

# SENATE BILL No. 361

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-10-12.

**Synopsis:** Nursing facility screening and notification. Requires the dissemination of specified information as part of: (1) a nursing facility's notification to applicants; (2) the nursing facility preadmission screening program; and (3) the hospital discharge process. Specifies assessments to be completed during a nursing facility preadmission screening.

**Effective:** July 1, 2011.

---

---

**Becker, Leising, Breaux**

---

---

January 11, 2011, read first time and referred to Committee on Health and Provider Services.

---

---

C  
O  
P  
Y



First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C  
o  
p  
y

# SENATE BILL No. 361



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 12-10-12-10 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The notification
- 3 required under section 8 of this chapter must notify the applicant of the
- 4 following:
- 5 (1) That the applicant is required under state law to apply to the
- 6 agency serving the county of the applicant's residence for
- 7 participation in a nursing facility preadmission screening
- 8 program.
- 9 (2) That the applicant's failure to participate in the nursing facility
- 10 preadmission screening program could result in the applicant's
- 11 ineligibility for Medicaid reimbursement for per diem in any
- 12 nursing facility for not more than one (1) year.
- 13 (3) That the nursing facility preadmission screening program
- 14 consists of an assessment of the applicant's need for care in a
- 15 nursing facility made by a team of individuals familiar with the
- 16 needs of individuals seeking admission to nursing facilities.
- 17 (4) **The contact information for the agency that provides**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

**services in the area in which the nursing facility is located.**  
**(5) A list developed by the agency and the office of all long term care options under the law that may be available to the individual.**

(b) The notification must be signed by the applicant or the applicant's parent or guardian if the applicant is not competent before admission.

(c) If the applicant is admitted:

(1) the nursing facility shall retain one (1) signed copy of the notification for one (1) year; and

(2) the nursing facility shall deliver one (1) signed copy to the agency serving the county in which the applicant resides.

(d) A person who violates this section commits a Class A infraction.

SECTION 2. IC 12-10-12-16, AS AMENDED BY P.L.121-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) A screening team shall conduct a nursing facility preadmission screening program for each individual within the time permitted under this chapter. The program must consist of an assessment of the following:

(1) The individual's medical needs.

(2) The availability of services, other than services provided in a nursing facility, that are appropriate to the individual's **health and social needs to maintain the individual in the least restrictive environment.**

(3) The cost effectiveness of providing services appropriate to the individual's needs that are provided outside of, rather than within, a nursing facility.

(b) The assessment must be conducted in accordance with rules adopted under IC 4-22-2 by the director of the division in cooperation with the office.

(c) Communication among members of a screening team or between a screening team and the division, the office, or the agency during the prescreening process may be conducted by means including any of the following:

- (1) Standard mail.
- (2) Express mail.
- (3) Facsimile machine.
- (4) Secured electronic communication.

**(d) A representative:**

**(1) of the agency serving the area in which the individual's residence is located; and**

**(2) who is familiar with personal care assessment;**

**C  
O  
P  
Y**



1 shall explain and provide a written copy of the results of the  
2 assessment to the individual or the individual's parent or guardian  
3 if the individual is not competent, in the least time practicable after  
4 the completion of the assessment.

5 (e) In the explanation required in subsection (d), the  
6 representative shall include the services identified in subsection  
7 (a)(2).

8 SECTION 3. IC 12-10-12-28.5 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 28.5. (a) Before  
10 discharging a patient who will be participating in preadmission  
11 screening under this chapter, a hospital licensed under IC 16-21 shall  
12 give the patient a list of all long term care options that:

- 13 (1) may be available to the patient;
- 14 (2) are located within the hospital's service area; and
- 15 (3) are known to the hospital.

16 (b) The list described in subsection (a) must include:

- 17 (1) contact information for the agency that provides services
- 18 in the area in which the hospital is located; and
- 19 (2) a statement that a representative from the agency is
- 20 available to provide at no cost to the patient additional
- 21 information and counseling concerning long term care
- 22 options.

C  
o  
p  
y

