



Printer's Error
March 8, 2017

ENGROSSED HOUSE BILL No. 1287

DIGEST OF HB 1287 (Updated March 6, 2017 11:45 am - DI 104)

Citations Affected: IC 12-7; IC 12-10.

Synopsis: CHOICE program. Defines "countable asset" and amends the definition of "case management" and "eligible individual" for purposes of the community and home options to institutional care for
(Continued next page)

Effective: Upon passage; July 1, 2017.

**Clere, Frizzell, Summers, Negele,
Arnold L, Cook, DeVon, Hamm,
Klinker, Mahan, Olthoff, Smith M,
Taylor J, Wright, Ziemke, Austin,
Bacon, Bartlett, Bauer, Borders,
Brown C, Burton, Davisson,
Errington, Harris, Kersey,
Lawson L, Lyness, Porter,
Saunders, Schaibley**

(SENATE SPONSORS — BECKER, LEISING, BREAUX)

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

February 2, 2017, amended, reported — Do Pass.

February 6, 2017, read second time, ordered engrossed. Engrossed.

February 7, 2017, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 20, 2017, read first time and referred to Committee on Family and Children Services.

March 7, 2017, amended, reported favorably — Do Pass.

EH 1287—LS 7287/DI 77



Digest Continued

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; and (2) may not require a family member or other person to provide services as a condition of eligibility. Requires a case manager from an area agency on aging to perform initial verification and reverification of an individual's income and assets for the CHOICE program. Requires the division to convene collaborative work groups with area agencies on aging to develop policies that establish: (1) a person-centered planning process, supported by a needs-based assessment tools, to be used; and (2) the percentage of program dollars adequate to provide case management services; (3) training necessary; (4) data collection standards; (5) program performance measures; and (6) a cost participation schedule; for the CHOICE program.



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.

ENGROSSED 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 12-7-2-44.6, AS AMENDED BY P.L.145-2014,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 44.6. "Countable asset" means the following:

4 (1) For purposes of ~~IC 12-10-10.5~~, ~~in determining eligibility for~~
5 ~~the community living pilot program~~, **IC 12-10-10**, property that
6 is included in determining assets in the same manner as
7 determining an individual's eligibility for the Medicaid aged and
8 disabled waiver.

9 (2) For purposes of IC 12-20, noncash property that is not
10 necessary for the health, safety, or decent living standard of a
11 household that:

12 (A) is owned wholly or in part by the applicant or a member of
13 the applicant's household;

14 (B) the applicant or the household member has the legal right
15 to sell or liquidate; and

16 (C) includes:

17 (i) real property other than property that is used for the

EH 1287—LS 7287/DI 77



1 production of income or that is the primary residence of the
2 household;

3 (ii) savings and checking accounts, certificates of deposit,
4 bonds, stocks, and other intangibles that have a net cash
5 value; and

6 (iii) boats, other vehicles, or any other personal property
7 used solely for recreational or entertainment purposes.

8 SECTION 2. IC 12-10-10-1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. As used in this
10 chapter, "case management" means **an administrative function a**
11 **service** conducted locally by an area agency on aging that includes the
12 following:

13 (1) Assessment of an individual to determine the individual's
14 functional impairment level and corresponding need for services.

15 (2) Development of a ~~care~~ plan **addressing of care that:**

16 (A) **addresses** an eligible individual's needs;

17 (B) **identifies and considers family and community**
18 **resources that are potentially available to meet the**
19 **individual's needs; and**

20 (C) **is consistent with a person centered approach to client**
21 **care.**

22 (3) Supervision of the implementation of appropriate and
23 available services for an eligible individual.

24 (4) Advocacy on behalf of an eligible individual's interests.

25 (5) Monitoring the quality of community and home care services
26 provided to an eligible individual.

27 (6) Reassessment of the ~~care~~ plan **of care** to determine the
28 continuing need and effectiveness of the community and home
29 care services provided to an eligible individual under this chapter.

