



Reprinted
February 15, 2023

HOUSE BILL No. 1513

DIGEST OF HB 1513 (Updated February 14, 2023 2:33 pm - DI 92)

Citations Affected: IC 4-21.5; IC 12-7; IC 12-9; IC 12-11; IC 12-12; IC 12-13; IC 12-15; IC 31-37; noncode.

Synopsis: FSSA matters. Changes the name of the bureau of developmental disabilities services to the bureau of disabilities services. Removes certain members from the 211 advisory committee. Repeals Medicaid copayment provisions that: (1) require the office of the secretary of family and social services (office) to apply a copayment for certain Medicaid services; (2) require a recipient to make a copayment upon the receipt of services and for a provider not to voluntarily waive a copayment; (3) set forth exemptions from copayment requirements; and (4) require the provider to charge the maximum allowable copayment. Allows for an enrollment fee, a premium, a copayment, or a similar charge to be imposed as a condition of an individual's eligibility for the healthy Indiana plan and the children's health insurance program. Removes a prohibition on the office from: (1) requiring certain providers to submit non-Medicaid revenue information in the provider's annual historical financial report; and (2) only requesting balance sheets from certain providers that apply directly to the provider's facility. Allows the office to implement an end of therapy reclassification methodology in a successor of the RUG-IV, 48-Group model for payment of nursing facility services.

Effective: July 1, 2023.

Barrett, Porter

January 19, 2023, read first time and referred to Committee on Public Health.
January 31, 2023, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
February 9, 2023, reported — Do Pass.
February 14, 2023, read second time, amended, ordered engrossed.

HB 1513—LS 7400/DI 104



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February 15, 2023

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 BILL No. 1513

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 4-21.5-3-6, AS AMENDED BY P.L.35-2016,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 6. (a) Notice shall be given under this section
4 concerning the following:
5 (1) A safety order under IC 22-8-1.1.
6 (2) Any order that:
7 (A) imposes a sanction on a person or terminates a legal right,
8 duty, privilege, immunity, or other legal interest of a person;
9 (B) is not described in section 4 or 5 of this chapter or
10 IC 4-21.5-4; and
11 (C) by statute becomes effective without a proceeding under
12 this chapter if there is no request for a review of the order
13 within a specified period after the order is issued or served.
14 (3) A notice of program reimbursement or equivalent
15 determination or other notice regarding a hospital's
16 reimbursement issued by the office of Medicaid policy and
17 planning or by a contractor of the office of Medicaid policy and

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1 planning regarding a hospital's year end cost settlement.

2 (4) A determination of audit findings or an equivalent
3 determination by the office of Medicaid policy and planning or by
4 a contractor of the office of Medicaid policy and planning arising
5 from a Medicaid postpayment or concurrent audit of a hospital's
6 Medicaid claims.

7 (5) A license suspension or revocation under:

8 (A) IC 24-4.4-2;

9 (B) IC 24-4.5-3;

10 (C) IC 28-1-29;

11 (D) IC 28-7-5;

12 (E) IC 28-8-4; or

13 (F) IC 28-8-5.

14 (6) An order issued by the secretary or the secretary's designee
15 against providers regulated by the division of aging or the bureau
16 of ~~developmental~~ disabilities services and not licensed by the
17 state **Indiana** department of health under IC 16-27 or IC 16-28.

18 (b) When an agency issues an order described by subsection (a), the
19 agency shall give notice to the following persons:

20 (1) Each person to whom the order is specifically directed.

21 (2) Each person to whom a law requires notice to be given.

22 A person who is entitled to notice under this subsection is not a party
23 to any proceeding resulting from the grant of a petition for review
24 under section 7 of this chapter unless the person is designated as a
25 party in the record of the proceeding.

26 (c) The notice must include the following:

27 (1) A brief description of the order.

28 (2) A brief explanation of the available procedures and the time
29 limit for seeking administrative review of the order under section
30 7 of this chapter.

31 (3) Any other information required by law.

32 (d) An order described in subsection (a) is effective fifteen (15) days
33 after the order is served, unless a statute other than this article specifies
34 a different date or the agency specifies a later date in its order. This
35 subsection does not preclude an agency from issuing, under
36 IC 4-21.5-4, an emergency or other temporary order concerning the
37 subject of an order described in subsection (a).

38 (e) If a petition for review of an order described in subsection (a) is
39 filed within the period set by section 7 of this chapter and a petition for
40 stay of effectiveness of the order is filed by a party or another person
41 who has a pending petition for intervention in the proceeding, an
42 administrative law judge shall, as soon as practicable, conduct a



1 preliminary hearing to determine whether the order should be stayed in
 2 whole or in part. The burden of proof in the preliminary hearing is on
 3 the person seeking the stay. The administrative law judge may stay the
 4 order in whole or in part. The order concerning the stay may be issued
 5 after an order described in subsection (a) becomes effective. The
 6 resulting order concerning the stay shall be served on the parties and
 7 any person who has a pending petition for intervention in the
 8 proceeding. It must include a statement of the facts and law on which
 9 it is based.

