

SENATE BILL No. 438

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-15-34.

Synopsis: Home health services. Sets forth minimum Medicaid reimbursement rates for home health services. Allows the office of the secretary of family and social services to reimburse parents and guardians of certain minor Medicaid recipients for the provision of home health services to the recipient. Establishes the home health services advisory council and sets forth the advisory council's duties.

Effective: July 1, 2023.

Qaddoura

January 19, 2023, read first time and referred to Committee on Health and Provider Services.



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.

SENATE BILL No. 438

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 12-15-34-14.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2023]: **Sec. 14.7. (a) As used in this section,**
4 **"office" includes:**
5 (1) **The office of the secretary of family and social services.**
6 (2) **A managed care organization that has contracted with the**
7 **office of Medicaid policy and planning under this article.**
8 (3) **A person that has contracted with a managed care**
9 **organization described in subdivision (2).**
10 **(b) This section applies to the following programs:**
11 (1) **Fee for service Medicaid.**
12 (2) **Risk based managed care.**
13 (3) **Medicaid waiver programs that include coverage for home**
14 **health services.**
15 **(c) The office shall reimburse for home health services as**
16 **follows, adjusted annually for a cost of living adjustment and**
17 **inflation:**



- 1 **(1) Either:**
 2 **(A) a range of at least sixty dollars (\$60) to eighty dollars**
 3 **(\$80) per hour; or**
 4 **(B) eighty percent (80%) of the market average hourly**
 5 **rate;**
 6 **for home health services for a pediatric nurse or a health care**
 7 **professional working in a comparable role.**
- 8 **(2) Either:**
 9 **(A) a range of at least thirty dollars (\$30) to fifty dollars**
 10 **(\$50) per hour; or**
 11 **(B) eighty percent (80%) of the market average hourly**
 12 **rate;**
 13 **for home health services for a health care professional that**
 14 **require less skill and is working in a comparable role.**
- 15 **(3) Subject to subsection (e), for a parent or guardian of an**
 16 **individual with nursing facility level of care, a range of at**
 17 **least fifteen dollars (\$15) to twenty-five dollars (\$25) per hour**
 18 **determined by the office based on the level of severity of a**
 19 **child's disability, with more intense care being reimbursed at**
 20 **the maximum twenty-five dollar (\$25) hourly rate.**
- 21 **(d) A home health agency shall use at least ninety percent (90%)**
 22 **of the amount of the increase in the Medicaid reimbursement**
 23 **received by the home health agency under this section for home**
 24 **health services on the wages and benefits paid to the home health**
 25 **agency's home health care employees in comparison to the wages**
 26 **and benefits paid as of the home health agency's most recent fiscal**
 27 **year ending on or before December 31, 2022, to home health care**
 28 **employees employed on an hourly basis.**
- 29 **(e) The office may reimburse a parent or guardian of a**
 30 **Medicaid recipient who:**
 31 **(1) is less than eighteen (18) years of age; and**
 32 **(2) has been diagnosed nursing facility level of care;**
 33 **if the parent or guardian has received training established by the**
 34 **office under subsection (f).**
- 35 **(f) The office shall establish a program to train parents and**
 36 **guardians of individuals described in subsection (e) to provide**
 37 **home health services to an individual in return for the**
 38 **reimbursement described in this section.**
- 39 **(g) The office may not reduce benefits, coverage, or the number**
 40 **of recipients participating in a waiver, or deny eligibility for**
 41 **qualifying children under the aged and disabled waiver, the fee for**
 42 **service program, or the risk based managed care program for**



1 children with severe disabilities based on the increase in
2 reimbursement rates under this section.

3 (h) The office shall apply for any state plan amendment or
4 Medicaid waiver necessary to implement this section.

5 SECTION 2. IC 12-15-34-16 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2023]: Sec. 16. (a) The home health services
8 advisory council is created. The advisory council consists of the
9 following members:

10 (1) The secretary, or the secretary's designee, who shall serve
11 as chairperson.

12 (2) The commissioner of the Indiana department of health, or
13 the commissioner's designee.

14 (3) The commissioner of the Indiana commission for higher
15 education established by IC 21-18-2-1, or the commissioner's
16 designee.

