HOUSE BILL No. 1185

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.

Crouch, Brown C

January 10, 2011, read first time and referred to Committee on Public Health.

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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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HOUSE BILL No. 1185

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:

SECTION 1. IC 12-10-12-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The notification required under section 8 of this chapter must notify the applicant of the following:

(1) That the applicant is required under state law to apply to the agency serving the county of the applicant's residence for participation in a nursing facility preadmission screening program.

(2) That the applicant's failure to participate in the nursing facility preadmission screening program could result in the applicant's ineligibility for Medicaid reimbursement for per diem in any nursing facility for not more than one (1) year.

(3) That the nursing facility preadmission screening program consists of an assessment of the applicant's need for care in a nursing facility made by a team of individuals familiar with the needs of individuals seeking admission to nursing facilities.

(4) The contact information for the agency that provides

services in the area in which the nursing facility is located.

(5) A list developed by the agency of all long term care options 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;

shall explain and provide a written copy of the results of the

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assessment to the individual or the individual's parent or guardian if the individual is not competent, in the least time practicable after the completion of the assessment.

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

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

(1) may be available to the patient;

(2) are located within the hospital's service area; and

(3) are known to the hospital.

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

(1) contact information for the agency that provides services in the area in which the hospital is located; and

(2) a statement that a representative from the agency is available to provide at no cost to the patient additional information and counseling concerning long term care options.

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