

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1091

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AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-15-2-15.8, AS ADDED BY P.L.218-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 15.8. After an individual who is less than ~~three (3)~~ **nineteen (19)** years of age is determined to be eligible for Medicaid under section 14 of this chapter, the individual is not required to submit eligibility information more frequently than once in a twelve (12) month period until the child becomes ~~three (3)~~ **nineteen (19)** years of age.

SECTION 2. IC 12-15-2.5-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 4.5. (a) This section applies to the following individuals who are lawfully residing in the United States as set forth in 42 U.S.C. 1396b(v)(4):**

- (1) A pregnant individual during:**
  - (A) the pregnancy; and**
  - (B) the maximum amount of time allowable under federal law that does not exceed the twelve (12) month period beginning on the last day of the pregnancy.**
- (2) An individual who is less than twenty-one (21) years of age.**
- (b) An individual described in subsection (a) who:**
  - (1) meets any other requirement under federal law; and**

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**(2) is otherwise eligible for Medicaid under this article; is entitled to receive assistance under this article without a waiting period as allowed under 42 U.S.C. 1396b(v).**

**(c) The office of the secretary shall apply for any Medicaid state plan amendment or waiver necessary to implement this section.**

SECTION 3. IC 12-17.6-3-2.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2.4. (a) An individual who:**

- (1) is less than nineteen (19) years of age;**
- (2) is lawfully residing in the United States, as set forth in 42 U.S.C. 1396b(v)(4);**
- (3) is otherwise eligible for the program under this article;**
- and**
- (4) meets any other requirement under federal law;**

**is entitled to receive assistance under this article without a waiting period as allowed under 42 U.S.C. 1397gg(e)(1).**

**(b) The office of the secretary shall apply for any amendment to the state's children's health insurance program or waiver necessary to implement this section.**

SECTION 4. IC 12-17.6-3-3, AS AMENDED BY P.L.218-2007, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 3. (a) Subject to subsections (b) and (c), a child who is eligible for the program shall receive services from the program until the earlier of the following:**

- (1) The child becomes financially ineligible.**
- (2) The child becomes nineteen (19) years of age.**

**(b) Subsection (a) applies only if the child and the child's family comply with enrollment requirements.**

**(c) After a child who is less than ~~three (3)~~ **nineteen (19)** years of age is determined to be eligible for the program, the child is not required to submit eligibility information more frequently than once in a twelve (12) month period until the child becomes ~~three (3)~~ **nineteen (19)** years of age.**

SECTION 5. IC 12-32-1-5, AS AMENDED BY P.L.180-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 5. (a) Notwithstanding any other provision of law and except as otherwise provided under federal law and subsections (b), (d), ~~and~~ (e), **and (f)**, an agency or a political subdivision shall verify, in the manner required under section 6 of this chapter, the eligibility of any individual who:**

- (1) is at least eighteen (18) years of age; and**
- (2) applies for state or local public benefits or federal public**



benefits that are provided by the agency or the political subdivision.

(b) A health care provider (as defined in IC 16-18-2-163(a)) is not required to verify the eligibility of an individual as required under subsection (a) if the health care provider is providing health care services for the treatment of an emergency medical condition (as defined in 42 U.S.C. 1396b(v)(3)).

(c) With regard to a state or local public benefit or a federal public benefit that covers health care services, a health care provider (as defined in IC 16-18-2-163) satisfies the requirements of this chapter if the health care provider complies with the eligibility verification policies and procedures for providing the benefit that is established by the:

- (1) office of the secretary of family and social services; or
- (2) federal Department of Health and Human Services.

(d) A state educational institution is not required to verify the eligibility of an individual as required under subsection (a) if all the following apply:

- (1) The individual is eligible to pay the resident tuition rate of the state educational institution.
- (2) The individual is not applying for any state or local public benefit or federal public benefit other than the resident tuition rate that:
  - (A) is provided by the state educational institution; and
  - (B) would require verification under this chapter.
- (3) The individual was enrolled in a state educational institution on or before July 1, 2011.

(e) An agency or a political subdivision is not required to verify the eligibility of an individual as required under subsection (a) if all the following apply:

- (1) The individual is applying for a scholarship, a grant, or financial aid for postsecondary education.
- (2) The individual is not applying for any state or local public benefit or federal public benefit other than the benefit described in subdivision (1) that:
  - (A) is provided by the agency or political subdivision; and
  - (B) would require verification under this chapter.
- (3) The individual is:
  - (A) an international student with bona fide legal status; and
  - (B) enrolled in a state educational institution.

**(f) An agency or a political subdivision is not required under subsection (a) to verify the eligibility of an individual for benefits**



under programs described in 8 U.S.C. 1615(b)(2)(A), including the special supplemental food program for women, infants, and children administered by the Indiana department of health.

SECTION 6. [EFFECTIVE JULY 1, 2023] (a) Before September 1, 2023, the office of the secretary of family and social services shall apply for any state plan amendment or Medicaid waiver necessary to change the age set forth in IC 12-15-2-15.8, as amended by this act, concerning continuous eligibility for the Medicaid program from a Medicaid recipient who is less than three (3) years of age to a Medicaid recipient who is less than nineteen (19) years of age.

(b) Before September 1, 2023, the office of Medicaid policy and planning shall apply for any federal approval necessary to change the age set forth in IC 12-17.6-3-3, as amended by this act, concerning continuous eligibility for the children's health insurance program from a recipient who is less than three (3) years of age to a recipient who is less than nineteen (19) years of age.

(c) This SECTION expires December 31, 2023.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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