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# SENATE BILL No. 275

Proposed Changes to January 29, 2026 printing by AM027513

## DIGEST OF PROPOSED AMENDMENT

FSSA fiscal matters. Deletes provisions reducing the income levels as a percentage of the federal poverty level for purposes of the Medicaid eligibility of certain Medicare beneficiaries. Restores a provision prohibiting the office of the secretary of family and social services from reducing reimbursement for home health services. Restores a provision barring a claim by the estate recovery unit of the office of Medicaid policy and planning (estate recovery unit) unless the estate recovery unit files a claim in the court in which the decedent's estate is being administered not later than 120 days after the date of death of the decedent.

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 12-11-2.1-3, AS AMENDED BY P.L.99-2007,  
2 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2026]: Sec. 3. (a) All services provided to an individual must  
4 be provided under the individual service plan of the individual with a  
5 disability. To the extent that services described in IC 12-11-1.1-1(e) are  
6 available and meet the individual's needs, services provided to an  
7 individual shall be provided in the least restrictive environment  
8 possible.

9 (b) Pursuant to the applicable home and community based  
10 services waiver, a request to increase service units on an  
11 individual's approved service plan must be submitted to the bureau  
12 for review and approval or denial not later than forty-five (45)  
13 calendar days from the first day of the qualifying event, as  
14 prescribed by the bureau.

15 SECTION 2. IC 12-15-2-3.5, AS AMENDED BY P.L.210-2015,

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1 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2027]: Sec. 3.5. An individual:

3 (1) who is:

4 (A) at least sixty-five (65) years of age; or

5 (B) disabled, as determined by the Supplemental Security  
6 Income program; and

7 (2) whose income and resources do not exceed those levels  
8 established by the Supplemental Security Income program;

9 is eligible to receive Medicaid assistance. if the individual's family  
10 income does not exceed one hundred percent (100%) of the federal  
11 income poverty level for the same size family, using income counting  
12 standards and criteria established by the federal Social Security  
13 Administration.

14 SECTION 3. ~~IC 12-15-2-26, AS ADDED BY P.L.278-2013,~~  
15 ~~SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~  
16 ~~JULY 1, 2027]: Sec. 26. (a) This section applies beginning the later of~~  
17 ~~the following:~~

18 ~~— (1) The date that the office is informed that the United States~~  
19 ~~Department of Health and Human Services has approved~~  
20 ~~Indiana's conversion to 1634 status within the Medicaid~~  
21 ~~program.~~

22 ~~— (2) January 1, 2014.~~

23 ~~— (b) As used in this section, "qualified Medicare beneficiary"~~  
24 ~~means an individual defined in 42 U.S.C. 1396d(p)(1):~~

25 ~~— (c) As used in this section, "qualifying individual" refers to an~~  
26 ~~individual described in 42 U.S.C. 1396a(a)(10)(E)(iv):~~

27 ~~— (d) As used in this section, "specified low-income Medicare~~  
28 ~~beneficiary" refers to an individual described in 42 U.S.C.~~  
29 ~~1396a(a)(10)(E)(iii).~~

30 ~~— (e) The following individuals are eligible for the specified~~  
31 ~~coverage under this section:~~

32 ~~— (1) A qualified Medicare beneficiary whose:~~

33 ~~— (A) income does not exceed one hundred fifty percent~~  
34 ~~(150%) (100%) of the federal income poverty level; and~~

35 ~~— (B) resources do not exceed the resource limits established~~  
36 ~~by the office;~~

37 ~~— is eligible for Medicare Part A and Medicare Part B premiums;~~  
38 ~~coinsurance, and deductibles.~~

39 ~~— (2) A specified low-income Medicare beneficiary whose:~~

40 ~~— (A) income does not exceed one hundred seventy twenty~~  
41 ~~percent (170%) (120%) of the federal income poverty level;~~  
42 ~~and~~

