Actions by the commissioner
2. [410 IAC 17-11-2](#) Grounds for actions by the commissioner
3. [410 IAC 17-11-3](#) Renewal of home health licensure
4. [410 IAC 17-11-4](#) Civil penalties
5. [410 IAC 17-11-5](#) Probationary license

410 IAC 17-11-1 Actions by the commissioner

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 1. The commissioner of the department may take one (1) or more of the following actions on any ground listed in section 2 of this rule:

- (1) Issue a letter of correction.
- (2) Issue a probationary license.
- (3) Conduct a resurvey.
- (4) Deny a license or renewal of a license.
- (5) Revoke a license.
- (6) Impose a civil penalty in an amount not to exceed ten thousand dollars (\$10,000).
(Indiana Department of Health; [410 IAC 17-11-1](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2482; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-11-2 Grounds for actions by the commissioner

Authority: [IC 16-27-1-7](#)

Affected: [IC 4-21.5](#); [IC 16-27-1](#)

Sec. 2. The commissioner may take action under section 1 of this rule on any of the following grounds:

- (1) Violation of any of the provisions of [IC 16-27](#) or these rules [*this article*].
- (2) Permitting, aiding, or abetting the commission of an illegal act in a home health agency.

(3) Conduct or practice found by the department to be detrimental to the welfare of the patients of the home health agency.

(Indiana Department of Health; [410 IAC 17-11-2](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2483; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-11-3 Renewal of home health licensure

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 3. An application for renewal of license shall be filed with the department at least sixty (60) days prior, but not sooner than ninety (90) days before, the expiration date of the current license.

(Indiana Department of Health; [410 IAC 17-11-3](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2483; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-11-4 Civil penalties

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 4. (a) The commissioner may commence an action under [IC 16-27-1](#) to levy civil penalties against a person who:

(1) fails to comply with [IC 16-27](#) or this article; or

(2) interferes with or obstructs the department or its designated agent in the performance of duties pursuant to [IC 16-27-1](#).

(b) A monetary civil penalty may be sought for each documented violation of [IC 16-27-1](#) or this article. Monetary civil penalties issued may not exceed ten thousand dollars (\$10,000) per violation.

(c) In determining the seriousness of the violation and the specific amount of the civil penalty to be sought for each violation, the commissioner may consider, but is not limited to, the following:

(1) The potential for harm or imminent threat to the patient's health.

(2) The extent of deviation from statutory or regulatory requirements.

(3) The degree of willfulness or negligence.

(4) The history of noncompliance.

(d) The absence of direct harm will not necessarily result in assessment of a lower penalty for a violation.

(Indiana Department of Health; [410 IAC 17-11-4](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2483; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-11-5 Probationary license

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1-12](#)

Sec. 5. A probationary license may be issued pursuant to [IC 16-27-1-12](#) for three (3) months. The probationary license may be reissued but not more than three (3) probationary licenses may be issued during a twelve (12) month period. The issuance of a probationary license results in the automatic expiration of any other license held under this article.

(Indiana Department of Health; [410 IAC 17-11-5](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2483; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

Rule 12. Home Health Administration and Management

1. [410 IAC 17-12-1](#)Home health agency administration and management
2. [410 IAC 17-12-2](#)Quality assessment and performance improvement
3. [410 IAC 17-12-3](#)Patient rights

410 IAC 17-12-1 Home health agency administration and management

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-2](#)

Sec. 1. (a) Organization, services furnished, administrative control, and lines of authority for the delegation of responsibility down to the patient care level shall be:

- (1) clearly set forth in writing; and
- (2) readily identifiable.

Administrative and supervisory responsibilities shall not be delegated to another agency or organization, and all services not furnished directly, including services provided through a branch office, shall be monitored and controlled by the parent agency.

(b) A governing body, or designated person or persons so functioning, shall assume full legal authority and responsibility for the operation of the home health agency. The governing body shall do the following:

(1) Appoint a qualified administrator.

(2) Adopt and periodically review written bylaws or an acceptable equivalent.

(3) Oversee the management and fiscal affairs of the home health agency.

(c) An individual need not be a home health agency employee or be present full time at the home health agency in order to qualify as its administrator. The administrator, who may also be the supervising physician or registered nurse required by subsection (d), shall do the following:

(1) Organize and direct the home health agency's ongoing functions.

(2) Maintain ongoing liaison among the governing body and the staff.

(3) Employ qualified personnel and ensure adequate staff education and evaluations.

(4) Ensure the accuracy of public information materials and activities.

(5) Implement a budgeting and accounting system.

(6) Ensure that the home health agency meets all rules and regulations for licensure.

(7) Upon request, make available to the commissioner or his or her designated agent all:

(A) reports;

(B) records;

(C) minutes;

(D) documentation;

(E) information; and

(F) files;

required to determine compliance within seventy-two (72) hours of the request or, in the event the request is made in conjunction with a survey, by the time the surveyor exits the home health agency, whichever is sooner.

(8) Ensure that a qualified person is authorized in writing to act in the administrator's absence.

(d) A physician or a registered nurse who has two (2) years of nursing experience, with at least one (1) year of supervisory or administrative experience, shall supervise and direct nursing and other therapeutic services. The person or similarly qualified alternate shall be on the premises or capable of being reached immediately by phone, pager, or other means. In addition, the person must be able to:

(1) respond to an emergency;

(2) provide guidance to staff;

(3) answer questions; and

(4) resolve issues;

within a reasonable amount of time, given the emergency or issue that has been raised.

(e) The administrator shall be responsible for an ongoing quality assurance program designed to do the following:

(1) Objectively and systematically monitor and evaluate the quality and appropriateness of patient care.

(2) Resolve identified problems.

(3) Improve patient care.

(f) Personnel practices for employees shall be supported by written policies. All employees caring for patients in Indiana shall be subject to Indiana licensure, certification, or registration required to perform the respective service. Personnel records of employees who deliver home health services shall be kept current and shall include documentation of orientation to the job, including the following:

(1) Receipt of job description.

(2) Qualifications.

(3) A copy of an employee's national criminal history background check or expanded criminal history check.

(4) A copy of current license, certification, or registration.

(5) Annual performance evaluations.

(g) As follows, personnel records of the supervising nurse, appointed under subsection (d), shall:

(1) Be kept current.

(2) Include a copy of the following:

(A) National criminal history background check or expanded criminal history check.

(B) Nursing license.

(C) Annual performance evaluations.

(D) Documentation of orientation to the job.

Performance evaluations required by this subsection must be performed every nine (9) to fifteen (15) months of active employment.

(h) Each employee who will have direct patient contact shall have a physical examination by a physician or nurse practitioner not more than one hundred eighty (180) days before the date that the employee has direct patient contact. The physical examination shall be of sufficient scope to ensure that the employee will not spread infectious or communicable diseases to patients.

(i) The home health agency shall ensure that all employees, staff members, persons providing care on behalf of the agency, and contractors having direct patient contact are evaluated for tuberculosis and documentation as follows:

(1) Any person with a negative history of tuberculosis or a negative test result must have a baseline two-step tuberculin skin test using the Mantoux method or a quantiferon-TB assay unless the individual has documentation that a tuberculin skin test has been applied at any time during the previous twelve (12) months and the result was negative.

(2) The second step of a two-step tuberculin skin test using the Mantoux method must be administered one (1) to three (3) weeks after the first tuberculin skin test was administered.

(3) Any person with:

(A) a documented:

(i) history of tuberculosis;

(ii) previously positive test result for tuberculosis; or

(iii) completion of treatment for tuberculosis; or

(B) newly positive results to the tuberculin skin test;

must have one (1) chest radiograph to exclude a diagnosis of tuberculosis.

(4) After baseline testing, tuberculosis screening must:

(A) be completed annually; and

(B) include, at a minimum, a tuberculin skin test using the Mantoux method or a quantiferon-TB assay unless the individual was subject to subdivision (3).

(5) Any person having a positive finding on a tuberculosis evaluation may not:

(A) work in the home health agency; or

(B) provide direct patient contact;
 unless approved by a physician to work.

(6) The home health agency must maintain documentation of tuberculosis evaluations showing that any person:

(A) working for the home health agency; or

(B) having direct patient contact;

has had a negative finding on a tuberculosis examination within the previous twelve (12) months.

(j) The information obtained from the:

(1) physical examinations required by subsection (h); and

(2) tuberculosis evaluations and clinical follow-ups required by subsection (i);

must be maintained in separate medical files and treated as confidential medical records, except as provided in subsection (k).

(k) The following records shall be made available, on request, to the department for review:

(1) Personnel records and policies that document the home health agency's compliance with subsection (f).

(2) Records of physical examinations that document the agency's compliance with subsection (h).

(3) Records of the following:

(A) Tuberculosis evaluations.

(B) Appropriate clinical follow-up for positive findings.

(C) Any other records that document the home health agency's compliance with subsection (i).

(l) The department shall:

(1) treat the information described in subsection (k) as confidential medical records; and

(2) use it only for the purposes for which it was obtained.

(m) Policies and procedures shall be written and implemented for the control of communicable disease in compliance with applicable federal and state laws.

(Indiana Department of Health; [410 IAC 17-12-1](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2483; filed Sep 26, 2006, 9:56 a.m.: [20061025-IR-410050260FRA](#); errata filed Nov 8, 2006, 1:55 p.m.: [20061122-IR-410050260ACA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); filed Oct 16, 2018, 2:10 p.m.: [20181114-IR-410170483FRA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-12-2 Quality assessment and performance improvement

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 2. (a) The home health agency must develop, implement, maintain, and evaluate a quality assessment and performance improvement program. The program must reflect the complexity of the home health organization and services (including those services provided directly or under

arrangement). The home health agency must take actions that result in improvements in the home health agency's performance across the spectrum of care. The home health agency's quality assessment and performance improvement program must use objective measures.

