



February 18, 2009

HOUSE BILL No. 1536

DIGEST OF HB 1536 (Updated February 17, 2009 12:48 pm - DI 107)

Citations Affected: IC 12-15; IC 31-37; noncode.

Synopsis: Suspension of Medicaid for delinquent children. Requires the division of family resources to suspend a child's Medicaid eligibility for up to six months before terminating the child's eligibility if the child has been adjudicated to be a delinquent child and has been placed in specified facilities. Requires the division to take action necessary to ensure that a delinquent child is eligible to participate in Medicaid if the division receives notice of the child's release from detention. Requires a probation officer to include a statement in the predispositional report whether a child receives Medicaid. Requires a court to provide a copy of a dispositional decree of a child who receives Medicaid and is found to be delinquent to the division.

Effective: Upon passage; July 1, 2009; January 1, 2010.

Pryor, Lawson L, Foley

January 16, 2009, read first time and referred to Committee on Judiciary.
February 17, 2009, amended, reported — Do Pass.

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February 18, 2009

First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1536

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 12-15-1-20 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2010]: **Sec. 20. (a) If a Medicaid recipient is:**
4 **(1) less than eighteen (18) years of age;**
5 **(2) adjudicated to be a delinquent child and placed in:**
6 **(A) a community based correctional facility for children;**
7 **(B) a juvenile detention facility; or**
8 **(C) a secure facility; and**
9 **(3) ineligible to participate in the Medicaid program during**
10 **the placement described in subdivision (2) because of federal**
11 **Medicaid law;**
12 **the division of family resources, upon notice that a child has been**
13 **adjudicated to be a delinquent child and placed in a facility**
14 **described in subsection (a)(2), shall suspend the child's**
15 **participation in the Medicaid program for up to six (6) months**
16 **before terminating the child's eligibility.**
17 **(b) If the division of family resources receives:**

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1 **(1) a dispositional decree under IC 31-37-19-28; or**
 2 **(2) a modified disposition order under IC 31-37-22-9;**
 3 **and the department of correction gives the division at least forty**
 4 **(40) days notice that a child will be released from a facility**
 5 **described in subsection (a)(2)(C), the division of family resources**
 6 **shall take action necessary to ensure that a child described in**
 7 **subsection (a) is eligible to participate in the Medicaid program**
 8 **upon the child's release, if the child is eligible to participate.**

9 SECTION 2. IC 31-37-17-1, AS AMENDED BY P.L.146-2008,
 10 SECTION 637, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Upon finding that a child is
 12 a delinquent child, the juvenile court shall order a probation officer to
 13 prepare a predispositional report that contains:

- 14 (1) a statement of the needs of the child for care, treatment,
 15 rehabilitation, or placement;
- 16 (2) a recommendation for the care, treatment, rehabilitation, or
 17 placement of the child;
- 18 (3) if the recommendation includes:
 - 19 (A) an out-of-home placement other than a secure detention
 20 facility; or
 - 21 (B) services payable by the department under IC 31-40-1-2;
 22 information that the department requires to determine whether the
 23 child is eligible for assistance under Title IV-E of the federal
 24 Social Security Act (42 U.S.C. 670 et seq.); ~~and~~
 - 25 (4) a statement of the department's concurrence with or its
 26 alternative proposal to the probation officer's predispositional
 27 report, as provided in section 1.4 of this chapter; **and**
 28 **(5) a statement of whether the child receives Medicaid.**

29 (b) Any of the following may prepare an alternative report for
 30 consideration by the court:

- 31 (1) The child.
- 32 (2) The child's:
 - 33 (A) parent;
 - 34 (B) guardian;
 - 35 (C) guardian ad litem;
 - 36 (D) court appointed special advocate; or
 - 37 (E) custodian.

38 SECTION 3. IC 31-37-19-28 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2009]: **Sec. 28. (a) This section applies if a**
 41 **predispositional report indicates that a child receives Medicaid and**
 42 **a court places the child in:**

