

SENATE BILL No. 141

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 12-15.

Synopsis: School based health clinics and Medicaid. Provides that the office of the secretary of family and social services may apply for: (1) a Medicaid state plan amendment to provide Medicaid reimbursement for health care services and school based services to specified individuals provided by a school based health clinic; and (2) supplemental Medicaid reimbursement payments to qualified school based health clinics under the fee for service Medicaid program. States that provisions concerning the school based health clinic are nonseverable. Provides that state expenditures and local school expenditures for funding for Medicaid covered school based services and other health care services provided to a Medicaid recipient by a school based health clinic may be made only if: (1) the state plan amendment is approved; and (2) intergovernmental transfer funding for the nonfederal share of supplemental Medicaid payments for Medicaid fee for services program is continuously made.

Effective: July 1, 2020.

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January 6, 2020, read first time and referred to Committee on Health and Provider Services.



Second Regular Session of the 121st General Assembly (2020)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 141

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 12-7-2-170.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: **Sec. 170.5. "School based health**
4 **clinic", for purposes of IC 12-15, means a clinic operated on behalf**
5 **of a public school (as defined in IC 20-18-2-15(1)), including a**
6 **charter school, that provides health care services either:**
7 (1) **by qualified health care providers employed by the school;**
8 **or**
9 (2) **through a contract with a health care provider, including**
10 **any of the following:**
11 (A) **A hospital licensed under IC 16-21.**
12 (B) **A physician group practice.**
13 (C) **A federally-qualified health center (as defined in 42**
14 **U.S.C. 1396d(l)(2)(B)).**
15 (D) **A rural health clinic (as defined in 42 U.S.C.**
16 **1396d(l)(1)).**
17 (E) **A community mental health clinic.**



1 SECTION 2. IC 12-7-2-170.7 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2020]: **Sec. 170.7. "School based services",**
 4 **for purposes of IC 12-15, means any covered Medicaid service**
 5 **provided to any Medicaid recipient who is less than eighteen (18)**
 6 **years of age at a school based health clinic.**

7 SECTION 3. IC 12-15-1.3-20 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2020]: **Sec. 20. (a) This section applies to a**
 10 **Medicaid recipient who:**

- 11 (1) is less than eighteen (18) years of age;
 12 (2) is the parent of a recipient described in subdivision (1); or
 13 (3) is a teacher or staff member of the public school for which
 14 the school based health clinic is operated.

15 (b) The office may apply to the United States Department of
 16 Health and Human Services for a state plan amendment to require
 17 Medicaid reimbursement by:

- 18 (1) the office;
 19 (2) a managed care organization that has contracted with the
 20 office; or
 21 (3) a contractor of the office;

22 for Medicaid covered school based services and other health care
 23 services provided to a Medicaid recipient described in subsection
 24 (a) by a school based health clinic.

25 (c) The office may apply to the United States Department of
 26 Health and Human Services for a state plan amendment to provide
 27 supplemental Medicaid reimbursement under the Medicaid fee for
 28 service program as set forth in subsection (d) to a school based
 29 health clinic that:

- 30 (1) is qualified to make; and
 31 (2) has entered into an agreement with the office to make, or
 32 has made on the school based health clinic's behalf;

33 an intergovernmental transfer to cover the nonfederal share of
 34 supplemental Medicaid payments for Medicaid fee for service
 35 program claims.

36 (d) For purposes of the fee for service program, a supplemental
 37 Medicaid payment to a qualified school based health clinic under
 38 this section by the office must be equal to either:

- 39 (1) the difference between the Medicaid fee for service rate
 40 and the rate that Medicare pays for the same service; or
 41 (2) if there is not a Medicare rate for the service, an amount
 42 determined by the office.



1 (e) Any individual employed at the school based health clinic
 2 must have had a national criminal history background check in
 3 accordance with IC 20-26-5-10 and IC 20-26-5-11.

4 (f) State expenditures and local school expenditures for funding
 5 for Medicaid covered school based services and other health care
 6 services provided to a Medicaid recipient by a school based health
 7 clinic under this section may be made only if:

8 (1) the state plan amendment to provide supplemental
 9 Medicaid reimbursement under the Medicaid fee for service
 10 program is approved by the United States Department of
 11 Health and Human Services; and

12 (2) intergovernmental transfer funding for the nonfederal
 13 share of supplemental Medicaid payments for Medicaid fee
 14 for services program is continuously made.

