
HOUSE BILL No. 1375

DIGEST OF INTRODUCED BILL

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

Synopsis: 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 \$60.

Effective: July 1, 2012.

Borders

January 17, 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 *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. 1375



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 dollars (\$52)~~; **sixty dollars (\$60)**;
- 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 dollars~~
 29 ~~(\$52)~~ **Sixty dollars (\$60)** monthly may be exempt from income
 30 eligibility 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 dollars (\$52)~~ **sixty dollars (\$60)** each
 35 month.

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