10 SECTION 2. IC 12-7-2-24, AS AMENDED BY P.L.74-2022,
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2023]: Sec. 24. "Bureau" means the following:

- 13 (1) For purposes of IC 12-10, the bureau of aging and in-home
 14 services established by IC 12-10-1-1.
- 15 (2) For purposes of IC 12-11, the bureau of ~~developmental~~
 16 disabilities services established by IC 12-11-1.1-1.
- 17 (3) For purposes of IC 12-12, the rehabilitation services bureau of
 18 the division of disability and rehabilitative services established by
 19 IC 12-12-1-1.

20 SECTION 3. IC 12-9-1-3, AS AMENDED BY P.L.74-2022,
 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2023]: Sec. 3. The division consists of the following bureaus:

- 23 (1) The rehabilitation services bureau established by
 24 IC 12-12-1-1.
- 25 (2) The bureau of ~~developmental~~ disabilities services established
 26 by IC 12-11-1.1-1.
- 27 (3) The bureau of child development services established by
 28 IC 12-12.7-1-1.

29 SECTION 4. IC 12-9-4-3, AS AMENDED BY P.L.143-2022,
 30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2023]: Sec. 3. The council consists of the following sixteen
 32 (16) members:

- 33 (1) The director.
- 34 (2) An individual representing The Arc of Indiana, appointed by
 35 The Arc of Indiana.
- 36 (3) An individual representing the Indiana Association of
 37 Rehabilitation Facilities (INARF), appointed by INARF.
- 38 (4) An individual representing the Self-Advocates of Indiana,
 39 appointed by the Self-Advocates of Indiana.
- 40 (5) A representative of the governor's council for people with
 41 disabilities established by IC 4-23-29-7, appointed by the director.
- 42 (6) A representative of a case management provider contracting



1 with the bureau of ~~developmental~~ disabilities services established
 2 by IC 12-11-1.1-1 to provide family supports Medicaid waiver
 3 and community integration habilitation Medicaid waiver case
 4 management services, appointed by the director.

5 (7) An individual representing the Indiana Association of
 6 Behavior Consultants, appointed by the Indiana Association of
 7 Behavior Consultants.

8 (8) An individual representing the Indiana Institute on Disability
 9 and Community, appointed by the Indiana Institute on Disability
 10 and Community.

11 (9) An individual representing the Indiana Resource Center for
 12 Families with Special Needs (INSOURCE), appointed by
 13 INSOURCE.

14 (10) An individual representing Indiana Disability Rights,
 15 appointed by Indiana Disability Rights.

16 (11) An individual representing Indiana Family to Family,
 17 appointed by Indiana Family to Family.

18 (12) Two (2) members, appointed by the director, each of whom
 19 is an individual with an intellectual or other developmental
 20 disability.

21 (13) Two (2) members, appointed by the director, each of whom
 22 is an immediate or extended family member of an individual with
 23 an intellectual or other developmental disability.

24 (14) One (1) member, appointed by the director, who is employed
 25 by an agency that provides services to people with intellectual or
 26 other developmental disabilities.

27 SECTION 5. IC 12-11-1.1-1, AS AMENDED BY P.L.74-2022,
 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2023]: Sec. 1. (a) The bureau of ~~developmental~~ disabilities
 30 services is established within the division.

31 (b) The bureau shall plan, coordinate, and administer the provision
 32 of individualized, integrated community based services for individuals
 33 with a developmental disability and their families, within the limits of
 34 available resources. The planning and delivery of services must be
 35 based on future plans of the individual with a developmental disability
 36 rather than on traditional determinations of eligibility for discrete
 37 services, with an emphasis on the preferences of the individual with a
 38 developmental disability and that individual's family.

39 (c) Services for individuals with a developmental disability must be
 40 services that meet the following conditions:

41 (1) Are provided under public supervision.

