



February 3, 2017

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## HOUSE BILL No. 1287

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DIGEST OF HB 1287 (Updated February 1, 2017 9:07 am - DI 125)

**Citations Affected:** IC 12-10.

**Synopsis:** CHOICE programs. Amends the definition of "case management" and "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. Requires the division to collaborate with area agencies on aging to develop a needs based assessment tool and policies for the CHOICE program.

**Effective:** Upon passage; July 1, 2017.

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### Clere, Frizzell, Summers, Negele

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January 10, 2017, read first time and referred to Committee on Family, Children and Human Affairs.  
February 2, 2017, amended, reported — Do Pass.

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HB 1287—LS 7287/DI 77





February 3, 2017

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

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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 12-10-10-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. As used in this  
3 chapter, "case management" means an administrative function  
4 conducted locally by an area agency on aging that includes the  
5 following:  
6 (1) Assessment of an individual to determine the individual's  
7 functional impairment level and corresponding need for services.  
8 **(2) Initial verification of an individual's income and assets.**  
9 ~~(2)~~ **(3) Development of a care plan addressing that:**  
10 **(A) addresses** an eligible individual's needs;  
11 **(B) takes into consideration the individual's family and**  
12 **community members who are willing to provide services to**  
13 **meet any of the individual's needs; and**  
14 **(C) is consistent with a person centered approach to client**  
15 **care.**  
16 ~~(3)~~ **(4) Supervision of the implementation of appropriate and**  
17 **available services for an eligible individual.**

HB 1287—LS 7287/DI 77



- 1           ~~(4)~~ **(5)** Advocacy on behalf of an eligible individual's interests.
- 2           ~~(5)~~ **(6)** Monitoring the quality of community and home care
- 3           services provided to an eligible individual.
- 4           ~~(6)~~ **(7)** Reassessment of the care plan to determine:
- 5                   (A) the continuing need and effectiveness of the community
- 6                   and home care services provided to an eligible individual
- 7                   under this chapter; **and**
- 8                   **(B) the annual reverification of an eligible individual's**
- 9                   **income and assets, as may be required by the division**
- 10                  **under section 4(d) of this chapter.**
- 11           ~~(7)~~ **(8)** Provision of information and referral services to
- 12           individuals in need of community and home care services.
- 13           SECTION 2. IC 12-10-10-4, AS AMENDED BY P.L.99-2007,
- 14           SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15           JULY 1, 2017]: Sec. 4. (a) As used in this chapter, "eligible individual"
- 16           means an individual who **meets the following criteria:**
- 17                   (1) Is a resident of Indiana.
- 18                   (2) Is:
- 19                           (A) at least sixty (60) years of age; or
- 20                           (B) an individual with a disability.
- 21                   (3) **Except as provided in subdivision (5), for an individual**
- 22                   **who applies initially to the program:**
- 23                           (A) **before July 1, 2017**, has assets that do not exceed five
- 24                           hundred thousand dollars (\$500,000), as determined by the
- 25                           division; and
- 26                           **(B) after June 30, 2017, has assets that do not exceed two**
- 27                           **hundred fifty thousand dollars (\$250,000). In determining**
- 28                           **assets under this clause, the division shall exclude an**
- 29                           **additional twenty thousand dollars (\$20,000) in countable**
- 30                           **assets.**
- 31                   (4) Qualifies under criteria developed by the board as having a
- 32                   impairment that places the individual at risk of losing the
- 33                   individual's independence, as described in subsection (b).
- 34                   **(5) An individual who applied initially to the program under**
- 35                   **IC 12-10-10.5 (expired June 30, 2017) between December 31,**
- 36                   **2014, and June 30, 2017, within:**
- 37                           (A) Area 1;
- 38                           (B) Area 4;
- 39                           (C) Area 13; or
- 40                           (D) Area 14;
- 41                   **of the area agencies on aging and had assets that did not**
- 42                   **exceed two hundred fifty thousand dollars (\$250,000). In**