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1 **(1) a juvenile detention facility; or**
 2 **(2) a secure facility.**
 3 **(b) The court shall immediately provide a copy of the**
 4 **dispositional decree to the division of family resources.**
 5 SECTION 4. IC 31-37-22-9 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2009]: **Sec. 9. If:**
 8 **(1) a juvenile court modifies its disposition order under this**
 9 **chapter;**
 10 **(2) the child named in the order received Medicaid before**
 11 **disposition as indicated by the predispositional report; and**
 12 **(3) the juvenile court previously placed or intends to place the**
 13 **child in:**
 14 **(A) a juvenile detention facility; or**
 15 **(B) a secure facility;**
 16 **the court shall immediately provide a copy of the modified**
 17 **dispositional decree to the division of family resources.**
 18 SECTION 5. [EFFECTIVE UPON PASSAGE] **(a) As used in this**
 19 **SECTION, "office" refers to the office of Medicaid policy and**
 20 **planning established by IC 12-8-6-1.**
 21 **(b) The office shall apply to the United States Department of**
 22 **Health and Human Services to amend the state Medicaid plan if**
 23 **the office determines the amendment is necessary to carry out**
 24 **IC 12-15-1-20, as added by this act.**
 25 **(c) The office may not implement a state plan amendment under**
 26 **this SECTION until the office files an affidavit with the governor**
 27 **attesting that the plan amendment filed under this SECTION is in**
 28 **effect. The office shall file the affidavit under this subsection not**
 29 **later than five (5) days after the office is notified that the plan**
 30 **amendment is approved.**
 31 **(d) If the office receives a plan amendment under this SECTION**
 32 **from the United States Department of Health and Human Services**
 33 **and the governor receives the affidavit filed under subsection (c),**
 34 **the office shall implement the plan amendment not more than sixty**
 35 **(60) days after the governor receives the affidavit.**
 36 **(e) This SECTION expires December 31, 2013.**
 37 SECTION 6. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1536, 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 1, line 2, delete "JULY" and insert "JANUARY 1, 2010]:".

Page 1, line 3, delete "1, 2009]:".

Page 1, line 7, after "facility;" insert "**or**".

Page 1, line 8, after "facility;" insert "**and**".

Page 1, delete lines 9 through 10.

Page 1, line 12, after "federal" insert "**Medicaid**".

Page 1, line 14, delete "office" and insert "**division of family resources, upon notice that a child has been adjudicated to be a delinquent child and placed in a facility described in subsection (a)(2),**".

Page 1, line 15, delete "instead of" and insert "**for up to six (6) months before**".

Page 1, line 16, delete "Before a child is released from the placement described in" and insert "**If the division of family resources receives:**

(1) a dispositional decree under IC 31-37-19-28; or

(2) a modified disposition order under IC 31-37-22-9;

and the department of correction gives the division at least forty (40) days notice that a child will be released from a facility described in subsection (a)(2)(C), the division of family resources shall take action necessary to ensure that a child described in subsection (a) is eligible to participate in the Medicaid program upon the child's release, if the child is eligible to participate."

Page 1, delete line 17.

Page 2, delete lines 1 through 4, begin a new paragraph and insert:
"SECTION 2. IC 31-37-17-1, AS AMENDED BY P.L.146-2008, SECTION 637, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Upon finding that a child is a delinquent child, the juvenile court shall order a probation officer to prepare a predispositional report that contains:

(1) a statement of the needs of the child for care, treatment, rehabilitation, or placement;

(2) a recommendation for the care, treatment, rehabilitation, or placement of the child;

(3) if the recommendation includes:

(A) an out-of-home placement other than a secure detention facility; or

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(B) services payable by the department under IC 31-40-1-2; information that the department requires to determine whether the child is eligible for assistance under Title IV-E of the federal Social Security Act (42 U.S.C. 670 et seq.); ~~and~~

(4) a statement of the department's concurrence with or its alternative proposal to the probation officer's predispositional report, as provided in section 1.4 of this chapter; **and**

(5) a statement of whether the child receives Medicaid.

(b) Any of the following may prepare an alternative report for consideration by the court:

- (1) The child.
- (2) The child's:
 - (A) parent;
 - (B) guardian;
 - (C) guardian ad litem;
 - (D) court appointed special advocate; or
 - (E) custodian.

SECTION 3. IC 31-37-19-28 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28. (a) This section applies if a predispositional report indicates that a child receives Medicaid and a court places the child in:**

- (1) a juvenile detention facility; or**
- (2) a secure facility.**

(b) The court shall immediately provide a copy of the dispositional decree to the division of family resources.

SECTION 4. IC 31-37-22-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. If:**

- (1) a juvenile court modifies its disposition order under this chapter;**
- (2) the child named in the order received Medicaid before disposition as indicated by the predispositional report; and**
- (3) the juvenile court previously placed or intends to place the child in:**
 - (A) a juvenile detention facility; or**
 - (B) a secure facility;**

the court shall immediately provide a copy of the modified dispositional decree to the division of family resources."

Page 2, line 9, delete "for any amendment to the state" and insert "to amend the state Medicaid plan if the office determines the amendment is necessary to carry out IC 12-15-1-20, as added by

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this act."

Page 2, delete lines 10 through 11.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1536 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 10, nays 0.

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