



January 20, 2022

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## HOUSE BILL No. 1192

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DIGEST OF HB 1192 (Updated January 19, 2022 3:18 pm - DI 77)

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

**Synopsis:** Qualified providers and Medicaid school services. Defines "qualified provider" and "school based nurse" for purposes of providing Medicaid covered services in a school setting. Specifies conditions that must be met in order for the school based Medicaid services to be provided.

**Effective:** July 1, 2022.

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**Karickhoff**

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January 6, 2022, read first time and referred to Committee on Public Health.  
January 20, 2022, amended, reported — Do Pass.

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HB 1192—LS 6621/DI 104





January 20, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## HOUSE BILL No. 1192

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 12-7-2-155.4 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2022]: **Sec. 155.4. "Qualified provider", for**  
4 **purposes of IC 12-15-1-16, means:**  
5 (1) a school based nurse; or  
6 (2) another provider who:  
7 (A) is licensed and in good standing with the Indiana  
8 professional licensing agency; and  
9 (B) is employed by or contracts with a school corporation  
10 that participates in Medicaid.  
11 SECTION 2. IC 12-7-2-170.5 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2022]: **Sec. 170.5. "School based nurse", for**  
14 **purposes of IC 12-7-2-155.4, means a registered nurse or licensed**  
15 **practical nurse licensed under IC 25-23-1 who is employed by or**  
16 **contracts with a school corporation that participates in Medicaid**  
17 **to provide school based Medicaid covered services for a Medicaid**

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1 **recipient.**

2 SECTION 3. IC 12-15-1-16, AS AMENDED BY P.L.196-2021,  
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2022]: Sec. 16. (a) Each:

5 (1) school corporation; or

6 (2) school corporation's employed, licensed, or qualified provider;  
7 must enroll in a program to use federal funds under the Medicaid  
8 program (IC 12-15-1 et seq.) with the intent to share the costs of  
9 services that are reimbursable under the Medicaid program and that are  
10 provided to eligible children by the school corporation. However, a  
11 school corporation or a school corporation's employed, licensed, or  
12 qualified provider is not required to file any claims or participate in the  
13 program developed under this section.

14 (b) The secretary and the department of education may develop  
15 policies and adopt rules to administer the program developed under this  
16 section.

17 (c) The federal reimbursement for services provided under this  
18 section must be distributed to the school corporation. The state shall  
19 retain the nonfederal share of the reimbursement for Medicaid services  
20 provided under this section.

21 (d) The office of Medicaid policy and planning, with the approval  
22 of the budget agency and after consultation with the department of  
23 education, shall establish procedures for the timely distribution of  
24 federal reimbursement due to the school corporations. The distribution  
25 procedures may provide for offsetting reductions to distributions of  
26 state tuition support or other state funds to school corporations in the  
27 amount of the nonfederal reimbursements required to be retained by the  
28 state under subsection (c).

29 (e) The office may apply to the United States Department of Health  
30 and Human Services for a state plan amendment to allow school  
31 corporations to seek Medicaid reimbursement for medically necessary,  
32 school based Medicaid covered services that are provided under federal  
33 or state mandates. If the state plan amendment is approved and  
34 implemented, services may be provided by a qualified ~~practitioner~~  
35 **provider** in a school setting to Medicaid enrolled students. **Subject to**  
36 **subsection (f), the services may be pursuant to any of the following:**  
37 ~~the services may include the following:~~

38 ~~(1) Subject to subsection (f), services pursuant to any of the~~  
39 ~~following:~~

40 ~~(A) (1) An individualized education program (as defined in~~  
41 ~~IC 20-18-2-9).~~

42 ~~(B) (2) A plan developed under Section 504 of the federal~~



Rehabilitation Act, 29 U.S.C. 794.

~~(C)~~ (3) A behavioral intervention plan (as defined in IC 20-20-40-1).

~~(D)~~ (4) A service plan developed under 511 IAC 7-34.

~~(E)~~ (5) An individualized health care plan.

