

January 28, 1998

---

---

## SENATE BILL No. 148

---

DIGEST OF SB0148 (Updated January 26, 1998 2:11 pm - DI 88)

**Citations Affected:** None (noncode).

**Synopsis:** Autism waiver. Instructs the office of Medicaid policy and planning to seek approval from the United States Department of Health and Human Services to convert the home and community based services waiver for individuals with autism from a model waiver into a regular waiver. (The introduced version of this bill was prepared by the Indiana Commission on Autism.)

**Effective:** July 1, 1998.

---

---

**Worman, O'Day**

---

---

January 6, 1998, read first time and referred to Committee on Planning and Public Services.  
January 27, 1998, reported favorably — Do Pass.

---

---

SB 148—LS 6578/DI 93



C  
O  
P  
Y

January 28, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## SENATE BILL No. 148

A BILL FOR AN ACT concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. P.L.112-1997, SECTION 5, IS AMENDED TO READ  
2 AS FOLLOWS [EFFECTIVE JULY 1, 1998]: SECTION 5. (a) As used  
3 in this SECTION, "environmental modifications" means adjustments  
4 to the home environment of a person with autism, including providing  
5 ramps for wheelchair accessibility, handrails, and vehicle modifications  
6 designed to assist in the person's ability to remain in the community.  
7 (b) As used in this SECTION, "personal assistance" means personal  
8 care services for a person with autism, including assistance with  
9 personal grooming, cooking, feeding, and homemaking to assist in the  
10 person's ability to remain in the community.  
11 (c) As used in this SECTION, "waiver" refers to a home and  
12 community based services waiver described in 42 U.S.C. 1396n(c) as  
13 it:  
14 (1) applies to persons with autism; and  
15 (2) is in effect on July 1, 1997.  
16 (d) The office of Medicaid policy and planning shall seek approval  
17 under 42 U.S.C. 1396 et seq. from the United States Department of  
18 Health and Human Services to amend the waiver as follows:

SB 148—LS 6578/DI 93



C  
o  
p  
y

- 1 (1) Each year during the course of the waiver renewal period raise  
 2 the number of eligible persons who may be served by the waiver  
 3 as follows:
- 4 (A) From ninety (90) to one hundred forty-five (145) during  
 5 the state fiscal year beginning July 1, 1997, and ending June  
 6 30, 1998.
- 7 (B) From one hundred forty-five (145) to two hundred (200)  
 8 during state fiscal years beginning after June 30, 1998.
- 9 (2) Provide for personal assistance and environmental  
 10 modifications for a person with autism who:
- 11 (A) is eligible to use the home and community based services  
 12 waiver for persons with autism under 42 U.S.C. 1396n(c); and  
 13 (B) would otherwise require a level of care provided in an  
 14 intermediate care facility for the mentally retarded (as defined  
 15 in 42 U.S.C. 1396d(d)) in the absence of home and community  
 16 based services described under this subdivision.
- 17 **(3) Convert the waiver into a regular waiver as described by**  
 18 **42 CFR 441.305 (a).**
- 19 (e) The personal assistance and environmental modifications  
 20 required under subsection (d) must be comparable to the services  
 21 available under the intermediate care facility for the mentally retarded  
 22 (ICF/MR) waiver.
- 23 (f) The office of Medicaid policy and planning shall apply for  
 24 approval from the federal Health Care Financing Administration to  
 25 amend the waiver to implement this SECTION before January 1, 1998.
- 26 (g) The office of Medicaid policy and planning may not implement  
 27 the changes listed under subsection (d) until the office of Medicaid  
 28 policy and planning files an affidavit with the governor that attests that  
 29 the federal Health Care Financing Administration has approved the  
 30 changes in the waiver requested by the office of Medicaid policy and  
 31 planning under this SECTION.
- 32 (h) The office of Medicaid policy and planning shall adopt rules  
 33 under IC 4-22-2 necessary to implement this SECTION.
- 34 (i) This SECTION expires July 1, 2002.

C  
O  
P  
Y

COMMITTEE REPORT

Mr. President: The Senate Committee on Planning and Public Services, to which was referred Senate Bill 148, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 148 as introduced.)

JOHNSON, Chairperson

Committee Vote: Yeas 10, Nays 0.

C  
o  
p  
y

