
SENATE BILL No. 595

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 12-8-15.

Synopsis: Public assistance administration. Requires the office of the secretary of family and social services to ensure that public assistance services are: (1) provided in a timely and safe manner; (2) provided in accordance with state and federal law; and (3) appropriate to the needs of the individual. Imposes various requirements on the division of family resources (division) concerning the provision of public assistance services. Prohibits the division from denying public assistance services for an individual on the sole basis that a medical review team has failed to render a decision regarding the individual. Establishes the office of quality control within the division, and sets forth the office's duties. Requires reimbursement to public assistance providers in a timely manner. Requires the office of the secretary of family and social services to: (1) with the assistance of the budget agency, project the costs and savings of required changes; and (2) annually report in writing to the budget committee and the legislative council on the status of implementing the required changes.

Effective: Upon passage; July 1, 2011.

Broden

January 20, 2011, read first time and referred to Committee on Health and Provider Services.

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Introduced

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.

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SENATE BILL No. 595



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 12-7-2-15.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]: **Sec. 15.2. "Applicant with special needs or disabilities",**
4 **for purposes of IC 12-8-15, has the meaning set forth in**
5 **IC 12-8-15-1.**

6 SECTION 2. IC 12-7-2-152.7 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2011]: **Sec. 152.7. "Public assistance",**
9 **for purposes of IC 12-8-15, has the meaning set forth in IC 12-8-15-2.**

10 SECTION 3. IC 12-7-2-190.3 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2011]: **Sec. 190.3. "Temporary residence",**
13 **for purposes of IC 12-8-15-7, has the meaning set forth in**
14 **IC 12-8-15-7(a).**

15 SECTION 4. IC 12-8-15 IS ADDED TO THE INDIANA CODE AS
16 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2011]:



Chapter 15. Public Assistance Eligibility Determinations

Sec. 1. As used in this chapter, "applicant with special needs or disabilities" means an individual whose disability or impairment requires the individual to need a face-to-face meeting with a caseworker.

Sec. 2. As used in this chapter, "public assistance" refers to the following programs and services:

- (1) Medicaid.**
- (2) The federal Supplemental Nutrition Assistance Program (7 U.S.C. 2011 et seq.).**
- (3) The federal Temporary Assistance for Needy Families (TANF) program.**

Sec. 3. (a) The office of the secretary shall ensure that public assistance services are:

- (1) provided in a timely and safe manner;**
- (2) provided in accordance with state and federal law; and**
- (3) appropriate to the needs of the individual.**

(b) The division of family resources shall establish standards and procedures for improving the initial eligibility application intake process to ensure the following:

- (1) The accuracy and appropriate use of client information that is gathered during the eligibility determination process.**
- (2) The proper development of case plans for an individual.**
- (3) The accurate maintenance of an applicant's records throughout the public assistance eligibility process and while receiving public assistance services.**

Sec. 4. (a) The division of family resources shall operate, in each Indiana county, a county office where individuals may apply in person for public assistance. Each county office:

- (1) must be open during state business hours; and**
- (2) must be in a location that is fully accessible to individuals seeking public assistance services.**

The division shall attempt to locate each county office in an area accessible to a public transportation system if a public transportation system exists in the county.

(b) The division shall maintain a fraud protection and recognition unit in each county office.

(c) The division shall maintain the case file of each recipient of public assistance in the county office of the recipient's county of residence and shall make the file available to the recipient or the recipient's guardian for review upon request.

(d) The division of family resources shall do the following:

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- 1 (1) Staff each county office with state employees who are
- 2 sufficiently trained and available during all state business
- 3 hours to:
- 4 (A) assist public assistance applicants and recipients in the
- 5 county office and in the residence of an individual with
- 6 special needs and disabilities as required in section 7 of this
- 7 chapter; and
- 8 (B) assist providers and other social services agencies that
- 9 provide services to public assistance recipients.
- 10 (2) Provide adequate technology in each county office.
- 11 (3) Advertise the location, telephone number, and electronic
- 12 mail address for each county office in the local telephone
- 13 directory and through local social service agencies and service
- 14 providers.

15 Sec. 5. (a) The division of family resources shall employ
 16 individuals as state employee caseworkers. An individual employed
 17 by the division as a caseworker must have the following
 18 qualifications:

- 19 (1) For an employee hired before July 1, 2011, the individual
- 20 must meet the job classifications used by the office of the
- 21 secretary on January 1, 2005.
- 22 (2) For an employee hired after June 30, 2011, the individual
- 23 must hold a bachelor's degree from a college or university
- 24 accredited by the North Central Association of Colleges and
- 25 Schools.