30 (7) Provision of information and referral services to individuals
31 in need of community and home care services.

32 SECTION 3. IC 12-10-10-4, AS AMENDED BY P.L.99-2007,
33 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2017]: Sec. 4. (a) As used in this chapter, "eligible individual"
35 means an individual who **meets the following criteria:**

36 (1) Is a resident of Indiana.

37 (2) Is:

38 (A) at least sixty (60) years of age; or

39 (B) an individual with a disability.

40 (3) **Except as provided in subdivision (5), for an individual**
41 **who applies initially to the program:**

42 (A) **before July 1, 2017**, has assets that do not exceed five



- 1 hundred thousand dollars (\$500,000), as determined by the
2 division; and
- 3 **(B) after June 30, 2017, has assets that do not exceed two**
4 **hundred fifty thousand dollars (\$250,000). In determining**
5 **assets under this clause, the division shall exclude an**
6 **additional twenty thousand dollars (\$20,000) in countable**
7 **assets.**
- 8 (4) Qualifies under criteria developed by the board as having an
9 impairment that places the individual at risk of losing the
10 individual's independence, as described in subsection (b).
- 11 **(5) An individual who applied initially to the program under**
12 **IC 12-10-10.5 (expired June 30, 2017) between December 31,**
13 **2014, and June 30, 2017, within:**
- 14 **(A) Area 1;**
15 **(B) Area 4;**
16 **(C) Area 13; or**
17 **(D) Area 14;**
- 18 **of the area agencies on aging and had assets that did not**
19 **exceed two hundred fifty thousand dollars (\$250,000). In**
20 **determining assets under this subdivision, the division shall**
21 **exclude an additional twenty thousand dollars (\$20,000) in**
22 **countable assets.**
- 23 (b) For purposes of subsection (a), an individual is at risk of losing
24 the individual's independence if the individual is unable to ~~perform two~~
25 **perform any of the following:**
- 26 **(1) Two (2) or more activities of daily living. The use by or on**
27 **behalf of the individual of any of the following services or devices**
28 **does not make the individual ineligible for services under this**
29 **chapter:**
- 30 ~~(1)~~ **(A) Skilled nursing assistance.**
31 ~~(2)~~ **(B) Supervised community and home care services,**
32 **including skilled nursing supervision.**
33 ~~(3)~~ **(C) Adaptive medical equipment and devices.**
34 ~~(4)~~ **(D) Adaptive nonmedical equipment and devices.**
- 35 **(2) One (1) activity of daily living if, using the needs based**
36 **assessment established under section 6.7(1) of this chapter and**
37 **in accordance with written standards that are established by**
38 **the division under subsection (g), the area agency on aging**
39 **determines that addressing the single activity of daily living**
40 **would significantly reduce the likelihood of the individual's**
41 **loss of independence and the need for additional services.**
42 **(3) An activity that with targeted intervention or assistance**



1 with the activity, using the needs based assessment established
 2 under section 6.7(1) of this chapter and in accordance with
 3 written standards that are established by the division under
 4 subsection (g), the area agency on aging determines would
 5 significantly reduce the likelihood of the individual's loss of
 6 independence and the need for additional services.

7 (c) Subject to standards established under IC 12-10-10-6.7(6),
 8 the division shall establish a cost participation schedule for an
 9 eligible individual based on the eligible individual's income and
 10 countable assets. The cost participation schedule must comply with
 11 the following:

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

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

17 (A) The individual.

18 (B) The spouse of the individual.

19 (C) The dependent children of the individual.

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

23 (d) The division may require annual reverification for eligible
 24 individuals who the division determines are likely to experience a
 25 material increase in income or assets. An individual shall submit
 26 the information requested by the division to carry out the
 27 reverification allowed by this subsection.

28 (e) A case manager from an area agency on aging shall perform
 29 the following:

30 (1) Initial verification of an individual's income and assets.

31 (2) Annual reverification of an eligible individual's income
 32 and assets, as may be required by the division under
 33 subsection (d).

