

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 2004 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 572

AN ACT concerning Medicaid.

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

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "family planning services" does not include the performance of abortions or the use of a drug or device intended to terminate a pregnancy after fertilization.**

(b) **As used in this SECTION, "fertilization" means the joining of a human egg cell with a human sperm cell.**

(c) **As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.**

(d) **As used in this SECTION, "waiver" refers to a Section 1115 demonstration waiver under the federal Social Security Act (42 U.S.C. 1315).**

(e) **Before January 1, 2006, the office shall apply to the United States Department of Health and Human Services for approval of a waiver to:**

(1) **continue coverage of family planning services for a woman described in IC 12-15-2-13 for two (2) years after the expiration of the postpartum eligibility period under IC 12-15-2-13(d); and**

(2) **provide Medicaid coverage for any other service required by the waiver.**

The waiver application must include language stating that the waiver will not include coverage for the performance of abortions

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or the use of a drug or device intended to terminate a pregnancy after fertilization.

(f) If a provision of this SECTION differs from the requirements of a waiver, the office shall submit the waiver request in a manner that complies with the requirements of the waiver. However, if the waiver is approved, the office, not more than one hundred twenty (120) days after the waiver is approved, shall apply for an amendment to the waiver that contains the provisions of this SECTION that were not included in the approved waiver.

(g) The office may not implement the waiver until the office files an affidavit with the governor attesting that the waiver applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not more than five (5) days after the office is notified that the waiver is approved.

(h) If the office receives a waiver under this SECTION from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (g), the office shall implement the waiver not more than sixty (60) days after the governor receives the affidavit.

(i) The office may adopt rules under IC 4-22-2 to implement this SECTION.

(j) This SECTION expires January 1, 2011.

SECTION 2. An emergency is declared for this act.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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