42 (2) Are designed to meet the developmental needs of individuals



- 1 with a developmental disability.
- 2 (3) Meet all required state and federal standards.
- 3 (4) Are provided by qualified personnel.
- 4 (5) To the extent appropriate, are provided in home and
- 5 community based settings in which individuals without
- 6 disabilities participate.
- 7 (6) Are provided in conformity with a service plan developed
- 8 under IC 12-11-2.1-2.
- 9 (d) The bureau shall approve entities to provide community based
- 10 services and supports as follows:
- 11 (1) ~~Beginning July 1, 2011~~, The bureau shall ensure that an entity
- 12 approved to provide day services, identified day habilitation,
- 13 including facility based or community based habilitation,
- 14 prevocational services, or employment services under home and
- 15 community based services waivers is accredited by an approved
- 16 national accrediting body described in subsection (j).
- 17 (2) ~~Beginning July 1, 2012~~, The bureau shall ensure that an entity
- 18 approved to provide residential habilitation and support services
- 19 under home and community based services waivers is accredited
- 20 by an approved national accrediting body. ~~However, if an entity~~
- 21 ~~is accredited to provide home and community based services~~
- 22 ~~under subdivision (1) other than residential habilitation and~~
- 23 ~~support services, the bureau may extend the time that the entity~~
- 24 ~~has to comply with this subdivision until the earlier of the~~
- 25 ~~following:~~
- 26 (A) ~~The completion of the entity's next scheduled accreditation~~
- 27 ~~survey.~~
- 28 (B) ~~July 1, 2015.~~
- 29 (e) Subject to subsection (k), the bureau shall initially approve,
- 30 reapprove, and monitor community based residential, habilitation, and
- 31 employment service providers that provide alternatives to placement of
- 32 individuals with a developmental disability in state institutions and
- 33 health facilities licensed under IC 16-28 for individuals with a
- 34 developmental disability. The services must simulate, to the extent
- 35 feasible, patterns and conditions of everyday life that are as close as
- 36 possible to the conditions in which individuals without disabilities
- 37 participate. The community based service categories include the
- 38 following:
- 39 (1) Supervised group living programs, which serve at least four
- 40 (4) individuals and not more than eight (8) individuals, are funded
- 41 by Medicaid, and are licensed by the division.
- 42 (2) Supported living service arrangements to meet the unique



1 needs of individuals in integrated settings. Supported living
 2 service arrangements providing residential services may not serve
 3 more than four (4) unrelated individuals in any one (1) setting.

4 However, a program that:

5 (A) is in existence on January 1, 2013, as a supervised group
 6 living program described in subdivision (1); and

7 (B) has more than four (4) individuals residing as part of the
 8 program;

9 may convert to a supported living service arrangement under this
 10 subdivision and continue to provide services to up to the same
 11 number of individuals in the supported living setting.

12 (f) To the extent that services described in subsection (e) are
 13 available and meet the individual's needs, an individual is entitled to
 14 receive services in the least restrictive environment possible.

15 (g) Community based services under subsection (e)(1) or (e)(2)
 16 must consider the needs of and provide choices and options for:

17 (1) individuals with a developmental disability; and

18 (2) families of individuals with a developmental disability.

19 (h) The bureau shall administer a system of service coordination to
 20 carry out this chapter.

21 (i) The bureau may issue orders under IC 4-21.5-3-6 against a
 22 provider that violates rules issued by the bureau for programs in which
 23 the provider is providing services in accordance with section 11 of this
 24 chapter.

25 (j) For purposes of subsections (d) and (k), "approved national
 26 accrediting body" means any of the following:

27 (1) The Commission on Accreditation of Rehabilitation Facilities
 28 (CARF), or its successor.

29 (2) The Council on Quality and Leadership In Supports for People
 30 with Disabilities, or its successor.

31 (3) The Joint Commission on Accreditation of Healthcare
 32 Organizations (JCAHO), or its successor.

33 (4) The ISO-9001 human services QA system.

34 (5) The Council on Accreditation, or its successor.

35 (6) An independent national accreditation organization approved
 36 by the secretary.

37 (k) An entity that is accredited by an approved national accrediting
 38 body is not subject to reapproval surveys or routine monitoring surveys
 39 by the division or bureau, including any reapproval survey under a
 40 home and community based services waiver. However, the bureau may
 41 perform validation surveys and complaint investigations of an entity
 42 accredited by an approved national accrediting body.



- 1 (l) The bureau shall monitor services provided by the following:
- 2 (1) An entity that provides services to an individual with funds
- 3 provided by the bureau or under the authority of the bureau.
- 4 (2) An entity that has entered into a provider agreement under
- 5 IC 12-15-11 to provide Medicaid in-home waiver services.
- 6 (m) The bureau shall establish and administer a complaint process
- 7 for the following:
- 8 (1) An individual who receives services from an entity with funds
- 9 provided through the bureau or under the authority of the bureau.
- 10 (2) An entity that has entered into a provider agreement under
- 11 IC 12-15-11 to provide Medicaid in-home waiver services.
- 12 SECTION 6. IC 12-12-2-3, AS AMENDED BY P.L.114-2018,
- 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2023]: Sec. 3. (a) The commission consists of at least nineteen
- 15 (19) members appointed by the governor as follows:
- 16 (1) At least one (1) representative of a statewide consumer
- 17 organization of people with disabilities.
- 18 (2) At least one (1) representative of a statewide organization that
- 19 advocates for people with intellectual and other developmental
- 20 disabilities.
- 21 (3) At least one (1) representative of a statewide organization that
- 22 advocates for people with a diagnosis of a mental illness or
- 23 addiction.
- 24 (4) At least one (1) member representing current or former
- 25 applicants for or recipients of vocational rehabilitation services.
- 26 (5) The chairperson of the statewide Independent Living Council
- 27 or the chairperson's designee.
- 28 (6) At least one (1) representative of a parent training and
- 29 information center established by the individuals with disabilities
- 30 education act.
- 31 (7) The director of the client assistance program administered by
- 32 the Indiana protection and advocacy services commission under
- 33 IC 12-28-1-12, or a representative recommended by the director
- 34 of the client assistance program.
- 35 (8) At least one (1) representative of community rehabilitation
- 36 program service providers.
- 37 (9) Four (4) representatives of business, industry, and labor.
- 38 (10) The director of the rehabilitation services bureau who serves
- 39 as an ex officio nonvoting member.
- 40 (11) A vocational rehabilitation counselor shall serve as a
- 41 nonvoting member.
- 42 (12) A representative of a local workforce development board.



