



January 30, 2004

SENATE BILL No. 62

DIGEST OF SB 62 (Updated January 28, 2004 1:28 pm - DI 110)

Citations Affected: IC 12-7; IC 12-15; noncode.

Synopsis: Medicaid waiver for family planning services. Requires the office of Medicaid policy and planning to apply for a demonstration waiver to extend Medicaid coverage of family planning services for certain women. Excludes the provision of abortifacients from family planning services.

Effective: Upon passage.

Simpson, Kenley, Miller, Riegsecker

November 21, 2003, read first time and referred to Committee on Health and Provider Services.
January 29, 2004, amended, reported favorably — Do Pass.

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SB 62—LS 6196/DI 110+



January 30, 2004

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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SENATE BILL No. 62



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 12-7-2-0.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: **Sec. 0.5. As used in IC 12-15-5-1,**
- 4 **"abortifacient" means any drug or device intended to terminate a**
- 5 **pregnancy.**
- 6 SECTION 2. IC 12-15-5-1, AS AMENDED BY P.L.149-2001,
- 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 UPON PASSAGE]: Sec. 1. Except as provided in IC 12-15-2-12,
- 9 IC 12-15-6, and IC 12-15-21, the following services and supplies are
- 10 provided under Medicaid:
- 11 (1) Inpatient hospital services.
- 12 (2) Nursing facility services.
- 13 (3) Physician's services, including services provided under
- 14 IC 25-10-1 and IC 25-22.5-1.
- 15 (4) Outpatient hospital or clinic services.
- 16 (5) Home health care services.
- 17 (6) Private duty nursing services.

SB 62—LS 6196/DI 110+



- 1 (7) Physical therapy and related services.
- 2 (8) Dental services.
- 3 (9) Prescribed laboratory and x-ray services.
- 4 (10) Prescribed drugs and services.
- 5 (11) Eyeglasses and prosthetic devices.
- 6 (12) Optometric services.
- 7 (13) Diagnostic, screening, preventive, and rehabilitative services.
- 8 (14) Podiatric medicine services.
- 9 (15) Hospice services.
- 10 (16) Services or supplies recognized under Indiana law and
- 11 specified under rules adopted by the office.
- 12 (17) Family planning services except the performance of
- 13 abortions **and the provision of abortifacients.**
- 14 (18) Nonmedical nursing care given in accordance with the tenets
- 15 and practices of a recognized church or religious denomination to
- 16 an individual qualified for Medicaid who depends upon healing
- 17 by prayer and spiritual means alone in accordance with the tenets
- 18 and practices of the individual's church or religious denomination.
- 19 (19) Services provided to individuals described in IC 12-15-2-8
- 20 and IC 12-15-2-9.
- 21 (20) Services provided under IC 12-15-34 and IC 12-15-32.
- 22 (21) Case management services provided to individuals described
- 23 in IC 12-15-2-11 and IC 12-15-2-13.
- 24 (22) Any other type of remedial care recognized under Indiana
- 25 law and specified by the United States Secretary of Health and
- 26 Human Services.
- 27 (23) Examinations required under IC 16-41-17-2(a)(10).
- 28 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
- 29 **SECTION, "family planning services" refers to family planning**
- 30 **services provided to Medicaid recipients under IC 12-15-5-1.**
- 31 (b) **As used in this SECTION, "office" refers to the office of**
- 32 **Medicaid policy and planning established by IC 12-8-6-1.**
- 33 (c) **As used in this SECTION, "waiver" refers to a Section 1115**
- 34 **demonstration waiver under the federal Social Security Act (42**
- 35 **U.S.C. 1315).**
- 36 (d) **Before January 1, 2005, the office shall apply to the United**
- 37 **States Department of Health and Human Services for approval of**
- 38 **a waiver to:**
- 39 (1) **continue coverage of family planning services for a woman**
- 40 **described in IC 12-15-2-13 for two (2) years after the**
- 41 **expiration of the postpartum eligibility period under**
- 42 **IC 12-15-2-13(d); and**

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1 (2) provide Medicaid coverage for any other service required
 2 by the waiver.
 3 (e) If a provision of this SECTION differs from the
 4 requirements of a waiver, the office shall submit the waiver request
 5 in a manner that complies with the requirements of the waiver.
 6 However, if the waiver is approved, the office, not more than one
 7 hundred twenty (120) days after the waiver is approved, shall
 8 apply for an amendment to the waiver that contains the provisions
 9 of this SECTION that were not included in the approved waiver.
 10 (f) The office may not implement the waiver until the office files
 11 an affidavit with the governor attesting that the federal waiver
 12 applied for under this SECTION is in effect. The office shall file the
 13 affidavit under this subsection not more than five (5) days after the
 14 office is notified that the waiver is approved.
 15 (g) If the office receives a waiver under this SECTION from the
 16 United States Department of Health and Human Services and the
 17 governor receives the affidavit filed under subsection (f), the office
 18 shall implement the waiver not more than sixty (60) days after the
 19 governor receives the affidavit.
 20 (h) The office may adopt rules under IC 4-22-2 that are
 21 necessary to implement this SECTION.
 22 (i) This SECTION expires January 1, 2010.
 23 SECTION 4. An emergency is declared for this act.

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SENATE MOTION

Madam President: I move that Senator Kenley be added as coauthor of Senate Bill 62.

SIMPSON

SENATE MOTION

Madam President: I move that Senators Miller and Riegsecker be added as coauthors of Senate Bill 62.

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 62, 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:

Delete the title and insert the following:

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

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

"SECTION 1. IC 12-7-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. As used in IC 12-15-5-1, "abortifacient" means any drug or device intended to terminate a pregnancy.**

SECTION 2. IC 12-15-5-1, AS AMENDED BY P.L.149-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Except as provided in IC 12-15-2-12, IC 12-15-6, and IC 12-15-21, the following services and supplies are provided under Medicaid:

- (1) Inpatient hospital services.
- (2) Nursing facility services.
- (3) Physician's services, including services provided under IC 25-10-1 and IC 25-22.5-1.
- (4) Outpatient hospital or clinic services.
- (5) Home health care services.
- (6) Private duty nursing services.
- (7) Physical therapy and related services.
- (8) Dental services.
- (9) Prescribed laboratory and x-ray services.
- (10) Prescribed drugs and services.
- (11) Eyeglasses and prosthetic devices.
- (12) Optometric services.
- (13) Diagnostic, screening, preventive, and rehabilitative services.
- (14) Podiatric medicine services.
- (15) Hospice services.
- (16) Services or supplies recognized under Indiana law and specified under rules adopted by the office.
- (17) Family planning services except the performance of abortions **and the provision of abortifacients.**
- (18) Nonmedical nursing care given in accordance with the tenets

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and practices of a recognized church or religious denomination to an individual qualified for Medicaid who depends upon healing by prayer and spiritual means alone in accordance with the tenets and practices of the individual's church or religious denomination.

(19) Services provided to individuals described in IC 12-15-2-8 and IC 12-15-2-9.

(20) Services provided under IC 12-15-34 and IC 12-15-32.

(21) Case management services provided to individuals described in IC 12-15-2-11 and IC 12-15-2-13.

(22) Any other type of remedial care recognized under Indiana law and specified by the United States Secretary of Health and Human Services.

(23) Examinations required under IC 16-41-17-2(a)(10).".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 62 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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