



SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1328 be amended to read as follows:

- 1 Page 43, between lines 15 and 16, begin a new paragraph and insert:
2 "SECTION 26. IC 12-15-2-24, AS ADDED BY P.L.246-2005,
3 SECTION 102, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2024]: Sec. 24. (a) This section applies to
5 determining eligibility for an individual who:
6 (1) resides in a nursing facility or another medical institution; and
7 (2) has a community spouse.
8 (b) In determining eligibility for an individual described in
9 subsection (a), the office shall, beginning in calendar year 2006, use
10 the greater of the following community spouse resource allowances:
11 (1) Nineteen thousand twenty dollars (\$19,020), subject to an
12 adjustment described in 42 U.S.C. 1396r-5(g).
13 (2) The lesser of:
14 (A) the spousal share computed under 42 U.S.C.
15 1396r-5(c)(1); or
16 (B) ninety-five thousand one hundred dollars (\$95,100),
17 subject to an adjustment described in 42 U.S.C. 1396r-5g.
18 (3) An amount established by a court order or an administrative
19 hearing if the community spouse's income is less than the
20 minimum monthly needs allowance established under 42 U.S.C.
21 1396r-5(d)(3) and an increased amount is necessary to increase
22 the community spouse's income to the minimum monthly needs
23 allowance.
24 (c) An institutionalized spouse shall not be ineligible for the
25 program because of resources if:
26 (1) the institutionalized spouse:
27 (A) establishes that the individual has a right to receive

1 support from the community spouse; and
2 (B) assigns to the office the right to receive support from the
3 community spouse; or
4 (2) the office determines that the denial of eligibility would result
5 in an undue hardship to the institutionalized spouse.
6 (d) The office shall adopt rules under IC 4-22-2 to calculate the
7 amount of resources necessary to provide income to the community
8 spouse under subsection (b).
9 **(e) The office shall, before January 1, 2025, seek approval from**
10 **the federal Centers for Medicare and Medicaid Services for a state**
11 **plan amendment that, in determining eligibility, where funds are**
12 **held by a community spouse in an individual retirement account,**
13 **as described in the Internal Revenue Code, or in a work-related**
14 **pension plan (including a plan for a self-employed person such as**
15 **a "Keogh Plan") the funds are not a countable resource as defined**
16 **in IC 12-15-41-2."**
17 Renumber all SECTIONS consecutively.
(Reference is to EHB 1328 as printed February 23, 2024.)

Senator WALKER G