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

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

42 SECTION 4. IC 12-10-10-6.7 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: **Sec. 6.7. The division shall**
 3 **convene collaborative workgroups with the area agencies on aging**
 4 **to develop policies that establish the following:**

5 (1) **A person-centered planning process, supported by a**
 6 **needs-based assessment tool, that may be integrated with**
 7 **existing case management systems, to be used in determining**
 8 **a client's needs and plan of care under section 1(2) of this**
 9 **chapter. The needs-based assessment must:**

10 (A) **document available supports and unmet needs that**
 11 **impact a client's ability to ensure a safe and independent**
 12 **living environment; and**

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

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

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

17 (4) **Data collection standards.**

18 (5) **Program performance measures.**

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

21 SECTION 5. IC 12-10-10-13 IS ADDED TO THE INDIANA
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2017]: **Sec. 13. One (1) or more**
 24 **representatives of the area agencies on aging shall appear at each**
 25 **regularly scheduled meeting of the community and home options**
 26 **to institutional care for the elderly and disabled board established**
 27 **by IC 12-10-11-1 and report on the progress of the program.**

28 SECTION 6. **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.

COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred House Bill No. 1287, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:
 "SECTION 1. IC 12-7-2-44.6, AS AMENDED BY P.L.145-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 44.6. "Countable asset" means the following:

(1) For purposes of ~~IC 12-10-10.5; in determining eligibility for the community living pilot program, IC 12-10-10~~, property that is included in determining assets in the same manner as determining an individual's eligibility for the Medicaid aged and disabled waiver.

(2) For purposes of IC 12-20, noncash property that is not necessary for the health, safety, or decent living standard of a household that:

(A) is owned wholly or in part by the applicant or a member of the applicant's household;

(B) the applicant or the household member has the legal right to sell or liquidate; and

(C) includes:

(i) real property other than property that is used for the production of income or that is the primary residence of the household;

(ii) savings and checking accounts, certificates of deposit, bonds, stocks, and other intangibles that have a net cash value; and

EH 1287—LS 7287/DI 77



(iii) boats, other vehicles, or any other personal property used solely for recreational or entertainment purposes.

SECTION 2. 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 a~~ **service** 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) Development of a ~~care plan~~ **addressing of care that:**
 - (A) **addresses** an eligible individual's needs;
 - (B) **identifies and considers family and community resources that are potentially available to meet the individual's needs; and**
 - (C) **is consistent with a person centered approach to client care.**
- (3) Supervision of the implementation of appropriate and available services for an eligible individual.
- (4) Advocacy on behalf of an eligible individual's interests.
- (5) Monitoring the quality of community and home care services provided to an eligible individual.
- (6) Reassessment of the ~~care plan~~ **of care** to determine the continuing need and effectiveness of the community and home care services provided to an eligible individual under this chapter.
- (7) Provision of information and referral services to individuals in need of community and home care services."

Page 2, delete lines 1 through 12.

Page 3, line 19, delete "(f)," and insert "**(g)**,".

Page 3, line 27, delete "(f)," and insert "**(g)**,".

Page 4, line 5, delete "whom" and insert "**who**".

Page 4, line 9, after "(e)" insert "**A case manager from an area agency on aging shall perform the following:**

- (1) **Initial verification of an individual's income and assets.**
- (2) **Annual reverification of an eligible individual's income and assets, as may be required by the division under subsection (d).**

(f)".

Page 4, line 12, delete "(f)" and insert "**(g)**".

Page 4, delete lines 17 through 37, begin a new paragraph and insert:

"SECTION 4. 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 person-centered planning process, supported by a needs-based assessment tool, that may be integrated with existing case management systems, to be used in determining a client's needs and plan of care under section 1(2) of this chapter. The needs-based assessment must:

(A) document available supports and unmet needs that impact 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."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1287 as printed February 3, 2017.)

GROOMS, Chairperson

Committee Vote: Yeas 8, Nays 0.

