

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 606, 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:

- 1 Page 9, line 10, delete "IC 12-11-2.1" and insert "**IC 12-11-1.1**".
2 Page 12, line 30, delete "IC 12-11-1.1" and insert "**IC 12-11-1.1-1**".
3 Page 19, line 17, after "directly" insert "**or**".
4 Page 22, between lines 6 and 7, begin a new paragraph and insert:
5 "SECTION 29. IC 12-10-6-1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) An individual
7 who:
8 (1) is at least sixty-five (65) years of age, blind, or disabled; and
9 (2) is a resident of a county home;
10 is eligible to receive assistance payments from the state if the
11 individual would be eligible for assistance under the federal
12 Supplemental Security Income program except for the fact that the
13 individual is residing in a county home.
14 (b) The amount of nonmedical assistance to be paid on behalf of a
15 resident in a county home must be based on the daily rate established
16 by the division. The rate for facilities under this section and licensed
17 under IC 16-28 may not exceed an upper rate limit established by a rule
18 adopted by the division.
19 (c) The rate for facilities under this section but not licensed under
20 IC 16-28 must be the lesser of:

- 1 (1) an upper rate limit established by a rule adopted by the
 2 division; or
- 3 (2) a reasonable and adequate rate to meet the costs, determined
 4 by generally accepted accounting principles, that are incurred by
 5 efficiently and economically operated facilities in order to provide
 6 care and services in conformity with quality and safety standards
 7 and applicable laws and rules.
- 8 (d) The recipient shall be paid or allowed to retain from the
 9 recipient's income a personal allowance in an amount to be established
 10 by the division. The amount:
- 11 (1) may be not less than twenty-eight dollars and fifty cents
 12 (\$28.50) and not more than thirty-five dollars (\$35) monthly;
- 13 (2) is exempt from income eligibility consideration by the
 14 division; and
- 15 (3) may be exclusively used by the recipient for personal needs.
- 16 (e) In addition to the amount that may be retained as a personal
 17 allowance under this section, an individual is allowed to retain an
 18 amount equal to the individual's state and local income tax liability.
 19 The amount that may be retained during a month may not exceed
 20 one-third (1/3) of the individual's state and local income tax liability for
 21 the calendar quarter in which the month occurs. This amount is exempt
 22 from income eligibility consideration by the division. The amount
 23 retained shall be used by the individual to pay state or local income
 24 taxes owed.
- 25 **(f) The personal allowance for one (1) month for an individual**
 26 **described in subsection (a) is the amount that an individual would**
 27 **be entitled to retain under subsection (d) plus an amount equal to**
 28 **one-half (1/2) of the remainder of:**
- 29 **(1) gross earned income for that month; minus**
- 30 **(2) the sum of:**
- 31 **(A) sixteen dollars (\$16); plus**
- 32 **(B) the amount withheld from the person's paycheck for**
 33 **that month for payment of state income tax, federal income**
 34 **tax, and the tax prescribed by the federal Insurance**
 35 **Contribution Act (26 U.S.C. 3101 et seq.); plus**
- 36 **(C) transportation expenses for that month; plus**
- 37 **(D) any mandatory expenses required by the employer as**
 38 **a condition of employment.**

1 ~~(f)~~ **(g)** The division of disability, aging, and rehabilitative services,
 2 in cooperation with the state department of health taking into account
 3 licensure requirements under IC 16-28, shall adopt rules under
 4 IC 4-22-2 governing the reimbursement to facilities under this section.
 5 The rules must be designed to determine the costs that must be incurred
 6 by efficiently and economically operated facilities to provide room,
 7 board, laundry, and other services, along with minimal administrative
 8 direction to individuals who receive residential care in the facilities
 9 under this section. A rule adopted under this subsection by:

10 (1) the division; or

11 (2) the state department of health;

12 must conform to the rules for residential care facilities that are licensed
 13 under IC 16-28.

14 ~~(g)~~ **(h)** A rate established under this section may be appealed
 15 according to the procedures under IC 4-21.5.

16 ~~(h)~~ **(i)** The division shall annually review each facility's rate using
 17 the following:

18 (1) Generally accepted accounting principles.

19 (2) The costs incurred by efficiently and economically operated
 20 facilities in order to provide care and services in conformity with
 21 quality and safety standards and applicable laws and rules."

