



January 22, 1999

## SENATE BILL No. 125

DIGEST OF SB 125 (Updated January 21, 1999 10:23 am - DI 88)

**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.

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**Miller, Craycraft**

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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.

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SB 125—LS 6510/DI 77+



January 22, 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.

## 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):**  
18           (1) **A request to extend Medicaid coverage to individuals with**

SB 125—LS 6510/DI 77+



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traumatic brain injuries who would otherwise require a level of care provided in a nursing facility.

(2) A request that Medicaid coverage be provided for the following home and community based services:

- (A) Case management.
- (B) Personal care services.
- (C) Residential care.
- (D) Companion services.
- (E) Behavior programming.
- (F) Counseling and training.
- (G) Assisted transportation.
- (H) Structured day program.
- (I) Specialized medical equipment and supplies.
- (J) Prevocational services.
- (K) Supported employment.
- (L) Community residential services.
- (M) Occupational therapy and speech, hearing, and language services as indicated in the individual's plan of care.
- (N) Independent living skills training.
- (O) Respite care.
- (P) Environmental modifications.
- (Q) Any other service required by the federal waiver.

(3) A request that the parental resources and income be excluded when determining eligibility for children with traumatic brain injuries.

(4) A request that a waiver to serve two hundred (200) individuals be granted under this SECTION.

(f) If a provision of this SECTION differs from the requirements of a waiver, the office shall submit the waiver request in a manner that complies with the requirements of the waiver. However, after the waiver is approved, the office shall apply within one hundred twenty (120) days for an amendment to the approved waiver that contains the provisions under this SECTION that were not included in the approved waiver.

(g) The office of Medicaid policy and planning may not implement the waiver until the office files an affidavit with the governor attesting that the federal waiver applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the waiver is approved.

(h) If the office receives a waiver under this SECTION from the

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1 **United States Department of Health and Human Services and the**  
2 **governor receives the affidavit filed under subsection (g), the office**  
3 **shall implement the waiver not more than sixty (60) days after the**  
4 **governor receives the affidavit.**

5 **(i) The office may adopt rules under IC 4-22-2 necessary to**  
6 **implement this SECTION.**

7 **(j) This SECTION expires July 1, 2004.**

8 **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.

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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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