

## Notice of Public Hearing

LSA Document #19-602

**Notice of Public Hearing**

Under [IC 4-22-2-24](#), notice is hereby given that on August 13, 2020, at 1:00 p.m., via web conference accessible at:

<https://indiana.adobeconnect.com/hearing/>

the Office of the Secretary of Family and Social Services – Office of Medicaid Policy and Planning will hold a public hearing on a proposed rule amending and adding the following sections: Amends [405 IAC 2-1-1](#), [405 IAC 2-1-2](#), [405 IAC 2-1-3](#), [405 IAC 2-1.1-1](#), and [405 IAC 2-1.1-5](#) to update definitions and terminology. Amends [405 IAC 2-1.1-7](#) to update definitions and terminology and add criteria for posteligibility treatment of income for members receiving home and community based service waivers. Adds [405 IAC 2-1.1-10](#) to create eligibility criteria for end stage renal disease (ESRD) services for members that are not otherwise eligible under the Medicaid state plan. Amends [405 IAC 2-2-1](#) and [405 IAC 2-2-2](#) to update definitions and terminology. Adds [405 IAC 2-2.5](#) to implement new Medicaid financial eligibility requirements under modified adjusted gross income standards. Amends [405 IAC 2-3-1.1](#), [405 IAC 2-3-1.2](#), [405 IAC 2-3-2](#), and [405 IAC 2-3-4](#) to update definitions and terminology. Amends [405 IAC 2-3-12](#) to update the real property resource criteria for purposes of determining eligibility. Amends [405 IAC 2-3-14](#), [405 IAC 2-3-17](#), and [405 IAC 2-3-22](#) to update definitions and terminology. Amends [405 IAC 2-3-23](#) to conform to the most current Supplemental Security Income (SSI) policies. Amends [405 IAC 2-3-24](#) to update definitions and terminology. Adds [405 IAC 2-3-25](#) to conform to state law at [IC 12-15-3-8](#) regarding college savings accounts. Amends [405 IAC 2-3.2-1](#), [405 IAC 2-3.2-6](#), and [405 IAC 2-3.3-1](#) to update definitions and terminology. Adds [405 IAC 2-3.4](#) to set forth the requirements for presumptive eligibility determinations for other qualified providers. Amends [405 IAC 2-4-1](#) to update definitions and terminology. Adds [405 IAC 2-4-2](#) and [405 IAC 2-4-3](#) to clarify policy regarding funeral and burial expenses. Adds [405 IAC 2-6-3](#) to establish a Medicaid eligibility category for former foster care children. Amends [405 IAC 2-8-1](#), [405 IAC 2-8-1.1](#), [405 IAC 2-8-2](#), [405 IAC 2-9-1](#), [405 IAC 2-9-2](#), [405 IAC 2-9-3](#), [405 IAC 2-9-4](#), [405 IAC 2-9-5](#), [405 IAC 2-9-6](#), [405 IAC 2-9-7](#), [405 IAC 2-9-8](#), and [405 IAC 2-10](#) to update definitions and terminology. Adds [405 IAC 5-39](#) to establish ESRD services for members that are not otherwise eligible under the Medicaid state plan. Effective 30 days after filing with the Publisher.

Pursuant to [IC 4-22-2-24\(d\)\(3\)](#), the Indiana Family and Social Services Administration (FSSA) – Office of Medicaid Policy and Planning (OMPP) proposes to amend its current rules impacting Medicaid eligibility. The amendment adds criteria for posteligibility treatment of income for members receiving home and community based service waivers. It creates eligibility criteria for end stage renal disease services for members that are not otherwise eligible under the Medicaid state plan. This rule implements new Medicaid financial eligibility requirements under modified adjusted gross income standards. This rule updates the real property resource criteria for purposes of determining eligibility and updates the rule to conform to the most current SSI policies. It amends the rule to conform to state law at [IC 12-15-3-8](#) regarding college savings accounts and clarifies policy regarding burial spaces and funeral expenses. This rule establishes a Medicaid eligibility category for former foster care children and removes the expiration date of [405 IAC 2-8-1.1](#). Finally, this rule updates definitions and terminology and removes outdated references and amends the presumptive eligibility criteria and process.

All parties interested in the proposed rule are invited to attend the public hearing and to offer public comments. In lieu of attendance at the public hearing, written comments may be sent to: FSSA, Attention: Chelsea Princell c/o Gabrielle Koenig, 402 W. Washington Street, Room W451, Indianapolis, IN 46204. Correspondence should be identified in the following manner: "COMMENT RE: LSA Document #19-602". All written comments concerning the rule received by the FSSA – OMPP will be available for public inspection at FSSA's Office of General Counsel, Indiana Government Center South, 402 West Washington Street, Room W451, Indianapolis, Indiana.

Copies of the proposed rule and this notice are now available on the FSSA website at:

<http://www.in.gov/fssa/4543.htm>

Copies of these rules are now on file at the Indiana Government Center South, 402 West Washington Street, Room W451 and Legislative Services Agency, Indiana Government Center North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana and are open for public inspection and copying.

Jennifer Sullivan M.D., MPH  
Secretary  
Indiana Family and Social Services Administration