(b) The home health agency shall provide at least one (1) of the following services:

- (1) Nursing treatment and procedure.
- (2) Home health aide services.
- (3) Physical therapy.
- (4) Speech-language pathology.
- (5) Occupational therapy.
- (6) Social services.

(c) In all cases involving the provision of home health aide services, the home health agency shall provide case management by a health care professional acting within the scope of his or her practice. Such case management shall include an initial home visit for assessment of a patient's needs to determine the type, appropriateness, and adequacy of requested service, and the development of the patient care plan.

(d) If personnel under contracts are used by the home health agency, there shall be a written contract between those personnel and the home health agency that specifies the following:

- (1) That patients are accepted for care only by the primary home health agency.
- (2) The services to be furnished.
- (3) The necessity to conform to all applicable home health agency policies including personnel qualifications.
- (4) The responsibility for participating in developing plans of care.
- (5) The manner in which services will be controlled, coordinated, and evaluated by the primary home health agency.
- (6) The procedures for submitting clinical notes, scheduling of visits, and conducting periodic patient evaluation.
- (7) The procedures for payment for services furnished under the contract.

(e) Services furnished under arrangements are subject to a written contract conforming with the requirements specified in subsection (d).

(f) When contracting temporary services from another licensed home health agency, organization, or independent contractor, the personnel records shall be maintained at the office of the employer and shall be available to the home health agency upon two (2) hours' notice.

(g) All personnel providing services shall maintain effective communications to ensure that their efforts appropriately complement one another and support the objectives of the patient's care.

The means of communication and the results shall be documented in the clinical record or minutes of case conferences.

(h) The home health agency shall coordinate its services with other health or social service providers serving the patient.

(i) A home health agency must develop and implement a policy requiring a notice of discharge of service to the patient, the patient's legal representative, or other individual responsible for the patient's care at least fifteen (15) calendar days before the services are stopped.

(j) The fifteen (15) calendar day period described in subsection (i) does not apply in any of the following circumstances:

- (1) The health, safety, or welfare of the home health agency's employees would be at immediate and significant risk if the home health agency continued to provide services to the patient.
- (2) The patient refuses the home health agency's services.

(3) The patient's services are no longer reimbursable based on applicable reimbursement requirements and the home health agency informs the patient of community resources to assist the patient following discharge.

(4) The patient no longer meets applicable regulatory criteria, such as lack of physician's order, and the home health agency informs the patient of community resources to assist the patient following discharge.

(k) A home health agency must continue, in good faith, to attempt to provide services during the fifteen (15) calendar day period described in subsection (i). If the home health agency cannot provide such services during that period, its continuing attempts to provide the services must be documented.

(Indiana Department of Health; [410 IAC 17-12-2](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2485; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); filed Dec 30, 2016, 9:47 a.m.: [20170125-IR-410160223FRA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-12-3 Patient rights

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 3. (a) The patient or the patient's legal representative has the right to be informed of the patient's rights through effective means of communication. The home health agency must protect and promote the exercise of these rights and shall do the following:

(1) Provide the patient with a written notice of the patient's right:

(A) in advance of furnishing care to the patient; or

(B) during the initial evaluation visit before the initiation of treatment.

(2) Maintain documentation showing that it has complied with the requirements of this section.

(b) The patient has the right to exercise his or her rights as a patient of the home health agency as follows:

(1) The patient's family or legal representative may exercise the patient's rights as permitted by law.

(2) The patient has the right to the following:

(A) Have his or her property treated with respect.

(B) Voice grievances regarding treatment or care that is (or fails to be) furnished, or regarding the lack of respect for property by anyone who is furnishing services on behalf of the home health agency and must not be subjected to discrimination or reprisal for doing so.

(C) Place a complaint with the department regarding treatment or care furnished by a home health agency.

(D) Be informed about the care to be furnished and of any changes in the care to be furnished as follows:

(i) The home health agency shall advise the patient in advance of the:

(AA) disciplines that will furnish care; and

(BB) frequency of visits proposed to be furnished.

(ii) The patient has the right to participate in the planning of the care. The home health agency shall advise the patient in advance of the right to participate in planning the following:

- (AA) The care or treatment.
- (BB) Changes in the care or treatment.

(iii) The home health agency shall advise the patient of any change in the plan of care, including reasonable discharge notice.

(E) Confidentiality of the clinical records maintained by the home health agency. The home health agency shall advise the patient of the agency's policies and procedures regarding disclosure of clinical records.

(3) The patient or patient's legal representative has the right under Indiana law to access the patient's clinical records unless certain exceptions apply. The home health agency shall advise the patient or the patient's legal representative of its policies and procedures regarding the accessibility of clinical records.

(4) The patient has the right to be as follows:

- (A) Free from verbal, physical, and psychological abuse.
- (B) Treated with dignity.

(c) The home health agency shall do the following:

- (1) Investigate complaints made by a patient or the patient's family or legal representative regarding either of the following:
 - (A) Treatment or care that is (or fails to be) furnished.
 - (B) The lack of respect for the patient's property by anyone furnishing services on behalf of the home health agency.
- (2) Document both the existence of the complaint and the resolution of the complaint.

(d) The home health agency shall make available to the patient upon request, a written notice in advance of furnishing care to the patient or during the initial evaluation visit before the initiation of treatment, a listing of all individuals or other legal entities who have an ownership or control interest in the agency as defined in 42 CFR 420.201, 42 CFR 420.202, and 42 CFR 420.206, in effect on July 1, 2005.

(e) The home health agency must inform and distribute written information to the patient, in advance, concerning its policies on advance directives, including a description of applicable state law. The home health agency may furnish advanced directives information to a patient at the time of the first home visit, as long as the information is furnished before care is provided.

(Indiana Department of Health; [410 IAC 17-12-3](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2486; filed Sep 26, 2006, 9:56 a.m.: [20061025-IR-410050260RFA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

Rule 13. Home Health Patient Care

1. [410 IAC 17-13-1](#) Medical plan of care
2. [410 IAC 17-13-2](#) Nursing plan of care
3. [410 IAC 17-13-3](#) Service plan

[410 IAC 17-13-1](#) Medical plan of care

Authority: [IC 16-27-1-7](#)
Affected: [IC 16-21](#); [IC 25](#)

Sec. 1. (a) Patients shall be accepted for care on the basis of a reasonable expectation that the patient's health needs can be adequately met by the home health agency in the patient's place of residence. Medical care shall follow a written medical plan of care established and periodically reviewed by the physician, dentist, chiropractor, optometrist, or podiatrist as follows:

(1) As follows, the medical plan of care shall:

(A) Be developed in consultation with the home health agency staff.

(B) Include all services to be provided if a skilled service is being provided.

(C) Cover all pertinent diagnoses.

(D) Include the following:

(i) Mental status.

(ii) Types of services and equipment required.

(iii) Frequency and duration of visits.

(iv) Prognosis.

(v) Rehabilitation potential.

(vi) Functional limitations.

(vii) Activities permitted.

(viii) Nutritional requirements.

(ix) Medications and treatments.

(x) Any safety measures to protect against injury.

(xi) Instructions for timely discharge or referral.

(xii) Therapy modalities specifying length of treatment.

(xiii) Any other appropriate items.

(2) The total medical plan of care shall be reviewed by the attending physician, dentist, chiropractor, optometrist, or podiatrist and home health agency personnel as often as the severity of the patient's condition requires, but at least once every two (2) months. The health care professional staff of the home health agency shall promptly alert the person responsible for the medical component of the patient's care to any changes that suggest a need to alter the medical plan of care. A written summary report for each patient shall be sent to the:

(A) physician;

(B) dentist;

(C) chiropractor;

(D) optometrist; or

(E) podiatrist;

at least every two (2) months.

(b) A home health agency may accept written orders for home health services from a physician, a dentist, a chiropractor, a podiatrist, or an optometrist licensed in Indiana or in any other state. If the home health agency receives an order from a physician, dentist, chiropractor, podiatrist, or optometrist who is licensed in another state, the home health agency shall take reasonable immediate steps to determine the following:

(1) The order complies with the laws of the state where the order originated.

(2) The individual who issued the order:

(A) examined the patient; and

(B) is licensed to practice in that state.

(c) All orders issued by:

- (1) a physician;
- (2) a dentist;
- (3) a chiropractor;
- (4) a podiatrist; or
- (5) an optometrist;

for home health services must meet the same requirements whether the order originates in Indiana or another state. Orders issued from another state may not exceed the authority allowed under orders from the same profession in Indiana under [IC 25](#).

(d) Home health agency personnel shall promptly notify a patient's physician or other appropriate licensed professional staff and legal representative, if any, of any significant physical or mental changes observed or reported by the patient. In the case of a medical emergency, the home health agency must know in advance which emergency system to contact.

(Indiana Department of Health; [410 IAC 17-13-1](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2486; filed Sep 26, 2006, 9:56 a.m.: [20061025-IR-410050260FRA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-13-2 Nursing plan of care

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-2](#)

Sec. 2. (a) A nursing plan of care must be developed by a registered nurse for the purpose of delegating nursing directed patient care provided through the home health agency for patients receiving only home health aide services in the absence of a skilled service.

(b) The nursing plan of care must contain the following:

- (1) A plan of care and appropriate patient identifying information.
- (2) The name of the patient's physician.
- (3) Services to be provided.
- (4) The frequency and duration of visits.
- (5) Medications, diet, and activities.
- (6) Signed and dated clinical notes from all personnel providing services.
- (7) Supervisory visits.
- (8) Sixty (60) day summaries.
- (9) The discharge note.
- (10) The signature of the registered nurse who developed the plan.

(Indiana Department of Health; [410 IAC 17-13-2](#); filed Sep 26, 2006, 9:56 a.m.: [20061025-IR-410050260FRA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 17-13-3 Service plan

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-4](#)

Sec. 3. (a) This section shall apply to services that are performed by a personal services agency under [IC 16-27-4](#) that is operated under a home health agency license, which include, but are not limited to, any of the following:

(1) Homemaker services, including the following:

- (A) Shopping.
- (B) Laundry.
- (C) Cleaning.
- (D) Seasonal chores.

