

# HOUSE BILL No. 1347

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-10-6-1; IC 12-15.

**Synopsis:** Residential care personal needs allowance. Increases the monthly personal allowance for: (1) residential care assistance recipients living in county homes; (2) Medicaid recipients receiving care in a hospital or nursing facility; and (3) Medicaid recipients living in community residential facilities for the developmentally disabled; from \$52 to \$70.

**Effective:** July 1, 2012.

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**Smith V**

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January 11, 2012, read first time and referred to Committee on Public Health.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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# HOUSE BILL No. 1347



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 12-10-6-1, AS AMENDED BY P.L.229-2011,  
2 SECTION 118, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) An individual who:  
4 (1) is at least sixty-five (65) years of age, is blind, or has a  
5 disability; and  
6 (2) is a resident of a county home;  
7 is eligible to receive assistance payments from the state if the  
8 individual would be eligible for assistance under the federal  
9 Supplemental Security Income program except for the fact that the  
10 individual is residing in a county home.  
11 (b) The recipient shall be paid or allowed to retain from the  
12 recipient's income a monthly personal allowance. The amount:  
13 (1) is ~~fifty-two~~ **seventy** dollars (~~\$52~~); (**\$70**);  
14 (2) is exempt from income eligibility consideration by the  
15 division; and  
16 (3) may be exclusively used by the recipient for personal needs.  
17 (c) In addition to the amount that may be retained as a personal



1 allowance under this section, an individual is allowed to retain an  
 2 amount equal to the individual's state and local income tax liability.  
 3 The amount that may be retained during a month may not exceed  
 4 one-third (1/3) of the individual's state and local income tax liability for  
 5 the calendar quarter in which the month occurs. This amount is exempt  
 6 from income eligibility consideration by the division. The amount  
 7 retained shall be used by the individual to pay state or local income  
 8 taxes owed.

9 (d) In addition to the amounts that may be retained under  
 10 subsections (b) and (c), an eligible individual may retain a Holocaust  
 11 victim's settlement payment. The payment is exempt from income  
 12 eligibility consideration by the division.

13 (e) The personal allowance for one (1) month for an individual  
 14 described in subsection (a) is the amount that an individual would be  
 15 entitled to retain under subsection (b) plus an amount equal to one-half  
 16 (1/2) of the remainder of:

17 (1) gross earned income for that month; minus

18 (2) the sum of:

19 (A) sixteen dollars (\$16); plus

20 (B) the amount withheld from the person's paycheck for that  
 21 month for payment of state income tax, federal income tax,  
 22 and the tax prescribed by the federal Insurance Contribution  
 23 Act (26 U.S.C. 3101 et seq.); plus

24 (C) transportation expenses for that month; plus

25 (D) any mandatory expenses required by the employer as a  
 26 condition of employment.

27 SECTION 2. IC 12-15-7-2 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. ~~Fifty-two~~ **Seventy**  
 29 dollars (~~\$52~~) (**\$70**) monthly may be exempt from income eligibility  
 30 consideration.

31 SECTION 3. IC 12-15-32-6 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The office shall  
 33 allow a resident of a facility who is receiving Medicaid to retain a  
 34 personal allowance of ~~fifty-two~~ **seventy** dollars (~~\$52~~) (**\$70**) each  
 35 month.

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