



February 11, 2000

**ENGROSSED  
SENATE BILL No. 79**

DIGEST OF SB 79 (Updated February 10, 2000 1:25 PM - DI 77)

**Citations Affected:** IC 12-14.

**Synopsis:** Medicaid definition of disability. Amends the definition of a disabled person, which is used for purposes of determining eligibility under the Medicaid program and the supplemental assistance for individuals with disabilities program, to: (1) allow a determination of a mental impairment to be made by a psychologist; and (2) require that the determination of medical disability be made with reference to an individual's ability to afford the prescribed treatment in accordance with federal law.

**Effective:** July 1, 2000.

**Simpson, Miller, Lawson C,  
Craycraft, Breaux, Blade, Hume,  
Wyss, Gard**

(HOUSE SPONSORS — WELCH, GOEGLEIN, CROSBY, BEHNING)

November 17, 1999, read first time and referred to Committee on Health and Provider Services.

January 20, 2000, amended, reported favorably — Do Pass; reassigned to Committee on Finance.

January 27, 2000, reported favorably — Do Pass.

January 31, 2000, read second time, ordered engrossed. Engrossed.

February 1, 2000, read third time, passed. Yeas 50, nays 0.

**HOUSE ACTION**

February 7, 2000, read first time and referred to Committee on Public Health.

February 10, 2000, amended, reported — Do Pass.

ES 79—LS 6232/DI 88+



C  
O  
P  
Y

February 11, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

# ENGROSSED SENATE BILL No. 79



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

1 SECTION 1. IC 12-14-15-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. Assistance shall be  
3 given to a needy disabled individual (referred to as "disabled person"  
4 in this chapter) who meets the following qualifications:

5 (1) Has a pending application on file with the federal Social  
6 Security Administration for assistance under Public Law 92-603,  
7 supplemental security income (SSI), or is receiving assistance.  
8 However, a person whose application for assistance under Public  
9 Law 92-603 has been denied but who meets all other  
10 requirements of this chapter is eligible for supplemental  
11 assistance.

12 (2) Has a physical or mental impairment, disease, or loss that is  
13 verifiable by a physician licensed under IC 25-22.5, **or has a**  
14 **mental impairment that is verifiable by a psychologist**  
15 **licensed under IC 25-33**, that appears reasonably certain to  
16 continue throughout the lifetime of the individual without  
17 significant improvement and that substantially impairs the

C  
O  
P  
Y

ES 79—LS 6232/DI 88+



1 individual's ability to perform labor or services or to engage in a  
2 useful occupation. Employment in a sheltered workshop or under  
3 an approved vocational rehabilitation plan is not considered a  
4 useful occupation for the purposes of this chapter. The  
5 determination of medical disability under this subdivision shall be  
6 made ~~without reference to the individual's ability to pay for~~  
7 ~~treatment.~~ **with reference to an individual's ability to afford**  
8 **prescribed treatment in accordance with rulings issued by the**  
9 **Social Security Administration applicable to Title XVI of the**  
10 **federal Social Security Act.**

11 (3) Does not have a parent, spouse, or other legally responsible  
12 relative able to support the individual.

13 (4) Is at least eighteen (18) years of age.

14 (5) Is residing and intends to remain in Indiana in a bona fide  
15 living arrangement.

16 (6) Has insufficient income or other resources to provide a  
17 reasonable subsistence according to the standards established by  
18 the division.

19 (7) Except as otherwise provided in this chapter, is not an inmate  
20 of or being maintained by a municipal, state, or national  
21 institution while receiving assistance.

22 (8) Has not, at any time within five (5) years immediately before  
23 the date of the filing of an application for assistance under this  
24 chapter, made an assignment or transfer of property for the  
25 purpose of making or that will make the individual eligible for  
26 assistance under this chapter, except as otherwise provided in this  
27 chapter.

C  
O  
P  
Y



SENATE MOTION

Mr. President: I move that Senator Lawson C be added as coauthor of Senate Bill 79.

SIMPSON

C  
o  
p  
y



## COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 79, 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 13, after "that" insert "**without treatment**".

Page 1, line 14, reset in roman "continue throughout the lifetime of the".

Page 1, line 15, reset in roman "individual".

Page 1, line 15, delete "result in death or that has lasted or appears".

Page 1, delete line 16.

Page 1, line 17, delete "twelve (12) months".

Page 2, line 6, strike "reference to the".

Page 2, line 7, strike "individual's ability to pay for treatment." and insert "**considering whether a treatment may alleviate or remove an impairment, a disease, or a loss, if the individual will not be able to obtain the treatment without Medicaid.**".

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

(Reference is to SB 79 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

C  
O  
P  
Y



SENATE MOTION

Mr. President: I move that Senator Miller be added as second author and Senators Craycraft, Breaux, and Lawson C be added as coauthors of Senate Bill 79.

SIMPSON

C  
o  
p  
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Finance, to which was referred Senate Bill No. 79, 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 79 as printed January 21, 2000 .)

BORST, Chairperson

Committee Vote: Yeas 15, Nays 0.

C  
o  
p  
y



SENATE MOTION

Mr. President: I move that Senator Gard be added as coauthor of Senate Bill 79.

SIMPSON

C  
o  
p  
y



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 79, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 13, after "IC 25-22.5" insert ", **or has a mental impairment that is verifiable by a psychologist licensed under IC 25-33,**".

Page 1, line 13, delete "without".

Page 1, line 14, delete "treatment".

Page 2, line 4, strike "without".

Page 2, line 5, delete "considering whether a" and insert "**with reference to an individual's ability to afford prescribed treatment in accordance with rulings issued by the Social Security Administration applicable to Title XVI of the federal Social Security Act.**".

Page 2, delete lines 6 through 8.

and when so amended that said bill do pass.

(Reference is to SB 79 as printed January 28, 2000.)

BROWN C, Chair

Committee Vote: yeas 12, nays 0.

C  
O  
P  
Y