(2) Companion type services, including the following:

- (A) Transportation.
- (B) Letter writing.
- (C) Mail reading.
- (D) Escort services.

(3) Assistance with cognitive tasks, including the following:

- (A) Managing finances.
- (B) Planning activities.
- (C) Making decisions.
- (4) Attendant care services.

(5) Any other services for which an individual:

- (A) license;
- (B) certification;
- (C) registration; or
- (D) permit;

is not required under state law.

(b) The personal services agency's manager or the manager's designee shall prepare a service plan for a client before providing personal services for the client. A permanent change to the service plan requires a written change to the service plan. The service plan must:

- (1) be in writing, dated, and signed by the individual who prepared it;
- (2) list the types and schedule of services to be provided; and
- (3) state that the services to be provided to the client are subject to the client's right to:

- (A) temporarily suspend;
- (B) permanently terminate;
- (C) temporarily add; or
- (D) permanently add;

the provision of any service.

(c) All permanent changes require a change in the written service plan. The service plan must be signed and dated by the client not later than fourteen (14) days after:

- (1) services begin for the client; and
- (2) any permanent change to the service plan.

(d) Personal care services provided by a personal services agency operated under a home health agency license must meet the requirements of [IC 16-27-4](#).
(Indiana Department of Health; [410 IAC 17-13-3](#); filed Sep 26, 2006, 9:56 a.m.: [20061025-IR-410050260RFA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

Rule 14. Home Health Care Services

1. [410 IAC 17-14-1](#) Scope of services

[410 IAC 17-14-1](#) Scope of services

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#); [IC 25-23-1](#); [IC 25-27-1](#); [IC 25-35.6](#)

Sec. 1. (a) The home health agency shall provide nursing services by a registered nurse or a licensed practical nurse in accordance with the medical plan of care as follows:

(1) The registered nurse shall perform nursing duties in accordance with the Indiana nurse practice act ([IC 25-23](#)). Except where services are limited to therapy only, for purposes of practice in the home health setting, the registered nurse shall do the following:

- (A) Make the initial evaluation visit.
 - (B) Regularly reevaluate the patient's nursing needs.
 - (C) Initiate the plan of care and necessary revisions.
 - (D) Initiate appropriate preventive and rehabilitative nursing procedures.
 - (E) Prepare clinical notes.
 - (F) Coordinate services.
 - (G) Inform the physician and other appropriate medical personnel of changes in the patient's condition and needs, counsel the patient and family in meeting nursing and related needs, participate in in-service programs, and supervise and teach other nursing personnel.
 - (H) Accept and carry out physician, chiropractor, podiatrist, dentist, and optometrist orders (oral and written).
 - (I) Assist the physician, chiropractor, podiatrist, dentist, or optometrist in evaluating level of function.
 - (J) Direct the activities of the licensed practical nurse.
 - (K) Delegate duties and tasks to licensed practical nurses and other individuals as appropriate.
- (2) The licensed practical nurse shall perform duties in accordance with the Indiana nurse practice act ([IC 25-23](#)). For purposes of practice in the home health setting, the licensed practical nurse shall do the following:
- (A) Provide services in accordance with agency policies.
 - (B) Prepare clinical notes.
 - (C) Assist the physician and/or registered nurse in performing specialized procedures.
 - (D) Prepare equipment and materials for treatments observing aseptic technique as required.
 - (E) Assist the patient in learning appropriate self-care techniques.

- (F) Accept and carry out physician, dentist, chiropractor, podiatrist, or optometrist orders (oral and written).
- (G) Inform the physician, dentist, chiropractor, podiatrist, or optometrist of changes in the patient's condition and needs after consulting with the supervising registered nurse.
- (b) Any therapy services furnished by the home health agency shall be provided by:
- (1) a physical therapist or physical therapist assistant supervised by a licensed physical therapist in accordance with [IC 25-27- 1](#); or
 - (2) an occupational therapist or occupational therapist assistant supervised by an occupation therapist in accordance with [IC 25- 23.5](#).
 - (3) a speech-language pathologist or audiologist in accordance with [IC 25-35.6](#).
- (c) The appropriate therapist listed in subsection (b) of this rule shall:
- (1) Make an initial evaluation visit to the patient for whom only therapy services are required.
 - (2) Review the plan of care as often as the severity of the patient's condition requires, but at least every two (2) months.
 - (3) Assist the physician, chiropractor, podiatrist, dentist, or optometrist in evaluating level of function.
 - (4) Help develop the plan of care (revising as necessary).
 - (5) Prepare clinical notes.
 - (6) Advise and consult with the family and other home health agency personnel.
 - (7) Participate in in-service programs.
- (d) In carrying out the responsibilities identified in subsection (c) of this rule the therapist may:
- (1) direct the activities of any therapy assistant; or
 - (2) delegate duties and tasks to other individuals as appropriate.
- (e) Any social services furnished by the home health agency, shall be provided by a social worker, or a social work assistant under the supervision of a social worker, and in accordance with the medical plan of care. The social worker shall do the following:
- (1) Assist the physician and other team members in understanding the significant social and emotional factors related to the health problems.
 - (2) Participate in the development of the plan of care.
 - (3) Prepare clinical and progress notes.
 - (4) Work with the family.
 - (5) Use appropriate community resources.
 - (6) Participate in discharge planning and in-service programs.
 - (7) Act as a consultant to other home health agency personnel.
 - (8) Accept and carry out physician orders for social work services.
- (f) This rule does not prohibit the provision of:
- (1) homemaker services, including shopping, laundry, cleaning, and seasonal chores;
 - (2) companion type services, including transportation, letter writing, mail reading, and escort services;
 - (3) assistance with cognitive tasks, including managing finances, planning activities, and making decisions;
 - (4) attendant care services; or
 - (5) any other services for which an individual license, certification, registration, or permit is not required under state law.

(g) Home health aides shall be supervised by a health care professional to ensure competent provision of care. Supervision of services must be within the scope of practice of the health care professional providing the supervision.

(h) Home health aides must receive continuing education. Such continuing education shall total at least twelve (12) hours from January 1 through December 31, inclusive, with a minimum of eight (8) hours in any eight (8) of the following subject areas:

(1) Communications skills, including the ability to read, write, and make brief and accurate oral presentations to patients, caregivers, and other home health agency staff.

(2) Observing, reporting, and documenting patient status and the care or service furnished.

(3) Reading and recording temperature, pulse, and respiration.

(4) Basic infection control procedures and universal precautions.

(5) Basic elements of body functioning and changes in body function that must be reported to an aide's supervisor.

(6) Maintaining a clean, safe, and healthy environment.

(7) Recognizing emergencies and knowledge of emergency procedures.

(8) The physical, emotional, and developmental needs of and ways to work with the populations served by the home health agency, including the need for respect for the patient, the patient's privacy, and the patient's property.

(9) Appropriate and safe techniques in personal hygiene and grooming that include the following:

(A) Bed bath.

(B) Bath, sponge, tub, or shower.

(C) Shampoo, sink, tub, or bed.

(D) Nail and skin care.

(E) Oral hygiene.

(F) Toileting and elimination.

(10) Safe transfer techniques and ambulation.

(11) Normal range of motion and positioning.

(12) Adequate nutrition and fluid intake.

(13) Medication assistance.

(14) Any other task that the home health agency may choose to have the home health aide perform.

(i) During a home health aide's first year on the state's home health aide registry, the number of hours of training for that aide shall be a prorated portion of the usual twelve (12) and eight (8) hours.

(j) A home health aide continuing education program may be offered by any organization except a home health agency that has a probationary home health agency license.

(k) The training of home health aides pursuant to a continuing education program must be performed by or under the general supervision of a registered nurse. The home health agency shall maintain sufficient documentation to demonstrate that the continuing education requirements are met.

(l) The home health agency shall be responsible for ensuring that, prior to patient contact, the individuals who furnish home health aide services on its behalf meet the requirements of this section as follows:

(1) The home health aide shall:

(A) have successfully completed a competency evaluation program that addresses each of the subjects listed in subsection (h) of this rule; and

(B) be entered on and be in good standing on the state aide registry.

(2) The home health agency shall maintain documentation, which demonstrates that the requirements of this subsection and subsection (h) of this rule were met.

(3) If the home health agency issuing the proof of the aide's achievement of successful completion of a competency evaluation program is not the employing agency, the employing agency shall keep a copy of the competency evaluation documentation in the home health aide's employment file.

(m) The home health aide shall be assigned to a particular patient by a registered nurse (or therapist in therapy only cases). The home health aide may not be assigned to perform additional tasks not included in the original competency evaluation until he or she has successfully been evaluated as competent in that task. The home health aide must report any changes observed in the patient's conditions and needs to the supervisory nurse or therapist.

(n) A registered nurse, or therapist in therapy only cases, shall make the initial visit to the patient's residence and make a supervisory visit at least every thirty (30) days, either when the home health aide is present or absent, to observe the care, to assess relationships, and to determine whether goals are being met.

(Indiana Department of Health; [410 IAC 17-14-1](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2487; errata filed Mar 28, 2002, 4:28 p.m.: 25 IR 2522; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

Rule 15. Home Health Clinical Records

1. [410 IAC 17-15-1](#) Clinical records

[410 IAC 17-15-1](#) Clinical records

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#); [IC 16-39-7-1](#)

Sec. 1. (a) Clinical records containing pertinent past and current findings in accordance with accepted professional standards shall be maintained for every patient as follows:

- (1) The medical plan of care and appropriate identifying information.
- (2) Name of the physician, dentist, chiropractor, podiatrist, or optometrist.
- (3) Drug, dietary, treatment, and activity orders.
- (4) Signed and dated clinical notes contributed to by all assigned personnel. Clinical notes shall be written the day service is rendered and incorporated within fourteen (14) days.
- (5) Copies of summary reports sent to the person responsible for the medical component of the patient's care.
- (6) A discharge summary.
- (7) All entries must be legible, clear, complete, and appropriately authenticated and dated. Authentication must include signatures or a secured computer entry.

