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# ENGROSSED SENATE BILL No. 148

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DIGEST OF SB148 (Updated February 17, 1998 6:56 pm - DI 93)

**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.

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## Worman, O'Day, Howard

(HOUSE SPONSORS — SUMMERS, DUNCAN, ALDERMAN, LYTTLE)

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January 6, 1998, read first time and referred to Committee on Planning and Public Services.  
January 27, 1998, reported favorably — Do Pass.  
January 30, 1998, read second time, ordered engrossed. Engrossed.  
February 3, 1998, read third time, passed. Yeas 49, nays 0.

#### HOUSE ACTION

February 10, 1998, read first time and referred to Committee on Public Health.  
February 12, 1998, reported — Do Pass.

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SEA 148+



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 ENROLLED ACT No. 148

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AN ACT concerning human services.

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

SECTION 1. P.L. 112-1997, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: SECTION 5. (a) As used in this SECTION, "environmental modifications" means adjustments to the home environment of a person with autism, including providing ramps for wheelchair accessibility, handrails, and vehicle modifications designed to assist in the person's ability to remain in the community.

(b) As used in this SECTION, "personal assistance" means personal care services for a person with autism, including assistance with personal grooming, cooking, feeding, and homemaking to assist in the person's ability to remain in the community.

(c) As used in this SECTION, "waiver" refers to a home and community based services waiver described in 42 U.S.C. 1396n(c) as it:

- (1) applies to persons with autism; and
- (2) is in effect on July 1, 1997.

(d) The office of Medicaid policy and planning shall seek approval under 42 U.S.C. 1396 et seq. from the United States Department of Health and Human Services to amend the waiver as follows:

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(1) Each year during the course of the waiver renewal period raise the number of eligible persons who may be served by the waiver as follows:

(A) From ninety (90) to one hundred forty-five (145) during the state fiscal year beginning July 1, 1997, and ending June 30, 1998.

(B) From one hundred forty-five (145) to two hundred (200) during state fiscal years beginning after June 30, 1998.

(2) Provide for personal assistance and environmental modifications for a person with autism who:

(A) is eligible to use the home and community based services waiver for persons with autism under 42 U.S.C. 1396n(c); and

(B) would otherwise require a level of care provided in an intermediate care facility for the mentally retarded (as defined in 42 U.S.C. 1396d(d)) in the absence of home and community based services described under this subdivision.

**(3) Convert the waiver into a regular waiver as described by 42 CFR 441.305 (a).**

(e) The personal assistance and environmental modifications required under subsection (d) must be comparable to the services available under the intermediate care facility for the mentally retarded (ICF/MR) waiver.

(f) The office of Medicaid policy and planning shall apply for approval from the federal Health Care Financing Administration to amend the waiver to implement this SECTION before January 1, 1998.

(g) The office of Medicaid policy and planning may not implement the changes listed under subsection (d) until the office of Medicaid policy and planning files an affidavit with the governor that attests that the federal Health Care Financing Administration has approved the changes in the waiver requested by the office of Medicaid policy and planning under this SECTION.

(h) The office of Medicaid policy and planning shall adopt rules under IC 4-22-2 necessary to implement this SECTION.

(i) This SECTION expires July 1, 2002.

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