- 1           **determining assets under this subdivision, the division shall**  
 2           **exclude an additional twenty thousand dollars (\$20,000) in**  
 3           **countable assets.**
- 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 **perform any of the following:**
- 7           **(1) Two** (2) or more activities of daily living. The use by or on  
 8 behalf of the individual of any of the following services or devices  
 9 does not make the individual ineligible for services under this  
 10 chapter:
- 11           ~~(1)~~ **(A)** Skilled nursing assistance.  
 12           ~~(2)~~ **(B)** Supervised community and home care services,  
 13 including skilled nursing supervision.  
 14           ~~(3)~~ **(C)** Adaptive medical equipment and devices.  
 15           ~~(4)~~ **(D)** Adaptive nonmedical equipment and devices.
- 16           **(2) One** (1) activity of daily living if, using the needs based  
 17 assessment established under section 6.7(1) of this chapter and  
 18 in accordance with written standards that are established by  
 19 the division under subsection (f), the area agency on aging  
 20 determines that addressing the single activity of daily living  
 21 would significantly reduce the likelihood of the individual's  
 22 loss of independence and the need for additional services.
- 23           **(3) An activity that with targeted intervention or assistance**  
 24 **with the activity, using the needs based assessment established**  
 25 **under section 6.7(1) of this chapter and in accordance with**  
 26 **written standards that are established by the division under**  
 27 **subsection (f), the area agency on aging determines would**  
 28 **significantly reduce the likelihood of the individual's loss of**  
 29 **independence and the need for additional services.**
- 30           (c) Subject to standards established under IC 12-10-10-6.7(6),  
 31 the division shall establish a cost participation schedule for an  
 32 eligible individual based on the eligible individual's income and  
 33 countable assets. The cost participation schedule must comply with  
 34 the following:
- 35           **(1) Exclude from cost participation an eligible individual**  
 36 **whose income and countable assets do not exceed one hundred**  
 37 **fifty percent (150%) of the federal income poverty level.**  
 38           **(2) In calculating income and countable assets for an eligible**  
 39 **individual, deduct the medical expenses of the following:**  
 40           **(A) The individual.**  
 41           **(B) The spouse of the individual.**  
 42           **(C) The dependent children of the individual.**



- 1           **(3) Exclude twenty thousand dollars (\$20,000) of an eligible**  
 2           **individual's countable assets from consideration in**  
 3           **determining an eligible individual's cost participation.**
- 4           **(d) The division may require annual reverification for eligible**  
 5           **individuals whom the division determines are likely to experience**  
 6           **a material increase in income or assets. An individual shall submit**  
 7           **the information requested by the division to carry out the**  
 8           **reverification allowed by this subsection.**
- 9           **(e) The division may not require a family or other person to**  
 10           **provide services as a condition of an individual's eligibility for or**  
 11           **participation in the program.**
- 12           **(f) The division shall establish written standards setting forth**  
 13           **criteria that the area agencies on aging shall use in determining**  
 14           **whether an individual who is unable to perform one (1) activity of**  
 15           **daily living or one (1) activity under subsection (b)(2) or (b)(3) is**  
 16           **eligible for the program.**
- 17           **SECTION 3. IC 12-10-10-6.7 IS ADDED TO THE INDIANA**  
 18           **CODE AS A NEW SECTION TO READ AS FOLLOWS**  
 19           **[EFFECTIVE UPON PASSAGE]: Sec. 6.7. The division shall**  
 20           **convene collaborative workgroups with the area agencies on aging**  
 21           **to develop policies that establish the following:**
- 22           **(1) A needs based assessment tool, that may be integrated with**  
 23           **existing case management systems, to be used in determining**  
 24           **a client's needs and care plan under section 1(3) of this**  
 25           **chapter. The assessment must:**
- 26                   **(A) determine eligibility for services based on**  
 27                   **documentation of insufficient support necessary to meet an**  
 28                   **identified deficit in a client's ability to ensure a safe and**  
 29                   **independent living environment; and**  
 30                   **(B) include a standardized caregiver assessment.**
- 31           **(2) The percentage of program dollars adequate to provide**  
 32           **case management services.**
- 33           **(3) Training necessary to effectively carry out this chapter.**
- 34           **(4) Data collection standards.**
- 35           **(5) Program performance measures.**
- 36           **(6) A cost participation schedule for program recipients as**  
 37           **required by section 4(c) of this chapter.**
- 38           **SECTION 4. IC 12-10-10-13 IS ADDED TO THE INDIANA**  
 39           **CODE AS A NEW SECTION TO READ AS FOLLOWS**  
 40           **[EFFECTIVE JULY 1, 2017]: Sec. 13. One (1) or more**  
 41           **representatives of the area agencies on aging shall appear at each**  
 42           **regularly scheduled meeting of the community and home options**



1       **to institutional care for the elderly and disabled board established**  
2       **by IC 12-10-11-1 and report on the progress of the program.**  
3       **SECTION 5. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1287, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-10-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. As used in this chapter, "case management" means an administrative function conducted locally by an area agency on aging that includes the following:

