
SENATE BILL No. 329

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-10-12.

Synopsis: Preadmission screening for nursing homes. Specifies that a screening team's identification of an applicant for nursing facility services as mentally retarded or mentally ill must be based on written medical documentation that reasonably shows that the individual meets each component of the federal definitions of the terms. States that placement in a nursing facility may not be denied if the applicant has been diagnosed with spina bifida and the applicant's health provider has provided written documentation that the applicant needs the level of care provided in a nursing facility.

Effective: July 1, 2010.

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January 11, 2010, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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SENATE BILL No. 329



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 12-10-12-5, AS AMENDED BY P.L.99-2007,
2 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 5. (a) Except as provided in sections 27 through
4 31 of this chapter, an individual who is admitted to a nursing facility
5 must first have been screened and approved for placement under the
6 nursing facility preadmission screening program described in this
7 chapter.

8 (b) An individual who is identified by the screening team under
9 section 16 of this chapter as an individual ~~with a developmental~~
10 **disability who is mentally retarded** or an individual who is mentally
11 ill (as defined in 42 U.S.C. 1396r(e)(7)) must be assessed to determine
12 the appropriateness of nursing facility placement and the need for
13 specialized services. **The screening team's identification under this**
14 **subsection must be based on written medical documentation that**
15 **reasonably shows that the individual meets each component of the**
16 **federal definition of mental illness or mental retardation in 42**
17 **U.S.C. 1396r(e)(7)(G).**



1 SECTION 2. IC 12-10-12-19 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 19. Placement in a
3 nursing facility may not be denied if any of the following conditions
4 exist:

5 (1) Community services that would be more appropriate than care
6 in a nursing facility are not actually available.

7 (2) The cost of appropriate community services would exceed the
8 cost of placement in a nursing facility.

9 (3) The applicant:

10 (A) has been determined to be eligible for assistance under the
11 federal Medicaid program (42 U.S.C. 1396 et seq.);

12 (B) needs a service that would make the applicant's placement
13 in a nursing facility inappropriate when the service cannot be
14 provided without the use of a new service made available
15 under a home and community based services waiver approved
16 by the Secretary of Health and Human Services under 42
17 U.S.C. 1396n; and

18 (C) chooses not to receive the service described under clause
19 (B).

20 **(4) The applicant has been diagnosed with spina bifida, and**
21 **the applicant's health care provider has provided written**
22 **documentation that the applicant needs the level of care**
23 **provided in a nursing facility. Denial prohibited under this**
24 **subdivision includes that an individual cannot be denied**
25 **placement in a nursing facility that is approved to provide**
26 **services under Medicaid.**

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