

SENATE BILL No. 316

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 12-15-2.7.

Synopsis: Medicaid long term services and supports. Requires: (1) the office of the secretary of family and social services; (2) an entity that has contracted with the office of the secretary; and (3) a person that has contracted with an entity; to contract with the area agencies on aging as the primary provider to perform specified long term services and supports programing for certain Medicaid applicants, enrollees, and recipients.

Effective: July 1, 2022.

Becker, Leising

January 11, 2022, read first time and referred to Committee on Health and Provider Services.



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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

SENATE BILL No. 316

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

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

1 SECTION 1. IC 12-7-2-1.3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1.3. (a) "Activities of
3 daily living", for purposes of IC 12-10-10 and IC 12-10-11.5, has the
4 meaning set forth in IC 12-10-10-1.5.

5 **(b) "Activities of daily living", for purposes of IC 12-15-2.7, has
6 the meaning set forth in IC 12-15-2.7-2.**

7 SECTION 2. IC 12-7-2-25, AS AMENDED BY P.L.86-2018,
8 SECTION 153, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2022]: Sec. 25. (a) "Case management", for
10 purposes of IC 12-10-1 and IC 12-10-10, has the meaning set forth in
11 IC 12-10-10-1.

12 **(b) "Case management", for purposes of IC 12-15-2.7, has the
13 meaning set forth in IC 12-15-2.7-3.**

14 SECTION 3. IC 12-7-2-126.4 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2022]: **Sec. 126.4. "Long term services and
17 supports", for purposes of IC 12-15-2.7, has the meaning set forth**



1 **in IC 12-15-2.7-4.**

2 SECTION 4. IC 12-15-2.7 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2022]:

5 **Chapter 2.7. Eligibility for Long Term Services and Supports**

6 **Sec. 1. This chapter applies to the fee for service Medicaid**
7 **program and a risk based managed care or capitated managed**
8 **care program for a Medicaid applicant or a Medicaid recipient**
9 **who:**

10 (1) is eligible to participate in the federal Medicare program
11 (42 U.S.C. 1395 et seq.) and receives nursing facility services;
12 or

13 (2) is:

14 (A) over sixty (60) years of age;

15 (B) blind, aged, or disabled; and

16 (C) receiving services through one (1) of the following:

17 (i) The aged and disabled Medicaid waiver.

18 (ii) A risk based managed care program for aged, blind,
19 or disabled individuals who are not eligible to participate
20 in the federal Medicare program.

21 (iii) State Medicaid plan services.

22 **Sec. 2. As used in this chapter, "activities of daily living" refers**
23 **to the basic skills of everyday living, including the following:**

24 (1) Toileting.

25 (2) Bathing.

26 (3) Dressing.

27 (4) Grooming.

28 (5) Eating.

29 (6) Housekeeping, shopping, and preparing meals.

30 (7) Exercising personal, social, and communications skills.

31 (8) Supervision for safety.

32 (9) Administration of oxygen.

33 (10) Turning or repositioning the individual.

34 (11) Administration of medication.

35 (12) Transferring of an individual.

36 (13) Ambulation.

37 **Sec. 3. As used in this chapter, "case management" means a**
38 **service conducted locally by an area agency on aging that includes**
39 **the following:**

40 (1) Assessment of an individual to determine the individual's
41 functional impairment level, social determinant of health
42 services, and corresponding need for services.



- 1 **(2) Development of a plan of care that:**
- 2 **(A) addresses an eligible individual's needs;**
- 3 **(B) identifies and considers family and community**
- 4 **resources that are potentially available to meet the**
- 5 **individual's needs; and**
- 6 **(C) is consistent with a person centered approach to client**
- 7 **care.**
- 8 **(3) Supervision of the implementation of appropriate and**
- 9 **available services for an eligible individual.**
- 10 **(4) Advocacy on behalf of an eligible individual's interests.**
- 11 **(5) Monitoring the quality of community and home care**
- 12 **services provided to an eligible individual.**
- 13 **(6) Reassessment of the plan of care to determine the**
- 14 **continuing need and effectiveness of the community and home**
- 15 **care services provided to an eligible individual under this**
- 16 **article.**
- 17 **(7) Provision of information and referral services to**
- 18 **individuals in need of community and home care services.**

19 **Sec. 4. As used in this chapter, "long term services and**
 20 **supports" refers to medical or personal care services provided to**
 21 **an individual who:**

- 22 **(1) is unable to perform activities of daily living based on**
- 23 **standards established by the office of the secretary; or**
- 24 **(2) requires supervision and support due to cognitive**
- 25 **impairment.**

26 **The services may be provided at home, in a community based**
 27 **setting, a residential care facility, or a health facility.**

28 **Sec. 5. As used in this chapter, "office" includes the following:**

- 29 **(1) The office of the secretary of family and social services.**
- 30 **(2) An entity that has contracted with the office of the**
- 31 **secretary under this article.**
- 32 **(3) A person that has contracted with an entity described in**
- 33 **subdivision (2).**

34 **Sec. 6. (a) The office shall contract with the area agencies on**
 35 **aging as the primary provider for the following related long term**
 36 **services and supports programing for all Medicaid applicants and**
 37 **recipients for a Medicaid program described in section 1 of this**
 38 **chapter:**

- 39 **(1) Initial screening.**
- 40 **(2) Level of care assessment.**
- 41 **(3) Options counseling.**
- 42 **(4) Service coordination.**



1 **(5) Care planning.**
2 **(6) Systems navigation.**
3 **(7) Case management.**
4 **(b) The office shall primarily refer all new Medicaid enrollees**
5 **to the area agencies on aging for the long term services and**
6 **supports assessments and services described in subsection (a).**
7 **Sec. 7. The office and the area agencies on aging shall enter into**
8 **an agreement concerning access to and the sharing of information**
9 **concerning Medicaid applicants, enrollees, and recipients that is**
10 **necessary for the area agencies on aging to perform the services set**
11 **forth in section 6 of this chapter.**