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1 ~~\_\_\_\_\_ (B) resources do not exceed the resource limits set by the~~  
2 ~~office;~~  
3 ~~\_\_\_\_\_ is eligible for coverage of Medicare Part B premiums.~~  
4 ~~\_\_\_\_\_ (3) A qualifying individual whose:~~  
5 ~~\_\_\_\_\_ (A) income does not exceed one hundred eighty-five~~  
6 ~~thirty-five percent (185%) (135%) of the federal income~~  
7 ~~poverty level; and~~  
8 ~~\_\_\_\_\_ (B) resources do not exceed the resource limits set by the~~  
9 ~~office;~~  
10 ~~\_\_\_\_\_ is eligible for coverage of Medicare Part B premiums.~~  
11 ~~\_\_\_\_\_ (f) The office may adopt rules under IC 4-22-2 to implement this~~  
12 ~~section.~~  
13 ~~\_\_\_\_\_ SECTION 4-> IC 12-15-14-8, AS AMENDED BY P.L.241-2023,~~  
14 ~~SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~  
15 ~~UPON PASSAGE]: Sec. 8. (a) The office may implement an end of~~  
16 ~~therapy reclassification methodology in the RUG-IV, 48-Group model~~  
17 ~~or its successor for payment of nursing facility services.~~  
18 (b) Before the office changes a health facility service  
19 reimbursement that results in a reduction in reimbursement, the office  
20 shall provide public notice of at least ~~one (1) year:~~ **six (6) months**. The  
21 public notice under this subsection:  
22 (1) is not a rulemaking action or part of the administrative  
23 rulemaking process under IC 4-22; and  
24 (2) must include the fiscal impact of the proposed  
25 reimbursement change.  
26 ~~<\_\_\_\_\_ SECTION 5. IC 12-15-34-14.5 IS REPEALED [EFFECTIVE~~  
27 ~~UPON PASSAGE]. Sec. 14.5. (a) This section is effective beginning~~  
28 ~~July 1, 2017.~~  
29 ~~\_\_\_\_\_ (b) The office of the secretary may not reduce reimbursement for~~  
30 ~~home health services:~~  
31 ~~\_\_\_\_\_ (c) 405 IAC 1-4.2-4(1) and any successor rule concerning reducing~~  
32 ~~home health services reimbursement are void and may not be renewed~~  
33 ~~or otherwise implemented:~~  
34 ~~\_\_\_\_\_ SECTION 6. IC 29-1-14-1, AS AMENDED BY P.L.99-2024,~~  
35 ~~SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE~~  
36 ~~JULY 1, 2026]: Sec. 1. (a) Except as provided in IC 29-1-7-7, all~~  
37 ~~claims against a decedent's estate, other than expenses of~~  
38 ~~administration and claims of the United States, the state, or a~~  
39 ~~subdivision of the state, whether due or to become due, absolute or~~  
40 ~~contingent, liquidated or unliquidated, founded on contract or~~  
41 ~~otherwise, shall be forever barred against the estate, the personal~~  
42 ~~representative, the heirs, devisees, and legatees of the decedent, unless~~

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1 filed with the court in which such estate is being administered within:  
 2 ~~— (1) three (3) months after the date of the first published notice to~~  
 3 ~~creditors; or~~  
 4 ~~— (2) three (3) months after the court has revoked probate of a will;~~  
 5 ~~in accordance with IC 29-1-7-21, if the claimant was named as~~  
 6 ~~a beneficiary in that revoked will;~~  
 7 ~~whichever is later.~~  
 8 ~~— (b) No claim shall be allowed which was barred by any statute of~~  
 9 ~~limitations at the time of decedent's death.~~  
 10 ~~— (c) No claim shall be barred by the statute of limitations which was~~  
 11 ~~not barred at the time of the decedent's death, if the claim shall be filed~~  
 12 ~~within:~~  
 13 ~~— (1) three (3) months after the date of the first published notice to~~  
 14 ~~creditors; or~~  
 15 ~~— (2) three (3) months after the court has revoked probate of a will;~~  
 16 ~~in accordance with IC 29-1-7-21, if the claimant was named as~~  
 17 ~~a beneficiary in that revoked will;~~  
 18 ~~whichever is later.~~  
 19 ~~— (d) All claims barrable under subsection (a) shall be barred if not~~  
 20 ~~filed within nine (9) months after the death of the decedent.~~  
 21 ~~— (e) Nothing in this section shall affect or prevent any action or~~  
 22 ~~proceeding to enforce any mortgage, pledge, or other lien upon~~  
 23 ~~property of the estate.~~  
 24 ~~— (f) Nothing in this section shall affect or prevent the enforcement~~  
 25 ~~of a claim for injury to person or damage to property arising out of~~  
 26 ~~negligence against the estate of a deceased tortfeasor within the period~~  
 27 ~~of the statute of limitations provided for the tort action. A tort claim~~  
 28 ~~against the estate of the tortfeasor may be opened or reopened and suit~~  
 29 ~~filed against the special representative of the estate within the period~~  
 30 ~~of the statute of limitations of the tort. Any recovery against the tort~~  
 31 ~~feasor's estate shall not affect any interest in the assets of the estate~~  
 32 ~~unless the suit was filed within the time allowed for filing claims~~  
 33 ~~against the estate. The rules of pleading and procedure in such cases~~  
 34 ~~shall be the same as apply in ordinary civil actions.~~  
 35 ~~— (g) A claim by the unit against a decedent's estate is forever barred~~  
 36 ~~unless:~~  
 37 ~~— (1) the unit files a claim in the court in which the decedent's~~  
 38 ~~estate is being administered; or~~  
 39 ~~— (2) the unit opens an estate for the decedent and files a claim~~  
 40 ~~against the decedent in the estate;~~  
 41 ~~not later than one hundred twenty (120) ~~three hundred sixty-five~~~~  
 42 ~~(365) days after the date of death of the decedent.~~

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1 > SECTION <=>[4]. An emergency is declared for this act.

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