- 1 (13) A representative of the department of education.
- 2 (14) At least one (1) member who is a representative of the
- 3 division of mental health and addiction who serves as a nonvoting
- 4 member.
- 5 (15) At least one (1) member who is a representative of the
- 6 bureau of developmental disabilities services who serves as a
- 7 nonvoting member.
- 8 (16) At least one (1) representative representing a trade
- 9 association of providers that deliver services to people with
- 10 intellectual and other developmental disabilities.
- 11 (b) Not more than nine (9) members of the commission may be from
- 12 the same political party.
- 13 (c) At least fifty-one percent (51%) of the commission must be
- 14 persons with disabilities who are not employees of the rehabilitation
- 15 services bureau.
- 16 SECTION 7. IC 12-13-16-9, AS AMENDED BY P.L.114-2022,
- 17 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2023]: Sec. 9. (a) The 211 advisory committee is established.
- 19 The advisory committee includes the following members appointed by
- 20 the governor or the governor's designee:
- 21 (1) Two (2) members, each of whom represents a different
- 22 Indiana United Way entity.
- 23 ~~(2) Two (2) members who have experience working for or with~~
- 24 ~~Indiana 211 Partnership, Inc., or the Indiana 211 board of~~
- 25 ~~directors.~~
- 26 ~~(3) (2) Two (2) members, each of whom represents a different~~
- 27 ~~local service agency that receives referrals from 211.~~
- 28 ~~(4) (3) Seven (7) members representing the types of human~~
- 29 ~~services provided under this chapter.~~
- 30 ~~(5) (4) One (1) individual representing the Indiana Association of~~
- 31 ~~Rehabilitation Facilities.~~
- 32 (b) The initial members of the advisory committee serve the
- 33 following terms:
- 34 (1) Three (3) members serve a term of one (1) year.
- 35 (2) Five (5) members serve a term of two (2) years.
- 36 (3) Five (5) members serve a term of four (4) years.
- 37 Members appointed to the advisory committee thereafter serve terms
- 38 of four (4) years.
- 39 (c) The governor or the governor's designee shall appoint the
- 40 chairperson of the advisory committee.
- 41 (d) The advisory committee shall do the following:
- 42 (1) Provide input and consultation regarding implementation and



1 administration of 211 services by the office of the secretary to
 2 ensure compliance with any requirements or obligations under
 3 this chapter.

4 (2) Advise the office of the secretary and make recommendations
 5 concerning the use of and goals for 211 services.

6 (e) The office of the secretary shall staff the advisory committee.
 7 The expenses of the advisory committee shall be paid by the office of
 8 the secretary.

9 (f) Each member of the advisory committee who is not a state
 10 employee is entitled to the minimum salary per diem provided by
 11 IC 4-10-11-2.1(b). The member is also entitled to reimbursement for
 12 traveling expenses as provided under IC 4-13-1-4 and other expenses
 13 actually incurred in connection with the member's duties as provided
 14 in the state policies and procedures established by the Indiana
 15 department of administration and approved by the budget agency.

16 (g) Each member of the advisory committee who is a state employee
 17 is entitled to reimbursement for traveling expenses as provided under
 18 IC 4-13-1-4 and other expenses actually incurred in connection with
 19 the member's duties as provided in the state policies and procedures
 20 established by the Indiana department of administration and approved
 21 by the budget agency.

22 SECTION 8. IC 12-15-6-1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. Except as ~~provided~~
 24 ~~in section 2 of this chapter, and beginning July 1, 2002, except as~~
 25 provided in IC 12-15-41, **IC 12-15-44.5, and IC 12-17.6**, an
 26 enrollment fee, a premium, **a copayment**, or a similar charge may not
 27 be imposed as a condition of an individual's eligibility for Medicaid.