22 Page 23, line 41, strike "whose employment is part of the".

23 Page 23, strike line 42.

24 Page 24, line 1, strike "workshop or day activity center".

25 Page 24, line 11, delete "." and insert "; **plus**

26 **(D) any mandatory expenses required by the employer as**
 27 **a condition of employment."**

28 Page 25, line 7, delete "natural".

29 Page 25, line 8, delete "environments, including".

30 Page 25, line 11, delete "IC 12-11-2.1-1(a)(2)" and insert "**IC**
 31 **12-11-2.1-2"**.

32 Page 25, line 19, delete "natural or homelike".

33 Page 25, line 20, delete "atmospheres with".

34 Page 25, line 29, after "(4)" insert "**unrelated**".

35 Page 25, line 30, delete "may" and insert "**shall**".

36 Page 25, line 32, delete "provided in, to the" and insert "**that are**".

37 Page 25, delete line 33.

38 Page 25, line 34, delete "services must be".

1 Page 25, between lines 36 and 37, begin a new paragraph and insert:

2 **"(f) To the extent that services described in subsection (e) are**
 3 **available and meet the individual's needs, an individual is entitled**
 4 **to receive services in the least restrictive environment possible."**

5 Page 25, line 37, delete "(f)" and insert "(g)".

6 Page 25, line 41, delete "(g)" and insert "(h)".

7 Page 26, after line 42, begin a new paragraph and insert:

8 **"Sec. 8. The budget agency shall annually:**

9 **(1) calculate; and**

10 **(2) report to the budget committee;**

11 **any savings realized from the transfer or discharge of individuals**
 12 **with developmental disabilities from a state developmental center**
 13 **to a community based resident setting."**

14 Page 27, line 1, delete "8" and insert "9".

15 Page 27, between lines 7 and 8, begin a new paragraph and insert:

16 **"Sec. 1. (a) The bureau shall determine whether or not an**
 17 **individual is a developmentally disabled individual. For individuals**
 18 **for whom there is not enough current information available to**
 19 **make a determination of eligibility, the bureau shall use the results**
 20 **of a diagnostic assessment in determining whether an individual is**
 21 **a developmentally disabled individual. A diagnostic assessment**
 22 **must include the following:**

23 **(1) Diagnostic information concerning the individual's**
 24 **functioning level and medical and habilitation needs.**

25 **(2) All information necessary for the use of the office of**
 26 **Medicaid policy and planning, the Indiana health facilities**
 27 **council, and the division.**

28 **(3) The use of all appropriate assessments conducted under**
 29 **rules adopted under IC 16-28.**

30 **(b) An individual who is found not to be a developmentally**
 31 **disabled individual may appeal the bureau's finding under**
 32 **IC 4-21.5.**

33 **(c) If an individual is determined to be a developmentally**
 34 **disabled individual, the office shall determine whether the**
 35 **individual meets the appropriate federal level of care**
 36 **requirements."**

37 Page 27, line 8, delete "1. (a)" and insert "2".

38 Page 27, line 8, after "shall" insert ", within the limits of available

- 1 **resources,".**
- 2 Page 27, line 10, delete "consists of the following functions:" and
- 3 insert "**services must include the development of an individual**
- 4 **service plan."**
- 5 Page 27, delete lines 11 through 20.
- 6 Page 27, line 21, delete "(b)" and insert "**Sec. 3."**
- 7 Page 27, line 22, after "the" insert "**developmentally disabled"**.
- 8 Page 27, line 22, after "individual's" insert "**individual"**.
- 9 Page 27, line 22, delete "and individualized budget." and insert ".
- 10 **To the extent that services described in section 1.1(e) of this**
- 11 **chapter are available and meet the individual's needs, services**
- 12 **provided to an individual shall be provided in the least restrictive**
- 13 **environment possible."**
- 14 Page 27, line 23, delete "(c)" and insert "**Sec. 4."**
- 15 Page 27, line 24, after "individuals" insert "**under service plans**
- 16 **developed under this chapter, including all placements in a state**
- 17 **developmental center or an intermediate care facility"**.
- 18 Page 27, line 24, delete "Staff employed by the".
- 19 Page 27, delete lines 25 through 28.
- 20 Page 27, line 29, delete "(d)" and insert "**Sec. 5."**
- 21 Page 27, delete lines 39 through 42.
- 22 Page 28, delete lines 1 through 17.
- 23 Page 28, line 18, delete "3." and insert "**6."**
- 24 Page 28, line 26, after "screening" insert "**conducted under**
- 25 **IC 12-10-12"**.
- 26 Page 28, between lines 26 and 27, begin a new paragraph and insert:
- 27 **"Sec. 7. Before a developmentally disabled individual is:**
- 28 **(1) discharged from a state institution; or**
- 29 **(2) placed on outpatient status under IC 12-26-14 by a state**
- 30 **institution;**
- 31 **the bureau shall develop a service plan for the individual under**
- 32 **section 2 of this chapter."**
- 33 Page 28, line 27, delete "4." and insert "**8."**
- 34 Page 28, line 30, delete "individualized program" and insert
- 35 "**service"**.
- 36 Page 28, line 32, delete "5." and insert "**9."**
- 37 Page 28, line 37, delete "6." and insert "**10."**
- 38 Page 28, line 39, delete "7." and insert "**11."**

- 1 Page 29, line 8, delete "8." and insert "**12.**".
- 2 Page 36, line 2, delete "IC 12-11-2.1" and insert "**IC 12-11-1.1**".
- 3 Page 38, line 2, strike "offered after a".
- 4 Page 38, line 3, strike "student with disabilities exits the special
- 5 education program".
- 6 Renumber all SECTIONS consecutively.
(Reference is to SB 606 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Miller

Chairperson