17 (4) A representative of the Indiana Association for Home and
18 Hospice Care, appointed by the secretary.

19 (5) At least three (3) representatives of consumer advocacy
20 organizations of individuals who receive home health services,
21 appointed by the secretary.

22 (6) At least three (3) parents or guardians who care for
23 individuals who receive home health services, appointed by
24 the secretary.

25 To make the appointments under subdivisions (5) and (6), the
26 secretary shall develop and publish an application form for parties
27 interested in being a member of the council and who meet the
28 requirements of either subdivision (5) or (6). The secretary shall
29 appoint at least three (3) members for each subdivision from the
30 applications submitted and shall ensure that the appointed
31 membership represents rural, urban, and suburban communities,
32 including minority communities.

33 (b) The advisory council shall develop and establish a five (5)
34 year long term strategy plan to improve Indiana's home health
35 services delivery system, with a focus on pediatric nursing home
36 health services for children less than eighteen (18) years of age who
37 qualify for services under the aged and disabled waiver and have
38 severe intellectual and developmental disabilities. The plan must
39 also include or address the following:

40 (1) Quality and performance metrics to track progress made
41 against the strategic plan's goals to improve the home health
42 services delivery system with a focus on children with severe



- 1 disabilities.
- 2 **(2) Workforce strategies to address the shortage of home**
- 3 **health care workers with a focus on the shortage of pediatric**
- 4 **nurses.**
- 5 **(3) Recommendations for funding, operational, and process**
- 6 **improvements to expedite eligibility determinations,**
- 7 **enrollment, and delivery of home health services to children**
- 8 **with severe disabilities.**
- 9 **(4) Recommendations to expand services to cover all children**
- 10 **with severe disabilities with the goal of eliminating a waiting**
- 11 **list for individuals who qualify for services.**
- 12 **(5) Improvements of case and care management services to**
- 13 **educate parents and guardians of children with severe**
- 14 **disabilities about all available program services and benefits,**
- 15 **including reimbursement for caregivers.**
- 16 **(6) Recommendations for rate adjustments after an annual**
- 17 **review of reimbursement rates.**
- 18 **(7) Review of the waiver redesign project by the office of the**
- 19 **secretary, including any recommendations to support the**
- 20 **office's efforts to improve the home health services delivery**
- 21 **system with a focus on children with severe disabilities.**
- 22 **(8) Any other issues determined by the advisory council to be**
- 23 **necessary to be included in the long term strategy developed**
- 24 **under this subsection.**
- 25 **The advisory council shall complete the strategic plan not later**
- 26 **than December 31, 2024.**
- 27 **(c) The office of the secretary shall staff the advisory council.**
- 28 **The expenses of the advisory council shall be paid by the office of**
- 29 **the secretary.**
- 30 **(d) The advisory council shall meet at least two (2) times each**
- 31 **year, with the first meeting being held not later than December 31,**
- 32 **2023.**
- 33 **(e) Each member of the advisory council who is not a state**
- 34 **employee is entitled to the minimum salary per diem provided by**
- 35 **IC 4-10-11-2.1(b). The member is also entitled to reimbursement**
- 36 **for traveling expenses as provided under IC 4-13-1-4 and other**
- 37 **expenses actually incurred in connection with the member's duties**
- 38 **as provided in the state policies and procedures established by the**
- 39 **Indiana department of administration and approved by the budget**
- 40 **agency.**
- 41 **(f) Each member of the advisory council who is a state employee**
- 42 **is entitled to reimbursement for traveling expenses as provided**



1 under IC 4-13-1-4 and other expenses actually incurred in
2 connection with the member's duties as provided in the state
3 policies and procedures established by the Indiana department of
4 administration and approved by the budget agency.

5 (g) The affirmative votes of a majority of the voting members
6 appointed to the advisory council under subsection (b) are required
7 for the advisory council to take action on any measure.

8 (h) Beginning in 2025, the advisory council shall submit an
9 annual report to the legislative council in an electronic format
10 under IC 5-14-6 before July 1 of each year. The report must
11 include the following:

12 (1) Updates on initiative implemented as a result of the
13 strategic plan established under this section to improve home
14 health services.

15 (2) Recommendations for legislation to improve the home
16 health services delivery system.

17 (i) This section expires January 1, 2030.

