

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6343

BILL NUMBER: SB 128

NOTE PREPARED: Feb 22, 2010

BILL AMENDED: Feb 22, 2010

SUBJECT: Emergency Management.

FIRST AUTHOR: Sen. Wyss

FIRST SPONSOR: Rep. Tincher

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Mutual Aid Program*- The bill includes fire protection districts and fire protection territories as units for purposes of participation in the statewide emergency mutual aid program under certain circumstances.

Expense Reimbursement- The bill provides that a county, municipality, township, fire protection district, or fire protection territory that participates in the program and that receives disaster assistance from another participating unit shall reimburse the assisting unit for certain expenses to the extent the expenses are not covered by reimbursements.

Special Needs Individuals and Screening- The bill provides that the Office of Medicaid Policy and Planning (OMPP) shall apply, before September 1, 2010, to the United States Department of Health and Human Services (HHS) for approval to include, as part of the state's Medicaid State Plan, authorization to temporarily place certain special needs individuals in a health facility without performing a health facility preadmission screening (PAS) during an emergency. The bill provides that if the OMPP receives approval from HHS, the OMPP shall include language in the state's Medicaid plan to allow for the temporary placement of certain special needs individuals.

Effective Date: (Amended) Upon passage; July 1, 2010.

Explanation of State Expenditures: (Revised) *Special Needs Individuals and Preadmission Screening*- This provision would require OMPP to prepare a State Medicaid Plan amendment that would request the waiver of federally required preadmission screening to allow for emergency temporary placements in health care facilities of individuals that do not meet the institutional level of care. If this Plan amendment would be

approved by the Centers for Medicare and Medicaid Services (CMS), the service would apply to any Medicaid-eligible individual that might temporarily have a deficiency of one major life activity. (Institutional level of care requires a deficiency of three activities of daily living.) The bill does not define what circumstances would constitute an emergency, nor does it define what length of time a temporary placement would involve. The cost of this provision would depend on provisions and definitions that OMPP would provide in the request for a State Plan amendment and subsequent actions of CMS.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) *Mutual Aid Program*- Provider units of fire protection districts and territories would be eligible to participate in an inter-local mutual aid program. The impact of this provision on inter-local expenditure agreements between the provider units is indeterminable. [There were 47 fire protection districts and territories in Indiana during CY 2009 with certified levies of \$17.7 M.]

(Revised) *Expense Reimbursement*- The bill could reduce the amount of reimbursement that a local unit may pay to another unit. Any reductions in reimbursement cost from a local unit's resources would depend on insurance deductibles and coverage.

Explanation of Local Revenues:

State Agencies Affected: DHS; FSSA.

Local Agencies Affected: Counties, municipalities, townships, fire protection districts and territories.

Information Sources: LOGODABA.

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