

2022 School Health Legislation Updates



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Discussion on the End of the Public Health Emergency

- ▶ Ending the **state public health emergency** through House Bill 1001 did not impact Medicaid funding and eligibility.
- ▶ The end of the **federal public health emergency** would signal an end to some enhanced funding, eligibility and redetermination provisions.
- ▶ The greatest concern is that many currently enrolled Hoosiers were not onboarded to state programs such as the Healthy Indiana Plan with a knowledge of program rules.
- ▶ Redetermination processes and other requirements will restart with approximately a 60-day notice given to states. **Currently, the federal PHE is most likely to extend to October 15, 2022, and continuous enrollment could end by November 1.**
- ▶ FSSA plans on slowly phasing requirements back in.

2022 Indiana General Assembly

HB 1001: Administrative Authority

STATUS: PASSED INTO LAW

- ▶ Allows the FSSA Secretary to issue a waiver of statutory provisions and administrative rules if the if necessary to claim certain enhanced federal matching funds available to the Medicaid program.
- ▶ Allows the FSSA Secretary to issue an emergency declaration for purposes of participating in specified authorized federal Supplemental Nutrition Assistance Program (SNAP) emergency allotments, but only through 4/16/22.
- ▶ The FSSA secretary must prepare and submit any waivers or emergency declarations to the budget committee.
- ▶ Allows the state health commissioner or their designee to issue standing orders, prescriptions, or protocols to administer or dispense certain immunizations for individuals who are at least 5 years old.

2022 Indiana General Assembly

HEA 1140: Medicaid Coverage for Pregnant Women

STATUS: PASSED INTO LAW

- ▶ Repeals the current Indiana statute specifying Medicaid eligibility for qualified pregnant women. Increases the Medicaid income eligibility requirements for pregnant women.
- ▶ Removes the Medicaid limitation for pregnant women of medical assistance coverage only for pregnancy related services.
- ▶ Extends postpartum Medicaid coverage for pregnant women from 60 days to 12 months beginning on the last day of the pregnancy.
- ▶ Shows some appetite to maintain continuous coverage, at least for high-risk populations.

2022 Indiana General Assembly

HEA 1192: Qualified Providers and Medicaid School Services

STATUS: PASSED INTO LAW

- ▶ Cleanup bill for last year's bill allowing Indiana schools to seek Medicaid reimbursement for medically necessary, school-based Medicaid covered services already provided (and paid for) by schools under federal or state mandates.
- ▶ Indiana already allows this with Individualized Education Programs; a state plan amendment would add 504 plans, behavioral intervention plans, individualized healthcare plans and nursing services.
- ▶ Defines “School-based nurse” & “Qualified Provider”
- ▶ If schools participate, this potentially will bring tens of millions in reimbursement to schools.

2022 Indiana General Assembly

HB 1041: Participation in School Sports

STATUS: Vetoed by Governor, veto overridden in House & Senate, PASSED INTO LAW

- ▶ Requires schools to expressly designate an athletic team or sport as male, female or coed and prohibits a male, based on the student's biological sex at birth from participating on an athletic team or sport designated as female.
- ▶ Indiana has not had a case in which unfair competitive advantage has been alleged and that the Indiana High School Athletic Association already has rules, processes and procedures in place. Only a handful of cases have occurred nationally and primarily at the college level.
- ▶ Given the unnecessary nature of the legislation, many feel it sends a message to LGBTQA+ students that they are not accepted or respected by Indiana lawmakers.

2022 Indiana General Assembly

HB 1107: Various Education Matters

STATUS: DID NOT PASS

- ▶ Would have adjusted the burden of proof in special education matters to the public agency, seeking to address power imbalance against families and students.
- ▶ Would have required the Department of Education to establish and maintain a data base of information relating to issues addressed in due process proceedings.
- ▶ Provided that a public agencies could not require nondisclosure or confidentiality agreements and favored the use of alternative dispute resolution.
- ▶ Required that case conferences involve supported decision making and the discussion of alternative options or programs for the student when guardianship is considered.

2022 Indiana General Assembly

HB 1134: Education Matters

STATUS: DID NOT PASS

- ▶ Contained many provisions potentially impacting the socio-emotional learning climate of schools. While it took on various forms during session, it surfaced primarily in response to critical race theory fears.
- ▶ The language of the bill was often very broad, limiting virtually all instruction and programs related to concepts related to sex, race, ethnicity, religion, color, or national origin.
- ▶ It also revisited procedures for notice and consent procedure to be used before a qualified school may provide certain mental, social-emotional, or psychological health services to students.
- ▶ Although it failed, lawmakers plan to try again.

2022 Indiana General Assembly

HB 1197: Immigrants and Program Eligibility

STATUS: DID NOT PASS

- ▶ Would have allowed the Family & Social Service Administration to apply for Medicaid and CHIP state plan amendments to allow lawfully residing immigrant pregnant women and children to enroll.
- ▶ Currently, lawfully residing immigrants must be Indiana residents for 5 years before they are eligible for Medicaid or CHIP.
- ▶ The Centers for Medicare and Medicaid Services allows Medicaid or CHIP eligibility for pregnant women and children without waiting period.
- ▶ Failed to move, but more to come through the use of administrative channels.

Other Issues for Consideration

- ✓ *Instituting student mental health days*
- ✓ *Examining student hunger and homelessness*
- ✓ *Promotion of educational support professionals*
- ✓ *Expanding use of Community Schools model*
- ✓ *Promoting School-based health centers*
- ✓ *Supports for students transitioning to college*

Questions or Suggestions?

Shameless Plugs

(a.k.a Covering Kids & Families
Advocacy Opportunities)

- ▶ **CKF Schools & Early Childhood Committee**
 - ▶ **CKF Policy & Provider Committee**
 - ▶ **CKF State of Coverage Policy Summit**
 - ▶ **CKF News & Views Newsletter**

<https://www.ckfindiana.org/public-policy/>





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