

HOUSE BILL No. 1287

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-10-10-4; IC 12-10-10.5.

Synopsis: CHOICE and community living pilot programs. Amends the definition of an "eligible individual" for purposes of the community and home options to institutional care for the elderly and disabled program (CHOICE program). Provides that under the CHOICE program the division of aging (division): (1) must establish a cost participation schedule for each eligible individual; (2) may reverify certain eligible individuals; and (3) may not require a family member or other person to provide services as a condition of eligibility. Extends the community living pilot program (pilot) for two years. Specifies the specific area agency on aging areas that are part of the pilot. Provides that under the pilot the division shall: (1) collect certain data; (2) survey participants; (3) report information to the legislative council; and (4) update data management systems. Requires each designated area in the pilot to make regular reports. Specifies criteria that must be used in a needs based assessment.

Effective: Upon passage; July 1, 2017.

Clere, Frizzell, Summers, Negele

January 10, 2017, read first time and referred to Committee on Family, Children and Human Affairs.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1287

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 12-10-10-4, AS AMENDED BY P.L.99-2007,
2 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 4. (a) As used in this chapter, "eligible individual"
4 means an individual who **meets the following criteria:**
5 (1) Is a resident of Indiana.
6 (2) Is:
7 (A) at least sixty (60) years of age; or
8 (B) an individual with a disability.
9 (3) **For an individual who applies initially to the program:**
10 (A) **before July 1, 2017**, has assets that do not exceed five
11 hundred thousand dollars (\$500,000), as determined by the
12 division; and
13 (B) **after June 30, 2017**, has assets that do not exceed two
14 hundred fifty thousand dollars (\$250,000). In determining
15 assets under this clause, the division shall exclude an
16 additional twenty thousand dollars (\$20,000) in countable
17 assets.



1 (4) Qualifies under criteria developed by the board as having an
 2 impairment that places the individual at risk of losing the
 3 individual's independence, as described in subsection (b).

4 (b) For purposes of subsection (a), an individual is at risk of losing
 5 the individual's independence if the individual is unable to perform two
 6 (2) or more activities of daily living. The use by or on behalf of the
 7 individual of any of the following services or devices does not make the
 8 individual ineligible for services under this chapter:

9 (1) Skilled nursing assistance.

10 (2) Supervised community and home care services, including
 11 skilled nursing supervision.

12 (3) Adaptive medical equipment and devices.

13 (4) Adaptive nonmedical equipment and devices.

14 **(c) Subject to standards established under IC 12-10-10.5-10(3),**
 15 **the division shall establish a cost participation schedule for an**
 16 **eligible individual based on the eligible individual's income and**
 17 **countable assets. The cost participation schedule must comply with**
 18 **the following:**

19 (1) Exclude from cost participation an eligible individual
 20 whose income and countable assets do not exceed one hundred
 21 fifty percent (150%) of the federal income poverty level.

22 (2) In calculating income and countable assets for an eligible
 23 individual, deduct the medical expenses of the following:

24 (A) The individual.

25 (B) The spouse of the individual.

26 (C) The dependent children of the individual.

27 (3) Exclude twenty thousand dollars (\$20,000) of an eligible
 28 individual's countable assets from consideration in
 29 determining an eligible individual's cost participation.

30 (d) The division may require annual reverification for eligible
 31 individuals whom the division determines are likely to experience
 32 a material increase in income or assets. An individual shall submit
 33 the information requested by the division to carry out the
 34 reverification allowed by this subsection.

35 (e) The division may not require a family or other person to
 36 provide services as a condition of an individual's eligibility for or
 37 participation in the program.