15 School based services shall not be provided under this article if
 16 intergovernmental transfer funding for the nonfederal share of
 17 supplemental Medicaid payments for Medicaid fee for services
 18 program ceases to be made.

19 (g) A school based health clinic, an employee or volunteer of a
 20 school based health clinic, or a school Medicaid provider may not
 21 provide any of the following health services to a Medicaid
 22 recipient:

23 (1) An abortion.

24 (2) Counseling for abortion procedures.

25 (3) Referrals for abortion services.

26 (4) Abortifacients.

27 (h) A school based health clinic, an employee or volunteer of a
 28 school based health clinic, or a school Medicaid provider may not
 29 refer an individual to any entity that:

30 (1) offers or performs abortions or abortion procedures;

31 (2) provides counseling for abortion;

32 (3) makes referrals for abortions or abortifacients; or

33 (4) provides, prescribes, or dispenses abortifacients.

34 (i) A school based health clinic may not be operated by or in
 35 cooperation or contract with, or through a grant to any agency or
 36 entity that offers abortions, abortion procedures, counseling for
 37 abortion, or referrals for abortions or abortifacients.

38 (j) School based services or counseling at a school based health
 39 clinic may not be available without the consent of the parent or
 40 guardian of the child. A school based health clinic must obtain
 41 written consent from the parent or guardian of a child that is:

42 (1) signed in the presence of a notary public; and



- 1 **(2) maintained in the child's school record containing medical**
 2 **information.**
- 3 **(k) A parent or guardian who opts out of participating in the**
 4 **school based health clinic may opt in to participate in the school**
 5 **based health clinic at a later time in the school year by completing**
 6 **a school based health clinic participation form that the parent or**
 7 **guardian must sign in the presence of a notary public.**
- 8 **(l) Lack of parental consent to participate in a school based**
 9 **health clinic may not prevent the treatment of a minor who seeks**
 10 **medical assistance as a victim of physical or sexual abuse that is**
 11 **alleged to have been perpetuated by the custodial parent, guardian,**
 12 **or an individual living in the household where the minor resides if**
 13 **the school based health clinic complies with the requirements of**
 14 **IC 31-33 and IC 31-34.**
- 15 **(m) Notwithstanding IC 1-1-1-8, this section is not severable.**
- 16 SECTION 4. IC 12-15-5-1, AS AMENDED BY P.L.149-2019,
 17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2020]: Sec. 1. Except as provided in IC 12-15-2-12,
 19 IC 12-15-6, and IC 12-15-21, the following services and supplies are
 20 provided under Medicaid:
- 21 (1) Inpatient hospital services.
 - 22 (2) Nursing facility services.
 - 23 (3) Physician's services, including services provided under
 24 IC 25-10-1 and IC 25-22.5-1.
 - 25 (4) Outpatient hospital or clinic services.
 - 26 (5) Home health care services.
 - 27 (6) Private duty nursing services.
 - 28 (7) Physical therapy and related services.
 - 29 (8) Dental services.
 - 30 (9) Prescribed laboratory and x-ray services.
 - 31 (10) Prescribed drugs and pharmacist services.
 - 32 (11) Eyeglasses and prosthetic devices.
 - 33 (12) Optometric services.
 - 34 (13) Diagnostic, screening, preventive, and rehabilitative services.
 - 35 (14) Podiatric medicine services.
 - 36 (15) Hospice services.
 - 37 (16) Services or supplies recognized under Indiana law and
 38 specified under rules adopted by the office.
 - 39 (17) Family planning services except the performance of
 40 abortions.
 - 41 (18) Nonmedical nursing care given in accordance with the tenets
 42 and practices of a recognized church or religious denomination to



- 1 an individual qualified for Medicaid who depends upon healing
2 by prayer and spiritual means alone in accordance with the tenets
3 and practices of the individual's church or religious denomination.
4 (19) Services provided to individuals described in IC 12-15-2-8.
5 (20) Services provided under IC 12-15-34 and IC 12-15-32.
6 (21) Case management services provided to individuals described
7 in IC 12-15-2-11 and IC 12-15-2-13.
8 (22) Any other type of remedial care recognized under Indiana
9 law and specified by the United States Secretary of Health and
10 Human Services.
11 (23) Examinations required under IC 16-41-17-2(a)(10).
12 (24) Inpatient substance abuse detoxification services.
13 (25) Chronic pain management.
14 **(26) Subject to approval of the state plan amendment applied**
15 **for under IC 12-15-1.3-20, school based services.**

