

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 15**

Citations Affected: Noncode.

Synopsis: Brain injury services and Medicaid. Conference committee report for ESB 15. Requires the state department of health (state department) and the office of the secretary of family and social services (office) to study current brain injury services that are offered in Indiana, determine whether there are deficiencies in the services, and determine how to implement additional services and neurobehavioral rehabilitation programs in Indiana. Establishes an advisory committee to assist the state department and the office in the study. Requires the following to be provided to the health finance commission: (1) Information concerning the study of brain injury services in Indiana; and (2) Information concerning the feasibility and development of a risk based managed care pilot program for aged, blind, and disabled Medicaid recipients. (The introduced version of this bill was prepared by the health finance commission.) **(This conference committee report: (1) removes language requiring the office of Medicaid policy and planning to apply for a Medicaid state plan amendment to include Medicaid reimbursement for brain injury services and neurobehavioral services provided in Indiana; (2) changes the staffing of the brain injury treatment advisory committee from the office to the state department; and (3) requires information to be reported to the health finance commission concerning the feasibility and development of a risk based managed care pilot program for aged, blind, and disabled Medicaid recipients instead of the office developing a pilot program.)**

Effective: Upon passage; July 1, 2012.

Adopted Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 15 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT concerning health.
- 3 Delete everything after the enacting clause and insert the following:
- 4 SECTION 1. [EFFECTIVE UPON PASSAGE] **(a) The state**
- 5 **department of health and the office of the secretary of family and**
- 6 **social services shall:**
- 7 **(1) study the current brain injury services offered in Indiana;**
- 8 **and**
- 9 **(2) determine:**
- 10 **(A) any deficiencies in the provision of brain injury**
- 11 **services in Indiana; and**
- 12 **(B) how to implement additional brain injury services and**
- 13 **neurobehavioral rehabilitation programs in Indiana.**
- 14 **(b) The study described in subsection (a) must include the**
- 15 **following:**
- 16 **(1) Development of a licensure category for neurobehavioral**
- 17 **rehabilitation facilities and the criteria to be included for the**
- 18 **license.**
- 19 **(2) Assessment of whether incentives are needed to encourage**
- 20 **the provision of brain injury services and neurobehavioral**
- 21 **services in Indiana.**
- 22 **(3) Determination of the adequate reimbursement under the**

- 1 Medicaid program for brain injury and neurobehavioral
2 services.
- 3 (4) Determination of whether funds from the Medicaid health
4 facility closure and conversion fund could be used to assist
5 qualified service providers in opening a neurobehavioral
6 rehabilitation facility or to enhance reimbursement for brain
7 injury or neurobehavioral services in Indiana.
- 8 (5) Determination of whether existing Medicaid waivers
9 should be amended to increase the number of individuals
10 covered under the waivers or the services provided to
11 individuals with traumatic brain injuries under the waivers,
12 and the amendments that would be needed.
- 13 (c) Before October 1, 2012, the state department of health and
14 the office of the secretary of family and social services shall report
15 orally and in writing to the health finance commission established
16 by IC 2-5-23-3 concerning the study conducted under this
17 SECTION and any recommendations resulting from the study.
- 18 (d) The brain injury treatment advisory committee is
19 established for the purpose of assisting the state department of
20 health and the office of the secretary of family and social services
21 with the study described in this SECTION. The committee consists
22 of the following members:
- 23 (1) The commissioner of the state department of health or the
24 commissioner's designee, who is the chairperson of the
25 committee.
- 26 (2) The director of the office of Medicaid policy and planning,
27 or the director's designee.
- 28 (3) The director of the division of aging, or the director's
29 designee.
- 30 (4) The director of the rehabilitation services bureau within
31 the office of the secretary of family and social services, or the
32 director's designee.
- 33 (5) The following members appointed by the governor not
34 later than May 1, 2012:
- 35 (A) One (1) member representing the Brain Injury
36 Association of Indiana.
- 37 (B) Six (6) individuals representing any of the following:
38 (i) Brain injury service providers.
39 (ii) Residential care providers.
40 (iii) Health care providers who have knowledge
41 concerning brain injuries.
- 42 (C) One (1) representative of the rate setting contractor
43 used by the office of Medicaid policy and planning.
- 44 (D) One (1) consumer of brain injury services.
- 45 (E) One (1) psychologist licensed under IC 25-33-1 who
46 specializes in the assessment and treatment of individuals
47 with a brain injury.
- 48 (F) One (1) individual who is a caregiver of a consumer of
49 brain injury services.
- 50 (G) One (1) representative of the Indiana Association of
51 Area Agencies on Aging.

1 **The state department of health shall staff the committee. The**
2 **committee shall meet at least four (4) times at the call of the**
3 **chairperson. The members of the committee are not entitled to per**
4 **diem or reimbursement for expenses incurred in connection with**
5 **the members' committee duties.**

6 **(e) This SECTION expires July 1, 2013.**

7 **SECTION 2. [EFFECTIVE JULY 1, 2012] (a) During the 2012**
8 **legislative interim, the office of Medicaid policy and planning shall**
9 **report to the health finance commission established by IC 2-5-23-3**
10 **concerning the feasibility and development of a risk based**
11 **managed care pilot program for aged, blind, and disabled**
12 **Medicaid recipients. This SECTION does not authorize the office**
13 **to implement a risk based managed care pilot program.**

14 **(b) This SECTION expires December 31, 2012.**

15 **SECTION 3. An emergency is declared for this act.**

 (Reference is to ESB 15 as reprinted February 29, 2012.)

Conference Committee Report
on
Engrossed Senate Bill 15

Signed by:

Senator Miller
Chairperson

Representative Brown T

Senator Breaux

Representative Brown C

Senate Conferees

House Conferees