(b) Original clinical records shall be retained for the length of time as required by [IC 16-39-7](#) after home health services are terminated by the home health agency. Policies shall provide for retention even if the home health agency discontinues operations.

(c) Clinical record information shall be safeguarded against loss or unauthorized use. Written procedures shall govern use and removal of records and conditions for release of information. Patient's written consent shall be required for release of information not authorized by law. Current service files shall be maintained at the parent or branch office from which the services are provided until the patient is discharged from service. Closed files may be stored away from the parent or branch office provided they can be returned to the office within seventy-two (72) hours. Closed files do not become current service files if the patient is readmitted to service. *(Indiana Department of Health; [410 IAC 17-15-1](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2489; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))*

Rule 16. Incorporation by Reference

1. [410 IAC 17-16-1](#)Incorporation by reference

[410 IAC 17-16-1](#) Incorporation by reference

Authority: [IC 16-27-1-7](#)

Affected: [IC 16-27-1](#)

Sec. 1. (a) When used in this article, references to the following publication shall mean the version of that publication listed and are hereby incorporated by reference:

- (1) 42 CFR 420.201 (October 1, 2005 edition).
- (2) 42 CFR 420.202 (October 1, 2005 edition).
- (3) 42 CFR 420.206 (October 1, 2005 edition).

(b) Federal rules that have been incorporated by reference do not include any later amendments than those specified in the incorporated citation. Sales of the Code of Federal Regulations are handled exclusively by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. All incorporated material is available for public review at the department.

(Indiana Department of Health; [410 IAC 17-16-1](#); filed Mar 18, 2002, 3:40 p.m.: 25 IR 2489; filed Sep 26, 2006, 9:56 a.m.: [20061025-IR-410050260FRA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080322RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

TITLE 410 INDIANA DEPARTMENT OF HEALTH

ARTICLE 18. VITAL RECORDS

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2. [Rule 1](#).Provisional Notification of Death
3. [Rule 2](#).Training and Registration of Eye Enucleators (Expired)
4. [Rule 3](#).Birth Certificates
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Rule 0.5. Definitions

1. [410 IAC 18-0.5-1](#)Applicability
2. [410 IAC 18-0.5-2](#)"Adult" defined
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14. [410 IAC 18-0.5-14](#)"State health commissioner" defined
15. [410 IAC 18-0.5-15](#)"State registrar" defined

[410 IAC 18-0.5-1](#) Applicability

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 1. The definitions in this section apply throughout this article.

(Indiana Department of Health; [410 IAC 18- 0.5-1](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR- 410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

[410 IAC 18-0.5-2](#) "Adult" defined

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 2. "Adult" means a person at least eighteen (18) years of age.

(Indiana Department of Health; [410 IAC 18-0.5-2](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-0.5-3 "Applicant" defined

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 3. "Applicant" means the person making application to obtain a birth certificate or death certificate.

(Indiana Department of Health; [410 IAC 18-0.5-3](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-0.5-4 "Birth certificate" defined

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 4. "Birth certificate" means a certified copy of a birth record that includes the state registrar's signature and the seal of the state of Indiana.

(Indiana Department of Health; [410 IAC 18-0.5-4](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-0.5-5 "Death certificate" defined

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 5. "Death certificate" means a certified copy of a death record that includes the state registrar's signature and the seal of the state of Indiana.

(Indiana Department of Health; [410 IAC 18-0.5-5](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#);

readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-0.5-6 "Direct descendant" defined

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 6. "Direct descendant" means, in relation to the individual, all of his or her descendants of all generations.

(Indiana Department of Health; [410 IAC 18-0.5-6](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-0.5-7 "Domestic partner" defined

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 7. "Domestic partner" means a person, other than a spouse, with whom one cohabits.

(Indiana Department of Health; [410 IAC 18-0.5-7](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-0.5-8 "Individual" defined

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 8. "Individual" means the person named in the birth or death record.

(Indiana Department of Health; [410 IAC 18-0.5-8](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-0.5-9 "Legal guardian" defined

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 9. "Legal guardian" means a person who has been appointed as guardian by the court.
(Indiana Department of Health; [410 IAC 18-0.5-9](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-0.5-10 "Parent" defined

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 10. "Parent" means the biological or adoptive mother or father of the individual.
(Indiana Department of Health; [410 IAC 18-0.5-10](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-0.5-11 "Sibling" defined

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 11. "Sibling" means a person who has one (1) or more parents in common with the individual.
(Indiana Department of Health; [410 IAC 18-0.5-11](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-0.5-12 "Spouse" defined

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 12. "Spouse" means the current husband or wife of the individual.

(Indiana Department of Health; [410 IAC 18-0.5-12](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-0.5-13 "State department" defined

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 13. "State department" refers to the Indiana department of health.

(Indiana Department of Health; [410 IAC 18-0.5-13](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#); errata filed Jul 28, 2021, 9:48 a.m.: [20210811-IR-410210318ACA](#))

410 IAC 18-0.5-14 "State health commissioner" defined

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 14. "State health commissioner" means the state health commissioner of the state department.

(Indiana Department of Health; [410 IAC 18-0.5-14](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-0.5-15 "State registrar" defined

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 15. "State registrar" means the employee in charge of the state department administering the system of vital statistics.

(Indiana Department of Health; [410 IAC 18-0.5-15](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

Rule 1. Provisional Notification of Death

1. [410 IAC 18-1-1](#) Scope of rule
2. [410 IAC 18-1-2](#) Provisional death notification information
3. [410 IAC 18-1-3](#) Permit for transportation or disposition of body; exceptions to use of provisional notification
4. [410 IAC 18-1-4](#) Authorization of local boards for use of provisional notification
5. [410 IAC 18-1-5](#) Revocation of authorization
6. [410 IAC 18-1-6](#) Suspension of provisional notification privilege; liability
7. [410 IAC 18-1-7](#) Suspension list
8. [410 IAC 18-1-8](#) Advisory committee; members

410 IAC 18-1-1 Scope of rule

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 1. It is the express intent of this rule to provide an orderly and systematic procedure for the official registration of deceased persons dying in this state when a certification of the cause of death cannot be obtained in time to prevent delay of funeral arrangements and disposition of the remains. It is intended that use of a provisional notification of death shall be limited to those circumstances where the cause of death cannot be obtained prior to scheduled disposition of the remains without undue hardship upon the family of the deceased or the funeral director in charge of interment.

(Indiana Department of Health; Reg HVR-1, Sec 1; filed Jul 28, 1959, 9:40 a.m.: Rules and Regs. 1960, p. 74; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: [20070613-IR-410070141RFA](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-1-2 Provisional death notification information

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 2. A provisional notification of death shall, as follows:

(1) Be prescribed and furnished by the state department.

(2) Require, but not be limited to, the following information:

(A) The name of the deceased.

(B) The usual residence of the deceased.

(C) The place of death or place where body was found.

(D) The time and date of death.

(E) The age, sex, and race or color of the deceased.

(F) The name of the physician last in attendance to the deceased.

(3) Be considered a privilege, not a right, and its uses and limitations shall be administered by the state department and local health departments.

(Indiana Department of Health; Reg HVR-1, Sec 2; filed Jul 28, 1959, 9:40 a.m.: Rules and Regs. 1960, p. 74; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: [20070613-IR-41007014IRFA](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-1-3 Permit for transportation or disposition of body; exceptions to use of provisional notification

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 3. The delivery of a provisional notification of death and its acceptance by a local health officer authorized to use the same, shall entitle the person in charge of interment to a permit for transportation or disposition, or both, of the body except that a provisional notification of death shall not be used if disposition of the body is by cremation. If the circumstances suggest that the death is due to other than natural causes, permission of the coroner must be obtained prior to removal of the body or preparation of the body for burial. Upon use of a provisional notification of death, the person in charge of interment shall present to the local health officer of the jurisdiction in which the death occurred or the body was found, a properly executed certificate of death within seven (7) days of the date of death or discovery of the body.

(Indiana Department of Health; Reg HVR-1, Sec 3; filed Jul 28, 1959, 9:40 a.m.: Rules and Regs. 1960, p. 74; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: [20070613-IR-41007014IRFA](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-1-4 Authorization of local boards for use of provisional notification

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 4. Local health departments shall:

- (1) make application for use of a provisional notification of death; and
- (2) have unrevoked written authorization from the state department prior to the use of any provisional notification of death.

(Indiana Department of Health; Reg HVR-1, Sec 4; filed Jul 28, 1959, 9:40 a.m.: Rules and Regs. 1960, p. 74; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: [20070613-IR-410070141RFA](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-1-5 Revocation of authorization

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 5. Failure to comply with the provisions of this rule or the laws, or both, governing the administration of vital statistics shall be cause to revoke the authority for use of a provisional notification of death in the local health jurisdiction. Upon discovery of willful or negligent violation or failure to comply with such provisions, the state department shall notify the local health officer by registered mail that authority to use the provisional notification of death is revoked, and the revocation shall be effective upon receipt. A local health officer shall not be eligible for reapplication within one (1) year from the date of revocation of authority to use the provisional notification of death.

(Indiana Department of Health; Reg HVR-1, Sec 5; filed Jul 28, 1959, 9:40 a.m.: Rules and Regs. 1960, p. 74; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: [20070613-IR-410070141RFA](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-1-6 Suspension of provisional notification privilege; liability

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 6. The local health officer may suspend the privilege of the provisional notification of death to any funeral home, firm, or establishment for failure to present a properly executed certificate of death or for other good and sufficient cause. A suspension of the privilege to use the provisional notification of death shall not be less than ninety (90) days nor more than twenty-four (24) months. The suspension shall be subject to review and amendment or repeal by the state department. The funeral home, firm, or establishment shall be responsible for the acts of funeral directors or embalmers in its employ, and any suspension of privilege shall be binding upon it equally with the person in charge of interment.

