

# PROPOSED AMENDMENT

## HB 1192 # 1

### DIGEST

School based Medicaid covered services. Removes language concerning medically necessary, Medicaid covered nursing services.

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- 1           Page 2, delete lines 2 through 42, begin a new paragraph and insert:  
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

1 amount of the nonfederal reimbursements required to be retained by the  
2 state under subsection (c).

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

12 ~~(1) Subject to subsection (f); services pursuant to any of the~~  
13 ~~following:~~

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

16 ~~(B) (2) A plan developed under Section 504 of the federal~~  
17 ~~Rehabilitation Act, 29 U.S.C. 794.~~

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

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

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

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

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

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

30 (1) An abortion.

31 (2) Counseling for abortion procedures.

32 (3) Referrals for abortion services.

33 (4) Abortifacients.

34 (5) Contraceptives.

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

38 **(1) may only be performed by a qualified provider;**

39 **(2) must be within the qualified provider's scope of practice;**  
40 **and**

1           **(3) must be provided in accordance with this article and**  
2           **administrative rules concerning the Medicaid program."**

3           Delete page 3.

(Reference is to HB 1192 as introduced.)