



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1386 be amended to read as follows:

- 1 Page 22, between lines 39 and 40, begin a new paragraph and insert:
- 2 "SECTION 30. IC 12-15-1.3-26 IS ADDED TO THE INDIANA
- 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE UPON PASSAGE]: **Sec. 26. (a) As used in this section,**
- 5 **"attendant care services" means those basic and ancillary services**
- 6 **that enable an individual to live in the individual's home and**
- 7 **community rather than in an institution and to carry out functions**
- 8 **of daily living, self-care, and mobility.**
- 9 **(b) As used in this section, "home and community based services**
- 10 **Medicaid waiver" refers to any home and community based**
- 11 **Medicaid waiver approved by the United States Department of**
- 12 **Health and Human Services for Indiana.**
- 13 **(c) As used in this section, "legally responsible individual"**
- 14 **means:**
- 15 **(1) the parent, guardian, or other relative who is legally**
- 16 **responsible for a minor child; or**
- 17 **(2) the spouse of an individual;**
- 18 **receiving home and community based services under a home and**
- 19 **community based services Medicaid waiver.**
- 20 **(d) Before July 1, 2024, the office of the secretary shall apply to**
- 21 **the United States Department of Health and Human Services for**
- 22 **an amendment to a home and community based services Medicaid**

1 waiver to allow a legally responsible individual to be reimbursed  
 2 under the waiver for the provision of attendant care services.  
 3 (e) A waiver amendment applied for under this section may not  
 4 include any limitation on the number of hours of attendant care  
 5 services that may be provided and reimbursed by a legally  
 6 responsible individual.  
 7 (f) The office of the secretary shall establish guidelines  
 8 concerning the number of hours of attendant care services that  
 9 may be provided by a legally responsible individual under a home  
 10 and community based services Medicaid waiver that is based on  
 11 the needs of the individual receiving the care. The guidelines under  
 12 this subsection must:  
 13 (1) factor in any shortages in a county of attendant care  
 14 services providers that are not legally responsible individuals;  
 15 and  
 16 (2) allow for additional services to be provided by a legally  
 17 responsible individual in those counties."  
 18 Page 28, after line 13, begin a new paragraph and insert:  
 19 "SECTION 40. [EFFECTIVE UPON PASSAGE] (a) The  
 20 definitions in IC 12-15-1.3-26, as added by this act, apply  
 21 throughout this SECTION.  
 22 (b) Before July 1, 2024, the office of the secretary of family and  
 23 social services shall determine the number of individuals in Indiana  
 24 by county who are not legally responsible individuals but who are  
 25 currently providing attendant care services under a home and  
 26 community based services Medicaid waiver.  
 27 (c) Before July 15, 2024, the office of the secretary shall report  
 28 its findings under subsection (b) to the legislative council in an  
 29 electronic format under IC 5-14-6.  
 30 (d) This SECTION expires December 31, 2024.  
 31 SECTION 41. An emergency is declared for this act."  
 32 Renumber all SECTIONS consecutively.  
 (Reference is to HB 1386 as printed January 30, 2024.)

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Representative DeLaney