(Indiana Department of Health; Reg HVR-1, Sec 6; filed Jul 28, 1959, 9:40 a.m.: Rules and Regs. 1960, p. 75; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: [20070613-IR-410070141RFA](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-1-7 Suspension list

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 7. The state department shall issue on not less than a quarterly basis the name and address of all funeral homes for which the privilege is suspended and the duration of the suspension. All local health officers shall deny the use of the provisional notification of death to any funeral home named on the suspension list.

(Indiana Department of Health; Reg HVR-1, Sec 7; filed Jul 28, 1959, 9:40 a.m.: Rules and Regs. 1960, p. 75; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: [20070613-IR-410070141RFA](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-1-8 Advisory committee; members

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)
Affected: [IC 16-37](#)

Sec. 8. There is hereby created, an advisory committee composed of five (5) persons who shall be appointed by the state health commissioner, and the members shall serve without pay for a three (3) year term or until their successors are appointed. The committee shall include the following:

- (1) A local health officer.
- (2) A physician.
- (3) A representative of the Indiana Funeral Directors Association.
- (4) A representative of the state board of embalmers and funeral directors.
- (5) A representative of the state department, who shall act as chairperson.

The committee shall be advisory to the state department in matters pertaining to administration of the death registration system and this rule.

(Indiana Department of Health; Reg HVR-1, Sec 8; filed Jul 28, 1959, 9:40 a.m.: Rules and Regs. 1960, p. 75; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: [20070613-IR-410070141RFA](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

Rule 2. Training and Registration of Eye Enucleators *(Expired)*

(Expired under [IC 4-22-2.5](#), effective January 1, 2008.)

Rule 3. Birth Certificates

1. [410 IAC 18-3-1](#) Issuance of birth certificates
2. [410 IAC 18-3-2](#) Documentation required to obtain birth certificate

[410 IAC 18-3-1](#) Issuance of birth certificates

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)
Affected: [IC 16-37-2-2.1](#)

Sec. 1. The state registrar may issue a birth certificate to the following applicants:

- (1) The individual.
- (2) The mother of the individual.
- (3) The father of the individual, if named on the birth certificate, married to the mother of the individual, or paternity has been established under [IC 16-37-2-2.1](#).
- (4) A grandparent of the individual, if parents of the individual were married at the time of birth, or paternity has been established under [IC 16-37-2-2.1](#).

- (5) The legal guardian of the individual.
 - (6) An adult sibling of the adult individual.
 - (7) An adult aunt or adult uncle of the individual, if parents of the individual were married at the time of birth.
 - (8) The spouse of the individual.
 - (9) An adult child or adult grandchild of the individual.
- (Indiana Department of Health; [410 IAC 18-3-1](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))*

410 IAC 18-3-2 Documentation required to obtain birth certificate

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 2. The applicant of a birth certificate shall provide the following to the state registrar upon request:

- (1) The following information about the individual:
 - (A) Full name at birth.
 - (B) City or county of birth.
 - (C) Date of birth.
 - (D) Parent's full names, including mother's maiden name.
- (2) Purpose for which record is to be used.
- (3) Guardianship papers, if applicable.
- (4) The following information about the applicant:
 - (A) Documentation to verify relationship to the individual.
 - (B) Written signature.
 - (C) Photocopy of signature identification of the applicant.
 - (D) Address and telephone number.
- (5) If the individual is under eighteen (18) years of age and is also the applicant, the following additional information must also be provided to the state registrar:
 - (A) Written signature of parent or guardian.
 - (B) Photocopy of signature identification of parent or guardian.
 - (C) Telephone number of parent or guardian.
- (6) Other documentation as requested by state registrar.
- (7) A check or money order payable to the Indiana department of health for the correct amount required by law.

(Indiana Department of Health; [410 IAC 18-3-2](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#); errata filed Jul 28, 2021, 9:48 a.m.: [20210811-IR-410210318ACA](#))

Rule 4. Death Certificates

1. [410 IAC 18-4-1](#) Issuance of death certificates
2. [410 IAC 18-4-2](#) Documentation required to obtain death certificate

410 IAC 18-4-1 Issuance of death certificates

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 1. The state registrar may issue a death certificate to any one (1) or more of the following applicants:

- (1) The parents of the individual.
- (2) Grandparents of the individual.
- (3) Siblings of the individual.
- (4) The spouse or domestic partner of the individual.
- (5) Adult children of the individual.
- (6) Direct descendants.
- (7) Other applicants at the discretion of the state registrar.

(Indiana Department of Health; [410 IAC 18-4-1](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 18-4-2 Documentation required to obtain death certificate

Authority: [IC 16-19-3-4](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

Sec. 2. The applicant of a death certificate shall provide the following to the state registrar upon request:

- (1) Valid identification.
- (2) Other documentation as requested by the state registrar.
- (3) A check or money order payable to the Indiana department of health for the correct amount required by law.

(Indiana Department of Health; [410 IAC 18-4-2](#); filed Jul 31, 2008, 4:20 p.m.: [20080827-IR-410070821FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#); errata filed Jul 28, 2021, 9:48 a.m.: [20210811-IR-410210318ACA](#))

Rule 3. Birth Problems Registry

1. [410 IAC 21-3-1](#)Applicability
2. [410 IAC 21-3-2](#)"Indiana resident" defined
3. [410 IAC 21-3-3](#)"Person" defined
4. [410 IAC 21-3-4](#)"Registry" defined
5. [410 IAC 21-3-5](#)"Severe disability" defined
6. [410 IAC 21-3-6](#)"Stillbirth" defined (Repealed)
7. [410 IAC 21-3-7](#)Persons required to report
8. [410 IAC 21-3-8](#)Reporting requirements
9. [410 IAC 21-3-9](#)Reportable birth problems

410 IAC 21-3-1 Applicability

Authority: [IC 16-38-4-7](#)

Affected: [IC 16-38-4](#)

Sec. 1. The definitions in this rule apply throughout this rule.

(Indiana Department of Health; [410 IAC 21-3-1](#); filed Jul 8, 2002, 1:55 p.m.: 25 IR 3757; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080355RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 21-3-2 "Indiana resident" defined

Authority: [IC 16-38-4-7](#)

Affected: [IC 16-38-4](#)

Sec. 2. "Indiana resident" means an individual whose current address is within the state of Indiana.

(Indiana Department of Health; [410 IAC 21-3-2](#); filed Jul 8, 2002, 1:55 p.m.: 25 IR 3757; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080355RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 21-3-3 "Person" defined

Authority: [IC 16-38-4-7](#)

Affected: [IC 16-38-4](#)

Sec. 3. "Person" means an individual, association, partnership, corporation, or government entity. (Indiana Department of Health; [410 IAC 21-3-3](#); filed Jul 8, 2002, 1:55 p.m.: 25 IR 3757; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080355RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 21-3-4 "Registry" defined

Authority: [IC 16-38-4-7](#)

Affected: [IC 16-38-4](#)

Sec. 4. "Registry" means the Indiana birth problems registry administered by the Indiana department of health. (Indiana Department of Health; [410 IAC 21-3-4](#); filed Jul 8, 2002, 1:55 p.m.: 25 IR 3757; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080355RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#); errata filed Jul 28, 2021, 9:48 a.m.: [20210811-IR-410210319ACA](#))

410 IAC 21-3-5 "Severe disability" defined

Authority: [IC 16-38-4-7](#)

Affected: [IC 16-38-4](#)

Sec. 5. "Severe disability" means a severe physical disability or developmental delay that:

- (1) results from injury, infection, or disease;
- (2) is chronic in nature; and
- (3) requires long term health care.

(Indiana Department of Health; [410 IAC 21-3-5](#); filed Jul 8, 2002, 1:55 p.m.: 25 IR 3758; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080355RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 21-3-6 "Stillbirth" defined (Repealed)

(Repealed by Indiana Department of Health; filed Mar 30, 2005, 3:00 p.m.: 28 IR 2356)

410 IAC 21-3-7 Persons required to report

Authority: [IC 16-38-4-7](#)

Affected: [IC 16-38-4](#)

Sec. 7. The following persons shall report a diagnosed birth problem to the birth problems registry:

- (1) Hospitals.
- (2) Birthing centers.
- (3) Health facilities.
- (4) Physicians.
- (5) Psychiatric hospitals.
- (6) Dentists.
- (7) Oral surgeons.
- (8) Registered or licensed practical nurses.
- (9) Midwives.
- (10) Optometrists.
- (11) Podiatrists.
- (12) Chiropractors.
- (13) Physical therapists.
- (14) Psychologists.
- (15) Local health departments.
- (16) Health maintenance organizations.
- (17) Audiologists.

(Indiana Department of Health; [410 IAC 21-3-7](#); filed Jul 8, 2002, 1:55 p.m.: 25 IR 3758; filed Sep 26, 2006, 10:00 a.m.: [20061025-IR-410050256RFA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080355RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 21-3-8 Reporting requirements

Authority: [IC 16-38-4-7](#)

Affected: [IC 16-38-4](#)

Sec. 8. (a) The following shall be reported by a person who must report as required by section 7 of this rule to the registry:

(1) Every birth problem, except a pervasive developmental disorder or a fetal alcohol spectrum disorder, listed in section 9 of this rule that:

(A) has been diagnosed in a child before that child's third birthday; or

(B) was diagnosed at the time of a child's death up to three (3) years of age.

(2) A pervasive developmental disorder or a fetal alcohol spectrum disorder listed in section 9 of this rule that was diagnosed before a child's fifth birthday.

(b) Reports to the registry must be made within sixty (60) days of diagnosis.

(c) Only diagnoses of birth problems in children who are Indiana residents shall be reported.

(d) The registry shall provide the required forms for birth problems reporting.