- (1) Assessment of an individual to determine the individual's functional impairment level and corresponding need for services.
- (2) Initial verification of an individual's income and assets.**
- ~~(2)~~ **(3) Development of a care plan addressing that:**
  - (A) addresses** an eligible individual's needs;
  - (B) takes into consideration the individual's family and community members who are willing to provide services to meet any of the individual's needs; and**
  - (C) is consistent with a person centered approach to client care.**
- ~~(3)~~ **(4) Supervision of the implementation of appropriate and available services for an eligible individual.**
- ~~(4)~~ **(5) Advocacy on behalf of an eligible individual's interests.**
- ~~(5)~~ **(6) Monitoring the quality of community and home care services provided to an eligible individual.**
- ~~(6)~~ **(7) Reassessment of the care plan to determine:**
  - (A) the continuing need and effectiveness of the community and home care services provided to an eligible individual under this chapter; and**
  - (B) the annual reverification of an eligible individual's income and assets, as may be required by the division under section 4(d) of this chapter.**
- ~~(7)~~ **(8) Provision of information and referral services to individuals in need of community and home care services."**

Page 1, line 9, delete "For" and insert "**Except as provided in subdivision (5), for**".

Page 2, between lines 3 and 4, begin a new line block indented and insert:

**"(5) An individual who applied initially to the program under**





**IC 12-10-10.5 (expired June 30, 2017) between December 31, 2014, and June 30, 2017, within:**

- (A) Area 1;**
- (B) Area 4;**
- (C) Area 13; or**
- (D) Area 14;**

**of the area agencies on aging and had assets that did not exceed two hundred fifty thousand dollars (\$250,000). In determining assets under this subdivision, the division shall exclude an additional twenty thousand dollars (\$20,000) in countable assets."**

Page 2, line 5, strike "perform two" and insert "**perform any of the following:**

**(1) Two".**

Page 2, line 9, delete "(1)", begin a new line double block indented and insert:

**"~~(1)~~ (A)".**

Page 2, line 10, delete "(2)", begin a new line double block indented and insert:

**"~~(2)~~ (B)".**

Page 2, line 12, delete "(3)", begin a new line double block indented and insert:

**"~~(3)~~ (C)".**

Page 2, line 13, delete "(4)", begin a new line double block indented and insert:

**"~~(4)~~ (D)".**

Page 2, between lines 13 and 14, begin a new line block indented and insert:

**"(2) One (1) activity of daily living if, using the needs based assessment established under section 6.7(1) of this chapter and in accordance with written standards that are established by the division under subsection (f), the area agency on aging determines that addressing the single activity of daily living would significantly reduce the likelihood of the individual's loss of independence and the need for additional services.**

**(3) An activity that with targeted intervention or assistance with the activity, using the needs based assessment established under section 6.7(1) of this chapter and in accordance with written standards that are established by the division under subsection (f), the area agency on aging determines would significantly reduce the likelihood of the individual's loss of independence and the need for additional services."**



Page 2, line 14, delete "IC 12-10-10.5-10(3)" and insert "IC 12-10-10-6.7(6)".

Page 2, between lines 37 and 38, begin a new paragraph and insert:

**"(f) The division shall establish written standards setting forth criteria that the area agencies on aging shall use in determining whether an individual who is unable to perform one (1) activity of daily living or one (1) activity under subsection (b)(2) or (b)(3) is eligible for the program.**

SECTION 3. IC 12-10-10-6.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.7. The division shall convene collaborative workgroups with the area agencies on aging to develop policies that establish the following:**

**(1) A needs based assessment tool, that may be integrated with existing case management systems, to be used in determining a client's needs and care plan under section 1(3) of this chapter. The assessment must:**

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

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

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

**(3) Training necessary to effectively carry out this chapter.**

**(4) Data collection standards.**

**(5) Program performance measures.**

**(6) A cost participation schedule for program recipients as required by section 4(c) of this chapter.**

SECTION 4. IC 12-10-10-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 13. One (1) or more representatives of the area agencies on aging shall appear at each regularly scheduled meeting of the community and home options to institutional care for the elderly and disabled board established by IC 12-10-11-1 and report on the progress of the program."**



Page 2, delete lines 38 through 42.

Delete pages 3 through 4.

Page 5, delete line 1.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1287 as introduced.)

FRIZZELL

Committee Vote: yeas 13, nays 0.