28 SECTION 9. IC 12-15-6-2 IS REPEALED [EFFECTIVE JULY 1,
 29 2023]. ~~Sec. 2: The office shall apply a copayment for certain types of~~
 30 ~~Medicaid.~~

31 SECTION 10. IC 12-15-6-3 IS REPEALED [EFFECTIVE JULY 1,
 32 2023]. ~~Sec. 3: (a) A copayment shall be made by the recipient of~~
 33 ~~Medicaid upon receipt of assistance. If a recipient of Medicaid does not~~
 34 ~~make the copayment, the office may not require the provider to collect~~
 35 ~~the copayment. However, a provider may not voluntarily waive the~~
 36 ~~copayment by the recipient under this section.~~

37 (b) The office may adopt rules under IC 4-22-2 to prescribe that the
 38 copayment amount is not deducted from the reimbursement to the
 39 provider for services provided by the provider if a recipient of
 40 Medicaid does not make the copayment.

41 SECTION 11. IC 12-15-6-4 IS REPEALED [EFFECTIVE JULY 1,
 42 2023]. ~~Sec. 4: A copayment applies to all services except the following:~~



- 1 (1) Services furnished to individuals less than eighteen (18) years
 2 of age.
 3 (2) Services furnished to pregnant women if the services relate to
 4 the pregnancy or to any other medical condition that might
 5 complicate the pregnancy.
 6 (3) Emergency services as defined by regulations adopted by the
 7 Secretary of the United States Department of Health and Human
 8 Services.
 9 (4) Family planning services and supplies described in 42 U.S.C.
 10 1396d(a)(4)(C).
 11 (5) Physical examinations to determine the need for medical
 12 services.

13 SECTION 12. IC 12-15-6-5 IS REPEALED [EFFECTIVE JULY 1,
 14 2023]. Sec. 5. A provider shall charge the maximum copayment
 15 allowable under federal statute or regulation.

16 SECTION 13. IC 12-15-14-2 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) Payment of
 18 nursing facility services shall be determined in accordance with 42
 19 U.S.C. 1396a(a)(13)(A) and any other applicable federal statutes or
 20 regulations governing such payments.

21 (b) The office may not require a provider to submit non-Medicaid
 22 revenue information in the provider's annual historical financial report.
 23 Non-Medicaid revenue information obtained by Medicaid auditors in
 24 the course of their audits may not be used for public reporting
 25 purposes.

26 (c) The office may only request complete balance sheet data that
 27 applies directly to the provider's facility. Complete balance sheet data
 28 acquired by the office under this subsection:

- 29 (1) is confidential; and
 30 (2) may only be disclosed:
 31 (A) in the aggregate; or
 32 (B) for an individual facility;

33 if the office removes all non-Medicaid data:

34 (d) (b) The office of the secretary shall adopt rules under IC 4-22-2
 35 to implement the reimbursement system required by this section.

36 SECTION 14. IC 12-15-14-8, AS AMENDED BY P.L.165-2021,
 37 SECTION 140, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2023]: Sec. 8. (a) ~~Beginning July 1, 2018~~; The
 39 office may implement an end of therapy reclassification methodology
 40 in the RUG-IV, 48-Group model **or its successor** for payment of
 41 nursing facility services.

42 (b) Before the office changes a health facility service reimbursement



1 that results in a reduction in reimbursement, the office shall provide
 2 public notice of at least one (1) year. The public notice under this
 3 subsection:

- 4 (1) is not a rulemaking action or part of the administrative
 5 rulemaking process under IC 4-22; and
 6 (2) must include the fiscal impact of the proposed reimbursement
 7 change.

8 SECTION 15. IC 12-15-44.5-3, AS AMENDED BY P.L.152-2017,
 9 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2023]: Sec. 3. (a) The healthy Indiana plan is established.

11 (b) The office shall administer the plan.

12 (c) The following individuals are eligible for the plan:

- 13 (1) The adult group described in 42 CFR 435.119.
 14 (2) Parents and caretaker relatives eligible under 42 CFR 435.110.
 15 (3) Low income individuals who are:
 16 (A) at least nineteen (19) years of age; and
 17 (B) less than twenty-one (21) years of age;
 18 and eligible under 42 CFR 435.222.
 19 (4) Individuals, for purposes of receiving transitional medical
 20 assistance.

21 An individual must meet the Medicaid residency requirements under
 22 IC 12-15-4-4 and this article to be eligible for the plan.

23 (d) The following individuals are not eligible for the plan:

- 24 (1) An individual who participates in the federal Medicare
 25 program (42 U.S.C. 1395 et seq.).
 26 (2) An individual who is otherwise eligible and enrolled for
 27 medical assistance.

28 (e) The department of insurance and the office of the secretary shall
 29 provide oversight of the marketing practices of the plan.

30 (f) The office shall promote the plan and provide information to
 31 potential eligible individuals who live in medically underserved rural
 32 areas of Indiana.

33 (g) The office shall, to the extent possible, ensure that enrollment in
 34 the plan is distributed throughout Indiana in proportion to the number
 35 of individuals throughout Indiana who are eligible for participation in
 36 the plan.

