

# HOUSE BILL No. 1197

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-15-2.5; IC 12-17.6-3.

**Synopsis:** Immigrants and program eligibility. Provides Medicaid eligibility for certain individuals who have immigrated and are lawfully residing in the United States and meet other Medicaid eligibility requirements. Provides for eligibility for the children's health insurance program (CHIP) for: (1) lawfully residing individuals who are less than 19 years of age; and (2) certain pregnant individuals regardless of the individuals' immigration status.

**Effective:** July 1, 2022.

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January 6, 2022, read first time and referred to Committee on Public Health.

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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. 1197

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 12-15-2.5-2, AS AMENDED BY P.L.116-2016,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]: Sec. 2. (a) Except as provided in subsection (b) **and**  
4 **section 4.5 of this chapter**, a person who is a lawful permanent  
5 resident is eligible for Medicaid assistance under this article for a  
6 period of one (1) year.  
7 (b) This subsection applies to the eligibility of an individual or the  
8 individual's dependent for Medicaid assistance and Medicaid waiver  
9 services. An individual who:  
10 (1) is a legal Indiana resident;  
11 (2) is an active member of the armed forces of the United States  
12 (as defined in IC 5-9-4-3) or the national guard;  
13 (3) is assigned to a duty station outside Indiana or deployed; and  
14 (4) except for meeting the state residency requirements, is  
15 otherwise eligible for Medicaid assistance or Medicaid waiver  
16 services under this article;  
17 or the individual's dependent is eligible for Medicaid assistance or



1 Medicaid waiver services under this article for one (1) year following  
 2 the individual's discharge from service in the armed forces of the  
 3 United States or the national guard or postdeployment in the armed  
 4 forces of the United States or the national guard.

5 (c) The office shall allow an individual described in subsection (b)  
 6 or a dependent of the individual to be placed on a Medicaid waiver  
 7 waiting list if the individual or the individual's dependent does not  
 8 reside in Indiana due to the individual's military assignment outside  
 9 Indiana. When residency has been reestablished, the office shall  
 10 resume:

11 (1) Medicaid assistance; and

12 (2) Medicaid waiver services, subject to the availability of a  
 13 waiver slot under federal regulations;

14 for the individual or the individual's dependent if the individual or the  
 15 individual's dependent is otherwise eligible under this section.

16 SECTION 2. IC 12-15-2.5-4.5 IS ADDED TO THE INDIANA  
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2022]: **Sec. 4.5. (a) This section applies to the**  
 19 **following individuals who are lawfully residing in the United States**  
 20 **as set forth in 42 U.S.C. 1396b(v)(4):**

21 (1) **A pregnant individual during:**

22 (A) **the pregnancy; and**

23 (B) **the twelve (12) month period beginning on the last day**  
 24 **of the pregnancy.**

25 (2) **An individual who is less than twenty-one (21) years of**  
 26 **age.**

27 (b) **An individual described in subsection (a) who:**

28 (1) **meets any other requirement under federal law; and**

29 (2) **is otherwise eligible for Medicaid under this article;**

30 **is entitled to receive assistance under this article without a waiting**  
 31 **period in accordance with 42 U.S.C. 1396b(v).**

32 (c) **The office of the secretary shall apply for any Medicaid state**  
 33 **plan amendment or waiver necessary to implement this section.**

34 SECTION 3. IC 12-17.6-3-2.2 IS ADDED TO THE INDIANA  
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2022]: **Sec. 2.2. (a) An individual who:**

37 (1) **is less than nineteen (19) years of age;**

38 (2) **is lawfully residing in the United States, as set forth in 42**  
 39 **U.S.C. 1396b(v)(4);**

40 (3) **is otherwise eligible for the program under this article;**  
 41 **and**

42 (4) **meets any other requirement under federal law;**



1 is entitled to receive assistance under this article without a waiting  
2 period in accordance with 42 U.S.C. 1397gg(e)(1).

3 (b) The office shall apply for any amendment to the state  
4 children's health insurance program necessary to implement this  
5 section.

6 SECTION 4. IC 12-17.6-3-2.3 IS ADDED TO THE INDIANA  
7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2022]: **Sec. 2.3. (a) An individual who:**

9 (1) is pregnant;

10 (2) is uninsured and not eligible to participate in the Medicaid  
11 program;

12 (3) is a member of a family with an annual income that is not  
13 more than two hundred eight percent (208%) of the federal  
14 income poverty level; and

15 (4) meets any other requirements under federal law;

16 regardless of the individual's immigration status, is entitled to  
17 receive assistance under this article for prenatal care, delivery, and  
18 postpartum care for the maximum period of time allowable under  
19 federal law in accordance with 42 U.S.C. 1397ll.

20 (b) The office shall apply for any amendment to the state  
21 children's health insurance program necessary to implement this  
22 section.

