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**PRELIMINARY DRAFT**  
**No. 3076**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2006 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** None (noncode).

**Synopsis:** Medicaid cash and counseling waiver. Requires the office of Medicaid policy and planning to apply for a Medicaid waiver that would allow certain Medicaid eligible elderly and disabled persons to receive a cash allowance or have control of a specific budget so that they may purchase certain eligible services.

**Effective:** July 1, 2006.



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A BILL FOR AN ACT concerning Medicaid.

*Be it enacted by the General Assembly of the State of Indiana:*

1           SECTION 1. [EFFECTIVE JULY 1, 2006] (a) **As used in this**  
2 **SECTION, "eligible Medicaid recipient" means any of the**  
3 **following:**

4           **(1) An individual who is:**

5                   **(A) at least sixty (60) years of age; and**

6                   **(B) receiving Medicaid home and community based waiver**  
7 **services.**

8           **(2) A physically or developmentally disabled individual who**  
9 **is:**

10                   **(A) at least eighteen (18) years of age but less than**  
11 **sixty-five (65) years of age; and**

12                   **(B) receiving Medicaid home and community based waiver**  
13 **services.**

14           **(3) A developmentally disabled individual who is:**

15                   **(A) at least three (3) years of age but less than eighteen (18)**  
16 **years of age; and**

17                   **(B) receiving Medicaid home and community based waiver**  
18 **services.**

19           **(b) As used in this SECTION, "eligible services" means care**  
20 **received in the home or the community by an eligible Medicaid**  
21 **recipient that meets the recipient's long term care needs and**  
22 **without which the recipient would be at risk for institutional**  
23 **placement.**

24           **(c) As used in this SECTION, "office" refers to the office of**  
25 **Medicaid policy and planning established by IC 12-8-6-1.**

26           **(d) Before January 1, 2007, the office shall apply to the United**  
27 **States Department of Health and Human Services for approval of**  
28 **a waiver (commonly referred to as the cash and counseling or cash**  
29 **and carrying demonstration waiver) that would allow an eligible**  
30 **Medicaid recipient to receive a cash allowance or have control of**  
31 **a specific budget so that the recipient may purchase eligible**  
32 **services. The office may include in the waiver request a provision**



1 that would allow the office to provide an eligible Medicaid  
2 recipient with a case manager to assist the recipient by assessing  
3 the recipient's needs and establishing the recipient's budget.

4 (e) The office may not implement the waiver until the office files  
5 an affidavit with the governor attesting that the federal waiver  
6 applied for under this SECTION is in effect. The office shall file the  
7 affidavit under this subsection not later than five (5) days after the  
8 office is notified by the United States Department of Health and  
9 Human Services that the waiver is approved.

10 (f) If the office receives approval of a waiver under this  
11 SECTION from the United States Department of Health and  
12 Human Services and the governor receives the affidavit filed under  
13 subsection (e), the office shall implement the waiver not more than  
14 sixty (60) days after the governor receives the affidavit.

15 (g) The office may adopt rules under IC 4-22-2 necessary to  
16 implement this SECTION.

17 (h) This SECTION expires December 31, 2014.