37 (h) The office shall establish standards for consumer protection,
 38 including the following:

- 39 (1) Quality of care standards.
 40 (2) A uniform process for participant grievances and appeals.
 41 (3) Standardized reporting concerning provider performance,
 42 consumer experience, and cost.



1 (i) A health care provider that provides care to an individual who
 2 receives health coverage under the plan shall also participate in the
 3 Medicaid program under this article.

4 (j) The following do not apply to the plan:

- 5 ~~(1)~~ IC 12-15-6.
- 6 ~~(2)~~ (1) IC 12-15-12.
- 7 ~~(3)~~ (2) IC 12-15-13.
- 8 ~~(4)~~ (3) IC 12-15-14.
- 9 ~~(5)~~ (4) IC 12-15-15.
- 10 ~~(6)~~ (5) IC 12-15-21.
- 11 ~~(7)~~ (6) IC 12-15-26.
- 12 ~~(8)~~ (7) IC 12-15-31.1.
- 13 ~~(9)~~ (8) IC 12-15-34.
- 14 ~~(10)~~ (9) IC 12-15-35.
- 15 ~~(11)~~ (10) IC 16-42-22-10.

16 SECTION 16. IC 31-37-26-6, AS ADDED BY P.L.157-2021,
 17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2023]: Sec. 6. (a) If the court determines that the juvenile is
 19 competent, the court shall proceed with the delinquency proceedings
 20 as provided by law. No statement that a child makes during an
 21 evaluation or hearing conducted under this chapter may be used against
 22 the child in any juvenile or adult proceeding.

23 (b) If the court determines that the juvenile is not competent, the
 24 court shall determine whether the child may attain competency within:

- 25 (1) one hundred eighty (180) days, if the child is alleged to have
 26 committed an act that would be a felony if committed by an adult;
 27 or
- 28 (2) ninety (90) days, if the child is alleged to have committed an
 29 act that would not be a felony if committed by an adult.

30 (c) If the court determines that the juvenile is not competent and
 31 will not attain competency within the relevant time periods as
 32 described in subsection (b), the court shall:

- 33 (1) dismiss the allegations without prejudice; or
- 34 (2) delay dismissing the allegations for not more than ninety (90)
 35 days and:
 - 36 (A) refer the matter to the department and request that the
 37 department determine whether the child may be a child in need
 38 of services; or
 - 39 (B) order a probation officer to:
 - 40 (i) refer the child or the child's family to an entity certified
 41 or licensed by the division of mental health and addiction, or
 42 the bureau of developmental disabilities services; or



1 (ii) otherwise secure services to reduce the potential that the
2 child will engage in behavior that could result in delinquent
3 child or other criminal charges.

4 If the court determines that the options described in subdivisions (1)
5 and (2) are not in the best interests of the child, the court may, if it
6 appears to the court that a child is mentally ill, refer the matter to the
7 court having probate jurisdiction for civil commitment proceedings
8 under IC 12-26 or initiate a civil commitment proceeding under
9 IC 12-26.

10 (d) If the court determines that the juvenile is not competent but is
11 reasonably likely to attain competency within the relevant time periods
12 as described in subsection (b), the court may order the child to
13 participate in services, other than a state institution, specifically
14 designed to help the child attain competency, to be paid by the
15 department subject to the requirements described in IC 31-37. If the
16 court orders the child to receive competency attainment services, the
17 court shall:

18 (1) identify a qualified provider to deliver the competency
19 attainment services; and

20 (2) order a probation officer to contact that provider by a specified
21 date to arrange for services.

22 (e) Not later than ten (10) days after the court identifies the qualified
23 competency attainment services provider as described in subsection
24 (d), the court shall transmit to the provider a copy of each competency
25 assessment report it has received for review. The provider shall return
26 the copies of the reports to the court upon the termination of the
27 services.

28 (f) Not later than thirty (30) days after the probation officer contacts
29 the competency attainment services provider under subsection (d), the
30 provider shall submit to the court a competency attainment plan for the
31 court's approval. If the court approves the plan, the court shall provide
32 copies of the plan to the prosecuting attorney, the child's attorney, the
33 child's guardian ad litem, if any, and the child's parents, guardian, or
34 custodian.

35 (g) Competency attainment services provided to a child are subject
36 to the following conditions and time periods measured from the date
37 the court approves the plan:

38 (1) Services shall be provided in the least restrictive setting that
39 is consistent with the child's ability to attain competency, and the
40 safety of both the child and the community. If the child has been
41 released on a temporary or interim order and refuses or fails to
42 cooperate with the provider, the court may reassess the order and



1 amend it to require a more appropriate setting.