38 SECTION 2. IC 12-10-10.5-5, AS ADDED BY P.L.145-2014,
 39 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 5. (a) Beginning January 1, 2015, The
 41 community living pilot program is established. **The division shall**
 42 **operate community living pilot programs within the following area**



- 1 agencies on aging:
- 2 (1) Area 1.
- 3 (2) Area 2.
- 4 (3) Area 4.
- 5 (4) Area 12.
- 6 (5) Area 13.
- 7 (6) Area 14.
- 8 (b) The division shall administer the program. The division shall do
- 9 the following:
- 10 ~~(1)~~ In consultation with the area agencies on aging, designate four
- 11 ~~(4)~~ area agencies on aging to participate in the program. In
- 12 determining the four ~~(4)~~ area agencies on aging to participate in
- 13 the program, the division shall consider the following criteria:
- 14 (A) Geographic diversity.
- 15 (B) Urban and rural representation.
- 16 (C) Size of the area agency on aging's waiting list for services.
- 17 ~~(D)~~ Size of the population served by the area agency on aging.
- 18 (1) Collect the following data from participants in the pilot
- 19 programs under this chapter, and from participants in the
- 20 community and home options to institutional care for the
- 21 elderly and disabled program (CHOICE program) under
- 22 IC 12-10-10:
- 23 (A) Average care plan expenditure per client.
- 24 (B) Total number of walk-in, referral, telephone, and
- 25 electronic contacts.
- 26 (C) Total number of contacts who are assigned to
- 27 face-to-face options counseling, including the number of
- 28 contacts:
- 29 (i) who have received services other than options
- 30 counseling funded without state or federal taxpayer
- 31 dollars;
- 32 (ii) who are receiving short-term care plans of less than
- 33 one (1) year; and
- 34 (iii) who are assigned to a waiting list.
- 35 (2) Collect quality of life survey information from participants
- 36 in the pilot programs.
- 37 ~~(2)~~ (3) Report data and outcome measures concerning the
- 38 program to the board and, in an electronic format under
- 39 IC 5-14-6, to the legislative council and an appropriate interim
- 40 study committee determined by the legislative council before the
- 41 following:
- 42 (A) March 15, ~~2016~~. **2018.**



1 (B) September 15, ~~2016~~: **2018**.

2 (C) March 15, ~~2017~~: **2019**.

3 Each report under this subdivision must include an analysis on the
4 areas participating in the program and whether implementation of
5 the program has affected the admission of individuals to
6 comprehensive care beds in nursing facilities in the area:

7 **(4) Update existing division data management systems to**
8 **adequately support the needs based assessment, data**
9 **collection, and reporting required by this chapter.**

10 (c) The division shall establish written standards setting forth
11 criteria that the area agency on aging shall use in determining whether
12 an individual who is unable to perform one (1) activity of daily living
13 or one (1) activity is eligible for the program. An area agency on aging
14 may not determine that an individual who is unable to perform one (1)
15 activity of daily living or one (1) activity is eligible for the program
16 until the division establishes the standards required by this subsection.

17 **(d) Each pilot program designated in subsection (a) shall report**
18 **to the board at each of the board's regularly scheduled meetings,**
19 **concerning the status and progress of the pilot programs.**

20 SECTION 3. IC 12-10-10.5-10, AS ADDED BY P.L.145-2014,
21 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: Sec. 10. The division, in consultation with the area
23 agencies on aging, shall develop policies that establish the following:

24 (1) A needs based assessment to be used in determining a client's
25 needs and care plan under section 2(3) of this chapter. **The**
26 **assessment must:**

27 **(A) determine eligibility for services based on**
28 **documentation of insufficient support necessary to meet an**
29 **identified deficit in a client's ability to ensure a safe and**
30 **independent living environment; and**

31 **(B) include a standardized caregiver assessment.**

32 **The division shall implement a needs based assessment tool**
33 **that has been recommended by the area agencies on aging.**

34 (2) The percentage of program dollars adequate to provide case
35 management services.

36 (3) A cost participation schedule for program recipients as
37 required by section 3(c) of this chapter.

38 (4) Program performance measures.

39 (5) Data and outcome measures for the program to be collected
40 and reported under section ~~5(b)(2)~~ **5(b)(3)** of this chapter.

41 SECTION 4. IC 12-10-10.5-12, AS ADDED BY P.L.145-2014,
42 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]; Sec. 12. This chapter expires June 30, ~~2017~~ **2019**.
2 SECTION 5. **An emergency is declared for this act.**

