



January 21, 2000

SENATE BILL No. 79

DIGEST OF SB 79 (Updated January 19, 2000 3:03 PM - DI 88)

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 include an individual who has a physical or mental disability that appears reasonably certain without treatment to continue throughout the individual's lifetime. Requires that the determination of medical disability be made without considering whether a treatment may alleviate or remove the individual's disability if the individual is unable to obtain the treatment without receiving assistance under the Medicaid program.

Effective: July 1, 2000.

Simpson, Lawson C

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.

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SB 79—LS 6232/DI 88+



January 21, 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.

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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 that **without**
 14 **treatment** appears reasonably certain to continue throughout the
 15 lifetime of the individual without significant improvement and
 16 that substantially impairs the individual's ability to perform labor
 17 or services or to engage in a useful occupation. Employment in a

SB 79—LS 6232/DI 88+



- 1 sheltered workshop or under an approved vocational
2 rehabilitation plan is not considered a useful occupation for the
3 purposes of this chapter. The determination of medical disability
4 under this subdivision shall be made without ~~reference to the~~
5 ~~individual's ability to pay for treatment.~~ **considering whether a**
6 **treatment may alleviate or remove an impairment, a disease,**
7 **or a loss, if the individual will not be able to obtain the**
8 **treatment without Medicaid.**
- 9 (3) Does not have a parent, spouse, or other legally responsible
10 relative able to support the individual.
- 11 (4) Is at least eighteen (18) years of age.
- 12 (5) Is residing and intends to remain in Indiana in a bona fide
13 living arrangement.
- 14 (6) Has insufficient income or other resources to provide a
15 reasonable subsistence according to the standards established by
16 the division.
- 17 (7) Except as otherwise provided in this chapter, is not an inmate
18 of or being maintained by a municipal, state, or national
19 institution while receiving assistance.
- 20 (8) Has not, at any time within five (5) years immediately before
21 the date of the filing of an application for assistance under this
22 chapter, made an assignment or transfer of property for the
23 purpose of making or that will make the individual eligible for
24 assistance under this chapter, except as otherwise provided in this
25 chapter.

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SENATE MOTION

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

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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.

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