2 (2) No child may be required to participate in competency
3 attainment services for longer than is required for the child to
4 attain competency. In addition, if a child is:

5 (A) in a nonresidential setting, the child may not be required
6 to participate for more than:

7 (i) ninety (90) days if the child is charged with an act that
8 would not be a felony if committed by an adult; or

9 (ii) one hundred eighty (180) days if the child is charged
10 with an act that would be a felony or murder if committed by
11 an adult;

12 (B) in a residential setting that is operated solely or in part for
13 the purpose of providing competency attainment services, the
14 child may not be ordered to participate for more than:

15 (i) forty-five (45) days if the child is charged with an act that
16 would not be a felony if committed by an adult;

17 (ii) ninety (90) days if the child is charged with an act that
18 would be a Level 4, Level 5, or Level 6 felony if committed
19 by an adult; or

20 (iii) one hundred eighty (180) days if the child is charged
21 with an act that would be murder or a Level 1, Level 2, or
22 Level 3 felony if committed by an adult; and

23 (C) in a residential, detention, or other secured setting where
24 the child has been placed for reasons other than to participate
25 in competency attainment services, but where the child is also
26 ordered to participate in competency attainment services, the
27 child may not be required to participate for more than:

28 (i) ninety (90) days if the child is charged with an act that
29 would not be a felony if committed by an adult; or

30 (ii) one hundred eighty (180) days if the child is charged
31 with an act that would be a felony or murder if committed by
32 an adult.

33 (h) The provider that provides the child's competency attainment
34 services shall submit reports to the court as follows:

35 (1) The provider shall report on the child's progress every thirty
36 (30) days, and upon the termination of services. The report may
37 not include any details of the alleged offense as reported by the
38 child.

39 (2) If the provider determines that the current setting is no longer
40 the least restrictive setting that is consistent with the child's ability
41 to attain competency and the safety of both the child and the
42 community, the provider shall report this to the court within three



- 1 (3) days of the determination.
- 2 (3) If the provider determines that the child has achieved the goals
- 3 of the plan and is able to understand the nature and objectives of
- 4 the proceeding against the child and to assist in the child's
- 5 defense, with or without reasonable accommodations, the
- 6 provider shall issue a report informing the court of that
- 7 determination within three (3) days of the determination. If the
- 8 provider believes that accommodations are necessary or desirable,
- 9 the report shall include recommendations for accommodations.
- 10 (4) If the provider determines that the child will not achieve the
- 11 goals of the plan within the applicable period of time under this
- 12 section, the provider shall issue a report informing the court of the
- 13 determination within three (3) days of the determination. The
- 14 report shall include recommendations for services for the child
- 15 that would support the safety of the child or the community.
- 16 (i) The court shall provide a copy of any report received under
- 17 subsection (h) to the following:
- 18 (1) The prosecuting attorney.
- 19 (2) The attorney representing the child.
- 20 (3) The child's guardian ad litem, if any.
- 21 (4) The child's parent, guardian, or custodian, unless the court
- 22 finds that providing a copy of the report is not in the best interests
- 23 of the child.
- 24 (j) Not later than fifteen (15) days after receiving a report under
- 25 subsection (h), the court may hold a hearing to determine if it should
- 26 issue a new order. The court may order a new competency evaluation
- 27 if the court believes that it may assist the court in making its
- 28 determination. The child shall continue to participate in competency
- 29 attainment services until a new order is issued or the required period of
- 30 participation ends.
- 31 (k) If, following a hearing held under subsection (j), the court
- 32 determines that the child has not or will not attain competency within
- 33 the relevant period of time under subsection (g), the court shall:
- 34 (1) dismiss the allegations without prejudice; or
- 35 (2) delay dismissing the allegations for not more than ninety (90)
- 36 days and:
- 37 (A) refer the matter to the department and request that the
- 38 department determine whether the child may be a child in need
- 39 of services; or
- 40 (B) order a probation officer to:
- 41 (i) refer the child or the child's family to an entity certified
- 42 or licensed by the division of mental health and addiction, or



1 the bureau of ~~developmental~~ disabilities services; or
 2 (ii) otherwise secure services to reduce the potential that the
 3 child will engage in behavior that could result in delinquent
 4 child or other criminal charges.

5 If the court determines that the options described in subdivision (1) or
 6 (2) are not in the best interests of the child, the court may, if it appears
 7 to the court that a child is mentally ill, refer the matter to the court
 8 having probate jurisdiction for civil commitment proceedings under
 9 IC 12-26 or initiate a civil commitment proceeding under IC 12-26.

10 (l) If, following a hearing held under subsection (j), the court
 11 determines that the child is competent, the court shall proceed with the
 12 delinquency proceedings as described in subsection (a).

13 (m) Allegations dismissed under subsections (c) and (k) do not
 14 preclude:

15 (1) a future proceeding against the child if the child eventually
 16 attains competency; or

17 (2) a civil action against the child based on the conduct that
 18 formed the basis of the allegations against the child.

19 (n) A referral made under subsection (c) or (k) does not establish an
 20 obligation on the division of mental health and addiction, a state
 21 institution, or the bureau of ~~developmental~~ disabilities services to
 22 provide services to a referred child.

23 (o) Proceedings under this chapter do not toll the time limits under
 24 IC 31-37-11-5.