~~(2) Medically necessary, Medicaid covered nursing services provided by a licensed and qualified practitioner under IC 25-23-1.~~

The office may, in consultation with the department of education, develop any necessary state plan amendment under this subsection. The office may apply for any state plan amendment necessary to implement this subsection.

(f) Services under subsection (e) may not include the following:

- (1) An abortion.
- (2) Counseling for abortion procedures.
- (3) Referrals for abortion services.
- (4) Abortifacients.
- (5) Contraceptives.

**(g) If the state plan amendment described in subsection (e) is approved and implemented, the medically necessary, school based Medicaid covered services described in subsection (e):**

- (1) may only be performed by a qualified provider;**
- (2) must be within the qualified provider's scope of practice;**
- and**
- (3) must be provided in accordance with this article and administrative rules concerning the Medicaid program.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1192, 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 2, delete lines 2 through 42, begin a new paragraph and insert:

"SECTION 3. IC 12-15-1-16, AS AMENDED BY P.L.196-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 16. (a) Each:

(1) school corporation; or

(2) school corporation's employed, licensed, or qualified provider; must enroll in a program to use federal funds under the Medicaid program (IC 12-15-1 et seq.) with the intent to share the costs of services that are reimbursable under the Medicaid program and that are provided to eligible children by the school corporation. However, a school corporation or a school corporation's employed, licensed, or qualified provider is not required to file any claims or participate in the program developed under this section.

(b) The secretary and the department of education may develop policies and adopt rules to administer the program developed under this section.

(c) The federal reimbursement for services provided under this section must be distributed to the school corporation. The state shall retain the nonfederal share of the reimbursement for Medicaid services provided under this section.

(d) The office of Medicaid policy and planning, with the approval of the budget agency and after consultation with the department of education, shall establish procedures for the timely distribution of federal reimbursement due to the school corporations. The distribution procedures may provide for offsetting reductions to distributions of state tuition support or other state funds to school corporations in the amount of the nonfederal reimbursements required to be retained by the state under subsection (c).

(e) The office may apply to the United States Department of Health and Human Services for a state plan amendment to allow school corporations to seek Medicaid reimbursement for medically necessary, school based Medicaid covered services that are provided under federal or state mandates. If the state plan amendment is approved and implemented, services may be provided by a qualified ~~practitioner~~ **provider** in a school setting to Medicaid enrolled students. **Subject to subsection (f), the services may be pursuant to any of the following:**

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the services may include the following:

- ~~(1) Subject to subsection (f), services pursuant to any of the following:~~
- ~~(A) (1) An individualized education program (as defined in IC 20-18-2-9).~~
- ~~(B) (2) A plan developed under Section 504 of the federal Rehabilitation Act, 29 U.S.C. 794.~~
- ~~(C) (3) A behavioral intervention plan (as defined in IC 20-20-40-1).~~
- ~~(D) (4) A service plan developed under 511 IAC 7-34.~~
- ~~(E) (5) An individualized health care plan.~~
- ~~(2) Medically necessary, Medicaid covered nursing services provided by a licensed and qualified practitioner under IC 25-23-1.~~

The office may, in consultation with the department of education, develop any necessary state plan amendment under this subsection. The office may apply for any state plan amendment necessary to implement this subsection.

(f) Services under subsection (e) may not include the following:

- (1) An abortion.
- (2) Counseling for abortion procedures.
- (3) Referrals for abortion services.
- (4) Abortifacients.
- (5) Contraceptives.

**(g) If the state plan amendment described in subsection (e) is approved and implemented, the medically necessary, school based Medicaid covered services described in subsection (e):**

- (1) may only be performed by a qualified provider;**
- (2) must be within the qualified provider's scope of practice;**
- and**
- (3) must be provided in accordance with this article and administrative rules concerning the Medicaid program."**

Delete page 3.

and when so amended that said bill do pass.

(Reference is to HB 1192 as introduced.)

BARRETT

Committee Vote: yeas 10, nays 0.

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