(Indiana Department of Health; [410 IAC 21-3-8](#); filed Jul 8, 2002, 1:55 p.m.: 25 IR 3758; filed Mar 30, 2005, 3:00 p.m.: 28 IR 2355; readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080355RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 21-3-9 Reportable birth problems

Authority: [IC 16-38-4-7](#)

Affected: [IC 16-38-4](#)

Sec. 9. The following categories along with those conditions identified in the International Classification of Diseases – Ninth Revision, Clinical Modification, 1998 (ICD-9-CM) are birth problems:

(1) A structural deformation.

(2) A developmental malformation.

(3) A genetic, inherited, or biochemical disease.

(4) A condition of a chronic nature, including:

(A) central nervous system hemorrhage; or

(B) infection of the central nervous system;

that may result in a need for long term health care.

(5) A pervasive developmental disorder.

(6) A fetal alcohol spectrum disorder.

(7) Any other severe disability that is recognized:

(A) in a child after birth; and

(B) before the child becomes three (3) years of age.

(8) ICD-9-CM Name

Codes

155-208 Neoplasms

216-216.9 Neoplasms

230-234 Neoplasms

246.1 Dys hormonogenic goiter

250	Diabetes mellitus
257.8	Other testicular dysfunction
279	Disorders involving the immune mechanism
282	Hereditary hemolytic anemias
284.0	Constitutional aplastic anemia
286.0-	Coagulation defects
286.5	
287.3	Primary thrombocytopenia
288	Diseases of white blood cells
289.6	Familial polycythemia
299.00-	Pervasive developmental disorders including autism, childhood disintegrative
299.99	disorder, Asperger's syndrome, Rett syndrome, and pervasive developmental disorders not otherwise specified
330	Cerebral degenerations usually manifest childhood
335	Anterior horn cell disease
359	Muscular dystrophies and myopathies
362.21	Retrolental fibroplasia
362.7	Hereditary retinal dystrophies
365.14	Glaucoma of childhood
378	Strabismus and other disorders of binocular eye movement
379.51	Congenital nystagmus
389.0-	Hearing loss
389.9	
524.0-	Anomalies of jaw
524.1	

Congenital anomalies

740-742	Central nervous system
743-744	Orofacial
745-747	Cardiovascular
748	Respiratory
749-750.29	Orofacial
750.3-751	Gastrointestinal
752-753	Genitourinary
754-756	Musculoskeletal
757	Integument
758	Chromosome and syndromes
759	Other and unspecified congenital anomalies
760.71	Fetal alcohol syndrome

(Indiana Department of Health; [410 IAC 21-3-9](#); filed Jul 8, 2002, 1:55 p.m.: 25 IR 3758; filed Mar 30, 2005, 3:00 p.m.: 28 IR 2355; filed Sep 26, 2006, 10:00 a.m.: [20061025-IR-410050256RFA](#); readopted filed Jul 14, 2008, 2:14 p.m.: [20080806-IR-410080355RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

Rule 2. Health Care Professional Recruitment and Retention Program

1. [410 IAC 23-2-1](#) Definitions
2. [410 IAC 23-2-2](#) "Department" defined
3. [410 IAC 23-2-3](#) "Fiscal body" defined
4. [410 IAC 23-2-4](#) "Fund" defined
5. [410 IAC 23-2-5](#) "Lending institution" defined
6. [410 IAC 23-2-6](#) "Shortage area" defined
7. [410 IAC 23-2-7](#) "Student loan" defined
8. [410 IAC 23-2-8](#) Federal designation
9. [410 IAC 23-2-9](#) Fund established
10. [410 IAC 23-2-10](#) Applicants
11. [410 IAC 23-2-11](#) Eligibility
12. [410 IAC 23-2-12](#) Amount awarded
13. [410 IAC 23-2-13](#) Annual report
14. [410 IAC 23-2-14](#) Compliance with federal law

[410 IAC 23-2-1](#) Definitions

Authority: [IC 16-46-5-19](#)

Affected: [IC 16-46-5](#)

Sec. 1. The definitions in this rule apply throughout this rule.

(Indiana Department of Health; [410 IAC 23-2-1](#); filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759; readopted filed Sep 16, 2008, 10:36 a.m.: [20081001-IR-410080550RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

[410 IAC 23-2-2](#) "Department" defined

Authority: [IC 16-46-5-19](#)

Affected: [IC 16-46-5](#)

Sec. 2. "Department" means the Indiana department of health.

(Indiana Department of Health; [410 IAC 23-2-2](#); filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759; readopted filed Sep 16, 2008, 10:36 a.m.: [20081001-IR-410080550RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#); errata filed Jul 28, 2021, 11:55 a.m.: [20210811-IR-410210323ACA](#))

410 IAC 23-2-3 "Fiscal body" defined

Authority: [IC 16-46-5-19](#)

Affected: [IC 16-46-5](#)

Sec. 3. "Fiscal body" means:

- (1) county council, for a county not having a consolidated city;
- (2) city county council, for a consolidated city or county having a consolidated city;
- (3) common council, for a city other than a consolidated city;
- (4) town council, for a town;
- (5) township board, for a township; or
- (6) governing body or budget approval body, for any other political subdivision.

(Indiana Department of Health; [410 IAC 23-2-3](#); filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759; readopted filed Sep 16, 2008, 10:36 a.m.: [20081001-IR-410080550RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 23-2-4 "Fund" defined

Authority: [IC 16-46-5-19](#)

Affected: [IC 16-46-5](#)

Sec. 4. "Fund" means the Indiana health care professional recruitment and retention fund.

(Indiana Department of Health; [410 IAC 23-2-4](#); filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759; readopted filed Sep 16, 2008, 10:36 a.m.: [20081001-IR-410080550RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 23-2-5 "Lending institution" defined

Authority: [IC 16-46-5-19](#)

Affected: [IC 16-46-5](#)

Sec. 5. "Lending institution" means an institution that makes or holds education loans.

(Indiana Department of Health; [410 IAC 23-2-5](#); filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759; readopted filed Sep 16, 2008, 10:36 a.m.: [20081001-IR-410080550RFA](#); readopted filed Sep 10,

2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 23-2-6 "Shortage area" defined

Authority: [IC 16-46-5-19](#)

Affected: [IC 16-46-5](#)

Sec. 6. "Shortage area" means a county, city, town, census tract, or township designated by the department as underserved by health care professionals.

(Indiana Department of Health; [410 IAC 23-2-6](#); filed Jun 27, 2002, 1:35 p.m.: 25 IR 3759; readopted filed Sep 16, 2008, 10:36 a.m.: [20081001-IR-410080550RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 23-2-7 "Student loan" defined

Authority: [IC 16-46-5-19](#)

Affected: [IC 16-46-5](#)

Sec. 7. "Student loan" means a loan insured or guaranteed under a federal or state program of private insurance that is made to assist a student in obtaining postsecondary education and is:

- (1) made to any Indiana student, or either one (1) or both parents or the legal guardian of the student, for the purpose of attending an Indiana or non-Indiana institution;
- (2) made to any non-Indiana student, or one (1) or both parents or the legal guardian of the student, for the purpose of attending an Indiana institution; or
- (3) made or owned by any lending institution or their affiliate with offices located in Indiana or in a state which an Indiana bank or an Indiana bank holding company is entitled under Indiana law to acquire a bank or holding company.

(Indiana Department of Health; [410 IAC 23-2-7](#); filed Jun 27, 2002, 1:35 p.m.: 25 IR 3760; readopted filed Sep 16, 2008, 10:36 a.m.: [20081001-IR-410080550RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 23-2-8 Federal designation

Authority: [IC 16-46-5-19](#)

Affected: [IC 16-46-5](#)

Sec. 8. The department shall annually adopt the federal designation of the counties, towns, census tracts, and townships in Indiana that are underserved by specific types of health professionals as determined by the department. The department shall rank these areas according to the degree each is underserved by health care professionals.

(Indiana Department of Health; [410 IAC 23-2-8](#); filed Jun 27, 2002, 1:35 p.m.: 25 IR 3760; readopted filed Sep 16, 2008, 10:36 a.m.: [20081001-IR-410080550RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 23-2-9 Fund established

Authority: [IC 16-46-5-19](#)

Affected: [IC 16-46-5](#)

Sec. 9. (a) The Indiana health care professional recruitment and retention fund is established. The purpose of this fund is to provide loan repayment for student loans incurred by health care professionals to encourage full-time delivery of health care in shortage areas. The department shall administer the fund.

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Repayments by loan recipients from the Indiana medical and nursing distribution loan fund under [IC 25-22.5- 9](#).

(3) Gifts to the fund.

(4) Grants from public or private sources.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund.

(d) Money in the fund does not revert to the state general fund.

(e) The fund shall be used for loan repayment under this document.

(Indiana Department of Health; [410 IAC 23-2- 9](#); filed Jun 27, 2002, 1:35 p.m.: 25 IR 3760; readopted filed Sep 16, 2008, 10:36 a.m.: [20081001-IR-410080550RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR- 410200404RFA](#))

410 IAC 23-2-10 Applicants

Authority: [IC 16-46-5-19](#)

Affected: [IC 16-46-5](#)

Sec. 10. (a) Applicants may choose only from those areas appearing on the department's annual list.

(b) A health care professional must apply for a loan repayment on an application form supplied by the department.

(c) Health care professionals participating in the student loan repayment program must meet the following conditions:

(1) Be a U.S. citizen.

(2) Have no outstanding contractual obligation for health professional service to the U.S. government, or a state or other entity, unless the service obligation will be completely satisfied before the contract has been signed. Be aware that certain bonus clauses in employment contracts may impose a service obligation.

(3) Not be in breach of a health professional service contract to the U.S. government, state or local government, or other entity.

(4) Not have a judgment lien against their property for a debt to the United States.

(5) Perform their service obligation at a site designated as eligible by the department.