25 SECTION 17. [EFFECTIVE JULY 1, 2023] **(a) The publisher of**
 26 **the Indiana Administrative Code shall change any reference in the**
 27 **Indiana Administrative Code of the bureau of developmental**
 28 **disabilities services to the bureau of disabilities services.**

29 **(b) This SECTION expires December 31, 2023.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1513, 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 8, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 1. IC 12-13-16-9, AS AMENDED BY P.L.114-2022, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. (a) The 211 advisory committee is established. The advisory committee includes the following members appointed by the governor or the governor's designee:

(1) Two (2) members, each of whom represents a different Indiana United Way entity.

~~(2) Two (2) members who have experience working for or with Indiana 211 Partnership, Inc., or the Indiana 211 board of directors.~~

~~(3) (2) Two (2) members, each of whom represents a different local service agency that receives referrals from 211.~~

~~(4) (3) Seven (7) members representing the types of human services provided under this chapter.~~

~~(5) (4) One (1) individual representing the Indiana Association of Rehabilitation Facilities.~~

(b) The initial members of the advisory committee serve the following terms:

(1) Three (3) members serve a term of one (1) year.

(2) Five (5) members serve a term of two (2) years.

(3) Five (5) members serve a term of four (4) years.

Members appointed to the advisory committee thereafter serve terms of four (4) years.

(c) The governor or the governor's designee shall appoint the chairperson of the advisory committee.

(d) The advisory committee shall do the following:

(1) Provide input and consultation regarding implementation and administration of 211 services by the office of the secretary to ensure compliance with any requirements or obligations under this chapter.

(2) Advise the office of the secretary and make recommendations concerning the use of and goals for 211 services.

(e) The office of the secretary shall staff the advisory committee.

The expenses of the advisory committee shall be paid by the office of the secretary.

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(f) Each member of the advisory committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) Each member of the advisory committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1513 as introduced.)

BARRETT

Committee Vote: yeas 13, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1513, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1513 as printed January 31, 2023.)

THOMPSON

Committee Vote: Yeas 24, Nays 0

HOUSE MOTION

Mr. Speaker: I move that House Bill 1513 be amended to read as follows:

Page 9, delete lines 22 through 27, begin a new paragraph and insert:

"SECTION 8. IC 12-15-6-1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. Except as ~~provided in section 2 of this chapter, and beginning July 1, 2002, except~~ as provided in IC 12-15-41, **IC 12-15-44.5, and IC 12-17.6**, an enrollment fee, a premium, **a copayment**, or a similar charge may not be imposed as a condition of an individual's eligibility for Medicaid."

Page 11, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 15. IC 12-15-44.5-3, AS AMENDED BY P.L.152-2017, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) The healthy Indiana plan is established.

(b) The office shall administer the plan.

(c) The following individuals are eligible for the plan:

(1) The adult group described in 42 CFR 435.119.

(2) Parents and caretaker relatives eligible under 42 CFR 435.110.

(3) Low income individuals who are:

(A) at least nineteen (19) years of age; and

(B) less than twenty-one (21) years of age; and eligible under 42 CFR 435.222.

(4) Individuals, for purposes of receiving transitional medical assistance.

An individual must meet the Medicaid residency requirements under IC 12-15-4-4 and this article to be eligible for the plan.

(d) The following individuals are not eligible for the plan:

(1) An individual who participates in the federal Medicare program (42 U.S.C. 1395 et seq.).

(2) An individual who is otherwise eligible and enrolled for medical assistance.

(e) The department of insurance and the office of the secretary shall provide oversight of the marketing practices of the plan.

(f) The office shall promote the plan and provide information to potential eligible individuals who live in medically underserved rural areas of Indiana.

(g) The office shall, to the extent possible, ensure that enrollment in the plan is distributed throughout Indiana in proportion to the number of individuals throughout Indiana who are eligible for participation in the plan.

(h) The office shall establish standards for consumer protection, including the following:

(1) Quality of care standards.

(2) A uniform process for participant grievances and appeals.

(3) Standardized reporting concerning provider performance, consumer experience, and cost.

(i) A health care provider that provides care to an individual who



receives health coverage under the plan shall also participate in the Medicaid program under this article.

(j) The following do not apply to the plan:

~~(1)~~ IC 12-15-6.

~~(2)~~ (1) IC 12-15-12.

~~(3)~~ (2) IC 12-15-13.

~~(4)~~ (3) IC 12-15-14.

~~(5)~~ (4) IC 12-15-15.

~~(6)~~ (5) IC 12-15-21.

~~(7)~~ (6) IC 12-15-26.

~~(8)~~ (7) IC 12-15-31.1.

~~(9)~~ (8) IC 12-15-34.

~~(10)~~ (9) IC 12-15-35.

~~(11)~~ (10) IC 16-42-22-10.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1513 as printed February 9, 2023.)

BARRETT