26 (b) The division of family resources shall develop and use
 27 eligibility application forms and eligibility redetermination
 28 application forms that:

- 29 (1) are printed in large size type;
- 30 (2) do not exceed four (4) pages in length; and
- 31 (3) are provided along with a separate document that
- 32 describes the services available.

33 Sec. 6. (a) A caseworker may interact with an applicant for
 34 public assistance to assist in the public assistance application
 35 process in the following settings:

- 36 (1) In a county office operated by the division of family
- 37 resources.
- 38 (2) In an applicant's residence, including a temporary
- 39 residence, as described in section 7 of this chapter, if the
- 40 applicant is an individual with special needs or disabilities.
- 41 (3) Through use of a telephone, computer, or other
- 42 technology.

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1 (b) A caseworker shall assist an individual applying for public
2 assistance throughout the application process and shall remain in
3 contact with and assist the individual, as needed, while the
4 individual is receiving public assistance and during the
5 redetermination of benefits process.

6 (c) Except as provided in subsection (d) and section 7(c) of this
7 chapter, an individual applying for public assistance services may
8 not receive services until a caseworker:

- 9 (1) determines that the individual is eligible for the services;
- 10 and
- 11 (2) verifies that the individual's identity and information are
- 12 proper.

13 (d) A caseworker or a representative of the area agencies on
14 aging may determine that an applicant is presumptively eligible for
15 services when allowed by the state Medicaid plan.

16 Sec. 7. (a) As used in this section, "temporary residence" means
17 the place where a public assistance applicant is staying
18 temporarily, including:

- 19 (1) a health facility;
- 20 (2) a hospital; or
- 21 (3) another location;

22 under circumstances that prevent the individual from going in
23 person to the county office to apply for public assistance.

24 (b) Upon request by:

- 25 (1) an applicant with special needs or disabilities or the
- 26 applicant's legal guardian;
- 27 (2) a health care provider that provides services to an
- 28 applicant with special needs or disabilities;
- 29 (3) a circuit or superior court;
- 30 (4) a social services agency; or
- 31 (5) an agency that provides medical, health, or social services
- 32 to applicants with special needs or disabilities;

33 a caseworker may interview an applicant with special needs or
34 disabilities in the applicant's residence or the applicant's
35 temporary residence to determine the applicant's eligibility for
36 public assistance.

37 (c) If an interview of an applicant with special needs or
38 disabilities at the applicant's residence or temporary residence
39 would jeopardize:

- 40 (1) the applicant's ability to receive services in an emergency
- 41 situation; or
- 42 (2) the provision of services in a timely manner as required by

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1 federal law;
 2 a telephone interview or other alternative interview format
 3 allowable under state and federal law may be used.
 4 Sec. 8. (a) The division of family resources may not deny public
 5 assistance services for an individual on the sole basis that a medical
 6 review team has failed to render a decision regarding the
 7 individual.
 8 (b) The division of family resources may not charge an
 9 individual or the individual's guardian for a copy of a report on the
 10 individual prepared by the medical review team or the division.
 11 Sec. 9. (a) The office of quality control is established within the
 12 division of family resources. The office of quality control shall
 13 establish, implement, and monitor minimum standards for training
 14 and evaluating caseworkers to do the following:
 15 (1) Recognize and investigate the medical, health, and
 16 nutritional needs of individuals.
 17 (2) Make proper referrals to an individual for additional
 18 services that may include services provided by persons other
 19 than the office of the secretary.
 20 (3) Interact with social service agencies, community
 21 organizations, religious entities, and local providers when
 22 necessary to assist an individual in receiving services.
 23 (b) The division of family resources shall employ a sufficient
 24 number of employees within the office of quality control to
 25 adequately implement measures to ensure the quality delivery of
 26 public assistance services.
 27 (c) The office of quality control shall maintain contact with
 28 county offices and public assistance recipients to ensure the
 29 maintenance of quality protocols and measures and take corrective
 30 action as needed.
 31 Sec. 10. (a) The division of family resources shall establish, in
 32 cooperation with public assistance recipients, advocates,
 33 caseworkers, and other employees, measures for ensuring the
 34 quality of public assistance services and a quality work
 35 environment for caseworkers and other employees providing
 36 public assistance services. As part of establishing measures
 37 described in this section, the division shall review best practices in
 38 other states.
 39 (b) The division of family resources shall maintain the
 40 confidentiality of client information when implementing measures
 41 established under subsection (a).
 42 Sec. 11. (a) The division of family resources shall establish the

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following procedures:

- (1) Requirements that each applicant or recipient of public assistance services be informed of the applicant's right to appeal a determination.
- (2) Requirements to disclose the file of an applicant or recipient of public assistance services to the applicant or recipient or the applicant's or recipient's legal guardian.
- (3) Procedures for the maintenance of files containing updated medical and health records for a public assistance applicant or recipient.
- (4) Procedures for the proper handling of appeals, including a verbal appeal, from an applicant or recipient of public assistance services.