(6) Provide primary health care service either full-time or part-time as provided for by Section 338B of the Public Health Service Act (42 U.S.C. 254l-1), as amended, Section 331(i) of the Public Health Service Act (42 U.S.C. 254d(i)), as amended, and as future changes in the governing statute may dictate, including the following:

(A) Full-time services are defined as a minimum of forty (40) hours per week for at least forty-five (45) weeks per year at an eligible site. At least thirty-two (32) of the forty (40) hours per week must be spent providing clinical service. Full-time services are subject to the following:

(i) These services must be conducted during normally scheduled clinic hours in the ambulatory care setting office or offices, with the remaining hours spent providing inpatient care to patients of the eligible site or in practice related administrative activities, or both, with administrative activities not to exceed twenty percent (20%) of their full-time service requirement.

(ii) Time spent "on-call" is not considered part of the full-time service requirement.

(iii) Obstetrician/gynecologists and certified nurse midwives are expected to spend not less than twenty-one (21) hours per week providing ambulatory care services during normally scheduled office hours, with the remaining hours spent providing inpatient care to patients of the eligible site or in practice related administrative activities, or both, with administrative activities not to exceed twenty percent (20%) of their full-time service requirement.

(B) Part-time services are defined as a minimum of twenty (20) hours per week, not to exceed thirty-nine (39) hours per week, for a minimum of forty-five (45) weeks per year. Part-time services are subject to the following:

(i) The twenty (20) hours per week may be compressed into not less than two (2) work days per week, with not more than twelve (12) hours of work to be performed in any twenty-four (24) hour period.

(ii) Participants do not receive service credit for hours worked over the required twenty (20) hours per week, and excess hours cannot be applied to any other work week.

(iii) Full-time work done by a half-time participant will not change the participant's half-time status. Time spent "on call" will not count towards the service requirement, except to the extent the provider is directly serving patients during that period.

(7) Charge for their professional services at the usual and customary prevailing rates in the area in which such services are provided, except that if a person is unable to pay such charge, the person shall be charged at a reduced rate or not charged any fee.

(8) Agree to provide primary health services to any individual seeking care. The program participants must agree not to discriminate on the basis of the patient's ability to pay for such care on the basis that payment for such care will be made pursuant to Medicare or Medicaid.

(9) Agree that they will:

(A) accept assignment under Medicare (Section 1842(b)(3)(B)(ii) of the Social Security Act) for all services for which payment under Part B of Title XVIII; and

(B) enter into an appropriate agreement with the state agency that administers the state plan for medical assistance under Title XIX to provide services to individuals entitled to medical assistance under the plan.

(10) Pay the amount specified in the program contract default provisions for failure to complete their service obligation for any reason.

(d) To be eligible for loan repayment for student loans, a health care professional must meet all of the following conditions:

(1) Hold an unlimited license to practice a health care profession in Indiana that has been declared by the department to be eligible for loan repayment in a specified fiscal year.

(2) Either:

(A) enter into an agreement with the state department; or

(B) provide the state department with a copy of an agreement that the health professional has entered into with a health services provider in a health professional shortage area to practice in the shortage area for at least two (2) years.

(3) Practice in a health care profession that has been declared eligible by the department for loan repayment in a specified fiscal year.

(Indiana Department of Health; [410 IAC 23-2-10](#); filed Jun 27, 2002, 1:35 p.m.: 25 IR 3760; readopted filed Sep 16, 2008, 10:36 a.m.: [20081001-IR-410080550RFA](#); filed Apr 30, 2013, 2:41 p.m.: [20130529-IR-410120501FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 23-2-11 Eligibility

Authority: [IC 16-46-5-19](#)

Affected: [IC 16-46-5-7](#)

Sec. 11. The department shall consider each application and determine the eligibility of the applicant for the program under which the application is submitted and the extent to which the shortage area or eligible entity located in a shortage area is underserved, according to the rank given the shortage area under [IC 16-46-5-7](#).

(Indiana Department of Health; [410 IAC 23-2-11](#); filed Jun 27, 2002, 1:35 p.m.: 25 IR 3761; readopted filed Sep 16, 2008, 10:36 a.m.: [20081001-IR-410080550RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 23-2-12 Amount awarded

Authority: [IC 16-46-5-19](#)

Affected: [IC 16-46-5](#)

Sec. 12. Amounts awarded may not exceed the documented amount of the student loans incurred by the health care professional.

(Indiana Department of Health; [410 IAC 23-2-12](#); filed Jun 27, 2002, 1:35 p.m.: 25 IR 3761; readopted filed Sep 16, 2008, 10:36 a.m.: [20081001-IR-410080550RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 23-2-13 Annual report

Authority: [IC 16-46-5-19](#)

Affected: [IC 16-46-5](#)

Sec. 13. The department shall file an annual report with the governor and the general assembly on the following:

- (1) The receipt, disbursement, and use of funds.
- (2) The identification of shortage areas.
- (3) The number of applications for loan repayments by the following categories:
 - (A) Profession.
 - (B) Specialty.
 - (C) Underserved are to be served.
- (4) The number and amount of loan repayments provided by the department.

(Indiana Department of Health; [410 IAC 23-2-13](#); filed Jun 27, 2002, 1:35 p.m.: 25 IR 3761; readopted filed Sep 16, 2008, 10:36 a.m.: [20081001-IR-410080550RFA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

410 IAC 23-2-14 Compliance with federal law

Authority: [IC 16-46-5-19](#)

Affected: [IC 16-46-5](#)

Sec. 14. All provisions in this rule must be equal to or less than the provisions established by federal law as found in Section 338B of the Public Health Service Act (42 U.S.C. 2541-1), as

amended, Section 331(i) of the Public Health Service Act (42 U.S.C. 254d(i)), as amended, and with future changes in the governing statute.

(Indiana Department of Health; [410 IAC 23-2-14](#); filed Apr 30, 2013, 2:41 p.m.: [20130529-IR-410120501FRA](#); readopted filed Sep 10, 2014, 2:08 p.m.: [20141008-IR-410140299RFA](#); readopted filed Sep 10, 2020, 2:11 p.m.: [20201007-IR-410200404RFA](#))

TITLE 410 INDIANA DEPARTMENT OF HEALTH

ARTICLE 40. CERTIFICATE OF NEED PROGRAM

1. [Rule 1](#).Definitions
2. [Rule 2](#).Applicability
3. [Rule 3](#).Application; Public Comment
4. [Rule 4](#).Review
5. [Rule 5](#).Fees

Rule 1. Definitions

1. [410 IAC 40-1-1](#)Applicability
2. [410 IAC 40-1-2](#)"Commissioner" defined
3. [410 IAC 40-1-3](#)"Department" defined
4. [410 IAC 40-1-4](#)"Review period" defined

410 IAC 40-1-1 Applicability

Authority: [IC 16-29-7-19](#)

Affected: [IC 16-29-7](#)

Sec. 1. (a) The definitions in this rule apply throughout this article.

(b) The definitions in [IC 16-29-7](#) apply throughout this article.

(Indiana Department of Health; [410 IAC 40-1-1](#); filed May 15, 2020, 8:35 a.m.: [20200610-IR-410190685FRA](#))

410 IAC 40-1-2 "Commissioner" defined

Authority: [IC 16-29-7-19](#)

Affected: [IC 16-29-7](#)

Sec. 2. "Commissioner" means the state health commissioner or commissioner's designee.
(Indiana Department of Health; [410 IAC 40-1-2](#); filed May 15, 2020, 8:35 a.m.: [20200610-IR-410190685FRA](#))

410 IAC 40-1-3 "Department" defined

Authority: [IC 16-29-7-19](#)

Affected: [IC 16-29-7](#)

Sec. 3. "Department" means the Indiana department of health.
(Indiana Department of Health; [410 IAC 40-1-3](#); filed May 15, 2020, 8:35 a.m.: [20200610-IR-410190685FRA](#); errata filed Jul 28, 2021 3:28 p.m.: [20210811-IR-410210334ACA](#))

410 IAC 40-1-4 "Review period" defined

Authority: [IC 16-29-7-19](#)

Affected: [IC 16-29-7](#)

Sec. 4. "Review period" means the period for review of certificate of need applications beginning July 1 of each year and lasting until the following June 30.
(Indiana Department of Health; [410 IAC 40-1-4](#); filed May 15, 2020, 8:35 a.m.: [20200610-IR-410190685FRA](#))

Rule 2. Applicability

1. [410 IAC 40-2-1](#)Applicability

410 IAC 40-2-1 Applicability

Authority: [IC 16-29-7-19](#)

Affected: [IC 16-29-7](#)

Sec. 1. (a) Except as permitted in [IC 16-29-7](#) and this article:
(1) comprehensive care beds may not be:
(A) added;

- (B) transferred; or
 - (C) constructed;
 - (2) certification of a comprehensive care bed to participate in the state Medicaid program may not be added or transferred; and
 - (3) beds may not be converted to comprehensive care beds.
 - (b) This article does not apply to the following:
 - (1) Replacement comprehensive care facilities that meet the requirements of [IC 16-29-7-1\(a\)\(1\)](#).
 - (2) For existing facilities, construction of new additions, and modification or alteration of the structure of the existing facility that meets the requirements of [IC 16-29-7-1\(a\)\(2\)](#).
 - (3) Transfer of comprehensive care beds to another comprehensive care facility within the same county in accordance with [IC 16-29-7-1\(a\)\(3\)](#).
 - (4) A comprehensive care bed owned, operated, or sponsored by a religious organization in accordance with [IC 16-29-7-1\(a\)\(4\)](#).
 - (5) A comprehensive care bed owned, operated, or sponsored by a fraternal organization in accordance with [IC 16-29-7-1\(a\)\(5\)](#).
 - (6) A small house health facility in accordance with [IC 16-29-7-1\(a\)\(6\)](#).
 - (7) A continuing care retirement community in accordance with [IC 16-29-7-1\(a\)\(7\)](#).
- (Indiana Department of Health; [410 IAC 40-2-1](#); filed May 15, 2020, 8:35 a.m.: [20200610-IR-410190685FRA](#))*

Rule 3. Application; Public Comment

1. [410 IAC 40-3-1](#)Application
2. [410 IAC 40-3-2](#)Public comment

[410 IAC 40-3-1](#) Application

Authority: [IC 16-29-7-19](#)

Affected: [IC 16-29-7](#)

- Sec. 1. (a) Certificate of need applications must be submitted in accordance with [IC 16-29-7-11](#).
- (b) Certificate of need applications shall be submitted on a form created by the department along with any required supporting documentation.
- (c) The certificate of need applicant shall provide sufficient information to enable the commissioner to perform a thorough review of each of the criteria established by [IC 16-29-7-12](#).
- (d) Certificate of need applications may be submitted each year between July 1 and July 31.
- (e) The department will publish any certificate of need application accepted for review on the department's Internet website before August 15 of the review period.
- (Indiana Department of Health; [410 IAC 40-3-1](#); filed May 15, 2020, 8:35 a.m.: [20200610-IR-410190685FRA](#))*

410 IAC 40-3-2 Public comment

Authority: [IC 16-29-7-19](#)

Affected: [IC 16-29-7](#)

Sec. 2. (a) The department shall accept public comment on any certificate of need application before October 15 of the review period.

