

TITLE 610 DEPARTMENT OF LABOR

Notice of First Public Comment Period

LSA Document #25-160

HOME CARE CONSUMERS AND WORKER PROTECTION; PENALTIES

PURPOSE OF NOTICE

The Department of Labor (department) is soliciting public comment on adding rules at [610 IAC 12](#) concerning home care consumers and worker protection; and penalty assessments. The department seeks comment on the affected citations listed and any other provisions of Title 610 that may be affected by this rulemaking.

ADDITIONAL DOCUMENTS

Regulatory Analysis: [20250326-IR-610250160RAA](#)

Notice of Public Hearing: [20250326-IR-610250160PHA](#)

CITATIONS AFFECTED: [610 IAC 12](#)

AUTHORITY: [IC 22-1-1](#); [IC 22-1-5-19](#)

OVERVIEW

Basic Purpose and Background

In 2023, the Indiana legislature passed a law that required, among other things, that the department promulgate rules describing how certain civil penalties are calculated. A maximum penalty that may be assessed against a placement agency of home care service workers in violation of statutory requirements is set by statute found in [IC 22-1-5-19](#), but the department has never assessed this penalty under that statute, having never received any complaint to investigate. The department is proposing a new rule to comply with the law so that if a complaint is received and investigated against a placement agency of home care service workers in the state in the future, the department and the regulated community will have a rule that describes the fixed penalty amount that must be assessed if a violation is found.

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

J. Anthony Hardman
Indiana Department of Labor
402 West Washington Street, Room W195
Indianapolis, IN 46204
(317) 232-2696
DOLlegal@dol.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

David Watkins
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 607-9176
DWatkins@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

REQUEST FOR PUBLIC COMMENT

The department is soliciting public comment on the proposed rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #25-160 Home Care Consumers and Worker Protection; Penalties

J. Anthony Hardman
Indiana Department of Labor
402 West Washington Street, Room W195
Indianapolis, IN 46204

(2) By email to DOLlegal@dol.in.gov. PLEASE NOTE: Email comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.

(3) Attend scheduled public hearing.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than April 25, 2025.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis, and materials incorporated by reference (if applicable) are on file at the Indiana Department of Labor, 402 West Washington Street, Room W195, Indianapolis, Indiana and are available for public inspection. Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis are available at the Department of Labor office.

If the department does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

PROPOSED RULE

SECTION 1. [610 IAC 12](#) IS ADDED TO READ AS FOLLOWS:

ARTICLE 12. HOME CARE CONSUMERS AND WORKER PROTECTION

Rule 1.	Definitions
Rule 2.	Penalties

Rule 1. Definitions

[610 IAC 12-1-1](#) Applicability

Authority: [IC 22-1-1](#); [IC 22-1-5-12](#)
Affected: [IC 22-1-5](#)

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

(Department of Labor; [610 IAC 12-1-1](#))

[610 IAC 12-1-2](#) "Commissioner" defined

Authority: [IC 22-1-1](#)
Affected: [IC 22-1-5-19](#)

Sec. 2. "Commissioner" means the commissioner of the department of labor.

(Department of Labor; [610 IAC 12-1-2](#))

[610 IAC 12-1-3](#) "Consumer notice" defined

Authority: [IC 22-1-1](#)
Affected: [IC 22-1-5-4](#); [IC 22-1-5-14](#)

Sec. 3. "Consumer notice" has the meaning set forth in [IC 22-1-5-4](#).

(Department of Labor; [610 IAC 12-1-3](#))

[610 IAC 12-1-4](#) "Department" defined

Authority: [IC 22-1-1](#)

Affected: [IC 22-1-1-1](#); [IC 22-1-5-5](#)

Sec. 4. "Department" has the meaning set forth in [IC 22-1-5-5](#).

(Department of Labor; [610 IAC 12-1-4](#))

[610 IAC 12-1-5](#) "Investigation" defined

Authority: [IC 22-1-1](#)

Affected: [IC 22-1-5-18](#)

Sec. 5. "Investigation" refers to the investigation described in [IC 22-1-5-18](#).

(Department of Labor; [610 IAC 12-1-5](#))

[610 IAC 12-1-6](#) "Placement agency" defined

Authority: [IC 22-1-1](#)

Affected: [IC 22-1-5-9](#)

Sec. 6. "Placement agency" has the meaning set forth in [IC 22-1-5-9](#).

(Department of Labor; [610 IAC 12-1-6](#))

[610 IAC 12-1-7](#) "Worker notice" defined

Authority: [IC 22-1-1](#)

Affected: [IC 22-1-5-11](#); [IC 22-1-5-17](#)

Sec. 7. "Worker notice" has the meaning set forth in [IC 22-1-5-11](#).

(Department of Labor; [610 IAC 12-1-7](#))

Rule 2. Penalties

[610 IAC 12-2-1](#) Penalty assessment

Authority: [IC 22-1-1](#); [IC 22-1-5-19](#)

Affected: [IC 22-1-5-13](#); [IC 22-1-5-16](#)

Sec. 1. (a) After an investigation by the department, if the department finds that a placement agency failed to provide a worker or consumer notice at the times required under [IC 22-1-5-13](#) or [IC 22-1-5-16](#), the department shall assess a penalty of one thousand dollars (\$1,000) per violation against the placement agency.

(b) The commissioner may reduce any penalty assessed under this rule by a reasonable amount at their discretion, based on factors such as the circumstances of the violation, size of the placement agency, and history of previous violations.

(Department of Labor; [610 IAC 12-2-1](#))