(b) The division of family resources may not charge:

- (1) an applicant;
- (2) a recipient; or
- (3) a legal guardian of the applicant or recipient;

of public assistance services for a complete copy of all of the documents, including medical records, contained in the individual's file maintained by the division if the individual is appealing a determination made by the division.

Sec. 12. The office of the secretary shall reimburse a provider that has entered into an agreement with the office of the secretary, or an office or division of the office of the secretary, for services provided to a recipient of public assistance services:

- (1) in a timely manner;
- (2) in accordance with the provider agreement; and
- (3) in a manner that does not jeopardize the well-being of the recipient.

Sec. 13. The division of family resources may not require that a public assistance recipient maintain continued eligibility through the use of remote services, including computer or telephone communication.

Sec. 14. The division of family resources shall establish for each public assistance recipient a schedule for the redetermination of eligibility for public assistance that complies with all federal public assistance laws and regulations.

Sec. 15. (a) The division of family resources shall develop and maintain public assistance applicant and recipient records in the following manner:

- (1) A paperless record keeping system to the extent feasible, except that communication with an applicant or recipient

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1 **must be in writing and in paper format.**

2 **(2) A computer based record keeping system by which the file**
 3 **of a public assistance applicant or recipient may be**
 4 **electronically transferred from the individual's county of**
 5 **residence to another county without delay.**

6 **(b) The division of family resources shall test any upgrades in**
 7 **technology, client services, or administrative changes on a small**
 8 **sample population of applicants, recipients, providers, and other**
 9 **employees before the changes may be implemented statewide.**

10 **(c) The division shall establish an ongoing planning process for**
 11 **upgrades in technology, client services, and administration**
 12 **procedures that include consultation with the following:**

- 13 **(1) Members of the general assembly.**
 14 **(2) Local units of government.**
 15 **(3) Employees of the division.**
 16 **(4) Advocacy and human services organizations.**
 17 **(5) Federal agencies.**

18 **Sec. 16. (a) The office of the secretary may contract with a**
 19 **private vendor to provide computer maintenance and related**
 20 **technical support services for the division of family resources and**
 21 **the county offices only if the office of the secretary can**
 22 **demonstrate to the satisfaction of the budget agency and the**
 23 **legislative council that the private vendor can provide the services**
 24 **more effectively and with greater cost effectiveness than the office**
 25 **could provide the services.**

26 **(b) The office of the secretary may establish at least one (1)**
 27 **regional calling center to provide services to recipients if the**
 28 **following conditions are met:**

- 29 **(1) The center is staffed by state employees.**
 30 **(2) The cost effectiveness of the calling center compared with**
 31 **the cost of the services if provided by the county offices can be**
 32 **demonstrated by the office of the secretary to the budget**
 33 **committee.**
 34 **(3) The calling center is not used to determine an individual's**
 35 **initial eligibility for public assistance.**
 36 **(4) A county office has approved an individual to use the**
 37 **calling center only after verifying the individual's**
 38 **identification through an in-person interview.**

39 **Sec. 17. (a) Not later than April 1, 2012, and by April 1 of each**
 40 **year thereafter, the office of the secretary shall report in writing**
 41 **and in an electronic format under IC 5-14-6 concerning the office's**
 42 **progress in implementing this act to the following:**

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1 **(1) The budget committee.**
 2 **(2) The legislative council established by IC 2-5-1.1-1.**
 3 **(b) This section expires July 1, 2015.**
 4 SECTION 5. [EFFECTIVE UPON PASSAGE] **(a) As used in this**
 5 **SECTION, "office of the secretary" refers to the office of the**
 6 **secretary of family and social services established by IC 12-8-1-1.**
 7 **(b) The office of the secretary shall identify and implement any**
 8 **changes in administration necessary to implement this act.**
 9 **(c) The office of the secretary and the budget agency shall:**
 10 **(1) determine the number of employees needed for; and**
 11 **(2) project the costs and savings incurred as a result of;**
 12 **the implementation of this act.**
 13 **(d) The office of the secretary shall use the determinations made**
 14 **in subsection (c)(1) to establish staffing levels and adjust the**
 15 **staffing levels if necessary in order to provide public assistance**
 16 **services described in this act in a safe, timely, and appropriate**
 17 **manner.**
 18 **(e) The office of the secretary shall establish a schedule and**
 19 **phase out the use of nonstate employees who are used in a manner**
 20 **prohibited under this act not later than June 30, 2013.**
 21 **(f) This SECTION expires June 30, 2013.**
 22 SECTION 6. **An emergency is declared for this act.**

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