

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6421

BILL NUMBER: SB 3

NOTE PREPARED: Jan 27, 2022

BILL AMENDED: Jan 25, 2022

SUBJECT: Administrative Authority.

FIRST AUTHOR: Sen. Charbonneau

FIRST SPONSOR: Rep. Lehman

BILL STATUS: As Passed Senate

FUNDS AFFECTED: **GENERAL**
DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: *Medicaid:* The bill allows the Secretary of Family and Social Services (FSSA Secretary) to issue a waiver of human services statutory provisions and administrative rules if the FSSA Secretary determines that the waiver is necessary to claim certain enhanced federal matching funds available to the Medicaid program.

Supplemental Nutrition Assistance Program (SNAP): It also allows the FSSA Secretary to issue an emergency declaration for purposes of participating in specified authorized federal (SNAP) emergency allotments.

Reporting: It requires the FSSA Secretary to prepare and submit any waivers or emergency declarations to the Budget Committee.

Immunization: The bill allows the State Health Commissioner of the State Department of Health (IDOH) or the IDOH Commissioner's designated public health authority to issue standing orders, prescriptions, or protocols to administer or dispense certain immunizations for individuals who are at least five years old. (Current law limits the age for the State Health Commissioner's issuance of standing orders, prescriptions, and protocols for individuals who are at least 11 years old.)

Temporary Licensure: The bill establishes certain requirements for the temporary licensure of retired or inactive emergency medical services personnel, retired or inactive health care professionals, out-of-state health care professionals, or recently graduated students who have applied for a physician assistant, nurse, respiratory care practitioner, pharmacist, or physician license. It allows a health care provider or an officer, agent, or employee of a health care provider who has a temporary license to qualify for coverage under the

Medical Malpractice Act.

Effective Date: Upon passage.

Explanation of State Expenditures: *Temporary Licenses:* The bill would continue a program of issuing temporary licenses to health providers and emergency medical services providers who have retired, are inactive or from out-of-state, or certain students. These measures increase the workload on the Professional Licensing Agency (PLA) and the Emergency Medical Services Commission (EMSC) for licensing and certification, and the Department of Insurance (DOI) concerning the Indiana Patient's Compensation Fund and Medical Malpractice Act enforcement. These sections expire at the conclusion of the federal public health emergency (PHE) or a subsequent renewal of the PHE.

Reporting: The FSSA Secretary would have very minimal increased workload to report on waivers or emergency declarations to the Budget Committee.

Explanation of State Revenues: *Medicaid, Immunizations, and Supplemental Nutrition Assistance Program (SNAP):* The bill would allow waivers to state law and rules, emergency declarations, standing orders, prescriptions, or protocols to be issued by the FSSA Secretary or the IDOH Commissioner under state statute rather than the Governor's Executive Orders (EO) concerning the COVID-19 public health emergency. The authority granted under the bill is limited by the expiration of these provisions for SNAP on April 16, 2022, and for the other provisions at the conclusion of the federal public health emergency (PHE) or a subsequent renewal of the PHE.

Additional Information – Medicaid: Under EOs, the FSSA Secretary has had authority to waive state laws or rules concerning Medicaid enrollment and cost-sharing, resulting in the state receiving additional federal reimbursement of Medicaid costs estimated at \$120 M per quarter. At the same time, caseload and provider payments have also increased; Medicaid enrollment is estimated to be 470,000 more than prior to the pandemic.

SNAP: SNAP benefits are paid with federal funds, and the program administration is shared between the state and federal governments. During the federal public health emergency, the state's declared emergency has resulted in emergency allotments, pandemic electronic benefits transfers for households with school aged children affected by school closures, and eased application processing requirements and reporting. Indiana's initial request to the United States Department of Agriculture was in March 2020, and it has been extended each month through December 2021.

The most recent extension of the federal public health emergency was renewed on January 16, 2022. The enhanced federal reimbursement lasts until the last day of the calendar quarter after the expiration of the public health emergency declaration, which currently would be June 30, 2022.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Family and Social Services Agency; Department of Health; Professional Licensing Agency; the Emergency Medical Services Commission; the Department of Insurance.

Local Agencies Affected:

Information Sources: CMS, *COVID-19 Frequently Asked Questions (FAQs) for State Medicaid and Children's Health Insurance Program (CHIP) Agencies*, updated January 6, 2021; CMS, Temporary Increases to FMAP, SHO# 21-004; USDA, Administration for Children and Families, *Pandemic Emergency Assistance Fund - Allotment Request Form*; Families First Coronavirus Response Act, Public Law 116-127- March 18, 2020; State of Indiana Executive Order 21-17.

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