



April 5, 1999

**ENGROSSED
SENATE BILL No. 125**

DIGEST OF SB0125 (Updated March 30, 1999 4:32 pm - DI 58)

Citations Affected: Noncode.

Synopsis: Traumatic brain injury waiver. Requires the office of Medicaid policy and planning to seek a home and community based services traumatic brain injury waiver. Requires the office of Medicaid policy and planning to apply for an amendment to the federal waiver if any of the specified services, the eligibility requirements, or the number of traumatic brain injury individuals to be served by the waiver is different in the approved waiver from those specified in this act.

Effective: Upon passage.

**Miller, Craycraft, Meeks R, Howard,
Zakas**

(HOUSE SPONSORS — CRAWFORD, GOEGLEIN, BUCK, KRUSE)

January 6, 1999, read first time and referred to Committee on Health and Provider Services.

January 21, 1999, amended, reported favorably — Do Pass; reassigned to Committee on Finance.

February 15, 1999, amended, reported favorably — Do Pass.

February 18, 1999, read second time, ordered engrossed.

February 19, 1999, engrossed.

February 22, 1999, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Ways and Means.

April 5, 1999, reported — Do Pass.

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ES 125—LS 6510/DI 77+



April 5, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED SENATE BILL No. 125

A BILL FOR AN ACT concerning human services.

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

- 1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
2 **SECTION, "office" refers to the office of Medicaid policy and**
3 **planning.**
4 (b) **As used in this SECTION, "traumatic brain injury" means**
5 **an injury to the brain arising from external forces, including closed**
6 **or open head injuries, toxic chemical reactions, anoxia, near**
7 **drownings, and focal brain injuries.**
8 (c) **As used in this SECTION, "waiver" refers to a home and**
9 **community based services traumatic brain injury waiver.**
10 (d) **Before July 1, 1999, the office shall apply to the United**
11 **States Department of Health and Human Services for approval of**
12 **the necessary waiver under the federal Home and Community**
13 **Based Services program (42 U.S.C. 1396 et seq.) to develop and**
14 **implement home and community based services for individuals**
15 **with a traumatic brain injury.**
16 (e) **The office shall include the following in the waiver request**
17 **described in subsection (d):**

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- 1 (1) A request to extend Medicaid coverage to individuals with
 2 traumatic brain injuries who would otherwise require a level
 3 of care provided in a nursing facility.
 4 (2) A request that Medicaid coverage be provided for the
 5 following home and community based services:
 6 (A) Case management.
 7 (B) Personal care services.
 8 (C) Residential care.
 9 (D) Companion services.
 10 (E) Behavior programming.
 11 (F) Counseling and training.
 12 (G) Assisted transportation.
 13 (H) Structured day program.
 14 (I) Specialized medical equipment and supplies.
 15 (J) Prevocational services.
 16 (K) Supported employment.
 17 (L) Community residential services.
 18 (M) Occupational therapy and speech, hearing, and
 19 language services as indicated in the individual's plan of
 20 care.
 21 (N) Independent living skills training.
 22 (O) Respite care.
 23 (P) Environmental modifications.
 24 (Q) Any other service required by the federal waiver.
 25 (3) A request that the parental resources and income be
 26 excluded when determining eligibility for children with
 27 traumatic brain injuries.
 28 (4) A request that a waiver to serve no more than two
 29 hundred (200) individuals be granted under this SECTION.
 30 (f) If a provision of this SECTION differs from the
 31 requirements of a waiver, the office shall submit the waiver request
 32 in a manner that complies with the requirements of the waiver.
 33 However, after the waiver is approved, the office shall apply within
 34 one hundred twenty (120) days for an amendment to the approved
 35 waiver that contains the provisions under this SECTION that were
 36 not included in the approved waiver.
 37 (g) The office of Medicaid policy and planning may not
 38 implement the waiver until the office files an affidavit with the
 39 governor attesting that the federal waiver applied for under this
 40 SECTION is in effect. The office shall file the affidavit under this
 41 subsection not later than five (5) days after the office is notified
 42 that the waiver is approved.

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1 **(h) If the office receives a waiver under this SECTION from the**
2 **United States Department of Health and Human Services and the**
3 **governor receives the affidavit filed under subsection (g), the office**
4 **shall implement the waiver not more than sixty (60) days after the**
5 **governor receives the affidavit.**
6 **(i) The office may adopt rules under IC 4-22-2 necessary to**
7 **implement this SECTION.**
8 **(j) This SECTION expires July 1, 2004.**
9 **SECTION 2. An emergency is declared for this act.**

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SENATE MOTION

Mr. President: I move that Senator Craycraft be added as second author of Senate Bill 125.

MILLER

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 125, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 18, delete "homebound".

Page 2, line 2, delete "a hospital,".

Page 2, line 3, delete "skilled".

Page 2, line 3, delete ", or an intermediate care facility".

Page 2, between lines 21 and 22, begin a new line double block indented and insert:

"(O) Respite care.

(P) Environmental modifications."

Page 2, line 22, delete "O" and insert "Q".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Finance.

(Reference is to SB 125 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senators Meeks R and Howard be added as coauthors of Senate Bill 125.

MILLER

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COMMITTEE REPORT

Mr. President: The Senate Committee on Finance, to which was referred Senate Bill No. 125, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 27, after "serve" insert "**no more than**".

and when so amended that said bill do pass.

(Reference is to SB 125 as printed January 22, 1999.)

BORST, Chairperson

Committee Vote: Yeas 15, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Zakas be added as coauthor of Senate Bill 125.

MILLER

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 125, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BAUER, Chair

Committee Vote: yeas 23, nays 0.

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