
HOUSE BILL No. 1476

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 12-15-45.

Synopsis: Medicaid waiver for family planning services. Requires the office of Medicaid policy and planning to apply for a demonstration waiver to extend Medicaid coverage of family planning services for certain women.

Effective: Upon passage.

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

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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. 1476



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 12-7-2-40.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 40.8. "Contraceptive", for purposes of**
4 **IC 12-15-45-1, has the meaning set forth in IC 12-15-45-1(a).**

5 SECTION 2. IC 12-7-2-82.4 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: **Sec. 82.4. "Family planning services", for**
8 **purposes of IC 12-15-45-1, has the meaning set forth in**
9 **IC 12-15-45-1(b).**

10 SECTION 3. IC 12-7-2-85.1 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: **Sec. 85.1. "Fertilization", for purposes of**
13 **IC 12-15-45-1, has the meaning set forth in IC 12-15-45-1(c).**

14 SECTION 4. IC 12-15-45 IS ADDED TO THE INDIANA CODE
15 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]:

17 **Chapter 45. Medicaid Waivers and State Plan Amendments**



1 **Sec. 1. (a) As used in this section, "contraceptive" means a drug**
 2 **or device intended to prevent fertilization.**

3 **(b) As used in this section, "family planning services" does not**
 4 **include the performance of abortions or the use of a drug or device**
 5 **intended to terminate a pregnancy after fertilization.**

6 **(c) As used in this section, "fertilization" means the joining of**
 7 **a human egg cell with a human sperm cell.**

8 **(d) As used in this section, "waiver" refers to a Section 1115**
 9 **demonstration waiver under the federal Social Security Act (42**
 10 **U.S.C. 1315).**

11 **(e) Before January 1, 2012, the office shall apply to the United**
 12 **States Department of Health and Human Services for approval of**
 13 **a waiver to:**

14 **(1) continue coverage of family planning services for a woman**
 15 **described in IC 12-15-2-13 for two (2) years after the**
 16 **expiration of the postpartum eligibility period under**
 17 **IC 12-15-2-13(d); and**

18 **(2) provide Medicaid coverage for any other service required**
 19 **by the waiver.**

20 **The waiver application must include language stating that the**
 21 **waiver is for coverage for contraceptives only.**

22 **(f) If a provision of this section differs from the requirements of**
 23 **a waiver, the office shall submit the waiver request in a manner**
 24 **that complies with the requirements of the waiver. However, if the**
 25 **waiver is approved, the office, not more than one hundred twenty**
 26 **(120) days after the waiver is approved, shall apply for an**
 27 **amendment to the waiver that contains the provisions of this**
 28 **section that were not included in the approved waiver.**

29 **(g) The office may not implement the waiver until the office files**
 30 **an affidavit with the governor attesting that the waiver applied for**
 31 **under this section is in effect. The office shall file the affidavit**
 32 **under this subsection not more than five (5) days after the office is**
 33 **notified that the waiver is approved.**

34 **(h) If the office receives a waiver under this section from the**
 35 **United States Department of Health and Human Services and the**
 36 **governor receives the affidavit filed under subsection (g), the office**
 37 **shall implement the waiver not more than sixty (60) days after the**
 38 **governor receives the affidavit.**

39 **(i) The office may adopt rules under IC 4-22-2 to implement this**
 40 **section.**

41 **(j) This section expires January 1, 2016.**

42 **SECTION 5. An emergency is declared for this act.**

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