

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1192

AN ACT to amend the Indiana Code concerning Medicaid.

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

SECTION 1. IC 12-7-2-155.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 155.4. "Qualified provider", for purposes of IC 12-15-1-16, means:**

- (1) a school based nurse; or**
- (2) another provider who:**
 - (A) is licensed and in good standing with the Indiana professional licensing agency; and**
 - (B) is employed by or contracts with a school corporation that participates in Medicaid.**

SECTION 2. IC 12-7-2-170.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 170.5. "School based nurse", for purposes of IC 12-7-2-155.4, means a registered nurse or licensed practical nurse licensed under IC 25-23-1 who is employed by or contracts with a school corporation that participates in Medicaid to provide school based Medicaid covered services for a Medicaid recipient.**

SECTION 3. IC 12-15-1-16, AS AMENDED BY P.L.196-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 16. (a) Each:**

- (1) school corporation; or**

HEA 1192



(2) school corporation's employed, licensed, or qualified provider; must enroll in a program to use federal funds under the Medicaid program (IC 12-15-1 et seq.) with the intent to share the costs of services that are reimbursable under the Medicaid program and that are provided to eligible children by the school corporation. However, a school corporation or a school corporation's employed, licensed, or qualified provider is not required to file any claims or participate in the program developed under this section.

(b) The secretary and the department of education may develop policies and adopt rules to administer the program developed under this section.

(c) The federal reimbursement for services provided under this section must be distributed to the school corporation. The state shall retain the nonfederal share of the reimbursement for Medicaid services provided under this section.

(d) The office of Medicaid policy and planning, with the approval of the budget agency and after consultation with the department of education, shall establish procedures for the timely distribution of federal reimbursement due to the school corporations. The distribution procedures may provide for offsetting reductions to distributions of state tuition support or other state funds to school corporations in the amount of the nonfederal reimbursements required to be retained by the state under subsection (c).

(e) The office may apply to the United States Department of Health and Human Services for a state plan amendment to allow school corporations to seek Medicaid reimbursement for medically necessary, school based Medicaid covered services that are provided under federal or state mandates. If the state plan amendment is approved and implemented, services may be provided by a qualified **practitioner provider** in a school setting to Medicaid enrolled students. **Subject to subsection (f), the services may be pursuant to any of the following: the services may include the following:**

(+) Subject to subsection (f); services pursuant to any of the following:

(A) (1) An individualized education program (as defined in IC 20-18-2-9).

(B) (2) A plan developed under Section 504 of the federal Rehabilitation Act, 29 U.S.C. 794.

(C) (3) A behavioral intervention plan (as defined in IC 20-20-40-1).

(D) (4) A service plan developed under 511 IAC 7-34.

(E) (5) An individualized health care plan.

HEA 1192



(2) ~~Medically necessary, Medicaid covered nursing services provided by a licensed and qualified practitioner under IC 25-23-1.~~

The office may, in consultation with the department of education, develop any necessary state plan amendment under this subsection. The office may apply for any state plan amendment necessary to implement this subsection.

(f) Services under subsection (e) may not include the following:

- (1) An abortion.
- (2) Counseling for abortion procedures.
- (3) Referrals for abortion services.
- (4) Abortifacients.
- (5) Contraceptives.

(g) If the state plan amendment described in subsection (e) is approved and implemented, the medically necessary, school based Medicaid covered services described in subsection (e):

- (1) may only be performed by a qualified provider;**
- (2) must be within the qualified provider's scope of practice;**
- and**
- (3) must be provided in accordance with this article and administrative rules concerning the Medicaid program.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1192