(b) Public comment may be submitted by either of the following:

(1) United States Postal Service or equivalent delivery sent to the department at:

Indiana Department of Health

2 North Meridian St.

Indianapolis, IN 46204

(2) Electronic mail submitted to providers@isdh.in.gov.

(Indiana Department of Health; [410 IAC 40-3-2](#); filed May 15, 2020, 8:35 a.m.: [20200610-IR-410190685FRA](#); errata filed Jul 28, 2021 3:28 p.m.: [20210811-IR-410210334ACA](#))

Rule 4. Review

1. [410 IAC 40-4-1](#) Applications
2. [410 IAC 40-4-2](#) Comparative review; points value

410 IAC 40-4-1 Applications

Authority: [IC 16-29-7-19](#)

Affected: [IC 16-29-7](#)

Sec. 1. (a) The department will review applications submitted in accordance with this article based on the criteria established in [IC 16-29-7-12](#).

(b) The commissioner shall approve a certificate of need application for:

(1) the transfer of comprehensive care beds; or

(2) the construction of a comprehensive care health facility consisting of transferred beds; only after finding that the transfer of construction is necessary as provided in [IC 16-29-7-12](#).

(c) The department shall issue decisions on certificate of need applications accepted for review by April 30 of the review period.

(Indiana Department of Health; [410 IAC 40-4-1](#); filed May 15, 2020, 8:35 a.m.: [20200610-IR-410190685FRA](#))

410 IAC 40-4-2 Comparative review; points value

Authority: [IC 16-29-7-19](#)

Affected: [IC 16-29-7](#)

Sec. 2. (a) When required, the commissioner shall perform a comparative review on a certificate of need application in accordance with [IC 16-29-7-14](#).

(b) For comparative review described in subsection (a), the commissioner shall apply the following points values, with a maximum total value of one hundred (100) points, for the factors listed in [IC 16-29-7-12](#)(d):

(1) The need that the population served or proposed to be served has for the services to be provided upon implementation of a project detailed in the certificate of need application is weighted with fifteen (15) points.

(2) The quality of care provided in previous or existing comprehensive care health facilities owned or operated by the applicant, including responses to resident and family satisfaction surveys, is weighted with fifteen (15) points.

(3) The applicant's plan to meet the staffing requirements for the project as required by [410 IAC 16.2-3.1-2](#)(c)(6) is weighted with ten (10) points.

(4) The short term and long term financial feasibility, the cost effectiveness of the project, and the financial impact upon the applicant, other providers, health care consumers, and the state's Medicaid program is weighted with ten (10) points.

(5) The historical, current, and projected use of the facility if the application is for a project that involves an existing comprehensive care health facility is weighted with five (5) points.

(6) The relationship of the project to the applicant's long range plan and the planning process employed is weighted with five (5) points.

(7) The effectiveness of the project in meeting the health care needs of medically underserved groups, including:

(A) low income individuals;

(B) individuals with disabilities; and

(C) minorities;

and, if applicable, the applicant's historical experience in meeting the needs of the underserved groups is weighted with ten (10) points.

(8) The availability of and impact on ancillary and support services that relate to the project, including:

(A) dental care;

(B) diagnostics;

(C) laboratory;

(D) pharmaceutical;

(E) therapy;

(F) transportation;

(G) vision; and

(H) x-ray;

is weighted with five (5) points.

(9) The extent to which the project, the facility, and the applicant comply with applicable standards for licensure, certification, and other approvals is weighted with five (5) points.

(10) The historical performance of the applicant and affiliated parties in complying with previously granted certificate of need applications is weighted with five (5) points.

- (11) The public comments submitted to the department under [IC 16-29-7-13](#) are weighted with five (5) points.
- (12) The applicant's legal right or demonstration of a future legal right to the beds proposed to be transferred under the application is weighted with five (5) points.
- (13) Any other information deemed relevant by the department concerning the need for the comprehensive care beds or the comprehensive care health facility requested on the application is weighted with five (5) points.
- (Indiana Department of Health; [410 IAC 40-4-2](#); filed May 15, 2020, 8:35 a.m.: [20200610-IR-410190685FRA](#))*

Rule 5. Fees

1. [410 IAC 40-5-1](#)Fees

[410 IAC 40-5-1](#) Fees

Authority: [IC 16-29-7-19](#)

Affected: [IC 16-29-7](#)

- Sec. 1. (a) The fee for a certificate of need application is five thousand dollars (\$5,000).
- (b) Fees imposed in this section are payable to the department for use in the administration of the certificate of need program.
- (Indiana Department of Health; [410 IAC 40-5-1](#); filed May 15, 2020, 8:35 a.m.: [20200610-IR-410190685FRA](#))*

TITLE 410 INDIANA DEPARTMENT OF HEALTH

ARTICLE 41. ABORTION COMPLICATIONS REPORTING

1. [Rule 1.](#)Definitions
2. [Rule 2.](#)Abortion Complications Reporting

Rule 1. Definitions

1. [410 IAC 41-1-1](#)Applicability
2. [410 IAC 41-1-2](#)"Abortion complication" defined
3. [410 IAC 41-1-3](#)"Department" defined

4. [410 IAC 41-1-4](#)"Facility" defined

410 IAC 41-1-1 Applicability

Authority: [IC 16-34-2-4.7](#)

Affected: [IC 16-34-2-4.7](#)

Sec. 1. The definitions in this rule apply throughout this article.

(Indiana Department of Health; [410 IAC 41-1-1](#); filed Nov 4, 2022, 8:30 a.m.: [20221130-IR-410220074FRA](#))

410 IAC 41-1-2 "Abortion complication" defined

Authority: [IC 16-34-2-4.7](#)

Affected: [IC 16-34-2-4.7](#)

Sec. 2. "Abortion complication" means a condition listed in [IC 16-34-2-4.7](#) that, in the reasonable medical judgment of the treating provider, arises from the induction or performance of an abortion.

(Indiana Department of Health; [410 IAC 41-1-2](#); filed Nov 4, 2022, 8:30 a.m.: [20221130-IR-410220074FRA](#))

410 IAC 41-1-3 "Department" defined

Authority: [IC 16-34-2-4.7](#)

Affected: [IC 16-34-2-4.7](#)

Sec. 3. "Department" means the Indiana department of health.

(Indiana Department of Health; [410 IAC 41-1-3](#); filed Nov 4, 2022, 8:30 a.m.: [20221130-IR-410220074FRA](#))

410 IAC 41-1-4 "Facility" defined

Authority: [IC 16-34-2-4.7](#)

Affected: [IC 16-21-2-2.5](#); [IC 16-34-2-4.7](#)

Sec. 4. "Facility" means an entity, other than a physician, that is required to report abortion complications under [IC 16-34-2-4.7](#).

(Indiana Department of Health; [410 IAC 41-1-4](#); filed Nov 4, 2022, 8:30 a.m.: [20221130-IR-410220074FRA](#))

Rule 2. Abortion Complications Reporting

1. [410 IAC 41-2-1](#) Reporting complications
2. [410 IAC 41-2-2](#) Submission and contents of report

[410 IAC 41-2-1](#) Reporting complications

Authority: [IC 16-34-2-4.7](#)

Affected: [IC 25-22.5](#); [IC 16-34-2-4.7](#)

Sec. 1. (a) The following persons shall report to the department each case in which the person treated a patient suffering from an abortion complication:

(1) A physician licensed under [IC 25-22.5](#).

(2) A facility.

(b) In the case of a physician treating a patient at a facility, the physician and the facility are not required to separately report the same abortion complication. The physician and the facility must have a process in place to assure that the required report is made in compliance with this rule and [IC 16-34-2-4.7](#).

(Indiana Department of Health; [410 IAC 41-2-1](#); filed Nov 4, 2022, 8:30 a.m.: [20221130-IR-410220074FRA](#))

[410 IAC 41-2-2](#) Submission and contents of report

Authority: [IC 16-34-2-4.7](#)

Affected: [IC 16-34-2-4.7](#)

Sec. 2. (a) A report of an abortion complication shall be submitted to the department within thirty (30) calendar days of the date of the onset of treatment for the reported complication.

(b) The report shall:

- (1) include the information required by [IC 16-34-2-4.7](#); and
- (2) be made on the form prescribed by the department.

(c) A new report shall be made for any follow-up visits in which a new abortion complication is diagnosed and treated. The new report shall be submitted within thirty (30) calendar days of the follow-up visit.

(Indiana Department of Health; [410 IAC 41-2-2](#); filed Nov 4, 2022, 8:30 a.m.: [20221130-IR-410220074FRA](#))