



Insights

Long Term Reform Coming to Long Term Care: What Changed in the 2023 Indiana Legislative Session

May 8, 2023

By: Grant M. Achenbach and Meghan M. Linvill McNab

Indiana continues down the path of instituting a managed care model for long term services and supports. The Indiana legislature recently enacted **House Bill (HB) 1461** that provides sweeping regulatory relief to the provider industry. The legislation provides for implementation of the Family and Social Services Administration's (FSSA) stated goal of moving 75% of Medicaid long term care recipients to home and community-based services.

If you or your facility are involved in caring for elderly Hoosiers, there's probably a provision in HB 1461 that affects you. Here's a rundown of the key elements:

- Temporary Health Care Staffing Agencies will now be licensed and regulated by the Indiana Department of Health, with enforcement through the Attorney General's office. Furthermore, these agencies will be prohibited from: (1) restricting employment opportunities of individuals they place in any way (no more conversion fees or non-compete agreements); and (2) poaching health care personnel from health facilities.
- HB 1461 overhauls licensure requirements for Health Facility Administrators (HFA) and Residential Care Administrators (RCA). Notably, administrator-in-training program requirements were reduced for HFAs and eliminated for RCAs.
- Skilled nursing facilities were provided with flexibility regarding the ability to transfer Medicaid certifications within a county.
- Beginning July 1, 2025, FSSA must contract with a statewide entity to conduct Medicaid eligibility determinations for Hoosiers seeking home and community-based services. This will provide another option in addition to Area Agencies on Aging. FSSA will also be required to report on the timeliness of eligibility determinations.
- In the assisted living space, Medicaid will be required to reimburse providers when a resident's level of care designation has changed retroactively to the date of documentation of the change in level of care.



In addition, a separate bill, **HB 1457**, established new regulations for unlicensed assisted living facilities that provide memory care services. These regulations largely align with current regulations for licensed assisted living facilities.

Have questions about how this affects your HFA or RCA license? Need assistance in transferring Medicaid certifications between facilities? Are you curious about the impact of these changes on your assisted living facility? Don't hesitate to contact **Grant M. Achenbach** or **Meghan M. Linvill McNab**.

Disclaimer. The contents of this article should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult with counsel concerning your situation and specific legal questions you may have.